



**Municipality of the County of Kings**  
**Report to the Planning Advisory Committee**  
**Large-Scale Wind Turbine Policy, Post-PPM Report**  
Prepared by Planning Services  
May 14<sup>th</sup>, 2012

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## **1. BACKGROUND**

In May of 2011, Council completed a three year project to develop regulations for large-scale wind turbines in the County.

Since then a number of potential wind turbine projects have been proposed and discussed. These projects have resulted in significant public interest in the Municipality's regulations concerning large-scale wind turbines. In response to this interest, Council committed to review its regulations in early 2012. As part of this review, the Planning Advisory Committee (PAC) has held two open houses and received a significant amount of feedback through a questionnaire. PAC has also received information from Nova Scotia Environment and 14 Wing Greenwood, as well as a detailed report and presentation from consultants hired to review health and safety impacts.

On April 24<sup>th</sup>, 2012, PAC directed Staff to draft amendments concerning large-scale wind turbines that would indicate that Council intends to further review the issues and in the meantime not permit large-scale wind turbines in any area of Kings County. PAC forwarded the draft amendments directly to a Public Participation Meeting (PPM), held at 5:00PM on May 10<sup>th</sup>, 2012. The PPM minutes are attached to this PAC agenda package.

Further details regarding the proposed amendment can be found in the PPM report, dated May 10<sup>th</sup>, 2012 and the following Appendixes.

Appendix A – Proposed MPS and LUB amendments

Appendix B – Reference to deleted MPS and LUB sections

## **2. POTENTIAL MOTION**

**The Planning Advisory Committee recommends that Municipal Council give First Reading and hold a public hearing regarding the Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) amendments concerning large-scale wind turbines that indicate that Council intends to further review the issues and in the meantime not permit large-scale wind turbines in any area of Kings County, as set out in Appendix A of the report to PAC, dated May 14<sup>th</sup>, 2012.**

## **Appendix A**

### **THE MUNICIPALITY OF THE COUNTY OF KINGS**

#### **AMENDMENTS TO BYLAW #56 COUNTY OF KINGS MUNICIPAL PLANNING STRATEGY**

**AND**

#### **AMENDMENTS TO BYLAW #75 COUNTY OF KINGS LAND USE BYLAW**

#### **Removal of Policies Regarding Development of Large-scale Wind Turbines in Rural Areas of the County**

### **BYLAW #56 – MUNICIPAL PLANNING STRATEGY**

1. Delete Section 5.5, **SITING OF LARGE-SCALE WIND TURBINES**, and replace it with the following Section 5.5:

#### **5.5 CONSIDERATION OF LARGE SCALE WIND TURBINES**

Large-scale wind turbines are an important source of renewable energy that can also have significant impacts on the landscape and residents. After a three year planning process, Council, in May 2011, approved Municipal Planning Strategy and Land Use Bylaw amendments aimed at encouraging large-scale wind turbines to locate in rural areas. Highlights of these amendments included listing large-scale wind turbines as a use permitted as-of-right and a 2300ft (700m) minimum separation distance between turbines and dwellings.

In December 2011, however, residents began to express significant concerns with Council's policies as specific proposals for large-scale wind turbines became known. In response to community concerns, Council undertook a project to review its regulations in early 2012, including open houses, a questionnaire and expert advice on health and safety impacts. Council, at this time, recognized the complexity of the issues and wished to take more time to review the information and consult with the public. In the meantime, therefore, Council decided to not permit large-scale wind turbines in any area of the Municipality of the County of Kings.

##### **5.5.1 Consideration of Large Scale Wind Turbines Policy**

As Council further reviews the complex planning issues, Council shall not permit large-scale wind turbines in any area of the Municipality.

2. Remove Section 5.5 from **PART 5 DEVELOPMENT REGULATORY POLICIES** of the Table of Contents, and replace it with the following Section 5.5:

#### **5.5 CONSIDERATION OF LARGE-SCALE WIND TURBINES**

## **BYLAW #75 – LAND USE BYLAW**

1. Delete the following definitions from Section 1.161 of the Land Use Bylaw:

- 1.161.1 **Blade Clearance;**
- 1.161.3 **Decommissioning;** and
- 1.161.5 **Large-scale Wind Turbine**

and renumber the subsequent Subsections accordingly.

2. Remove Subsection 10.1.6, **Siting of Large-Scale Wind Turbines** from Section 10.1 of the Land Use Bylaw.
3. Remove Large-scale Wind Turbines from the lists of uses permitted subject to conditions in the A1, F1, R6 and S1 Zones.

## Appendix B

# Full Reference to Deleted Municipal Planning Strategy and Land Use Bylaw Sections

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### BYLAW #56 – MUNICIPAL PLANNING STRATEGY

1. Remove the following section 5.5 of the Municipal Planning Strategy:

#### **5.5 SITING OF LARGE-SCALE WIND TURBINES**

With the political, economic, and ecological pressure to lessen dependence on fossil fuels for energy supply, communities throughout Atlantic Canada are looking at alternative sources of energy. Wind energy is expected to become an important source of renewable energy, as it has become an increasingly viable and abundant source of energy, particularly in Nova Scotia. Through the Municipality's Integrated Community Sustainability Plan (ICSP) Council has made a commitment to sustainability principles, in particular, the promotion of renewable energy development.

In seeking to provide opportunities for economic development, Council recognizes the benefits that large-scale wind development can have on individual property owners as well as the Municipality as a whole. By permitting large-scale wind development within the rural areas of the County, Council intends to strengthen the economic base of Kings County while also contributing to the Provincial renewable energy target. Large-scale wind turbines, also known as utility-scale wind turbines, are those turbines with a rated output capacity greater than 100 kW per year. These wind turbines can be developed in groupings or individually and are generally connected to the local transmission or distribution grid.

Council's aim is to provide opportunities for large-scale wind development where there is a known wind resource and where large-scale wind development is compatible with the surrounding land uses. The wind resource in Kings County is greatest in areas along the North and South Mountains. Therefore, Council will allow large-scale wind development in these rural areas of the County where the focus is on the protection and enhancement of natural resources and the encouragement of primary resource development. Council intends to encourage wind development in a way that limits safety, noise and visual impacts on neighbouring uses. This will be achieved by requiring minimum setbacks and separation distances between large-scale wind turbines and neighbouring dwellings.

## **5.5.1 Large-Scale Wind Turbine Objectives**

- 5.5.1.1 To promote the development of large-scale wind turbines in an effort to reduce the Municipality's dependence on non-renewable energy.
- 5.5.1.2 To respond to the Provincial call for increased sources of renewable energy.
- 5.5.1.3 To minimize the potential negative impacts of large-scale wind turbines on neighbouring land uses and to ensure an acceptable standard of safety and compatibility.
- 5.5.1.4 To maintain consistency with and support for the rural goals of the Strategy.

## **5.5.2 Large-Scale Wind Turbine Policy**

- 5.5.2.1 Council shall provide for the siting of large-scale wind turbines within certain zones in the Agricultural (A), Forestry (F), Country Residential (CR), and Shoreland (S) Districts.
- 5.5.2.2 Notwithstanding Policy 5.5.2.1, Council shall not allow large scale wind turbine(s) within the Grand Pré and Area Plan boundary.
- 5.5.2.3 Council intends to regulate the placement and appearance of large-scale wind turbines to mitigate any potential negative impact they may have on surrounding uses. Therefore, the Land Use Bylaw will include the following provisions:
  - a. minimum required setback from property lines, public rights-of-way and coastlines;
  - b. minimum required separation distance from dwellings on neighbouring properties;
  - c. other minimum requirements focussed on ensuring the safety of the development;
  - d. controls for signage and turbine appearance; and
  - e. requirement of an emergency response plan and a decommissioning plan.
- 5.5.2.4 Council shall include provision in the Land Use Bylaw to regulate the use of wind monitoring (meteorological) towers. These regulations shall include limits on the location of the towers and requirements for a development permit to ensure safety and mitigate conflict with neighbouring uses.

2. Remove the following material from **PART 5 DEVELOPMENT REGULATORY POLICIES** of the Table of Contents:

**5.5 SITING OF LARGE-SCALE WIND TURBINES**

- 5.5.1 Large-scale Wind Turbine Objectives
- 5.5.2 Large-scale Wind Turbine Policy

**BYLAW #75 – LAND USE BYLAW**

1. Delete the following clauses from Section 1.161 of the Land Use Bylaw:

- 1.161.1 **Blade Clearance** means the distance between the bottom tip of the rotor blade and the ground.
- 1.161.3 **Decommissioning** means the final closing down of a wind generation development or project or the point at which an individual wind turbine or grouping of turbines have reached the end of their operational life and the process by which the site is restored to an agreed use or condition.
- 1.161.5 **Large-scale Wind Turbine** means a wind turbine that has a rated output capacity greater than 100 kilowatts.

2. Remove the following material from Section 10.1 of the Land Use Bylaw:

**10.1.6 Siting of Large-Scale Wind Turbines**

- 10.1.6.1 One or more Large-Scale Wind Turbines shall be permitted in an A1, F1, R6 or S1 Zone, except on properties within the Grand Pré and Area Plan boundary, subject to the following:
  - a. the blade clearance shall be a minimum of 25 feet.
  - b. the minimum separation distance between wind turbines shall be equal to or exceed the height of the tallest turbine.
  - c. the wind turbine(s) shall be setback a minimum of one (1) times the turbine height from rear, front and side lot lines, public rights-of-way and coastlines.
  - d. where a lot located immediately adjacent to and abutting a lot where a large-scale wind turbine is to be erected will be used for wind turbine development and the turbines on both properties are part of the same proposal, the setback requirement (contained in Section 10.1.6 c.) from the shared property line shall be reduced to zero.

- e. the wind turbine(s) shall be located a minimum of 2300 feet (700 m) from any dwelling on a neighbouring property. This separation distance does not apply to a dwelling on the same property on which the large-scale wind turbine is installed or a dwelling on a neighbouring property containing a wind turbine that is part of the same proposal;
- f. notwithstanding 10.1.6.1 e. above, where a dwelling is constructed within the required separation distance of a large-scale wind turbine development, the wind turbine development may expand. The required separation distance for any expansion shall be equal to or greater than the separation distance between the initial wind turbine development and the dwelling.
- g. a development permit may be issued for one or more large-scale wind turbines to be located on a lot which does not front on a public street provided proof of access can be demonstrated.
- h. the wind turbine shall be finished in a non-reflective matte and in an unobtrusive colour;
- i. the only artificial lighting permitted on the wind turbine is lighting that is required by federal or provincial regulation;
- j. no signage shall be permitted on the wind turbine except that of the manufacturer's identification;
- k. the owner(s) of the land on which the wind turbines are located shall notify the Municipality of Kings County within one (1) year of wind turbine inactivity and shall remove the wind turbines and associated infrastructure within two (2) years of wind turbine inactivity.

10.1.6.2 Upon application for a development permit for a large-scale wind turbine, the developer shall submit the following documentation:

- a. the project definition including installed turbine(s) capacity, targeted long term production levels, scale elevations or photos of wind turbines showing total height, tower height, rotor diameter and colour;
- b. a site plan showing all buildings, roads, boundaries, natural features and alterations of site;

- c. wind turbine manufacturer's specifications and professional engineer's design and approval of turbine base(s);
  - d. copies of all documentation required for *Canadian Environmental Assessment Act* and *Nova Scotia Environment Act* and regulations, if applicable;
  - e. evidence of notification to and approval from Department of National Defence, Nav Canada, Transport Canada or other applicable agencies regarding potential radio, telecommunications and radar interference, if applicable;
  - f. an emergency response plans for site safety;
  - g. a decommissioning and reclamation plan; and
  - h. any other information the Development Officer deems necessary to determine whether the development conforms to this Bylaw.
3. Remove Large-scale Wind Turbines from the lists of uses permitted subject to conditions in the A1, F1, R6 and S1 Zones.