



The Corporation of the Township of Seguin

Addendum

Council Meeting Monday, November 18th, 2024 in the Township of Seguin Council Chambers and Electronic Participation

05. Public Meeting:

- Addition to item 05. a) Zoning By-law Amendment Application No. R-2024-023-H (Northern Lakes Development) of correspondence from the Little Lake Joseph Association.

08. Staff Reports:

- Addition to item b) Report No. PL-2024-137, Consent Application No.'s B-2024-0017-H and B-2024-0027-H and Zoning By-law Amendment Application No. R-2024-0024-H (Ellery/2123274 Ontario Ltd.) of correspondence from David Purdy.

13.5. Closed Session:

- Addition of item 13.5 Closed Session and item a) Belvedere Heights - Confidential update on updating management services agreement with the West Parry Sound Health Centre.

Fw: Council Meeting of Nov. 18,2024- Rezoning Application R- 2024-0019-Owner-Northern Lakes Developments.Little Lake Joseph

From info <info@seguin.ca>
Date Mon 2024-11-18 10:51 AM
To Craig Jeffery <cjeffery@seguin.ca>; Andrea Spinney <aspinney@seguin.ca>
Cc Planning <planning@seguin.ca>

From: Little Lake Joseph Association <littlelakejoseph@gmail.com>
Sent: November 18, 2024 10:11 AM
To: info <info@seguin.ca>; Terry Fellner <terryfellner@seguin.ca>; Gail Finnsen <gailfinnsen@seguin.ca>; Ann MacDiarmid <annmacdiarmid@seguin.ca>
Subject: Re: Council Meeting of Nov. 18,2024- Rezoning Application R- 2024-0019-Owner-Northern Lakes Developments.Little Lake Joseph

Dear Members of Council

I am writing on behalf of the Little Lake Joseph Association (LLJA) concerning this planning submission under review.

The LLJA's position is that we support the Town to take the steps required to protect the Official Plan and work with proponents on minor variances in keeping with responsible development.

Please take into full consideration the potential impact of development to the broader lake with matters such as land coverage, site clearing, excessive blasting, lighting -- and development for commercial purposes.

We support steps the Town takes to balance development and protect what we have on Little Lake Joseph.

Thank-you for your consideration
LLJA

Fwd: 128 Clear Lake Road Applications

From David Purdy <davidmcpurdy@gmail.com>

Date Mon 2024-11-18 7:43 AM

To Craig Jeffery <cjeffery@seguin.ca>

 1 attachment (284 KB)

128 Clear Lake Road Purdy Orsyiuk November 17, 2024 FINAL with Attachment.pdf;

Good morning Mr. Jeffery,

Would you please add the attached submission (including the cover email below) to the addendum package for today's Council meeting.

Thanks very much,

David Purdy

----- Forwarded message -----

From: David Purdy <davidmcpurdy@gmail.com>

Date: Sun, Nov 17, 2024 at 11:17 AM

Subject: 128 Clear Lake Road Applications

To: Ann MacDiarmid <annmacdiarmid@seguin.ca>, Greg Getty <greggetty@seguin.ca>, <terryfellner@seguin.ca>, <kenadams@seguin.ca>, <mariobuszynski@seguin.ca>, <gailfinnson@seguin.ca>, <tedcollins@seguin.ca>

Dear Mayor and Council Members

I am attaching two documents that we intend to submit in time for inclusion in the agenda addendum package for tomorrow's meeting. The documents include our submission in advance of the meeting, as well as an attached copy of a letter from Miller Thomson containing their preliminary legal advice.

I apologize for sending this material on a Sunday, but there was extremely short notice that these applications would be back on the agenda so soon after the November 4th deferral.

Hopefully this advance email will give you a better opportunity to review the documents before the Council meeting. If you need any clarification, please contact me anytime after 4 this afternoon.

Yours truly,

David Purdy
24 Kennedy Rd., Clear Lake
(416) 919-7104

David M. Purdy and Kathleen Orysiuk
153 Clendenan Avenue
Toronto, Ontario
M6P 2W9

November 17, 2024
Sent Via Email - (cjeffery@seguin.ca)

Mayor and Members of Council
The Corporation of the Township of Seguin
5 Humphrey Drive
Seguin, ON P2A 2W8

Attention: Craig Jeffery, Clerk

**Re: Consent & Zoning By-law Amendment Applications B-2024 0017/27-H & R-2024-0024-H
(the “Applications”)**

As you will already know, we are long time Clear Lake residents and our family property since 1947 is on Kennedy Road, not very far from 128 Clear Lake Rd. We have put considerable effort into working with other neighbors (particularly Brian Bobbie, our lake steward) in order to try to help the township understand the environmental significance of this property.

At this point, we are left with serious concerns about both (i) the public consultation process, and (ii) the imminent approval by Council, which will not reflect an appropriate level of environmental due diligence.

After the November 4th council meeting, these concerns led us to look for advice from a municipal/planning lawyer.

Please see the attached letter from Miller Thomson. In particular, please note that there are legal concerns about exempting the retained lot from the 300 metre sensitive lake setback. Miller Thomson’s preliminary conclusion is that the language and intent of the Official Plan requires all three lots to be treated as new development. We have been informed by staff that it is common practice to waive the sensitive lake setback in this kind of situation. So we are confused and concerned by the apparent difference in legal analysis.

Ordinarily, we would try to discuss the Miller Thomson advice with planning staff. However, there simply is no time to do this. (The applications popped up on the November 18th agenda very suddenly. Interested parties only became aware of the agenda item on Thursday, November 14th, and did not receive the staff report until Friday.)

We had expected that following the November 4th deferral there would be some level of communication as to the next steps in revising maps and plans to reflect the key wetland/pond area that had been overlooked in the original by-law amendment material. This did not happen, and so we have been left with very little time to react.

This is why we are providing a very preliminary legal letter along with our own submissions. Public consultation has been cut off, even though we are now dealing with a revised application less than

one day old. We are wondering why there is such a rush to finalize this. The developer/owner and his agent have insisted from the beginning that there is no development timeline and that they have not decided what, if anything, is planned for construction on any of the lots.

This takes us to our basic concerns about the public consultation process.

Public Consultation Process

- The public meeting was set for November, the time of year when lake residents are least likely to be following or able to participate.
- As we understand it, prior to the opportunity for public comment, township staff had already agreed with the developer to a deal that would avoid an EIS and would exempt the retained lot from the OP lake setback requirements.
- The application was made, and recommended, in a “vacuum”. There has never been any disclosure as to what might actually be built on any of the lots; and yet the township seems to be willing to forego an EIS or other initial environmental investigations, and simply “kick the can down the road”.
- Agenda materials, including staff reports, have not been made available until the very last minute before council and public meetings. Lake residents are not planning experts and cannot reasonably be expected to process and understand this material and prepare submissions on the spot.

In summary, the public consultation process seems to have become a “box ticking” exercise and is operating in a way that in fact discourages effective public input. This does not, in good faith, satisfy the intent of the Planning Act requirements for public consultation.

Environmental Considerations

We have already made submissions about the environmental concerns that we believe should be recognized given the unique location and topography of this 81-acre property. This lot is a sensitive, woodland/wetland forest area on an over-threshold, sensitive, lake trout lake. Everything on the northern half of the property (including the entire “retained lot”) drains into the lake. The property provides one of the few remaining undisturbed buffers between Clear Lake and Lake Joseph (including in particular the golf course development on Lake Joseph).

Staff promptly heard and accepted our observation that the November 4th application materials failed to recognize a significant pond/wetland that drains into Clear Lake and this materially affected the setbacks that should be in place. We appreciate that staff, the township and the developer briefly delayed the application in order to re-designate this area as EP. Our concern is: what else might have been missed?

For example, staff has pointed out that the lot has not been reflected as an environmental heritage feature on the schedules to the official plan. We would argue that this should be reviewed given the overall environmental significance of the lot and that it is one of the few remaining undisturbed lots in the vicinity.

Staff has indicated that the lot is not known to contain significant wildlife habitat. We disagree with this assessment: it is common local knowledge that in recent history the lot has hosted moose,

bear and deer populations. The pond area has also historically been a moose feeding area and we think that this alone should trigger environmental investigation.

Brian Bobbie has provided thoughtful environmental expertise and information throughout this process, all pointing to the need for a thorough EIS process and providing Official Plan justification for this approach. His advice has been rejected, without much explanation. As we understand it, Seguin does not currently have any specialized environmental experts on staff. So the question is “On what basis is the township rejecting Brian Bobbie’s advice and deciding that no environmental investigation measures are necessary?” We agree with Mr. Bobbie that the appropriate time for environmental review is now, prior to granting threshold approvals, and not later when it will be difficult to interrupt the momentum of an actual development project.

Conclusion

We are not opposing the appropriate development of the property. We recognize that the owner has development rights. However, we ask that Council recognize the significance of the property and refrain from issuing these threshold severances until the issues we have raised in this letter are considered.

We are concerned that the process problems identified above are starting to be repeated as development proposals chip away at the remaining undisturbed areas that are critical to the natural integrity of the lake and the surrounding area. Approvals are being granted without any information about the intended future development or the possible impacts. This was the primary concern of the lake constituency in the recent 97B Clear Lake Road application process, the outcome of which led to widespread disappointment. Even though the township may assure us that it has a “toolbox” to use in order ensure that environmental standards are eventually considered, we are concerned that those considerations may ultimately take place out of the public eye and long after the end of the public consultation process.

We are concerned that the process here, like the one at 97B, may be a sign that public consultation rights and environmental principles are fading into the background. We know that many others have the same concern. Please do not forget the “environment-first” foundation of the Official Plan.

Those of us who are committed to preserving what we can of Clear Lake and its surrounding environment expect thorough environmental review processes. Please step back and ensure that this application is subjected to a detailed environmental review and is fully consistent with the intent of Seguin’s Official Plan.

Yours truly

[signed]

David M. Purdy

Kathleen Orysiuk

November 15, 2024

Sent Via Email – (davidmcpurdy@gmail.com)

David M. Purdy and Kathleen Orysiuk
153 Clendenan Avenue
Toronto, ON M6P 2W9

Thomas Sanderson
Direct Line: 519.593.2432
tsanderson@millerthomson.com

File No. 0284174.0002

Dear Mr. Purdy:

**Re: Consent & Zoning By-law Amendment Applications B-2024
0017/27-H & R-2024-0024-H (the “Applications”)**

Following my retainer today to act for you in this matter, I have prepared this letter to confirm the results of my review, in a form that can be shared with Township staff and council. (I confirm your stated intention not to waive confidentiality or privilege over any other communications.)

I have reviewed the Applications and related documentation, including Staff Report PL-2024-137. In that Report, released late this week, Township staff have recommended revisions to the Applications on the basis of submissions by you and other neighbours.

My review raises legal concerns with the Township’s conduct of the Applications and staff’s proposed disposition of them, including as follows:

- Staff’s recommended decision would contravene the Township’s Official Plan (the “OP”), and therefore the *Planning Act* requirements, in purporting to exempt the retained lands from the OP’s 300-metre setback from over-threshold and high-sensitivity lakes (the “**Setback**”). Under subclause B.3.1.1(b) of the OP, the Consent application is a “Planning Act application” and so it constitutes “new development” that is subject to the Setback. The only Setback exemption, for permitted “development on existing lots of record”, does not apply to any of the three legal parcels that would result the prior lot’s subdivision by *Planning Act* consent. None of these parcels would be the same as the former lot of record; each would legally be a new parcel with new boundaries and description. This result is in keeping with the Setback’s clear objective, and it is dictated by the Township’s choice of OP wording.
- I understand that the Township has refused to hold a further public meeting after Township staff revised their recommended zoning by-law amendment. The Township also refuses to allow residents to address the updated recommendation at the public

meeting of their Council, in which it will be fully considered after a previous deferral. These refusals appear to contravene the *Planning Act* requirement for a meaningful public meeting on a complete proposal, and fall short of the Township's obligations of procedural fairness.

We understand that this matter has been scheduled for Council consideration on Monday, November 18, 2024. There is good reason for the Township to review the procedural history of this matter and to permit residents a realistic opportunity to address the Applications. Failure to observe *Planning Act* requirements and basic procedural fairness creates a possible basis for a proceeding under the *Judicial Review Procedure Act*.

Sincerely,

MILLER THOMSON LLP

Per:

A handwritten signature in black ink, appearing to be 'TS', written over a light blue circular stamp.

Thomas Sanderson

TS/ajp