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A Guide to the Official Plan Amendment Process

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1. What is an Official Plan?

An Official Plan is a high-level, legal document that addresses matters of provincial interest defined by the Provincial Policy Statement under the Ontario **Planning Act**. It provides a vision and represents the City's comprehensive planning policy with respect to the future development of the City. An Official Plan deals mainly with issues such as:

- Where new housing, industry, offices and shops will go
- What land or features need to be protected from development
- What services, facilities and amenities (i.e. roads, sewers, parks and schools) will be needed
- Where, when and how your community will grow

2. What is an Official Plan Amendment?

An Official Plan amendment is a formal process that changes the City's Official Plan at a City-wide or site-specific scale. 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.

An approved Official Plan can be reviewed at any time, but the City must hold a public meeting at least once every ten years to update the plan to ensure its conformity with the provincial policies.

3. What is the Process for an Official Plan Amendment?

Please see attached Figure 1.

Submit a Preconsultation Application

Before submitting an Official Plan Amendment application, the proposed amendment must appear before the Preconsultation Committee. A Preconsultation Process is an opportunity to present a proposal to Staff and applicable agencies receive feedback. Additionally, it allows City staff to identify, on a preliminary basis, the required process, fees, studies for a complete submission, and ensures that the application is processed efficiently.

For more information about Preconsultation Process, please refer to the Preconsultation Info Sheet available on the City's website.

Submitting an Official Plan Amendment Application

The Official Plan Amendment Application and the associated fees are available on the City's website.

As an applicant, you will be required to fill out an application form. Staff will then review your application. Once the Planning Division is satisfied that all of the submission requirements have been received, Staff will deem it complete.

On occasion, background studies submitted by an applicant, such as traffic and hydrogeological studies, will require peer review. Applicants are responsible for all costs associated with municipal peer reviews of background reports.

The development process is a legal and public proceeding. As such, you may wish to hire a professional to help you through the application and submission process. Feel free to ask Planning staff for a list of development consultants.

Notice of a Public Meeting

The City, usually through a sign posted on the property and by mail, must give notice to the public that an application for an Official Plan Amendment has been received.

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

Staff prepare a Planning Report

Staff recommend approval or refusal of each application for an Official Plan Amendment against criteria such as:

- Conformity with the Provincial Policy Statements, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, and (where applicable) the Oak Ridges Moraine Conservation Plan and other applicable provincial plans;
- Achievement of the strategic directions of the Official Plan;
- Impact on the neighboring land uses;
- Changing economic/development circumstances;
- Suitability of the land for the proposed purpose;
- Adequacy of vehicular access, water supply, sewage disposal; and,
- Ensure protection from potential flooding.

Public Meeting

Any person or public body may submit their opinions or concerns to the Planning Advisory Committee.

Decision

The approval of Official Plan Amendment applications rests with the City Council.

4. Rights of appeal

When Council has reached a decision on your application, a Notice of Decision will be sent to adjacent neighbours of the subject property, the applicant, and any person or public body that requested, in writing, to be notified. When a Notice of Decision is given, a 20 day appeal period follows.

The Notice of Decision will notify you on how you should file your appeal. Appeals are filed with the City, and the Clerk is required to forward the appeal to the Local Planning Appeal Tribunal (LPAT). You must submit your appeal within the legislated timelines, with the filing fee, completed appeal form, and grounds for appeal.

There is also an opportunity to appeal a failure to make a decision within the prescribed timeframe. For more information about this option, please speak with the Planner reviewing the application.

As part of the Ontario Land Tribunals (OLT), LPAT is an adjudicative tribunal that conducts hearings, mediations, and makes decisions on land-use planning disputes. For a better understanding on the land use planning and appeal process in Ontario, please visit the OLT website (<https://olt.gov.on.ca/>).

5. Associated fees, required documents, and estimated timeframe

There are a number of fees and documents to submit throughout the process. Fees and studies may include (but are not limited to):

- Planning Division Preconsultation application fee
- Planning Division Official Plan Amendment application fee and associated application fees (i.e. rezoning), where applicable
- Building Division review and permit fees
- Review and permit fees from other agencies, such as the Conservation Authority and the Trent-Severn Waterway
- Cost of plans and/or special studies etc. in support of the application:
 - Surveyed plan
 - Geotechnical report
 - Environmental review
 - Servicing report
 - Hydro-geological report
- Development charges
- Entrance approval – drainage work, culvert, road improvements
- Cost of consultant(s) or specialist(s) to prepare applications and reports

The time frame for an Official Plan Amendment is dependent on the length it takes to submit all of the required studies and documents to the Planning Division. The complete process typically takes eight to twelve months. Appeals or concerns raised at the public hearing may delay the process.

6. Further information

For more information related to individual applications, please submit an inquiry to planningadmin@kawarthalakes.ca.

Please note:

This information 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, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, the Oak Ridges Moraine Conservation Plan (where applicable), the relevant Official Plan policies, Zoning By-Laws, and other documents for definitive requirements and procedures.

Figure 1: Official Plan Amendment Approval Process

