

**The Corporation of the Municipality of West Grey**

**By-law Number 33 - 2016**

Being a By-law to adopt Amendment No. 3 to the Municipality of West Grey Official Plan.

Affecting lands described as Part of Lots 14 and 15, Concession 1, East of Garafraxa Road, Part of Divisions 2 and 3, Lot 27, Plan 500, Lot 1, Part of Park Lot 9, Part Lot 13, North Side of South Street, Lots 1 to 10, Concession 2 NDR. (former Town of Durham), Municipality of West Grey, County of Grey;

The Council of the Municipality of West Grey, in accordance with the provisions of Section 17 and 21 of Planning Act, R.S.O. 1990, as amended, hereby enacts as follows:

1. Amendment No. 3 to the Municipality of West Grey Official Plan is hereby adopted.
2. This By-law shall come into force and take effect on the day of final approval by the County of Grey.

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Read a first and second time, this 18<sup>th</sup> day of April, 2016.

Read a third time and finally passed, this 18<sup>th</sup> day of April, 2016.

\_\_\_\_\_  
(Signed)  
Kevin Eccles, Mayor

\_\_\_\_\_  
(Signed)  
Larry C. Adams, CAO/Deputy Clerk

**AMENDMENT NO. 3 TO THE MUNICIPALITY OF WEST GREY OFFICAL PLAN**

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## **THE CONSTITUTIONAL STATEMENT**

**PART A – The Preamble** does not constitute a part of this Amendment.

**PART B – The Amendment** consisting of the following text and Schedule A attached hereto constitutes Amendment No. 3 to the Municipality of West Grey Official Plan.

**PART C – The Appendices** attached hereto do not constitute part of this Amendment. These Appendices contain background data, planning considerations and public involvement associated with this Amendment.

## **PART A – THE PREAMBLE**

### **PURPOSE**

The purpose of Amendment No. 3 to the Municipality of West Grey Official Plan is to change the land use designation of certain vacant lands within Durham from “Industrial” to “Residential” in order to facilitate future residential development.

### **LOCATION**

The subject lands are known as Part of Lots 14 and 15, Concession 1, East of Garafraxa Road, Part of Divisions 2 and 3, Lot 27, Plan 500, Lot 1, Part of Park Lot 9, Part Lot 13, North Side of South Street, Lots 1 to 10, Concession 2 NDR. (former Town of Durham) as shown on the attached Schedule “A”.

### **BASIS**

Amendment No. 3 is intended to change the land use designation of approximately 10.92 hectares of land from ‘Industrial’ to ‘Residential’. The balance of the property would remain ‘Industrial’.

The lands subject to this Amendment would be used for residential purposes; however, at this time, the nature of the proposed development in terms of road pattern, lot fabric, density and dwelling types has not yet been determined.

The subject lands are currently vacant. The site has been used in the past for aggregate extraction and has not been rehabilitated to any significant extent. The lands are described as having an undulating topography.

The balance of the property, which is not subject to this Amendment, comprises 17.02 hectares of land and is still licensed and actively used for aggregate extraction.

Through the detailed review of this application, it has been determined that the removal of the 10.92 hectares of ‘Industrial’ land should not negatively impact the vacant industrial land inventory in West Grey. There appears to be sufficient vacant land to meet the long-term industrial needs of the Municipality.

Changing the land use designation of the site to ‘Residential’ should improve the supply of the vacant, residential land within the Durham settlement area, and specifically residential land that can be readily serviced with municipal water and sanitary sewers. The Amendment may also be beneficial from a groundwater source protection perspective.

Of importance in the consideration of this Amendment is the fact that the lands subject to this Amendment will not be severed from the remaining ‘Industrial’ lands until such time as a detailed development proposal has been presented to the Municipality. It is possible that the former South Street road allowance, which is included with the owner’s holdings but will remain in the ‘Industrial’ designation, may end up being a municipal road in the future if it is determined that another access road to Garafraxa Street is necessary. As long as the ownership of the ‘Residential’ lands remain in the same name as the ‘Industrial’ lands, future consideration for constructing that road will remain an

option. Also, by keeping the entire property intact until such time as a residential development proposal has been presented to the Municipality, land use compatibility between the new housing and the existing aggregate operation can be more effectively addressed in accordance with the Ministry of Environment and Climate Change D-6 Guidelines (Compatibility Between Industrial Facilities and Sensitive Land Uses).

Confirmation that the site is free of contaminants will be required before any specific development on this site will be considered. A Record of Site Condition will be required at the Plan of Subdivision stage or at a similar opportunity. During the circulation of the Official Plan Amendment application, information was brought forward from the public suggesting that some materials/items may be buried on the subject property.

Whereas changing the land use designation of the subject lands to 'Residential' has merit at this time, subject to certain conditions, the zoning of the site should remain 'FD' (Future Development) until such time as a specific development proposal has been presented to the Municipality.

## **PART B – THE AMENDMENT**

### **INTRODUCTORY STATEMENT**

All of this part of the document entitled Part B to the Amendment and consisting of the following text and attached map designated as Schedule "A" constitutes Amendment No. 3 to the Municipality of West Grey Official Plan.

### **DETAILS OF THE AMENDMENT**

1. Schedule 'A' of the Municipality of West Grey Official Plan is hereby amended by changing the designation from 'Industrial' to 'Residential (see Section D2.4.25.1)' as shown on Schedule 'A' attached to this Amendment of those lands described as Part of Lots 14 and 15, Concession 1, East of Garafraxa Road, Part of Divisions 2 and 3, Lot 27, Plan 500, Lot 1, Part of Park Lot 9, Part Lot 13, North Side of South Street, Lots 1 to 10, Concession 2 NDR. (former Town of Durham), Municipality of West Grey, County of Grey.
2. The text of the Municipality of West Grey Official Plan is here by amended by adding the following to Section D2 RESIDENTIAL:

#### D2.4.25 Exceptions

D2.4.21.1 Notwithstanding their 'Residential' designation, on those lands designated 'Residential' on Schedule A to the Municipality of West Grey Official Plan and noted with the text "See Section D2.4.25", the following shall apply:

- (i) The subject lands shall not be severed or otherwise conveyed independently from the adjacent 'Industrial' lands to which the subject lands were attached on the day of adoption of Official Plan Amendment No. 3 until such time as the Municipality of West Grey has reviewed a detailed development proposal for all of the 'Residential' lands and is satisfied that: (1) no portion of the 'Industrial' lands is required for municipal roads; and (2) all land use compatibility issues involving the proposed residential development and the existing aggregate operation have been resolved in accordance demonstrate compliance with the Ministry of Environment and Climate Change D-6 Guidelines (Compatibility Between Industrial Facilities and Sensitive Land Uses).
- (ii) A Record of Site Condition addressing historical use of the site and possible soil contamination shall be submitted to the Municipality when a detailed development proposal is being considered for this site.

**PART C - THE APPENDICES**

APPENDIX I - MUNICIPAL RECORD (contained in 'Original' only)