



July 17, 2024

Trista Di Lullo
Secretary-Treasurer
Committee of Adjustment
City of Guelph
1 Carden Street
Guelph, Ontario
N1H 3A1

Dear Trista Di Lullo:

**RE: Application for Consent
2162 Gordon Street, Guelph
Legal Description: PIN 71198-0074 (LT)
Our File: 17285B**

On behalf of our client, Hall's Pond Co-Operative Development Corporation (the "Applicant"), we are pleased to submit an application for consent to sever a parcel of land to facilitate the purchase and sale of the newly created lot. The lands subject to the proposed consent application are located at 2162 Gordon Street in the City of Guelph (the "Subject Lands") as shown on Figure 1 attached.

The following letter sets out the purpose and justification for the proposed consent.

The following materials, including this letter, in support of the consent are included with the application:

- Schedule "A" that provides the legal description of the Subject Lands, and description of an existing easement;
- A completed Consent Application Form;
- A Plan for Consent prepared by J.D. Barnes Limited, dated June 21, 2024 (the "Severance Sketch");
- The Affidavit of Dana Anderson, affirmed July 4, 2024;
- A Plan of Survey prepared by BSR&D Ontario Land Surveyors, dated September 22, 2021;
- Redacted Purchase Agreement dated December 4, 2014 (the "Purchase Agreement");
- Redacted Assign and Assumption Agreement dated July 23, 2020 (the "Assign and Assumption Agreement");
- Written Request for Second Certificate of Official prepared by McCarthy Tetrault LLP, dated July 4, 2024.

The consent application fee in the amount of \$4,170 will be provided under separate cover upon receipt of invoice by the City.

PURPOSE OF THE CONSENT

The purpose of the consent is to create a new parcel to facilitate the sale of the lands to be severed (the "Severed Lands") to the Applicant and to provide for the future development of the Severed Lands, as provided for in the Clair Maltby Secondary Plan ("CMSP").

The proposed consent seeks to sever the southern portion of the Subject Lands. The attached Severance Sketch describes the lands to be retained (the "Retained Lands") and the Severed Lands. There are no changes to the existing land uses proposed on the Severed or Retained Lands. Changes to the Severed Lands will only occur through future development applications which will require supportive studies as set out in the CMSP.

	Retained Lands	Severed Lands
Lot Area	26.32 ha (65 acres)	15.85 ha (39 acres)
Lot Frontage	256.0 metres	127.4 metres

BACKGROUND

The Subject Lands are located at 2162 Gordon Street and are approximately 42.16 ha (approximately 104.2 acres) in size with 383.4 metres of frontage along Gordon Street. There is an existing house and outbuildings located on the northern part of the Subject Lands close to Gordon Street.

The Subject Lands are currently owned by the Foundation for the Support of International Medical Training (Canada) ("FSIMT").

In December 2014, Options for Homes Non-Profit Corporation (Greater Toronto Area) ("Options for Homes") entered into an Agreement of Purchase and Sale with FSIMT to purchase a portion of the Subject Lands. The Agreement of Purchase and Sale was assigned to the Applicant in July 2020. The portion of the Subject Lands to be purchased comprise approximately 15.85 ha with 127.4 metres of frontage on Gordon Street. These lands represent the Severed Lands. The Retained Lands will have 256 metres of frontage on Gordon Street and be 26.32 ha in size. There is an existing telephone/telecommunication easement that traverses the Subject Lands along the westerly portion of the lot, next to Gordon Street. This easement will be maintained.

The Subject Lands are located in the southern quadrant of the CMSP area, which was approved through Official Plan Amendment No. 79 ("OPA 79") by Guelph Council on May 17, 2022. OPA 79 was subsequently appealed to the Ontario Land Tribunal (the "OLT") and, on February 16, 2024, an amended version of OPA 79 was presented to the OLT as a result of a settlement of appeals. The CMSP was approved by the OLT on March 6, 2024.

Throughout the CMSP process, the Severed Lands were identified as a defined parcel. The settlement of appeals and resulting policies applicable to the Severed Lands were a result of the involvement by

Options for Homes, acting on behalf of the Applicant, prior to and throughout the OPA 79 hearing process.

In November of 2019, MHBC met with City planning staff to discuss the severance of the Subject Lands and the submission of a consent application. At that time, staff recommended that the severance be deferred until the CMSP had been approved so that the land use designations of the Secondary Plan could be defined. City planning staff informed that, following the approval of the CMSP, the consent application would be appropriate to proceed, allowing for the long-anticipated sale of the Severed Lands.

While a consent application to create a new lot is defined as “development”, the proposed consent application does not propose any site alteration, new access, construction, or changes to land uses. Moreover, the FSIMT and the Applicant require the consent at this time to facilitate the sale and to pursue their respective, separate objectives on each of the Severed Lands and Retained Lands. It is acknowledged that the future development of the Subject Lands, and specifically the Severed Lands, will be subject to all of the studies and policies of the Secondary Plan and will require further land use planning applications and approvals including a Draft Plan of Subdivision, Rezoning, and Site Plans, prior to any site alteration, new access, construction, installation of services, or changes to land use occurring on the Subject Lands.

Surrounding Land Uses

The lands located to the north of the Subject Lands include the Springfield Golf and Country Club.

The lands to the east of the Subject Lands are currently used for agricultural purposes.

The lands located to the south of the Subject Lands currently contain single detached dwellings and agricultural uses.

The lands located to the west of the Subject Lands currently contain single detached dwellings and agricultural uses.

Official Plan

In the Guelph Official Plan (February 2024 Consolidation), the Subject Lands are designated Reserve Lands on Schedule 2 – Land Use Plan within the Secondary Plan Area. The Subject Lands are also within the CMSP.

In accordance with Schedule B of the CMSP, the Severed Lands are designated Low Density Greenfield Residential, Medium Density Residential, Clair-Maltby High Density Residential, Clair-Maltby Mixed Office/Commercial, and Significant Natural Areas & Natural Areas. The Retained Lands are designated Clair-Maltby Mixed Office/Commercial, Significant Natural Areas & Natural Areas, Open Space and Park, and Low-Density Greenfield Residential. The majority of the Retained Lands are also identified as a Designated Cultural Heritage Landscape on Schedule B of the CMSP.

Zoning By-law

In Zoning By-law (2023)-20790, the Subject Lands are zoned Urban Reserve 1 (UR.1). The purpose of this zone is to protect the natural heritage features and limit development until such time as further studies are completed.

Under Section 15.2, the uses permitted in the urban reserve zones are denoted by a "P" in the column applicable to the zone and corresponding with the row for a specific permitted use in Table 15.1, below:

Table 15.1 – Permitted uses in the urban reserve zones

Permitted Uses	UR.1
Conservation Use	P
Legally existing uses, buildings and structures	P

As there are no minimum lot area or lot frontage provisions in the UR.1 zone, no minor variances are required to facilitate the proposed consent to sever.

The proposed consent will not impact any existing uses or the existing natural heritage features on the lands. There is no site alteration, construction, new access, installation of services, or changes to land use associated with the proposed consent.

PLANNING ANALYSIS AND JUSTIFICATION

Planning Act

Section 53(1) of the *Planning Act* provides that a consent may be granted if a plan of subdivision is not required. Accordingly, below, we have listed the criteria in Section 51(24) of the *Planning Act* to which regard must be had when creating new lots through a plan of subdivision. Based on our analysis below, a Draft Plan of Subdivision for the Subject Lands at this time is not necessary to ensure the proper and orderly development of the municipality, as the consent is required to facilitate the sale of the Severed Lands, and no site alteration, construction, new access, installation of services, or changes to land use is proposed at this time.

In considering a Draft Plan of Subdivision [in this case a proposed consent], regard shall be had, among other matters to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

(a) "the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;"

The proposed consent has regard for the matters of provincial interest listed in Section 2 of the *Planning Act*. The proposed consent will not change or impact the current ecological systems as defined on the Subject Lands, including natural areas, features and functions. The proposed consent will not change or impact the conservation of existing cultural heritage features on the Subject Lands. The sale

of the Severed Lands will provide for the orderly development of safe and healthy communities, the adequate provision of facilities, and the adequate provision of a full range of housing. As a consent to facilitate the sale of lands, to enable the future implementation of the CMSP, the proposed consent has regard for the matters of Provincial interest under Section 2 of the Planning Act.

(b) "whether the proposed subdivision is premature or in the public interest; "

The Subject Lands fall within the CMSP area, which contemplates a range of urban uses and residential densities throughout the secondary planning area, including the Subject Lands. In particular, the Subject Lands are designated Low Density Greenfield Residential, Medium Density Residential, Clair-Maltby High Density Residential, Clair-Maltby Mixed Office/Commercial, and Significant Natural Areas & Natural Areas in the Clair-Maltby Secondary Plan. The proposed consent is required for the purpose of facilitating the sale of the Severed Lands to then provide for the future development of the Severed Lands and Retained Lands, in conformity with the CMSP. The Severed Lands were identified and supported as a separate parcel throughout the CMSP process and the approved policies, and are consistent with the approved mapping. As such, the severance of the Subject Lands into the Severed Lands and Retained Lands, to facilitate the sale of the Severed Lands and in anticipation of future development that will occur subject to the provisions of the CMSP, is not premature, and is in the public interest.

(c) "whether the plan conforms to the official plan and adjacent plans of subdivision, if any; "

The Retained Lands and Severed Lands conform to the respective Guelph Official Plan policies, as discussed further in this letter.

(d) "the suitability of the land for the purposes for which it is to be subdivided; "

The Retained Lands and Severed Lands will be of an appropriate size and configuration in full compliance with the current zoning, and will be suitable to accommodate future uses as planned in the CMSP. No site alteration, construction, new access, installation of services, or changes to land use is proposed or will result from the proposed consent. A future application for a Draft Plan of Subdivision is anticipated, following further study, which is anticipated to contemplate future public roads, infrastructure and servicing, and blocks appropriately sized for development in keeping with the intent of the CMSP.

(d.1) "if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing; "

The implementation of housing will be the focus of future development through additional applications. Throughout the CMSP process, Options for Homes, on behalf of the Applicant, emphasized the importance of the ability to provide for

housing that is affordable to new residents through its program that will be implemented through the future development of the Severed Lands.

(e) "the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them; "

The Severed Lands and Retained Lands will retain the existing access to the surrounding road network via Gordon Street. There is no new access or grade change proposed. Any site alteration will be proposed through future applications, including a Draft Plan of Subdivision application with supportive studies.

- *(f) "the dimensions and shapes of the proposed lots; "*

The dimension and shapes of the proposed lots are aligned with how the lots were addressed, as separate parcels, through the CMSP process and conform with the policies of the Official Plan and the existing zoning.

(g) "the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land; "

The proposed consent does not present any restrictions or proposed restrictions on the Subject Lands.

(h) "conservation of natural resources and flood control; "

There is no change in land use, site alteration, or construction proposed on the Subject Lands.

(i) "the adequacy of utilities and municipal services; "

There is no change in land use or construction proposed with the severance. Adequate provision of utilities and municipal services will be determined and proposed in a future Draft Plan of Subdivision, following studies in accordance with the policies of the Official Plan, in particular the CMSP.

- *(j) "the adequacy of school sites; "*

A potential school site is identified in the CMSP on a portion of the Severed Lands. While the Severed Lands are large enough to accommodate such a site, school sites in the CMSP area will be determined at the time of and through future development application processes, such as an application for Draft Plan of Subdivision on the Severed Lands.

- *(k) "the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;"*

As the proposed consent is primarily to facilitate the sale of the Severed Lands as identified through the CMSP process, the application does not propose any lands to be conveyed for public purposes. Future applications, including an application for a Draft Plan of Subdivision on the Severed Lands, will address these matters. In particular, the CMSP identifies potential locations for new public roads and stormwater management facilities on the Severed Lands.

- *(l) "the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy"*

There is no change to land use or construction proposed at this time. Matters with respect to energy efficiency and conservation will be dealt with at the time of and through future applications and studies in accordance with the CMSP.

- *(m) "the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32; 2006, c. 31 (2); 2006, c. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2)."*

There is no site alteration, new access, construction, installation of services, or change to land use proposed at this time. Matters with respect to the interrelationship between the design of a Draft Plan of Subdivision and site plan control matters will be dealt with at the time of and through future applications and studies in accordance with the CMSP.

Provincial Policy Statement 2020

The Provincial Policy Statement ("PPS") provides policy direction on matters of provincial interest related to land use planning and development with the goal of enhancing the quality of life for all Ontarians. The *Planning Act* requires that decisions affecting a planning matter "be consistent with" the policies of the PPS. The proposed consent is consistent with the PPS as it provides for the creation of a lot, which was an identified land parcel considered through the CMSP process. There is no site alteration, new access, construction, installation of services, or change to land use proposed on the Subject Lands at this time and the creation of the lot will implement of the CMSP objectives and policies, which are consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe 2020

The Growth Plan for the Greater Golden Horseshoe ("Growth Plan") provides a framework for implementing the provincial government's vision for building stronger, prosperous communities by better managing growth in the Greater Golden Horseshoe. The *Planning Act* also requires that decisions affecting a planning matter "conform with" the Growth Plan. Similar to the analysis above,

the proposed consent conforms with the Growth Plan as it serves to provide for a large, recognized developable parcel to facilitate implementation of the CMSP which provides for greenfield growth, the protection of the natural heritage system and the provision of complete communities in conformity with the Growth Plan.

City of Guelph Official Plan (February 2024 Consolidation)

The City of Guelph Official Plan Section 10.9.1, sets out the following policies for the consideration of consents:

"1. When considering an application for consent, the Committee of Adjustment shall have the regard to the provision of the Planning Act, to the goals, objectives and policies of this Plan and to the provisions of the Zoning By-law."

Prior to the approval of OPA 79, the Subject Lands were designated as Reserve Lands. Under this designation, no development was permitted, including a consent application, until a Secondary Plan for the lands had been approved. Given that the CMSP is now in force, the proposed consent to facilitate the sale of the Severed Lands, as previously agreed by staff, is appropriate.

The proposal conforms to the City Guelph Official Plan (February 2024 Consolidation), the Clair-Maltby Secondary Plan, and the provisions of the Zoning By-law.

"2. The Committee of Adjustment shall also consider the following matters when reviewing the application for consent:

- i) That all of the criteria for plans of subdivision or condominium are given due consideration;*
- ii) That the application is properly before the Committee and that a plan of subdivision or condominium has been deemed not to be necessary for the proper and orderly development of the City;*
- iii) That the land parcels to be created by the consent will not restrict or hinder the ultimate development of the lands; and*
- iv) That the application can be supported if it is reasonable and in the best interest of the community."*

As noted above, the proposed consent has regard for s. 51(24) of the *Planning Act*, and a plan of subdivision is not necessary at this time. The proposed consent will allow for a Draft Plan of Subdivision and additional applications to be submitted by the Applicant to implement and ensure the proper and orderly development of the lands within the City, following, and supported by additional studies contemplated in the CMSP.

The proposed consent will not restrict or hinder the ultimate development of the Subject Lands as the sole purpose of the proposed consent is to facilitate the sale of the Severed Lands, which has been anticipated since 2014. There are no proposed changes in land use on the Subject Lands at this time, and the severance will not in any way restrict or hinder the future and ultimate development of the Severed Lands or Retained Lands. In

fact, the consent will allow the required studies to be undertaken by the Applicant and, at the appropriate time, enable the submission of the required land use planning applications to implement the CMSP.

The proposed consent will facilitate the purchase and sale of the Severed Lands, which will support the future development of the Severed Lands, implementing the CMSP, and providing more housing, including affordable housing to new residents through the Applicant's affiliation with Options for Homes. The proposed consent and sale of the Severed Lands will also benefit FSIMT, as it will allow them to proceed with their objectives for the Retained Lands. As such, the proposed consent is in the best interest of the community.

"3. Consents may be permitted for the purpose of boundary adjustments or to convey additional lands to an abutting property."

This policy is not applicable.

"4. The Committee of Adjustment shall have regard for any comments provided by agencies and City departments regarding the effect of the proposed consent and development proposal upon their plans and programs."

All comments regarding the application will be addressed.

"5. The Committee of Adjustment may attach such conditions as it deems necessary to the approval of a Consent. Such conditions may include, but are not limited to the following:

- i) The fulfillment of all servicing, grading, easement and financial requirements of the City;*
- ii) The dedication of lands for park purposes or the payment of cash-in-lieu thereof;*
- iii) The dedication of appropriate road widenings or land for intersection improvements where required; and*
- iv) The preparation of development agreements respecting development of the lands to include:*
 - a. The elevation, location and design of any new dwelling;*
 - b. The location and extent of any access point, driveway and legal off-street parking space, grading, drainage and servicing information; and*
 - c. Any additional requirements imposed at the discretion of the Committee."*

Any conditions related to the approval of a Consent will be satisfied. All matters associated with servicing and grading and environmental impact will be addressed with future applications. The sale of the Severed Lands will allow for the comprehensive consideration of these matters prior to development of the lands in accordance with the policies and mapping of the CMSP.

Clair Maltby Secondary Plan

The CMSP provides designations for the Subject Lands as noted above, which have associated policies that set out permitted uses, heights, densities and objectives, and policies related to the protection

of natural areas and the provision of public facilities and parks. Furthermore, Section 11.3.9.3 lists special studies and future initiatives to ensure orderly development, and to ensure that the objectives and policies of the CMSP are met. Site alteration, new access, construction, the provision of services, and changes in land use on the Severed Lands will be implemented in the future, subject to all of the required studies and phasing policies as set out in the CMSP, after the approval of the proposed consent and finalization of the purchase of the Severed Lands by the Applicant.

Section 11.3.9.4 Phasing and Finance of the CMSP provides policy directives that address the availability of the required infrastructure to support the development, the funding for such infrastructure, implementation of development in general accordance with the Phasing Plans of the MESP, and that the impacts on the existing taxpayers of the cost of new development within the CMSP area is minimized. In particular, subsection 11.3.9.4.4 provides policy directives to ensure the appropriate and orderly development of the Secondary Plan area, and costs associated with development of the Secondary Plan, are equitably distributed among the landowners:

"...development within the Secondary Plan area shall only be permitted to proceed when landowners comprising a sufficient portion of land holdings in the Secondary Plan area have demonstrated to the City that they have entered into a landowner agreement or agreements amongst themselves to address the distribution of costs associated with development in a fair and equitable manner, in order to allow development to proceed."

The Official Plan provides the following definition for *development*:

"Development means:

- a) The creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act;*
- b) Site alteration activities such as fill, grading and excavation that would change the landform and natural vegetative characteristics of a site; and*
- c) Various forms of intensification, infill development and redevelopment.*

Development does not include activities that create or maintain infrastructure authorized under an environmental assessment process or works subject to the Drainage Act.

In spite of the above definition, for the Special Policy Area Flood Plain of this Plan, development means the construction, erection or placing of one or more buildings or structures on lands, or an addition or alteration to a building or structure which adds more than 50% of the existing ground floor space area to the building or structure."

We recognize that the proposed consent meets the definition of "*development*", as defined in the Official Plan, and Subsection 11.3.9.4.4 of the CMSP provides that *development* shall only proceed after a landowner agreement to address the distribution of costs associated with development is established. However, in this case, the proposed consent is required solely to facilitate the purchase and sale of the Severed Lands, and no change in land use, construction of buildings and structures, site alteration, or any form of intensification, infill development or redevelopment, are proposed. As a result, no new services or infrastructure are required to support the proposed consent. As

shown in the enclosed Purchase Agreement and Assign and Assumption Agreement, the purchase and sale is a transaction only, between FSIMT and the Applicant, and no other landowner's are involved. Specifically, Section 13.24 of the Purchase Agreement requires the Purchaser to obtain the severance at its expense, as a condition of the sale of the Severed Land.

Moreover, as noted above, policies are set out in the Official Plan and in the CMSP that require a number of technical studies to be completed in support of future *development* applications, such as those listed in Sections 11.3.9.3 and 11.3.9.4. However, as no change in land use or construction of new buildings or structures that require approval under the *Planning Act* are proposed at this time and because the Applicant is not the registered landowner of the Severed Land, the Applicant is not in a position to complete technical studies at this time, and it is neither necessary nor appropriate to prepare and enter into any landowner agreement to address equitable distribution of costs associated with new infrastructure or facilities to support development in the CMSP area.

Despite the definition of *development* in the Official Plan, the creation of the Severed Lands as a parcel will allow the Applicant to purchase the Severed Lands, which, in turn, will facilitate the ability of the Applicant to proceed with the implementation and processes required under the CMSP for future applications for *development*, including the requirements for servicing, coordination and cost sharing as well as the required Environmental Impact Studies. In relation to the Official Plan and the CMSP, the proposed consent is in conformity with the objectives and policies.

CONCLUSION

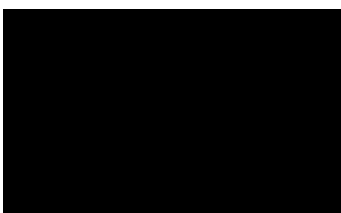
Based on the above analysis, the enclosed application has regard for the matters set out in Section 51(24) of the *Planning Act*, and a Draft Plan of Subdivision is not necessary at this time to ensure the proper and orderly development of the municipality, pursuant to Section 53(1) of the *Planning Act*, as the consent is required only to facilitate the purchase and sale of the Severed Lands and no development or change of use is proposed at this time.

Moreover, the proposed consent conforms with, and is consistent with the current policy and regulatory framework. The proposed consent will maintain the existing uses on the Retained Lands and the Severed Lands, and will facilitate future development of the Severed Lands, as contemplated in the CMSP, through future studies and planning applications.

Please do not hesitate to contact us should you have any questions.

Yours truly,

MHBC



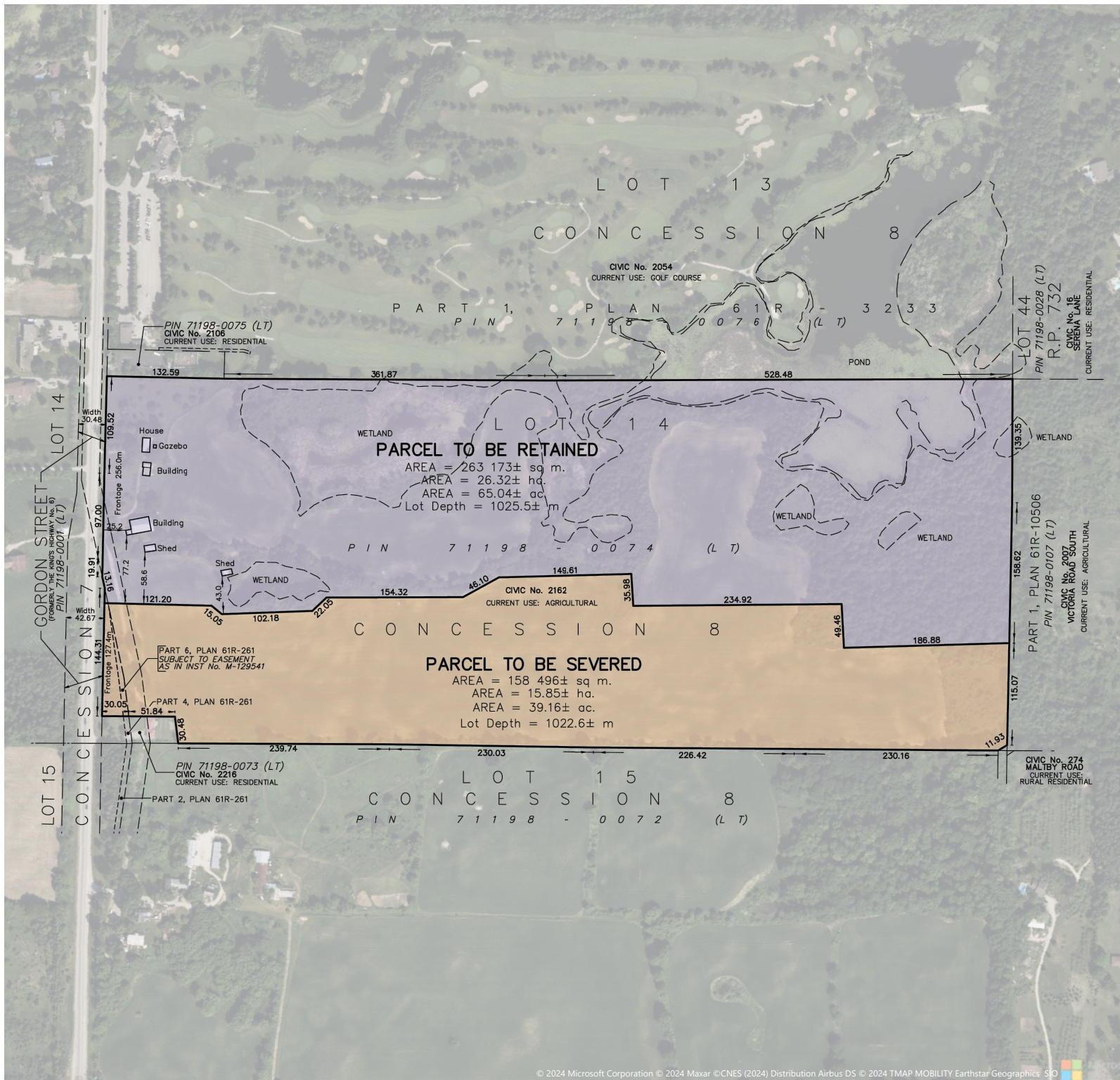
Dana Anderson, FCIP, RPP
Partner

Figure 1
**SEVERANCE
SKETCH**

**2162 Gordon St,
Guelph, Ontario**

LEGEND

- Retained Lands
- Severed Lands



Date: July 3, 2024

Scale: 1:6,000



21172818 - CLAIR-MALTY SECONDARY PLANS - MHBC DOCUMENTS/CONSENT RESEARCH/17281 SEVERANCE SKETCH (2024-07-03)



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