

WHMPS and WHLUB Amendment Request: Wind Farm Policies Decision Request Report

Council

February 27, 2024



Application

- Completed application received from Steven Hart of Vaughan on November 7, 2023
- Request to amend WHMPS Section 4.24 to further evaluate wind farm development proposals within the Municipality



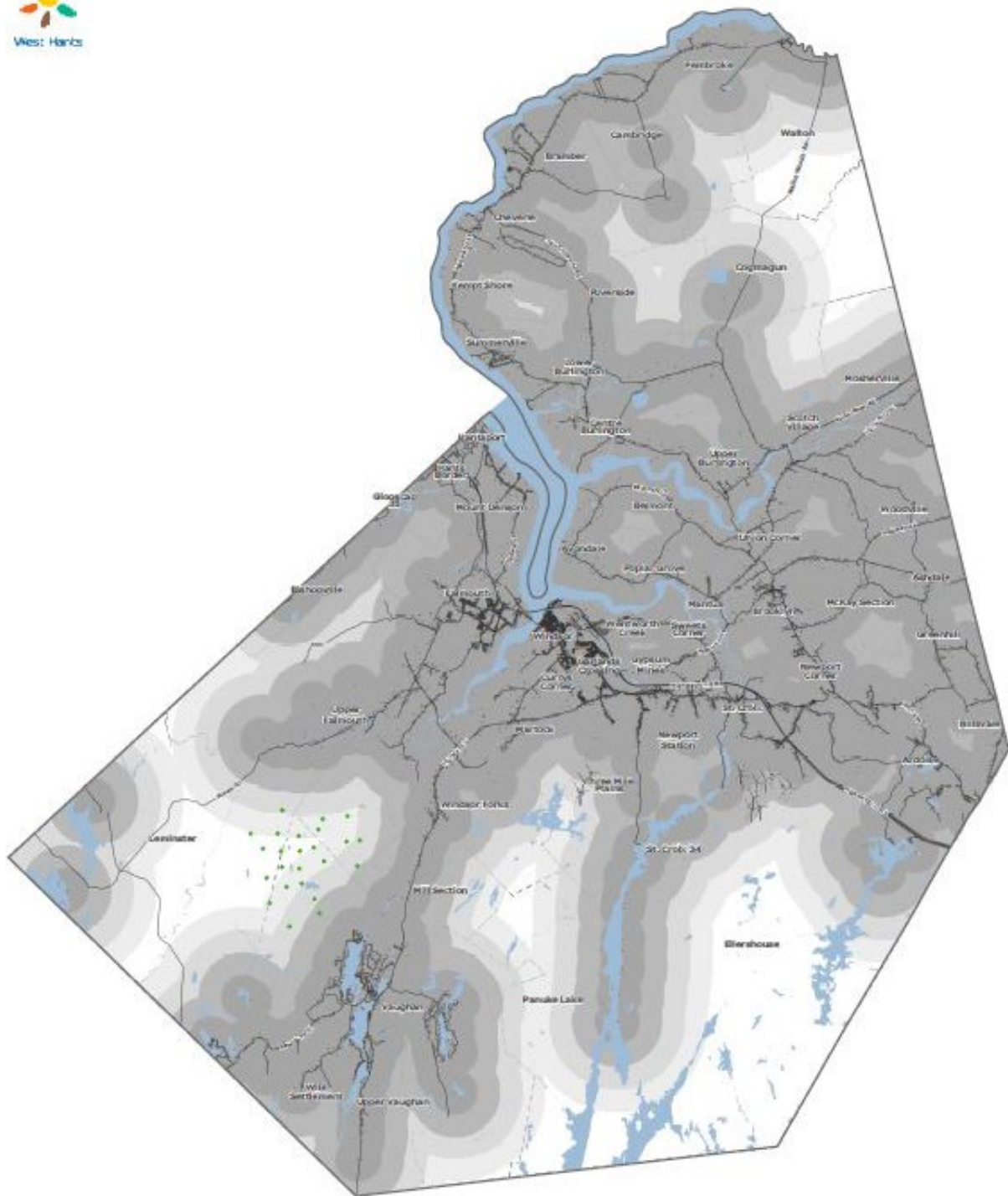
Background

- December 14, 2023 PAC/HAC discussion
- Council motion on January 23, 2024:

...COUNCIL PROVIDE THE STAFF RESOURCES TO DO A MAPPING EXERCISE TO POINT OUT EXISTING DWELLINGS AND MAP WHERE WIND FARMS COULD BE DEVELOPED USING RADIUS RANGES FROM 1KM, WHICH IS THE EXISTING SETBACK, TO 4KM, WHICH IS A PROJECTED DISCUSSION RANGE FOR POTENTIAL AMENDMENTS TO SETBACKS.

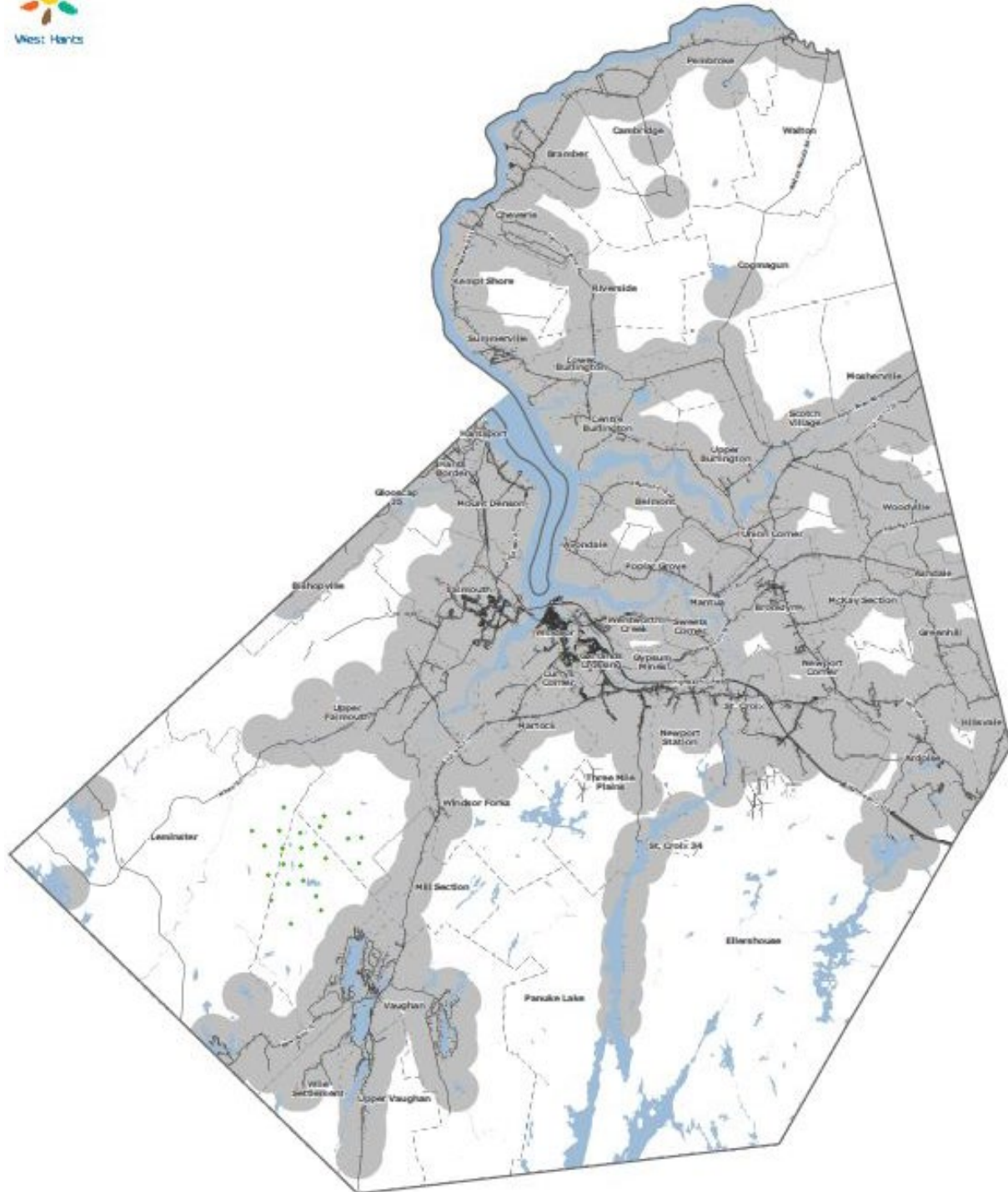
Mapping

- Show buffers of 1-4 km from any civic addressing point identified as a residential land use
- White areas represent possible siting locations for future large scale wind turbines
- Location of existing wind turbines within the Ellershouse and Martock wind farms and the proposed location of wind turbines permitted in the Benjamins Mill wind farm development agreement



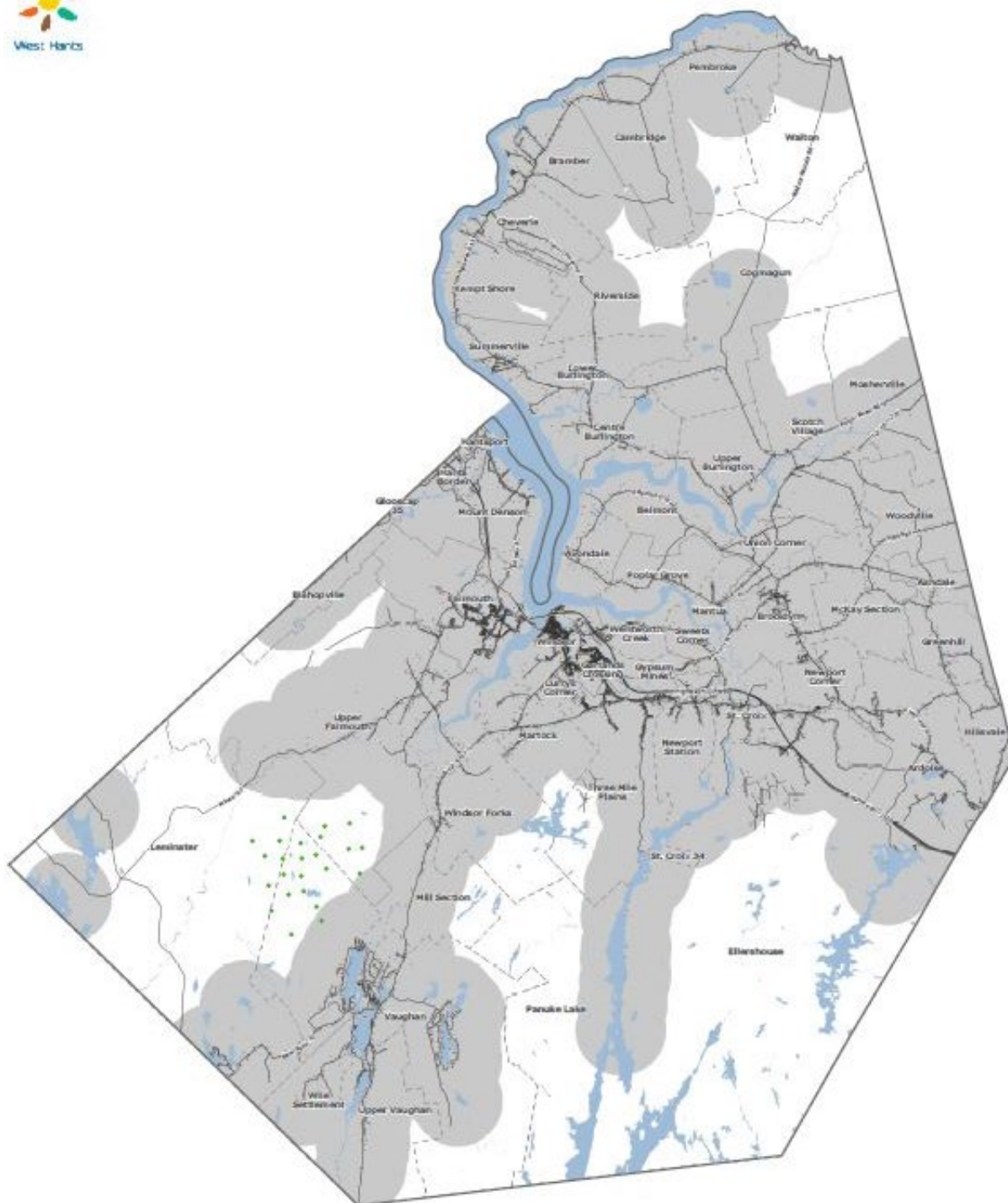
Km Radius from Civics





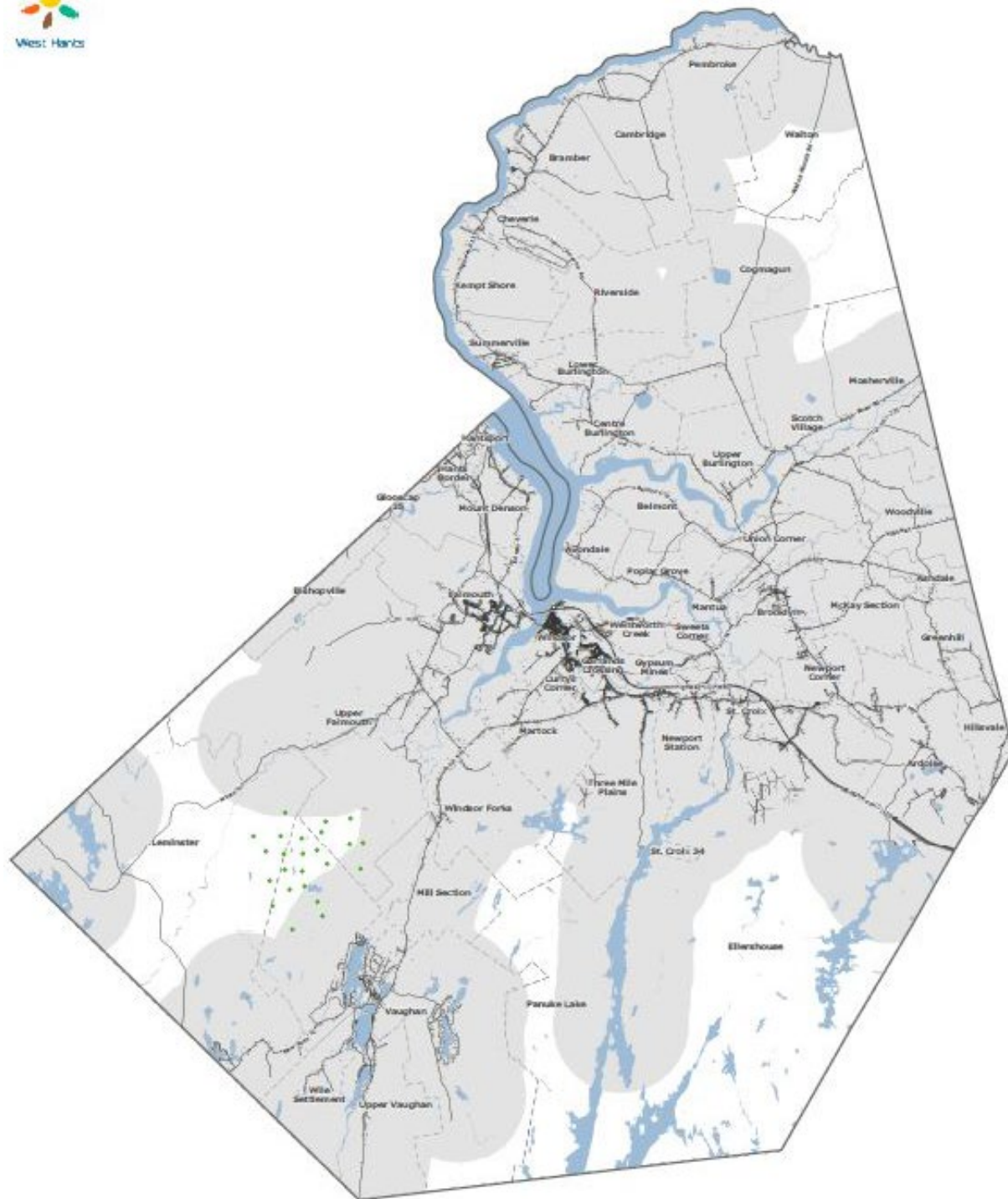
1 km from civic points



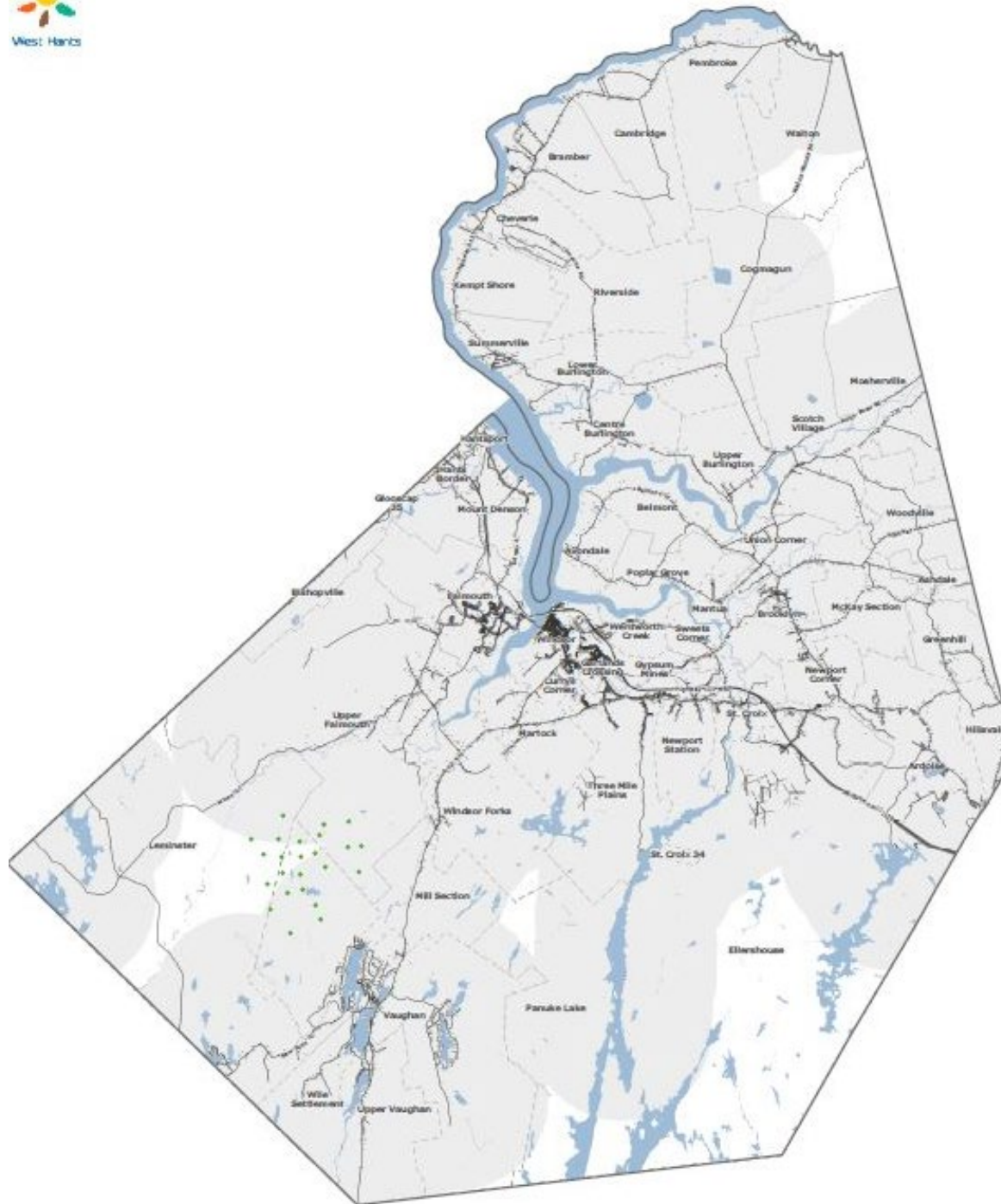


2 km from civic points





3 km from civic points



4 km from civic points

Other Jurisdictions

Minimum setback requirements:

- WHRM - 1,000 m. (3,280.84 ft.)
- East Hants - 4 times the height of the wind turbine
- Kings County - “Large Scale Wind Turbine Overlay” boundaries a minimum of 3 km from dwellings existing on November 15, 2018.
- Colchester - 1,000 m. (3,280.84 ft.) if wind turbine is 100 m. (328 ft.) in height or less; or 2,000 m. (6,561.68 ft.) if wind turbines greater than 100 m. (328 ft.). If wind turbine exceeds 200 m. (656 ft.) an increased setback of 7.5 m. (26.5 ft.) is required for every 1 m. (3.3 ft.) of additional height if the increased minimum setback is necessary to satisfy the maximum ambient degradation noise standard of By-law.

Other Jurisdictions Cont.

- Yarmouth - 1,000 m. (3,280.84 ft.) or 6.5 times the height of the turbine, whichever is greater
- Queens - 1.5 times total height of turbine from property lines and watercourses
- Annapolis – only permitted within a “Wind Resource Areas”; requires a minimum of 1,000 m (3,280 ft.)
- HRM - 550 m. (1,805 ft.)
- Cumberland - 1000 m. (3,280 ft.) or 3.5 times the height of the turbine, whichever is greater
- Digby, Pictou, Antigonish - 1,000 m. (3,280.84 ft.)

PAC/HAC February 8

- Discussion about buffers:
 - How do residents in other communities such as Ellershose feel about the existing wind farms within their community?
 - Could a two-tier setback for wind turbines under and over 200 m. in height could work here, similar to what is used in Colchester County?
 - Mapping does not show the suitability of the remainder land for wind development
 - How many wind farms is too many?
 - Unaware of studies showing cumulative effects of wind turbines

PAC/HAC February 8 Cont.

- A motion was made to *“recommend that Council not move forward with this application or any amendments associated with this request at this time”*
- Vote of 4-4 the motion was defeated

Discussion

- Following the PAC/HAC meeting on February 8, 2024, staff reviewed the MGA and requested further information from legal regarding the ability to pause approvals on wind farm developments for a period of time
- Sections of the MGA were discussed, specifically 217 (1) and 220 (3)

Discussion Cont.

No action inconsistent with planning strategy

217 (1) A municipality shall not act in a manner that is inconsistent with a municipal planning strategy.

- As Council already permits wind farms to be considered in the WHMPS by development agreement, Council would be acting inconsistently if a motion was made to pause approvals on wind farms for a specific period of time

Discussion Cont.

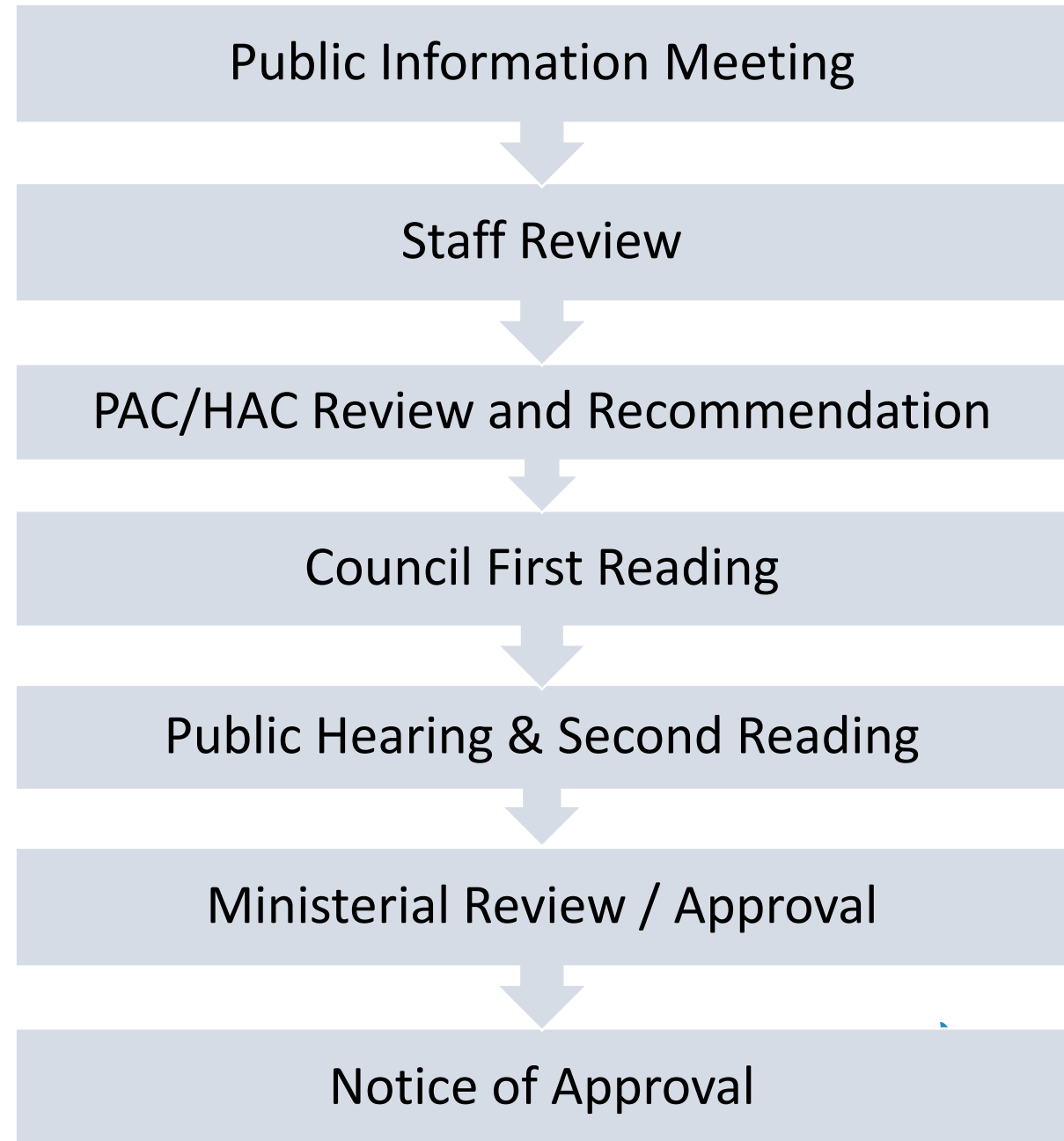
Content of a Land Use By-law

220 (3) A land-use by-law may regulate or prohibit development, but development may not be totally prohibited, unless prohibition is permitted pursuant to this Part.

- The MGA does not permit Council to outright prohibit wind farm developments. Council can consider amendments to the WHMPS and WHLUB that would specify:
 - the zones where wind farms are permitted;
 - the setback requirements for wind farms;
 - application requirements for wind farms;
 - the approval process for wind farm developments; and
 - the criteria required to be evaluated when considering an application for wind farm developments.

Next Steps

If Council provides direction for staff to draft amendments to the WHMPS and WHLUB to increase the setbacks required for wind turbines, the process for the amendments would be as follows:



Decision Request

- Staff require direction from Council on how to proceed with this application



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