

IMPORTANT RENEWABLE ENERGY INFORMATION FOR RESIDENTS OF THE TOWNSHIP OF WEST LINCOLN

The Green Energy and Green Economy Act provides the authority for the Province to approve all renewable energy projects in Ontario. One such project is now proposed in the Township of West Lincoln. The Township and the Region had been working for at least three years to implement policies that would regulate renewable energy projects at the local level. The implementation of the Green Energy Act by the Province removed all powers from the municipality.

Below is the timeline of actions that have been taken by the Township and the Region with respect to renewable energy projects prior to the Green Energy Act receiving Royal Assent. All of these actions have occurred prior to the Province taking over approvals for Renewable Energy Projects in the Province:

2006 Actions

- In October of 2006 the Region of Niagara hired Jones Consultants to draft model policies for the Region and the local municipalities with respect to large, medium and small scale wind energy systems.

2007 Actions

- Township report PD-022-07, Information Report – Wind Energy (March, 2007). The purpose of this report was to provide Township Council an update on the Regional Wind Energy policies that were being created.
- Township report PD-098-07, Information Report – Background Information Report for Proposed Wind Energy Policies (RPPA5-2007); Regional Planning Department Report DPD 77-2007 (July, 2007). This report provided background information and the general guidelines that had been prepared by Jones Consulting.
- Township report PD-114-07, Proposed Recommendation Report Policies for the Development of Local Wind Energy Facilities (August, 2007). This report reviewed and commented on the proposed policies developed by the Region of Niagara and Jones Consulting.
- August 15, 2007 the Region of Niagara hosted a Public Open House and a Public Meeting regarding the proposed Wind Energy policies for the Regional Policy Plan. A member of the Township Planning Department attended this meeting. As well as attending the meeting, the Township submitted comments regarding the proposed policies.

2008 Actions

- Township report PD-009-08, Revised Model Wind Energy Systems Policies as proposed to Amend the Regional Policy Plan (January, 2008). This report outlined amendments that the Region had made to the proposed policies and which of the Township's proposed amendments had been incorporated into the final draft of the Regional policies.
- Township Report PD-055-08, Proposed Township of West Lincoln Official Plan Policies and Zoning By-law Regulations (July, 2008). This report presented proposed Township Official Plan policies and Zoning By-law Regulations for the Township that were based on the policies created by the Region.
- A Public Meeting to hear comments and concerns regarding the proposed policies from residents of the Township of West Lincoln was held on September 8, 2008.
- Township Report PD-099-08, Proposed Renewable Energy System Policies for the Township (September, 2008). The purpose of this report was to provide draft policies that spoke to all types of renewable energy systems; solar, biomass, biogas, etc.
- Township Report PD-124-08, Proposed Renewable Energy System Policies for the Township (October, 2008). This report provided a recommendation to Council with respect to policies for Renewable Energy facilities. OPA #18 was adopted by Township Council and forwarded to the Region of Niagara for approval on November 12, 2008.
- The Regional Wind Energy Policies are appealed by a neighbour of the Wainfleet wind energy project.

2009 Actions

- Township Report PD-007-09, Draft Zoning By-law Regulations (January, 2009). The purpose of this report was to provide the draft Zoning By-law regulations for renewable energy facilities that would implement the Official Plan policies implemented in OPA#18 (Township Official Plan Amendment).
- March, 2009 the Region and Township wind energy work ends when the Province introduces the Green Energy and Green Economy Act.
- Township Report PD-039-09, Bill 150 – Green Energy and Green Economy Act (March, 2009). This report provided a number of comments and questions regarding the newly released Green Energy and Green Economy Act.
- March 25, 2009 Township provides comments and concerns to the Province regarding the Green Energy and Green Economy Act, as requested by the Province.
- March 25, 2009 the Director of Planning attended a Green Energy and Green Economy Workshop provided by the Province regarding the proposed Provincial Act.

- Township Report PD-055-09, Update on Green Energy Act (April, 2010). This Report provided an outline of the activities taken by Staff since the March Report and provides the Region's response to the Province regarding the Green Energy Act.
- May 14, 2009 the Green Energy and Green Economy Act receives Royal Assent from the province.
- Township Report PD-096-09, Bill 150: Green Energy and Green Economy Act (June, 2009). The report provided Township Committee and Council comments that were forwarded to the Province regarding the regulations to associated with the Green Energy Act. It also provided a copy of the comments made by the Associated Municipalities of Ontario with respect to the proposed renewable energy policies.
- Township Report PD-106-09, Green Energy and Green Economy Act, Environmental Registry – proposed Regulations under the Environmental Protection Act for Renewable Energy Projects (July, 2009). This report outlined the proposed regulations created by the province with respect to the Green Energy Act, and identified the required minimum setbacks for wind turbines from sensitive receptors. The report also included comments regarding the proposed regulations that were forwarded to the Province as part of the EBR posting.
- September 24, 2009 the Province releases the regulations that will implement the Green Energy and Green Economy Act.
- Township Report PD-165-09, Provincial Green Energy and Green Economy Act Regulations (October, 2009). This report outlines the regulations that were released by the Province on September 24, 2009.

2010 Actions

- Township report PD-022-10, Green Energy Act Update (February, 2010). This report provided a potential opportunity for the Township to implement policies to regulate wind energy systems by the municipality. The report identified some actions municipalities throughout Ontario have taken to implement policies to regulate renewable energy systems and that Staff would be reviewing these methods to determine what could be implemented in the Township. **Township Staff has continued to review the possibility of policies at the local level, and at this time there does not seem to be any avenue for the Township to implement any policy regarding Renewable Energy Projects except fees related to the Building Code.**
- March 1, 2010 the Province releases six technical papers on how to implement the Green Energy Act, as well as guidelines for consultation with the public, municipalities and native groups. The six papers deal with the different areas of the project phases.

- Township Report PD-045-10, Green Energy Act and Release of Draft Technical Bulletins (April, 2010). This report outlined for Council the information provided in the draft technical bulletins released by the Province. It also provided a copy of the municipal consultation form that was a part of the technical bulletin.
- May 20, 2010 IPC Energy, Morrison Hershfield and Vineland Power met with Township Staff to provide an overview of the wind energy project that they were proposing for West Lincoln.
- Township Report PD-094-10, Proposed Consultation Guidelines for use when addressing Approvals under the Green Energy and Green Economy Act, reviewed the proposed consultation guidelines as well as to require a prescribed fee for the review by Township Staff.
- June 28, 2010 IPC Energy makes a presentation to Township Council regarding the proposed Vineland Power Project.
- August 25, 2010 an open house is held by IPC Energy, Morrison Hershfield and Vineland Power regarding the proposed wind energy project.
- October 12, 2010 Council adopted three resolutions regarding Green Energy Projects. The resolutions were: #1 that Council supports the efforts of the West Lincoln Wind Action Group (WLWAG) to increase awareness and understanding by the public and to permit a binder of their information in the Township's libraries; #2 that the Township shall forward the information regarding the precautionary principle and the June 3, 2010 critique of the Ontario Medical Officer of Health's report by the Ontario Society for Wind Vigilance to the Niagara Regional Health Department; and #3 requesting that the Province restore local planning authority regarding decisions on Industrial Wind Turbines to local governments and that a moratorium be put in place on the establishment of new Industrial Wind Turbine Projects. This resolution was sent to the Premier; Ontario Ministry of Health; Ministry of Environment and Energy; Niagara Region MPP's and MP's; AMO; FCM; Regional Council; Niagara Regional Medical Officer of Health; and Niagara Area Municipalities

2011 Actions

- Township Report PD-006-11, January 10, 2011, HAF Wind Energy Proposal in the Former Township of Caistor, reviewed the project proposal, as well as discussions with IPC regarding the use of Burns Road as part of their project and the Township's requirements for opening a closed road.
- Township Report PD-012-11, January 10, 2011, Amendments to the Green Energy and Green Economy Act made by the Province and effective as of January 1, 2011 outlined the 10 areas of amendments that were made as part of O. Reg. 521/10.

- Township Report PD-046-11, April 11, 2011, HAF/IPC Wind Energy Project and Municipal Review, which reviewed the process to review the materials that were provided by IPC and reviewed on behalf of the Township by Jones Consulting Group. Township Staff recommended that the formal comments not be provided until a complete application package had been submitted.
- Township Report PD-048-11, April 11, 2011, Wind Energy Actions, which outlined the actions by Township Staff since 2007 regarding renewable energy projects and wind energy.
- Township Report PD-064-11, June 13, 2011, Municipal Consultation Form for HAF Wind Energy Project (Project No. 1104037.00), Township Staff recommended that Council authorize staff to forward the municipal consultation form that was filled out by Jones Consulting on our behalf be forwarded to the Province.
- July 26, 2011 Niagara Region Wind Corporation held a community meeting which staff attended.
- September 14, 2011 Niagara Region Wind Corporation held their first formal public open house under the Green Energy Act. Township Staff were in attendance.
- Township Report PD-120-11, Niagara Region Wind Corporation, which provided information to Council regarding the most recent proposal for a wind energy project, including the number of turbines and the location.
- Township Staff continued to answer questions and respond to concerns of residents.

2012 Actions

- Township Report PD-020-12, February 13, 2012, The Green Energy and Green Economy Act and a 2 Kilometre Setback By-law where staff were directed to send a letter to the Province requesting that a 2 kilometre setback be created from all sensitive receptors, rather than the 550 metre that it currently is.
- Township Report PD-014-12, April 10, 2012, The Green Energy and Green Economy Act and Industrial Wind Turbine Research which authorized staff to prepare a fees by-law to implement appropriate over-weight permit fees and deposits for all wind turbine construction; authorize staff to collect \$25,000.00 fee for a peer review of the NRWC project; to authorize staff to consult with legal Council regarding a decommissioning plan and holding a Letter of Credit; authorize the CAO to meet with NRWC regarding a community vibrancy fund; and authorized the Director of Planning and Building to amend the fees by-law to ensure that appropriate fees are in place.

- May 28, 2012 Council supported a recommendation that stated that they would not be providing any points to future wind energy projects, or the expansion of existing applications within the Township of West Lincoln. A motion was forwarded to AMO which requested that the FIT program wording be changed to read that the point system “shall” be implemented, not “should.”
- June 26, 2012 IPC Energy held their final open house in accordance with the requirements of the Green Energy Act.
- Township Report PD-075-12, July 16, 2012, IPC/HAF Final Report and Open House, which recommended that Council endorse the comments from Jones Consultants regarding the IPC project and authorize them being forwarded to the Province as part of the REA approval; and to inform the Province that IPC has not met with the Township regarding road use agreements or a community benefit fund and approval of the REA is premature until this is done.
- Township Report PD-098-12, September 10, 2012, Update on NRWC Application and Municipal Review which provided Council with an update regarding the NRWC application and included a number of outstanding questions regarding the project. The report also identifies that the project boundary had increased and that the location of 44 turbines in West Lincoln is now known.
- September 20, 2012 Niagara Region Wind Corporation held a second public meeting. This meeting was to notify the public that the study area boundary had been amended.
- Township Report PD-106-12, October 9, 2012 Changes to the FIT and microFIT Programs outlined the point system that had been created and was being implemented for all new FIT and microFIT projects, as well as the zoning certificate and opinion forms that were created through this process.
- October 22, 2012 Township Council passed three resolutions which: (1) called for a moratorium on the construction of new wind towers until the Federal health study has been completed, requested that the Provincial Government provide a release from their contractual obligations to FIT applications until the Federal health study has been completed; (2) requested that the scope of the Federal health study to be broadened to include stray voltage, flicker, dizziness/vertigo issues, etc. resulting from the installation of wind turbines; and (3) requests that the Province undertake a study to determine if there are any impacts from wind turbines on the production/reproduction of livestock and/or livestock bi-products, that the Province immediately impose a moratorium on the planning development, construction and approval of wind turbines in the Province until the impact on the agricultural industry is determined. All three resolutions were forwarded to Premier McGuinty, MPP Tim Hudak, MP Dean Allison, the Ministers of Energy and Environment for the Province of Ontario and to all municipalities in the Province through the AMO system asking for the support of those municipalities by

endorsement of this or a similar motion and sending it to the appropriate authorities and by way of correspondence back to the Township of West Lincoln.

- Township Report PD-130-12, December 3, 2012, Summary of Open House Comments as contained in the HAF/IPC Application to the Renewable Energy Approvals Office of the Province which identified that the comments that were provided as part of the Second Public Open House appear to be present in the package that was submitted to the Province.
- Township report PD-131-12, December 3, 2012, Proposed Updates to the Cultural Heritage Resources Information Bulletin for projects subject to Renewable Energy Approvals, which outlines the changes that have been made to streamline the cultural heritage review process. The projects currently underway in the Township are not subject to the new rules.
- December 13, 2012 notice is posted on the Environmental Registry that the IPC Energy project has been deemed complete and the comment period had opened. The comment period closes on January 27, 2013.
- Township staff continued to answer questions and respond to concerns of residents.

2013 Actions

- Township Council passed a resolution on January 9, 2013 to forward the resolutions passed in October, 2012 to the leaders of all provincial political parties, as well as to the Liberal Party leadership candidates.
- January 9, 2013 email sent to Doris Dumais advising that the letter of August 3, 2012 continues to apply.
- Township Report PD-021-13, February 11, 2013, NRWC Municipal Consultation Review, outlined the Township's response to the municipal consultation package provided by NRWC and authorized staff to forward the comments provided by Jones Consulting Group on the Township's behalf to the Province as our formal REA process comments.
- Township Report PD-026-13, February 11, 2013 Direction on the WLGWAG Presentation, which recommended that the Township forward the "WLGWAG Ten Point IWT Conditions of Approval" to the Province as part of the Municipal Consultation Review response.
- Letter sent to Premier Kathleen Wynne on March 27, 2013 requesting that the Province honour the Road Use Agreements between municipalities and wind companies which require transmission lines to be buried.

- Township Report PD-050-13 which provided the NRWC response to the Township's Municipal Consultation Form was presented to Planning Committee on April 8, 2013. This report also provided an update to the community vibrancy fund agreement.
- Township Council passed a resolution on April 22, 2013 which demanded that the Province of Ontario immediately pass a moratorium on the approval of wind turbines until such time as low frequency noise and infrasound levels are assessed and all health studies have been completed and assessed. This resolution was forwarded to the Premier; Leaders of the Official Opposition; Ministries of the Environment, Energy and Infrastructure, Rural Affairs and Agriculture and Food; Region of Niagara; Niagara Peninsula Energy Inc.; local MP and MPP and the Renewable Energy Approval Applicants in West Lincoln.
- Letter sent to NRWC on April 25, 2013 which was in response to the Stantec Consulting Ltd. letters dated February 7, 2013 and March 15, 2013 again outlining the information that the Township requires as part of the review of the project.
- Township Council passed a resolution on May 27, 2013 stating that the Township is not a willing host for wind turbines as the long-term health and economic impacts to the community have not been fully addressed. This resolution was forwarded to the Premier, Leaders of the Official Oppositions; Ministers of the Ministries of the Environment, Infrastructure and Energy, Rural Affairs and Agriculture and Food, Municipal Affairs; Region of Niagara; Niagara Peninsula Energy Inc.; local MP and MPP, the Association of Municipalities of Ontario, and the Renewable Energy Approval applicants in West Lincoln.
- Township Council passed a resolution on May 27, 2013 stating that they will not sign the Vibrancy Agreement with NRWC and encourage all municipalities to do the same. This resolution was sent to the Premier, Leaders of the Official Oppositions; Ministers of the Ministries of the Environment, Infrastructure and Energy, Rural Affairs and Agriculture and Food; Region of Niagara; Niagara Peninsula Energy Inc.; local MP and MPP, the Renewable Energy Approval applicants in West Lincoln, and all Ontario municipalities through Association of Municipalities Ontario.
- The Township held a Public Meeting under Section 12 of the Development Charges Act on June 5, 2013 to review proposed changes to the Township's Development Charges By-law to implement specific development charges for wind turbines. The changes to the Development Charges By-law were approved in September of 2013 to include charges for wind turbines.
- On June 20, 2013 the Ministry of the Environment granted REA approval to Vineland Power Inc. for the construction of five wind turbines.

- On October 28th, 2013 Township Council passed a by-law which authorized the Township to enter into a Road Use Agreement with Vineland Power Inc.
- On November 25, 2013, Township Council passed a resolution recognizing and supporting all municipalities that have also identified that they are “not a willing host” for wind turbines and requesting that the Province of Ontario respect the position of municipalities that are not willing hosts when reviewing wind turbine proposals.

2014 Actions

- On January 22, 2014 Township Council signed the Road Use Agreement with Vineland Power Inc.
- On February 24, 2014 Township Council passed a motion identifying that they do not support the application made by the Niagara Region Wind Corporation, however, should REA approval occur, the Province should require NRWC to bury all of the transmission lines. The motion also requested that the Province defer any approvals until such time as detailed design plans, traffic management plans and construction route plans are completed and submitted to the Township for review and approval.
- On March 24, 2014 Township Council passed a motion which demanded that the Province revoke the REA approval for the HAF Wind Energy Project because the turbines were constructed in violation of the REA and Green Energy Act. The motion also demanded that the Province place a moratorium on all wind turbine projects until the Federal Government completes their investigation on the potential health effects of wind turbines is completed.
- On June 20, 2014 the Ministry of Environment approved an amendment to the REA approval for the Vineland Power Inc. project that was approved on June 20, 2013.
- Township Council authorized and adopted a by-law on April 28, 2014 that requires all Industrial Wind Turbine Proponents to submit: a fire detection system; a 24 hour monitoring service; and a comprehensive emergency response plan to the Township of West Lincoln which requires the approval of the Chief Fire Official.
- On September 8, 2014 at a Special Meeting of Council, Township Council turned down a motion to enter into a Road Use Agreement with the Niagara Region Wind Corporation.

Further Information

The Township Planning Department has available for review copies of the Green Energy and Green Economy Act; copies of the regulations associated with the Green Energy and Green

Economy Act released under the Environmental Protection Act; copies of the six draft technical bulletins prepared by the Province; copies of the Provincial approvals for Renewable Energy Projects; and copies of each staff report and the resolutions passed since 2009.

All reports and resolutions identified in the timeline are available for review in the Township of West Lincoln municipal office.