

August 31, 2021

Delivered by Email

City of Guelph
1 Carden Street
Guelph, ON N1H 3A1
ATTN: Stacey Laughlin, Senior Policy Planner

Dear Ms. Laughlin:

**Re: Draft Clair-Maltby Secondary Plan and Comprehensive EIS Phase 3;
Our clients: Carson Reid Homes Ltd. & South Edge Ltd. – 2007 Victoria Rd. S., Guelph;
Our file: 50093-053**

SmithValeriotte Law Firm LLP (“SV Law”) acts for Carson Reid Homes Ltd. as well as South Edge Ltd., the owner of 2007 Victoria Road South, Guelph with respect to that property. As you may recall, our firm acted for South Edge Ltd. in relation to its global and site-specific appeal of Official Plan Amendment No. 42 (“OPA 42”) as it related to this property, and we have therefore been closely following the Clair-Maltby Secondary Planning process since 2014.

The OPA 42 settlement for 2007 Victoria Road South was the result of four years of negotiation and comprehensive fieldwork to delineate the natural heritage features of the property, with the resulting revised Natural Heritage System receiving approval by the Ontario Municipal Board in June 2014.

Despite earlier assurances that the City would not be seeking to undo or disregard the OPA 42 settlements, the Comprehensive Phase 3 EIS, and in turn the draft Clair-Maltby Secondary Plan, has proposed modifications to the Natural Heritage System. These modifications are proposed despite language throughout the Phase 3 Impact Assessment and Management Plan that notionally suggests that OPA 42 settlements would be respected and that such properties would otherwise be treated differently when it came to refinements of the natural heritage system as part of the secondary planning exercise.

It is clear from reviewing Map NH-14B that ‘refinements’ have been made to every single property within the Clair-Maltby Secondary Plan area that has NHS components. The statements throughout the Phase 3 EIS that compliance with OPA 42 settlements would be carried forward is irreconcilable with this map, which makes it evident that our client’s prior settlement has been given little weight as compared to other properties within the Secondary Plan area.

Reply to Guelph Office:

MAILING ADDRESS

P.O. Box 1240, Guelph, ON N1H 6N6

ADDRESS

105 Silvercreek Pkwy. N., Suite 100, Guelph, ON N1H 6S4

T 519 837 2100 TF 800 746 0685 F 519 837 1617

Reply to Fergus/Elora Office:

MAILING ADDRESS

P.O. Box 128, Fergus, ON N1M 2W7

ADDRESS

294 East Mill Street, Unit 108, Elora, ON N0B 1S0

T 519 843 1960 F 519 843 6888

In addition, a new concept of a “moraine ribbon” has been applied to the boundary of the NHS system equally for properties that were subject to OPA 42 appeals and those that were not, representing a further divergence from the principles established through those settlements.

Also concerning is the proposed location the proposed Storm Water Capture (SWC) area within the property. As staff should recall, the settlement for 2007 Victoria contemplated essential stormwater outlets for appropriately treated and managed stormwater discharge within the Significant Landform areas of the NHS, and more particularly in the vicinity of the surface water/catchment area in the northwest quadrant of the subject property. The current proposed location of the SWC area negates this opportunity.

This letter is not intended to be a comprehensive critique of the draft Secondary Plan as it relates to our client’s property but is meant to specifically address the concerns arising out of the non-compliance with the OPA 42 settlement. This letter is to be read in conjunction with the contemporaneous correspondence submitted by our client’s planning and natural heritage consultants.

We respectfully request that the mapping of the draft Secondary Plan, and specifically each Schedule which contains references to the Natural Heritage System, be revised to properly reflect the OPA 42 settlements and an opportunity given for further review and comments before the final draft is taken to Council for approval.

Yours Very Truly,
SMITHVALERIOTE LAW FIRM LLP
PER:



Kevin M. Thompson, B.Sc. (Hons.), J.D.
KMT\pp

direct line: 519-821-4146
email: kthompson@svlaw.ca
assistant email: ppeter@svlaw.ca