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## Memorandum

To: Mayor and Members of Council  
Judy Currins, City Clerk

From: Chris Marshall, Director of Development Services

Date: June 27, 2017

Re: **Follow-up to Report PLAN2017-026 - Applications for Official Plan Amendment and Zoning By-law Amendment to Facilitate the Creation of a Rural Residential Lot (Grills)**  
**71 CKL Road 46, Part 2, Plan 57R1197, geographic Township of Mariposa**

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### Recommendation:

1. **THAT** the memorandum from Chris Marshall, Director of Development Services dated June 27, 2017, **Follow-up to Report PLAN2017-026 (Grills)**, be received.

### Background:

The statutory public meeting was held by the Planning Committee on May 3, 2017, and on May 16, 2017 Council adopted the following recommendation:

PC2017-018; **CR2017-428**

**Moved By** Councillor Macklem; **Seconded By** Councillor James

**RESOLVED THAT** Report PLAN2017-026, respecting **Part Lot 5, Concession 9 N ½ being Part of Part 1, Plan 57R-733 and Part 2, Plan 57R-1197, Geographic Township of Mariposa, GRILLS – Applications D01-17-006 and D06-17-009**, be received; and

**THAT** upon receipt of further comments from the Ministry of Municipal Affairs on the application, and review by staff of those comments, that the Official Plan Amendment and Zoning By-law Amendment respecting applications D01-17-006 and D06-17-009, substantially in the form attached as Appendix F (with further Staff modifications) to Report PLAN2017-026, be approved and adopted by Council; and

**THAT** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**CARRIED**

## Staff Comments:

Since the 2005 Provincial Policy Statement (PPS), severances within a prime agricultural area for retirement lots or infilling have not been supported from a policy perspective. Although the City of Kawartha Lakes Official Plan recognizes that there are clusters of residential lots and scattered residential lots throughout this designation that may be recognized as permitted uses within the zoning by-law, provided they existed prior to the adoption of the Official Plan, these proposed applications to facilitate a new residential lot, outside of a settlement area after the Plan was adopted, would not appear to be consistent with the 2014 PPS nor conform with the Growth Plan.

Clarification was received in a letter dated June 2, 2017 from the Ministry of Municipal Affairs (MMA) with respect to the severance of rural residential lots in prime agricultural areas. MMA re-iterated their comments expressed in their April 26, 2017 letter (see Appendix 'A') that the subject applications do not appear to satisfy the lot creation policies in Section 2.3.4.1 of the 2014 PPS for prime agricultural areas and that the subject applications do not appear to represent a legal or technical reason for a severance under the PPS as it results in the creation of a new lot. As such, the proposed Official Plan policy amendment to facilitate the creation of a rural lot for a non-farm residential use does not conform with the 2006 Growth Plan for the Greater Golden Horseshoe and is not consistent with the 2014 Provincial Policy Statement. The MMA has requested to be provided with a Notice of any decision made with respect to these applications relating to the subject property.

## Conclusion:

Staff respectfully recommends that Council consider the aforementioned letters from MMA contained in Appendix 'A' and the Staff Report contained in Appendix 'D' and that Council not proceed to approve the subject Official Plan Amendment and Zoning By-law Amendment as the municipal planning authority is responsible to uphold the policies of the PPS to ensure decisions are consistent with key provincial interests in accordance with Section 3(5) of the Planning Act. Should Council wish to follow Staff's recommendation, then Council would need to rescind Resolution CR2017-428 and pass a motion to deny these applications. Notwithstanding the Staff conclusion, should Council wish to adopt the Official Plan Amendment and Zoning By-law Amendment, these documents are contained in Appendix "B" and Appendix "C" respectively.

Respectfully,

Chris Marshall, Director  
Development Services Department



Appendix 'A' Memo  
to Council.pdf



Appendix 'B' Memo  
to Council.pdf



Appendix 'C' Memo  
to Council.pdf



Appendix 'D' Memo  
to Council.pdf

Appendix 'A' – Letters from MMA dated April 26, 2017 and June 2, 2017  
Appendix 'B' – Proposed Official Plan Amendment  
Appendix 'C' – Proposed Zoning By-law Amendment  
Appendix 'D' – Staff Report PLAN2017-026