

# THE MUNICIPALITY OF THE COUNTY OF KINGS

## REPORT TO MUNICIPAL COUNCIL

**Subject:** First Reading – Large-scale wind turbines (File P12-01)

**From:** Planning Services

**Date:** May 15<sup>th</sup>, 2012

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### **Background**

In May of 2011, Council enacted amendments to the Municipal Planning Strategy (MPS) and Land Use Bylaw (LUB) that permitted large-scale wind turbines in some rural areas of the Municipality.

In January of 2012, Council committed to reviewing those regulations.

Council and the Planning Advisory Committee (PAC) heard from members of the public, Provincial and Federal departments, and a consultant hired to examine the health and safety impacts of turbines.

On April 24<sup>th</sup>, 2012, PAC directed Staff to draft amendments to the MPS and LUB 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. A Public Participation Meeting (PPM) concerning the proposed amendments was held on May 10<sup>th</sup>, 2012.

### **Planning Advisory Committee Recommendation**

On May 14<sup>th</sup>, 2012, the Planning Advisory Committee passed the following motions:

*“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 14th, 2012.”*

*“The Planning Advisory Committee recommends that the MPS and LUB amendments, as set out in Appendix A of the report to PAC, dated May 14th, 2012, be amended to indicate that Council intends to not conduct the referenced planning review for at least five years”.*

Regarding the second motion, PAC members indicated that Staff should determine whether the amendment cause any legal or planning process issues that could delay the deletion of existing large-scale wind turbine regulations.

## **Revised MPS and LUB Amendments**

As directed by PAC, Staff have revised the proposed MPS and LUB amendments concerning large-scale wind turbines by adding the following sentence at the end of the second paragraph of MPS Section 5.5.

*In order to focus on other priorities and allow the research community to gather further information, Council further decided to indicate that it does not intend to initiate a planning review concerning large-scale wind turbines for at least five(5) years.*

The first word of proposed MPS policy 5.5.1 has also been changed from “As” to “Until”. Please see Appendix A for the full MPS and LUB amendments.

It is important to note that including a time frame in the proposed amendments in no way binds future Councils from initiating a review or amending this MPS section before the specified five (5) years. The reference, however, does make Council’s intentions clear to future Councils, who would at least have to consider whether or not to wait five years to initiate a review.

## **Motion**

**“Be it resolved 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 in five(5) or more years time and in the meantime not permit large-scale wind turbines in any area of Kings County, as set out in Appendix A of the Council Report, dated May 15<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. In order to focus on other priorities and allow the research community to gather further information, Council further decided to indicate that it does not intend to initiate a planning review concerning large-scale wind turbines for at least five (5) years.

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

Until 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.