

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

MEETING DATE: April 23, 2024

TO: Committee of the Whole

FROM: Melanie Knight, Director of Development Services and Engineering

SUBJECT: **Zoning By-law Amendment – D14-COM-23
CON 8 E PT LOT 8
Ramsay Ward, Municipality of Mississippi Mills
Municipally Known as 6299 County Road 29**

OWNER: Allan Lowry

APPLICANT: Dillon Consulting Limited c/o Connor Wilks

RECOMMENDATION:

THAT Committee of the Whole recommend that Council approve the Zoning By-law Amendment to amend the zoning of the subject lands which are municipally known as Concession 8 East, Part of Lot 8, Ramsay Ward, Municipality of Mississippi Mills, municipally known as 6299 County Road 29, from Rural (RU) to Rural Site Specific Exception (RU-xx-h) in order to permit a Battery Energy Storage System, limited to a 1.0 ha portion of the property and subject to a holding provision, similar in effect to Attachment A.

BACKGROUND:

The Independent Electricity System Operator (IESO) is the crown corporation responsible for operating the electricity market and directing the operation of the bulk electrical system in Ontario. IESO has initiated several programs, including battery storage since 2014. Battery storage stores low-cost power during off-peak periods and feeds it back into the electricity grid during peak periods when the demand for electricity is the highest.

A staff report was provided on [January 17, 2023](#) Committee of the Whole meeting recommending that Committee of the Whole support the requested resolution by COMPASS. At that time, the property proposed for the establishment of the battery storage facility was 1442 Ramsay Concession 8.

COMPASS approached the Municipality with a new location for the battery storage facility. The facility is no longer proposed at 1442 Ramsay Concession 8 and is now

proposed at 6299 County Road 29. According to COMPASS, as part of their IESO approval, any relocation needs to be within 2 km of the original site. A staff report was provided on [December 5, 2023](#) and Committee of the Whole passed a resolution in support of the proposal subject to the development meeting all applicable municipal and provincial by-laws. The application for Zoning By-law Amendment is one of the by-law requirements which are required to be met. If the Zoning By-law Amendment is approved, Site Plan Control will also be required prior to the development proceeding.

DESCRIPTION OF PROPERTY & SURROUNDING LAND USES:

The subject property is situated on Part of Lot 8, Concession 8, located on the west side of County Road 29 South. The subject property measures approximately 39.9 hectares in size and has approximately 565 metres of frontage on County Road 29. Surrounding land uses include Agricultural and Rural.

Figure 1: Subject Lands



PURPOSE AND EFFECT:

The subject site is currently split zoned Agricultural (A) and Rural (RU). The applicant is proposing a site-specific Zoning By-Law Amendment to add “Utility Stationary Battery Energy Storage” as a permitted use within the Rural (RU) zone, on this property, to develop a Utility Stationary Battery Energy Storage facility. As part of Official Plan

Amendment 29 (LEAR) the property is proposed to be entirely designated Agriculture (removal of the Rural designation).

PROPOSED DEVELOPMENT:

The applicant is proposing to establish a battery storage facility on the subject property. A Planning Rationale was submitted as part of the Zoning By-law Amendment application (which can be accessed online [here](#)) with site details for the layout of the area of development.

The application originally proposed two separate locations for the facility and has confirmed with the Department that the location of the facility will be located at the rear of the property as illustrated in Attachment A.

Site Plan Control will be required prior to the construction of the facility and staff are proposing a holding provision be applied to the area to be rezoned, so that specific requirements, including but not limited to, fire training for these specific type/quantity of batteries, design features of the site including heat alarms with direct alerts to the Fire Department.

SERVICING & INFRASTRUCTURE:

The subject properties are currently serviced by a private well and septic system. No servicing changes have been proposed and no servicing is proposed for the facility.

Any entrances from County Road 29 will need to be approved by County Public Works, which will be determined at the Site Plan Control stage.

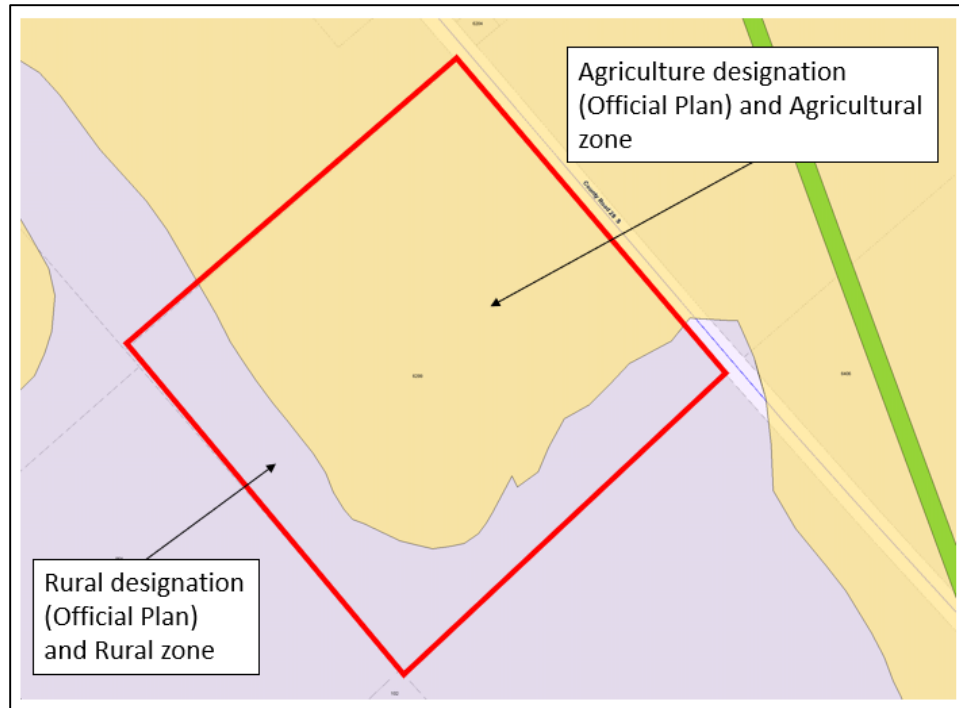
Staff do not foresee any servicing or infrastructure concerns resulting from the proposed Zoning By-law Amendment.

COMMUNITY OFFICIAL PLAN (COP):

As previously mentioned, the property is currently split zoned Agriculture and Rural in the Official Plan. Planning staff are of the opinion, that in absence of specific Official Plan policies permitting this new type of “utility” that battery storage could be permitted within the Rural designation by way of a site-specific Zoning By-law Amendment.

This opinion is with respect to the current Official Plan designation on the property at the time of writing this report. Staff acknowledge that Official Plan Amendment 29 (LEAR) was passed by Council and recently by County Council; however, has yet to come into effect as the Official Plan Amendment is still in the appeal period and until it is determined that appeals have been received, the Official Plan Amendment is yet to be in full force and effect.

Figure 2 – Agricultural and Rural designation (and zoning)



ZONING BY-LAW #11-83:

As noted above, the subject property is split zoned Rural (RU) and Agriculture (A) in the Zoning By-law. Both zones permit agricultural and agricultural-related uses; however, the Rural zone also permits non-farm, rural residential uses and allows for a wider range of minimum lot sizes.

PUBLIC AND AGENCY COMMENTS RECEIVED:

Staff circulated the application in accordance with the provisions of the Planning Act to the public, internal departments and external agencies and organizations.

At the time of preparation of this report, the following comments were received:

Internal Departments

Fire Department:

Planning staff have been working closely with the Fire Chief on this planning application and will continue to do so through the Site Plan Control stage and as the applicant meets the requirements of the holding provision.

External Agencies

Lanark County:

The developer will be required to obtain an entrance permit from PW as well as a Municipal Consent for the installation of the poles within the ROW. The entrance would be considered Commercial/Industrial/Institutional/Multi-Residential Entrance.

Public works requests that a traffic impact statement be submitted to confirm the trips generated from the development do not trigger improvements to County Road 29, such as a turn lane. The traffic impact statement shall also confirm there will be no conflicts with the adjacent entrances due to their proximity.

- Staff have discussed the above noted comments with County Public Works and have agreed that any traffic information can be deferred to the Site Plan Control stage where the exact location of the entrance and traffic impacts will be determined.

Mississippi Valley Conservation Authority (MVCA):

As previously indicated, MVCA does not have any objections to the proposed storage unit provided it is located outside of MVCA's Regulation Limit. In our last submission, we requested that the Site Plan be overlaid on vivid aerial imagery, in order to more accurately assess the proposed location relative to the wetland and MVCA's Regulation Limit. In response, we received a description of the proposed location. We would like to reiterate our previous request for a plan that shows the proposed location on vivid aerial imagery. Ideally, it would be helpful to overlay the site plan on MVCA's mapping which was included in Appendix E of this submission.

- As the next step in the planning process is the Site Plan Control stage the Conservation Authority will be circulated and able to comment on the detailed design of the area of development to ensure that it is located outside of the area of development.

Public Comments

Three members of the public contacted Planning staff to have more information on the project; however, no specific comments on the proposed Zoning By-law Amendment were received.

EVALUATION:

Community Official Plan (COP)

Section 4.8.2 of the Official Plan provides policies to guide Public Uses and Utilities. Generally, the policies are permissible in that the policies permit utilities in all designations; however, specifically state that utilities *should avoid prime agricultural lands, significant wetlands, fishery habitat and significant habitat of endangered or threatened species. New public uses and utilities will only be permitted in such areas if*

they have been approved through an environmental assessment process and no other reasonable alternative exists.

The Rural designation permits a variety of agricultural uses as well as accessory uses and rural commercial and rural industrial uses.

It is staff's opinion that the policies of the Rural designation coupled with Section 4.8.2 of the Official Plan, that the required Zoning By-law Amendment is in accordance with the permitted uses within the Rural designation and the Official Plan policies which speak to utility installations, with the caveat that a Zoning By-law Amendment application is made for the battery storage facility located within the Rural designation (and zone) of the property.

Staff are of the opinion that the proposed Zoning By-law Amendment is in conformity with the applicable policies of the COP.

Zoning By-law #11-83

Section 7.4 of the Zoning By-law indicates that utility installations are permitted in all zones except for Environmental Protection (EP) and Mineral Aggregate zones (MP, MQ and MR). Public Utilities are defined as:

PUBLIC UTILITY" means any water works, sewerage works, gas works, electric heat, light or power works, telegraph and telephone lines and works for the transmission of gas, oil, water or electrical power or energy, or any similar works supplying the general public with necessary services or conveniences.

The proposed Zoning By-law Amendment would rezone only the portion of lands which are proposed to be used by the battery storage facility and with that site specific zone include a definition of the battery energy storage system is proposed to be included to be applicable to this application only. This approach will ensure that through Official Plan Amendment 28 (and subsequent Zoning By-law Amendment), if needed, an additional definition or amended definition of "Public Utility" could be added to the Zoning By-law independent of this application.

Staff acknowledge that the applicant has also indicated that a new entrance from County Road 29 is proposed to access the facility; however, as the property is a large parcel and the County is the approval authority for entrances along County Road 29, it is the opinion of staff that the area required for the driveway is not required to be rezoned for the battery facility.

Staff are proposing a holding provision for the zone to ensure that the requirements from the Fire Department, including review of the Site Plan, requirements for training fire fighting staff and any additional requirements such as specific needs for extinguishing fires which involve lithium batteries can be addressed prior to the lifting of the holding and development occurring.

Battery storage facilities are a new utility not yet considered in Mississippi Mills nor in most areas of the province. The City of Ottawa have received several different battery storage facility proposals and are currently undergoing a study for these facilities. Staff have been in contact with City of Ottawa staff regarding their study and to exchange information on the topic. In addition, the Fire Chief has also consulted with other Fire Chiefs in the area to exchange information. As this a new proposed utility, the use of the holding provision will ensure that the necessary information and agreements are in place prior to the development occurring.

For Council's information, battery storage facilities as well as renewable energy (wind and solar) will be one of the foci of the Rural Village and Rural Vitality Study to determine if new Official Plan policies should be introduced to provide a planning policy framework to address these new types of utilities. At this time, staff have no specific concerns related to the proposed development as it is small scale (in comparison to other similar proposals) and any requirements prior to the development proceeding can be addressed through Site Plan Control and the requirements of the holding provision.

SUMMARY:

Having reviewed and assessed the proposed Zoning Amendment application, Staff are satisfied that the proposal is consistent with the Provincial Policy Statement 2020, conforms to the intent of the Community Official Plan and conforms to the intent of Zoning Bylaw #11-83. As the proposed addition of "Battery Energy Storage System" as an additional permitted use for the subject property, within the area identified on the schedule of the draft by-law complies and conforms to all applicable policies based on the analysis included herein, staff have no concerns regarding the proposed Zoning By-law Amendment.

It is the professional opinion of the Planning Department that the proposed Zoning By-law Amendment is appropriate, desirable and represents good planning.

All of which is respectfully submitted by, Approved by,



Melanie Knight, MCIP, RPP
Director of Development Services and
Engineering



Ken Kelly
CAO

ATTACHMENTS:

1. Attachment A – Proposed Zoning By-law