



Planning Advisory Committee Report

Report Number: PLAN2021-011
Meeting Date: March 10, 2021
Title: Amend the Somerville Zoning By-law 78-45 at 41 Shadow Lake Road 16 – Park and Radford-Park
Description: D06-2021-002
Type of Report: Public Meeting
Author and Title: David Harding, RPP, MCIP, Planner II

Recommendations:

That Report PLAN2021-011, **Amend the Somerville Zoning By-law 78-45 at 41 Shadow Lake Road 16 – Park and Radford-Park**, be received;

That a Zoning By-law Amendment respecting application D06-2021-002, substantially in the form attached as Appendix “D” to Report PLAN2021-011, 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.

Department Head: _____

Legal/Other: _____

Chief Administrative Officer: _____

Background:

The subject property is a rural lot with frontage on Base Line Road and a cottage on Silver Lake.

On July 11, 2019 the Committee of Adjustment granted provisional consent to applications D03-2018-012, D03-2018-013, and D03-2018-014. Due to the pandemic, the applications lapsed. On January 15, 2021, the Director of Development Services granted provisional consent for the applications.

The consent applications collectively establish two separate lots by separating the existing cottage on the subject property, located near the shoreline along with the private road known as Shadow Lake Road 16 (referred to as the shoreline lot), from the balance of the rural lands (referred to as the rural backlot). Please see Appendix "B" for a visual representation of the two lots, denoted in red and yellow. The division of land to create these two lots is proposed in application D03-2018-013. In order to provide the rural backlot with access to Silver Lake, application D03-2018-012 proposes to sever a small access strip leading from the southern leg of Shadow Lake Road 16 to the water (referred to as the shoreline access strip), and application D03-2018-014 grants the rural backlot with the right to use Shadow Lake Road 16 to gain access to the shoreline access strip.

Shadow Lake Road 16 is a private road that provides access to addresses 29, 31, 33 39, and 45 Shadow Lake Road 16, in addition to the cottage on the subject property. From Base Line Road, Shadow Lake Road 16 proceeds west and forks to provide access to the shoreline lots along Silver Lake. The south side of the fork provides access to 29 and 31 Shadow Lake Road 16. The shoreline access strip is accessed via taking the south fork. The north side of the fork provides access to the cottage on the subject property and civic numbers 33, 39 and 45.

As a condition of provisional consent, the subject lands are to be rezoned to establish the proposed uses for each parcel, unify and standardize applicable zone provisions and apply any applicable development standards.

Owners:	Geoff Park and Daphne Radford-Park
Applicant:	Doug Carroll – DC Planning Services Inc.
Legal Description:	Part of Lot 54, Front Range, geographic Township of Somerville, now City of Kawartha Lakes
Official Plan:	"Waterfront" and "Rural" within the City of Kawartha Lakes Official Plan 2012

Zone:	"Limited Service Residential (LSR) Zone" and "Rural General (RG) Zone" in the Township of Somerville Zoning By-law 78-45, as amended.
Site Size:	Shoreline Lot – 1.55 hectares Shoreline Access Strip – 300 square metres Rural Backlot – 5 hectares
Site Servicing:	Shoreline Lot – Private individual well and septic system Shoreline Access Strip – Un-serviced Rural Backlot – Un-serviced

Rationale:

Provincial Policies:

Growth Plan for the Greater Golden Horseshoe, 2019 (Growth Plan)

The Growth Plan provides a framework to plan for growth and development in urban areas, rural towns and villages that are able to support surrounding rural and agricultural areas. Policy 2.2.9 of the Growth Plan provides for development on rural lands outside of rural settlement areas for resource-based recreational uses provided the use is compatible with the scale, character, and capacity of the resource and surrounding landscape.

The applications propose to separate an existing cottage from the balance of its rural lands within a shoreline residential area, and provide a rural backlot with shoreline access. The proposal will formally divide the different uses of the property. This division is not anticipated to adversely affect the character of the area.

The proposal conforms to the policies of the Growth Plan.

Provincial Policy Statement, 2020 (PPS):

The PPS recognizes the importance of rural areas to the quality of life of its residents. Under the PPS, the subject property is considered to be rural land within a rural area of the City. Policies 1.1.4 and 1.1.5 support development on rural lands provided it pertains to the management or use of resources, resource-based recreational activities, limited residential development and/or other land uses and development compatible with the rural landscape that can be sustained by rural service levels.

The applications propose to utilise the recreational resource of Silver Lake.

The proposal is consistent with the PPS.

Official Plan Conformity:

The subject property is designated “Waterfront” and “Rural” within the City of Kawartha Lakes Official Plan, 2012 (Official Plan).

In keeping with provincial policies and plans, the strategic direction in the Official Plan is to direct development to settlement areas where practical. The lakes and rivers within the City are valuable environmental and recreational resources to its residents and visitors.

Low density residential development has historically been and continues to be the primary land use around many of the City’s lakes and rivers. Most of these shoreline areas fall outside of the City’s settlement areas. Development is permitted within the City’s shoreline areas provided the lands are within the “Waterfront” designation. The portions of the subject property near the shoreline are designated “Waterfront”. All of Shadow Lake Road 16, with the exception of the laneway providing access to civic numbers 29 and 31, is within the “Rural” designation. As the existing cottage is part of a continuous line of shoreline development, application D03-2018-013 is considered a shoreline infill lot. Consent policies contained within Section 20.4 and 33.3 specify that shoreline infill lots shall have a minimum road frontage of 30 metres and minimum lot area of 3,000 square metres. The proposed severed lands maintain the intent of the policies as sufficient land is being severed and the property will maintain ownership over the entirety of Shadow Lake Road 16, which is used to provide access to the other shoreline residential uses. The application does not propose to change the permitted residential use of the shoreline lands, but expand it to cover the extent of the shoreline lot proposed.

The rural backlot is within the “Rural” designation. The “Rural” designation recognizes the value of non-prime agricultural lands, being soil classes 4-7, for various uses which require large tracts of land outside of urban settlement areas. Such uses are: golf courses, ski resorts, ecotourism, agricultural-related commercial/industrial uses, and agricultural uses that can be sustained on class 4-7 soils. The division of land would formally separate the private road and shoreline uses from the balance of the rural land. While the overall area of land within the “Rural” designation is being reduced, the contiguous lands on the north and east side of Shadow Lake Road 16 are being retained in a single parcel, in keeping with the intent of the “Rural” policies to retain large tracts of land for various rural uses. The application does not propose to change the permitted uses on the proposed retained lands, but recognize the area for such uses to facilitate the division of land.

The shoreline access strip will provide the rural backlot with water access and uses accessory to the rural backlot. The shoreline access strip will be tied to the rural backlot

via a merger agreement as a condition of provisional consent. The intent of the “Waterfront” designation is to maintain lots of a minimum size and frontage to ensure appropriate density and massing along the shoreline, and in turn protect the long term ecological health of the City’s waterbodies. The intent of the “Waterfront” designation is maintained as the shape of the shoreline access parcel is already defined by the lots on either side of it, it will not be a separately conveyable piece of land nor will any new dwelling be constructed on it.

The application conforms to the Official Plan.

Zoning By-law Compliance:

The lands near the shoreline are zoned “Limited Service Residential (LSR) Zone” within the Township of Somerville Zoning By-law 78-45. The balance of the lands is within the “Rural General (RG) Zone”.

The “Rural General Exception Eight (RG-8) Zone” proposed on the rural backlot does not change any of the uses permitted within the RG Zone. The exception permits the reduced lot area the provisional consent grants, and establishes Base Line Road as the front lot line. The By-law defines private roads as streets, roads or highways, and Shadow Lake Road 16, which is an irregularly shaped road, borders the south and west sides of the proposed lot. Establishing Base Line Road as the front lot line ensures the consistent application of the By-law to future development.

The “Limited Service Residential Exception Sixteen (LSR-16) Zone” proposed on the shoreline lot standardizes competing front lot line and front yard definitions between Shadow Lake Road 16 and Base Line Road by defining the Base Line Road frontage as the sole front lot line. By doing so, the amendment also proposes a setback from the edge of Shadow Lake Road 16 consistent with the front yard setback provisions that apply to the other lots along Shadow Lake Road 16. All other LSR Zone provisions will be carried forward into the LSR-16 Zone.

The “Limited Service Residential Exception Seventeen (LSR-17) Zone” proposed on the shoreline access strip restricts permitted uses to residential accessory uses that may only be established if a dwelling is established on the rural backlot. The LSR-17 Zone establishes development standards for these accessory uses.

Other Alternatives Considered:

No other alternatives have been considered at this time.

Alignment to Strategic Priorities:

The 2020-2023 Council Adopted Strategic Plan identifies these Strategic Priorities:

- Priority 1 – A Vibrant and Growing Economy
- Priority 2 – An Exceptional Quality of Life
- Priority 3 – A Healthy Environment
- Priority 4 – Good Government

This application aligns with a vibrant and growing economy and exceptional quality of life as it will facilitate the division of land create an additional lot.

Financial/Operation Impacts:

There are no financial considerations unless Council's decision is appealed to the Local Planning Appeals Tribunal. In the event of an appeal, there would be costs, some of which may be recovered from the applicant.

Servicing Comments:

The property to be severed that contains the cottage is serviced by a private individual well and septic system. The other lands are un-serviced.

Consultations:

Notice of this application was circulated to persons within a 500 metre radius, agencies, and City Departments which may have an interest in the application.

The Development Engineering Division and Agricultural Development Officer has no concerns with the application.

Development Services – Planning Division Comments:

The application conforms to the Growth Plan and Official Plan and is consistent with the Provincial Policy Statement. The application proposes no significant changes to the existing zone categories or provisions, but better organizes the application of the zoning by-law based upon the proposed land division configurations.

The boundaries of the RG-8 Zone represent the largest portion of the subject parcel available for rural uses whether or not severance was proposed, its lands to the south and east are encumbered by private road and/or shoreline residential development.

The by-law amendment proposed in Appendix "D" allows for the orderly development of the lands.

Conclusion:

The application conforms to the Growth Plan, is consistent with the Provincial Policy Statement and conforms to the Official Plan. Staff supports the application based on the information contained in this report and the comments received as of February 25, 2021. Staff respectfully recommends that the Planning Advisory Committee consider referring the application to Council for approval.

Attachments:

Appendix 'A' – Location Map



Appendix A to
Report PLAN2021-01

Appendix 'B' – Aerial Photograph



Appendix B to
Report PLAN2021-01

Appendix 'C' – Concept Plan



Appendix C to
Report PLAN2021-01

Appendix 'D' – Draft By-law Amendment



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Department File: D06-2021-002