

# THE MUNICIPALITY OF THE COUNTY OF KINGS

## REPORT TO MUNICIPAL COUNCIL

**Subject:** Proposed planning project concerning large-scale wind turbines

**From:** Planning Services

**Date:** January 17, 2012

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### **Background**

On May 3<sup>rd</sup>, 2011 Council gave Second Reading to proposed amendments to the MPS and LUB to permit the development of large-scale wind turbines in Kings County. This concluded a three year process to develop large-scale wind turbine policy. The process included extensive background research; Open Houses and Public Participation Meetings to gather public input; and a visit to the Digby Wind Park by members of Council, PAC, and Staff. Council chose as-of-right permitting for large-scale wind turbines in select rural districts, as well as a 2300 ft (700m) minimum separation distance between turbines and dwellings.

On December 13th, 2011 the Planning Advisory Committee (PAC) heard concerns from residents about the adequacy of Council's current large-scale wind turbine policy and the lack of opportunity for public involvement in the approval process. The residents' concerns were in response to the erection of a wind monitoring tower in the Greenfield area, and the possibility of the development of a large-scale turbine in the future. In response to these concerns, PAC directed Staff to compile information and options for addressing the residents' concerns.

Mike Ennis, the councillor for the Greenfield area, highlighted residents' concerns at the December 20<sup>th</sup>, 2011 Committee of the Whole meeting.

On January 10<sup>th</sup>, 2012 Staff presented the history of wind turbine policy development in Kings County and the potential project options for addressing recent community concerns. A representative of the Nova Scotia Community Feed-in Tariff (COMFIT) program was in attendance to answer questions. PAC forwarded a recommendation on to Municipal Council for consideration.

### **Planning Advisory Committee Recommendation**

The Planning Advisory Committee recommends that Municipal Council initiate a planning project concerning large-scale wind turbines by amending the Semi-Annual Work Plan, as described as Option B in the report dated January 10<sup>th</sup>, 2012.

## **Project Timeline**

Option B, recommended by PAC, would amend the Semi-Annual Work Plan by initiating a project to review the Municipal Planning Strategy (MPS) and associated Land Use Bylaws (LUB) regarding large-scale wind turbines. This process would require a Public Participation Meeting and, in this case, Staff is also recommending an additional public consultation step. As requested by PAC members, the following outlines the steps and anticipated schedule for a review of Council's large-scale wind turbine policies.

<b>Step</b>	<b>Projected Date (2012)</b>	<b>Description</b>	<b>Comments</b>
1	February	Open House(s) & Questionnaire to inform and gather feedback from the public. Intended to inform the development of policy options (i.e should Council take a conservative, middle of the road, or permissive approach etc)	Optional consultation step recommended by Staff
2	April	PAC meeting/workshop to review results of the open house and provide direction on broad policy options.	Important for providing direction on the content of any amendments
3	May	PAC review of draft amendments	Required Step: an opportunity for PAC to make changes, request further information
4	June	Public Participation Meeting	Required consultation step
5	June	PAC recommendation to Council	Required step
6	July	Council: First Reading	Required step
7	July	Public Hearing	Required consultation step
8	August	Council: Second Reading	Required step
9	August to September	Provincial review of any MPS amendments	Required step

Note: Further deliberations or requests for information by PAC or Council will extend the schedule for this project.

## **Additional Costs**

### *Increased Advertising*

The attached work plan indicates that Municipality would make efforts to better advertise public meetings, such as, but not limited to, more widespread advertisements in newspapers and other publications, flyer distribution, radio spots and posters. Staff estimate that an additional \$2-3,000.00 in cost for advertising, which can be accommodated within the existing budget.

### *Optional Funding*

In the past, Council members have noted that they may be willing to reallocate funds in order to address urgent planning issues and minimize impacts on the other projects identified in the Semi-Annual Work Plan. Staff explored increased funding in this case because activating a new project to review large-scale wind turbine policies would impact current project work and limit the number and scale of projects that could be started in the coming months.

For the proposed large-scale wind turbine policy review, Staff believe that increased funding could be used to both improve the project and free up staff resources by hiring an outside expert who is knowledgeable about wind turbines and the impacts on human health. This person or group would be responsible for reviewing the technical information forwarded by residents, as well as making recommendations concerning setbacks that are based on the credible research available. Staff would focus on drafting amendments, based on the expert's advice, and managing the MPS amendment process.

Staff are in the process of consulting other municipal jurisdiction and the Nova Scotia Department of Energy to identify appropriate qualifications and better estimate costs for these services. Staff estimate that \$10- 25,000.00 would be required and will strive to have clearer estimates for the January 17<sup>th</sup>, 2012 Council meeting. Financial Services indicates that funding in this amount could be reallocated from other Municipal accounts. The Manager of Human Resources indicates that there are no issue with hiring this outside expertise with respect to the union contract

### **Potential Motion**

**"BE IT RESOLVED THAT MUNICIPAL COUNCIL AMEND THE SEMI-ANNUAL WORK PLAN BY ADDING ITEM #8A, CONCERNING LARGE-SCALE WIND TURBINES, AND AMENDING THE ESTIMATED COMPLETION TIME FOR ITEMS #4 AND #8 AS DESCRIBED IN APPENDIX A IN THE COUNCIL REPORT DATED JANUARY 17<sup>TH</sup>, 2012."**

Note: A motion regarding funding would also be needed should Council wish to allocate funds to hire additional expertise



# Planning Services

## Semi-Annual Work Plan – Fall 2011

- Approved by Council on December 6<sup>th</sup>, 2011
- Amended January 3<sup>rd</sup>, 2012 - Addition of item #13
- Amend January 17<sup>th</sup>, 2012 – Addition of item # 8a, revision to estimated end date for items #4 and #8.

### Active Projects

#	Name and Description	Public Process	Work Completed	Resource Needs Going Forward	Start Date	End Date
<b>MAJOR RESOURCE NEEDS</b>						
1	<p><b>Kings 2050</b></p> <p>Kings 2050 is an exciting comprehensive planning initiative intended to guide the long-term sustainable development of Kings County. It will examine past, current and future trends and, ultimately, result in updated MPS, LUB and related policies and bylaws.</p>	<ul style="list-style-type: none"> <li>▪ Multi-step public visioning process</li> <li>▪ On-going collaboration with partners and stakeholders</li> <li>▪ Targeted consultation on draft policies</li> <li>▪ Minimum MPS amendment Process</li> </ul>	<ul style="list-style-type: none"> <li>▪ Terms of Reference Approved</li> <li>▪ Contract for studies approved or in the process of being prepared</li> <li>▪ Background report team formed</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff time, from all Service areas, especially Planning, Engineering and Development Control.</li> <li>▪ Funding request next budget process expected to be similar to 2011/12</li> </ul>	Fall 2011	<p>Fall 2013 (new MPS, LUB etc for Council consideration)</p> <p>Fall 2014 (anticipated end of project)</p>
<b>MEDIUM RESOURCE NEEDS</b>						
2	<p><b>Atlantic Climate Adaptations Solutions (ACAS) (P11-02)</b></p> <p>ACAS is a three-year federal-provincial initiative intended to collect high resolution terrain information and develop flood risk maps that provide an assessment of the possible impacts of climate change on coastal flooding, inundation of infrastructure, and other socio-economic assets. This information will be used to inform Kings 2050 and the development of a Climate Change Action Plan.</p>	<ul style="list-style-type: none"> <li>▪ None</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mapping studies completed and data provided to Municipality</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff time to prepare a report on the use of data</li> </ul>	Spring 2009	Spring 2012

#	Name and Description	Public Process	Work Completed	Resource Needs Going Forward	Start Date	End Date
3	<b>Farm Tenement Options (09-10)</b> Request to provide more options for the development of farm tenements for housing migrant workers.	<ul style="list-style-type: none"> <li>Minimum MPS amendment Process</li> </ul>	<ul style="list-style-type: none"> <li>PAC report</li> </ul>	<ul style="list-style-type: none"> <li>Staff time to prepare reports and manage MPS amendment process</li> <li>Input from various service areas</li> </ul>	Summer 2009	Spring 2012
4	<b>Noggins Corner (10-18)</b> Request to remove approximately 72 acres of agricultural land from the Hamlet of Greenwich.	<ul style="list-style-type: none"> <li>Minimum MPS amendment Process</li> </ul>	<ul style="list-style-type: none"> <li>Mapping</li> </ul>	<ul style="list-style-type: none"> <li>Staff time to prepare reports and manage MPS amendment process</li> <li>Input from various service areas</li> </ul>	Fall 2011	Summer 2012
5	<b>Village of Port Williams, Wellfields (11-15)</b> Initiative to update the Source Water Protection plan, resulting in a possible Provincial designation and/or MPS amendments.	<ul style="list-style-type: none"> <li>Participation on Source Water Protection Committee</li> <li>Minimum MPS amendment process is likely</li> </ul>	<ul style="list-style-type: none"> <li>Attendance at Meetings</li> <li>Report prepared to COTW regarding land acquisition</li> </ul>	<ul style="list-style-type: none"> <li>Staff time to attend meetings and potentially manage the MPS amendment process</li> <li>Input from various service areas</li> </ul>	Spring 2011	Unknown-dependent on actions of Source water protection committee
6	<b>McLean, R2 Zone in Commercial District (11-10)</b> Request to allow R1 Zone properties in the Commercial District to be rezoned to the R2 Zone.	<ul style="list-style-type: none"> <li>Minimum MPS amendment Process</li> </ul>	<ul style="list-style-type: none"> <li>PAC report</li> </ul>	<ul style="list-style-type: none"> <li>Staff time to prepare reports and manage MPS amendment process</li> <li>Input from various service areas</li> </ul>	Summer 2011	Winter 2012
7	<b>Busch, Bare Land Condominium (11-17)</b> Request to allow bare land condominiums in the Country Residential District.	<ul style="list-style-type: none"> <li>Minimum MPS amendment Process</li> </ul>	<ul style="list-style-type: none"> <li>PAC report &amp; PPM</li> </ul>	<ul style="list-style-type: none"> <li>Staff time to prepare reports and manage MPS amendment process</li> <li>Input from various service areas</li> </ul>	Summer 2011	Winter 2012
8	<b>Rick Balsor, Commercial uses in Residential District, Ayelsfrod</b> Request to allow auto sales in a mixed used area designated as Residential District.	<ul style="list-style-type: none"> <li>Minimum MPS amendment Process</li> </ul>	<ul style="list-style-type: none"> <li>Complete MPS application received</li> </ul>	<ul style="list-style-type: none"> <li>Staff time to prepare reports and manage MPS amendment process</li> <li>Input from various service areas</li> </ul>	Winter 2012	Fall or Winter 2012
8a	<b>Large Scale Wind Turbines (P12-01)</b> An initiative to review the MPS policies and associated LUB concerning the placement of large-scale wind turbines.	<ul style="list-style-type: none"> <li>Preliminary Open House &amp; questionnaire to assist in selection of policy options</li> <li>Additional Advertising</li> <li>Minimum MPS amendment Process</li> </ul>	<ul style="list-style-type: none"> <li>Previous project work</li> </ul>	<ul style="list-style-type: none"> <li>Staff time to prepare reports and manage MPS amendment process</li> <li>Input from various service areas</li> <li>Potential funds for outside expertise in the field of wind energy and impacts on human health</li> </ul>	Winter 2012	Fall 2012

## MINOR RESOURCE NEEDS

9	<p><b>Greenwood Wellfields (F-3-142)</b> An initiative to implement proactive land use controls as part of the Provincially required source water protection plan for the Municipally owned Greenwood Water utility.</p>	<ul style="list-style-type: none"> <li>▪ Wellfield Committee</li> <li>▪ Public Meeting</li> <li>▪ Open House</li> <li>▪ Individual meetings</li> <li>▪ Minimum MPS amendment process</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ground Water Study</li> <li>▪ Wellfield Committee Process</li> <li>▪ MPS amendment process</li> </ul>	<ul style="list-style-type: none"> <li>▪ Minor, limited to administration tasks</li> </ul>	Spring 2007	Fall 2011
10	<p><b>Port Williams Waterfront (P11-09)</b> Project to reduce setbacks to the Cornwallis River and clarify parking requirements.</p>	<ul style="list-style-type: none"> <li>▪ Minimum MPS amendment Process</li> </ul>	<ul style="list-style-type: none"> <li>▪ MPS amendment Process</li> </ul>	<ul style="list-style-type: none"> <li>▪ Minor, limited to Public Hearing and administration tasks</li> </ul>	Summer 2011	Winter 2012
11	<p><b>Coldbrook Property Options (P11-07)</b> An initiative to provide Council with viable options regarding the property located at 2769 Lovett Road, Coldbrook, which was recently returned to the Municipality.</p>	<ul style="list-style-type: none"> <li>▪ Advertising of Requests for Expressions of Interest in the Property</li> </ul>	<ul style="list-style-type: none"> <li>▪ Report to COTW</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff time, from a variety of service areas to review expressions of interests</li> </ul>	Spring 2011	Spring 2012
12	<p><b>Planning Process Policies</b> An initiative to update and clarify policies and procedures regarding planning matters.</p>	<ul style="list-style-type: none"> <li>▪ Policy approval process</li> <li>▪ LUB amendment process</li> </ul>	<ul style="list-style-type: none"> <li>▪ Update planning process policies</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff time to prepare new fees policies</li> <li>▪ Staff time to update brochures</li> </ul>	Winter 2011	Spring 2012
13	<p><b>Uniform Business Directional Signs</b> An initiative to review LUB Section 3.7.10 regarding Uniform Business Directional Signs, specifically Section 3.7.10.3(e), which requires the signs to be supported by "two 4 inch x 4 inch posts.</p>	<ul style="list-style-type: none"> <li>▪ LUB amendment process</li> </ul>	<ul style="list-style-type: none"> <li>▪ Preliminary review of bylaw as a result of an enforcement issue</li> </ul>	<ul style="list-style-type: none"> <li>▪ Staff time to prepare reports and manage LUB amendment process</li> <li>▪ Input from various service areas</li> </ul>	Winter 2012	Summer 2012

## ***Proposals that may warrant action in the future***

#	Proposal	Notes
1	<p><b>Alan Moore, expansion of the Growth Centre of North Kentville</b>            A request to expand the Growth Centre of North Kentville by approximately 18 acres.</p>	<p>On June 7<sup>th</sup>, 2011, Council passed the following motion.</p> <p><b>On motion of Councillor Smith and Councillor Whalen, that Municipal Council refer the request of Mr. Allan Moore of Evangeline Homes to remove a portion of PID #55035596 from the Agricultural and Natural Environment designations, designate the site as part of the “North Kentville Growth Centre” and amend the zoning of the same area from Agricultural (A1) to Residential One and Two Unit (R2) to the Kings County 2050 review process with the understanding that Staff will advise Council of any new information from the Province regarding agricultural land and its impact on this application.</b></p> <p>As of yet, the Provincial government has not responded to the report prepared by the Nova Scotia Land Review Committee or provided any new information concerning its approach to agricultural land. When new information is received, Council will have the opportunity to consider whether or not to activate a project to review Mr. Moore’s proposal.</p>
2	<p><b>Steven Crowel, Sustainable Community in Coldbrook (07-17)</b>            A proposal to develop an environmentally sustainable residential community in the Growth Centre of Coldbrook that would contain a multi-unit residential buildings and single unit dwellings and be serviced by on-site water and sewer services.</p>	<p>The application has not been active since 2007. When contacted in previous years, however, the applicant has indicated that he still intends to move forward with the proposal and that he wished to keep the file open. Council’s new planning process policies provide clearer timelines regarding the length a time an applicant may place their proposal on hold. Staff are in the process of discussing options with the applicant. Further information will be provided to PAC and Council in the future.</p>

#	Proposal	Notes
3	<p><b>KOD Investments, mixed commercial development at Hwy 101, Exit 11 (09-25)</b></p> <p>A proposal to develop a hotel and retail plaza on lands located adjacent to Highway 101, Exit 11 in Greenwich.</p>	<p>In 2010, the applicant requested that the application be place on hold pending the outcome of the Elderkin et al. proposal. The last correspondence on file indicates that the applicant wished to wait for the results of the court case in which the applicant for the Elderkin et al. proposal are challenging the Ministerial decision. A decision on this court case is still pending. In the meantime, Staff are attempting to contact the applicant to clarify the applicants intentions regarding the proposal.</p>