



The Corporation of the Township of Perry

MINUTES

PUBLIC MEETING

Part of Lot 31, Concession 2, Township of Perry

112 Foote Road (Trela)

Wednesday, July 19th, 2017

7:00 p.m.

Council Chambers

(1695 Emsdale Road, Emsdale, ON)

Any and all Minutes are to be considered Draft until approved by Council at a Regular Meeting of Council

In Attendance:

Council Members:

Mayor Norm Hofstetter

Councillors: Jim Cushman, Jeff Marshall,

Margaret Ann MacPhail and Les Rowley

Municipal Staff:

Beth Morton, Clerk-Administrator

Melinda Torrance, Deputy Clerk

Members of the Public:

Sign in sheet on file

Resolution No. 2017-277

Moved by: Les Rowley

Seconded by: Margaret Ann MacPhail

Be it resolved that the Council of the Township of Perry does hereby now adjourn from this Regular Meeting at 7:02 p.m. to commence a 'Public Meeting' for the purpose of hearing comments from members of the public with regard to a proposed Zoning By-law Amendment for lands legally described as Part of Lot 31, Concession 2, 42R-19802, located at 112 Foote Lake Road.

Carried

Resolution No. 2017-278

Moved by: Margaret Ann MacPhail

Seconded by: Les Rowley

Be it resolved that the Council of the Township of Perry hereby accepts the report submitted by Beth Morton, Clerk-Administrator for a Zoning By-law Amendment for Part of Lot 31, Concession 2 (Trela/Tomczak).

Carried

Mayor Hofstetter as the Chair advised that this is a Public Meeting to hear public comments and answer questions regarding the proposed Zoning By-law Amendment for lands legally described as Part of Lot 31, Concession 2, in the Township of Perry, designated as Part 1, 42R-19802 located at 112 Foote Lake Road. The purpose of the proposed by-law is to rezone the lands from the Rural (RU) Zone to a Rural Exception Five (RU-5) Zone to allow for a hunt cap to be placed ten (10) metres from the easterly lot line.

He outlined how the Public Meeting would be conducted. He stated that the Clerk would advise as to when, how and to whom notice of the public meeting was circulated and confirm proper notice was given.

He noted that the public meeting is not a public debate on the matter. The public will be afforded the opportunity to provide their comments or questions. He outlined that persons in favour of the application would go first. Those in opposition to the application would follow. He also advised that people providing comments or questions are asked to present them through him as the Chair.

He then noted that Council will have the opportunity to question the applicants, planning consultants or agents. He also advised that Council will consider the Zoning By-law Amendment at the August 2nd, 2017 Meeting of Council. He stated that all persons addressing Council must state their full name, full mailing address and postal code and must direct their comments through the Chair.

Mayor Hofstetter then requested that the Clerk advise as to how and to whom notice of the public meeting was circulated.

Notice of this Public Meeting was given by posting the application on the Township's website, www.townshipofperry.ca on June 23, 2017; forwarding it to all persons and public bodies as prescribed under the Ontario Planning Act Regulation, including owners within 600' feet of the applicant's property; and to those requested.

The property is legally described as Part of Lot 31, Concession 2, in the Township of Perry, District of Parry Sound, designated as Part 1 on Plan 42R-19802. The purpose of the application is to rezone the lands from the Rural (RU) Zone to a Rural – Exception Five (RU-5) Zone to permit a hunt camp to be 10 metres from the easterly lot line of the property.

The lands are designated "Rural" by the Municipality's Official Plan and do not have any identified Natural Heritage Features. The lands are zoned "Rural" (RU) by the Municipality's Zoning By-law 2014-21.

The lands are 10.087 hectares (24.93 acres) in size. Existing development on the property includes a 35 m² (375 ft²) hunt camp.

The subject lands are located on Foote Lake Road. At the present time, the land is primarily wooded save and except for the area around the existing hunt camp.

The application needs to be analyzed to confirm it meets the Provincial Policy Statement, and the Township's Official Plan and Zoning By-law.

A review of the PPS reflects that the application:

The proposal relates to resource based recreational activities, will allow for limited residential development and is compatible with the rural landscape (Section 1.1.4.1).

The proposal is appropriate for the planned or available infrastructure and no further infrastructure will be required (Sections 1.1.4.1 and 1.6.5.2).

Section 1.1.1. outlines that applications must satisfy that healthy, liveable and safe communities are sustained. In addition, Section 1.2.6 outlines land use compatibility. Section 1.2.6.1 specifies that Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separate from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.

Based on the Clerk's review, a hunt camp within 10 metres is not consistent with Section 1.1.1 or Section 1.2.6.1. The reduction is 1/5 of what is permitted within the Zoning By-law, which in the Clerk's opinion does not provide an appropriate buffer and/or separation from the neighbouring property and given the nature of the use, could pose adverse effects from noise and potential risk to public health and safety.

Based on the Clerk's review of the above sections, the use of a hunt camp within 10 metres of a lot line is not consistent with the PPS.

The Township of Perry Official Plan provides policy direction for growth within the Township. The intent of the Official Plan is to support innovative and sustainable development policies and practices to protect the natural environment. The lands are designated "Rural" by the Township's Official Plan.

The purpose of the Rural designation is to recognize and value the rural character of the Township created through a natural mix of land, trees, lakes and rivers; support and foster resource-related recreational uses as a means to expand and

diversify the local economy; identify lands which are valued for Provincially and locally defined interests in resource extraction; and to provide for limited low-density residential development.

The Rural designation applies to the majority of land in the Township which has not otherwise been placed in one of the primary land use designations.

Under Section B1.3, a hunt camp is a permitted use in the Rural designation, therefore the application is consistent with the Official Plan.

The Township of Perry Official Plan is implemented through the Township of Perry Zoning By-law 2014-21. The lands are zoned "Rural" (RU) within the Zoning By-law.

The lands include an existing hunt camp that was built without the benefit of a building permit and does not comply with Section 3.8 ii) of the Zoning By-law, which specifies that Hunt Camps must be a minimum setback of 50 metres from any lot line and as noted, the existing hunt camp was built 10 metres from the easterly lot line of the property, but meets the other requirements within the Zoning By-law.

The purpose of establishing increased setbacks for Hunt Camps within the Township's Zoning By-law was to allow for recreational use in the rural designation, while ensuring such use remained compatible with the rural residential uses on neighbouring lands.

The request for a ten (10) metre setback is one fifth (1/5) of the setback implemented within the By-law.

The purpose and intent of the Official Plan and Zoning By-law are to provide policy direction for growth within the Township and support innovative and sustainable development policies and practices to protect the natural environment while also ensuring healthy, sustainable quality of living is sustained for its residents. Mayor Hofstetter then declared this to be a public meeting to deal with the proposed Zoning By-law amendment.

Mayor Hofstetter asked the applicant and/or their representatives to provide their comments on the proposal.

Arkadiusz Trela of 264 The Queensway and owner of 112 Foote Lake Road stood and commented that he is in favour of the application. He outlined that he did building without a permit, however he was unaware of the requirements for a hunt camp. He built the hunt camp where the lands had already had vegetation removed so that he didn't have to cut any trees. The property has a growth of

mushrooms and he enjoys seeing the wildlife. Recently a mother bear and three cubs visited them. He wants to keep the natural vegetation in place and does not wish to cut anymore trees. He also addressed that he does not intend to hunt on the lands as he is not a hunter. He spends his time here on ATVs enjoying the trails in the area.

Mayor Hofstetter then invited members of the public to speak on the proposed Zoning By-law Amendment.

Terry Greaves of 91 Foote Lake Road stood and commented that the lot is too small for hunting and not safe for a hunt camp on that property.

Mr. Trela again noted that he is not a hunter and has no plans to hunt. He is only using the property for accommodation for when they ride their ATVs.

John Williams of 147 Sherwood Drive read his letter in opposition that is filed with the Clerk. He understands hunting is an enjoyable past time, but hunt camps normally are away from residential communities. He is concerned about owners bringing in groups to hunt. He has a concern that a commercial undertaking could be carried out on these lands. He suggested an addition to the By-law to address this concern.

Robert Guthe of 1194 Savage Settlement spoke and advised that the setbacks are there for a specific reason. If everyone were to do this, it would be setting a precedent. What is the point of having the by-law if people don't abide by them. In this case, it is a new property with new lot lines, therefore they need to follow the setback regulations.

Heather Beveridge of 1124 Savage Settlement Road advised that Council put Development Agreements in place, there are visible cut lines, so why would Council allow setback changes at this point.

Joan Pearson of 1054 Savage Settlement Road stood and said that we are all here as a statement that we are against this. Without a building permit, this should be out of the question.

Councillor Rowley questioned why a hunt camp, if not a hunter. The Clerk advised that the By-law sets out the specific size for dwelling units. The building that Mr. Trela erected does not meet the Zoning requirements for a dwelling. The structure built meets the requirement of a hunt camp, aside from the minimum setback of 50 metres from the lot line. The definition of a hunt camp describes the structure and that the accommodation is for a temporary basis, however it does not outline the specific uses on the land.

Mr. Williams asked Council via the Mayor if his proposal would be considered. The Mayor advised that it would be reviewed, but he was not providing confirmation or comment on it at tonight's meeting.

Debbie Todd of 464 Hwy 592 in Novar advised that she was the previous owner of the property and advised that there is a Development Agreement in place on the property.

There were no further members of the public wishing to speak on the application, therefore the Mayor requested that the Clerk advise as to what letters had been received on the application.

The Clerk advised that as of 4:30 p.m. today, the Municipality has received the following comments

- MTO has commented that they have no objection;
- Letter dated June 28, 2017 from Andy and Cindi Buchner, of 326 North Waseosa Lake Road, RR 3 Huntsville ON P1H 2J4, being the owners of 150 Foote Lake Road. The Clerk read their letter of objection which is on file.
- Letter dated July 7, 2017 from Rodney Duchesne of 196 Arthur Fach Drive, Cambridge, ON N1T 2G2, being the direct adjacent property owner to the east of 112 Foote Lake Road. The Clerk read his letter of objection which is on file.
- Letter dated July 17, 2017 from John Williams of 147 Sherwood Drive. The Clerk re-read his letter of objection which is on file.
- Letter dated July 17, 2017 from Neil O'Donnell of 159 Sherwood Drive. The Clerk read his letter of objection which is on file.
- Letter dated July 17, 2017 from Jean Collins of 173 Sherwood Drive. The Clerk read her letter of objection which is on file.
- Letter dated July 19, 2017 from Christine Frith of Foote Lake Road. The Clerk read her letter of objection which is on file.

Mayor Hofstetter advised that those wishing to receive further notice of the Notice of Decision of the Zoning By-law must make a written request as per previous instructions. He advised that Council will be considering the by-law at the August 2nd, 2017 Meeting of Council and outlined that once Council makes a decision on the by-law, there is a 20 day appeal period from the date of decision of the by-law during which time any person may appeal the decision of Council to the Ontario Municipal Board.

Having received no further questions or comments from the Public or Council members, Mayor Hofstetter declared this public meeting to be concluded and presented the following resolution:

Resolution No. 2017-279

Moved by: Jim Cushman

Seconded by: Jeff Marshall

Be it resolved that the Council of the Township of Perry does hereby now adjourn from this Public Meeting at 7:37 p.m. in order to recommence the Regular Council Meeting of July 19th, 2017.

Carried

Dated this 2nd day of August, 2017.

Original Signed by Norm Hofstetter
Norm Hofstetter, *Mayor*

Original Signed by Beth Morton
Beth Morton, *Clerk-Administrator*