

APPENDIX " B "

to

The Corporation of the City of Kawartha Lakes

REPORT

June 27, 2017
memo to Council

By-Law 2017 -

FILE NO.

D01-17-006
D06-17-009

**A By-Law to Amend the City of Kawartha Lakes Official Plan to
Redesignate Land within the City of Kawartha Lakes**

[File D01-17-006, Report PLAN2017-026, respecting Part Lot 5, Concession 9, being Part of Part 1, Plan 57R-733 and Part 2, Plan 57R-1197, geographic Township of Mariposa, identified as part of 71 CKL Road 46 - Grills]

Recitals:

1. Sections 17 and 22 of the Planning Act, R.S.O. 1990, c. P.13, authorize Council to consider the adoption of an amendment to an Official Plan.
2. Council has received an application to amend the City of Kawartha Lakes Official Plan to include a Special Policy which removes a portion of the subject land, described as Part 2, Plan 57R-1197 from the applicable requirements of the "Prime Agricultural" land use designation under Section 15. The purpose of the amendment is to facilitate the creation of a rural residential lot by consent under Section 53 of the Planning Act from the property known municipally as part of 71 CKL Road 46.
3. A public meeting to solicit public input has been held.
4. Council deems it appropriate to adopt Official Plan Amendment Number 27.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2017-*.**

Section 1:00 Official Plan Amendment Details

- 1.01 **Property Affected:** The Property affected by this by-law is a portion of the subject land described as Part Lot 5, Concession 9, being Part 2, Plan 57R-1197, geographic Township of Mariposa, City of Kawartha Lakes, identified as part of 71 CKL Road 46.
- 1.02 **Amendment:** Amendment No. 27 to the City of Kawartha Lakes Official Plan, attached hereto and forming a part of this By-law is hereby adopted.

Section 2:00 Effective Date

- 2.01 **Force and Effect:** This By-law shall come into force and take effect on the date it is finally passed, subject to the approval of the City of Kawartha Lakes in accordance with the provisions of Section 17 and 22 of the Planning Act, R. S. O. 1990, c. P.13.

By-law read a first, second and third time, and finally passed, this ** day of ***, 2017.

Andy Letham, Mayor

Judy Currins, City Clerk

Schedule 'A' to By-law No. 2017-***

The Corporation of the City of Kawartha Lakes

Amendment No. 27 to the Official Plan - The City of Kawartha Lakes

Part A - The Preamble

A. Purpose

The purpose of the official plan amendment is to amend the "Prime Agricultural" land use designation in the City of Kawartha Lakes Official Plan to include a Special Policy on a portion of the subject land to facilitate a severance to create a rural residential lot.

The effect of the change would permit the severance of a portion of the subject land for one rural residential lot within a "Prime Agricultural" area, which would be located between two existing rural residential dwellings in a cluster of residential uses.

B. Location

The portion of the subject land affected by this amendment has a lot area of approximately 0.445 ha. and is situated in the geographic Township of Mariposa, north of Highway No. 7 and south of Skyline Road. The portion of the subject property that is subject to this amendment is legally described as Part Lot 5, Concession 9, being Part 2, Plan 57R-1197, geographic Township of Mariposa, City of Kawartha Lakes and identified as part of 71 CKL Road 46.

C. Basis

Council has enacted this official plan amendment in response to an application submitted by Yvette Johnson on behalf of the owner to permit the severance of a portion of the subject land for a rural residential lot. It is intended that a special policy be incorporated into the City of Kawartha Lakes Official Plan to facilitate an application for consent under Section 53 of the Planning Act, to create a rural residential lot from the property known municipally as part of 71 CKL Road 46.

The land is designated "Prime Agricultural" as shown on Schedule "A-2" of the City of Kawartha Lakes Official Plan. The land subject to this amendment is also subject to an application for a zoning by-law amendment and an application for consent to sever.

The land proposed to be severed was part of a rural residential lot created in 1975 and have been taken out of agricultural production since that time. The lands are located between two existing residential lots. When originally created, the proposed lot was intended to be severed to create a separate residential lot. They are too small to be used for agriculture independently and would be awkward to incorporate into the adjacent farm lands. An Agricultural impact Assessment prepared for the proposal concluded that the use of these lands as a new residence will not restrict the use of adjacent farm lands for agricultural purposes.

On this basis, the inclusion of a Special Policy to permit the creation of the residential lot is deemed to conform to the intent of the Provincial Policy Statement and the Objectives of the City of Kawartha Lakes Official Plan.

Part B - The Amendment

D. Introductory Statement

All of this part of the document entitled Part B - The Amendment, consisting of the following text constitutes Amendment No. 27 to the City of Kawartha Lakes Official Plan.

E. Details Of The Amendment

1. Section 15 - Prime Agricultural Designation of the Official Plan for the City of Kawartha Lakes is hereby amended to add the following subsection.

15.4 SPECIAL PROVISIONS:

- "15.4.2. Notwithstanding the Prime Agricultural policies of Section 15 of this Plan to the contrary, on land described as Part of Lot 5, Concession 9, being Part 2, Plan 57R-1197, geographic Township of Mariposa, a consent shall be permitted to create a rural residential lot to allow these lands to be used for rural residential purposes."
2. Schedule 'A-2' of the City of Kawartha Lakes Official Plan is hereby amended by inserting a note that the lot is subject to Policy 15.4.2 of the Official Plan, as shown on Map 'A' as 'SUBJECT LAND'.

F. Implementation And Interpretation

The implementation and interpretation of this amendment shall be in accordance with the relevant policies of the Official Plan.

THE CORPORATION OF THE CITY OF

KAWARTHA LAKES

Map 'A' to Amendment No. 27
to the City of Kawartha Lakes Official Plan

Geographic Township of Mariposa

Skyline Rd.

Lot 5

'SUBJECT LAND'
(Special Policy 15.4.2)

K.L. Road #46

Lot 6

Concession 9

Highway #7

Concession 8