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OMB clears Melancthon portion of wind farm

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The Ontario Municipal Board has ruled in favour of Official Plan and zoning amendments that would allow Canadian Hydro Developers to proceed with construction of Melancthon Township's portion of a 105 megawatt (MW) wind farm development.

The project, known as Melancthon II, spans two townships, with what now appears to be 69 or 70 turbines in Melancthon and 21 to 23 in Amaranth. As each turbine has a nameplate capacity of 1.5 MW, this would add 105 MW to the 67.5 in Melancthon I.

Tuesday's decision following a hearing in Horning's Mills does not, however, have any effect on the Amaranth portion of the project. A second OMB hearing is scheduled for the Amaranth turbines and transformer substation in September.

Lawyer Jeff Wilker, representing Amaranth, said he was attending the Melancthon hearing to ensure that its findings and evidence did not flow into the Amaranth hearing. Initially, he indicated he would make such a motion, but eventually consented to such an undertaking by CHD and its lawyer, Tim Bermingham.

In his oral ruling Tuesday, hearing officer Norman Jackson stated that approval of zoning for the project was "in the public interest, and represented good planning."

At the outset of the hearing Monday, Tottenham lawyer James Feehely - representing ratepayers who had been in opposition - was still preparing minutes of settlement of the ratepayer concerns under Official Plan Amendment (OPA) 15, which coincidentally was finally filed with the Board as Exhibit 15.

The group had retained Mr. Feehely shortly after township council voted to support the position of CHD at the hearing, on the basis that the Environmental Screening Report had been approved by the Ministry of Environment. The support decision came during the pre-hearing process, but the council said that had been its intent all along.

Mr. Feehely told the hearing that he had engaged independent consultants, and the settlement by his group was based on their advice.

As a result, there is to be an acoustical audit of the turbines of the already operational Phase 1 before the end of this year, and similar audits of Phase 2 within 18 months of its commissioning.

Studies are also to be conducted on shadow effects and visual impacts.

OPA 15 goes beyond the present project. As a further condition of settlement, he said, the public will have input into all wind farm developments by way of a committee to include members of council, ratepayers, representatives of the wind industry, and others.

Mr. Feehely said he was most comfortable with a new requirement for individual site plans for all locations, and more specific siting based on UTM (Universal Transverse Mercator) co-ordinates - data on which global positioning is based.

CHD planner John Bousfield, whose evidence took up most of the hearing time, testified at considerable length on the Provincial Policy Statement (PPS) on renewable energy and on "wind regime" requirements.

He said there needs to be even topography, and the land has to be "static, if you like. It must be in reasonable proximity to a connection (with the Hydro One power grid). Finally, there has to be a sufficient number of people who will lease their property."

The PPS section he cited does recommend siting on agricultural land, but he said planning of the turbines and access roads includes efforts to minimize impacts on farming. "We minimize the length of access roads. It's easy to move machinery around towers," which he described as "sort of like trees."

Township planner Gerald Jordan said he couldn't "emphasize strongly enough that I support (Mr. Bousfield's presentation and the project)." He said the council delayed its support because "we rely on the ESR, which is why (council delayed)."

Mr. Bermingham, in his lengthy closing argument, spent most of the time responding to issues raised by a heavy binder of materials submitted by John and Joan Lever.

Some of Mrs. Lever's information had evidently been gleaned from the Internet, and was ultimately treated, in effect, as either unsubstantiated or irrelevant. Nonetheless, Mr. Jackson considered it a worthwhile exercise, and gave Mrs. Lever a lot of credit for the effort she had made.

"I can't dictate to the council," he said, but he hoped council would invite Mrs. Lever to serve on the committee.

Among the items in the binder termed irrelevant was a comparison by Mrs. Lever with what she said were setbacks in other countries, including Germany. Evidence at the hearing had been that setbacks locally are adequate.

Some other allegations - such as noise, conflict among neighbours, devaluation of property values - were not related to any evidence adduced at the hearing, Mr. Bermingham said.

Instead, he said, not a single person at the hearing had complained about adjacent turbines, and there had not been a single objection to the Phase 1 development.

Melancthon lawyer Douglas King said in his summation that the township wants "to move as quickly as possible."

Mr. Jackson stood down for two hours to draft his oral order of approval.

The decision followed hard on the heels of a recent approval of an Enbridge Energy wind farm near Kincardine, and last Wednesday's settlement of an appeal of zoning approval of a 197.8 MW wind project on Wolfe Island.

The settlement with two appellants, similar to the Melancthon one, avoided a lengthy OMB hearing which had commenced, but was settled on the third day of the hearing there.

The Wolfe Island project is by Canadian Renewable Energy Corp., a wholly owned subsidiary of CHD.

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