

**THE CORPORATION OF TOWN OF FORT FRANCES
BY-LAW NO. 03/14 – AC**

(Being a By-Law to amend Zoning By-Law #03/14, as amended – 1229 Cornwall Avenue (Lagoon Property))

WHEREAS 2670568 Ontario Limited is the registered and beneficial owner (the “Owner”) of the property (the “Property”) municipally known as 1229 Cornwall Avenue, Fort Frances, Ontario, and legally described as PCL BLK 1-4 SEC SM49; FIRSTLY, BLK 1 PL SM49 MCIRVINE; BLK 2 PL SM49 MCIRVINE; BLK 3 PL SM49 MCIRVINE; SECONDLY, PT SEC 29 MCIRVINE PT 1, 48R3176, SURFACE RIGHTS ONLY AS PT 2, 48R3176; THIRDLY, PT HUDSON BAY COMPANY RESERVE MCIRVINE PT 3, 48R3176; FOURTHLY LT 1 PL SM145 MCIRVINE SURFACE RIGHTS ONLY; LT 2 PL SM145 MCIRVINE; LT 3 PL SM145 MCIRVINE EXCEPT PT 1, 2 & 3, 48R3385; LT 4 PL SM145 MCIRVINE; LT 5 PL SM145 MCIRVINE; LT 6 PL SM145 MCIRVINE & LT 7 PL SM145 MCIRVINE, EXCEPT PT 4, 48R3385 FIFTHLY SE1/4 SEC 29 MCIRVINE EXCEPT PT 5, 48R3385; FORT FRANCES.

AND WHEREAS the Owner appointed Mitch Lepage (the “Agent”) to act as the Agent for the rezoning application.

AND WHEREAS the Property’s current zoning is Waste Disposal Industrial (M3).

AND WHEREAS the Agent has, submitted an application (the “Application”) to amend the Zoning By-Law 03/14, as amended (the “Zoning By-Law”) to add the following site-specific permitted uses on the Property, while retaining the existing Waste Disposal Industrial (M3) zoning designation:

- To add a site-specific permitted use for Industrial Scale Computing;
- To utilize sea-cans or containers converted to Buildings and/or a constructed structure to house the Industrial Scale Computing equipment;
- 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;
- To add a site-specific permitted use for Transmission of electricity, including infrastructure (towers and lines);
- To add a site-specific permitted use for Electric substations; and
- To add a site-specific permitted use for Battery Energy Storage System (BESS)

AND WHEREAS the Municipality deems it desirable to amend the Zoning By-Law to add the listed site-specific permitted uses, in part, on the Property, subject to additional provisions and conditions, while retaining the existing Waste Disposal Industrial (M3) zoning designation.

AND WHEREAS in accordance with *Section 34(12) of the Planning Act*, a Public Meeting was held on Monday April 11, 2022 to consider the subject Zoning By-Law Amendment, with adequate notice provided to the public according to Ontario Regulation 545/06 and Section 34(14.1) of the Planning Act on March 10, 2022.

AND WHEREAS at its meeting held Tuesday May 24, 2022, Council approved the report of the Municipal Planner, supported by recommendations from the Planning and Development Executive Committee and the Committee of Adjustment, that the application be approved in part subject to certain provisions and conditions.

NOW THEREFORE the Council of the Corporation of the Town of Fort Frances **HEREBY ENACTS** as follows:

1. That the following permitted uses be defined as follows, and added as site-specific permitted uses on the Property:

Industrial Scale Computing: The use of premises for the purpose of housing computer systems that collect, maintain, store, and/or process data for profit. Typical uses include but are not limited to blockchain/cryptocurrency mining and data centres.

Solar Farm: Up to 150MW of Photo Voltaic Solar Generation utilizing either a fixed mounting or a variable tracking system.

Transmission of electricity, including infrastructure (towers and lines):

Transmission is an interconnected group of lines and associated equipment for the movement or transfer of electric energy between points of supply and points at which it is transformed for delivery to customers or is delivered to other electric systems.

Electric substations: A facility for switching electrical elements, transforming voltage, regulating power, or metering.

Battery Energy Storage System (BESS): A type of energy storage that uses a group of batteries to store electrical energy.

2. That the Property be designated as a Site Plan Control Area requiring a site plan agreement, authorized by Council, prior to commencing any further development on the Property.
3. That the **Solar Farm, Transmission of electricity, Electric substations, and Battery Energy Storage System** uses be approved and subject to the existing regulations of permitted uses in the Waste Disposal Industrial zone as outlined in subsection 4.14.2 of the Zoning By-law.
4. That **Industrial Scale Computing** and its associated components be approved, in part, subject to the following provisions and conditions:
 - a. THAT a noise mitigation study and noise mitigation plan among other potential studies be required as part of the site plan control agreement; and
 - b. THAT if sea-cans (storage containers) are used to house the equipment, they not be allowed to stack on top each other; and
 - c. THAT the structures, associated components, and operations 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 use be located not closer than 850m to McIrvine Road and Eighth Street West; and
 - d. THAT the Owner provide documentation from the MOECP stating whether an Environmental Compliance Approval will be necessary for this use as a requirement of the site plan control agreement; and
 - e. THAT the site plan control agreement outlines requirements for compliance with all regulatory body guidelines, statutes and regulations including but not limited to those specifying noise outputs; and
 - f. THAT the site plan control agreement contains verbiage and requirements for ongoing noise monitoring as well as enforcement provisions to ensure compliance with all regulatory requirements; and
 - g. THAT the noise mitigation consultant hired by the Owner or the Owner's agent, consult with the Town of Fort Frances for input on the noise mitigation study and plan; and
 - h. THAT all costs associated with the site plan control agreement, development, studies and others determined, be at the cost of the Owner or the Owner's agent.

ENACTED and PASSED this 13th day of June 2022

J.Caul, Mayor

G. Lecuyer, Clerk