

November 2, 2007

**TOWN OF COME BY CHANCE  
MUNICIPAL PLAN AMENDMENT NO. 1, 2007**

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO APPROVE  
TOWN OF COME BY CHANCE  
MUNICIPAL PLAN AMENDMENT NO. 1, 2007**

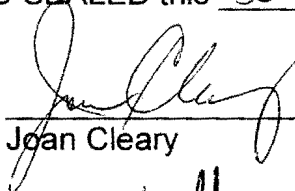
Under the authority of section 16, section 17 and section 18 of the *Urban and Rural Planning Act 2000*, the Town Council of Come By Chance

- a) adopted the Come By Chance Municipal Plan Amendment No. 1, 2007 on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.
- b) gave notice of the adoption of the Come By Chance Municipal Plan Amendment No. 1, 2007 by advertisement inserted on the 13<sup>th</sup> day of Nov, 2007 and the 19<sup>th</sup> day of Nov of \_\_\_\_\_, 2007 in the Packet newspaper.
- c) set the 29<sup>th</sup> day of Nov, 2007 at 7:30 p.m. at the Town Hall, Come By Chance for the holding of a public hearing to consider objections and submissions.

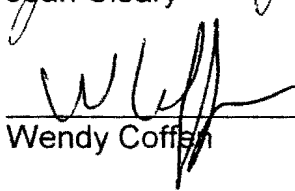
Now under section 23 of the *Urban and Rural Planning Act 2000*, on the 30<sup>th</sup> day of Nov, 2007 the Town Council of Come By Chance approves the Come By Chance Municipal Plan Amendment No.1, 2007.

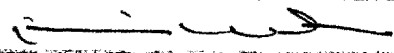
SIGNED AND SEALED this 30<sup>th</sup> day of Nov, 2007

Mayor:

  
Joan Cleary

Clerk:

  
Wendy Coffin

Municipal Plan/Amendment
Number <u>1135-2007-002</u>
Date <u>20 Dec. 2007</u>
Signature 

**URBAN AND RURAL PLANNING ACT  
RESOLUTION TO ADOPT  
TOWN OF COME BY CHANCE  
MUNICIPAL PLAN AMENDMENT NO. 1, 2007**

Under the authority of Section 16 of the *Urban and Rural Planning Act 2000*, the Town Council of Come By Chance adopts the Come By Chance Municipal Plan Amendment No. 1, 2007.

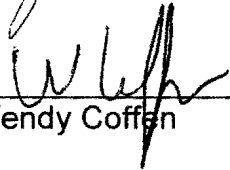
Adopted by the Town Council of Come By Chance on the 7<sup>th</sup> day of NOV, 2007.

Signed and sealed this 30<sup>th</sup> day of NOV, 2007.

Mayor:

  
\_\_\_\_\_  
Joan Cleary

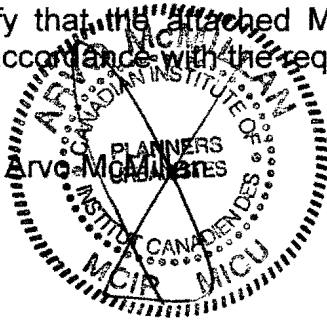
Clerk:

  
\_\_\_\_\_  
Wendy Coffin

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached Municipal Plan Amendment No. 1, 2007 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act*.

MCIP:



**TOWN OF COME BY CHANCE  
MUNICIPAL PLAN AMENDMENT NO. 1, 2007**

**BACKGROUND**

This Municipal Plan Amendment is caused by an oil refinery proposal submitted by the Newfoundland and Labrador Refining Corporation just off Come By Chance Point. The elements of the proposal which are fully set out in the Project Registration document of October 16, 2006 and which are translated into the appropriate amendments are:

- a) major docking facilities at Come By Chance Point;
- b) road and services access and a major Trans Canada Highway interchange.

The interchange would replace the at-grade interchange for both Come By Chance and Sunnyside with a grade separated one further west about 800 metres. This was discussed with the Department of Transportation and Works, and, the Town of Sunnyside.

Access to the refinery site, and the Trans Canada Highway itself would be protected by a Transportation Corridor designation and zone. The proposed service road running from the new interchange and the access to the proposed refinery is also protected by a Transportation Corridor.

Subsequent to the public consultation which was held on June 21<sup>st</sup>, 2007, the June 1, 2007 draft of the amendment which was presented at the consultation session was modified as follows:

- a) the Wetland Stewardship Area boundary and the boundary of the Open Space Conservation designation and zone is slightly modified to reflect information contained in information received from the Eastern Habitat Joint Venture – neither change is substantive, but they do relate in positive manner to the change in the Transportation Corridor as described below;
- b) a change was made in the location of the Transportation Corridor as originally earlier indicated in the June 1, 2007 draft of the amendment, in response to a request made by the engineering firm for Newfoundland and Labrador Refining Corporation;
- c) the proposed industrial area off the new access road toward the Town was dropped at the request of the Town.
- d) the industrial area is replaced by a service road corridor running back to Main Street, to provide access to the Town from the Trans Canada Highway.

**PUBLIC CONSULTATION**

A public briefing session for June 21<sup>st</sup> 2007 at 7:00 p.m. was advertised in the June 16<sup>th</sup> and 20<sup>th</sup> editions of the Telegram and posted at the Town office and the Post Office. Some 20 to 25 residents appeared at the consultation session.

## THE AMENDMENT

1. Future Land Use Maps 1 and 2 are amended as shown on the attached plans.
2. Section 2.5 - **Land Use Issues - Industrial Expansion** is modified to take into account the Newfoundland and Labrador Refining Corporation refinery development off Come By Chance Point, so that as amended this clause WILL STATE:

**"Industrial expansion** – The Whiffen Head Transshipment Terminal may see some future expansion. The Town wishes to take advantage of this possibility by expanding its industrial area south to its boundary with Arnold's Cove to accommodate any oil-related development at Whiffen Head and its expansion northward. Furthermore, the Town wishes to encourage refinery and related industrial developments in and around Come By Chance Point and surrounding areas, along with an area adjacent the Trans Canada Highway."

3. Section 3.3.6 **Industrial** of the Municipal Plan, WHICH STATES:

### **"3.3.6 Industrial**

Industrial lands in the community are located south of the built-up areas of the town around the oil refinery. The town supports the continued operation of the refinery, and wishes to encourage other related industrial developments adjacent to it. The following objectives have been established for the development of industrial lands in the Town:

- To recognize the operations on, and development potential of lands suitable for heavy industry.
- To ensure industrial development is conducted in an environmentally safe and responsible manner.

The following policies shall be used to implement these objectives:

1. **Industrial Land Use Designation** – Lands to the north and south of the refinery area are designated for industrial uses. The area will be reserved for general and light industrial uses and associated transportation and resource extraction activities. Hazardous industrial uses, solid waste storage, treatment and disposal in the form of recycling plants, may also be permitted provided such uses are developed to minimize environmental impacts on the community and other surrounding land uses. Educational uses in the form of industrial training schools may also be permitted in the Industrial land use designation.

2. **Non-Industrial Uses** – Uses which are typically associated with or necessary to the development of an industrial use or area are considered acceptable in the Industrial land use designation. Such uses include an apartment accommodation, or office space for use by employees of the industrial use. Other uses, such as retail sales outlet or restaurant may also be permitted where these uses cater to an industrial area, or where the type of use supplies products of an industrial nature.
3. **Environmental Protection** – The town will continue to work with North Atlantic Petroleum Limited to ensure that emissions and other environmental issues are addressed, and that environmental protection measures are implemented to reduce negative impacts on the environment.”

IS AMENDED TO STATE:

**“3.3.6 Industrial**

Industrial lands in the community are located south of the built-up areas of the town around the oil refinery. The town supports the continued operation of the refinery, and wishes to encourage other related industrial developments adjacent to it. The following objectives have been established for the development of industrial lands in the Town:

- To recognize the operations on, and development potential of lands suitable for heavy industry.
- To ensure industrial development is conducted in an environmentally safe and responsible manner.

The following policies shall be used to implement these objectives:

1. **Industrial Land Use Designation** – Lands to the north and south of the refinery area, together with other lands that are needed for industrial and related purposes, are designated for industrial uses. These areas will be reserved for general and light industrial uses and associated transportation and resource extraction activities. Hazardous industrial uses, solid waste storage, treatment and disposal in the form of recycling plants, may also be permitted provided such uses are developed to minimize environmental impacts on the community and other surrounding land uses. Educational uses in the form of industrial training schools may also be permitted in the Industrial land use designation.

2. **Non-Industrial Uses** – Uses which are typically associated with or necessary to the development of an industrial use or area are considered acceptable in the Industrial land use designation. Such uses include an apartment accommodation, or office space for use by employees of the industrial use. Other uses, such as retail sales outlet or restaurant can also be permitted where these uses cater to an industrial area, or where the type of use supplies products of an industrial nature.
3. **Environmental Protection** – The town will continue to work with North Atlantic Petroleum Limited to ensure that emissions and other environmental issues are addressed, and that environmental protection measures are implemented to reduce negative impacts on the environment.”
4. Section 3.3.11 - Transportation Corridor is added, WHICH STATES:

#### **“3.3.11 Transportation Corridor**

##### **GENERAL**

The Transportation Corridor set out on the Future Land Use Maps has two functions:

1. It is designed to identify and protect the Trans Canada Highway and future interchanges along the Trans Canada Highway from development which would adversely affect the operations of the highway.
2. It is designed to protect future road and utility corridors where the location of the roads and services have not been precisely determined. This can necessitate the setting out of a wide corridor on the Future Land Use Maps where the future road(s) and services are likely to be constructed.

Once the roads and services are constructed, then by amendment to the Municipal Plan and Development Regulations the Town can remove or reduce the Transportation Corridor.

##### **DEVELOPMENT APPROVAL**

1. Conditions are as determined by the Town in consultation with the appropriate authorities, including the Department of Transportation and Works.

2. Where the Transportation Corridor leaves the Trans Canada Highway to serve the Oil Refinery site, then development within this corridor can only take place after consultation with the owners or operators, or their agents, of the Newfoundland and Labrador Refining Corporation or their successors – along with other relevant authorities.

#### LAND USES

Subject to the necessary approvals, the following uses can be entertained for approval under this designation –

as permitted uses:

- ▶ Conservation
- ▶ Public Utilities and Services
- ▶ Roads

and then as discretionary uses:

- ▶ Antenna
- ▶ Mineral Exploration
- ▶ Mineral Working
- ▶ Recreational Open Space.”