

# Blue Highlands Citizens Coalition

## BLUE HIGHLANDS CITIZENS COALITION

~ Wind is a Renewable Resource...our Niagara Escarpment Landscape Is Not ~

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January 30, 2006

To: Mayor Anderson and Members of Council for The Town of The Blue Mountains

**Re: Policy Options Report, Town of the Blue Mountains, Renewable Energy Review**

The Blue Highlands Coalition commends the Council of the Town of the Blue Mountains for taking the proactive step of engaging The Jones Consulting Group to assist with the development of planning policy that will allow the Town to make a rational and appropriate response to applications for renewable energy projects which are proposed for the Town.

The public meetings and the presentations provided by Mr. Tollefsen and Jones Consulting have gone a long way to begin to educate residents and landowners in Town of the Blue Mountains about the renewable energy options for the municipality.

We have carefully reviewed the Planning Policy Options Report and the recommendations that it sets out. We have also studied the Provincial Policy Statement and the Town's Official Plan and Strategic Plan.

**We are deeply concerned about the degree of permissiveness that is implied in the Report's recommendation regarding amendments to the Official Plan in relation to "Large Scale" renewable energy generation.**

**If the Official Plan encourages all forms of Renewable Energy Projects, we are not confident that it will be possible to preclude large scale projects, in any zone, through zoning bylaws and site plan control. We are not aware that there is evidence to show that bylaw and site plan restrictions will have the power to protect the long-term economic and social fabric of the Town of the Blue Mountains or the natural legacy of the Niagara Escarpment.**

**Recommendations:**

We respectfully request that Council consider the following course of action in the development of planning policy and tools to address renewable energy development proposals in the Town.

1. **Planning amendments** – Before any decision is made to adopt the recommendations of the Policy Options Report:

- a. direct Staff to examine and report on the rationale for the recommendation in the Policy Options Report to take a permissive approach for large scale renewable energy generation projects.
  - b. direct Staff to investigate and report on the consistency with Provincial policy of a prohibitive approach relative to large scale renewable energy generation projects in the Town's Official Plan, while supporting appropriate small- scale renewable energy projects in the Official Plan.
2. **Zoning Bylaw and Site Plan Controls** - Research the potential environmental, visual and sound impacts of appropriate small-scale renewable energy generation projects, to ensure that the scope and size of approved projects are consistent with the town's existing Official Plan.
  3. **Renewable Energy Working Group** – Reconstitute the Renewable Energy Working Group to include a balanced representation from all of the stakeholders Council is responsible to.
  4. **Interim Control Bylaw** – Put in place an interim control bylaw that will defer any applications for renewable energy generation projects until such time as the appropriate planning provisions are in place.

### **Situation Overview**

The Town of the Blue Mountains describes itself on its web site as **“Ontario’s premier recreation and vacation destination.”**

Before considering our planning policy options, it is instructive to have a serious look at the geography, topography and current land use designations in the Town to have an overall grasp of the type of community that has developed here and the reasons why.

Topographically the Town is made up of about 1/3 escarpment face lands, 1/3 river valley lands (Beaver and Pretty River), 1/6 lakeshore lands and the final 1/6 a finger of tablelands surrounded by Niagara Escarpment protection lands.

Our geographic location on the shores of Georgian Bay and within easy driving distance of major urban centres, and our topography, which lends itself to a broad range of recreational activities year round, has shaped the settlement pattern of the Town and its economy.

Our landscapes and unique geological features are among the most beautiful in the world and attract artists and art lovers from all over the world to visit or to live here.

Five private ski clubs and Blue Mountain Resort have developed downhill ski facilities that have brought with them work for the construction trades, facilities operators, restaurants, other service industries and retail stores to name a few.

The clubs, Blue Mountain Resort and other resorts in the Town have expanded their traditional downhill ski activities into snow shoeing, cross country skiing, and snowmobiling that takes them up to the tablelands in the winter; and biking, hiking and off-roading that takes them to the table lands in the other seasons

Seasonal visitors are now making the Town a weekend destination year round as they take advantage of our hiking, biking, golf, tennis, bird watching, sailing, water sports, horseback riding, photographic or artistic opportunities. In part they also come here for the change of pace from a commercial industrial zone to a small town - rural one.

Many retirees, and young families as well, have loved it here so much that they have made it their permanent home.

The tablelands, which once held a scattering of mixed farms, are now comprised of a significant and growing number of rural residences on both large lots and small acreages, including full-time residences, vacation homes, some family farms, hobby farms and horse riding and other recreational facilities.

The Town is not, nor has it ever been, host to large industrial development. The town's web page advertises the Town as "a premier recreation and vacation destination", not because a Canada's Wonderland has been built here, but because of the natural beauty and recreational opportunity afforded by our proximity to the Bay and the Escarpment and their adjacent landscapes.

This is the context in which we must look at the Planning Policy Options available to the Town in respect of renewable energy generation projects in this municipality.

### **Addressing the Province's policy to encourage renewable energy generation**

#### **The Official Plan**

In our view **any large scale energy project has no place in the Town of the Blue Mountains**, and particularly not in the rural areas. Large scale renewable energy projects are not consistent with our existing Official Plan or with the basis on which the economy of the Town and its enviable quality of life are built. We believe that there is available evidence to prove that large scale projects would have a negative effect on tourism, farming, property values and the quality of life of residents. This translates into an eroding of our economic base.

**Appropriate small scale renewable energy generation should have a place** in the municipality, and our Official Plan and Zoning Bylaws should be amended to allow for it and control it.

The Official Plan should encourage certain small scale renewable energy projects so long as they do not alter the natural landscape, adversely affect existing land uses, or adversely affect the quality of life of residents or the recreational experience of tourists or residents using recreational facilities in the vicinity of the installations.

#### **Zoning Bylaws**

Zoning Bylaws governing small scale renewable energy generation in the Town of the Blue Mountains must be carefully developed and based on solid research that establishes acceptable noise, visual impact, and environmental impact thresholds as well as other restrictions particular to these types of projects. This will require **engaging the services of specialists in these areas**. The Blue Highlands Citizens Coalition wishes to continue to work together with the Planning Department to collect reliable information and access specialized expertise.

**The Provincial Policy Statement directs Municipalities to encourage renewable energy generation. However, that document puts much more emphasis on retaining the integrity of communities, our natural heritage and the underpinnings of our economy** (*see Appendix A for an analysis of the relevant provisions of the Provincial Policy statement*).

## **Stakeholders**

Who are the primary stakeholders whose needs the Town must address?

1. **Residents and Landowners in the Town of Blue Mountains.** Residents and landowners have a right to be assured that their quality of life, their livelihood, their community and their property values will not be jeopardized by a planning decision regarding renewable energy generation.
2. **Businesses currently operating in the Town of Blue Mountains.** Businesses operating in the Town must be assured that their ability to continue to operate and perhaps expand will not be curtailed or adversely affected by a decision regarding an application for renewable energy generation.
3. **The Town Government.** The Town must have the planning tools and information at their disposal to allow them to make decisions regarding renewable energy generation applications that are in the best interests of their various constituents, without exposing them to costly and time-consuming litigation.
4. **The Province of Ontario.** The Province is a stakeholder insofar as it has set out in the Provincial Policy Statement (2005) the direction that Municipalities must adhere to regarding best planning practices. In addition the Province has established the Niagara Escarpment Commission to protect this unique landscape feature.

We believe that Council's responsibility to address the needs of proponents of large-scale renewable energy project applications (who we recognize are stakeholders) is secondary to the needs of the principal stakeholders listed above. In particular, **large scale renewable energy generation developers should not be represented on the Working Group that is assisting in the drafting of planning policies and bylaws for the Town.** It is important to the legitimacy and credibility of the policy and by-law formulation process that a party with a pecuniary interest in the outcome of that process not be involved.

We encourage our Planning Department to continue to seek representation from the primary stakeholders.

## **We need time to get it right**

Renewable energy generation is a new issue for planning departments and municipalities in Ontario. We can and must draw on the experience of others, both close to home and world wide, to avoid making costly or irreversible mistakes. Residents and other stakeholders in the Town of The Blue Mountains need time to understand all of the implications of such projects and to have a say in what action is taken on their behalf. To obtain this time, an **Interim Control Bylaw** should be put in place that defers applications for renewable energy generation until such time as we have the appropriate planning policies and provisions in place.

Thank you for giving us the opportunity to address Council on this very important matter. We look forward to working together with you and your planning staff to ensure that our Town remains the premier recreation/vacation destination in Ontario, and the best place in the world to live.

Respectfully submitted:

Blue Highlands Citizens Coalition

## **APPENDIX A**

**Analysis of the Relevant Provisions of the  
Provincial Policy Statement  
Re  
Policy Options Report  
Town of the Blue Mountains  
Renewable Energy Review**

## APPENDIX A

### 1.0 Introduction.

The Policy Options Report recommends that “the Town approve an Official Plan Amendment that would permit wind energy facilities in most land use designations, subject to detailed policies and submission requirements which would be intended to minimize land use impacts”. The Policy Options Report goes on to state that “[a]n official plan amendment broadly approving wind energy facilities in most designations in the Town of the Blue Mountains is recommended *as it is in-keeping with provincial policy*” (emphasis added). These recommendations apply to all ranges of possible wind power development in the Town, ranging from large scale to accessory use, including “small scale” development (*i.e.*, wind power projects up to 2 MW in rated capacity).

These recommendations by Jones Consulting are very significant, since they specifically contemplate the installation of large-scale wind power turbines within the Town. Such installations would fit within not only Jones’ “large-scale” category, but also within Jones’ “small-scale” category<sup>1</sup>.

The Policy Options Report justifies these recommendations on the basis that, as noted above, a broad approval in favour of wind energy facilities “is in-keeping with Provincial policy”.

With all due respect to the Policy Options Report, we disagree with that assertion. We believe that a much closer examination of the range of relevant Provincial policies is appropriate before such a broad policy approach in favour of all forms of wind power development is adopted by the Town. To that end, we have examined the provisions of the Provincial Policy Statement (the “PPS”) which provide general support for responsible wind power development. We have also examined those PPS policies which, when applied to the Town’s unique local context, argue in favour of a prohibitive development policy, at least as far as the installation of any significantly sized turbines is concerned.

### 2.0 Policies in Support of Wind Power Development

Although the Policy Options Report does not deal expressly with the point, it is likely that Jones’ recommendation in favour of broad approval for wind energy facilities in the Town stems from Sections 1.7 and 1.8 of the PPS.

Section 1.7 states that “[l]ong-term economic prosperity should be supported by... providing opportunities for increased generation, supply and conservation, including alternative energy systems and renewable energy systems”. It is noteworthy that Section 1.7 appears in the PPS under the heading “Long-Term Economic Prosperity”. It is clear from Section 1.7 that Section 1.7 encourages alternative energy systems and renewable energy systems so long as such systems will indeed contribute to long-term economic prosperity. In considering the effect of Section 1.7, therefore, the Town needs to determine whether wind power development, which is currently dependent on significant government subsidies and which appears to not be cost-

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<sup>1</sup> Town Council should be aware of the very significant size of wind turbine structures which would fit within Jones’ “small-scale” (*i.e.*, up to 2 MW) category. For example, the very significantly-sized wind turbine installation located at Exhibition Place on Toronto’s waterfront is rated at 0.75 MW. Thus, a proposed project consisting of three turbine structures of very close to the size of the Exhibition Place turbine would fit within Jones’ “small-scale” category.

competitive with other forms of power generation, will indeed assist with the development of long-term economic prosperity in the Town specifically and in the Province generally. If the current economics of wind power are such that wind power cannot yet reliably be described as a power generation option which will contribute to the long-term economic prosperity of Ontario, Section 1.7 of the PPS should *not* be relied upon as a basis on which wind power development within the Town is somehow mandated by the PPS. The Town must also consider whether wind power development, which will almost certainly conflict with established and economically significant land use patterns, will harm the Town's long-term economic prosperity.

Section 1.8.2 states that “[i]ncreased energy supply should be promoted by providing opportunities for energy generation facilities to accommodate current and projected needs, and the use of renewable energy systems and alternative energy systems, where feasible”. Although Section 1.8.2 provides a general policy direction towards the encouragement of energy generation, it relies, in doing so, on the terms “renewable energy systems” and “alternative energy systems”. Those terms are defined very vaguely, and the PPS provides no guidance as to the specific scale and scope of such systems in any particular context. Section 1.8.2 also refers to a requirement that such energy systems shall only be permitted “where feasible”. Thus, Section 1.8.2 of the PPS does not provide any specific policy direction mandating any particular scope or scale of renewable energy development; it merely provides a general policy direction in favour of such development, “where feasible”.

Section 1.8.3 of the PPS states that “[a]lternative energy systems and renewable energy systems shall be permitted in settlement areas, rural areas and prime agricultural areas in accordance with provincial and federal requirements”. There are two possible interpretations of Section 1.8.3. One is that it mandates that any and all renewable energy development proposals, regardless of whether they are proposed for settlement, rural or prime agricultural areas, *shall* be permitted by municipal authorities. However, that interpretation is not tenable, as it is entirely inconsistent with the well-established requirement that the competing policies contained within the PPS be balanced. As stated in the PPS, the PPS “is intended to read in its entirety and the relevant policies are to be applied to each situation”. To interpret Section 1.8.3 of the PPS as imposing a mandatory planning permission in favour of renewable energy development, without regard to other relevant provincial policies, would offend that basic principle.

The second interpretation of Section 1.8.3 of the PPS is that it merely serves to provide a general confirmation to municipal Councils that renewable energy systems shall be permitted in settlement, rural and prime agricultural areas, subject to the required considerations and balancing of other relevant provincial policies. This interpretation is consistent with the requirements that the PPS “be read in its entirety” and that “the relevant policies are to be applied to each situation”.

Thus, while a certain level of policy-based support for renewable energy development is evident in Sections 1.7 and 1.8 of the PPS, it is clear that that policy support is tempered by requirements that such development be economically viable and that it occur only “where feasible”. As well, nothing in the PPS mandates that any particular scale or scope of development occur within a municipality. While the PPS provides useful guidance in confirming that renewable energy development shall be permitted in all land use designations, the PPS does not impose any mandatory support for such development.

### 3.0 **Policies Supporting Competing Provincial Interests**

The PPS sets out a number of other provincial policies and interests (*i.e.*, beyond those which relate to renewable energy) which the Town must consider in developing an official plan policy approach to wind power development. These can be summarized by the following references to the PPS:

3.1 **Protection of Natural Heritage Resources.** Part IV of the PPS states that “[t]he Province’s natural heritage resources... provide important environmental, economic and social benefits”, and that [t]he use and management of these resources over the long term *is a key provincial interest*” (emphasis added). While, for the purposes of the PPS, no single provincial interest takes precedence over all other provincial interests, the PPS’s characterization of the “wise use and management” of natural heritage resources as a “key provincial interest” is noteworthy. This is particularly the case for the Town, given the environmental, economic and social importance to the Town of the Town’s Niagara Escarpment landscape and the related scenic beauty. There are perhaps no better indications of that importance than the fact that both the Town’s name and its logo are based on that landscape.

Section 2.1.1 of the PPS provides further and very clear direction regarding the importance of protection for natural features and areas. It states that “[n]atural features and areas shall be protected for the long term”. Further guidance is provided by Section 2.1.4, which prohibits development on significant valley lands (including the Pretty River Valley and the Beaver Valley) “unless it has been demonstrated that there will be no negative impacts on the natural features”. Section 2.1.6 of the PPS goes on to prohibit development on adjacent lands to significant valley lands “unless it has been demonstrated that there will be no negative impacts on the natural features.” Town Council needs to take into account the effect of wind power development within the Town on the Town’s natural features and areas.

3.2 **The Importance of a Long-Term Perspective.** The PPS clearly states the importance of ensuring that short-term considerations do not take precedence over a long-term perspective. Part IV provides that “[l]ong-term prosperity, environmental health and social well-being should take precedence over short-term considerations”. Accordingly, the Town needs to consider whether any possible contribution of wind power development in the Town to a “quick-fix” to Provincial energy requirements should be allowed to take precedence over the long-term management of the Town’s scenic Niagara Escarpment resource and its related environmental, economic and social benefits.

3.3 **Economic Prosperity.** Section 1.1.1(a) of the PPS confirms the importance of “promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long-term”. As has been noted above in connection with Section 1.7 of the PPS, the Town needs to take into account the economic viability of wind power and its impact on not only the economic prosperity of the Province but also on the economic prosperity of the Town. Before adopting the broad, permissive policy approach recommended by the Policy Options Report, Town Council must give due consideration to the question of whether a heavily subsidized power generation option which may well have significant adverse local economic affects is consistent with Section 1.1.1(a) of the PPS.

3.4 **Protection of Rural Character and Amenity.** Section 1.1.4.1(d) of the PPS recognizes the importance to liveable rural communities of protecting the characteristic and

amenity of the rural landscape by stressing the promotion of “development that is compatible with the rural landscape”. The particular form of the rural landscape will vary from municipality to municipality. That landscape will be more or less compatible with wind power development, depending on the specific nature and features of a particular community. In considering the Policy Options Report’s recommended policy support for wind power development within the Town, Town Council must consider the character and features of the Town’s rural landscape in order to determine whether wind power development is in fact “compatible with the rural landscape” of the Town.

3.5 Local Benefits. Section 1.1.4.1(d) of the PPS also emphasizes the importance of promoting development in rural areas which “can be sustained by rural service levels”. Town Council needs to consider which scale and scope of wind power development in the Town can indeed be sustained by local service levels. In particular, it is not at all clear that large-scale wind power development will be serviced locally, thereby contributing to sustainable rural development.

3.6 Recreation and Tourism Opportunities. Section 1.1.4.1(g) of the PPS expressly recognizes the importance of recreation and tourism by providing for the promotion of “recreational, tourism and other economic opportunities”. There is no single industry which is of greater economic importance to the Town than the tourism and recreation industry. The Town’s open Niagara Escarpment landscape and the recreation opportunities it presents are essential to the long-term viability of the Town and its residents. Accordingly, the Town needs to carefully consider the role of its open Escarpment landscape in supporting the extremely significant recreational and tourism-based activities within the Town, both now and in to the future. Any form of renewable energy development which will impair that open landscape needs to be approached with caution.

3.7 Parkland and Conservation Areas. Section 1.51(d) of the PPS refers to the promotion of healthy, active communities by “considering the impacts of planning decisions on provincial parks, conservation reserves and conservation areas”. The Town needs to take into account the effect of wind power development in the Town on the public’s use and enjoyment of those sites in or near the Town which are occupied by provincial parkland (e.g., the Pretty River Valley Provincial Park), provincial park reserves (e.g., Osprey Bluffs), conservation areas (whether administered by the Grey Sauble C.A or the Nottawasaga Valley C.A.) and Grey County Forests.

#### 4.0 Balancing of Competing PPS Policies

Based on the foregoing, it is clear that there are many provincial interests at play in the formulation by the Town of an appropriate OP wind power development policy. These various interests and policies need to be balanced and applied in the context of the Town’s unique circumstances, and no single interest or policy can or should prevail in isolation. For example, it would not be appropriate to rely exclusively on Section 2.1 of the PPS in simply prohibiting *all* forms of wind power development from the Town in order to ensure the long-term protection of the Town’s valued Niagara Escarpment scenic resource. Similarly, however, it would not be appropriate for the Town to adopt a policy broadly approving wind power facilities based merely on Sections 1.7 and 1.8 of the PPS unless and until Town Council is satisfied that those policies should somehow take precedence over the other provincial policies and interests outlined above.

Actually determining the manner in which the various provincial interests and policies, as enunciated in the PPS, are to be balanced is the single most critical step in the Town's formulation of its OP approach to wind power development. The PPS lays down a broad framework for decision-making regarding land use planning decisions. However, the actual implementation of the PPS is left as a task for each individual municipality, having regard to the relevant local features and context.

In making its recommendation in favour of an official plan amendment "broadly approving wind energy facilities in most designations" in the Town (including an approval in respect of large-scale wind power generating facilities), on the basis that such an amendment "is in keeping with Provincial policy", the Policy Options Report has impliedly reached the conclusion that, in the Town's local context, the policies in Sections 1.7 and 1.8 of the PPS should take precedence over the other Provincial policies and interests enunciated in the PPS.

With due respect to the Policy Options Report, that conclusion constitutes a gross imbalance of the competing provincial interests and policies which are relevant to the Town's local context. The Policy Options Report does not provide any policy-based rationale for the trumping of the PPS Sections 1.7 and 1.8 policies over the other PPS policies dealt with above. At a minimum, the Policy Options Report needs to provide the analysis by which, in the Town's local context, provincial policies in support of renewable energy development should be granted priority over other competing Provincial interests and policies. In particular, the issue of wind power development (and in particular any such development involving the installation of any large-scale wind turbine structures) presents a classic case of conflict between competing Provincial interests.

The Policy Options Report describes itself as a "Policy Options Report", and we agree that a critical examination of alternative policy approaches to wind power development in the Town is appropriate. However, that examination calls for not just an analysis of the relevant policy considerations but also for a responsible and informed decision by Town Council as to the selection of an appropriate policy. This task is made more difficult by the presence of conflicting policy initiatives, as set out in the PPS and as outlined above. How can the conflicting policy initiatives be balanced? How can the competing interests be balanced? What is the correct policy direction for the Town to take? What decision will best protect the best interests of the Town while also respecting the Provincial initiative in support of renewable energy?

These are difficult questions to answer. They cannot be answered without careful thought and analysis. We believe, however, that there are four principal considerations which, when given careful consideration, provide significant assistance in reaching an appropriate resolution. These considerations are (i) the interplay between the PPS and the Niagara Escarpment Plan, (ii) the emphasis of the Town's existing Official Plan on the importance of preserving the Town's unique landscape and scenic resources, (iii) the appropriateness of a precautionary approach in developing policy in respect of a new land use in a sensitive area, and (iv) the importance of consistency in land use planning at both the Official Plan and the zoning by-law levels. We will examine each of these four considerations in turn below.

4.1 The Interplay between the Niagara Escarpment Plan and the PPS. In developing a wind power development policy at the OP level, Town Council must also take into account Section 4.9 of the PPS, which provides that "[p]rovincial plans [like the Niagara Escarpment

Plan] *shall take precedence over* policies in this Provincial Policy Statement to the extent of any conflict” (emphasis added).

This is an important provision to take note of, as it provides useful interpretive assistance in resolving any potential or perceived conflict between the PPS and the NEP. To the extent of any such conflict, the NEP is to prevail.

As Council knows, the wind power development issue has been the subject of extensive consideration, consultation and policy formulation by the Niagara Escarpment Commission. The NEC adopted the following recommendations as policy at the NEC’s policy meeting in October of 2004:

- (a) in light of the NEP’s stated objective of “preserving the natural scenery” of the Niagara Escarpment, “large scale industrial-type wind power developments should not be permitted in the Niagara Escarpment Plan”; and
- (b) the NEC should review wind power proposals in areas adjacent to the NEP boundaries where the physical presence of the structures and the motion of the blades may have an impact on prominent Escarpment features and landscapes”.

It is important to note the prohibitive policy approach adopted by the NEC in the first policy cited above. Large scale wind power development is simply not allowed in the NEP.

It is also important to note that the second policy cited above, which emphasizes the importance of appropriate NEC involvement in developments on lands adjacent to the NEP, is entirely consistent with planning regulations passed by the Ontario Government. For example, O. Reg. 196/96, O. Reg. 198/96, O. Reg. 199/96 and O. Reg. 200/96 provide for notice to the NEC in circumstances involving variations in official plans, zoning by-laws, consent applications, plans of subdivision and minor variance applications whenever the relevant land “is within or about the area covered by the Niagara Escarpment Plan”. The provincial Government’s interest in maintaining the integrity of protection for the Niagara Escarpment through the planning process is evident from these Regulations.

Another indication as to the Ontario Government’s interest in protecting the natural scenery and landscape of the Niagara Escarpment for the long term is provided by the fact that the Niagara Escarpment Planning Area remains much larger than the NEP area, and has never been reduced in size to the current NEP boundaries. Interestingly, almost all of the Brascan Power Wind study area within the Town is within the Niagara Escarpment Planning Area, although only a relatively small portion is within the NEP area.<sup>2</sup>

In our view, the facts that (i) a significant portion of the Town is either within or in close proximity to the NEP, (ii) the NEC has adopted a prohibitive approach to large-scale wind power turbines within the NEP, and (iii) the NEC has stressed the importance of commenting on wind power developments in areas adjacent to the NEP, all support the proposition that a restrictive wind power development policy by the Town is consistent with the NEP and, therefore,

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<sup>2</sup> Most of the Brascan Power Wind study area within the Town is in a narrow sliver of land approximately 2 km in width and surrounded on three sides by NEP area lands.

consistent with Provincial policy. As noted above, the PPS provides that the NEP takes precedence over the PPS to the extent of any conflict.

#### 4.2 The Town's Official Plan

The following excerpts from the Official Plan all illustrate the high value which is attached to the Town's natural features, scenery, landscapes and rural visual amenity, and confirm the contribution of those factors to the Town's viability, social fabric and long-term economic prosperity. We have added italics in order to emphasize particularly relevant provisions.

Section 1.3.1 The Environment The appearance and quality of the diverse physical environment is an important asset within the Town. A healthy environment is fundamental to the maintenance and enhancement of the agricultural and tourism industries and therefore, *any development or redevelopment should be designed and located in a manner which enhances the cultural, visual and ecological qualities of the environment.*

Section 2.2 The Environment: Goal To protect, preserve, conserve and enhance the *highly scenic, natural, cultural and heritage amenities of the Town.*

Section 2.2(c) The Environment: Objectives To maximize the quality of the environment by the establishment of policies and programs that will minimize the pollution of water, air and land *and preserve the unique attributes of the physical landscape* so as to improve the quality of life for residents and visitors to the area.

Section 2.2(h) The Environment: Objectives To promote the preservation, conservation and maintenance of natural or cultural resources.

Section 2.2(m) The Environment: Objectives To maintain and enhance the open landscape character of the Niagara Escarpment and land in its vicinity, substantially as a continuous natural environment and to ensure only such development occurs as is compatible with the natural environment *and the natural scenery*, while providing adequate opportunities for outdoor recreation, compatible resort development, and adequate public access to the Niagara Escarpment.

Section 2.5(a) Recreation and Tourism: Objectives To encourage the maintenance of quality natural and cultural landscapes.

### General Development Policies: Growth and Settlement: Long Term Scope

Section 3.2.1(1) The Town of the Blue Mountains embraces a wide diversity of urban, rural and recreational amenities. The area is generously endowed with natural features and scenic attributes, which have created a substantial opportunity for recreational, residential and resort development. *Based on the prominence of the natural features of the Niagara Escarpment, Nippissing Ridge and Nottawasaga Bay, the Town serves as a four seasons recreational destination, with year-round appeal for skiing, hiking, golf and other recreational activities.*

Section 3.2.1(5) The Niagara Escarpment Plan is a long term plan that protects the Escarpment and its natural features. The Niagara Escarpment Plan recognizes the unique opportunity provided by the Niagara Escarpment for recreational uses that require the slope in order to function, while at the same time protecting the natural heritage features and prominent Escarpment slopes.

Section 3.2.1(7). The Town's Official Plan policies are intended to serve as a growth management strategy which will guide growth and settlement in accordance with the long-term goals and objectives of the municipality. The vision for future growth and settlement contained in this Plan incorporates a detailed land use designation and policy framework designed to ensure the many attributes of the municipality *are conserved for the benefit of future generations; provide certainty and direction for growth; and recognize the importance of the specialty crop production and recreational tourism industries as the economic backbone of the area. This vision is intended to be achieved while maintaining the essential balance of preserving the integrity of the natural environment, the maintenance of the open rural and cultural landscape, and responding in a responsible manner to the development pressures incumbent upon a four seasons recreational resort community.*

Section 3.2.3(3) Rural Areas The rural open landscape character of the municipality is to be maintained...[a] high priority is to be given to the preservation of prime agricultural lands and specialty croplands, compatible farming and forestry, low intensity recreational uses oriented toward the land, trails *and the preservation of the natural scenery...*Large scale or high intensity non-farm uses may disrupt or detract from the natural amenities of the rural open landscape character, and shall be directed to other appropriate designations which specifically permit such uses.

### Section 3.10 Open Landscape Character

Section 3.10(2) *Priority is to be given to the protection of the natural environment and the natural scenery. Development shall be discouraged in locations where it may detract from the visual quality of the open landscape character. Particular regard shall be given...to maintain the rural open landscape character...[and] to preserve the quality of the landscape in the vicinity of the Niagara Escarpment.*

Section 3.10(4) *Special attention shall be given to the preservation of open views and vistas, and the provision of access to open space and shoreline areas, including the Escarpment, Nippissing Ridge and Nottawasaga Bay.*

Section 4.2.1(3)(b) Rural Designation: Purpose The predominant use of land within the Rural Designation shall be for the continuation of agricultural practices and forest and wildlife management. Other uses of land which are non-supportive activities of agriculture may be permitted on a limited scale provided...the use will not adversely alter the rural character of the area *and the visual quality of the landscape is maintained.*

Section 4.2.1(4) Rural Designation: Purpose Special attention shall be given to maintaining and enhancing the rural open landscape character, as further provided under Section 3.2.3.

Section 4.6.3(1) Policies: Escarpment Land Use Designation It is intended that the unique and natural features of the Niagara Escarpment be preserved and maintained. Permitted recreational and open space uses which are complementary to the four seasons recreational resort community and the open landscape character of the Town, as further described under Section 3.10, shall be encouraged. *The unique features of the Niagara Escarpment, including stream valleys, wetlands and associated natural and cultural heritage features will be protected in order to maintain or enhance the natural environment and landscape quality.*

Section 6.1(2) Parkland and Open Space Policies: Purpose This Plan provides for major recreational and residential development to be located in designated areas of the Town as outlined on Schedule "A" – Land Use Plan. *Generous open space requirements of this Plan are intended to ensure that that adequate recreational lands are made available in conjunction with this development, and to maintain the visual quality of these recreational areas.*

Section 8.23(1) Environmental Constraints: Niagara Escarpment Plan This Official Plan *must not be in conflict with the Niagara Escarpment Plan.* The Development Criteria of the Niagara Escarpment Plan are generally incorporated under this Official Plan. These Development Criteria are intended primarily to address the various Natural Heritage features and systems and development constraints described herein.

These excerpts from the Town's Official Plan serve to confirm the importance to the Town of the Town's Niagara Escarpment landscape from an environmental, economic and social perspective. Put bluntly, that landscape is the Town's greatest asset, and the Town's Official Plan goes to appropriate lengths to protect that asset.

In our view, the Town's existing Official Plan is entirely consistent with those portions of the PPS dealt with in Section B of this Appendix. Accordingly, the question for Town Council becomes one of whether the introduction of Sections 1.7 and 1.8 of the PPS should trigger an

amendment to the Town's Official Plan such that the amended Official Plan would reflect a permissive approach to large-scale wind turbine installations in the Town.

We do not consider it appropriate that Sections 1.7 and 1.8 of the PPS be given such a "trumping" effect. Sections 1.7 and 1.8 are very recent additions to the PPS; they were only introduced to the PPS by way of the 2005 revisions to the PPS<sup>3</sup>. While Sections 1.7 and 1.8 of the PPS provide some general policy direction in favour of wind power development in appropriate circumstances (*i.e.*, "where feasible"), there is nothing in the text of those Sections which mandates an override of the Town's existing Official Plan focus on the protection of the Town's Niagara Escarpment landscape and the related ancillary benefits to the Town, whether of an environmental, economic or social nature.

#### 4.3 The Precautionary Approach

As the Policy Options Report correctly points out, wind power development is a new and emerging land use which the planning system in Ontario has not yet had an opportunity to address in a clear and informed manner. Indeed, in our discussions with officials within the Ministry of Municipal Affairs and Housing, we have not been able to obtain any clear guidance or assistance with respect to the manner in which the planning issues presented by wind power development are to be addressed. All that we have been told by that Ministry is that it is up to the individual municipalities to formulate their own solutions to those planning issues<sup>4</sup>.

In the face of this new land use, and particularly in light of the near-complete lack of Ontario experience in dealing with the relevant planning issues, we believe that the Town should adopt a precautionary approach. With the passage of time and the collection of clearer information about the relevant planning issues and the degree to which those issues can be addressed in a local context, it will be easier for the Town to move with greater certainty and comfort in an appropriate policy direction. For the time being, however, a precautionary approach is appropriate. As noted, above, Section 2.1.1 of the PPS stresses the importance of protection for natural features and areas "*for the long term*", and Part IV of the PPS stresses the importance of a long-term perspective. **While wind power is a renewable resource, our Niagara Escarpment landscape is not.** A precautionary approach by Council will assist with the protection of a valued and cherished landscape for the benefit of current and future Ontarians, pending a resolution of the many unanswered questions regarding the planning risks presented by wind power development.

#### 4.4 Consistency in the Planning Process

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<sup>3</sup> Council should take note of the fact that Sections 1.7 and 1.8 of the PPS were not included in the draft form of the PPS which was subject to public review and comment during the 2005 revisions to the PPS. Thus, Sections 1.7 and 1.8 of the PPS have not been the subject of any public consultation. They may well have found their way into the PPS as a result of special interest group lobbying efforts. We believe that Sections 1.7 and 1.8 of the PPS should, as a result, be viewed with caution and read restrictively.

<sup>4</sup> We note that since those discussions with the Ministry of Municipal Affairs and Housing, that Ministry has apparently chosen to attempt to override the relevant planning issues by way of Bill 51, which if implemented will serve to exempt these planning issues from the *Planning Act* approval process.

While we disagree with the permissive policy approach recommended by Jones Consulting with respect to large-scale wind turbine installations within the Town, we agree with those portions of the Policy Options Report which emphasize the importance of appropriate restrictions at the zoning by-law level.

Indeed, we believe that the restrictive zoning by-law recommendations contained within the Policy Options Report can assist in determining the best approach for Council to take in selecting a policy direction in respect of wind power. In particular, we believe that it is essential that there be consistency between the Town's wind power development policy and the Town's related zoning by-laws in respect of wind turbine installations. As Jones Consulting explained at the January 14 public meeting, it is at the Official Plan level at which broad policy directions are chosen. The zoning by-laws flow out of the Official Plan policies and, as Jones Consulting also explained on January 14, those zoning by-laws are simply the tools by which the Official Plan policies are to be implemented.

Thus, it strikes us as being essential that there be consistency in the approach which is taken at the Official Plan and zoning by-law levels. Drawing upon Jones' analogy of zoning by-laws as the "tools" by which OP policies are implemented, it only makes sense that a permissive OP would be matched by permissive zoning by-laws. On the other hand, it's essential that a restrictive policy approach be accompanied by restrictive zoning by-laws.

We are concerned by the approach recommended by Jones, which appears to be an approach involving a permissive policy approach, followed by a restrictive zoning by-law level. We believe that this approach presents significant potential for future conflict in the Town's planning process relating to wind power development. In particular, it strikes us that restrictive zoning by-laws may not be defensible if they are challenged by a developer on the basis that they are inconsistent with a permissive policy approach.

We're also concerned that, in recommending a permissive policy approach coupled with a restrictive zoning by-law approach, Jones Consulting may be inadvertently causing Council to side-step the real issue at hand, *i.e.*, whether or not large-scale turbines are appropriate installations within the Town. In making its recommendations for a restrictive approach at the zoning by-law level, the Policy Options Report is appropriately drawing into serious question whether such installations should be permitted. However, we believe that the Town needs to first deal with this issue at the Official Plan/policy level.

## 5.0 **Conclusion.**

We oppose the permissive policy approach recommended by the Policy Options Report, and do not consider that recommendation to be consistent with an overall consideration of all relevant local and provincial interests and policies. A consideration of the PPS, taken as a whole, points clearly to the wisdom of a restrictive policy approach, particularly in light of the Town's unique local context. The Town's existing Official Plan, the NEC wind power development policy, the precautionary principle and a desire for consistency in the planning process all argue in favour of a restrictive policy approach.