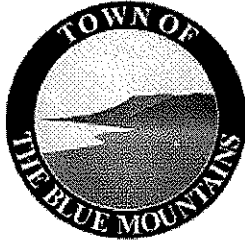


**STAFF REPORT:**



**REPORT TO:** Planning and Building  
Committee  
**MEETING DATE:** April 6, 2009  
**REPORT NO.:** SPS.09.01  
**SUBJECT:** Bill 150 – Green Energy Act  
**PREPARED BY:** Peter Tollefsen, Director of  
Special Projects (Sustainability)

**A. Recommendations**

THAT Council receive Staff Report SPS.09.01 Bill 150 – Green Energy Act for information purposes;

AND WHEREAS, the Town of The Blue Mountains is concerned that the removal of local land use planning controls for renewable energy facilities will have a detrimental effect on the Municipality;

AND WHEREAS, the passage of Bill 150 will limit the ability of the Municipality to provide meaningful comment and participation in the placement of wind and other renewable energy facilities with the removal of power under the Planning Act;

AND WHEREAS, without powers under the Planning Act, the Municipality will no longer be able to require Agreements related to access, landscaping, and securities for renewable energy projects;

AND WHEREAS, the Municipality will no longer be able to address the needs of the local area in such an Agreement.

THEREFORE BE IT RESOLVED THAT, the Town of The Blue Mountains requests that the Province undertake a comprehensive review of Bill 150 of the potential health and land use impacts to the General Public associated with the placement of all Renewable Energy Facilities; and review the proposal to remove local land use planning controls under the Planning Act.

**AND THAT this Resolution and Report be forwarded to the Ministers of Energy and Infrastructure, Environment and Natural Resources.**

**B. Background**

On February 23, 2009, Bill 150 to Green Energy Act was introduced to the Legislative Assembly of Ontario. It received first reading the same day. The Act is intended to spark growth in clean and renewable sources of energy such as wind, solar, hydro, biomass and biogas, create the potential for savings and better manage household energy expenditures through a series of conservation measures.

A staff report was forwarded to Council March 2, 2009, for information purposes, which provided an overview of the Act and the relevant sections that are applicable to the Town, a copy of which is attached.

Bill 150 received second reading March 11, 2009 and has been referred to a Standing Committee for public comment. The Town of The Blue Mountains, Municipality of Grey Highlands and the County of Grey have each submitted a separate request to appear. Our preferred date is April 22, 2009 in Toronto. The purpose of this Report is to provide written comment and resolution for submission to the Standing Committee on Bill 150.

With the removal of the Planning Act, the requirements to obtain permits and/or approvals related to the placement of renewable energy facilities will be streamlined through a one-window process at the Provincial level. Approval through the Environmental Assessment Act or Clean Water Act would no longer be required. The proposed one-window process would provide for participation by the local Municipality in a limited capacity as the decision making powers under the Planning Act will be removed with the passage of Bill 150.

The new approvals process would deal directly with the Ministry of the Environment and the Ministry of Natural Resources with limited input from Conservation Authorities. With land use planning controls removed, local and upper tier Municipalities would act only in the capacity of commenting agencies through the provision of comments on the proposal through the Environment Bill Registry (EBR) or during the issuance of a Building Permit.

The Town of The Blue Mountains has spent a considerable amount of time discussing the issues of renewable energy with the public. The Cultural Heritage Landscape Assessment is being completed and once submitted to Council, staff and consultant were to finalize land use policy for the Official Plan to govern the location of renewable energy facilities. Other Municipalities in Grey County have also spent a great deal of time and resources in a proactive manner to research, draft and approve policies to deal with the placement of renewable energy facilities at the local level. Following through with Official Plan and Zoning By-Law Amendments Provisions now, if Bill 150 becomes law, is moot.

Staff are concerned that without local input during the preliminary project stages, conflicts related to the siting of facilities could occur. Local issues related to the placement of access, parking or other related Site Plan issues would not be identified early enough in the 'design stage' of the process to permit remediation or resolution of potential land use planning conflicts.

Staff are concerned of the potential for a standard setback application of renewable energy facilities from the Province without taking into account local sensitive needs. Further clarification is required to evaluate the intended methodology for establishing setbacks of this nature.

The Province may be unfairly grouping Municipal concerns into a "NIMBY" category and dismissing them as simply trying to veto projects. In reality, many of the local concerns could be very practical items which are best addressed earlier in the process, perhaps at a design stage, rather than later.

Notice should be given to neighbours of a proposed project, by way of a circulation, similar to the circulation requirements with the Planning Act for planning applications. It should not be dependent on members of the public and Town staff to have to consistently 'scan' the EBR for Notice of upcoming renewable energy projects.

There are some health concerns related to the impact of low frequency noise and electrical and electromagnetic disturbances in areas of industrial wind turbines. These concerns have been reflected in recent resolutions from the County of Prince Edward, Oxford County and to Grey Bruce Health Unit. The Province should dedicate resources to the necessary scientific research to consider these impacts and create and provide authoritative regulations and guidelines for the locating of wind turbines to municipalities and wind energy developers.

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

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

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

There will be environmental impacts however it is too early in the process for these to be determined.

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

Not applicable at this time.

#### **F. Attached**

Staff report No PL.09.25 Green energy and Green Economy Act, 2009.

Respectfully submitted,

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Signature

For more information, please contact:

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**STAFF REPORT:** Planning



**REPORT TO:** Mayor and Members of Council  
**MEETING DATE:** March 2, 2009  
**REPORT NO.:** PL.09.25  
**SUBJECT:** Green Energy and Green Economy Act, 2009  
**PREPARED BY:** Cindy Welsh, MCIP, RPP  
Senior Policy Planner

#### **A. Recommendations**

**THAT Council does receive Planning Staff Report #PL.09.25, "Green Energy and Green Economy Act, 2009" for information purposes.**

#### **B. Background**

On February 23, 2009, Bill 150, an act to enact the Green Energy Act, 2009 and to build a green economy, to repeal the energy Conservation Leadership Act, 2006 and the Energy Efficiency Act and to amend other statutes, was introduced to the Legislative Assembly of Ontario. It received first reading the same day. The Act, better known as the *Green Energy and Green Economy Act, 2009*, is intended to spark growth in clean and renewable sources of energy such as wind, solar, hydro, biomass and biogas, create the potential for savings and better managed household energy expenditures through a series of conservation measures and create 50,000 jobs in its first year.

One of the main thrusts of this Act which will have implications for municipalities is the establishment of a streamlined approvals process which would include providing service guarantees for renewable energy projects and a Renewable Energy Facilitator.

The Act may be viewed online at: [http://www.ontla.on.ca/bills/bills-files/39 Parliament/Session1/b150.pdf](http://www.ontla.on.ca/bills/bills-files/39_Parliament/Session1/b150.pdf)

Council is being provided with an overview of Act and the relevant sections that are applicable to the Town.

#### **Schedule J, Building Code Act, 1992**

The purpose of the Building Code currently includes the establishment of standards for "conservation". The *Building Code Act, 1992*, would be amended to clarify energy conservation. A new subsection is being proposed which would require the Minister of Municipal Affairs and Housing to initiate reviews of the Building Code, with reference to standards for energy conservation at five-year intervals. Another new subsection would require the Minister of Municipal Affairs and Housing to establish the Building Code Energy Advisory Council whose mandate would be to advise the Minister on the building code with reference to standards for energy conservation.

### Schedule K, Planning Act, 1990

The *Planning Act* is proposed to be amended by exempting renewable energy generation facilities and renewable energy projects from demolitions control by-laws under Section 33, by-laws and related by-laws under Part V including zoning and interim control by-laws and development permit regulations or by-laws made under section 70.2. As well, an official plan is proposed to not affect a renewable energy generation facility or renewable energy project. Subsections 50(3) and 50(5) of the *Planning Act* are proposed to be amended to include a new exception from the subdivision and part lot control restrictions of the Act for leases of up to 40 years for the purposes of renewable energy generation facilities and renewable energy projects.

If approved, renewable energy generation facilities and renewable energy projects would be exempt from official plans and zoning by-laws, as well as other planning legislative tools.

### Schedule L, Ministry of Natural Resources

Schedule L is proposed to amend various statutes administered by the Ministry of Natural Resources in order to facilitate the development of renewable energy projects. Of particular importance is the *Niagara Escarpment Planning and Development Act*. The schedule proposes to amend the definition of "utility" in the Niagara Escarpment Plan to include renewable energy projects, as defined in section 1 of the Green Energy Act, 2009, in reference to generation, transmission and distribution of electric power.

Town staff contacted Lynne Richardson of the Niagara Escarpment Commission with regards to the above. The NEC has commented that utilities are permitted within all areas in NEC save and except for "Escarpment Recreational Areas".

With respect to constraint analysis, and on a preliminary basis, Ms. Richardson is of the opinion that the NEC will still be able to require a Visual Impact and Resource Impact Study as part of the approval process for renewable energy but she is of the mind that based on the legislation there must be valid reasons for requesting same.

The Province has indicated that ongoing discussions will take place with municipalities as the proposed legislation and implementation process move forward. Staff will continue to provide updates.

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

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

### **D. Environmental Impacts**

There will be environmental impacts however it is too early in the process for these to be determined.

**E. Budget Impact**

Not applicable at this time.

**F. Attachments**

1. Green Energy and Green Economy Act, 2009 – Compendium
2. Bill 150 with Schedules J, K and L.

Submitted by:

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