

Ministry of
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Ministry of
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JUN 12 2017 JUN 12 2017

City of Kawartha Lakes
Development Services
Planning Division
City of Kawartha Lakes
Development Services
Planning Division

APPENDIX " A "

to

REPORT June 27, 2017
Memo to Council

FILE NO. D01-17-006
D06-17-009

June 2, 2017

Mr. Mark LaHay
Planner II
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

**Re: Application for Official Plan Amendment and Zoning By-law
Amendment
Civic Address 71 Kawartha Lakes Road 46
City of Kawartha Lakes
MMA File No.: 16-EOPA-173476**

Dear Mr. LaHay:

Please accept this letter as a follow-up to the comment letter sent on April 26, 2017, with respect to a proposed Official Plan and Zoning By-law amendment for 71 Kawartha Lakes Road 46. Subsequent to the letter, MMA staff have received additional materials for review in a letter prepared by Clarke Consulting Services, dated May 8, 2017. MMA staff have reviewed the additional materials, and advise that comments remain the same as expressed in the Ministry's letter dated April 26, 2017.

The subject applications do not appear to satisfy the lot creation criteria provided in section 2.3.4.1 of the Provincial Policy Statement (PPS) 2014. As you are aware, section 2.3.4.1 of the PPS only allows for lot creation in prime agricultural areas for agricultural uses, agriculture-related uses, a residence surplus to a farming operation as a result of a farm consolidation, and infrastructure. The subject Official Plan amendment and accompanying Zoning By-law amendment proposes a severance for a residential use, which is a type of severance not permitted by section 2.3.4.1 of the PPS.

In addition, the PPS is clear in the intent of the term "legal and technical reasons". This application does not appear to represent a legal or technical reason for a severance as it results in the creation of a new lot. The definition of

"legal and technical reasons" in the PPS states: "Legal and technical reasons means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot." As the approval authority for these applications, the City should be satisfied that its decision is consistent with the PPS and other applicable provincial plans and legislation.

It is requested to provide the Ministry with a Notice of any decision made with respect to the Official Plan and Zoning By-law amendment applications relating to this property.

Should you have any questions or concerns regarding this matter, please do not hesitate to contact me 613-742-3371 or email me at dan.ethier@ontario.ca.

Best Regards,



Dan Ethier, MCIP RPP
Planner

Municipal Services Office – East

cc. Jocelyn Beatty, OMAFRA
Bob Clarke, Clarke Consulting Services

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MAY - 8 2017

City of Kawartha Lakes
Development Services
Planning & Zoning

April 26, 2017

Mr. Mark LaHay
Planner II
City of Kawartha Lakes
180 Kent Street West
Lindsay, ON K9V 2Y6

**Re: Application for Official Plan Amendment and Zoning By-law
Amendment
Civic Address 71 Kawartha Lakes Road 46
City of Kawartha Lakes
MMA File No.: 16-EOPA-173476**

Dear Mr. LaHay:

Please accept this letter in response to the circulation of a Notice of Public Meeting for the above referenced applications. The purpose of the applications is to re-designate 0.45 hectares of land from the "Prime Agricultural" designation to "Special Policy Area" in the Official Plan and to re-zone the site from the "Agricultural Zone" to the "Rural Residential Type One" zone in order to facilitate the creation of a new residential lot. The Public Meeting is scheduled for May 3, 2017. We have reviewed the applications and associated Planning Justification Report/Agricultural Assessment as it relates to matters of provincial interest outlined in the Provincial Policy Statement (PPS) 2014 and wish to provide the following comments for consideration.

The PPS includes policies that are aimed at protecting prime agricultural areas for long-term use for agriculture, including the protection of contiguous prime agricultural areas from further fragmentation. Section 2.3.4 of the PPS directs planning authorities to discourage the creation of lots within the prime agricultural area. New lots may only be permitted for: agricultural uses, agriculture-related uses, a residence surplus to a farming operation as a result of a farm consolidation, and infrastructure. The subject Official Plan amendment and accompanying Zoning By-law amendment propose a severance for a residential use and, therefore, is not supported through the PPS.

Furthermore, section 2.3.4.3 of the PPS outlines that *"the creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 2.3.4.1 (c)"*. Section 2.3.4.1 (c) of the PPS is the policy that allows planning authorities to permit the creation of a lot for an existing residence surplus to a farming operation. These applications do not represent this type of scenario.

The Planning Justification Report accompanying these applications advocates that the severance is required for legal and technical reasons. The rationale for this remains unclear. The PPS defines legal and technical reasons as: *"severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot."* These applications do not appear to represent a legal or technical reason as they result in the creation of a new lot.

These applications do not appear to satisfy the criteria provided in section 2.3.4 of the PPS that restricts lot creation in the prime agricultural area. For the reasons outlined above, the Ministry has concerns with the subject applications. As the approval authority for the applications, the City should be satisfied that its decisions are consistent with the PPS.

It is kindly requested that our office is provided with notification of the decisions made with respect to the applications.

I trust that the foregoing will assist Council in its consideration of the proposed Official Plan and Zoning By-law amendment applications. Should you have any questions or concerns regarding this matter, please do not hesitate to contact me 613-742-3371 or email me at dan.ethier@ontario.ca.

Regards,



Dan Ethier, MCIP RPP

Planner

Municipal Services Office – East

cc. Jocelyn Beatty, OMAFRA