

Benjamins Mill Wind Project Development Agreement

Council First Reading

April 25, 2023

something inspiring awaits



Application

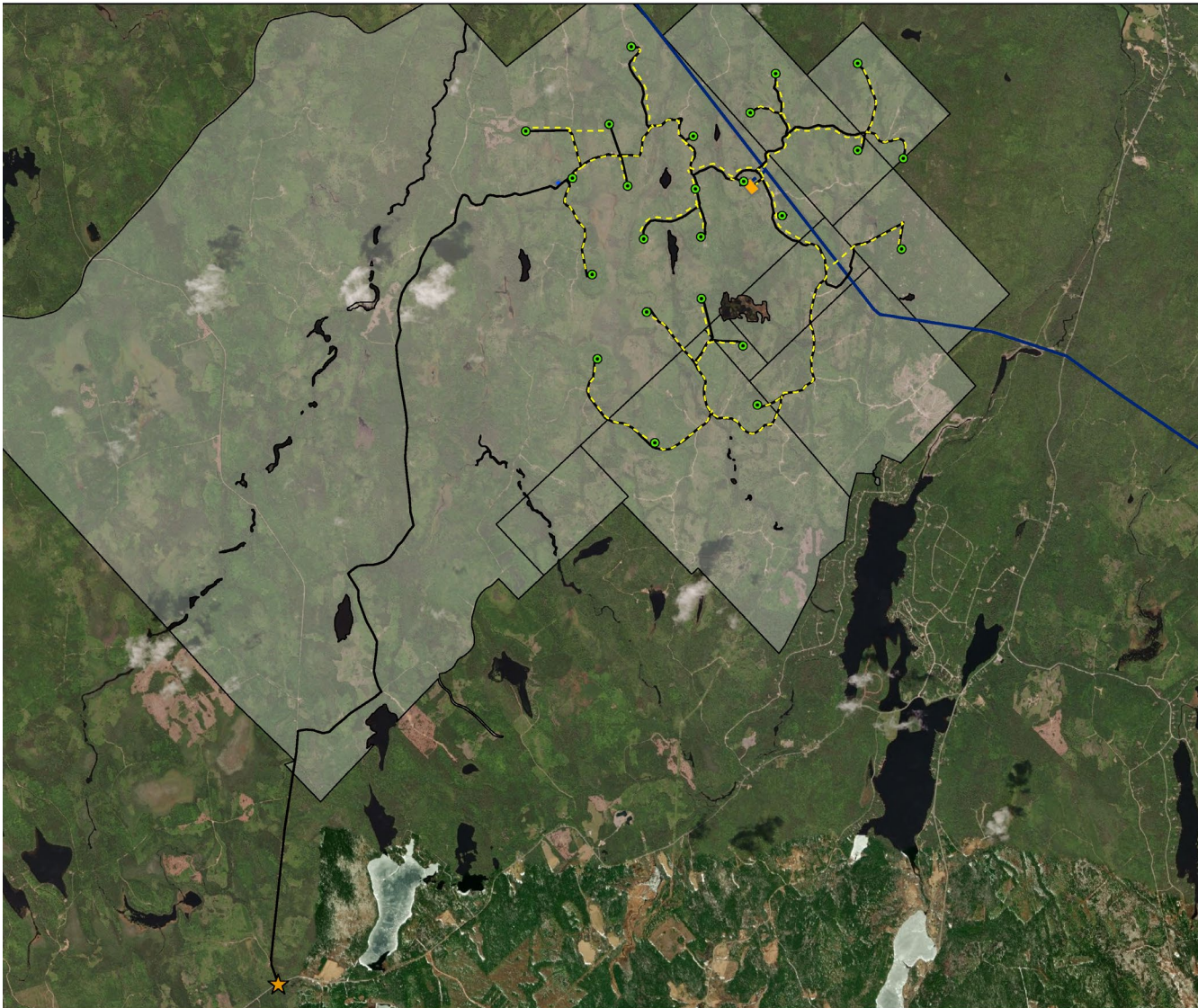
- A completed application was received on January 13, 2022 from Meg Morris on behalf of Natural Forces
- The application was for a development agreement to permit a 24-unit wind turbine project in Benjamins Mill

Application - Environmental Assessment

- On March 9, 2022, the Minister of Environment and Climate Change determined that there was insufficient documentation to make a decision on the Environmental Assessment Approval.
- On January 6, 2023, Natural Forces resubmitted for Environmental Assessment Approval consideration.
- On February 12, 2023, the Minister of Environment and Climate Change granted Environmental Assessment Approval, subject to a list of conditions.

Project Area

- The wind turbines are clustered in the eastern portion of the project area
- The site is accessed by Hingley Road which runs perpendicular to New Ross/Russell Road
- The nearest home to a proposed wind turbine is 1.6 km away



Proposed Benjamins Mill Wind Project

Preliminary Site Plan and Location

Legend

- ★ Current Road Access Point
- Turbine Locations
- Proposed Collector Lines
- Proposed Access Road
- Ben Mill - 287c: 138 kV Interconnection
- Substation
- Laydown
- Existing 138kV Line
- Private Lands

Notes

1. Turbine markers are not to scale

Sources

- Basemap provided by the Province of Nova Scotia
- Basemap: ESRI World Topo Map

N

0 250 500 750
Metres

Scale: 1:50,000

Spatial Reference: NAD 1983 UTM Zone 20N

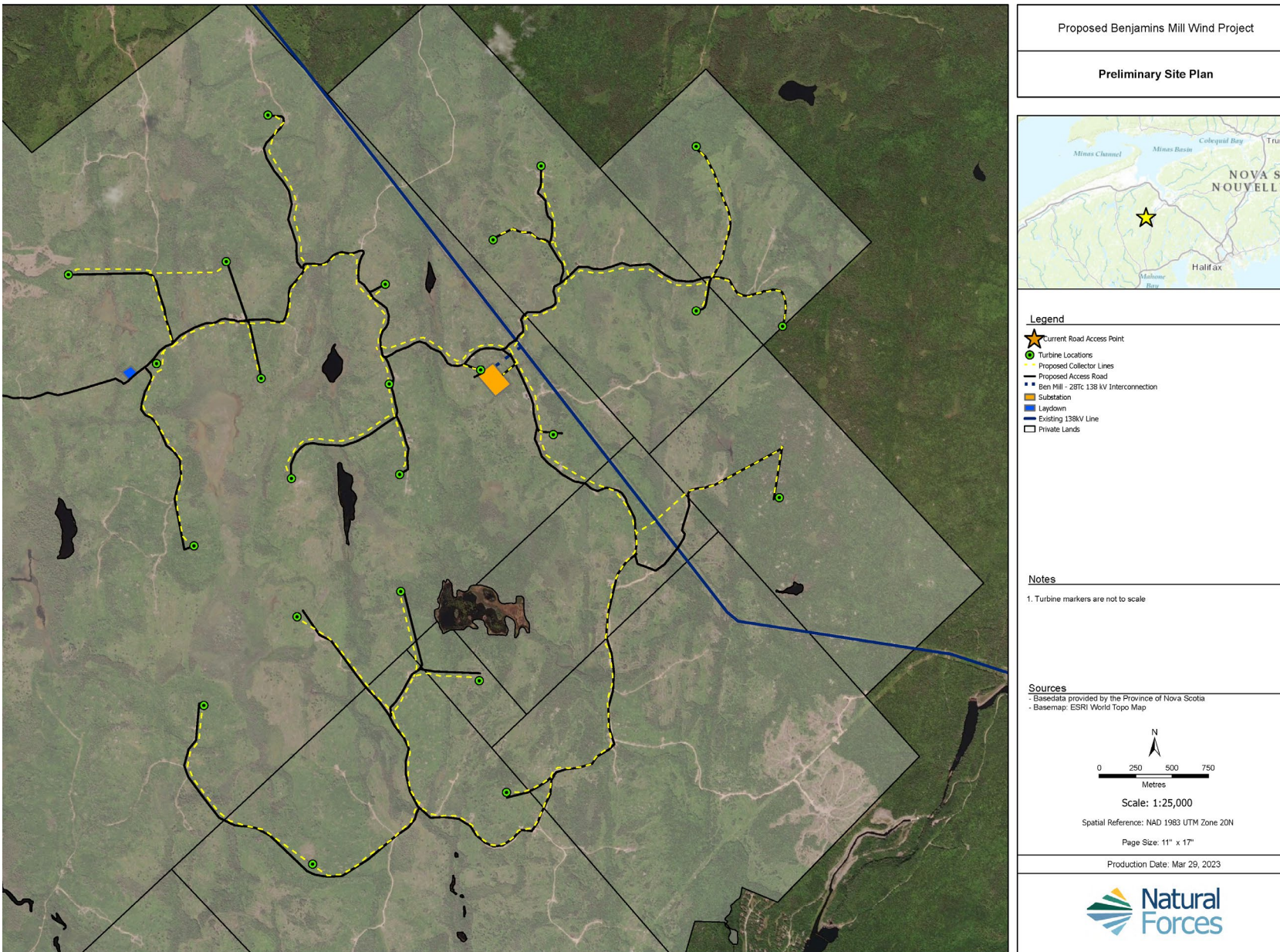
Page Size: 11" x 17"

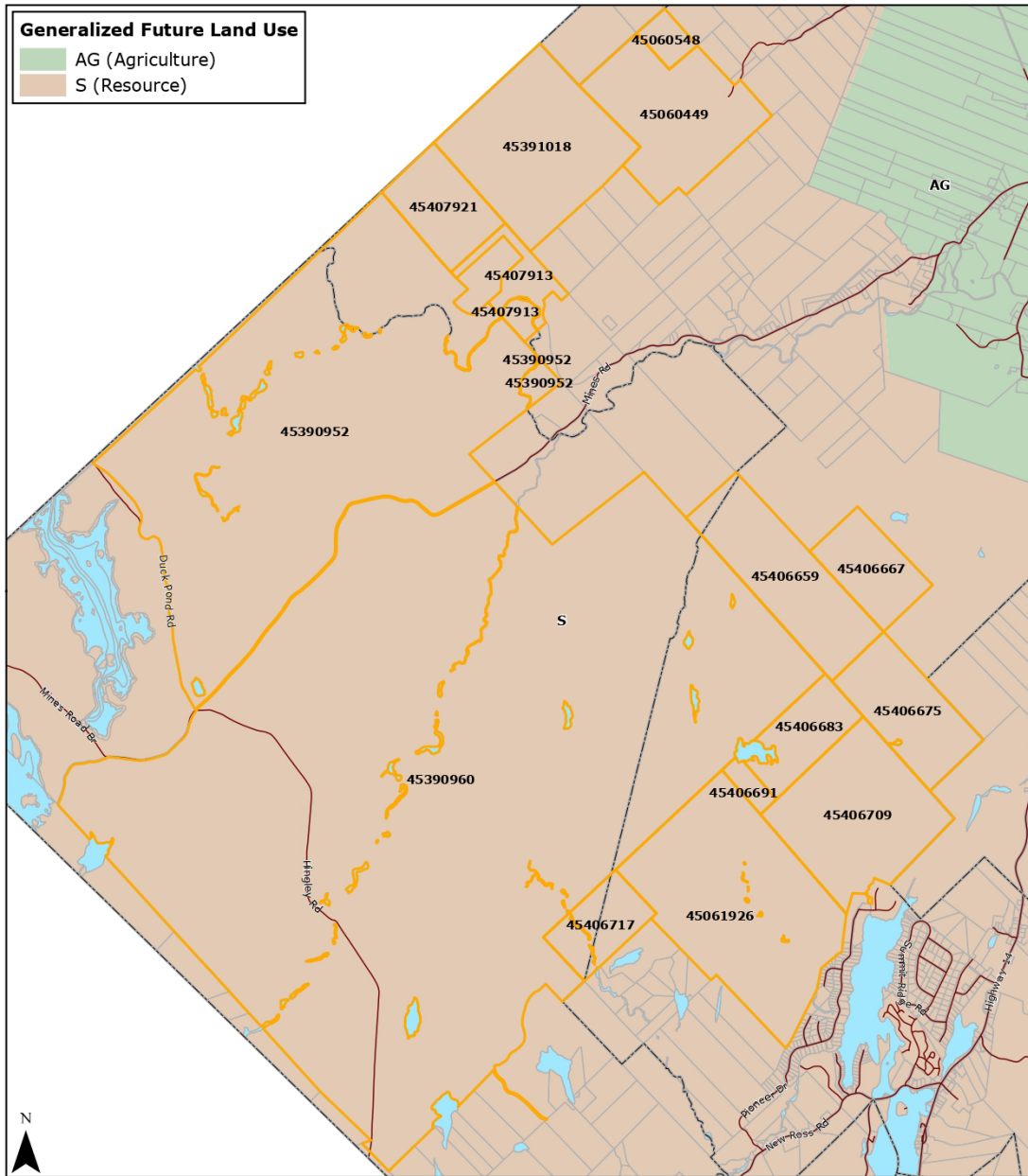
Production Date: Mar 29, 2023



Project Area

- The wind turbines are clustered in the eastern portion of the project area
- The site is accessed by Hingley Road which runs perpendicular to New Ross/Russell Road
- The nearest home to a proposed wind turbine is 1.6 km away





GFLUM

Current Designation:

- Resource

All properties abutting the project area are also designated Resource.

Base data derived from the Nova Scotia Property Records Database (NSPRD) and the Nova Scotia, Geomatics Centre (NSGC), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia. This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area. Prepared by: West Hants Regional Planning and Development Department January, 2022

**Benjamins Mill
Generalized Future
Land Use**

0 1,000 2,000
Metres
Scale: 1:74,000

- Subject Properties
- Communities
- Parcels
- Roads

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Photomontage of Project Area from Bent Ridge
(Provided by Natural Forces)

West Hants MPS – Enabling Policy

Policy 4.24.4 enables Council to consider the development of permanent or long-term installations of large wind turbines or wind farms outside of the Growth Centre, Village, and Hamlet designations by development agreement. In summary, the criteria are met since:

- the proposed development has received Environmental Assessment Approval from the Minister of Environment and Climate Change;
- the proposed development is required to provide a Shadow Flicker Impact Assessment and a Sound Level Impact Assessment as part of the conditions to the Environmental Assessment Approval to ensure that adequate separation distances are maintained from adjacent land uses to minimize impacts of noise and shadow and to ensure public safety;
- the proposed development appears reasonably suited for the resource context of the project area; and
- the developer is working directly with the Nova Scotia Department of Public Works to ensure that all necessary permits and road upgrades are completed.



West Hants MPS – General Criteria Policy

Policy 16.3.1 states general criteria for development agreements. In summary, the criteria are met since:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Area Manager of the Nova Scotia Department of Public Works, and Municipal Engineer have no concerns which have not been addressed in this report.



Additional Considerations

- The applicant has requested edits to the wording of the development agreement regarding sublease agreement on April 19, 2023.
- These were unable to be reviewed by the municipal solicitor prior to First Reading.
- Staff believe that the edits are administrative in nature and would not affect what is permitted by the development agreement.
- These may be added to the Development agreement prior to the Public Hearing, following legal review.



Development Agreement Details

Requirements

- Permits a wind farm including all associated equipment, facilities, and improvements necessary for the conversion of wind energy into electricity and delivery thereof
- A total of 24 turbines, with a facility nameplate capacity of 150 megawatts
- A setback from any property not included in the Project Area equal to the total height of a turbine, a setback of 1000 metres from any turbine to any dwelling, hotel, or motel, and a setback of 550 metres from any turbine to any woods camp
- Driveway access from Hingley Road
- Signage and illumination shall be regulated under Section 5.18 and 7.0 of the Land Use By-law (excepting that required from Transport Canada)
- Operation requirements reflecting the Environmental Assessment for sound level and shadow flicker



Development Agreement Details

Substantive Matters

- the uses permitted on the Property

Public Information Meeting Notes

- Two Public Information Meetings were held on February 10, 2022 and February 23, 2022. The meetings were broadcast live on the Municipal Facebook page.
- 10 members of the public attended the February 10, 2022 Public Information Meeting and 8 members of the public attended the February 23, 2022 Public Information Meeting.
- The deadline for comments was March 3, 2022.
- Meg Morris, the applicant, gave a presentation on the specifics of the proposed wind farm.



Public Information Meeting Feedback

No members of the public spoke at the February 10, 2022 Public Information Meeting and 6 members of the public spoke at the February 23, 2022 Public Information Meeting. Concerns from the public included:

- topographic mapping, property access, potential expansion, distance from residences, land value, effects of blasting on wells, positioning of project area, noise and projections, turbine appearance, increased buffering request, road upgrades, effects of construction and operation on wells, and RFP project scale.

Staff received 7 phone calls from the public, concerns included:

- requested meeting attendance, property damage due to road development and heavy vehicle use, increased buffering request, negative health effects, and mailout requests to include Canyon Point residents rather than the head office.



Public Information Meeting Feedback

Staff received 12 emails from the public, concerns included:

- virtual meeting attendance, map clarity, project scale, protected area for moose, disturbance due to noise and vibration, property value, effects on mental health, unknow project scope, illumination, elevation and view, effects of blasting on wells, site access, former development agreements on adjacent land, community control on turbine operation, topographic mapping, sound and visual modeling, safety for nearby residences, site descriptions, uncertainty in construction and road upgrades, and endangered species.



Public Information Meeting –
February 10, 2022



Follow-up Public Information Meeting –
February 23, 2022



Staff Review



PAC/HAC Review and Recommendation –
April 13, 2023



Regional Council First Reading – April 25



Public Hearing & Second Reading – May 22*



Notice Placed in Paper



14 Day Appeal period

Process

The Public Information Meetings were held last year and the applicant has been holding open houses and sending out newsletters throughout the process.

* Anticipated Date



Recommendations (1 of 2)

...that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to allow a Wind Farm on PIDs 45390960, 45406659, 45406667, 45406675, 45406683, 45406709, 45061926, 45406691, 45406717, 45390952, 45407921, 45391018, 45407913, 45060449, and 45060548 which is substantively the same as the draft set out in Attachment B of the report #21-18 to the Planning and Heritage Advisory Committee dated April 13, 2023.



Recommendations (2 of 2)

...that Council require that the development agreement with Natural Forces Lands GP Ltd and Atlantic Star Forestry Ltd. for PIDs 45390960, 45406659, 45406667, 45406675, 45406683, 45406709, 45061926, 45406691, 45406717, 45390952, 45407921, 45391018, 45407913, 45060449, and 45060548 be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise this approval will be void and obligations arising hereunder shall be at an end.



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