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Our File No. 064423

**VIA EMAIL**

City of Hamilton Planning Committee  
71 Main St. West  
Hamilton, Ontario  
L8P 4Y5

Attention: Ida Bedioui,  
Legislative Coordinator

Dear Members:

**Re: GRIDS 2 and Municipal Comprehensive Review - Terms of Reference and Work Plan (PED17010) (City Wide) – Item 5.4 (Feb 14, 2017)**

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We are the solicitors for the Twenty Road West Landowners Group, owners of lands within the block bounded by Upper James, Glancaster, Twenty Road and Dickinson. As the Committee is aware, our clients have been active participants in the City's growth management exercise for many years.

We have communicated with the City of Hamilton on numerous occasions concerning the City's obligation to our client to proceed with a municipal comprehensive review to consider our client's "whitebelt" lands for residential uses. We are attaching our most recent correspondence to Council from last October, as well as our letter of February 29, 2016 directed to staff concerning the required municipal comprehensive review and setting out the framework of our client's planning position.

As noted by staff, the purpose of GRIDS2 is to identify urban boundary expansion areas required to accommodate additional growth. The GRIDS2 planning process, including all of the required public consultation and technical justification, is the basis upon which the City's growth management policies are to be informed and implemented.

It is imperative at this time to remind both City staff and City Council, that there are no predetermined identified areas for urban boundary growth to 2041. That is the issue which GRIDS 2 is to study. Reference or reliance to any purported predetermined urban growth areas in the AEGD Minutes of Settlement, including Twenty Road East was not a decision resulting from any planning process considering such lands. This clause was inserted by Council as a statement

of its purported intention only, a statement which was made in the complete absence of any proper planning framework, public consultation or technical support.

Our clients did not agree that any lands would have a priority over our clients whitebelt lands for residential growth to 2041, and the statement in the AEGD Minutes of Settlement sets forth only a statement of the City's intention. Our client's did not agree in the Minutes of Settlement to any such priority and in fact we found it inappropriate for Council to have come to such a conclusion as to intention in the absence of any legitimate planning process to arrive at such a decision.

Be reminded that the statement of Council's intention in the AEGD Minutes of Settlement indicating areas improperly predetermined for future urban boundary expansion was made without any public consultation or technical planning support. Any attempted reliance on the supposed "intent" of Council would be unsupportable and prejudicial to the GRIDS2 planning process. Furthermore, we are of the view that any potential prejudgment of the outcome of GRIDS2 is a violation of the UHOP and provincial law and policy concerning any growth management planning exercise.

Throughout the planning process for the Twenty Road West block, our clients have been genuinely and properly engaged with the City in resolving the appropriate land use planning framework for its lands. Through the AEGD planning process, it was recognized that the north portion of the Twenty Road West block was not required for employment growth, and was not viable employment lands in any event. Through ROPA 9 and the AEGD Minutes of Settlement, the City is obliged to consider our client's whitebelt lands for non-employment uses. Our clients will continue to participate in good faith in the required planning process to consider our clients lands for a residential urban boundary expansion as the City is obliged to do.

We trust that the City will proceed with GRIDS 2 and the municipal comprehensive review to consider urban expansion on the Twenty Road West block through an appropriate and principled planning process.

Yours truly,

**FOGLER, RUBINOFF LLP**

*"Joel D. Farber"*

Joel D. Farber\*

\*Services provided through a professional corporation

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Encls.

cc: clients

Glenn Scheels, GSP Group

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