

**STAFF REPORT:** Planning & Building Services Department



**REPORT TO:** Mayor and Members of Council  
**MEETING DATE:** Monday, January 11, 2010  
**REPORT NO.:** PL.10.04  
**SUBJECT:** Request for Comments  
Niagara Escarpment Commission  
File No. G/S/2009-2010/9095  
Douglas C. Matthews  
East & West Part Lot 7, Concession 1;  
Parts 1 & 2, RP 16R-7753;  
Town of The Blue Mountains

**PREPARED BY:** Bryan Pearce,  
Planner I

#### **A. Recommendations**

**THAT Council advise the Niagara Escarpment Commission that the Town has no objections to Development Permit Application File No. G/S/2009-2010/9095; legally described as East Part Lot 7 & West Part Lot 7, Concession 1; Parts 1 & 2, RP 16R-7753, Town of The Blue Mountains; provided that the proponent submits an Environmental Impact Study to the satisfaction of the Niagara Escarpment Commission.**

#### **B. Background**

The purpose of this Report is to consider and to develop comments related to a Development Permit Application filed with the Niagara Escarpment Commission (NEC) with respect to a proposal to establish a solar powered electrical generation station (Solar Farm) with a capacity of 999.9 KW (1 MW) on a 38.5 hectare (95.1 acre) lot. It is noted that the proposal is subject to the requirements of the Renewable Energy Approvals (REA) process, established by the *Green Energy Act, 2009, S.O. 2009, c. 12*.

#### **Overview of Proposal**

It is proposed that the electricity produced from the Solar Farm would feed directly into Hydro One's interconnect system (Osler Distribution Station, Stayner Transmission Station) through the Ontario Feed-in-Tariff (FIT) program.

The proponent has submitted two options for the Solar Farm, consisting of:

- Option A – Tracking Panel System
  - Approximately 100 units, evenly distributed over 11.4 hectares (28.2 acres) of open agricultural field

- Each 77.4 square metre (832 square foot) unit is composed of 40-48 panels mounted on a 4.6 metre (15 foot) high, 3 metre (10 foot) diameter cement pillar anchored below the frost limit
- Each unit would be capable of mechanically tracking the available sunlight
- Option B – Fixed Mounted Panels
  - A fixed mounted system of panels permanently angled for optimum sun exposure
  - Composed of a yet-undetermined number of continuous parallel rows of panels
  - Covering an area of at least 9 hectares (22 acres)

The subject property is located on East Part Lot 7 & West Part Lot 7, Concession 1; Parts 1 & 2, RP 16R-7753; in the Town of The Blue Mountains and is 38.5 hectares (95.1 acres) in area. The proponent also owns abutting parcels within the municipality and within the jurisdiction of the Township of Clearview, totalling 121.4 hectares (300 acres) in multiple farmland and woodlot parcels.

### ***Green Energy and Green Economy Act, 2009***

The *Green Energy and Green Economy Act, 2009 (Act)* amended various sections of the *Planning Act* to provide that the following do not apply to renewable energy undertakings (defined as renewable energy generation facilities, projects, testing facilities or testing projects):

1. Policy statements and provincial plans, with certain exceptions.
2. Section 24, which requires public works and by-laws to conform with official plans.
3. Demolition control by-laws under section 33.
4. Zoning by-laws and related by-laws and orders under Part V, with a transitional exception for existing agreements under that Part.
5. Development permit regulations and by-laws under section 70.2.
6. By-laws under section 113 or 114 of the City of Toronto Act, 2006.
7. Orders under section 17 of the Ontario Planning and Development Act, 1994.
8. Leases for the purposes of renewable energy generation facilities or renewable energy projects are exempt from subdivision control and part-lot control under section 50 of the Planning Act if they are for periods of 50 years or less.

Although local planning tools are not in effect per the *Act*, it is appropriate that the Town comment on the application from a land use planning and community perspective.

## **Town Official Plan**

The subject lands are designated as Escarpment (E) and Rural (R) in the Town of The Blue Mountains Official Plan. The development proposal would be located in the southwest corner of the subject property, within the Rural (R) designation of the Official Plan. The Escarpment (E) is associated with eastern portion of the subject property where there are steep slopes towards the associated watercourse on the adjacent lands to the east. Again, renewable energy projects are not subject to the Town's Official Plan policies based on the *Act*.

The subject lands are located within the Niagara Escarpment Plan Area and the Town's Official Plan defers to the Niagara Escarpment Plan (see comments below).

It is noted that there is an Area of Natural and Scientific Interest (ANSI) – Life Science on the subject lands and it would appear that the development proposal would be within 50 metres of same. Therefore, it is appropriate that the Town request that the proponent submit an Environmental Impact Study (EIS), to the satisfaction of the Niagara Escarpment Commission, as a condition of a Development Permit to address any potential negative impacts to the ANSI.

## **Township of Collingwood Zoning By-law No. 83-40, as amended**

Not applicable per the *Act* (It is noted that the subject lands are located in an area affected by Niagara Escarpment Development Control Area and Zoning would not apply in any event).

## **Niagara Escarpment Plan**

The Niagara Escarpment Plan (NEP) was also amended by the *Act* by including renewable energy projects within the definition of "utility":

*Utility — a water supply; storm or sanitary sewage system; gas or oil pipeline; the generation, transmission and distribution of electric power, including renewable energy projects as defined in the Green Energy Act, 2009, commercial or otherwise, and all associated infrastructure; the generation, transmission and distribution of steam or hot water; telegraph and telephone lines and other cabled services; a public transportation system; licensed broadcasting, receiving and transmitting facilities; or any other similar works or systems necessary to the public interest, but does not include...*

The NEP designates the subject lands as Escarpment Rural Area (westerly portion of the subject site and the principal area subject to the application) and, Escarpment Protection Area. Section 1.4, "Escarpment Protection Area" and Section 1.5, "Escarpment Rural Area" list as permitted uses "utility facilities" however, it is noted that Section 1.5 indicates the following with respect to utility facilities:

"only linear facilities may be permitted in prime agricultural areas."

Given the above, there may be a compliance issue for the proposed utility facility under the terms of the NEP however Planning Staff defer to the NEC with respect to their interpretation and application of the NEP.

### **Additional Comments**

Council should be aware that the proponent will have to contact the Renewable Energy Facilitation Office under the Ontario Ministry of Energy and Infrastructure as part of the REA process.

Ontario Regulation 359/09 for REA's identifies this solar farm proposal as a Class 3 Solar Facility, as the nameplate capacity is greater than 10 kilowatts. This will require the proponent to consult as part of the one-window process established by the province. The Ministry would require the submission of numerous reports, such as a Construction Plan Report, Consultation Report, Decommissioning Plan Report, Design and Operations Report, Noise Study Report and Project Description Report.

The Ontario FIT program enables generators of renewable energy to sell their generated power to the province at a guaranteed price for a fixed contract term. This program is administered by the Ontario Power Authority. The FIT Program is open to all types of generators, including developers, community groups and even individual homeowners. Program prices are differentiated by technology-type and project size, and are designed to allow generators to recover their project costs, as well as earn a reasonable rate of return on their investment.

Based on the foregoing, Planning Staff recommend that Council endorse the following comments:

**THAT Council advise the Niagara Escarpment Commission that the Town has no objections to Development Permit Application File No. G/S/2009-2010/9095; legally described as East Part Lot 7 & West Part Lot 7, Concession 1; Parts 1 & 2, RP 16R-7753, Town of The Blue Mountains; provided that the proponent submits an Environmental Impact Study to the satisfaction of the Niagara Escarpment Commission.**

### **C. The Blue Mountains' Strategic Plan**

The recommendation in this Planning Staff Report PL.10.04 is consistent and supports the following Strategic Plans Goals:

*"1. Managing growth to ensure the ongoing health and prosperity of the community"*

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## **D. Environmental Impacts**

The proposal appears to be in keeping with the policies of the Province of Ontario as they relate to renewable energy subject to the NEP conformity matter raised in this Report.

## **E. Budget Impact**

NIL

## **F. Attached**

1. Lot Configuration
2. Site Plan

Respectfully submitted,

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