

GORDON E. PETCH

- *B a r r i s t e r* -

REAL ESTATE DEVELOPMENT | MUNICIPAL LAW | ENVIRONMENTAL LAW

BY EMAIL

June 30, 2017

City of Kawartha Lakes
City Hall
26 Francis Street
P.O. Box 9000
Lindsay, ON
K9V 5K8

Attention: City of Kawartha Lakes Planning Advisory Committee

Dear Mayor Letham and Committee Members:

Re: Bromont Homes Inc. Official Plan Amendment Application

I am retained by Mason Homes Limited with regard to the Bromont Homes application to amend the Official Plan for the City of Kawartha Lakes. The application proposes to allow for a development on its 100 acre parcel of a retail power centre of approximately 327,000 sq. ft. plus a mix of office, industrial, service commercial, prestige employment and ancillary retail use to a maximum of approximately 506,000 sq. ft. for a total development of 833,000 sq. ft. The balance of the site would be designated for environmental, open space, a sanitary pumping station and a storm water management pond.

This matter is scheduled to be considered by the City's Planning Advisory Committee on July 5, 2017.

What is most fundamental to this application is that the subject lands are currently not within the Settlement Area nor within the Urban Service Area for the former Town of Lindsay, whose official plan is still in-force. The new Lindsay Secondary Plan proposes to extend the Lindsay Settlement Area/Servicing Boundary to include the Bromont lands. However, this Secondary Plan is not in-force and objections to the said expansion of the Settlement Area/Servicing Boundary have been submitted by my client and others and will certainly be appealed to the Ontario Municipal Board for hearing.

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277 Lakeshore Road East, Suite 211
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Toronto Meeting Rooms
Brookfield Place, 161 Bay Street, Suite 2700
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In addition, the Ministry of Municipal Affairs and Housing, in its letter to the City (Mr. R. Holy) dated September 30, 2015, dealt critically with this very issue:

*"In accordance with the Land Use Policy Paper for the Kawartha Lakes Community Based Secondary Plans, there appears to be an **oversupply of lands designated in the City of Kawartha Lakes** to accommodate the growth allocations set in Schedule 3 of the Growth Plan for the Greater Golden Horseshoe. This information is consistent with the conclusions of the City of Kawartha Lakes Growth Management Study (May 2011). "Each of the settlement areas contain more than enough designated lands to accommodate their projected growth, particularly when consideration is given to meeting a 30% intensification rate and greenfield development density rate of 40 people & jobs /hectare. The **Secondary Plans of Omemee, Lindsay and Bobcaygeon appear to be expanding and retracting settlement area boundaries without proper justification through a comprehensive review, as required by section 2.2.8 of the Growth Plan for the Greater Golden Horseshoe (Growth Plan) and section 1.3.8 of the Provincial Policy Statement (PPS) 2014.**"*

In accordance with this direction, the City previously "endorsed" sections 1.5 and 31.2.3.2.4.8 of the Lindsay Secondary Plan (OPA No. 016) and sections 18.4.3 and 18.4.4 of OPA No.013 and on June 27, 2017 "adopted" these sections as official plan amendments.

Obviously, at this time, the City has not even commenced the required Comprehensive Review to justify the expansion of the Urban Settlement Area/Servicing Boundary to include the Bromont Lands, nor is there justification to designate additional lands for commercial or employment uses. Without such, any decision to expand the *Settlement Area* or to approve any urban land uses or to extend municipal services is contrary to S. 14.1 of the Places to Grow Act. For the same reason the City's decision to deem their application "Complete" is legally questionable.

Premised on the above, we ask the Committee resolve that the application is premature until the MMAH has agreed to the expansion of the "Settlement Area/Servicing Boundary" to include the Bromont lands.

Sincerely,



Gordon E. Petch
GEP/dh

cc: Gord Mason
Ashley Mason