

Response to Application by 2873633 Ontario Inc. for Draft Plan of Subdivision and Zoning By-Law Amendment: "Orchards of River Bend Estates "

Coalition of Impacted Landowners

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Resident Land Owners strongly oppose the subdivision and zoning amendment

Statement in Strong Opposition

A petition will be submitted with 183 signatures

Coalition has retained independent engineers and planners and consulted legal counsel – these peer reports will be submitted.

Key areas of concern include:

- Procedural Irregularities
- Land Use Incompatibility and Precedent
- Environmental Deterioration
- Cultural Heritage at Risk

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- **Procedural Irregularities:**
 - Incomplete, inaccurate or misleading documentation
 - A conflict of interest is evident in the heavy reliance on reports produced by Kollaard Associates, whose principal also has direct ownership in the Applicant 2873633 Ontario Inc.
 - Kollaard has also collaborated on previous projects with the current Merrickville Planner, which leads to an apprehension of bias which should be mitigated by careful review.
 - Finally, consultations—with Indigenous communities and conservation agencies especially given previous archeological findings of significance on the subject property—were not properly conducted. (See Appendix E)
- **Land Use Incompatibility and Precedent:**
 - Permitting the proposed development -by allowing such development outside of designated Rural Settlement Areas - would be fundamentally at odds with the Merrickville and County Official Plans that designate the area as Rural Lands or as a Special Heritage Policy Area, thereby setting a dangerous precedent for further unsustainable intensification and land fragmentation in rural and agricultural areas.
 - Given the value of the properties to be developed, it is not credible or defensible to assert that such development is undertaken to provide lower cost housing, which is doubly clear given the lack of accessible local services and amenities.
- **Environmental Deterioration:**
 - The subdivision would cause the loss of critical endangered and threatened species habitats, degrade established woodlands

and wetlands, and disrupt hydrology, leading to serious flood and erosion risks.

- Further, the Kollaard studies have not considered the impact on adjacent lands through which the streams and wetlands traverse on their course into the Rideau River.
- Our engineer's peer review of the Kollaard hydrology reports indicate the likelihood of septic effluent "daylighting" into ditches and seeping into the Rideau River. (See Appendix C and Appendix D Peer Reviews)
- **Cultural Heritage at Risk:**
 - No consultation on cultural and archaeological significant areas. The site lies in the traditional, unceded territory of multiple Indigenous Nations and forms part of a centuries old historic corridor for, amongst others the Algonquin Nation.
 - Development would undermine both Indigenous and settler heritage values, as well as the integrity of nearby UNESCO-designated features through destruction of a particularly picturesque and natural stretch of the Rideau Canal system. (See Appendix E)

Planning Justification is “way off the mark”

- Provincial Planning Strategy calls for growth in designated settlement areas (i.e.: Carlys Corners, Easton Corners, Jasper)
- Property is rural and not a settlement area – 7 km to Merrickville and 15 km to Kemptville and is not close to a settlement area
- Application is in conflict with 2024 Provincial Planning Statement, Merrickville-Wolford Official Plan and Strategic Plan (2017-2025)
- Planning justification fails to include analysis on net impact on Merrickville.

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Inconsistencies with the Provincial Policy Statement (PPS 2024)

The PPS 2024 explicitly mandates that:

- **Biodiversity must be conserved**, and natural features should be protected for the long-term.
- **Development in significant wetlands and woodlands**, particularly within ecologically sensitive Ecoregions (e.g., Ecoregion 6E), is prohibited unless no negative impacts can be demonstrated.

The proposed subdivision, by radically altering the natural landscape, directly contravenes these provisions.

Conflicts with Merrickville-Wolford Strategic Plan (2017-2025) and Official Plan

The Merrickville-Wolford Strategic Plan places a clear priority on:

- Protecting rural and natural environments;
- Ensuring new development is compatible with existing infrastructure; and
- Upholding heritage, cultural and environmental values.

The Merrickville-Wolford Strategic Plan proudly boasts the areas World Class Natural Resources, emphasizing that the community is also blessed with prosperous farms and extensive acreage of fertile farmland which has been preserved by visionary community planning for future generations.

According to the Merrickville-Wolford Official Plan:

- The subject property is designated as “Special Heritage Policy Area 1,” emphasizing the preservation of rural character, uninterrupted scenic vistas along the Rideau Canal, and conservation of cultural heritage.

- Rural character mandates not only the physical preservation of open and agricultural lands but also limitations on the density and scale of development.

The proposed subdivision, with its cluster of large, multi-unit estates, is fundamentally incompatible with all of the above objectives.

Incompatibility with the United Counties of Leeds and Grenville Official Plan

The Official Plan for the United Counties directs new growth into established settlement areas to ensure:

- **Efficient infrastructure usage**
- **Preservation of agricultural lands and natural heritage.**

Since the subject property is classified as Rural Lands rather than a designated Rural Settlement Area, the subdivision is inconsistent with the County's strategic planning framework, potentially diverting growth away from sustainable, service-equipped areas.

Satellite image shows Rural not Settlement area



Archaeological, cultural and significant areas

- Archaeological report seriously flawed; i.e.: cultural chronology presented on wrong region
- Ignores findings in 2005 Archeological stage 1 and 2 assessment which found significant indigenous activity and artifacts
- Indigenous stakeholders not consulted – lack of consultation not consistent with resolution passed by Merrickville-Wolford council in 2023

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Indigenous Heritage and Traditional Territory

- The subject property is located within the unceded traditional territories of several Indigenous Nations with longstanding cultural, historical, and ecological ties to the land. Indigenous peoples historically used the area as a travel route and seasonal camp site—a significance that demands respectful preservation and consultation as dictated by the Ontario Heritage Act.
- Further, in its September 11, 2023 meeting, Council for Merrickville-Wolford acknowledged the importance of meaningful consultation with the Algonquins of Ontario and committed to engaging in good faith consultations on future developments impacting their rights, land and interests.

Faulty Archaeological Assessments and Settler History

The Applicant's archaeological report is riddled with factual errors, including:

- **Misrepresentation of Cultural Chronology:** The report inappropriately applies Southern and Southwestern Ontario timelines and geology to a site in Southeastern Ontario.
- **Inadequate Fieldwork:** Detailed, site-specific assessments were neglected, resulting in an underassessment of both Indigenous occupation and early settler activity.
- **Erroneous Historical Data:** References to surveys and maps from as early as 1796 are presented with critical omissions and factual inaccuracies. This misrepresentation undermines significant aspects of the local settlement history that demonstrate the rural and cultural importance of the area.

A summary report of concerns will be submitted - that has been compiled in conjunction with the Algonquins of Ontario's

Consultation Office (Jim Meness and Ethan Huner)

Impact on UNESCO-Designated Features

The Rideau Canal corridor is designated a UNESCO World Heritage Site. The proposed development risks altering scenic vistas from the Rideau waterway and the natural ambiance that contribute to its international significance. Increased artificial lighting and visual intrusion from multi-storey residences would irrevocably degrade the cultural landscape, compromising both historic value and community identity.

Environmentally sensitive area

- Subject property identified as significant wild life habitat
- Endangered species identified on lands
- Designated as significant woodland area
- Referenced in Merrickville official plan as natural and cultural heritage lands

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Impact on Species at Risk and Habitat Loss

The subject property hosts critical habitats for several endangered and threatened species. Notable species include:

- **Spotted Turtle (Endangered) & Blanding's Turtle (Threatened):** These species require both aquatic and upland nesting habitats that are at risk from lot grading, tree removal, and increased human activity.
- **Small-Mouthed Salamander (Endangered) and Eastern Musk Turtle (Special Concern):** Their habitats, reliant on moist and stable environments, would be irreparably impaired by invasive development.
- **Avian Species such as Eastern Meadowlark, Bobolink, and other birds and bats of special concern:** Nesting and foraging habitats would be disturbed by the construction and increased traffic.

The Applicant's Environmental Impact Study (EIS) fails to propose any credible, species-specific mitigation or long-term monitoring strategies. Removal of forest cover and alteration of riparian zones would directly contravene the conservation mandates under the PPS 2024 and the Environmental Protection Act.

Degradation of Woodlands and Wetlands

The property includes expansive woodlands and sensitive wetlands, mapped as significant in local Natural Heritage inventories. These areas are critical for:

- **Biodiversity:** Acting as corridors for wildlife, they preserve the genetic diversity of native species.
- **Hydrologic Functions:** The wetlands and headwater drainage play an essential role in groundwater recharge and water purification for the Rideau River.

The Applicant's proposals to clear nearly all trees—except a narrow shoreline buffer—effectively negate any realistic chance of maintaining the ecological integrity of these habitats. The Tree Conservation Plan offered is merely aspirational and lacks enforceable legal mechanisms (such as conservation easements), leaving these natural features exposed to irreversible degradation.

Hydrological Disruption, Stormwater, and Erosion Concerns

The topography of the property, with steep slopes and a shoreline that is visibly and inherently unstable, heightens the risk of:

- **Flooding:** With 100% of the shoreline falling within the Rideau Valley Conservation Authority's regulated area and proposed development occurring as close as 90 m from the river's edge, critical flood buffers are eradicated.
- **Erosion:** Removal of vital tree cover and alteration of natural drainage channels will exacerbate bank instability, leading to accelerated erosion and sedimentation.
- **Inadequate Stormwater Management:** The preliminary stormwater management report defers key engineering details and neglects seasonal hydrological variations. Without robust and independently reviewed mitigation strategies, the development will significantly impact adjacent properties and downstream aquatic systems.

Incomplete, inaccurate or misleading submission

- Upon the review of submission documents – many issues were identified – including:
 - Archeological report – based on wrong region
 - Environmental Impact Assessment: Downplays species at risk mitigation strategies.
 - Geotechnical Investigation: our expert review found calculation flaws – allowing 29+ septic tanks would result in significant health and safety concerns
 - Minimum Distance Separation – incomplete, incorrect and not verified
- In addition, use of Kollaard Associates to undertake many of the sensitive studies (owned and overseen by Applicant) raises serious concerns over conflict of interest

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Conflict of Interest in Technical Reporting

The Applicant has heavily relied on technical and environmental reports prepared by Kollaard Associates—the same engineering firm owned and controlled by the principal who is also a director of 2873633 Ontario Inc. This dual role creates an inherent conflict of interest, thereby undermining the credibility, objectivity, and independence of these key studies. Fundamental technical reports—including those addressing hydrogeology, stormwater management, and grading—should be subject to independent validation and not merely peer review.

The lack of such impartial factual research and analysis is a serious procedural deficiency that calls into question the integrity of the application and the mandates of the Ontario Planning Act.

Consequently, decision makers must critically disregard these biased findings until fresh third-party reports can confirm or refute the Applicant's assertions.

To be submitted will be:

- a peer review of Applicant's Planning Justification Report by Kevin M. Duguay Community Planning and Consulting Inc.
- a peer review report of the hydrogeology reports submitted by Kollaard Consultants on behalf of the Applicant.
- a stormwater management and floodplain analysis review of the civil drawings related to grading, drainage and erosion and sediment controls, the Environmental Impact Study, the Floodplain Analysis Technical Memorandum, and the Stormwater Management Report by Isabelle Hennings, M.A. Sc, P.Eng (ON, BC) of Geosyntec Consultants International Inc.

Urge council to
consider:

Does the proposal:

- adequately protect ecological systems, including natural areas, features and functions?
- identify an appropriate location for growth and development?
- support orderly rather than fragmented development?
- conserve the features of significant cultural and historic interest?
- consider and protect sensitive cultural archeological features of the Algonquin people?
- Consistent with Merrickville-Wolford strategic plan for growth?

Conclusion and Request

We respectfully request that the Municipal Council and United Counties reject the Draft Plan of Subdivision and Zoning By-Law Amendment as proposed.

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In conclusion, the evidence presented demonstrates that the Applicant's proposed subdivision is procedurally flawed, environmentally hazardous, culturally insensitive, and fundamentally at odds with established municipal and county planning policies. The cumulative impacts of this development would irreversibly alter the character and ecological function of a uniquely sensitive landscape along the Rideau River.

Accordingly, we respectfully request that the Municipal Council and United Counties reject the Draft Plan of Subdivision and Zoning By-Law Amendment as proposed.

We will be submitting:

Appendix A: Community Petition A signed petition by local residents along County Road 23 and adjacent areas outlining additional objections.

Appendix B: Peer review report and independent assessment of the Applicant's Planning Justification Report by

Appendix C: Peer review report by Berend Jan Velderman, M.Sc., P.Geo (Geosyntec Consultants International Inc.) – Evaluation of the Applicant's hydrogeological studies.

Appendix D: Peer review report by Isabelle Hennings, M.A.Sc, P.Eng – Analysis of stormwater management, floodplain analysis, and erosion control measures.

Appendix E: Archaeological and Cultural Heritage Issues Assessment.