June 9, 2020

County of Essex
Planning Services
360 Fairview Avenue West
Essex, Ontario
N8M 1Y6

Town of LaSalle
5950 Malden Road
LaSalle, ON
N9H 1S4

Attention: Rebecca Belanger, MCIP RPP
Attention: Larry Silani, MCIP RPP

Request for Class 4 Designation - Sterling Lakes Subdivision
Town of LaSalle

On behalf of our client, Sterling Lakes Limited Partnership (Sterling Lakes), we are writing to confirm our request for the designation of a portion of the Sterling Lakes Subdivision as Class 4 under the NPC-300 Guidelines. This request should be read in conjunction with our previous correspondence dated March 5, 2020 (see attached).

Our request follows a meeting on June 9, 2020 with Mr. Coulthard, his consultant, the Town of LaSalle, our client and ourselves to reach an understanding regarding the potential impact from Propower Manufacturing Inc. (Propower), located at 5000 Howard Business Parkway, on the proposed Sterling Lakes development in the Town of LaSalle, Ontario. We are suggesting the following:

1. Class 4 Designation for Proposed Development and Surrounding Sterling Lakes Lands

   A Class 4 designation be applied to all lands owned by Sterling Lakes within 300m of the 5000 Howard Business Parkway property line (refer to attached drawing).

2. Commercial Designation as Buffer

   At the request of Mr. Coulthard, we removed the Neighbourhood Commercial lands to the east of D’Amore Drive from the approved Draft Plan of Subdivision; however, we encourage the Town of LaSalle to rezone these lands to an appropriate site specific Neighbourhood Commercial zoning category excluding all sensitive land uses. The lands are not part of the Sterling Lakes Draft Plan and rezoning application.
3. Extension of the Class 4 designation to the North or East

This matter does not pertain to other lands beyond the property limits of Sterling Lakes.

4. Warning Clause

We are in support to include a warning clause in the Development Agreement and all Agreements of Purchase and Sale with 300m of the 5000 Howard Business Parkway property line. As per NPC-300, a Type E warning clause associated with stationary sources is as follows:

"Purchasers/tenants are advised that due to the proximity of the adjacent industry, municipally known as 5000 Howard Business Parkway, LaSalle, noise from the industry may at times be audible."

We look forward to Council’s consideration at your earliest convenience and recommend that the Council Resolution be shared with the Mr. Coulthard and his consultants.

Please do not hesitate to contact me should there be any questions or requirements for additional information.

Sincerely,

DILLON CONSULTING LIMITED

[Signature]

Karl Tanner, MCIP RPP
Partner
KOT.dct

cc+encl: Laura Fanelli – Sterling Lakes Limited Partnership
          John Coulthard – Propower Inc.
          Brad Bergeron – RWDI
          Allen Burgess – Town of LaSalle
          Lucas Arnold – Dillon Consulting Limited
March 3, 2020

County of Essex, Planning Services
Essex County Civic Centre
360 Fairview Avenue West
Essex, Ontario
N8M 1Y6

Attention: Rebecca Belanger

Borden Lander Gervais LLP – Response to Comments - DRAFT
Sterling Lakes Subdivision

Dillon Consulting Limited (Dillon) was retained by Sterling Lakes Limited Partnership (Sterling Lakes) to prepare a Stationary Noise Assessment to confirm the impact from Propower Manufacturing Inc. (Propower), located at 5000 Howard Business Parkway, on the proposed mixed-use development in the Town of LaSalle, Ontario. The study has been completed in support of the Zoning By-Law Amendment (ZBA) and Draft Plan of Submission applications for the proposed development. This assessment focused on the area of the development parcel that is closest to the Propower facility, bounded by Huron Church Line Road, Sixth Concession Road, and the proposed D’Amore Drive extension.

The subject site is located east of Huron Church Line Road between Sixth Concession Road and Seventh Concession Road. The subject site, as well as the lands surrounding the property, including the Propower property, are currently designated Residential in the Official Plan. The intent of the Official Plan is to guide development in the next 20 years and plan for future development. The Town of LaSalle has designated the lands with the intention to promote residential development in the surrounding area thus restricting any further industrial uses in the vicinity.

An Acoustic Assessment Report (AAR) in support of the provincial environmental approvals for Propower, was completed by RWDI in September 2019. Dillon obtained the AAR directly from RWDI, and utilized the information to reproduce the stationary noise assessment of the Propower facility, while including the proposed development as a new point of reception in the assessment.

The purpose of this letter is to address comments prepared by RWDI, and provided by Borden Ladner Gervais (BLG) in a letter, dated February 11, 2020, which are outlined below:
Response to RWDI Comments Re: Dillon Stationary Noise Assessment

(i) Exclusion of Other Noise Sources

As per discussions with the Town of LaSalle, the intent of this study was to assess compatibility between Propower and the proposed residential development with respect to noise impacts. Noise impacts from transportation sources were not assessed in this study (roadways and railways).

The assessment of impacts from the stationary noise sources at Propower is independent of road/rail noise impact as per NPC-300, and does not change the concluding statements of the stationary noise assessment. Dealings with RWDI is specific to the stationary noise sources at Propower.

Any potential impacts from transportation sources on the proposed development will have no bearing on the compatibility between the proposed development and the operation of stationary noise sources at Propower.

(ii) Building Heights & Potential Sound Differential

The stationary noise analysis assessed noise impacts from Propower on the nearest proposed sensitive receptor locations. The Building Evaluation feature was used in Cadna/A to determine the predicted worst-case plane of window impacts, which include the following:

- Block 13, 4-stories (at 1.5m, 4.5m, 7.5m, and 10.5m)
- Block 12 and Block 14, 2-stories (at 1.5m and 4.5m)

The predicted noise impacts outlined in Table 5 of the Dillon Report represent the maximum predicted impacts resulting from Propower operations for each of the identified receptor points. The height of 4.5m indicated on the figures is in reference to the noise impact height at which the noise level contours are presented. The figures are prepared as such for ease of comparison with the same prepared by RWDI.

(iii) Assumes the Implementation of Phase 2 of the Propower NAAP

Phases 1 and 2 of the Noise Abatement Action Plan (NAAP), as outlined in the RWDI AAR, were both assumed to be included in the noise study based on the following rationale:

- Section 4(3) of the current Environmental Compliance Approval (ECA) for the Propower facility (ECA No. 6042-AYMMEV, dated August 16, 2018) states that “The Company shall: (a) implement the Noise Control Measures
as detailed in the Noise Abatement Action Plan of the Acoustic Assessment Report not later than twelve (12) months after the date of the Approval”.

Since a twelve month period has lapsed from the issue date of the ECA, and there is no evidence that the Noise Control Measures have been implemented, Propower would not be in compliance with the ECA conditions.

- Based on information provided by the Town of LaSalle, building permits were issued for the residential development north of the Propower site in September 2019. In addition, the Sterling Lakes residential development is not expected to begin construction until October 2020.

- Propower is required to meet MECP’s NPC-300 noise guidelines at all existing and approved sensitive land uses.

Response to RWDI Recommendations

1. Class 4 Designation for Proposed Development and Surrounding Lands

Information was provided by RWDI regarding the existing and proposed operations of Propower. Based on the provided information, predicted noise impacts from Propower on the proposed development meet the Class 2 exclusionary guideline limits of NPC-300. A Class 4 designation is unnecessary to achieve compatibility between the proposed development and Propower (considering existing and proposed sources). It is also noted that designating a land as Class 4 solely rest with the land-use planning authority of the municipality.

2. Commercial Designation as Buffer

The lands referred to in this comment are not part of this draft plan and rezoning application. Future plans for this land solely rest with the owner with relevant approvals from the municipality.

3. Extension of Class 4 to the North Lands

This matter does not pertain to our assessment and the subject lands.

However, MECP’s NPC-300 states Class 4 is for areas intended for development with new noise sensitive land uses(s) that are not yet built. The areas to the north are currently being built and a warning clause was to be registered on title, as approved by Town Council.

Additionally, areas with existing noise sensitive land use(s) cannot be classified as Class 4 areas.
4. Warning Clause

The letter requests that the warning clause be recorded in accordance with NPC-300. As per NPC-300, a Type E warning clause associated with stationary sources is as follows:

"Purchasers/tenants are advised that due to the proximity of the adjacent industry (Propower Manufacturing Inc. municipally known as 5000 Howard Business Parkway, LaSalle), noise from the industry may at times be audible."

Warning Clause Type E is quite minor in nature and its inclusion is suggested for transparency purposes, and not because of any exceedance of criteria scenarios. Inclusion of the Type E clause for the proposed development within 300m from the property boundary of Propower is suggested, which is in line with MECP's D6 guideline for areas of influence (i.e., 300m for a Class II industry).

Additionally, as the study Dillon completed assessed only existing and proposed noise impacts on the proposed development, “other emissions” should not be included in the warning clause.

Please do not hesitate to contact us should there be any questions or requirements for additional information.

Sincerely,

Dillon Consulting Limited

[Signatures]

Lucas Arnold, P.Eng.  Karl Tanner, MCIP RPP
Associate  Project Manager
Lands to apply Class 4 Designation under NPC-300 Guidelines