



*The Corporation of the Township of Perry*

**MINUTES**  
**PUBLIC MEETING**  
**Subdivision Application S-01/23 (CN Landscaping Ltd.)**

Part of Lot 35, Concession 8, Township of Perry  
Located at 160 Emsdale Lake Road  
Wednesday July 5<sup>th</sup>, 2023 – 7:03 p.m.  
Municipal Office and Electronic Attendance  
(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 Chambers:**

Norm Hofstetter, Mayor  
Councillors: Margaret Ann MacPhail, Paul Sowrey, Jim Cushman, and Joe Lumley  
(arrived at 7:12 p.m.)  
Beth Morton, Clerk-Administrator  
Kim Seguin, Treasurer-Tax Collector  
Erica Cole, Deputy Clerk  
Mike Wilmon, By-law Enforcement Officer/CBO  
Randy McLaren, Working Roads Supervisor

**Electronic Attendance:**

Savas Vardas, Rod Ward, Artur Goertz, David and Joyce Frake, Neil O'Donnell, Jennifer Bradaric, Joel Freeman, Russell Edwards, Barb Reid

**Members of the Public:**

Chance Nadrofsky, Natasha Black, John Wilson, Christine and Ron Moore, Mary Allison, Saleem Hall, John and Bev Mazza, Phil Reid, Sean and Catherine Russell, Mike and Pamela Williamson, Melody and Ken Bailey, William Macrae, Barb Williams, Meg Williams

**Resolution No. 2023-227**

**Moved by: Paul Sowrey**

**Seconded by: Jim Cushman**

Be it resolved that the Council of the Corporation of the Township of Perry does now adjourn from this Regular Meeting at 7:03 p.m. to commence a 'Public Meeting' for a proposed Subdivision Application S-01/23 for lands legally described as Part of Lot 35, Concession 8, in the Township of Perry, located at 160 Emsdale Lake Road (CN Landscaping Ltd. c/o Chance Nadrofsky).

**Carried**

Mayor Hofstetter as the Chair advised that this is a Public Meeting under Section 51(20) of the *Planning Act* for a Plan of Subdivision. The purpose of the meeting was to ensure that sufficient information is made available to enable members of the public to understand Application No. S-01/23 which is being considered by the Southeast Parry Sound District Planning Board. He noted that any members of the public who wished to be notified of the decision of the Planning Board to make written request to the Planning Board at PO BOX 310, Kearney, ON P0A 1M0.

Mayor Hofstetter advised the format of the meeting would begin with the Clerk-Administrator, Beth Morton, outlining the method by which notice of this meeting was given. He noted Beth Morton would then provide an overview of the application and then the applicant may make presentation and after the presentation from the applicant, members of the public may then speak from the floor.

The Clerk-Administrator, Beth Morton, advised that Notice of this Public Meeting was given by the Southeast Parry Sound District Planning Board in accordance with Section 51 of the *Planning Act* and O.Reg 544/06. Notice was given by mail to property owners within 120m of the subject lands, agencies/public bodies. Notice of the Public Meeting was posted on the subject lands by the agent for the applicant. She noted the subject lands have a total area of 7.26 hectares with approximately 553 metres of frontage on Emsdale Lake Road. The purpose and effect of the application is to create a total of 4 residential building lots, as illustrated on the draft survey. The lots will range in size from 1 hectare to 2.8 hectares and each will have a minimum 100 metres of frontage on Emsdale Lake Road. The property is surrounded by Rural, Shoreline Residential and Rural Residential uses.

The Clerk-Administrator continued by highlighting the following.

### **Provincial Policy Statement**

The Provincial Policy Statement, 2020 (PPS) provided policies that guide land use planning within the Province of Ontario. The PPS promotes development of healthy, livable and safe communities as set out in Section 1.1.1. by:

- a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) Avoiding development and land use patterns which may cause environmental or public health and safety concerns; and
- c) Promoting development and land use patterns that conserve biodiversity and consider the impacts of climate change.

As per Section 1.1.5.2 of the PPS, permitted uses within rural lands includes limited residential development. The proposed 4 lot development would be considered limited rural development.

As per Section 1.6.6 Sewage, Water, and Stormwater, individual on-site sewage services and individuals on-site water services may be used provided that site

conditions are suitable for the long-term provision of such services with no negative impacts. Furthermore, Section 1.6.6.6. states that planning authorities may allow lot creation only if there is confirmation of sufficient sewage service capacity which would include servicing provided by individual on-site sewage services. A Servicing Options Report was prepared by Gaman Consultants Inc. in support of the development application which concluded that each of the lots can support a private individual septic system and a private well.

Section 2.1.1. of the PPS pertains to the protection of Natural Heritage Features. A Scoped Environmental Impact Study was prepared by Fricorp Ecological Services in support of the proposed development. Within the report, Fricorp concluded that, subject to implementation of the recommended mitigation measures, the proposed development is consistent with the PPS and conforms with the environmental policies of the Township's Official Plan.

The applicant's consultant, Savas Varadas, stated that the proposed development is consistent with the Provincial Policy Statement and the Clerk-Administrator supported his opinion.

### **Official Plan**

The subject property is designated Rural and Aggregate Overlay by the Township of Perry's Official Plan. Section A3.2 (4) specifies "to control new lot creation for residential development in the rural area in the interest of protecting the rural character of the Township and ensuring compatibility with existing and potential rural land uses." Section A3.3(3) outlines objectives for rural lands and includes the objective "to encourage the appropriate development of underutilized or vacant lands in the rural area". The proposed lots would be considered compatible with the surrounding area and would maintain the rural character of the Township.

Section B1.1 of the Official Plan states that the purpose of the Rural designation is to:

- a) Recognize and value the rural character of the Township created through a natural mix of land, trees, lakes and rivers;
- b) Support and foster resource-related recreational uses as a means to expand and diversify the local economy;
- c) Identify lands which are valued for Provincially and local defined interests in resource extraction;
- d) Provide for limited, low-density, residential development.

Permitted uses in the Rural designation are outlined in Section B1.3 and includes single detached dwellings.

Section B1.4.3. states that the creation of new residential lots by Plan of Subdivision or Condominium in the Rural designation may be considered by Council subject to specific criteria. A review confirms that the application meets the criteria.

There is a "Aggregate Overlay" identified within Schedule 'A'. Section B1.6.5 addresses aggregate overlay. There are two lakes and residential development within the area of the subject lands. The surrounding uses would make any aggregate uses not feasible and/or inappropriate, therefore rural lot creation appears to be more suitable for the lands.

Subject to compliance with the recommended Conditions of Draft Plan Approval, the proposed development conforms with the Township's Official Plan.

### **Township of Perry Zoning By-law**

The lands are shown as Rural Residential (RR) within the Township's Zoning By-law 2014-21. Single detached dwellings are identified as a permitted use within the Rural Residential (RR) Zone.

The proposed lots meet the minimum lot area and lot frontage requirements for Rural Residential (RR), however the Scoped Environmental Impact Study addresses a wetland area within the proposed Lot 4. As part of the conditions, it will be required to rezone a portion of Lot 4 to the Environmental Protection (EP) Zone to be consistent with the recommendations from the EIS.

Compliance with the remaining zone standards would be required as part of any future building permit application(s).

### **Recommendation**

Recommended Conditions of Draft Plan Approval have been prepared and based on a review of this application and the supporting documentation, subject to compliance with the recommended Conditions of Draft Plan Approval, it is the Clerk-Administrator opinion that the proposed Plan of Subdivision is consistent with the Provincial Policy Statement, conforms with the Growth Plan for Northern Ontario and conforms with the Township of Perry Official Plan. It is recommended that the Township support Draft Plan Approval of CN Landscaping Ltd. Plan of Subdivision File S-01/23 subject to the Conditions of Draft Plan Approval.

The Clerk-Administrator advised that the following documents and reports were provided and reviewed during the process:

- Planning Justification Report
- Draft Survey
- Scoped Environmental Impact Study
- Stage 1 Archaeological Background Study
- Groundwater Supply Evaluation
- Servicing Options Statement

Mayor Hofstetter then asked that the applicant and/or their representative identify themselves and state their names and provide a brief presentation on the application.

The applicant's representative, Savas Varadas, noted that he supports the Clerk-Administrators recommendations, and her summary of the application is sufficient with nothing additional to add.

Mr. Varadas did request that Recommendation #9 on the Draft Approval Recommendations, being the recommendation that 'Lot 4 be rezoned with Environmental Protection (EP) on a portion of the proposed Lot' be removed. Mr. Varadas highlighted that his client is not opposed to the rezoning, but it is another process in a long application. Mr. Varadas believes that the portion of EP within Lot 4 would remain protected by other measures within the Subdivision Agreement including the vegetative buffer and building envelope (30m from the watercourse), the EIS being registered on title, and that the building envelope on Lot 4 is well within the Rural Residential Zone and would meet the lot standards for one single-family dwelling.

There were no members of the public present who wished to make comment.

There were no questions from Council.

Mayor Hofstetter then asked if the applicant had any closing remarks. Mr. Nadrofsky highlighted he did not have anything further to add to what his agent spoke too.

Having received no further questions or comments, Mayor Hofstetter declared this public meeting to be conducted and presented the following resolution:

**Resolution No. 2023-228**

**Moved by: Paul Sowrey**

**Seconded by: Jim Cushman**

Be it resolved that the Council of the Corporation of the Township of Perry hereby now adjourn from this Public Meeting at 7:18 p.m. in order to recommence the Regular Meeting of Council of July 5<sup>th</sup>, 2023.

**Carried**

Dated this 2<sup>nd</sup> day of August, 2023.

**"Originally Signed"**

Norm Hofstetter, Mayor

**"Originally Signed"**

Beth Morton, Clerk-Administrator