

**STAFF REPORT:** Town of The Blue Mountains Planning Department



**REPORT TO:** Mayor and Members of Council  
**MEETING DATE:** Monday, July 7, 2008  
**REPORT NO.:** PL.08.70  
**SUBJECT:** Request for Comments  
Niagara Escarpment Commission  
File No. G/S/2007-2008/9146  
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  
  
Robert Armstrong,  
Manager of Development Planning & IS

#### **A. Recommendations**

**THAT Council receive Planning Staff Report No. PL.08.70 with regard to the Request for Comments to the Niagara Escarpment Commission on a Development Permit Application, being File No. G/S/2007-2008/9146; for those lands being described as East Part Lot 7 & West Part Lot 7, Concession 1; Parts 1 & 2, RP 16R-7753; Town of The Blue Mountains;**

**AND THAT Planning Staff does not support the Development Permit Application to:**

- **Install an under 50 kilowatt wind turbine on a vacant 38.5 hectare (95.1 acre) lot, to provide hydro power to a farm building and farm residence on an adjacent 20 hectare (100 acre) property also owned by the applicant. The height and other details of the turbine will be determined at a later stage in the process. Establishing a suitable location is the applicant's first step.**

**Planning Staff does not support the Development Permit Application for the following reasons:**

1. **That the proposed wind turbine is required to be an accessory use to the main use on the subject property. Being that there is not a main use on the subject lands the development proposal does not conform to the Town of The Blue Mountains Official Plan;**

**AND FURTHER THAT it is the intent of this report to provide preliminary comments to the Niagara Escarpment Commission on the site location of the proposed wind turbine. Planning Staff may have further issues of concern regarding the overall development proposal as it relates to the proposed wind turbine and the associated transmission lines to transmit the energy to the farmstead, amongst other matters.**

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## **B. Background**

The purpose of this report is to consider a proposal to install an under 50 kilowatt wind turbine on a vacant 38.5 hectare (95.1 acre) lot, to provide hydro power to a farm building and farm residence on an adjacent 20 hectare (100 acre) property also owned by the applicant. The height and other details of the turbine will be determined at a later stage in the process. Establishing a suitable location is the applicant's first step.

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.

### **Official Plan**

The subject lands are designated as Escarpment (E) and Rural (R) in the Town of The Blue Mountains Official Plan. The proposed wind turbine is proposed to 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.

The purpose of the Rural designation is to provide for the continuation of agricultural practices in areas of generally lower capability soils while permitting other uses considered compatible with the rural environment. Agricultural operations and related buildings and structures and farm related residential dwellings are a permitted use; and accessory structures, such as the proposed wind turbine, would be considered an incidental use to the main dwelling.

Section 3.5 policies for accessory uses states that uses which are naturally and normally incidental to, subordinate to or exclusively devoted to a principal use shall generally be permitted as accessory uses in conjunction with that primary use. Being that there is no principle use (ie. single detached dwelling) present on the subject property, the proposed wind turbine would not appear to conform with the Official Plan.

Additionally it should be noted that Section 3.14 policies for Public and Utility Uses state that a personal and private wind generator for a single detached dwelling for domestic use may be permitted in the rural service area of the Official Plan.

Therefore, Planning Staff has an issue of concern as the proposed wind turbine would not appear to conform with the Official Plan.

### **Zoning**

If zoning were in place, the General Rural (A1) Zone and the Hazard (H) Zone would apply. The proposed wind turbine is proposed to be located where the General Rural

(A1) Zone, as the Hazard (H) Zone would be associated with the steep slope of the escarpment on the eastern portion of the subject property.

There may be some compliance issues with regards to this development proposal, if zoning were in place. This relates to the proposed wind turbine being considered accessory to the main use. Again, the subject lands are vacant and the Zoning By-law requires a main use prior to an accessory use. This development proposal is contrary to the general provisions for accessory uses under Section 5.2(x). The intent of not permitting accessory uses to be permitted prior to the main use is to ensure that the main use is the dominant feature on the property; and that it is indeed servicing the accessory requirements of the main use.

Therefore, Planning Staff has an issue of concern as it relates to compliance with the Zoning By-law, being that there is no main use present on the subject property.

### **Additional Comments**

The proponent indicated in the application that the overall planning process is to transmit the energy obtained with this proposed wind turbine to the farmstead parcel located within Clearview Township. This would require transmission lines to carry the energy approximately 2000 metres from the source on a horizontal plane towards the northeast to the farmstead. Looking at the topography, this would require laying the transmission lines through the Osler Bluff of the Niagara Escarpment System and the associated water course that channels through this natural feature. Planning Staff have an issue of concern with the overall development process as the transmission lines would be situated through an area of natural and scientific interest. These matters amongst others must be detailed prior to Planning Staff providing any additional comments; as such this report shall be treated as preliminary comments to the overall development proposal as it specifically relates to the site location of the turbine.

With regards to renewable energy, in late 2005 the Town initiated a review into the whole aspect of renewable energy, including wind energy. Since 2006 Planning Staff have been drafting planning policies to regulate the land use impacts associated with the renewable energy and are currently working on a cultural heritage assessment of the municipality to protect cultural heritage features from development, such as wind turbines.

Based on the foregoing, Planning Staff would not support this application for a Development Permit, as it does not conform to the Official Plan and does not comply with the Zoning By-law (if zoning were in place).

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

The recommendation in this Planning Staff Report PL.08.70 is consistent and supports the following Strategic Plans Goals:

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

#### **D. Environmental Impacts**

The proposed development does not appear to generate any significant environmental impacts that can be regulated by the Town.

#### **E. Budget Impact**

NIL

#### **F. Attached**

1. Site Plan
2. Aerial Photograph of the Subject Lands, May 2006

Respectfully submitted,

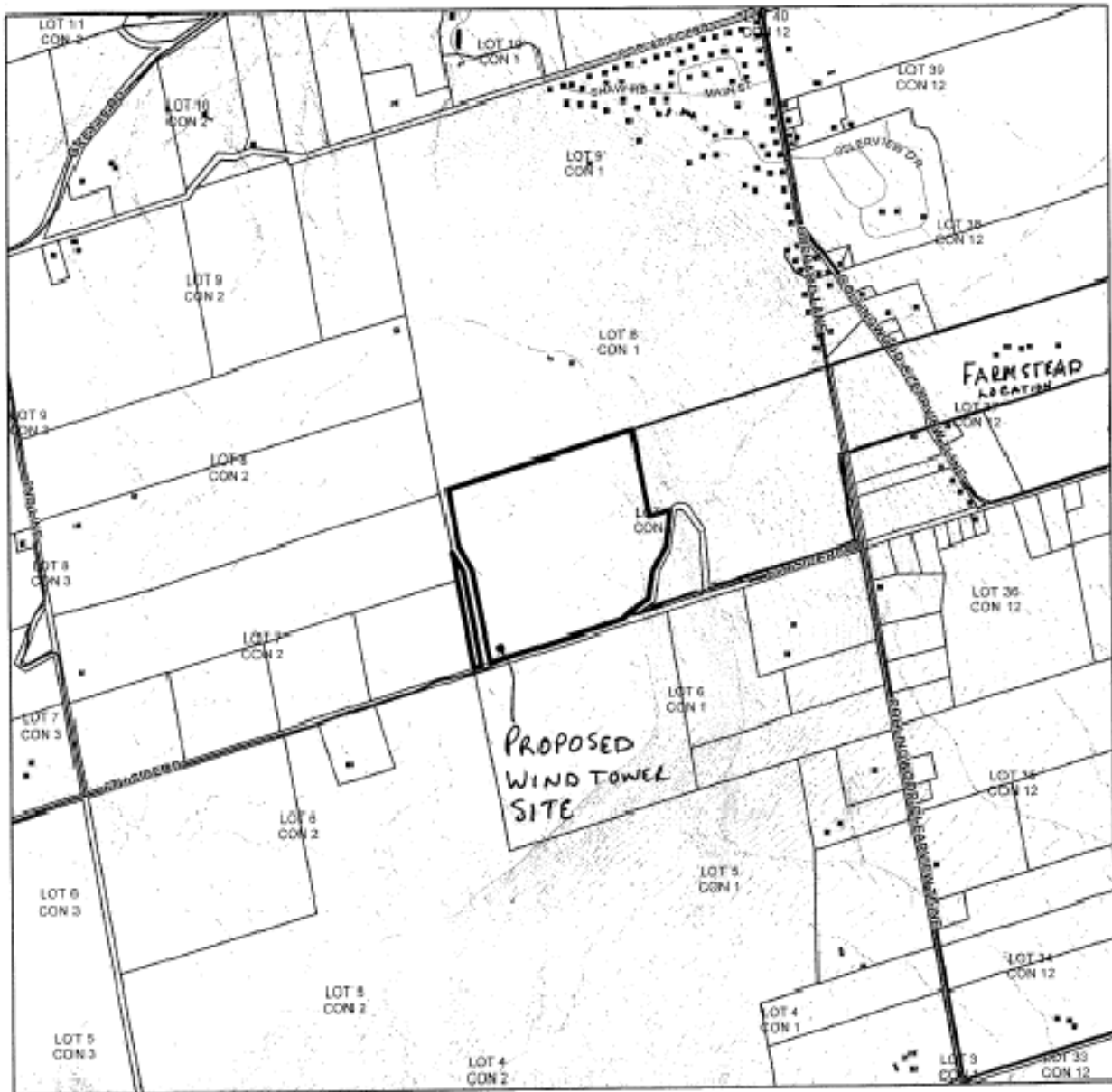
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**Attached Item 1: Site Plan**



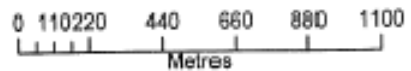
**MAP 2**  
**LOT CONFIGURATION**

FILE NO. G/S/2007-2008/9146

APPLICANT: DOUGLAS MATHEWS

**LEGEND**  
[ ] Subject Property

*Approximate Scale 1:18000*



**Attached Item 2: Aerial Photograph of the Subject Lands, May 2006**

