

DATE: October 13, 2020

REPORT NO: PD-139-2020

SUBJECT: Recommendation Report - Draft Renewable Energy Policies for the Township of West Lincoln Official Plan

CONTACT: Brian Treble, Director of Planning & Building

OVERVIEW:

- On September 9th 2019, report PD-081-19 was written and presented to the Township of West Lincoln Planning, Building, Environmental Committee (the Committee) recommending that we commence the process of creating renewable energy official plan policies.
- At least two meetings occurred with several representatives of local wind action energy groups who are concerned about the existing and future impacts of existing wind turbines on West Lincoln and its residents.
- Policy from the early 2000s was originally identified by Planning Staff as an acceptable basis from which to draft new policy now that authority has been transferred back to the Township.
- Upon review and reflection, that policy approach was out of date, and not going to work based on what we now know and as a result, a new policy has been drafted.
- Although staff report PD-081-19 was approved and direction was provided to hold a public meeting, that has not happened.
- The public meeting is now proposed to be held on the basis of the attached draft policies in order to obtain public input and agency comment.

RECOMMENDATION:

1. That, Report PD-139-20, regarding "Recommendation Report, Draft Renewable Energy Policies for the Township of West Lincoln Official Plan", dated October 13th, 2020, be RECEIVED; and,
2. That, staff be and are hereby authorized to hold an Open House and public meeting at a future Planning/Building/Environmental Committee meeting to consider draft Renewable Energy Policies to be incorporated into the Township of West Lincoln Official Plan.

ALIGNMENT TO STRATEGIC PLAN:

Theme #6

- **Efficient, Fiscally Responsible Operations**

BACKGROUND:

The Green Energy and Green Economy Act was first approved in 2009 by the Provincial Government and placed the approval and authority for all Green Energy applications at the Provincial level. Local land use planning policies were over ridden by this act. The current government has now repealed most of this legislation resulting in the need for local renewable energy land use planning policy again.

CURRENT SITUATION:

In addition to the comments made in staff report PD-081-19 as found at attachment 1 to this report, it became clear that a lot more is now known about wind and solar power facilities that existed prior to 2010.

As a result, staff have changed our proposed approach slightly from the approach originally proposed in PD-081-19 to a new policy approach as reflected in draft policy as found at attachment 2 to this report. This policy is written to require substantial justification to be provided along with an official plan amendment where power is being generated to provide broader community/public benefit.

If a renewable energy system is being installed for the benefit of one house or one property (and less than 10 KW) then no amendment to the Official Plan is required and only regulations of the Zoning By-law would apply.

This new policy approach (attachment 2) is what staff proposes to present to the public at a future open house and public meeting.

At least two consultations have already occurred with representations of Mothers Against Wind Turbines (MAWT) and the West Lincoln Wind Action Group (WLWAG) in order to assist with a broader staff understanding and public prospective.

The science is growing exponentially every day on what works and does not work in the field of renewable energy. There are also very many conflicting professional opinions on the topic which makes policy preparation a challenge.

FINANCIAL IMPLICATIONS:

Not applicable to this report. Staff is moving forward, with all likely costs being covered by the planning operating budget.

INTER-DEPARTMENTAL COMMENTS:

Not applicable to this report at this time.

CONCLUSION:

Staff present this report at this time to commence discussion on a new policy set for

West Lincoln to address any future renewable energy projects and expansion of existing renewable energy projects. Staff originally proposed to dust off the 2008 draft policy. However, changes in our understanding as outlined in this report have slightly changed our approach. Staff now propose to hold an open house and then hold at least one public meeting so that input is obtained before we move forward with a new policy.

ATTACHMENTS:

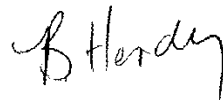
1. Previous Staff Report PD-081-19
2. New Draft Renewable Energy Policy for public consideration

Prepared & Submitted by:



Brian Treble
Director of Planning & Building

Approved by:



Bev Hendry
CAO



REPORT
TOWNSHIP
PLANNING/BUILDING/ENVIRONMENTAL
COMMITTEE

DATE: September 9th, 2019

REPORT NO: PD-081-19

SUBJECT: Recommendation Report
Commence Public Process to Include Green Energy Policies in
Township of West Lincoln Official Plan

CONTACT: Brian Treble, Director of Planning and Building

OVERVIEW:

- On September 20th 2018, the Provincial Government introduced the Green Energy Repeal Act and many other changes that were designed to give authority back to local municipalities for Green Energy projects.
- On December 6th 2018, the Provincial Government finalized the Green Energy Act Repeal process with Royal Assent of Bill 34. As a result, as of July 1st, 2019, Green energy applications will now need to be reviewed against local land use policy.
- Back in 2008, the Township of West Lincoln was working on a draft policy which can be found at attachment 1 to this report. This process was never finalized when authority was received.
- Setbacks of the draft amendment were clearly deficient, in hindsight. Short of that issue however, staff propose to dust off these policies and change the setbacks to new setbacks following public consultation. Setbacks will be considered as part of a recommendation report in order to complete the policy review and implementation as first started in 2008.

RECOMMENDATION

1. That, Report PD-081-19, regarding “Recommendation Report, Commence Public Process to Include Green Energy Policies in Township of West Lincoln Official Plan”, dated September 9th, 2019, be RECEIVED; and,
2. That, staff be and are hereby authorized to hold a public meeting at a future Planning/Building/Environmental Committee meeting when a draft Green Energy Policy is available to be considered through a public meeting.

ALIGNMENT TO STRATEGIC PLAN

- **Value**
Provide and sustain a high quality of life for our residents.
- **Objective**
Increase responsiveness to development approval process, needs of residents and market demand.

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BACKGROUND

The Green Energy and Green Economy Act was first approved in 2009 by the Provincial Government and put all authority for Green Energy applications at the Provincial level. Land use planning policies were over ridden by this act. The current government has now repealed this legislation resulting in the need for local land use planning policy again.

CURRENT SITUATION

Staff have retrieved the previous Green Energy policy set that was first considered in 2008 and have also been investigating land use policy from elsewhere to find a good policy set that can be considered for West Lincoln.

A statement made by the Province with approval of the Repeal Act includes: “the Green Energy Repeal Act, gives government the authority to stop approvals for wasteful energy projects where the need for electricity has not been clearly demonstrated. This will put the brakes on additional projects that will add additional costs to electricity bills that the people of Ontario simply cannot afford. Along with repealing the Green Energy Act, the new legislation gives municipalities the final say over the siting of future energy projects in their communities”.

Wind Concerns Ontario suggested a few additional policy sets that staff are still reviewing. One of these policy sets from Kincardine is attached to this report (attachment 2).

Staff propose to hold a public meeting in the near future to obtain feedback from the public before we get too far into this venture. Policy is needed in order to ensure that we are ready and prepared should applications come forward.

Due to the lack of attractive funding packages being offered by the Government right now, private sector interest in Green Energy projects has dropped off completely in Ontario. Although there may be no hurry, it is worth being prepared with an approved policy set. As a reminder, however, a complete prohibition would not constitute good land use planning.

Wind Concerns Ontario has recently recommended that municipalities pass an interim control by-law. The action of a public process now, should hopefully avoid the need for an interim control by-law.

FINANCIAL IMPLICATIONS

Not Applicable. Staff is moving forward, with all likely costs being covered by the planning operating budget.

“The Township of West Lincoln will be a community that values our heritage, preserves our environmental and natural resources, fosters entrepreneurial spirit and provides excellent quality of life”

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INTER-DEPARTMENTAL COMMENTS

Not applicable at this time.

CONCLUSION

Staff present this report at this time to commence discussion on a new policy set for West Lincoln to address any future green energy projects. Staff propose to dust off the 2008 draft policy, change the setbacks as outlined in this report, and then hold a public meeting so that input is obtained before we move forward with a new policy.

ATTACHMENTS

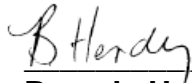
1. Report PD-124-18 (October 20, 2008) with Draft OPA 18
2. Draft Kincardine Policy

Prepared by:



Brian Treble, RPP, MCIP
Director of Planning and Building

Approved by:



Beverly Hendry, CAO

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“The Township of West Lincoln will be a community that values our heritage, preserves our environmental and natural resources, fosters entrepreneurial spirit and provides excellent quality of life”

REPORT TO PLANNING/BUILDING/ENVIRONMENTAL COMMITTEE
October 20, 2008

TO: Chair and Members of the Committee

FROM: Rachelle Larocque, Planner
Brian Treble, Director of Planning

RE.: **Recommendation Report**
Proposed Renewable Energy System Policies

REPORT NO.: PD-124-08

RECOMMENDATIONS

That, Report No. PD-124-08, dated October 20, 2008, relating to the adoption of Renewable Energy System Policies, BE ADOPTED as modified and shown in Attachment No. 1; and,

That, a By-law to Adopt Amendment No. 18 to the Official Plan for the Township of West Lincoln, BE APPROVED; and

That, Official Plan Amendment No. 18, Renewable Energy System Policies, be forwarded to the Region of Niagara for approval.

PURPOSE OF THIS REPORT

The purpose of this Recommendation Report is as a follow-up to Report No. PD-099-08 which provided background information and was presented to the Planning/Building/Environmental Committee as a Technical Report in September, 2008. That report indicated that once the Region of Niagara has approved their proposed Wind Energy policies a report would be provided to this Committee with a recommendation. The Regional policies were recommended for approval on October 8, 2008 by Regional Planning Committee and were approved by Regional Council on October 16, 2008. Township Staff are now in the position to provide a Recommendation Report.

PLANNING REVIEW

1. Provincial Policy Statement (PPS)

Section 1.8 of the PPS is titled 'Energy and Air Quality' and speaks to renewable and conventional forms of energy generation. The policies encourage the establishment of renewable and alternative energy sources, where feasible. The policies also state that renewable and alternative energy systems shall be permitted in all settlement areas, rural areas and prime agricultural areas in accordance with provincial and federal requirements. The policies also state that in rural and prime agricultural areas, renewable and alternative energy systems shall be designed and constructed so as to minimize impacts on the surrounding agricultural operations.

These policies support the inclusion of wind energy policies in local Official Plans to support the establishment of these renewable energy sources subject to evaluation criteria. The policies in the PPS permit wind energy systems to be located anywhere within the Township. The policies in the PPS could supersede any policies that prohibit such structures in any local Official Plan, and thus, renewable energy projects could be approved by the Ontario Municipal Board. In establishing our own renewable energy policies, the Township has greater control over the process instead of relying on provincial decisions.

Bill 51, which came into effect on and after January 1, 2007 prescribed undertakings related to energy to be exempt from the Planning Act where the undertaking is approved or is the subject of an order, declaration or an exempting regulation under the Environmental Assessment Act, and if the undertaking/class of undertaking is prescribed by the Lieutenant Governor in Council Regulation. The Environmental Assessment Act defines an undertaking to be any project which creates greater than 2 MW of energy.

2. Provincial Growth Plan (P2G)

The P2G does not provide policies with respect to energy production or energy transfer. The policies of the P2G apply to any applications which are filed after June 16, 2006 and all new applications must conform to the Provincial Growth Plan (P2G). Section 1.4 of the P2G provides direction on how to read the P2G, specifically noting that: *This Plan should be read in conjunction with the applicable PPS.* Since there are no applicable policies within the P2G for this particular situation, the PPS will be the only set of provincial policies to apply.

3. Regional Policy Plan (RPP)

The RPP did not contemplate renewable energy or wind energy systems; however, Regional Council approved these policies on October 16, 2008 subject to the appeal period. The Township of West Lincoln policies are modeled on the proposed policies created by the Region of Niagara. The Township policies will comply with the proposed Regional policies. Any application for a wind farm will require an amendment to the RPP to permit the construction of a wind farm.

4. Township of West Lincoln Official Plan (OP)

The Township OP does not contemplate renewable energy systems. The Township OP has policies which refer to Electric Power Facilities, and refer specifically to the development of any new facilities including transmission lines, transformer stations and distributing stations. The OP does not refer to any other form of electricity creation or transfer station. The proposed Renewable Energy Policies, and specifically at this time the Wind Energy Policies, will address new types of energy generation that will be possible in the Township. Staff propose that a new Renewable Energy section be created so that additional renewable energy policies can be added by Council in the future.

As an example, Regional Staff and area planners are currently looking into solar energy policies for proposals in Welland and Fort Erie areas of the Region.

5. Township of West Lincoln Zoning By-Law (ZBL)

The Township ZBL does not contain any setback requirements or provisions for Wind Energy Systems. Regulations have been prepared to be included in the Township ZBL and a proposed Zoning By-law Amendment will be presented to the Planning/Building/Environmental Committee on November 10, 2008 for consideration at a public meeting on December 1, 2008. The Zoning By-law should not be approved until the Official Plan policies are finalized and received by Region and approved.

COMMENTS AND DISCUSSION**1. Agency Comments**

The amended Township policies have been forwarded to the Region for review.

2. Public Comments

There have been a number of individuals from the public who have been interested in receiving copies of the policies to review. There have been no written or verbal comments provided by the public regarding the proposed policies at the time of writing this report.

Interested individuals have been notified that this report is proposed to be presented at the Planning/Building/Environmental Committee meeting.

3. Planning Comments

The proposed wind energy policies are as a result of a growing need for alternative forms of energy production. The proposed policies would permit the construction of wind energy facilities in the Township, where it is deemed appropriate and the required studies have been completed. Policies for wind energy have only been proposed at this time, however, the proposed amendment has been structured so as to enable Council to consider the addition of policies for other renewable energy sources once these systems have been reviewed and policies drafted.

The proposed wind energy policies are as a result of the Regional process to establish wind energy policies within the Region. Wind energy and renewable energy policies are needed to comply with provincial policies and meet the goal of the province to generate at least 2,700 megawatts of power from renewable energy sources by the year 2010.

The Township policies have been drafted based on the policies that have been approved by the Region of Niagara and the policies approved by another Niagara municipality (Niagara-on-the-Lake). Both sets of these policies were reviewed and approved by Regional Council on October 16, 2008.

Recent discussions regarding the approved Regional Wind Energy policies centred around the required setbacks from Municipal Roads and whether the transmission wires are required to be buried. The policies that were approved by the Region regarding these two issues are as follows:

Setbacks (Regional Policy)

All large scale wind energy systems shall require a minimum setback of 1.25 times the height of the wind energy system from all Regional road allowances. Setbacks from local road allowances should be 1.25 times the height of the wind energy system although applications for reduced setbacks from less travelled roads and unopened road allowances can be determined on a site-by-site basis by the local municipality.

Requirement to Bury Transmission Wires (Regional Policy)

Subject to environmental or site characteristics, new private transmission and distribution lines shall be located below grade within the boundaries of the properties involved, and beyond that are encouraged to be co-located with existing infrastructure along roadways. The decision of whether new private transmission and distribution lines are to be located below grade along unopened road allowances, trail-ways, utility corridors or other easements can be assessed by the local municipality on a site-by-site basis.

Amendments to these policies were suggested by the consultants and the lawyer for Rankin Construction, but the above policies, as proposed by the Regional Planners, was approved by Regional Council. A report provided by the Regional Legal Services Department has been provided as Attachment 3 to outline the changes that were proposed by Niagara Wind Power Inc. and the policies that were proposed by Regional staff, and approved by Regional Council.

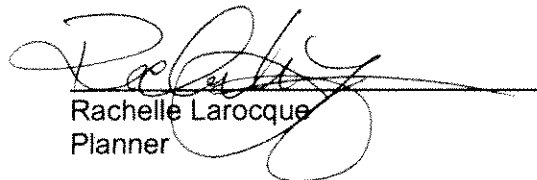
The Township policies have been amended to comply with the Regional policies and have been highlighted in the proposed Official Plan amendment as found in Attachment 1. The proposed Township Official Plan policies, as amended, are consistent with Regional policy plan amendment including the two policy issues as reviewed above.

ATTACHMENTS

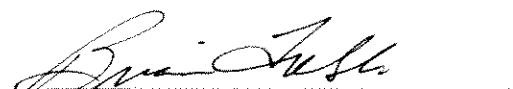
1. Proposed Official Plan Amendment No. 18
2. By-law to adopt Official Plan Amendment No. 18
3. Report from the Region of Niagara Legal Services

Submitted By:

Reviewed By:



Rachelle Larocque
Planner



Brian Treble, MCIP, RPP
Director of Planning & Building

PD-024-08
ATTACHMENT NO. 1
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AMENDMENT NUMBER 18
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN

AMENDMENT NUMBER 18
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN

PART 1 – THE PREAMBLE

1.1 TITLE

This Amendment when adopted by Council shall be known as Amendment Number 18 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached Schedule 'A'. The preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of this Amendment is to include Renewable Energy System Policies, and specifically, Wind Energy System Policies in the Official Plan.

1.4 BASIS OF THE AMENDMENT

The Township of West Lincoln is proposing to amend the Official Plan to include Renewable Energy System Policies and Wind Energy Policies. These amendments are required to meet the objectives of the Province of Ontario to introduce renewable energy systems into the energy grid.

PART 2 – THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 – THE AMENDMENT, consisting of the following text changes constitute Amendment No. 18 to the Official Plan of the Township of West Lincoln.

2.2 DETAILS OF THE AMENDMENT

- a) The text of the Township of West Lincoln Official Plan is hereby amended by adding the following definitions to Section 12:

12.2 *Definition of Certain Words*

- (n) **“Point of Reception”** is defined in accordance with the Ministry of the Environment publication “Interpretation for applying MOE NPC Technical Publications to Wind Turbine Generators”, Version 1.0 which defines a Point of Reception as any point on a neighbouring premises and a radius within 30 metres of a dwelling or camping area, where sound or vibration is received from an off site source.

A Point of Reception shall include existing or zoned land for future; permanent or seasonal residences, hotels/motels, nursing/retirement homes, rental residences, hospitals, campgrounds, and noise sensitive buildings such as schools and places of worship.

For the purposes of this Plan, the definition of Point of Reception shall also be applicable for the assessment of shadow flicker.

- (o) **“Wind Energy System”** means a renewable electrical generation facility that produces power from wind primarily to provide all, or a portion of, the electrical power needs for a user or to feed into the transmission or local distribution grid. A Wind Energy System shall mean a single wind turbine, outbuildings, access roads, distribution lines and any other supporting infrastructure.
- (p) **“Wind Turbine Height”** means the total height of a wind turbine measured from the base of the supporting tower to the tip of a turbine blade at its highest point.
- (q) **“Utility Corridor”** means an above-ground or below-ground utility line or pipe, including any excavated and subsequently backfilled trench that the utility line or pipe was placed over or laid in. utility corridors include, but are not limited to, sanitary and storm sewers, water lines, gas lines, sewer force mains, electric power distribution lines and telephone, cable TV or telecommunication lines. Utility corridors are present in public right of ways, including streets or roads, as well as on the properties being served by the utilities.

- b) The text of the Township of West Lincoln Official Plan is amended by creating a new Section 10, "Renewable Energy" and the remaining sections of the Official Plan are renumbered accordingly.

10 Renewable Energy Systems

10.1 Background

The purpose of this section is to establish policies for all renewable energy systems. The policies will differentiate between wind energy and renewable energy resources. Each renewable energy system has a differing set of requirements and standards that they must meet.

These policies were created to meet the priority identified by the provincial and federal governments of renewable energy sources as a key component to energy development. Renewable energy systems are compatible with the traditional systems which are currently in place throughout the province. The varying scales of renewable energy production can produce energy on a small scale that will provide energy to individual homes, or at a large scale that can be sold back to the power grid and assist the province with power generation. The province has pledged to provide an additional 2700 megawatts of renewable energy power to the system by the year 2010, which is part of a larger goal to double the renewable energy power production by the year 2025. Renewable energy systems will assist in meeting the energy production needs of the province, while at the same time reducing greenhouse gases.

These policies, as read in conjunction with the Regional Policy Plan and the Township of West Lincoln Zoning By-law, will provide a basis for the process to establish renewable energy facilities in the Township.

10.2 GOALS AND OBJECTIVES

- (1) *Provide opportunities for renewable energy systems of all sizes.*
- (2) *Provide opportunities for local energy generation, increased electricity supply and conservation.*
- (3) *Consider the development of wind energy systems and their potential impacts against other land use constraints including heritage resources, cultural heritage landscapes, scenic and tourism resources.*
- (4) *Complement existing land uses and provide opportunities for supplementing agricultural income.*
- (5) *Support communal and cooperative wind energy systems both within and bordering the Township.*

10.3 RENEWABLE ENERGY SYSTEM POLICIES

The development of new or expanded renewable energy systems are subject to all policies within this Official Plan and are permitted as follows:

10.3.1 General Policies

10.3.1.1 Region of Niagara Policies

- a) *The Development of new or expanded renewable energy systems are subject to all policies contained within the Region of Niagara Official Plan and this Plan. Policies contained within this document need to be read together with Region of Niagara Policy Plan.*

10.3.1.2 Planning Process

- a) Preliminary consultation shall occur between the applicant and Township Staff regarding any new or expanded renewable energy systems, prior to the submission of any applications and the commencement of any Environmental Assessment processes.

During the preliminary consultation, the scale and characteristics of the proposal will be reviewed, and some of the requirements may be scoped accordingly.

Whenever possible, the Township will coordinate/combine any required Planning Act meetings, open houses, approvals, information, supporting study requirements, public notices, etc. in parallel with the Environmental Assessment process for electricity projects in Ontario's Environmental Assessment Act 0. Reg 116/01 and the Ministry of the Environment's 'Guide to Environmental Assessment Requirements for Electricity Projects.' Notwithstanding the above, the applicant should also address all Planning Act requirements and may choose to do so under a joint report, rather than separate reports for the Environmental Assessment and Planning Act processes.

- b) Public notification for the planning applications to permit a renewable energy system shall include:

- (1) For medium or large scale renewable energy systems, the following applies:
 - (i) Mail notification prior to the Public Meeting, to landowners within 1 km of a parcel of land that will contain any part of a renewable energy generation system.
 - (ii) Newspaper notification prior to the Public Meeting, in the local paper(s) with the largest local circulation in the vicinity of the planning application.
 - (iii) Posting of the application notice on the Township website.
 - (iv) On-site posting of planning applications through approved Township signage. The signs shall be posted on each parcel of land to contain any part of an energy generation system in a prominent location(s) along all road frontages.
 - (v) All requirements of the Planning Act, associated regulations and the Environmental Assessment Act, pertaining to notification.
- (2) The requirements of the Planning Act pertaining to notification will apply to all new or expanded micro or small scale renewable energy systems.

- c) Notwithstanding other severance policies contained within this Official Plan, the creation of lots within the vicinity of a proposed (where an application is deemed complete) or approved renewable energy project shall be assessed in a manner that protects the ongoing operation of the renewable energy facility. Lot creation shall not be permitted where either the renewable energy system or the future use on the lot would experience adverse effects.

- d) The Township may require a peer review, at the applicants cost, of submitted supporting information.

- e) A zoning by-law amendment for any medium or large scale renewable energy system shall include UTM coordinates identifying its location.
- f) Consistent with Part 5 of this Plan, the development of new or expanded renewable energy systems of any size may be subject to site plan control. All necessary securities, including those for decommissioning, will form part of the conditional rezoning or implementing Site Plan Agreement.

10.4 Integration with the Environmental Assessment Process

It is not the intent of this Plan to duplicate any requirements of a proponent under the Environmental Assessment Act. Wherever possible, these policies seek to integrate the Environmental Assessment Act and Planning Act through:

- a) Preliminary consultation shall occur between the applicant and the Township prior to the submission of any Planning Act applications and the commencement of any Environmental Assessment process;
- b) The scope of any documentation required under the Environmental Assessment Act will be expanded to include any information requirements required to assess the proposal under the Planning Act and the Provincial Policy Statement;
- c) Whenever possible, stakeholder consultation, whether optional or mandated, under the Planning Act and the Environmental Assessment Act will be combined;
- d) Prior to the approval of any application for a renewable energy system, all requirements, if any, must be completed and approved. Examples include the Environmental Screening Report or Environmental Review Report prepared under the Environmental Assessment Act;
- e) No final decision will be made for planning applications that are subject to the federal or provincial environmental assessment until those processes are completed and necessary approvals have been granted. The planning applications will continue to be processed concurrently wherever possible.

10.5 Siting & Design

- a) Unless environmental or site characteristics dictate otherwise, new private transmission and/or distribution within private lands and public right-of-ways shall be located below grade or co-located with existing infrastructure for all medium and large scale wind energy systems. The decision of whether new private transmission and distribution lines are to be located below grade along unopened road allowances, trail-ways, utility corridors or other easements can be assessed by the local municipality on a site-by-site basis.
- b) New or expanded renewable energy systems shall be designed and constructed to minimize impacts on agricultural operations, natural heritage features, mineral aggregate operations, cultural heritage landscape and built heritage resources.
- c) No renewable energy system shall be located on a property within a designated heritage district or containing a designated heritage building.

10.6 Information Requirements

The following information requirements apply to all scales of renewable energy systems. More particular terms of reference based on the scale of the renewable energy system may be established in preliminary consultation with Staff and other agencies. The purpose of this list is to provide an outline of potential land use impact reports to be submitted and is not an all inclusive list. This list is not intended to discourage the establishment of renewable energy systems. All required reports are to be prepared and signed by qualified individuals.

- a) **Visual Impact Assessment** shall be conducted and may include, but not be limited to, the following items:
- Landscape assessment of the potentially affected area;
 - Effects of night lighting on ground level land uses;
 - Analysis of the effects of the proposal on key viewpoints or tourist routes within the affected area, including day and night visibility; and
 - Identify guidelines and designs for site plan review to assess and mitigate identified impacts.
- b) **Site plan information:** Shall be prepared by a qualified professional and show system details (make, model, output, height, and elevations), and the location of building, structures, works, access roads, supporting infrastructure, property lines, roads, trails, vegetation, topography, elevations, and adjacent buildings and structures up to 100 metres for every 10 metres in height of the renewable energy system from the subject property for large scale renewable energy systems. The level and extent of detail may be reduced for all other scales of renewable energy generation as determined through a pre-consultation meeting with the Township.
- c) **Planning Justification Report:** Shall include a location analysis and an assessment of potential implications for existing surrounding land uses. For Zoning By-law Amendments it will not be necessary to demonstrate a need for the use, rather to demonstrate optimization and efficiency within a given location and be balanced against any impacts or adverse effects.
- d) **Copy of all documentation** submitted or prepared as part of the requirements of the Canadian and Ontario Environmental Assessment Acts.
- e) A Stage 1 **Archaeological Assessment**, and, if deemed required by the Municipality and/or Ontario Ministry of Culture, further assessment.
- f) **Management Plan** including but not limited to:
- i. Procedure for rehabilitation/reinstatement of temporary disturbance areas.
 - ii. Construction details concerning staging, access, silt control, construction areas, hours of construction, and any temporary structures.
 - iii. Traffic management which details volumes, frequencies and haul routes of construction and supply vehicles. Haul routes should minimize impacts on existing services/infrastructure, tourist routes, and local residents.
 - iv. Decommissioning details where the proposed energy system has a set lifespan and which should include the method of removal, reinstatement of the lands to their prior use,

- and the estimation of the costs of decommissioning and how this would be funded entirely by the developer, including the determination of securities.
- v. Emergency management which includes details concerning on-site safety and measures to ensure emergency services personnel are adequately trained.
 - vi. Preventative maintenance.
 - vii. Design standards (i.e. certification and type approval) and safety protocols to reduce the risks associate with the renewable energy system.

10.7 Monitoring

After 12 months of the first renewable energy system being approved and commencing operation, the Township may review the approval process, any public comments related to the new renewable energy system, and consider if amendments are required to any future planning approvals process. Matters for review include, but are not limited to agricultural impacts, built heritage resources and cultural landscapes, visual impact, shadow flicker, noise, and setback effectiveness.

The site plan agreement entered into for all new renewable energy systems will include a clause that requires the applicant to provide a status report to the Township within three months of a renewable energy system not producing power. The status report will identify the reason for the shut down, and the estimated timeframe to return the facility to full operational status. If the renewable energy system is not operational within 1 year, or longer at the discretion of Council, from the time it ceased producing power, decommissioning of the turbine shall commence in accordance with the approved Management Plan.

Upon receipt of complaints regarding renewable energy systems, the Township will consider their legitimacy. If a complaint is considered to be legitimate, then the Township will request the applicant/operator to undertake the necessary studies to confirm if a problem exists and the identify solutions for remediation.

10.8 WIND ENERGY

10.8.1 CATEGORIES OF WIND ENERGY SYSTEMS

The development of new or expanded wind energy systems within the Township are categorized according to the following scales of production:

Micro Scale: means any wind energy system with a wind turbine height less than 16.6 metres.

Usually these are ancillary to a principal permitted use and do not exceed 3 kilowatts of nameplate generation capacity. The electricity produced by micro scale wind energy systems is generally consumed on-site or credited upon entering the grid. Examples of micro scale systems include turbines mounted on a building or free standing facilities such as a vertical axis turbine powering a light standard.

Small Scale: means any wind energy system with a wind turbine height ranging between 16.6 metres and 36 metres. A Small Scale Wind Energy System shall have a blade diameter not greater than 20 metres.

Usually these are ancillary to a principal permitted use and do not exceed 50 kilowatts of nameplate generation capacity. The electricity produced by small scale wind energy systems is generally used on-site or credited into the grid to off-set the electricity consumption costs incurred by the principal use on the property. An example of a small scale system is a turbine mounted on a freestanding pole, with or without guy wire support, that supplements the electricity needs of a rural residential dwelling.

Medium Scale: means any wind energy system with a turbine height greater than 36 metres and less than 100 metres.

Usually these do not exceed 500 kilowatts of nameplate generation capacity. An example of a medium scale system would be a freestanding turbine, mounted on either a lattice or a monopole tower that generates electricity to offset the consumption of an agricultural use.

Large Scale: means any wind energy system utilizing a wind turbine greater than 100 metres in height. Multiple Large Scale Wind Energy Systems are considered projects using multiple turbines where one or more of the turbines which exceeds 100 metres in height. Multiple Large Scale Wind Energy Systems are used for the purposes of a single energy generation project that is contained within one lot or located across multiple lots.

Usually an individual large scale wind energy system has a minimum of 500 kilowatts of nameplate generation capacity.

Multiple large scale wind energy systems are generally expected to exceed 2 megawatts of nameplate generating capacity.

10.8.2 POLICIES

- a) Wind testing/meteorological towers established prior to a specific project will be subject to the approval of a temporary use by-law.
- b) Wind energy projects comprising multiple turbines (interconnected or otherwise) will be considered as a single project for the purposes of applications under the Planning Act and policies of this Official Plan.
- c) The development of new or expanded wind energy systems are subject to the requirements of the Ontario Ministry of Transportation whose area of permit control extends 45 metres from the limit of a King's Highway or controlled access highway or upon or within 400 metres of the centre point of an intersection.

10.8.3 SITING AND DESIGN

- a) New or expanded wind energy systems shall be designed, constructed and separated from a point of reception to prevent adverse effects from noise and other contaminants and minimize risk to public health and safety.
- b) Prior to the approval of a new wind energy system, the proponent shall ensure that where there is a vacant lot of record in the vicinity of the project upon which a point of reception could be built in accordance with the local zoning for the property, the proponent must model and demonstrate that the receptor could be built on the property without being subjected to adverse effects. This shall be accomplished by demonstrating that a suitable building envelope exists on a portion of the property that would reasonably be expected to contain the use.
- c) No wind energy system shall be located on a property within a designated heritage district or containing a designated heritage building. Furthermore, any property adjoining a heritage district or property containing a designated heritage building shall not have a wind energy system.
- d) All medium and large scale wind energy systems shall require a minimum setback of 1.25 times the height of the wind energy system from all Regional road allowances. Setbacks from Township allowances should be 1.25 times the height of the wind energy system although

applications for reduced setbacks from less traveled local roads and unopened road allowances can be assessed on a site-by-site basis by the Township.

10.8.4 Zoning By-law Requirements

- (1)
 - a) Wind energy systems may be permitted through the use of conditional zoning in accordance with Section 34(16) of the Planning Act and implementing regulations where it can be demonstrated that the proposed land use will not result in any adverse effects and the conditions shall be fulfilled. Conditional zoning may also require an agreement for such matters as decommissioning and operational maintenance, and emergency service protocols. Notwithstanding the above, conditional zoning can only be used for renewable energy projects and cannot be used until the associated Planning Act Regulations have come into force and effect. Conditional zoning shall only be used in accordance with Provincial regulations notwithstanding any other provision in this Plan.
 - b) Any siting requirements of the Ontario Ministry of Transportation will be addressed through zoning by-law provisions.
 - c) The implementing zoning by-law shall contain provisions that generally limit the number of wind energy systems per property to one. The installation of more than one wind energy system per property may be permitted subject to the approval of either a zoning by-law amendment or a minor variance depending upon the nature and scale of the proposal. Any application to increase density beyond one wind energy system per property shall consider what if any, cumulative impacts will result to the adjacent landowners, the general area, and the municipality as a result of multiple installations.
- (2) **Micro Scale Wind Energy Systems**
 - a) Micro Scale Wind Energy Systems are permitted in all land use designations excluding provincially significant wetlands, and the habitat of endangered or threatened species.
 - b) The implementing zoning by-law shall contain provisions to regulate Micro Scale Wind Energy Systems and identify provisions required to satisfy conditional rezoning.
- (3) **Small Scale Wind Energy Systems**
 - a) Small Scale Wind Energy Systems are generally permitted in all land use designations excluding residential, provincially significant wetlands, and the habitat of endangered or threatened species.
 - b) Small Scale Wind Energy Systems are permitted on Rural Residential lots located outside of a Settlement Area.
 - c) Small Scale Wind Energy Systems are permitted in settlement areas where they are located within industrial designations, but will require the approval of a project specific zoning by-law amendment.
 - d) The implementing zoning by-law shall contain provisions to regulate Small Scale Wind Energy Systems.

(4)

Medium Scale Wind Energy Systems

- a) *Medium Scale Wind Energy Systems are generally permitted in all land use designations excluding recognized settlement areas, provincially significant wetlands, and the habitat of endangered or threatened species.*
- b) *Proposals for new or expanded Medium Scale Wind Energy Systems located within 1 km of a settlement area will require an amendment to this Official Plan demonstrating:*
 - i. *That the wind energy system does not cause environmental, public health or safety concerns;*
 - ii. *That the wind energy system allows for the efficient use and expansion of settlement areas;*
 - iii. *That the wind energy system and sensitive land uses are appropriately designated, buffered and/or sited from each other to prevent adverse effects and minimize risk to public health and safety;*
 - iv. *That the amendment is in keeping with the general intent, purpose, and policy direction of the Township;*
- c) *Medium Scale Wind Energy Systems require the approval of a project specific zoning by-law amendment.*
- d) *Medium Scale Wind Energy Systems are permitted on lands designated Agricultural provided they support (i) an existing agricultural use, (ii) a permitted use, or (iii) an existing use. For the purpose of this policy, supporting a use shall mean offsetting the electrical needs of the use.*

(5)

Large Scale Wind Energy Systems

- a) *Large Scale Wind Energy Systems are generally permitted in all land use designations excluding recognized settlement areas, provincially significant wetlands, and the habitat of endangered or threatened species.*
- b) *Proposals for new or expanded Large Scale Wind Energy Systems located in a settlement area or within 1 km of a settlement area will require an amendment to this Official Plan demonstrating:*
 - i. *That the wind energy system does not cause environmental, public health or safety concerns;*
 - ii. *That the wind energy system allows for the efficient use and expansion of settlement areas;*
 - iii. *That the wind energy system and sensitive land uses are appropriately designed, buffered and/or sited from each other to prevent adverse effects and minimize risk to public health and safety.*
 - iv. *That the amendment is in keeping with the general intent, purpose, and policy direction of the Township.*
- c) *Large Scale Wind Energy Systems require the approval of a project specific zoning by-law amendment.*
- d) *Multiple large Scale Wind Energy Systems are not permitted. An amendment to the Township Official Plan would be required.*
- e) *All applications for Large Scale Wind Energy systems will be referred to the Regional Municipality of Niagara for review. Other applicable agencies will be notified as required or deemed appropriate.*

10.9 INFORMATION REQUIREMENTS

- a) **Planning Justification Report:** Shall include a location analysis and an assessment of potential implications for existing surrounding land uses. Density of turbines will be considered through the review of a particular application and context of subject lands. For zoning by-law amendments it will not be necessary to demonstrate a need for the use, rather to demonstrate optimization and efficiency within a given location and be balanced against any impacts or adverse effects.
- b) Provide evidence that **electromagnetic interference** will not occur as a result of the proposed development. This evidence shall include necessary clearances from the Ontario Ministry of Government services regarding potential impacts on the integrity of the Government of Ontario's Public Safety Network.
- c) **Shadow Flicker Report** demonstrating that shadow flicker experienced at any Point of Reception has been calculated based on the following methodology:
- i. Assessing all turbines within 100 metres for every 10 metres in height of the wind energy system to a point of reception.
 - ii. Permitting a maximum of 30 hours of shadow flicker per year, and 30 minutes per day at any point of reception modeling based on worst case conditions.
 - iii. Graphic modelling of shadow flicker.
- d) **Noise Impact Report** to include:
- i. Assessment of the project consistent with current Ministry of Environment noise regulations.
 - ii. An assessment of the project demonstrating compliance with Ministry of the Environment requirements used in the consideration of issuing a Certificate of Approval. Any exemptions afforded to agricultural or residential uses under the Certificate of Approval process by Regulation, do not exempt proponents from meeting MOE publication requirements as part of the review of a Planning Act application.
 - iii. An assessment of the of the potential and recommended mitigation measures for the following factors associated with mechanical and aerodynamic noise:
 - Characteristics of noise emanating from individual wind turbines, and the cumulative levels of multiple wind turbines.
 - Distance from the wind turbine(s) to the point of reception.
 - Air absorption based on frequency.
 - Ground effects such as vegetation, buildings and structures and topography.
 - Weather effects including prevailing wind direction, wind speed, and specifically addressing variations in wind speed at ground level and turbine hub height that may result in lower background noise levels.
 - Tonal noise at discrete frequencies and/or an identifiable pattern that may be heard through background noise.
 - Broadband noise created by the interaction of wind turbine blades with atmospheric turbulence.
 - Low frequency or impulse noise resulting from the turbine blade encountering localized flow deficiencies due to flow around the tower structure and/or the interaction of sound emitted by multiple wind turbines.
 - Vibration

- iv. *Small and Micro Scale Wind Energy Systems shall have noise limits established by zoning by-law provisions.*
- e) **Ice Throw and Risk Assessment** based on the following methodology:
- *Assessment of the likelihood and recommended mitigation measures from the potential for falling ice from the turbine tower and its blades. Mitigation measures should include the use of an ice detection system and operational protocols to eliminate or minimize ice throw risks;*
 - *Map the extent of the risk of ice throw around each turbine overlaid on a site plan illustrating features on and off-site such as property boundaries, nearby residences, outbuildings, roads, trails, and other land uses;*
 - *Design standards (i.e. certification and type approval), safety protocols, and maintenance and management plans to reduce the risks associated with ice throw and blade/turbine failure.*
- f) **Wake Modelling and Assessment** that demonstrates what, if any impact exists on neighbouring properties that would prevent or restrict their ability to install a renewable energy system.
- g) **Visual Impact Assessment** to include, in addition to the general information requirements, the following:
- Possible means of reducing visual impacts include:*
- *Requiring all turbines to be of a monopole or similar appearance (i.e. skinned lattice tower) and finished in an appropriate matte finish;*
 - *Prohibiting artificial lighting except for minimum aircraft safety requirements;*
 - *Prohibiting any form of signage or commercial identification on the turbines;*
 - *Locating outdoor storage areas in one location co-located with the primary maintenance building and appropriately screened by landscaping to the satisfaction of the local municipality; and*
 - *Requiring all buildings and structures associated with the wind energy facility to be consistent with the predominant character of the buildings in the area.*
- Where new opportunities for reducing visual impacts occur through technological advancements, these should be considered as additional means of reducing visual impacts.*
- c) The text of the West Lincoln Official Plan is hereby amended by the addition of the following to Section 11 'Site Plan' policies.
- (e) *The development of new or expanded wind energy systems of any size will be subject to site plan control. The level and extent of detail may be reduced for all other scales of renewable energy generation as determined through a pre-consultation meeting with the Township. Micro and Small scale wind energy systems may not be subject to site plan control as determined through a pre-consultation meeting.*

2.3 LOCATION MAP

Amendment No. 18 is a policy plan amendment which affects all lands within the Township of West Lincoln.

2.4 IMPLEMENTATION

This amendment will be required to be adopted by Township Council and forwarded to Regional Council for approval. This amendment will be implemented through notification of the Regional Clerk's department of decision to approve. If no appeals are received within the appeal period, the amendment will be in full force and effect.

DRAFT

AMENDMENT NUMBER 18

TO THE

OFFICIAL PLAN

OF THE

TOWNSHIP OF WEST LINCOLN

Official Plan Amendment Number 18 was adopted by the Council of the Corporation of the Township of West Lincoln by By-law No. 2008-_____ in accordance with the provisions of Section 17(22) of The Planning Act, R.S.O. 1990, and amendments made thereto on the _____ day of _____, 2008.

Carolyn Langley, Clerk

Mayor Katie Trombetta

THE CORPORATION OF THE TOWNSHIP OF WEST LINCOLN

BY-LAW NO. 2008-

**A BY-LAW TO ADOPT AMENDMENT NO. 18 TO THE
OFFICIAL PLAN FOR THE TOWNSHIP OF WEST LINCOLN**

The Council of the Corporation of the Township of West Lincoln in accordance with the provisions of the Planning Act, R.S.O. 1990, hereby enacts as follows:

1. THAT Amendment No. 18 to the Official Plan for the Township of West Lincoln, being the attached Schedule, is hereby adopted.
2. THAT, the Clerk is hereby authorized and directed to make application to the Region of Niagara for the approval of Amendment No. 18 to the Official Plan for the Township of West Lincoln.

**READ A FIRST, SECOND AND THIRD
TIME AND FINALLY PASSED THIS 27TH
DAY OF OCTOBER, 2008.**

MAYOR KATIE TROMBETTA

CAROLYN LANGLEY, CLERK

PD 15-2008

Niagara  Region**MEMORANDUM**

DATE: October 7, 2008

TO: Chair and Members of the
Planning and Public Works Committee

FROM: Michael G. Kyne
Director Legal Services

SUBJECT: **Niagara Region Wind Energy Policies**

INTRODUCTION

At its September 3, 2008 meeting, this Committee considered Regional Planning's proposed Regional Policy Plan Amendment 5-2007 outlining wind energy policies detailed in Planning Report DPD 13-2008 (Revised).

After receiving presentations from Acting Commissioner of Planning and Development Patrick Robson, solicitor Tom Richardson on behalf of Rankin Construction Inc., Ms. Powers on behalf of Niagara Wind Power Inc., and Niagara resident Mr. Larry Dykstra, PPWC resolved:

"That Report DPD 13-2008 (Revised), September 3, 2008 respecting, Final Recommendation Report Wind Energy Policies Regional Policy Plan Amendment 5-2007, be referred to staff in an effort to allow further consultation with proponents and the Director Legal Services."

This memorandum responds to that resolution. Comments on an earlier draft of this memorandum were solicited from Acting Commissioner Robson and Rankin's Legal Counsel.

EXECUTIVE SUMMARY

Of the outstanding issues arising from the September 3 PPWC meeting:

- it appears that minor wording changes to the Noise and Shadow Flicker provisions are satisfactory to the proponents and Planning staff;
- with respect to the setback issue, Regional Council will have to make a decision as to whether guidance to local municipalities should be included in the policies;
- with respect to the 'buried transmission line' issue, new wording is proposed in an effort to alleviate uncertainties in the language proposed by both Planning staff and the proponents but full consensus has not yet been attained; and
- minor amendments are proposed to the definition of a "Micro" wind energy system to respond to concerns raised by Niagara Power Inc.

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UNRESOLVED ISSUES

As of September 3, there were four primary unresolved issues:

(a) Wind Data

Proposed Policy 8.E.2.3.7 reads as follows:

"All large scale wind energy systems (individual and multiple) require the preparation of a noise report demonstrating compliance with Ministry of the Environment requirements as well as assessing weather effects including prevailing wind direction, wind speed and specifically addressing variation to the wind speed at ground level and turbine hub height that may result in lower background noise levels."

Analysis

The proponents argue that the requirement to provide weather effects and wind data information will confuse this requirement with that already required by the Ministry of the Environment. Put otherwise, the italicized words are unnecessary.

At this stage, it is not clear that Niagara Region will engage the additional staff/consultants necessary to verify the weather effect data sought from proponents. Accordingly, Acting Commissioner Robson has agreed that the italicized wording may not be necessary if the required noise report must already demonstrate compliance with MOE requirements.

(b) Shadow Flicker

Proposed Policy 8.E.2.3.8 reads:

Proponents propose the following wording:

"All large scale wind energy system proposals (individual or multiple) must be supported by a report demonstrating that shadow flicker experienced at any Point of Reception shall be minimized and not be permitted to exceed 30 hours per year and 30 minutes per day (based on worst case conditions) as a result of the operation of the wind turbine."

"All large scale wind energy system proposals (individual or multiple) must be supported by a report demonstrating that shadow flicker complies with the requirements of the Ministry of the Environment."

Analysis

The proponents state that the effects of shadow flicker are currently being studied by the Ministry of the Environment. Accordingly, this provision should be amended to refer to those not yet published requirements.

However, if one accepts that "shadow flicker" is an important issue, it appears prudent to provide

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some regulatory guidance until MOE completes its studies. It is therefore suggested that the Planning Department's proposed policy be approved on the condition that it be reviewed upon publication of the relevant MOE guidelines.

(c) Setbacks

Proposed Policy 8.E.2.3.10 reads:

Proponents propose:

"All large scale wind energy systems shall require a minimum setback of 1.25 times the height of the wind energy system from all Regional road allowances. Setbacks from local road allowances *should be 1.25 times the height of the wind energy system although applications for reduced setbacks from less traveled local roads and unopened road allowances can be assessed on a site-by-site basis by the local municipality.*"

"All large scale wind energy systems shall require a minimum setback of 1.25 times the height of the wind energy system from all Regional road allowances. Setbacks from local road allowances *may be reduced for less travelled local roads and unopened road allowances and can be assessed on a site by site basis by the local municipality.*"

Analysis

It should be noted that presenter Larry Dykstra argued that the proposed policies are too restrictive and would compromise Niagara's ambition to be a leader in the wind energy industry. By way of example, he noted that turbines in Port Burwell are fifty metres from the road and that any safety concerns could be addressed by adherence to existing building code practices and codes.

That said, the proponent Rankin Construction Inc. accepts a minimum setback of 1.25 times the height of the wind energy system from all Regional road allowances. Rankin's primary objection is that no quantifiable direction or suggestion should be given to local municipalities as "this will result in local municipalities simply adopting the recommendation ...". Rankin also notes that the 1.25 standard is not measured from property lines even though houses and other structures may be located in this area.

The Planning Department responds that while the setbacks from Regional road allowances are mandatory, the provision provides no more than the guidance that is expected by local municipalities. Further, to not provide guidance to the municipality would be inconsistent with the Memorandum of Understanding between Niagara Region and all local municipalities entitled "Improving the Planning Function in Niagara" and the principles of good planning. Regional planners also note that the Town of Niagara-on-the-Lake has already adopted the 1.25 standard.

To summarize, these opposing positions are rooted in different perspectives pertaining to the degree of guidance Regional Council believes should be given to local municipalities on this issue. If Regional Council believes that no guidance should be given, the proponent's wording is

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preferable. Conversely, if Regional Council believes it is obliged to provide leadership in this area, Planning's proposed wording better reflects that perspective.

(d) **Requirement to Bury Transmission Lines**

Proposed Policy 8.E.2.3.13 reads:

The proponents propose:

"Subject to environmental or site characteristics, new private transmission and distribution lines shall be located below grade within the boundaries of the properties involved, and beyond that are encouraged to be co-located with existing infrastructure along roadways. The decision of whether new private transmission and distribution lines are to be located below grade along unopened road allowances, trail-ways, utility corridors or other easements can be assessed by the local municipality on a site-by-site basis."

"Where a large scale wind energy system is located in close proximity to a Regional road allowance, subject to environmental or site characteristics, and the agreement of the owner of the property, new private transmission and distribution lines shall be located below grade within the setback distance, where the private transmission and distribution lines lead directly to the Regional road allowance. Beyond the site of the large scale wind energy system, new private transmission and distribution lines are encouraged to be co-located with existing infrastructure along roadways."

Analysis

Essentially, Regional planners propose that new hydro lines be located below grade within the boundaries of the "properties involved". Beyond that, proponents "are encouraged" to co-locate lines with existing infrastructure along roadways. Further, Regional staff proposes that 'above or below grade' decisions beyond the "properties involved" should be left to the local municipality on a site-by-site basis.

The proponents voice the following concerns:

- (a) shifting the decision to local municipalities makes it difficult to determine the financial impact on any proposed project;
- (b) the requirement to always bury lines on "properties involved" will increase transmission line cost by approximately threefold;
- (c) burying lines may, in some circumstances, interfere with existing land uses (particularly agricultural) and/or fail to recognize that there may be other local circumstances which would acceptably address a concern with unsightly above-ground transmission lines (e.g. line hidden by tree line); and
- (d) the meaning of "the properties involved" is unclear. Does this phrase refer to just the properties on which the turbines are located or to all properties through which the transmission lines must run to the primary connection point?

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The Planning Department responds that the requirement to bury lines is not primarily aesthetic but aimed at ensuring the continued use of agricultural land for agricultural purposes as, at this time, wind power generation facilities are only permitted in agricultural and rural areas. The wording is also intended to give local municipalities input into the location of cables beyond the "properties involved".

Although no empirical evidence has yet been provided to support the proposition that buried lines are three times more expensive than above-ground transmission lines or that burying lines will interfere with agricultural uses, one can accept that the requirement to bury transmission lines may be more expensive for the proponents of wind energy systems. That said, all turbines will have to be connected to the primary electrical connection in some fashion and agreements will have to be negotiated with the affected landowners whether the line is located above or below grade. In addition, depending on the distance between the turbine and the primary electrical connection, further structural supports for the above-ground transmission lines may be required.

Council must, therefore, decide in what circumstances it requires these lines to be located below ground. Ideally, Council's direction should be simply and clearly stated so as to provide maximum clarity to all stakeholders.

Rankin proposes that a number of conditions be satisfied (such as close proximity to Regional roads, owner's consent, lines leading directly to Regional roads, lines located within setback distance etc) before the proponent would be required to bury transmission lines. These multiple conditions introduce several exceptions and uncertainties rendering straightforward interpretation and application difficult.

On the other hand, the Planning Department's proposed wording may provide more flexibility than initially recognized. Specifically, while the proposed provision mandates that "new private transmission and distribution lines shall be located below grade", this requirement is "subject to environmental or site characteristics". Regional Council would, therefore, have the flexibility to revisit the 'buried line' requirement in responding to particular environmental or site specific circumstances.

That said, Planning's proposed wording introduces other uncertainties (including the precise meaning of "properties involved", restricting co-location to "existing infrastructure along roadways" and stating that local municipalities can "assess" location decisions) that should also be resolved.

In an effort to alleviate those uncertainties, the following revised wording is proposed:

"The purpose of this policy provision is to maximize the availability of land for its intended (agricultural) use and, secondarily, to minimize the visibility of new transmission and distribution lines where practicable.

Therefore, subject to environmental or site conditions (which includes the presence of transmission/distribution lines or other Utility Corridors), new private transmission and distribution lines shall be located below ground within the collective boundary encompassing the property on which each Wind Energy System is located and any

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adjacent properties the transmission/distribution lines must traverse until reaching a Utility Corridor. For clarity, the "collective boundary of the properties" refers to the perimeter encompassing all properties on which connected Wind Energy Systems are located as well as properties that the transmission line must traverse to reach a Utility Corridor. Beyond this collective boundary, new private transmission and distribution lines should be co-located with a Utility Corridor preferably below grade but that determination shall be made by the federal, provincial or municipal public authority that has jurisdiction over the Utility Corridor."

For clarity, it's further proposed that the following definition be added to the policies:

"Utility Corridor" means an above-ground or below-ground utility line or pipe, including any excavated and subsequently backfilled trench that the utility line or pipe was placed over or laid in. Utility corridors include, but aren't limited to, sanitary and storm sewers, water lines, gas lines, sewer force mains, electric power distribution lines and telephone, cable TV or telecommunication lines. Utility corridors are present in public right of ways, including streets or roads, as well as on the properties being served by the utilities.

OTHER ISSUES

In her September 3 presentation, Ms. Powers on behalf of Niagara Wind Power Inc. contended that the policy requirements were too onerous for Micro Scale Systems. Subsequent to further discussions with Planning staff, I understand that Acting Commissioner Robson is comfortable with the following amendment:

8.E.1.1.2 Micro Scale:

Any wind energy system that does not typically exceed 16.6 metres in height.

Usually these are ancillary to a principal permitted use and do not exceed 43 kilowatts of nameplate generation capacity. The electricity produced by micro scale wind energy systems is generally consumed on-site or credited upon entering the grid. Examples of micro scale systems include turbines mounted on a building or free standing facilities such as a vertical axis turbine powering a light standard.

At the October 8, 2009 PPWC meeting, planning staff will also be discussing a couple of further minor amendments to address grammatical issues.

Respectfully submitted



Michael G. Kyne
Director Legal Services

MGK/mlm

P O L I C Y

POLICY NO: PD.1.9
SECTION: PLANNING & DEVELOPMENT
TITLE/SUBJECT: WIND GENERATION SYSTEM DEVELOPMENT
POLICY
ADOPTED DATE: April 13, 2011
REVISION DATE:

1. **PURPOSE:**

The Municipality of Kincardine shall protect the public and municipal infrastructure from the impact of the development of Wind Generation Systems. This policy will provide developers of Wind Generation Systems in the Municipality of Kincardine a preferred policy in regard to such development.

2. **POLICY:**

The Municipality of Kincardine will review applications for Renewal Energy Approvals for Wind Energy Conversion Systems (Wind Generation Systems) in accordance with the parameters set out in this policy. The Municipality of Kincardine comments to a Renewal Energy wind project application will be based on compliance with this policy.

3. 1. **DEFINITIONS:**

Commercial Wind Generation Systems (CWGS): means one or more Wind Generating Systems (WGS) that singly or collectively produce more than a total of 40 kilowatts (kW) based on 'nameplate rating capacity' and are connected to the provincial grid.

Municipality: means The Corporation of the Municipality of Kincardine.

Wind Generation System (WGS): means any device such as a wind charger, windmill, or wind turbine that converts wind energy to electrical energy.

Wind Generation System Accessory Facilities: means those facilities, equipment, machinery, and other devices necessary to the proper

operation and maintenance of a wind energy conversion system, including access roads, collector and feeder lines, and substations.

2. RESPONSIBILITY OF THE DEVELOPER:

The Council for the Municipality of Kincardine deems it advisable to enter into a Wind Power Project Master Agreement with the Developer in order to set out their respective rights and obligations as they relate to the wind energy generation facility financial and otherwise.

The developer is to provide all documents to the Municipality, required by any authority having jurisdiction that are part of the approval process for the project and such documents are to be provided within 60 days of request.

3. THE AGREEMENT:

That agreement shall include but not limited to the following clauses.

Community Development Contribution – may include a negotiated payment to the Municipality to be used for community betterment projects as determined by the Municipality.

Construction Part - which shall include all requirements prior to commencing construction.

Costs – all costs incurred by the Municipality in house and external administration cost with respect to the development shall be borne by the developer including reasonable legal, engineering and inspection costs. Deposits shall be required.

Decommission – shall include a plan for decommissioning acceptable to the Municipality.

Electrical Distribution System – shall address any electrical distribution system required as part of the development.

General Provisions – shall include all other requirements.

Grading – shall address municipal requirements.

Haul Routes – Shall be approved by the Municipality. A review conducted by the Municipal Engineer is required prior to and upon completion of the construction of the project. All costs for the review and reports will be borne by the developer.

Insurance – shall include any requirements the Municipality may require.

Liability – shall save harmless the Municipality and its representatives from all actions, causes of actions, suits, claims, costs, interest and demands whatsoever which may arise either directly or indirectly by reason of the agreement. Also the developer shall purchase and maintain Commercial General Liability insurance in a form satisfactory to the Municipality and with a minimum coverage limit (to be determined) per occurrence.

Lights – shall address municipal requirements and shall be shielded so the light reflection will be directed upward.

Municipal Road Use – shall address all requirements for utilizing municipal roads.

Operation & Maintenance – shall address requirements for the safe operation and maintenance of the development including emergency response plans.

Private Access Roads – shall include locations.

Security – shall include all securities as may be required but will include and not be limited to construction and maintenance. The Developer shall deposit with the Municipality an amount determined by the scope and scale of the project and will be approved by Council through the agreement.

Tree Preservation – cutting and trimming shall be limited and if required a tree replacement plan will be required.

4. SITE GUIDELINES:

Council will evaluate the suitability of the location and land use compatibility of proposed commercial wind generating systems and require the following:

Commercial Wind Generation Systems are permitted in Rural Areas and may be permitted in Agricultural Areas where they can be located on land of lower agricultural capability or ensure the continued use of prime agricultural land for farm use and minimize the loss of production farm land.

A detailed site plan for each property that is identified as part of the project.

The Municipality of Kincardine has established the following General Provisions for Wind Generation Systems.

(These are minimum setbacks and greater setbacks that are required by Provincial legislation or as a result of a health study shall prevail).

Site Provisions:

	Feature	Provision
1	'CWGS' Minimum Setback to: 'Rural Recreation Area', Primary Urban Community' or 'Secondary Urban' Area Boundary as defined in the Municipality of Kincardine Official Plan	3000 metres
2	'WGS' minimum Setback to: Hamlets, Inland Lakeshore Residential or Estate Residential etc. or structures designated for human habitation as defined in the Municipality of Kincardine Official Plan/County of Bruce Official Plan	2750 metres
3	'WGS' minimum setback to: 'Rural Residence' either participating or non participating	800 metres
4	'WGS' Minimum setback to: County or Provincial road or highway	1.25 times the 'Total WGS Height' from the right-of-way line.
5	'WGS' Minimum setback to: Front Yard or Exterior Side Yard	'Total WGS Height' minus 10 metres
6	'WGS' Minimum setback to: Interior Side Yard or Rear Yard of Non-Participating Properties	1.0 times the 'Total WGS Height'
7	'WGS' Minimum setback to: Interior Side Yard or Rear Yard of participating properties if the abutting landowner is participating.	Length of turbine blade plus 5 metres
8	Minimum setback for 'Wind Generation System Accessory Facilities' (buildings and structures only)	10 metres from all lot lines or in accordance with the setback provisions for buildings/structures adjacent to a Provincial or County road, whichever is greater
9	Maximum 'Total WGS Height'	Measured from average grade to the uppermost extension of any blade, or maximum height reached by any part of the turbine whichever is greater.
10	Signs/Advertising/Logos	No advertising sign or logo on any 'WGS'; no more than 2 project identification signs not to exceed 1.49 square metres in area or 2.44 metres in height.

5. AIRPORT POLICY:

The development shall not affect the flight approach of the airport or any future development. Have regard to Appendix 'A' –Airport Vicinity Mapping behind By-law No. 2003-25 Comprehensive Zoning By-law.

6. USE OF MUNICIPALITY RIGHT-OF-WAY:

All utilities to be installed by the developer in the Municipality's right-of-way shall be approved by the Public Works Manager (PD 1.6) and will be approved by council through the agreement.

All lines carrying unfiltered electricity from the wind turbines to the substation shall be located underground (to prevent possible harmonics and induction occurring at local residences and business).

7. DISPUTE RESOLUTION PROTOCOL:

A Dispute Resolution Protocol shall be submitted and accepted by the Municipality which outlines a process to address concerns between neighbours and wind farm operators quickly and in a cost effective manner.

WIND ENERGY

C10.1 Subject to the policies of this Plan, the Municipality supports the development of such facilities as a source of renewable energy.

C10.2 Small-scale individual wind turbines will be permitted for on-site domestic use of wind-generated electricity on an individual lot basis in the Shoreline designations. Small Wind Energy Conversion Systems (SWECS) are defined as a turbine that has a rotor diameter of no more than 15.0 metres and a total swept area of no more than 180 square metres. These systems are normally comprised of only one wind turbine and generally intended to generate electricity only for the property owner. The establishment of a SWECS may be permitted under the zoning provisions of the Municipality's Zoning By-law as a structure(s) accessory to the principle use of the property only in those zones deemed appropriate by the local Municipality and subject to the policies in the BCOP.

C10.3 Large scale commercial operations, involving one or more large wind turbines generating electricity for sale to the electrical grid, may be permitted through a Zoning By-law Amendment in the Industrial designation. It is intended that such operations, referenced herein as wind farms shall be sited and regulated so that most of the safety, noise and visual impacts are contained on the subject site. Large Wind Energy Conversion Systems (LWECS) are defined as one or more turbines that have a rotor diameter of more than 15.0 metres and a total swept area of more than 180 square metres. These systems are generally referred to as 'Wind Farms' and are usually located in areas where climate (i.e. wind) conditions create a conducive environment for LWECS. Large Wind Energy Conversion Systems are generally intended to feed electricity into the provincial transmission grid in keeping with Hydro One's policies regarding Renewable Energy Technologies.'

The establishment of a LWECS may be permitted through an Amendment to the Municipality's Zoning By-law in those areas deemed appropriate by the local Municipality and subject to the policies in the BCOP.

C10.4 The implementing Zoning By-law Amendment shall include provisions relating to setbacks, maximum height provisions and other regulatory provisions.

C10.5 The implementing Zoning By-Law Amendment may include reverse setbacks for new sensitive land uses in areas adjacent to a wind farm. New residential, institutional, commercial, industrial, or recreational uses, shall be setback from a Large Wind Energy Conversion Systems (LWECS) in accordance with the Ministry of Environment Guideline(s) for Noise Assessment in Land Use Planning.

C10.6 Wind farms shall be subject to site plan control in accordance with the provisions of the Planning Act and the policies of Section C5.3 of this Plan and, as a consideration an agreement between the developer and the municipality, the municipality may ensure that the municipal servicing and administration costs associated with the development are not borne by the current tax payer. Wind farms shall be subject to site plan control in accordance with the provisions of the Planning Act and the policies of Section C5.3 of this Plan. The municipality shall also consider entering into an agreement with

the developer to ensure that the municipal servicing and administration costs associated with the development are not borne by the current tax payer.

**AMENDMENT NUMBER 56
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN**

DRAFT

AMENDMENT NUMBER 55
TO THE
OFFICIAL PLAN
OF THE
TOWNSHIP OF WEST LINCOLN
AS AMENDED

PART 1 – THE PREAMBLE

1.1 TITLE

This Amendment when adopted by Council shall be known as Amendment Number 56 to the Official Plan of the Township of West Lincoln.

1.2 COMPONENTS

This Amendment consists of the explanatory text and the attached Schedule 'A'. The preamble does not constitute part of the actual amendment, but is included as background information.

1.3 PURPOSE

The purpose of this Amendment is to establish a policy that applies to all new and existing renewable energy facilities/systems that generate more power than 10 KW and it determined to be than that is needed to service the property on which it is situated

1.4 BASIS OF THE AMENDMENT

The Township of West Lincoln is proposing to amend the Official Plan by the addition of Section 13.4 – Renewable Energy Facilities, which applies to all new and the expansion of any existing renewable energy facilities within the Township of West Lincoln.

PART 2 – THE AMENDMENT

2.1 PREAMBLE

All of this part of the document entitled PART 2 – THE AMENDMENT, consisting of the following text changes constitutes Amendment No. 56 to the Official Plan of the Township of West Lincoln.

2.2 DETAILS OF THE AMENDMENT

2.2.1 The text of the Township of West Lincoln Official Plan is hereby amended by adding Section 13.4 from the consolidated Township of West Lincoln Official Plan and replacing with the following:

Section 13.4 – Renewable Energy Facilities

- The 2020 Provincial Policy statement includes policy 1.6.11. which reads as follows:

1.6.11 Energy Supply

1.6.11.1 Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, district energy, and renewable energy systems and alternative energy systems, to accommodate current and projected needs.

As a result, this policy applies to all new and expansion of existing renewable energy facilities systems that generate more power than needed to service the property on which it is situated and produce greater than 10 KW.

Should energy be generated for the broader community public interest, then such a renewable energy option shall only be permitted where the following criteria are adequately addressed and evaluated through amendment to this Official plan.

Study criteria shall be fully identified through a mandatory pre-consultation meeting, but are expected to address the following issues:

- Agricultural impact assessment
- Environmental impact assessment
- Demonstration of need for this location
- Appropriate minimum setbacks to sensitive receptors from a noise (audible and in-audible)/environmental/health and community perspective
- Impact of shadow flicker, where applicable
- Impact of ice throw, where applicable
- Archeological assessment
- Impact on the landscape
- Such other studies as identified through pre-consultation

2.3 LOCATION MAP

Amendment No. 56 is a policy plan amendment which affects all agricultural designated lands with the Township of West Lincoln.

2.4 IMPLEMENTATION

This amendment will be required to be adopted by Township Council and forwarded to Regional Council for approval. This amendment will be implemented through notification of the Regional Clerk's department of decision to approve. If no appeals are received within the appeal period, the amendment will be in full force and effect.

Alternatively, if no Regional Council approval is deemed to be required, local Council appeal will trigger the 20 day appeal period.

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AMENDMENT NUMBER 56
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AS AMENDED

Official Plan Amendment Number 56 was adopted by the Council of the Corporation of the Township of West Lincoln by By-law No. 2020-XX in accordance with the provisions of Section 17 (22) of The Planning Act, R.S.O. 1990, amendments made thereto on the XX day of XX, 2020

Joanne Scime, Clerk

Mayor Dave Bylsma

I, Joanne Scime, the Clerk of the Corporation of the Township of West Lincoln, hereby certify that the requirements for the giving of Notice, and the holding of at least one Public Meeting as set out in Section 17(22) of the Planning Act, R.S.O. 1990 have been complied with for Official Plan Amendment Number 56.

Joanne Scime, Clerk

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