

**Town of Fort Frances  
Administrative Report**

**TO:** Planning and Development Executive Committee  
**FROM:** Cody Vangel, Chief Building Official & Municipal Planner  
**SUBJECT:** **B2-2022: Zoning By-law Amendment – 1229 Cornwall Avenue (Lagoon Property)**  
**DATE:** May 2, 2022

**Issue:**

Consideration of zoning by-law amendment B2-2022 submitted by 2670568 Ontario Limited seeking to add the following multiple site-specific permitted uses at 1229 Cornwall Avenue (locally known “Lagoon Property”):

- 1) To add a site-specific permitted use for Industrial Scale Computing;
- 2) To utilize sea-cans or containers converted to Buildings and/or a constructed structure to house the Industrial Scale Computing equipment;
- 3) To add a site-specific permitted use for the establishment of a 150 MW Solar Farm to produce solar energy and/or feed into the electrical grid;
- 4) To add a site-specific permitted use for Transmission of electricity, including infrastructure (towers and lines);
- 5) To add a site-specific permitted use for Electric substations; and
- 6) To add a site-specific permitted use for Battery Energy Storage System (BESS)

The site-specific permitted uses would all be subject to the specific provisions of the Waste Disposal industrial (M3) zone.

**Strategic Impact:**

1. Attracting new industry and attracting investment for local business development.
16. Mitigate risks of climate change
25. Preserve Power Agreement and support Fort Frances Power Corporation

**Options/Alternatives:**

1. Recommend approval of application;
2. Recommend amendment to application; or
3. Recommend rejection of application.

**Administrative Recommendation:**

THAT the 150MW Solar Farm including the transmission of electricity, electric substation, and battery energy storage system site-specific uses be approved; and

THAT the property be designated as a Site Plan Control Area which will require a site plan agreement prior to any further development taking place on the property; and

Should the Planning and Development Executive Committee recommend approving the Industrial-Scale computing use and associated components, the following conditions and criteria are recommended:

- that a noise mitigation study and noise mitigation plan among other potential studies for the development be required as part of the site plan agreement; and
- that the sea-cans, if approved, not be allowed to stack on top each other; and

- the structures and operation associated with the industrial-scale computing be located not closer than 300m to any surrounding residential use or residential zoned properties, and further that this be located not closer than 850m to McIrvine Road and Eighth Street West; and
- that the proponent provide documentation from the MOECP stating whether an Environmental Compliance Approval will be necessary for this project aspect

### **History:**

The previous report that went to the Planning and Development Executive Committee (PDEC) on May 2, 2022, has been attached with this report.

At the May 2, 2022 PDEC meeting, some members of the Committee requested additional information on the noise levels, more specifically requesting a noise level decibel target at sensitive receptors (i.e. residential uses) for further consideration on the industrial scale computing aspect of the application.

During the May 2, 2022 PDEC meeting the committee was generally supportive of the solar and associated components aspect of the application. However, this did not go on to Council as the application was submitted as one, as such the decision will need to be made on the application as a whole, including approving/rejecting various parts, at the Council level. This reasoning pertains around appeal rights, decision notification, approval timelines, etc.

### **Analysis:**

Guideline [D-6 Compatibility between Industrial Facilities](#) (D-6) is an Ontario Ministry document that can be used in the land use planning process to assist to prevent or minimize land use issues between industrial uses and sensitive land uses.

The proposed Industrial Scale Computing use for the sake of this report is considered as Class III in [D-6-1 Industrial Categorization Criteria](#) due to the anticipated noise output frequently audible off property.

A Class III Industrial Facility is defined as follows: *A place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions.*

Per [D-6-3 Separation Distances](#), Class III Industrial refers to a potential influence area of 1000m, and a recommended 300m minimum separation distance from incompatible development.

Subsection 4.5.1 of D-6 summarizes to say that when a development occurs within a potential influence area, evidence should be provided to substantiate the absence of problems between the two land uses. This could summarize to mean that studies may be required to show there will not be an issue. Given that this proposal for industrial scale computing (Class III Industrial) is likely to fall within the potential influence area of 1000m to a residential use, studies may be required to substantiate the use.

Subsection 4.6.1 of D-6 states that noise (studies) shall be addressed through [Ministry Publication LU-131](#).

Ministry Publication LU-131 is titled "Noise Assessment Criteria in Land Use Planning". Stated in the Purpose of this document is the following *"This guideline outlines the position of the Ministry of the*

*Environment (MOE) on noise criteria for planning of sensitive land uses, in support of the Provincial Policy Statement under the Planning Act and in accordance with the Ministry of the Environment Guideline D-1 "Land Use Compatibility". It is intended for use in planning of noise sensitive land uses adjacent to facilities such as but not limited to airports, road and rail transportation corridors, industrial facilities, aggregate facilities, major commercial facilities, sewage treatment facilities, and waste sites."*

Section 4 of Ministry Publication LU-131 refers to Noise Impact Assessment, Stationary Sources. This would pertain to the Industrial Scale Computing as a stationary industrial use.

Subsection 4.1 of Ministry Publication LU-131 furthers to state the following *"The sound levels anticipated on the site of a proposed noise sensitive land use shall be established in accordance with References [8], [9], [10] and [11], including all the appropriate adjustments. The assessment of noise impact shall reflect the "predictable worst case" situation, i.e. the largest difference between source sound levels and the applicable criterion"*. This would refer to procedures on modeling and assessing noise.

Per section 2 definitions in Ministry Publication LU-131 the surrounding area would be classified as a Class 2 Area based on the following definition *means an area with an acoustical environment that has qualities representative of both Class 1 and Class 3 Areas, and in which a low ambient sound level, normally occurring only between 23:00 and 07:00 hours in Class 1 Areas, will typically be realized as early as 19:00 hours. Other characteristics which may indicate the presence of a Class 2 Area include:*

- *absence of urban hum between 19:00 and 23:00 hours;*
- *evening background sound level defined by natural environment and infrequent human activity;*
- *no clearly audible sound from stationary sources other than from those under impact assessment.*

Section 4.4 of Ministry Publication LU-131 sets out recommendations for outdoor sound level criteria. For a Class 2 Area the following sound level criteria for an outdoor point of reception from a stationary source is recommended:

- 50dBa from 07:00 – 19:00
- 45dBa from 19:00 – 23:00

Section 4.5 of Ministry Publication LU-131 sets out recommendations for sound level criteria in the plane of a window. For a Class 2 Area the following sound level criteria in the place of a window from a stationary source is recommended:

- Day-time
  - 50dBa from 07:00 – 19:00
  - 45dBa from 19:00 – 23:00
- Night-time
  - 45dBa from 23:00 – 07:00

With the above information being presented to PDEC, the Committee may consider assigning the noise limitations and schedules to the by-law. Administration advises caution to the Committee such to not become too prescriptive with assigning noise level targets in the by-law, as these would ultimately be set and followed through the applicant's noise mitigation study and plan in conjunction with all applicable Ministry guidelines, consultation and regulations.

**Attachments:**

- D-6-3 Separation Distances
- D-6-1 Industrial Categorization Criteria
- D-6 Compatibility between Industrial Facilities
- Ontario Ministry of the Environment-LU-131
- May 2, 2022 PDEC Report