

Dear Councillors

If you read no other letters, please read this one as it represents a large number of people.

With the 'Special Meeting' May 29th quickly approaching, we hope our **new** information and ongoing concerns will be heard. We thank you for reading this in its entirety and hearing our message to you. Given that you have refused the request for the HHLPOA to send a Delegation to this meeting this letter is our only opportunity to communicate our concerns as we will have no voice at the meeting.

We have created a website which includes a petition in support of maintaining the current SR2 zoning of this property. We have more than 560 signatures to date indicating there is significant support to protect the ecology of Halls Lake and other lakes along the Trent watershed system and keep the zoning as SR2. We take very seriously the precedent this decision will make. If you have not visited the website, you can do so at this link: [Save the Lakes of Algonquin Highlands](#). There is a button to press to see the petition on every page.

FOCA Water Source Protection Project

FOCA has just selected Halls Lake as one of 3 lakes in Ontario for a pilot project on water source protection. The reason we were selected is specifically because of the issues surrounding this rezoning application. This reinforces the concern already raised by the potential of an RU property on land designated as Shoreline Residential.

Conformity with Official Plans:

We understand that the Township's position is that this rezoning does not constitute new development. However, we have learned through access to documents obtained through an FOI that the County, in 2 letters, clearly states they do not support this application because it is not in conformity with both the County Official Plan and therefore the Township's Official Plan. The second letter was requested by the Township Planner and CAO. This information alone should end this application (refer to the letter from Elizabeth Purcell to Sean O'Callaghan dated November 25, 2024).

There are several policy documents that applied when the application was originally submitted and are currently in effect and have been throughout this process, that provide relevant direction. These include:

1. Planning Act, Section 24
2. Provincial Policy Statement (2020)
3. A Place to Grow: Growth Plan for the Golden Horseshoe (2019)
4. The newly combined Provincial Planning Statement (2024)
5. Two other key policies within the Township of Algonquin Highlands Official Plan, specifically Policy 4.1.3 and 4.1.5

All of these documents consistently define development as the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act (Provincial Planning Statement, 2024). There is also no direct access to a public road.

If council approves this application they would be in violation of Section 24 of the Planning Act of Ontario, which would open the possibility of an investigation by the Ministry of Housing and Municipal Affairs. Our planner has already sent them her report.

We have reached out to eight experienced planners who have consulted independently of one another on this issue and collectively, together with the County Planner Elizabeth Purcell, disagree with Mr. O'Callaghan's choice to pursue this rezoning application because of the above-mentioned policies and plans. We also have a qualified civil engineer and a hydrogeological engineer who agree this rezoning should not be considered for a vote.

Waterfront Zoning Designation

Through the FOI we have learned that the Township Planner, who initially indicated to Council that the land use designation of Waterfront was an error, has now recognized that in fact the OMB decision of 1986 was not an error and therefore concedes that the proposal is also not in conformity with the Township Official Plan. It was designated Shoreline Residential because of its potential impact on the lake.

Environmental Impact Study and Nutrient Management Strategy

We have reviewed and identified many red flags in both the EIS and NMS. Just to be clear, an EA (Environmental Assessment) follows an Act of Parliament (CEAA 2012) whereas an EIS (Environmental Impact Study) is a person's opinion.

Both the EIS and NMS documents are limited to assessing the possibility of a hobby farm operation with livestock (note - there was no mention by the applicant of a hobby farm or livestock on the initial application which was certified by the Commissioner of Oaths). It is important to note the immediate plans of the current owner are not the only concern.

What is the greatest concern is attention to ALL of the permitted uses under the revised zoning to RU that this or any future property owner may consider, which includes for example, a full farm operation (See pages 53 & 54 of the AH Zoning Bylaws for a complete list of uses).

The narrowly scoped EIS report was completed in the fall over a four-hour period on October 2, 2024 and lacks significant data, as it omits important information needed to support its statements throughout. As a result, it is impossible to give real credence to some of the claims made in this document.

The EIS document states the *"rezoning exercise is to permit continued use of portions of the property for small-scale agricultural activities (ie. a 'hobby farm'), including animal husbandry for primarily personal consumption. It is understood that the property has periodically supported limited livestock, specifically pigs, for several years in the recent past."*

We take issue with this verbiage. These statements in the report downplay the significance of the fact that illegal activity has been occurring on this property for years and a proposed rezoning characterizes it as a mere zoning change, when in fact it represents a substantive change in the permitted uses of the designated waterfront land. The reference to the '**rezoning exercise**' and the '**continued use**' and the acknowledgment that the property has '**supported limited livestock**,

specifically pigs, for several years in the recent past' indicates that the property has been used in a manner not permitted under its current zoning (SR2). This suggests that the property has been in breach of allowable uses, and the rezoning application and all documents and discussions pertaining to it should **not** be framed in a way that normalizes or legitimizes prior unauthorized activities. Council may want to question if normalizing illegal activity should be rewarded with inappropriate zoning.

The limitation of the fall assessment (Oct 2/24) along with the minimal time (4 hours) at the site and during the low water time of year defeats its real purpose at the very least. A four-season study would be the only way to completely and accurately provide a quality report. This should be done by hydrogeological engineers who can test samples and must adhere to the standards required of engineers (not ecologists who are not licensed). An independent peer review by qualified licensed engineers should be required by Council.

Section 2.1 of the EIS states that 'roadways may be used as a logical break in the continuous extent of the study area' and given that none of this area has been mentioned in the report with respect to runoff and subsurface flow of water, we assume roads were used as boundaries and excluded impact on adjacent properties. Therefore, the EIS assumes any environmental impact ends at the private roads.

Impact Outside of the Property Boundaries:

1. The elevation of this property is above that of the lake and surrounding properties.
2. Potential contamination of drinking water.
3. Flow of subsurface runoff extends from the south end of the Kegel property under the road at Carey Close – this subsurface flow of water was discovered by Thomas Contracting when the road was initially repaired and is the reason the road needs ongoing repair. Subsurface flow runs down from the property towards the lake.

The entry point of this underground flow of water into the lake is evidenced in front of the cottages on the shoreline including 1033 & 1035 Carey Close and several others – when the cold underground water enters the lake and it is felt in the summertime where the water bubbles to the surface of the lake. These bubbles create many 'circles' in the ice and snow in the winter. This is why a hydrogeological study is required.

4. The groundwater that flows from the south end of the Kegel property eventually infiltrates into a subsurface flow which begins running both under and down the driveway of 1033 Carey Close. In spring and during heavy rainfalls large pools of water are formed, some of which are located within 10 meters of the lake. This is evident today (May 26th/25) following the rain we've had over the past week.

The EIS report does not address another critical issue: the sand and gravel soil on the Kegel property allows water to flow through but does not filter it. A well record for the Kegel property (2008) indicates there is only 19 feet of sand and gravel over granite/bedrock that forms the underground base. As a result, animal waste products will flow directly downhill through the sand and gravel to the

granite bedrock and then unfiltered through the adjacent properties and into the lake. The Kegel property is a large piece of land, and many adjacent properties are therefore also directly affected.

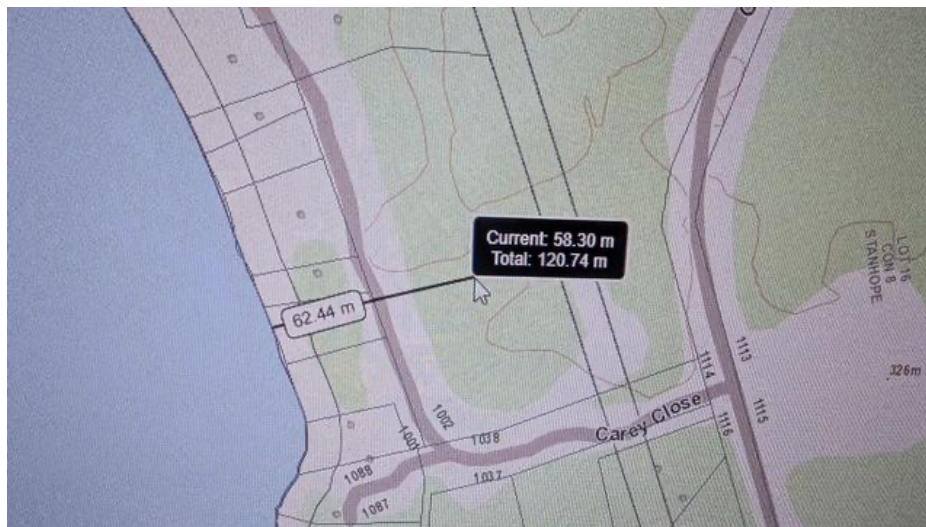
Further, the **Nutrient Management Strategy**, page 12 shows a sketch of the Kegel property indicating they own Deacons Trail. This in fact is wrong as identified by a surveyor.

Samples for phosphorus, potassium and organic matter were taken in November 2024 when the ground was frozen and not during spring when the highest likelihood of contamination would be present.

Page 7 of the NMS (Appendix A) indicates the sketch (page 12) should show “if land applying biosolids, the location of all other known wells within 90 metres of the field boundary should be indicated”. While this sketch indicates the location of the Kegel property well, the study disregards the fact several surrounding properties either have wells or get their drinking water from the lake.

According to the sketch below, from our Planner, it indicates livestock (according to the NMS) would be located very close to the 120 metre mark within the waterfront designation.

Remember in the AH OP 5.2.1 “the waterfront designation applied to those properties that front on, or are adjacent to, or have an influence on any lake or river and generally included patented property within 150 metres of the shoreline of a waterbody”.



For perspective, the first measurement above is the distance from the lake to the property line and the second distance is from the lake to the 120m line on Kegel property.

Given the significance of this decision and its potential to set a precedent for future zoning changes that contravene the Official Plan, at minimum, two steps should be required.

- a. The application should be rejected.
- b. Any future application should have a comprehensive four-season Environmental Assessment and should be conducted by a highly qualified firm with a hydrogeological engineer.

You are our elected officials and as you point out on the AH website and all of your literature:

“The lakes, rivers, wetlands and forests of Algonquin Highlands are much more than just a beautiful setting; they are the social, economic and cultural lifeblood of the community. Protecting these natural assets, along with mitigating the effects of climate change, is a priority for the Township, and considerations of environmental stewardship are at the forefront of municipal decision-making and policy.”

We hope you will stand by your vow to be stewards of the lakes.

Sincerely and on behalf of,

The 560+ signators of the Petition to Stop the Rezoning