

STAFF REPORT: PLANNING DEPARTMENT



REPORT TO: Mayor & Members of Council
DATE: March 07, 2005
REPORT NO.: S.R.PL.05.10
SUBJECT: Application for Temporary Zoning
Arlo Hogg and Superior Wind Energy
Part Lot 6, Concession 5
PREPARED BY: Jim Uram, Planner

A. Recommendations

1. THAT Council adopt Planning Staff Report #S.R.PL.05.10 dated March 07, 2005; and the recommendations contained therein and
2. THAT Council pass an amending by-law to permit a temporary use on Part Lot 6, Concession 5 being a meteorological tower for the purpose of measuring local wind factors such as wind speed, consistency and intensity.

B. Background

B1. The Proposal - An application has been filed requesting that temporary zoning permission be given to erect an eighty metre high meteorological (MET) lattice type tower having a diameter of approximately 0.5 metres and supported by a concrete base and guyed wire stabilizers on part of lot 6, concession 5, to the south of Banks. The tower base will be located approximately 300 metres from the 4/5 Sideroad and 200 metres from the south property line of this 20 hectare parcel. The MET tower is to be used to obtain information concerning local wind factors such as speed, intensity and consistency.

B3. Surrounding Uses - The lands are located to the south and west of the Hamlet of Banks in an area with a mix of rural pasture, forest, regenerating forest cover and agricultural endeavour.

The Hogg residence is located approximately 200 metres to the east of the tower location. The nearest residential use is located across the 4th Line approximately 500 metres to the east. There is a farm residence approximately 400 metres to the south-east however, assessment records indicate that the dwelling is vacant.

The lands on the westerly portion of the 20 hectare property contain an identified Earth Science ANSI and forest cover.

B4. Official Plan - The Town of The Blue Mountains Official Plan designates the lands "Rural". The policies of the Plan provide for a variety of uses within the Rural area including "hydro transmission facilities" and "commercial or non-essential broadcasting, receiving and transmitting facilities" permitted on a limited basis and visually screened or separated from "general public view". The MET tower is considered a use specifically related to both of these more general use forms and therefore the principle of the use is permitted in this location. The limited visual intrusion of the tower to other surrounding uses created as a result of the minimal tower diameter as well as its distance from the nearest surrounding residential uses is considered sufficient to separate and screen the use from general public view.

B5. Zoning - The lands are currently zoned Rural A1 by By-law No. 83-40. The amendment, as requested, would provide for the temporary erection of the tower at a maximum height of 80 metres for a maximum period of three (3) years or such shorter time, as Council considers appropriate. If the use is to continue beyond this initial permission, a further temporary use by-law must be considered and passed by Council.

At the expiry of the temporary period noted in the by-law, the use of land would revert to the uses currently permitted by the Rural R1 zone of By-law 83-40.

Under the authority of the Planning Act, there is no ability to place any conditions within the by-law terms. The applicant has however indicated a willingness to enter into such agreements regarding access and decommissioning, as may be appropriate.

B6. Public Input - At the public session held January 31, 2005, a majority of the comments received referenced the potential of a "wind farm" rather than the impacts of the MET tower and the planning issues related to the MET tower. The application for this tower is considered a separate application and is reviewed on its own planning merits. In the opinion of staff, this application does not prejudice the consideration of the future wind power proposals. It may however provide additional information regarding the evaluation of the wind resource.

B7. Agency Comments - Input was received from the County of Grey and the Grey Sauble Conservation Authority. The County of Grey indicated no objection.

The Conservation Authority requested that the ANSI, along with a 50 metre buffer area to the west, be identified in the by-law and that a more prominent tower be utilized that would eliminate the need for guy wires in an attempt to limit whatever potential bird and bat mortality that may be prevalent. The Authority staff have also indicated that the applicants provide monitoring reports to the Authority and municipality regarding such mortality statistics.

With respect to the recognition of the ANSI and an adjacent buffer area, it is staff's opinion that this recognition, as a temporary measure, is not appropriate. The provisions of the by-law have been drafted in a manner to ensure that the placement of the tower does not infringe on the area identified.

With respect to the bird and bat mortality rates, we have reviewed the documents referenced by the Authority and note that they are intended primarily as a review mechanism for minimizing impacts from wind turbines and wind farm generation facilities. These guidelines are being utilized by Superior Wind Energy in addressing bird and bat issues as a part of the Environmental Assessment reporting required at the Provincial and Federal levels and as part of the more complete municipal review that will be required if application is made for such facilities. It is our opinion that this extent of review and monitoring for a single guyed tower is not required but should be undertaken as part of the review now underway for the wind power generation EA.

The executive summary included in one of the documents referenced (Wind Turbines and Birds) specifically indicates "a considerable amount of research has been undertaken in assessing the effect of wind turbines on bird populations. In almost all cases, the effect of collision or disturbances on bird populations was minimal".

In view of this reference, it is staff's opinion that a single guyed tower does not pose sufficient risk to warrant change or monitoring on its own.

B8. Background Summary

This tower is located in an area in which its potential negative environmental impact is negligible and its visual impact is significantly minimized. At 80 metres in height the tower cannot be hidden however, its lack of bulk as well as distance from surrounding residential uses limits its potential intrusion.

The By-law is also considered in-keeping with the direction provided by the Official Plan Section 3.14(2)(f) which indicates that non-essential transmitting facilities (or similar towers) shall be directed to the rural designation on a limited basis.

C. Budget Impact

N/A

D. Attached

D.1 Location map: Hogg Property

D.2 Draft Temporary Use By-law

Respectfully submitted,

Signature

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