

**Deputation before the Committee of the Whole
City of Kawartha Lakes, Oct. 5, 2021**

by Brian Walsh

Mr. Mayor and esteemed members of Council, I am grateful to have this opportunity to address the matter of Flato Development's request for a Ministerial Zoning Order.

The developer seeks your support of this request and I am here to urge you to deny such support for three reasons:

1. The Developer has Presented no Grounds in support of the request

An MZO is a zoning tool that by-passes local planning documents, and municipal governance in order to get a project moving more quickly than following the normal municipal process would allow.

For a developer to seek the support of Council in applying for an MZO **is a big ask** and as such it should be accompanied by a series of very good arguments as to why this project is so unique, and so crucially urgent, that it should receive the kind of wide ranging permission entailed in an MZO.

But you will look in vain for any such grounds in the Flato documentation.

Indeed, the only reason given for this request is to be found in the letter to the provincial minister in which Flato's lawyer writes that "the purpose of this MZO request is to facilitate" the development of this project. Why would you need an extraordinary device like an MZO to facilitate development, when the city's planning, engineering, housing, economic development and infrastructure departments are all designed to precisely to facilitate such development?

There are no grounds offered in the Flato documentation for this extraordinary request because it is, quite simply, without grounds.

Without grounds, it is difficult to ascertain whether this project is good for the City of Kawartha Lakes or not. But if we consider the general outlines of this project in light of two of our most important planning documents - the Official Plan and the Housing and Homelessness Plan - then it becomes clear that granting an MZO would make it impossible for the City to ensure that this development complies with these plans.

My second point is that ...

2. The Flato project is not sufficiently in sync with the City of Kawartha Lakes planning vision.

I'll be brief on this, with a series of quick points:

a) The Official Plan prioritizes intensive building and redevelopment **within** the existing Human Settlement area, including on brownfield sites, and with suitable existing and planned infrastructure. (Plan 18.2.f). **This project is on a greenfield site, without present or planned infrastructure, and does not represent an intensification of development within the Human Settlement area.**

b) The Official Plan designates Urban Settlement Boundaries precisely to inhibit urban sprawl. **The Flato project is outside of the Urban Settlement Boundary of Lindsay.** To expand such boundaries, the Plan stipulates that it must be demonstrated that projected growth *cannot happen* within the urban settlement boundary. (15.3.12) **No such thing has been demonstrated that would justify an MZO for this project.**

c) The Official Plan is intentional about protecting prime agricultural land from non-agriculture uses such as housing developments. (15.2a; 15.3.1) **The Flato project is on land that is zoned prime agricultural.** And it is curious that the Flato documents never identify the present zoning - in either their maps or their descriptions of the land - as prime agricultural.

d) The Official Plan seeks to ensure access to housing for all segments of the population including families, seniors, people with disabilities and citizens who need independent and/or supportive living. (5.2; 5.3.1). **There is no talk of folks with disabilities or in need of supportive housing in this proposal.**

e) The Official Plan stipulates that 25% of all new development is to be for affordable and low to moderate income households. (5.3.5) **As it stands, this project does very little to move towards that 25% benchmark. An MZO would make it impossible for the City to insist that Flato provide the amount of affordable housing stipulated in our Official Plan.**

Given this sampling of ways in which the Flato development is out of sync with the planning vision articulated in these foundational documents, it is clear that not only are there no compelling reasons to support this request for an MZO, there are a host of reasons for the City to want to maintain a position of planning authority in relation to this project and room for leverage with the developer. An MZO strips the City of such authority.

This leads me to my final point.

3. The Diminishment of Council's Responsibility

The concern of this Council is good governance, wise management of City assets, protection of prime agricultural land, and the provision of good and truly affordable housing to all segments of our population. Mr. Mayor and members of Council, you have been elected by your constituents to enhance and protect the common good of our communities. That is the role, indeed the sacred calling, of city government.

An MZO would inhibit the City of any participation in the planning and implementation of this development. **Once granted, Flato has no obligation whatsoever to consult with city staff, abide by the official plan, or meet requests for affordable housing and necessary services and infrastructure.**

Surrendering proper municipal oversight and direction for this development amounts to a diminishment of municipal governance. This council has a long tradition of carefully considering what is best for the municipality and you have usually decided wisely. Rather than handing over control of this land to a corporation, I urge you to continue with your careful oversight and work together with the team at Flato to plan the best possible use of these lands.

I urge you to deny this request from Flato Development to support their MZO request.

Thank you very much.