



**A GUIDE TO THE
OFFICIAL PLAN
AMENDMENT
PROCESS**

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1. WHAT IS AN OFFICIAL PLAN?

An official plan describes Council's policies on how land in the City should be used. It is prepared with input from you and your fellow citizens and helps to ensure that future planning and development will meet the specific needs of your community.

An official plan deals mainly with issues such as:

- Where new housing, industry, offices and shops will go.
- What land needs protection from development.
- What services like roads, watermains, sewers, parks and schools will be needed.
- When and in what order parts of your community will grow.

2. WHAT IS AN OFFICIAL PLAN AMENDMENT?

An official plan amendment is a formal document that changes the City's official plan. Changes may be needed because of new circumstances in the City or because of a request made by property owners.

An approved official plan can be reviewed at any time, but the City must hold a public meeting at least once every five years to determine whether the plan needs to be changed.

3. WHAT IS THE PROCESS FOR AN OFFICIAL PLAN AMENDMENT?

(Please see attached Figure 1)

If you want to use your property or develop it in a way that conflicts with the City's official plan, you will need an amendment to the plan. First, discuss your proposal with the staff of the Development Services Department - Planning Division. They will explain the process, advise if the change is possible, what problems you might encounter, how to apply, what supporting material/information you must submit (i.e. sketches, plans, studies), if there are any requirements for special studies set out in the official plan for an amendment and what other approvals may be required.

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Official plan amendment applications are made directly to the City, which is the approval authority. You will be charged a fee for processing the application. Staff will advise you of the amount of the processing fee. As an applicant, you are required to fill out an official plan amendment application form provided by the City, which is attached to this guide.

The application form contains both the information which is prescribed by Provincial regulation as well as other additional information which the City may require about the official plan amendment. The more accurate the information provided, the less likely delays will occur in the review.

You should be aware that if you do not provide all the information prescribed by the Provincial regulation, the City may refuse to accept or to further consider your application, and the 90-day time frame for making a decision does not begin until all the prescribed information is received by the City. You are encouraged to contact staff if you need help in assessing what information is required.

The City must give notice of your application and hold a public meeting before a decision is made. Notice of the public meeting is given at least 20 days in advance, usually through posting the property with a sign and by mail. Notices are sent to every property owner within 120 metres of the subject property. Any person or public body may submit his or her comments to the Council via the Development and Public Works Services Committee.

The City is required to consult with agencies, boards, authorities or commissions before making a decision.

On occasion, studies, such as hydrogeological studies, submitted by an applicant will require peer review. The applicant is responsible for the cost of peer review. A \$2,000.00 deposit against actual costs is required.

When Council has reached a decision on your application, it is required to send a Notice of Decision, within 15 days of the decision being made, to every property owner within 120 metres of the subject property, as well as to the applicant and any person or public body requesting, in writing, to be notified. When a Notice of Decision is given, a 20 day appeal period follows. Any appeals are forwarded to the Ontario Municipal Board within 15 days of their receipt.

**4. HOW ARE APPLICATIONS FOR OFFICIAL PLAN
AMENDMENT EVALUATED?**

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When considering an official plan amendment, Council evaluates the merits of the proposal against criteria such as:

- The Provincial Policy Statements and Growth Plan.
- Conformity with the existing official plan policies.
- Conformity with the City's Vision Statement.
- Information/studies provided by the applicant.
- Adequacy of vehicular access, water supply, sewage disposal.
- Changing economic/development circumstances.

The Provincial Policy Statement contains, overall policy directions on matters of Provincial interest related to land use planning and development. The "shall have regard to" rule means that the City is obliged to consider the application of all relevant and specific policies when carrying out its planning responsibility. The City will implement the Provincial Policy Statement in the context of other planning objectives and local circumstances.

5. RIGHTS OF APPEAL

The City must provide a written notice of its decision to the applicant and each person or public body requesting to be notified of a decision within 15 days of its decision. When a notice of decision is given, a 20-day appeal period follows.

Appeals to the Ontario Municipal Board (OMB) can be made in five different ways:

1. A proponent of an official plan amendment may appeal to the OMB if the Council fails to give notice of a public meeting on a request to amend within 45 days of the receipt of the prescribed information by the municipality.
2. A proponent of an official plan amendment may appeal to the OMB if the Council refuses or fails to act on a request to amend within 90 days of the receipt of the prescribed information by the municipality.

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3. Plans exempt from approval, as is the case with the City, any person or public body may appeal the Council's adoption within 20 days from the date the notice of adoption is given.
4. Plans not exempt from approval: When the approval authority gives notice of decision on an official plan or amendment, any person or public body may appeal the approval authority's decision within 20 days from the date the notice of decision is given.
5. Any person or public body may appeal to the OMB, if the approval authority fails to give notice of its decision regarding part(s) or all of the plan/amendment within 90 days of the receipt of the prescribed information by the approval authority.

The Notice of Appeal must be filed with the Clerk of the City, accompanied by written reasons for the appeal and the fee required by the OMB. In your notice of appeal, you must specify if you are appealing all or part(s) of the amendment. The City must send your appeal with the accompanying materials and the appropriate fee to the OMB within 15 days of the receipt of your appeal.

In cases of appeal, the OMB will hold a hearing. You will be given the chance to present your case. The OMB can allow or dismiss your appeal, approve, approve as modified or refuse to approve all or part of the plan or amendment. The OMB also has the power to dismiss an appeal without holding a hearing.

Appealing a planning decision to the OMB is a serious matter. It can take considerable time and effort and in some cases, money for everyone involved. A hearing may last only a few hours if the matter is quite simple, but for more complicated matters, a hearing can last for several days or even weeks. The OMB will make a decision based on the facts presented at a hearing.

The OMB is an independent administrative tribunal responsible for hearing appeals and deciding on a variety of contentious municipal matters.

6. REQUIRED INFORMATION/REFUNDS

The information required for a complete application is outlined on the attached official plan amendment application form.

Any application withdrawn within one year of the date the application was made is eligible for a partial refund of fees as follows:

- (a) Prior to preparation of staff report, 30% of the application fee and advertising fee, if the application has not been advertised.

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- (b) After preparation of staff report, but prior to Development and Public Works Services Committee, Council, or Committee of Adjustment consideration, 10% and advertising fees if the application has not been advertised.
- (c) No refunds will be made for applications that have been before the Development and Public Works Services Committee or Council.

7. WHAT OTHER APPROVALS MAY BE REQUIRED?

In addition to these planning approvals, there are other approvals and permits required in particular circumstances. This may include companion Planning Act applications for rezoning, draft plan of subdivision, and/or draft plan of condominium. Approvals may be required from other agencies including the Conservation Authority, Ministry of Natural Resources, or the Trent-Severn Waterway before you begin any construction. Staff will provide assistance in determining the appropriate Conservation Authority having jurisdiction over the project as well as the appropriate application fees.

The Haliburton, Kawartha, Pine Ridge District Health Unit will be circulated where development is proposed on either partial or private services, which involves servicing by private well and septic systems not subject to Ministry of Environment approval. The applicant should contact the Health Unit at 705-324-3569 for the appropriate application fee. The Health Unit will not provide comments on the development application to the City until the application fee has been received and may also charge additional review fees beyond the application fee.

8. FURTHER INFORMATION

This brochure is intended to provide general guidance only to the official plan amendment process. For more specific information related to individual applications please contact the Development Services Department – Planning Division at (705) 324-9411 Ext. 1231.

Hours of Operation:

8:30 a.m. to 4:30 p.m., Monday to Friday, statutory holidays excepted.

Appointment with Staff:

Appointments with staff may be made by contacting the Development Services Department – Planning Division between 8:30 a.m. and 4:30 p.m. at (705) 324-

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9460 Ext. 1231. The offices are located at 180 Kent Street West, 2nd Floor, Lindsay, Ontario, K9V 2Y6.

Please Note:

This brochure is meant for guidance only, and should not be construed by anyone as a right to development approval if the steps indicated are followed. Please consult the Planning Act and its regulations, the Provincial Policy Statements, Growth Plan, the relevant Official Plan policies, Zoning By-Laws, other by-laws for definitive requirements and procedures.

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**FIGURE 1
OFFICIAL PLAN AMENDMENT PROCESS**

