

**Telephone Conference Call (TCC) Jan 14 2022 between
Appellants - North Kawartha Township- and LPAT Case
PL190446**

Speaking notes of Ambrose Moran

NK after many years claiming not to have jurisdiction to regulate in water development finally following a court decision against their position proceeded with developing a bylaw to zone lakes and regulate in water structures consistent with long established as practice in other cottage country municipalities

Approximately \$100k was spent on legal and planning fees and finally a bylaws was passed leading to several appeals which were resolved through lengthy negotiations ...where appellants in good faith in May 12 2020 (exhibit #1) signed MOS on basis the bylaw would go into effect and NK would proceed diligently with updated zoning schedules to show various lake zones along with mapping of provincially significant wetlands(PSW)... some of which were located within the lake zones. PSW wetlands have been identified through professional technical review by MNRF and the

mapping information has over a long period of time been provided to NK for updating their planning documents.

LPAT issued an order based on MOS June 12 2020 (exhibit #2)

That order recognized that amendments to certain schedules of the bylaw may be required and the Tribunal may be spoken to if any issues arise between the parties -THAT IS WHY WE ARE HERE TODAY and I thank you for being wiling to hear our concerns.

AND IN AMENDING THE SCHEDULE (ZONING MAPS) I AND THE OTHER Appellants assumed AND The Board would expect that amendment would be done LEGALLY in accordance with statutory requirement of the Planning Act

On April 14 of 2021 the appellants received an e mail (exhibit #3) from Emma Drake as Twp Planning Consultant providing what was referred to as updated zoning schedules reflecting lake zones which would be available on the Township web site shortly

And

we were advised by Emma that no mapping of Provincially Significant Wetlands had taken place and that work would follow some future township zoning bylaw update ...following an update of the upper tier Peterborough County Official Plan...many years in the future if ever

I did review the updated schedules with Lake Zones identified and was shocked to realize the large number of private properties were rezoned to include the new Lake zone designation ..basically applying Lake zones to very large number of seasonally wet swamps and drainage courses on private properties... which would potentially restrict property owners development based on required development setbacks from lakes ..and no directly affected property owners... or any members of public or agencies were notified as required by notice provisions of section 34 of Planning Act

This concern was brought to the attention of Council June 28 2021 and no response was received but the new

update schedules did not get uploaded to the Twp web site.

Since April 2021 I and others have been communicating with NK Twp expressing concern that MOS were not being honored and asking that they proceed with diligence as required by MOS to updated zoning schedules to show Lake Zones and PSW.

At the May 4th Council mtg CAO advised Council that lakes zone had been done but not PSW so she felt requirements of MOS had been satisfied . Council has had discussion of this mater in closed sessions and appellants have not been advised of what actions are being taken to comply with MOS.

Late yesterday afternoon I was provide By Twp solicitor's office a pdf of further new zoning schedules which were very difficult to view in the format provided. These schedules were in a new format which I had not seen before. I check on the Twp web site and was surprised that the newly available zoning map schedules were in fact now displayed on the township web site replacing the previous in effect schedules prior

to identifying the Lake zones. And yes, despite not notifying affected private property owners, a very large number of private properties have.... by uploading the new schedules... IMPLIES that the zoning has been changed

ON A LARGE NUMBER OF PRIVATE PROPERTIES!!

The appellants signed MOS in May 2020 and LPAT issued their Order on June 12 2020 with requirements for updating zoning schedules per MOS . The appellants and presumable the Tribunal would expect the schedules to be updated LEGALLY ... complying with requirements of the Planning Act. It is not legal for a municipality to change zoning on one ...not alone a large number of private properties without complying with statutory notice provisions of the Planning Act. Council members, their solicitors and planning consultants know or should know that.

Summary

Council, is in default of their obligation under MOS to update zoning schedule to show Lake Zones and PSW

Delaying mapping of PSW to some long in the future date following a zoning bylaw update following approval of an Upper tier new OP.... is not proceeding with diligence as required by MOS

My asks are identified in My letter Dated January 6 2022

