

Corporation of the Township of Selwyn

**Special Council Meeting
Monday, June 17th, 2024**

Council Chambers, 1310 Centre Line

A special meeting of the Council of the Township of Selwyn was held on Monday, June 17th, 2024 at the Council Chambers, 1310 Centre Line.

Present: Mayor Sherry Senis
Deputy Mayor Ron Black
Councillor John Boyko
Councillor Mary Coulas
Councillor Brian Henry

Staff Present: Janice Lavalley, CAO
Angela Chittick, Manager of Community & Corporate Services /Clerk
R. Lane Vance, Manager of Financial Services
Robert Kelly, Manager of Building and Planning
Per Lundberg, Planner
Adam Tobin, Manager of Public Works
Tania Goncalves, Deputy Clerk (left at 7:00 PM)

The Council meeting commenced at 5:00 pm with Mayor Senis in the Chair.

Declaration of Pecuniary Interest

None.

Minutes

None.

Deputations and/or Invited Persons and/or Public Meeting

Mayor Sherry Senis welcomed County Councillor Terry Lamshead and County Planner Keziah Holden to the public meeting as the County of Peterborough is the approval authority for the Official Plan amendment application. Mayor Senis also noted that the recent passing of Provincial Bill 185 amended the appeal rights for some parties. Bill 185 permits only public agencies and prescribed parties to appeal the application and does not provide for area residents and associations the right to file an appeal with the Ontario Land Tribunal.

Township Planner Per Lundberg announced that the County of Peterborough and the Township of Selwyn are holding a joint public meeting to consider an application to amend the local component of the County of Peterborough Official Plan and the Comprehensive Zoning By-law for the Township of Selwyn, in accordance with Sections 17 and 34 of The Planning Act. The prescribed notice of complete application and the public meeting was jointly advertised by the Township and County in the Peterborough Examiner. The notice was also provided to the prescribed ministries and agencies via email. It was also noted that the prescribed notice of public meeting was provided by prepaid first class mail to all residents within a 120 metre radius of the subject property, as well as by way of a sign being posted on the site. The notice was also available on the County and Township websites. The notice was also provided by email to parties that had requested the notice. If a person or public body would otherwise have the ability to appeal the decision of the Council of the County of Peterborough with regard to the Official Plan Amendment or the decision of the Council of the Township of Selwyn with regard to the Zoning By-law Amendment but does not make oral submissions at a public meeting or make written submissions to the respective approval authority before the approval authority gives or refuses to give approval to the amendment, the person or public body is not entitled to appeal the decision to the Ontario Land Tribunal. If a person or public body does

not make oral submissions at a public meeting or make written submissions to the Council of the County of Peterborough or the Council of the Township of Selwyn in respect of the applications before the respective approval authority gives or refuses to give approval to the Official Plan Amendment or the Zoning By-law Amendment, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so. If someone wishes to be notified of the decision of the Councils of the County of Peterborough or the Township of Selwyn in respect of the proposed amendments, a written request must be made to the County of Peterborough with regard to the Official Plan Amendment or the Township of Selwyn with regard to the Zoning By-law Amendment.

A public meeting commenced at 5:00 PM to consider an application to amend the County Official Plan and the Township's Comprehensive Zoning By-law in accordance with Sections 17 and 34 of The Planning Act. The amendments relate to the property described as Part Lots 43 and 44, Concession 16 in the Smith Ward and known as part of Lovesick Lake Park Inc. The proposed Zoning By-law Amendment application will amend the Rural (RU) Zone and Recreation Commercial (RC) Zone applicable to the subject lands to the Recreational Commercial Exception 609 Holding (RC-609-h) Zone in the Smith Ward to permit a 40-site trailer park expansion to the existing Lovesick Lake Park. The zoning application has been assigned file no. C-14-20. A related Official Plan Amendment is being processed by the County of Peterborough through file no. 15OP-22011. Mr. Lundberg noted that comments of no concern were received from Bell Canada, Enbridge Gas, Kawartha Pine Ridge District School Board, Ministry of Transportation, Nexicom and Parks Canada- Trent Severn Waterway. It was also noted that the Otonabee Region Conservation Authority (ORCA) has submitted comments in support of the applications and have no concern with the approval of the applications subject to further detail design review and approval at the site plan control stage of the project. ORCA permits are also required for this project. Mr. Lundberg noted that written comments were received from the public pertaining to concerns with: increased traffic, lake capacity and boat traffic, scope of the expansion, requirements for an archaeological assessment and First Nation consultation, water quality, pollution (air, noise, light etc...), road safety, project creep, species at risk and the environment. Mr. Lundberg advised that it has been identified that Forest Hill Road requires improvement, particularly with regard to its width, sightlines and emergency vehicle access. Road upgrades will be required for the proposed trailer park expansion to be accessed via Forest Hill Road. If the OPA and ZBA are approved, the required upgrades to Forest Hill Road will be addressed through detailed design to be implemented at the site plan approval stage of the project following the approval of the OPA and ZBA. Mr. Lundberg also noted that a holding zone provision would be applied to the recommended ZBA for which the removal will be conditional upon site plan approval, road improvements to Forest Hill Road and the approval of a lot addition by way of consent by the County of Peterborough to ensure direct access from Forest Hill Road to the new trailer park sites. Mr. Lundberg also addressed requests pertaining to the Township completing a Lake Capacity Study for Lovesick Lake and the use of an Interim Control By-law to prevent any further development pending the completion of a Lake Capacity Study. It was noted that any decision to move forward with a Lake Capacity Study would, at minimum, require discussion and agreement from the County of Peterborough and the three municipalities bordering the lake (Selwyn, North Kawartha and Trent Lakes) and a terms of reference for such a study including its scope, resource allocation and timing would need to be confirmed. Mr. Lundberg also brought forward that the ZBA includes site specific reliefs pertaining to setbacks and requirements for planting strip buffers. County Planner Keziah Holden provided a brief overview of the application for the proposed Official Plan Amendment. The County Planner also noted that Councillor Terry Lambshead was also present as the County of Peterborough representative. Ms. Holden reiterated that a future severance is required to ensure direct access to Forest Hill Road. It was also noted that a number of studies were undertaken to support the application including Planning Justification Report, Functional Servicing Review, Environmental Impact Study, Slope Assessment, Traffic Impact Study,

Phosphorus Impact Assessment and an Archeological Assessment. The studies have been peer reviewed with the exception of the Archeological Assessments which were reviewed by the Ministry of Citizenship and Multiculturalism. The Ministry of the Environment, Conservation and Parks have issued an environmental compliance approval for sewage works which includes a sewage treatment system for the existing trailer park as well as the proposed expansion. The applicant's agent Diana Keay from DM Wills provided an overview of the application, review of the project's history, public and indigenous consultation and a high-level review of the site. Nodin Webb representing Kawartha Nishnawbe First Nation spoke in opposition to the application noting that consultation was not conducted with Kawartha Nishnawbe First Nation. Mr. Webb expressed concerns with harvesting and fishing rights, asked questions regarding the archaeological assessment results and expressed concerns related to over population of Lovesick Lake. He advised that Kawartha Nishnawbe First Nation has a cease-and-desist order to prevent this development from moving forward. Mr. Lundberg noted that the notice was circulated to First Nations (Williams Treaty First Nations through their designated solicitor, Curve Lake First Nation and Hiawatha First Nation). Agent Diana Keay advised the solicitor for the Kawartha Nishnawbe First Nation was contacted about the proposal and asked to provide feedback, no feedback was provided. Owner of Forest Hill Lodge Mat Bedard questioned the process used to complete the Stage 2 Archaeological Assessment. Mr. Fisher of 540 Fisher Lane questioned whether a diver was engaged for the archaeological assessment. Diana Keay advised that no development is being proposed at the shoreline and that only the area subject to the application was reviewed for the Archaeological Assessment. David Kubica of Spring Lane in Selwyn questioned the ability of the applicant to manage the proposed expansion of the trailer park specifically as it relates to the responsibility of stewardship of the lands and water. Mr. Lundberg noted that the Township and County have a legislated obligation to consider the application. President of the Lovesick Lake Association Cathy Webb brought forward concerns with the expansion of the trailer park and requested that Council ensure that all regulations, studies and provisions be carefully considered. It was noted that a number of specific conditions would be included as part of the Site Plan Agreement. Township staff advised that the applicants are bound by the legal Site Plan Agreement, including the need to provide financial securities. This agreement includes clauses related to enforcement, penalties for non-compliance, cancellation clauses etc... Owner of Forest Hill Lodge Jacqueline Bedard brought forward concerns pertaining to pedestrian and vehicle safety based on the topography and design of Forest Hill Road as well as site line concerns at the proposed 4-way intersection. Township Planner Per Lundberg noted that road deficiencies pertaining to the road design can be addressed during the site plan control process. Nicole Cameron from Engage Engineering, who conducted a peer review of the Traffic Impact Study, advised that the purpose of the study was to assess traffic volume and any potential impacts that would require additional traffic mitigation measures such as stop signs and traffic lights as a result of the proposed development. Manager of Public Works Adam Tobin advised that road improvements for Forest Hill Road have been identified and staff will work with the applicants on the detailed final design of the road. Julie Metheral of 321 Spring Lane expressed concerns with traffic speeds and volume. Cottage owner Doug Moffat noted that the County of Peterborough's OP does not permit the development of new trailer parks and that in his opinion, the proposed application is being deemed as an expansion to the existing trailer park to circumvent the regulation. Mr. Moffat expressed that the proposed application should be viewed as a new trailer park and not an expansion and also cited concerns with the First Nation consultations. Lois Wallace spoke on behalf of the Environmental Council for Clear, Stoney and White Lakes to express concerns about the potential increase in phosphorus levels and the impact on water quality, effects on the natural shoreline as well as questioning the long-term plan for monitoring the proposed new sewage treatment system. Ms. Wallace requested that a Lake Capacity Study be completed. Agent Diana Keay noted that the existing shoreline is not impacted by these applications. County Planner Keziah Holden advised that the proposed sewage treatment system was issued an Environmental Compliance Approval through the Ministry of Environment, Conservation and Parks which sets out a number of terms and conditions

including monitoring and reporting on the sewage treatment system. Ms. Holden also noted that a Lake Capacity Study may be developed for a warm water lake such as Lovesick Lake however, the development of the Study and recommendations within it would need to be supported by all municipalities bordering the lake. Mr. Lundberg noted that there are no provincial guidelines to require the completion of a Lake Capacity Study for warm lakes. Prior to developing a Lake Capacity Study, the Township would be required to consult with professionals to establish the scope, variables, potential controls etc.... Jeff Chalmers from 858 Birchview Road in Douro Dummer representing the Birchview Cottagers Association questioned the calculations used to determine the projected phosphorus levels as a result of the proposed expansion. He questioned the capacity analysis noting the difference between a park model trailer vs. a recreational trailer. Agent Diana Keay advised that the Phosphorus Impact Assessment was provided to the Ministry Environment, Conservation and Parks who issued the Environmental Compliance Approval for 38 of the 40 sites. The additional two sites would only be approved subject to positive results from the monitoring program. Ms. Keay advised that the ECA was issued for RV's and park model trailers. Chad Tranter from Fire Route 2580 Willoughby Island spoke on behalf of the Association of Stoney Lake Cottagers and expressed his opposition to the proposed development. Mr. Tranter noted concerns regarding lake safety and capacity as well as traffic concerns related to accessing Highway 28. He also noted concerns about phosphorus levels. Anne Ambler of 3130 Spring Lane North noted concerns with the condition of Forest Hill Road, lack of parking availability and the use of the public boat launch operated by Parks Canada at Burleigh Falls that she feels is being used to support LLTP operations. Agent Diana Keay noted that the site plan demonstrates that there is sufficient parking to accommodate the proposed expansion and that her client cannot enforce boat launching/parking at properties that it does own. Chris Waghorn from Fire Route 7 in Trent Lakes spoke in opposition to the application and noted concerns pertaining to parking and the protection of the pileated woodpeckers. Mr. Lundberg advised that the applicant is subject to the Endangered Species Act and that ORCA has also made recommendations that will be implemented through site plan control related to species at risk. Jeff Webb from 3656 County Rd 36 brought forward the need of a Lake Capacity Study in order for Council to make an informed decision on the applications. It was reiterated that the Lake Capacity Study would require multi-jurisdictional consent and that the study would need to be well defined. Gordon MacPherson 273 Fire Route 10 raised concerns on the impact the development would have on the water quality. Mr. MacPherson acknowledged that a Lake Capacity Study would be challenging however, that should not impact whether the Study should be completed. Mr. Fisher of 540 Fisher Lane noted that some studies have shown that septic systems tend to have some form of failure within 10-15 years of installation. Jennifer Wortzman 2607 Hiawatha Lane North advised of her opposition to the application. David Stephens and Shari Salter from 3136 Spring Lane North noted their opposition to the application. Sam McLean from 3182 Spring Lane East noted his opposition to the application and noted the need to protect the waters and environment and requested that Council deny the application. Abbie Formoso from 3896 Mouro Lane spoke on behalf of the Association of Stoney Lake Cottagers and noted opposition to the applications. Peggy McCallum from 27 and 28 Fairy Lake Island Stoney Lake noted opposition to the applications. Cristine Avery from 27 and 28 Fairy Lake Island Stoney Lake also noted opposition to the applications. Cathy McCallum from 610 Island 21 Stoney Lake noted her opposition to the applications. Jennifer Beatty from 380 Carveth's Marina Road noted that additional information is required prior to a decision being made and expressed opposition to the applications. Dian Bogie from 121 Fire Route 9 Buckhorn reiterated some of the previously noted concerns and noted the need for a Lake Capacity Study. Bill Reid from 2003 Island 1 Stoney Lake raised concerns pertaining to the density of the trailer lots and safety concerns with increased traffic on the lake and capacity of the lake to manage this intensification. Caroline Barlett from 123 Fire Route 9 Buckhorn questioned how the proposed development is supported by the Growth Plan for the Ontario Golden Horseshoe and the Ontario Building Strong Rural Communities mandate, since it does not provide additional permanent housing. Ms. Barlett also noted that the area has a number of businesses that support recreational activities and

that added competition increases challenges for current businesses that may be struggling. Ms. Barlett requested examples of other municipalities that use the new proposed sewage treatment system and urged Council to lead the need for a Lake Capacity Study. Caroline Anderson expressed concern with the proposed development. Alex Parker from Taylor Island Stoney Lake expressed opposition to the applications. Tracie Allan from Dodsworth Island Stoney Lake noted opposition to the applications and expressed support for pursuing a Lake Capacity Study. Kelly Kennedy from 2577 Island 36 Stoney Lake noted opposition to the application and also expressed support for a Lake Capacity Study. Murray Miskin from 1945 Fiddlers Lane and Island 2 of Stoney Lake representing the Birchcliff Property Owners Association expressed the importance of First Nation consultation, noted concerns with potential increases in phosphorus levels and with the proposed sewage treatment system. Thomas Lindgren from 2001 Island 1 Stoney Lake expressed opposition to the application citing he is also representing his wife, Cydney Sloane. Matt Sutherland from 26 Fairy Lake Island Stoney Lake expressed opposition to the proposed development. Deputy Mayor Black requested clarification on the Ministry of Transportation denial of the development of a new entrance off Highway 28. Councillor Coulas requested clarification on the type of archaeological assessments that were completed in support of the application. Councillor Boyko questioned a previous report by local planner Kevin Duguay whereby it notes that the proposed development would have an impact on the lake capacity. Councillor Boyko brought forward that the Peterborough County OPA notes that 24 lakes within the region have been noted as at capacity and questioned if the 24 lakes mentioned are all cold water lakes. Councillor Boyko also asked clarifying questions pertaining to soil stability testing, storm water management, the proposed consent application and the proposed sewage treatment system. Councillor Boyko also sought clarification on the parameters of the First Nation consultation process. It was noted that all 24 lakes in Peterborough County that are at capacity are cold water lakes and that the proposed conditions and holdings will address the consent application. It was noted that a slope stability assessment and a storm water study were completed and approved in support of the application. It was clarified that Mr. Duguay was the previous agent acting for the owner related to an application that was larger in scope. The application before Council is much smaller in scope. It was also clarified that a Stage 1-2 Archeological Assessment was completed. It was clarified by Ms. Keay that the septic system is a tertiary system that is subject to MECP approvals and ongoing monitoring. Ms Keay noted that consultation was conducted with First Nations and that she would extend another invitation to consult with Kawartha Nishnawbe First Nation. There were thirty-one (31) members of the public who attended the meeting in person and thirty-eight (38) members of the public who attended virtually. The meeting concluded at 8:30 PM.

Resolution No. 2024-112 – OPA/ZBA – Part Lots 43 and 44, Concession 16 (Smith Ward) – Lovesick Lake

Councillor John Boyko – Councillor Mary Coulas –

That the report of the Planner regarding Official Plan Amendment (County File No. 15OP-22011) and Zoning By-law Amendment (Township File No. C-14-20) related to lands described as being Part Lots 43 and 44, Concession 16 in the Smith Ward be received for information; and

That Council defer the decision on the Zoning By-law Amendment (File No. C-14-20) and the resolution regarding the related Official Plan Amendment (County File No. 15OP-22011) to future date(s) following consideration of public comments received at the public meeting.

Carried.

Question Period

None.

Municipal Officers & Staff Reports – Direction

None.

Consent Items

None.

Correspondence for Direction

None.

Correspondence for Information

None.

County Correspondence for Direction:

None.

County Correspondence for Information:

None.

Committee Reports

None.

Petitions

None.

Other, New & Unfinished Business

None.

By-laws

Resolution No. 2024–113 – Confirming By-law

Deputy Mayor Ron Black – Councillor Brian Henry –

That By-law 2024-036, being a By-law to confirm the proceedings of the special Council meeting held on the 17th day of June 2024, be read a first, second and third time and finally passed.

Carried.

Adjournment

Resolution No. 2024–114 – Adjournment

Councillor Brian Henry – Deputy Mayor Ron Black –

That the meeting be adjourned. (8:30 pm)

Carried.