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September 16, 2021

**Delivered via email: clerks@guelph.ca and
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Trenton D. Johnson
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File: 0184679.0006

The Corporation of the City of Guelph
1 Carden Street
Guelph, ON N1H 3A1

To Mayor Guthrie and Members of Council:

**Re: Clair-Maltby Secondary Plan (the "CMSP")
331 Clair Road**

As you will recall, we are legal counsel for the owners of 331 Clair Road, 2488995 Ontario Ltd. and Reid's Heritage Homes Ltd. Attached for your ease of reference are the letters that we have previously sent of June 8, 2018 and June 22, 2018 (with their respective enclosures).

As we have previously stated, our client has been involved in the CMSP since the start of the planning process. Further, our client was involved in a lengthy Ontario Municipal Board (the "OMB") hearing wherein the OMB accepted the City of Guelph's planning evidence that the proposed development of 331 Clair Road was premature without a comprehensive review through the CMSP process.

In our letter of June 22, 2018, we emphasized the importance of including 331 Clair Road as part of the Preferred Community Structure in the CMSP (which was consistent with the Staff Report of June 23, 2014). You will recall that we also referenced provisions of the City of Guelph Official Plan Amendment 48 (the "Official Plan"), including Schedule 2 thereto, showing the Secondary Plan Area boundary including both Rolling Hills and 331 Clair Road.

On June 25, 2018, the undersigned attended the Council meeting and reiterated the earlier concerns noted in the June 8, 2018 and June 22, 2018 letters. It was also again pointed out that the June 14, 2018 Staff Report confirmed that the infrastructure planning work (that was already underway for the CMSP) would continue to make general assumptions for future redevelopment potential for 331 Clair Road and the Rolling Hills area. We expressed concerns on behalf of our client for the sudden changes to the boundaries and requested that Council support maintaining the Secondary Plan Area boundary (consistent with the Official Plan) and use the Preferred Preliminary Community Structure of April 9, 2018. Despite the overwhelming planning basis, Council decided to, *inter alia*, not include 331 Clair Road within the CMSP study area.

While we do acknowledge that our client has been involved in the Municipal Comprehensive Review, including the recent virtual Town Hall meeting that looked at growth options for Rolling Hills, we want to once again take this opportunity to reiterate to Council that 331 Clair Road and Rolling Hills ought to have been included in the CMSP. The exclusion of 331

Clair Road and Rolling Hills from the CMSP is not consistent with the Official Plan and was done without any planning justification.

We once again emphasize the importance of the inclusion of 331 Clair Road and Rolling Hills to ensure that land use compatibility, traffic issues, and servicing considerations, be reviewed in a comprehensive manner rather than on a piecemeal basis.

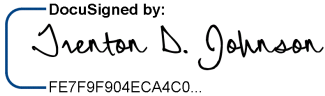
We understand that on September 22, 2021, there is a Statutory Public Meeting for the CMSP Proposed Official Plan Amendment 2021–265. While we appreciate that no decision is being made at this meeting and that no decision is expected on the CMSP Proposed Official Plan Amendment until 2022, we want our ongoing concerns brought to Council's attention once again.

We also take this opportunity to request that we be provided notice of the decision on the CMSP Official Plan Amendment once that takes place.

Thank you for your consideration and we would be pleased to discuss any questions on the foregoing at your convenience.

Yours truly,

MILLER THOMSON LLP

Per:  FE7F9F904ECA4C0...

Trenton D. Johnson
Partner
TDJ/aa

Encl.: 1) Letter dated June 8, 2018 and enclosures, and,
2) Letter dated June 22, 2018 and enclosures.





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June 8, 2018

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Private and Confidential

Delivered via email: clerks@guelph.ca and stacey.laughlin@guelph.ca File: 0184679.0002

COPY

City of Guelph
1 Carden Street
Guelph, ON N1H 3A1

Dear Sirs/Mesdames

Re: **Clair-Maltby Secondary Plan – Special Council Meeting June 14, 2018
331 Clair Road**

We are legal counsel for the owners of 331 Clair Road.

We enclose for your convenience two earlier letters sent by GSP Group, our clients' land use planners, dated December 1, 2017 and April 6, 2018, respectively.

As you are no doubt aware, our clients have been involved in the Clair-Maltby Secondary Plan since the start of the planning process. In addition to that, our clients were involved in a lengthy Ontario Municipal Board hearing in relation to 331 Clair Road. The Ontario Municipal Board decision was rendered in August 2015. Amongst other things, the Ontario Municipal Board accepted the City of Guelph's planning evidence that the proposed development of 331 Clair Road was premature without a comprehensive review through the Clair-Maltby Secondary Plan process.

We understand that a summary of the work completed during Phase 2 of the Clair-Maltby Secondary Plan (including the Preferred Community Structure) will be presented at a special council meeting on June 14, 2018 and considered for approval at the June 25, 2018 council meeting. We have had an opportunity to review the Staff Report dated June 14, 2018 which, inter alia, recommends the following: That the boundary of the Clair-Maltby Secondary Plan be modified to remove the Built-up Area lands, including the Rolling Hills area, from this secondary planning process. Given that 331 Clair Road is within the Built-up Area (but not part of the Rolling Hills subdivision), our clients were surprised to learn of this recommendation being made without any consultation with them. Further, we are quite troubled to see the recommendation that the decision with respect to 331 Clair Road now being deferred yet again to the next Municipal Comprehensive Review in 2022. In addition, we see no reference in the Staff Report to the Ontario Municipal Board hearing or decision in relation to 331 Clair Road and the representations that were made (and relied upon) therein.

Both the "Conceptual Community Structure" and "Preliminary Preferred Community Structure" propose to designate 331 Clair Road as "Medium Density Residential". Further the "Preliminary Preferred Community Structure" shows a "Future road" bisecting 331 Clair which our clients are prepared to consider with any future development application. Given that 331 Clair is not part of the Rolling Hills subdivision, the clear direction on future land use and the OMB decision, our clients want 331 Clair Road to be included in the secondary planning process, which is expected to be completed next year, as they were previously told (along with the Ontario Municipal Board). We request that these comments be brought to the attention of Council for their consideration at the June 14, 2018 Special Council meeting.

Please also accept this correspondence as our request to register as a delegate for the June 14, 2018 Special Council meeting.

Respectfully,

MILLER THOMSON LLP

Per:



Trenton D. Johnson
TDJ/mt

Enclosures





December 1, 2017

Project No. 12030

Guelph City Hall
1 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Mayor Cam Guthrie and Members of Council

Re: **December 4, 2017 Committee of the Whole COW-1DE-2017.45
Clair-Maltby Secondary Plan Conceptual Community Structure**

We represent the owners of 331 Clair Road.

We appreciate the work completed to date in preparing the Conceptual Community Structure. We are generally in support of the land use direction for 331 Clair Road, subject to the "Next Steps" in the above-noted staff report. We recognize that the findings of further technical studies and review of other key factors (location and amount of schools and parkland, road networks/traffic, land use densities/locations etc.) are required in order to fully assess the appropriateness of the Conceptual Community Structure. Accordingly, we look forward to the opportunity to provide further comment on behalf of our client during the development of the Community Structure Alternatives.

We are in support of the proposed Medium Density Residential land use along the Clair Road frontage on the Rolling Hills area, which includes 331 Clair Road. We are also in support of the proposed Mixed Use area at the corner of Clair Road and Victoria Road. We understand that the City intends to reach out to owners in the Rolling Hills subdivision and surrounding area to further discuss the proposed land use directions and general size/configuration of the Medium Density Residential and Mixed Use area. We look forward to being involved in those landowner surveys/discussions.

The current recommendation contained in the staff report states:

"That the Clair-Maltby Secondary Plan Conceptual Community Structure be **approved** as outlined in the December 4, 2017 IDE-2017-129 titled Clair-Maltby Secondary Plan Conceptual Community Structure."

It is our understanding that staff intend to modify this recommendation to allow more flexibility, with the intention of using Conceptual Community Structure for general guidance to support the development of the Community Structure Alternatives. Although we have not seen this formal change in staff recommendation, we are in support of such a direction.

We look forward to the next steps in the process and participating in those discussions.

Yours truly,
GSP Group

A handwritten signature in blue ink that reads "Hugh Handy". The signature is written in a cursive style with a period at the end.

Hugh Handy, MCIP, RPP
Senior Associate

cc. Client



SHAPING GREAT COMMUNITIES

April 6, 2018

Project No. 12030

Guelph City Hall
1 Carden Street
Guelph, Ontario
N1H 3A1

Attention: Mayor Cam Guthrie and Members of Council

**Re: Clair-Maltby Secondary Plan: Planning and Design Charette
Preliminary Preferred Concept - April 5, 2018
IDE-2018.49 – April 9, 2018 Council Meeting**

We represent the owners of 331 Clair Road.

We appreciate the work completed to date by City staff and the consultant team on the Clair-Maltby Secondary Plan.

We have been participating in the Secondary Plan since the commencement of the planning process. Most recently we participated in the charette process this past week and attended the public session on Thursday April 5, 2018 where the Preliminary Preferred Concept was presented.

We recognize this plan will likely be refined further before Monday's Council meeting. However, we would like to highlight the following for consideration of staff, consultants and Council at this time:

- We support the Medium Density designation along the south side of Clair Road.
- We do not support the proposed grey dashed street connection to Tolton Drive. If a future road is required in the north end of the Rolling Hills neighbourhood, use of the existing Kilkenny Place would be more appropriate.
- Future development of 331 Clair could be accomplished by private rights-of-way given it has frontage directly on Clair Road.

We understand that the ultimate Preferred Concept Plan will come back in June 2018 to Council.

Accordingly, we look forward to continuing to be involved in discussions leading up to that Preferred Concept Plan

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

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162 Locke Street South, Suite 200, Hamilton, ON L8P 4A9 905 572 7477
gspgroup.ca

Yours very truly,
GSP Group Inc.

A handwritten signature in blue ink that reads "Hugh Handy". The signature is fluid and cursive, with a period at the end.

Hugh Handy, MCIP, RPP
Senior Associate

cc. Stacey Laughlin
Client



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June 22, 2018

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Private and Confidential

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City of Guelph
1 Carden Street
Guelph, ON N1H 3A1

Dear Sirs/Mesdames:

Re: **Clair-Maltby Secondary Plan – Council Meeting June 25, 2018**
331 Clair Road

Further to our letter of June 8, 2018, we are providing the following on behalf of our client, the owner of 331 Clair Road.

Although we understand that City of Guelph staff have worked hard on the Clair-Maltby Secondary Plan ("CMSP") and that there are many different views being expressed by various stakeholders, we would like to emphasize once again the importance of including our client's property as part of the Preferred Community Structure.

As we previously mentioned, our client and the Ontario Municipal Board were specifically told that 331 Clair Road would be included in the CMSP. The City of Guelph's witness statement included the following:

"4.9 Envision Guelph – Official Plan 48 (which is currently under appeal in its entirety) maintains the designation of the subject site as Reserve Lands under Section 9.10. In this update to the 2001 City of Guelph Official Plan the Reserve lands policy has been further refined by stating that "it is considered premature to apply site specific land use designations to these areas". The policy also adds the requirement for Secondary Plan process for the Clair Road to Maltby Road area lands, including the subject property. (*emphasis added*)

Further, the Staff Report of June 23, 2014, included the following:

"Recommendation 3. That Council take the position that the applications are premature until a comprehensive Secondary Planning Study including the subject lands and the Clair Road to Maltby Road area, involving all interested stakeholders has been completed..." (*emphasis added*)

Based on the representations made to our client and the Ontario Municipal Board, it is our respectful view that the City of Guelph is obliged to include 331 Clair Road in the CMSP.

Over and above the representations that were made, the City of Guelph must also adhere to Official Plan Amendment 48 ("the Official Plan"). As you are no doubt aware, if there is a change being proposed to the Official Plan, an amendment would be required. The Official Plan states, amongst other things, the following:

- The redesignation of Reserve Lands to other land use designations will be considered through a Secondary Plan. The Secondary Plan will address the matters outlined in Section 10.2 of this Plan and will consider whether additional lands are required to accommodate an appropriate range and mix of land uses to meet the projected needs within the time horizon of this Plan.
- The Clair-Maltby area, with boundaries generally identified on Schedule 2, is the only remaining greenfield area in the City that has not been comprehensively planned. The completion of a Secondary Plan for the Clair-Maltby area is a priority for the City and the Secondary Plan will be incorporated into the Official Plan through an amendment upon completion. (*emphasis added*)

Schedule 2 of the Official Plan (attached hereto) shows the Secondary Plan Area with the boundary including both Rolling Hills and 331 Clair Road. The City of Guelph cannot unilaterally revise Schedule 2 in changing the boundaries of the Secondary Plan Area. By doing so, it is our submission that the City of Guelph is contravening the Official Plan.

Further, we do recognize that there has been some vocal opposition to including Rolling Hills as part of the CMSP. However, those concerns ought to have been raised prior to the Official Plan being approved by the Ontario Municipal Board on October 5, 2017. In addition to that, there are a number of residents of Rolling Hills that have clearly indicated that they want their properties included as part of the CMSP including the properties adjacent to 331 Clair Road. Those clearly in support include 287 Clair Road (Riley); 1 Kilkenny Place (Nagy); 2 Kilkenny Place (Seabrook); 5 Kilkenny Place (Gidzinski); and 9 Kilkenny Place (Carniello). These are shown on the attached map with municipal addresses. As the City is no doubt aware, the development of properties directly adjacent to Clair Road would be efficient considering the access to the municipal services already existing on Clair Road.

In addition to the representations previously made, the provisions of the Official Plan, and support from neighbours for inclusion, we note that the City of Guelph Staff Report of June 14, 2018 confirms that the infrastructure planning work currently underway for the CMSP will continue to make general assumptions for future redevelopment potential within the Built-up Area lands, including the Rolling Hills area. Since the area is being studied in any event, the changes to the boundaries from Schedule 2 to the Official Plan (and from the April 9, 2018 Clair-Maltby Preliminary Preferred Concept), are simply delaying and increasing the costs associated with this process. Simply put, the rationale being provided makes no sense in our opinion.

Respectfully, we are asking that Council support maintaining the Secondary Plan Area boundary and use the Preferred Preliminary Community Structure dated April 9, 2018 for land use planning direction for the Rolling Hills area.

We request that these comments be brought to the attention of Council for their consideration at the June 25, 2018 Council meeting.



Please also accept this correspondence as our request to register as a delegate for the June 25, 2018 Council meeting.

Respectfully,

MILLER THOMSON LLP

Per:

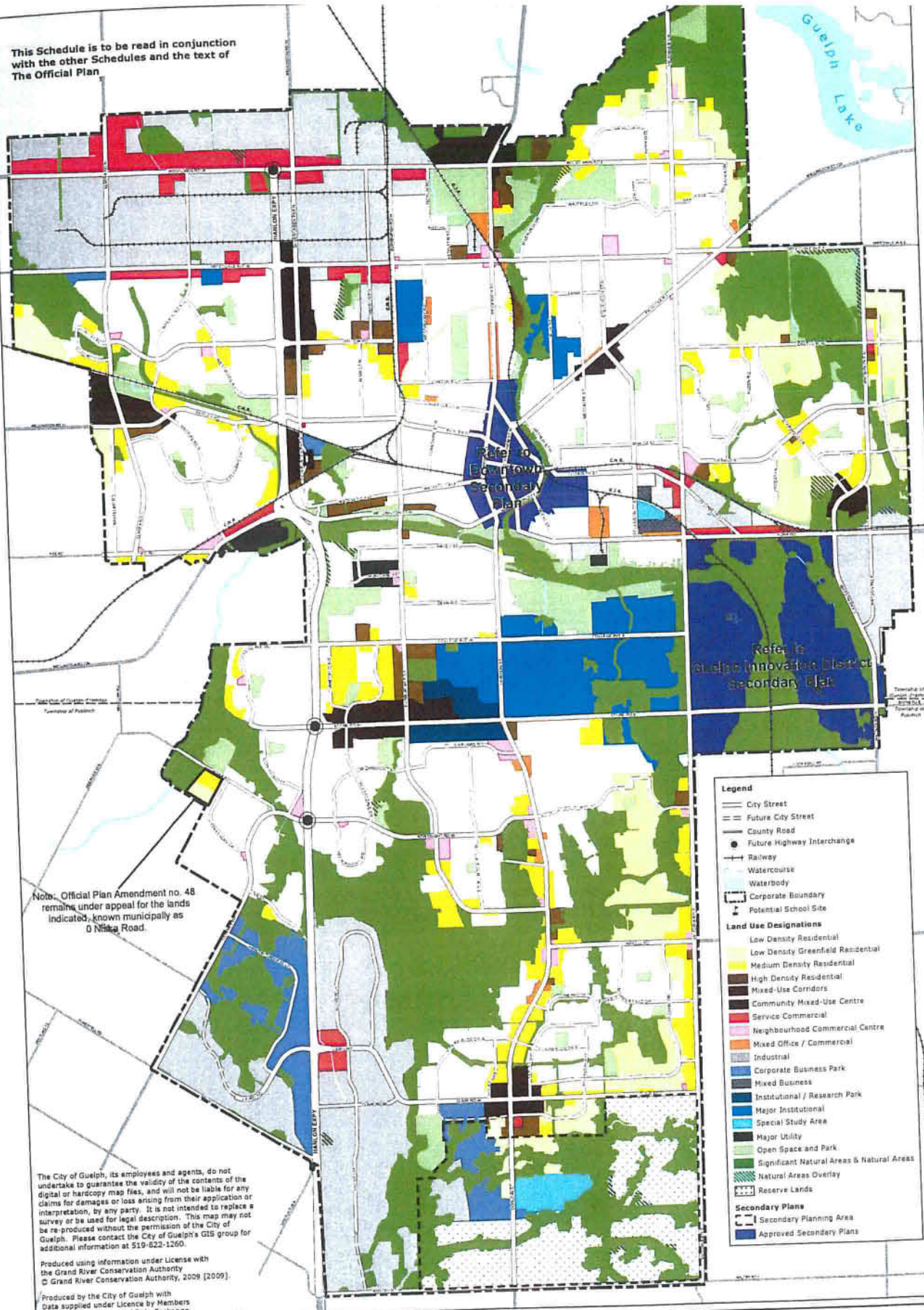


Trenton D. Johnson
TDJ/mt

Enclosures



This Schedule is to be read in conjunction with the other Schedules and the text of The Official Plan



Note: Official Plan Amendment no. 48 remains under appeal for the lands indicated, known municipally as O Neill Road.

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- Legend**
- City Street
 - Future City Street
 - County Road
 - Future Highway Interchange
 - Railway
 - Watercourse
 - Waterbody
 - Corporate Boundary
 - Potential School Site
- Land Use Designations**
- Low Density Residential
 - Low Density Greenfield Residential
 - Medium Density Residential
 - High Density Residential
 - Mixed-Use Corridors
 - Community Mixed-Use Centre
 - Service Commercial
 - Neighbourhood Commercial Centre
 - Mixed Office / Commercial
 - Industrial
 - Corporate Business Park
 - Mixed Business
 - Institutional / Research Park
 - Major Institutional
 - Special Study Area
 - Major Utility
 - Open Space and Park
 - Significant Natural Areas & Natural Areas
 - Natural Areas Overlay
 - Reserve Lands
- Secondary Plans**
- Secondary Planning Area
 - Approved Secondary Plans

Refer to Guelph Innovation District Secondary Plan

CITY OF GUELPH OFFICIAL PLAN SCHEDULE 2: LAND USE PLAN

