

February 09, 2023

Planning and Development Department  
Count of Huron  
57 Napier Street  
Goderich, ON  
N7A 1W2

Our File: #20-2000

Attention: Denise Van Amersfoort, Manager of Planning

**Reference: Durisol Ltd.**  
**Application for a Zoning By-law Amendment - To Add a Holding Zone Special Provision**  
**RP 399; Pt. Lot 8-10, Concession 2, H.R.S.**  
**The Bridges of Seaforth - MacPherson Builders (Application made by Durisol Ltd.)**  
**Seaforth, Ontario (Municipality of Huron East)**

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### Introduction

**Monteith Brown Planning Consultants (“MBPC”)**, acts on behalf of Durisol Ltd. (“Durisol”) and its affiliated company DCS Properties Inc. (“DCS”). (any reference to “Durisol” in this letter also collectively includes reference to DCS) DCS is the registered owner of 40, 58, 60 and 63 Birch Street, Seaforth (the “Durisol Lands”). Durisol is the current owner and operator of facilities for the manufacture of precast concrete products (the “Existing Manufacturing Facility”) on the Durisol Lands. These facilities currently operate under the business name Faddis Concrete Products and have operated previously as Seaforth Concrete and as Design Concrete Systems Limited. The manufacturing of precast concrete has been carried on at this site for 43 years.

MBPC, on behalf of Durisol, is pleased to submit an application to amend the Municipality of Huron East Zoning By-law No. 52-2006 as it applies to the northerly portion of Pt. Lot 8-10, Concession 2, H.R.S. (“subject lands”), currently owned by MacPherson Builders (Seaforth) Limited (through 1417009 Ontario Ltd. and 8982777 Ontario Ltd.) (“MacPherson”), and forming part of the greater “The Bridges of Seaforth” (“Bridges”) residential community.

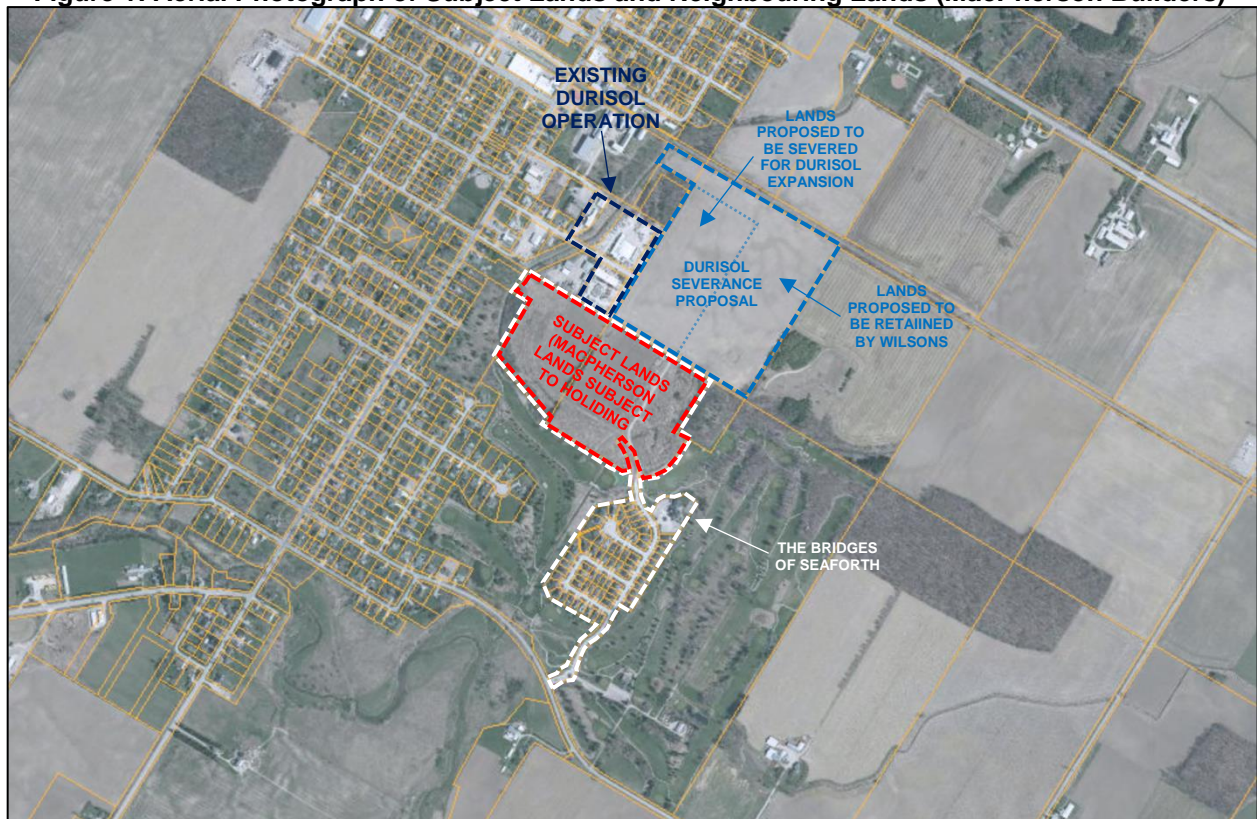
### Background (Wilson/Durisol Proposed Severance (On-Going))

The Durisol lands are located adjacent to the north of the Macpherson lands (See Figure 1, below). Durisol had submitted an application for Consent (C16/2021), and subsequent applications for Official Plan Amendment and Zoning By-law Amendment, to acquire lands abutting their existing operation to the east

owned by John and Heidi Wilson and legally described as Pt. Lot 9, Concession 1 HRS, & Lots 200-202, RP 399 (“Wilson lands”). The Wilson lands are also located adjacent to the north of the Macpherson lands (See Figure 1).

More specifically, the application for consent proposed to sever the westerly industrially-designated portion of the Wilson lands (approximately 7.74 hectares (19.12 acres) in area) to allow for the expansion of Durisol’s operation. The easterly agriculturally-designated and northerly industrially-designated portion of the Wilson lands (approximately 11.52 hectares (28.4 acres) in area) would be retained by the Wilson’s (See Figure 1). The purpose of the Official Plan Amendment and Zoning By-law Amendment was to address the anticipated conditions to be set through the Consent approval process, and in order to meet the deadline set out in the Agreement of Purchase and Sale of the property.

**Figure 1: Aerial Photograph of Subject Lands and Neighbouring Lands (MacPherson Builders)**



Source: Huron County GIS, 2020 overlay

A notice of objection to the Consent Application dated March 19th, 2021 was brought forward to the County on behalf of MacPherson noting their concern with the application on the basis of potential incompatibility between the future industrial uses planned on the proposed severed lands and the residential development planned on the neighbouring MacPherson lands, and the unresolved issues with providing noise abatement. Extensive discussions took place between our client’s solicitor, the MacPherson’s solicitor, the County and the Municipality, to rectify concerns and/or outstanding issues associated with the severance application, including constructive discussions on noise mitigation issues; however, the severance application was put into abeyance as Durisol was not prepared to accept the conditions proposed in respect of requirements for installation of services.

It does not now appear that the Wilson/Durisol severance application will proceed on the basis of the conditions proposed. As well, at this time, the two parties have not reached an agreement on the necessary noise attenuation between Durisol’s industrial operations and the proposed Bridges residential development, with respect to implementation, costing, location, and design.

With respect to noise mitigation issues, the conditions proposed by the County and Municipality with respect to the severance application would have required Durisol to accept a Holding Zone on the severed lands, which would prohibit any use of said land save for 'limited agriculture' (as defined by the Huron East Zoning Bylaw) until such time that a noise attenuation wall addressing existing operations at 45-55, 56 and 63 Birch Street (lands forming part of Durisol's operation) be constructed and that the applicant provide to the Municipality a certificate of a qualified acoustical engineer certifying the installation complete, all to the satisfaction of the Municipality. **Durisol had no objection to the imposition of such a Holding Zone on the proposed severed lands and the proposed new uses thereon.**

As a separate matter, Durisol is requesting an amendment to the Zoning By-law to amend the existing Holding Zone on the MacPherson lands proposed for residential development requiring that similar noise mitigation issues be dealt with in respect to those lands in respect to the pre-existing industrial activities on the Durisol lands at 40, 56, 60, and 63 Birch Street. The purpose of the holding zone is to require that MacPherson undertake the obtaining of an appropriate noise study and the provision of subsequent attenuation measures to address any potential impacts relating to the proposed residential development adjacent existing industrial land uses. This application is discussed further in the "Proposed Zoning By-law Amendment Application" section below.

### **Subject Lands (Macpherson Lands)**

The Bridge's community, located south of Durisol's lands, has a total development area of approximately 26.6 hectares (65.7 acres). Those lands were granted approval for Draft Plan of Condominium by the County of Huron on October 4, 2001 for 248 single detached residential dwellings, to be developed in seven (7) stages, and two open space blocks. Specifically, the lands subject to the proposed holding zone special provision are approximately 15.4 hectares (38.05 acres) and are located directly adjacent to the south of the proposed severed lands by Durisol (See Figure 1, above).

The subject lands currently have a general Holding ('h') Zone (as applied through the R1-20 Zone in Section 18.10 - Special Zones of the Zoning By-law) on the property to ensure appropriate services are in place prior to development and occupancy, and may only be used for model home display purposes and not for residential use until the holding is lifted. There is currently no specification or condition within the existing holding provision on the subject lands associated with noise abatement and mitigation to protect Durisol's existing industrial uses of the lands to the north from incompatible residential encroachment.

### **Proposed Zoning By-law Amendment Application**

Based on the above, this application is being submitted to amend the existing holding zone on the subject lands to include a specific requirement to address outstanding compatibility issues (noise attenuation and abatement) between the MacPherson's lands and Durisol's lands that were not specifically addressed by the approval authority at the time that the MacPherson's lands were approved for residential development adjacent our client's existing industrial operations. **It shall be noted that the proposed severed Durisol lands are not subject to the Zoning By-law Amendment.**

More specifically, the proposed new holding zone being requested would require the following:

- The owner, in coordination with Durisol Ltd., shall obtain a Noise Impact Study prepared by a qualified acoustical engineer which:
  - assesses the noise impacts of the existing manufacturing operations on the Durisol lands at 40, 58, 60 and 63 Birch Street (the "Noise Impacts"), on the future residential development to be constructed on the subject lands; and,
  - recommends any required noise mitigation measures to address noise impacts on the future residential development to be constructed on the subject lands, as a result of the existing manufacturing operations located at 40, 58, 60 and 63 Birch Street.
- That the Noise Mitigation Measures recommended by that Noise Impact Study be installed and a certificate of a qualified acoustical engineer certifying the installation complete, in accordance with the recommendations specified in the required Noise Impact Study, be provided to the Municipality prior to the removal of the Holding Provision.

The Provincial Policy Statement requires that major facilities and sensitive land uses be planned and developed, “to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects”, such as noise, to minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities (s.s. 1.2.6.1). Further, if avoidance is not possible, planning authorities are required to, “**protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment**” [emphasis added] (s.s. 1.2.6.2). As such, the MacPherson lands, in accordance with the Provincial Policy Statement, are required to ensure that they do not impact the ability for industrial land (employment lands) to function.

Further, the proposed amendment to the existing holding zone is in keeping with Section 4.3.14 of the County of Huron Official Plan, as well as section 6.5.3.1.3 and 6.5.3.3.3.6 of the Municipality of Huron East Official Plan, both of which require all new major facilities and sensitive land uses be planned and sited to ensure employment uses are protected from encroachment of sensitive land uses and that residential development proceed with concern for compatibility of surrounding land uses.

### **Conclusion**

Based on the above analysis, the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, conforms with the County of Huron Official Plan and the Municipality of Huron East Official Plan, and represents sound land use planning. It is recommendation of this letter that the proposed amendment application be approved.

### **In support of this application, please find enclosed the following for your review and consideration:**

- One (1) copy of the Authorization as Agent form;
- One (1) copy of the Zoning By-law Amendment application form; and,
- One (1) copy of the Zoning By-law Amendment Site Sketch.

The Zoning By-law Amendment fee in the amount of \$2,067.00 will be submitted under separate cover by our client.

We trust that the enclosed information is satisfactory to address the Municipality's/County's submission requirements and look forward to working with staff toward timely approvals. If you have any questions regarding this matter or require any additional information, please do not hesitate to contact me.

Respectfully submitted,

**MONTEITH BROWN PLANNING CONSULTANTS**



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copies: John Gerrard Wilson and Heidi Michelle Wilson (Owners)  
Kenn Hines, Durisol Ltd. (Client)