



# Municipality of the District of West Hants

## INTERIM STAFF REPORT

**TO:** West Hants Planning Advisory Committee

**FROM:** Jeanne Bourque, Planner

**DATE:** November 21, 2013

**SUBJECT:** **Public Consultation Process for Martock Ridge Community Wind Project**

### **ORIGIN**

Planning staff are seeking direction from the Planning Advisory Committee (PAC) on project-specific adjustments to the public consultation process typically used when considering an application for a development agreement.

### **RECOMMENDATION**

The two recommended adjustments are:

1. Hold an information workshop to provide information and solicit public input **before** a staff report and draft development agreement goes to Planning Advisory Committee for consideration;
2. Extend the formal notification area for the Public Hearing from 91.4 m (300 ft) to 2,000 m (3,280 ft).

### **TYPICAL WEST HANTS MUNICIPAL PROCESS – RE: DEVELOPMENT AGREEMENT (DA)**

Planning staff meet with the applicant to determine if their proposal can be considered for a development agreement by policy of the Municipal Planning Strategy. If so, then an application is submitted with a fee of \$600 to cover the costs of advertising for a public hearing. Staff consult with the appropriate agencies to gather the information needed, prepare a report and a draft development agreement. The staff report with the staff recommendation goes to the Planning Advisory Committee (PAC), for review and recommendation to Council. If the staff recommendation is to enter into a development agreement, and PAC accepts this recommendation, then a public hearing is advertised and held prior to the next scheduled Council meeting. Council then votes on whether to accept or reject the application. This process could take 4-6 months, or longer, from the time of initial application, depending on the complexity of the application.

## PROPOSED ADJUSTMENTS - PUBLIC CONSULTATION PROCESS

### ***Adding an Information Workshop***

A *Public Hearing* to solicit public input is held by Municipal Council, and follows a structured format with calls for written and oral submissions both for and against the recommended course of action. It is a required part of the planning process, and all submissions received are part of the public record.

An *Information Workshop* can be hosted or run by a municipal advisory body such as the Planning Advisory Committee. West Hants policy leaves it to the discretion of PAC as to whether or not such a workshop is held. A number of these types of meetings were held during the Municipal Planning Strategy 5 Year Review in the form of workshops, charettes, and information meetings. These meetings provide an informal forum where the public can ask a variety of questions or discuss issues concerning a particular topic or proposal. The primary goal of an information workshop is not to make a decision, but to have all those attending gain a better understanding of the issues and concerns arising from the proposed project.

The proposed information workshop on the Martock Ridge Wind project would involve as many resource people as possible to provide answers to questions posed by the public and stakeholders. The applicant would be present to answer questions, and in this case, it would be beneficial to invite a representative from Nova Scotia Environment to address questions regarding the provincial environmental assessment process.

### ***Increased Notification Area***

Section 2.9(a) of the current West Hants Land Use By-law states:

*2.9(a) When an application has been received to amend this By-law for a site-specific purpose, enter into a development agreement, or amend a development agreement, all property owners within 300 ft (91.44 m) of the subject property shall be notified of the application by the Municipal Clerk.*

The effects of large scale wind turbines may be experienced across a large geographic area. Therefore staff suggest increasing the notification area from the usual 91.4 m (300 ft) to 2,000 m (6,561 ft). Projects submitted for environmental assessment in Nova Scotia address potential impacts on “receptors” (usually defined as buildings), usually within two or more kilometers of the proposed wind turbine locations. For example, when assessing visual impact, photo “montages” are typically created from vantage points much further away than 300 feet. Also, a great deal of public concern has been expressed in recent years regarding the potential impact of sound created by large scale wind turbines, so it is reasonable to expect that residents who live some distance away may wish to be notified.

## DISCUSSION

### **1. Public Perception**

“Wind farm anticipation stigma theory is a concern surrounding a proposed or approved wind farm project that is primarily due to factors stemming from a fear of the unknown: a general uncertainty surrounding a wind farm project regarding the aesthetic impacts on the landscape, the actual noise impacts from the wind turbines, and just how disruptive the wind farm will actually be.” *Hinman, J.L. (2010).*

It is widely recognized that it is vital to have as much public input into the siting of wind turbines as early in the municipal planning process as possible. The May 2012 Kings County report, "Health and Safety Impacts from Large Scale Wind Turbines" states, "*Local involvement in the wind energy project tends to have positive effects upon resident's perceptions of the project.*"

The document, "Model Wind Turbine By-laws and Best Practices for Nova Scotia Municipalities", prepared in 2008 for the UNSM, states, "*Given the potential for public sentiments to run high on matters connected with renewable energy and wind power in particular, it is wise to engage the public in a meaningful conversation and consultation on these topics in advance of any specific project proposals.... Public engagement should be sought early in the decision making process on wind energy issues if at all possible.*"

Public consultation has been carried out by Scotian Windfields, in the form of open houses and presentations to West Hants PAC, Windsor Town Council, and the Mill Lakes Watershed Advisory Committee. Public input has also been sought through the provincial environmental assessment process, and a Community Liaison Committee has been formed by Scotian Windfields as required by Nova Scotia Environment. However, these consultations have all been outside of the municipal planning process that addresses the application for a development agreement. Now that the municipal process has officially begun, it would be beneficial for the municipality to "go the extra mile" and reach out to all stakeholders with more in depth information that may not have been available previously.

It is recommended that an information workshop be held outside of the municipal Council chambers in order to foster an informal, question and answer environment.

## **2. *Setting a Precedent***

The question has been asked if adjusting the public consultation process would set a precedent for other development agreement applications. Planning staff feel that this is a special case as this wind project is proposed to be located within a provincially designated Protected Water Area (PWA). West Hants has two other municipal water supplies within its boundaries, so if, in the future, other applications are made to locate large wind turbines in the French Mill Brook or Davidson Lake PWAs, it would be appropriate to carry out a similar public consultation process. As it is not anticipated that there will be a large number of applications for wind projects, staff will, in the future, discuss the adjusted consultation process with applicants and recommend that an information workshop and extended notification area be added to the usual process, with all additional costs being covered by the applicant.

## **3. *Increased Processing Time***

A Staff Report is being prepared for presentation to PAC, but due to the complexity of the issues, in particular the challenge of siting wind turbines in a Protected Water Area, the time line for completion of this report has been difficult to predict. If PAC directs that adjustments be made to the public consultation process, then staff could advertise for an Information Workshop in early December, or perhaps early January. While this would provide an opportunity for staff to learn of and respond to public concerns in the Staff Report, it should not create significant delay to the completion of that report for submission to PAC early in the new year.

## **4. *Increased Cost***

Advertising in the Hants Journal for an Information Workshop will be an additional cost above the \$600 application fee submitted by Scotian Windfields. Also, if the area for notification of the Public Hearing is increased, there will be an increased cost for postage. All additional costs should be under \$900.00. However, initial conversations with Scotian Windfields indicate that

they will be willing to pay for these additional costs, as they realize that all forms of public consultation are of benefit proposed project.

### **FEEDBACK FROM OTHER JURISDICTIONS**

Input was sought from other Nova Scotia municipalities who have handled applications for wind turbines in their jurisdictions in recent years. The overwhelming response is that public consultation should be done as early in the municipal planning process as possible. In the case of a development agreement, other municipalities have advised that public input should be sought prior to a draft DA being presented to PAC to avoid public perception that this is a “done deal”. This, together with the publications widely available on the topic, all strongly recommend that meaningful, broad and early public consultation is vital to address public concern over issues related to wind energy and siting of wind turbines.

### **CONCLUSION**

Staff therefore recommend that the Planning Advisory Committee direct staff to carry out the suggested adjustments for the Martock Ridge Community Wind Project public consultation process as outlined in this staff report.

Respectfully submitted,

  
Jeanne Bourque  
Planner