

MUNICIPAL PLANNING STRATEGY AMENDMENTS

1. Section 4.7.1 of the Municipal Planning Strategy is amended by deleting the following text shown in ~~strikeout~~ and inserting the following text shown in bold:

Nova Scotia has, in recent years, been moving towards a future where much of the province's electricity needs are supplied by renewable energy, rather than non-renewable sources like coal and oil. ~~The Energy Act requires 40 percent of Nova Scotia's electricity to come from renewable sources—such as hydro, solar, wind, and tidal—by the year 2020.~~ **The Renewable Energy Regulations made under the *Electricity Act* require 80 percent of Nova Scotia's electricity to come from renewable sources—such as hydro, solar, wind, and tidal—by the year 2030.** This will have the benefit of reducing local air pollution, reducing our contribution to climate change, and reducing our reliance on fuels imported from other countries. Cumberland has, to date, played an important role in the development of renewable energy generation in Nova Scotia, and will likely continue to do so in the future.

2. Section 4.7.2 of the Municipal Planning Strategy is amended by deleting the following text shown in ~~strikeout~~ and inserting the following text shown in bold:

~~In 2011, the Municipality of Cumberland released its Wind Energy Development Plan, developed with the support of the Union of Nova Scotia Municipalities. Through this project, the Municipality identified areas that are appropriate for wind turbines, and areas that are inappropriate for wind turbines for reasons such as water supply areas or areas of cultural significance. The project also established requirements to help reduce the impact of wind turbines on surrounding communities and natural features.~~

In 2022, Council revisited the Municipality's approach to regulating wind turbines in order to provide for more public involvement, provide explicit expectations in terms of setbacks and separation distances, refine the areas where larger turbines are permitted, and establish expectations for decommissioning at end-of-life. Council believed these changes would ensure wind energy continues to be a positive contributor to the Cumberland community. Council will continue to review wind turbine policy and regulations as part of regularly-scheduled reviews of the Municipal Planning Strategy and Land Use By-law (as outlined in Chapter 6) in order to ensure such policies and regulations best reflect the needs of the local community and the wind industry.

~~As of 2017~~ **2022**, Cumberland hosts three large-scale wind farms at Stevens Mountain, outside of Springhill, and on the Tantramar Marshes. Council intends to continue to support the establishment of large-scale wind turbines in appropriate locations, as well as smaller wind turbines for personal and on-site commercial use.

3. Policy 4-51 of the Municipal Planning Strategy is amended by inserting the following text shown in bold after clause (b):

(ba) Medium-scale wind turbines, which are intended to generate electricity on a commercial scale but are limited in overall capacity and height.

4. Policy 4-53 of the Municipal Planning Strategy is amended by deleting the following text shown in ~~strikeout~~ and inserting the following text shown in bold:

Policy 4-53: Council shall, through the Land Use By-law, establish a Wind Turbine Restricted Overlay that identifies inappropriate areas for ~~small-~~ **medium-** and large-scale wind turbines and includes lands such as, but not limited to, drinking water supplies, bird conservation areas, important cultural areas, historic sites, and ecologically-significant lands.

5. Policy 4-54 of the Municipal Planning Strategy is amended by inserting the following text shown in bold:

Policy 4-54: Council may consider amending the Wind Turbine Restricted Overlay to add locations where a local tourism plan **endorsed by Council** concludes that ~~small-~~ **medium-** and large-scale wind turbines are not compatible with the goals of the tourism plan.

6. Section 4.7 of the Municipal Planning Strategy is amended by deleting Policy 4-55 and Policy 4-56 as shown in strikethrough and inserting policy 4-55A, 4-56A, and 4-56B as shown in bold:

~~Policy 4-55: Council shall, through the Land Use By-law, permit small and large-scale wind turbines in all zones, but shall prohibit small- and large-scale wind turbines on lands covered by the Wind Turbine Restricted Overlay.~~

~~Policy 4-56: Council shall, through the Land Use By-law, establish requirements for the design and siting of small- and large-scale wind turbines, and such requirements may include, but are not limited to, separation distances from dwellings and other features, setbacks from property lines, blade clearances, and tower and signage design.~~

Policy 4-55A Council shall, through the Land Use By-law, permit small-scale wind turbines in all zones and shall establish requirements for their design and siting to minimize safety concerns and conflicts with neighbouring uses.

Policy 4-56A Council shall consider entering into a development agreement to permit proposals for medium- and large-scale wind turbines in the Agriculture Zone, Rural Resource Zone, Mixed-use Zone, General Commercial Zone, Urban Industrial Zone, Rural Industrial Zone, and Country Commercial Zone subject to the following requirements:

- (a) the proposal shall not be located within areas subject to the Wind Turbine Restricted Overlay of the Land Use By-law;**
- (b) the proponent shall host a minimum of three public meetings, each advertised at least 14 days in advance through a newspaper circulating in the municipality, and submit to the Municipality meeting notes containing a description of questions and issues raised and corresponded answers and mitigative measures;**
- (c) the proponent shall satisfy Council that the proposal includes tangible public benefits, demonstration of which may include, but is not limited to, a public benefit fund established with proceeds from the project, a pooled lease mechanism, the use of local suppliers, and equity investments from residents of the Municipality and community in which the project is located;**
- (d) any medium-scale wind turbines shall have a separation distance of at least 200 metres or 2 times their height, whichever is larger, from habitable buildings external to the wind project, and 2 times their height from wind turbines (excepting domestic-scale) external to the wind project;**
- (e) any large-scale wind turbines shall have a separation distance of at least 1,000 metres or 3.5 times their height, whichever is larger, from habitable buildings external to the wind project, and 4 times their height from wind turbines (excepting domestic-scale) external to the wind project;**

- (f) the wind turbines shall be set back a minimum of 85 metres from natural gas pipeline rights-of-way;**
- (g) the wind turbines shall be set back a minimum of 1.25 times their height from habitable buildings internal to the wind project, property lines external to the wind project, and street and railway rights-of-way;**
- (h) the proposal shall meet the policies for development agreements outlined in Section 6.3.**

Policy 4-56B Development agreements for medium- and large-scale wind turbines, as provided for in Policy 4-56A, shall, in addition to the provisions required for all development agreements outlined in Section 6.3, include:

- (a) provisions related to the ongoing operation and maintenance of the development, including, at a minimum:
 - i. requiring the proponent to notify Council if a turbine has malfunctioned or ceases to produce power for a period exceeding six continuous months;**
 - ii. requiring the proponent to repair or to notify Council of their intent to decommission any non-functional turbine within 18 months of providing notice under subsection i.;**
 - iii. establishing a process for receiving and responding to public complaints related to the operation and maintenance of the development;**
 - iv. requiring the proponent to ensure that all turbines operate within the noise and shadow flicker requirements established by the Provincial Environmental Assessment process.**
 - v. requiring the proponent to submit to Council a report outlining compliance with the terms of the development agreement within 24 months of commissioning the last turbine in the development; and****
- (b) a requirement for the posting of a decommissioning bond or other similar surety of an amount not less than 125% of the estimated present-day cost to decommission the development minus any estimated present-day scrap value of the turbines. Such estimate shall be prepared by a Professional Engineer, licensed to practice in Nova Scotia at the expense of the proponent.**

LAND USE BY-LAW AMENDMENTS

1. Clause 3.1.3(b) of the Land Use By-law is amended by inserting the following text shown in bold:

(b) Two years for industrial uses **and medium-scale wind turbines**.

2. Subsection 3.3.7 of the Land Use By-law is amended by deleting the following text as shown in strikeout:

~~Development permit applications for small and large-scale wind turbines must comply with those conditions as found in Section 5.1 of this By-law.~~

3. Section 5.1 of the Land Use By-law is amended by deleting the following text as shown in strikeout:

~~5.1 Small and Large-scale Wind Turbines~~

4. Subsection 5.1.1 of the Land Use By-law is amended by deleting the following text as shown in strikeout:

~~Small and large-scale wind turbines shall be permitted in all zones but shall not be permitted on lands covered by the Wind Turbine Restricted Overlay, shown on Schedule F.~~

5. Subsection 5.1.3 of the Land Use By-law is amended by deleting the following text as shown in strikeout and inserting the following text as shown in bold:

~~Small and large-scale wind turbines shall have the minimum separation distances as outlined in Table 3.~~

Table 3 – **Small-scale** Wind Turbine Separation Distances

From	Minimum Separation Distance
(a) Habitable buildings external to the wind energy project	600 75 metres or 3 1.5 times the height of the turbine, whichever is larger
(b) Habitable buildings internal to the wind energy project	1.25 times the height of the turbine
(c) Property lines external to the wind energy project	1.1 1.25 times the height of the turbine, or height of the turbine plus 7.5 metres, whichever is larger
(d) Property lines internal to the wind energy project	None
(e) Streets and railway rights-of-way	1.1 1.25 times the height of the turbine, or height of the turbine plus 7.5 metres, whichever is larger
(f) Natural gas pipeline rights-of-way	85 metres
(g) Small-, medium- , and large-scale wind turbines external to the wind energy project, including wind turbines that have a valid development permit but have not yet been constructed	4 2 times the height of the proposed wind turbine or 4 2 times the height of the wind turbine external to the wind energy project, whichever is larger

6. Subsection 5.1.5 of the Land Use By-law is amended by inserting the following text as shown in bold:

Notwithstanding Clause 5.1.3 (g), the minimum separation distance from a small-~~medium-~~, or large-scale wind turbine external to the wind energy project may be waived with the written consent of all owners of the external wind turbine.

7. Subsection 5.1.6 of the Land Use By-law is amended by deleting the following text as shown in strikeout:

~~Notwithstanding Clause 5.1.3 (a), proposed habitable buildings shall have a minimum separation distance from small- or large-scale wind turbines of 1.25 times the turbine height.~~

8. Subsection 5.1.8 of the Land Use By-law is amended by deleting the following text as shown in strikeout:

~~There is no limit on the number of small- or large-scale wind turbines in any one area provided all of the turbines meet setback and separation distance requirements.~~

9. Subsection 5.1.9 of the Land Use By-law is amended by deleting the following text as shown in strikeout:

~~The minimum clearance between the wind turbine blades and the ground shall be 7.5 metres.~~

10. Subsection 5.1.10 of the Land Use By-law is amended by deleting the following text as shown in strikeout:

~~Small- and large-scale wind turbines shall be finished in a non-reflective, matte finish.~~

11. Subsection 5.1.11 of the Land Use By-law is amended by deleting the following text as shown in strikeout:

~~Small- and large-scale wind turbines shall be protected from unauthorized access by a security fence with a lockable gate and a minimum height of 1.8 metres, or by having any ladder or permanent tower access device located no closer to the ground than 3.7 metres or, for monopole designs, by securing access with a lockable door.~~

12. Subsection 5.1.12 of the Land Use By-law is amended by deleting the following text as shown in strikeout:

~~Small- and large-scale wind turbines shall not be provided with artificial lighting except for lighting that is needed to meet Transport Canada or other regulatory requirements.~~

13. Subsection 5.1.14 of the Land Use By-law is amended by deleting the following text as shown in strikeout:

~~Small- and large-scale wind turbines turbine towers shall not contain any commercial advertising; however, the hub or nacelle may display the name or logo of the manufacturer, operator, and/or owner.~~

14. Subsections 5.1.17, 5.1.18, and 5.1.19 of the Land Use By-law are deleted as shown in strikeout:

~~Facilities for the assessment of wind energy resources (test towers) may be erected for the life of the wind energy project. Otherwise, they shall be removed within one year of inactivity.~~

~~If a small- or large-scale wind turbine or wind energy project discontinues power production for 12 continuous months the operator shall provide the Municipality with a status report identifying future plans for the site.~~

~~In accordance with the decommissioning plan, all above ground components of the large-scale wind turbine or the wind energy project, including all buildings and storage facilities, wind~~

turbines wind testing facilities and above ground accessory infrastructure (such as overhead transmission lines and substation) shall be removed from the site (unless, in the opinion of the Development Officer, it can reasonably be established that there is another probable near term future use for any of the said components) and the applicable surface site areas, except for roads, shall be restored to a reasonable natural state within 18 months of the time at which the wind turbines cease to produce power continuously for a period of 6 months or, in a case where construction of the large scale wind turbine or wind power project is not completed, the time at which the development of the wind power project ceases.

15. Subsection 5.1.20 of the Land Use By-law is amended by deleting the following text as shown in strikeout and inserting the following text as shown in bold:

In addition to all information normally required for development permit applications, applications for development permits for small ~~or large~~-scale wind turbines shall be accompanied by the following information:

- (a) evidence and results of public notification, if conducted;
- (b) when placed on land in the Agriculture (AG) Zone, evidence of the continued use of prime agricultural land for farm use;
- (c) evidence of notification to the Department of National Defense, NavCanada, Industry Canada, and the Department of Natural Resources, or any successor bodies, regarding potential radio, telecommunications, radar and seismoacoustic interference, if applicable;
- (d) copies of documentation required (obstruction clearance form) by Transport Canada, or a successor body, for turbines taller than 30 metres; **and**
- (e) copies of documentation required by NavCanada, or a successor body, for all turbines within 10 km of an airport or for turbines taller than 30 metres outside the 10 km range;
- ~~(f) a decommissioning plan; and~~
- ~~(g) for large scale wind turbines, evidence of an agreement enabling the connection of the turbine(s) to the provincial electricity grid.~~

16. Subsection 5.1.21 of the Land Use By-law is amended by deleting the following text as shown in strikeout and inserting the following text as shown in bold:

The applicant shall also submit a site plan prepared by a qualified individual (e.g. surveyor or engineer) and drawn to scale, showing:

- (a) the location of all wind turbines and accessory uses;
- (b) the dimensions and boundaries of all parcels of land;
- (c) the location of all existing and proposed buildings, structures and uses;
- (d) proposed alterations to natural features; **and**
- (e) all required setbacks and separation distances.; ~~and~~
- ~~(f) the Wind Turbine Restricted Overlay.~~

17. Subsection 5.1.22 of the Land Use By-law are deleted as shown in strikeout:

~~The Municipality shall notify all property owners directly bordering the wind energy project site upon issuance of a development permit.~~

18. Subsection 5.1.23 of the Land Use By-law are deleted as shown in strikeout:

~~5.1.23 For a period of six months commencing December 22, 2021, no development permit applications will be received for small or large scale wind turbines while the municipality reviews the requirements for small and large scale wind development permits.~~

~~Upon a motion by Council/ where additional time is deemed necessary to complete the review, this review period may be extended one time by a further period of up to six months.~~

~~Any applications received following the expiry of the review period shall be processed in accordance with the requirements in force at that time.~~

19. Subsection 5.2.1 of the Land Use By-law is amended by deleting the following text as shown in strikeout:

~~Domestic-scale wind turbines shall be permitted as an accessory use in all zones.~~

~~Domestic-scale wind turbines shall be permitted as a main use in the same zones and subject to the same requirements as small-scale wind turbines.~~

20. Subsection 5.2.2 of the Land Use By-law is amended by deleting the following text as shown in strikeout and inserting the following text as shown in bold:

~~Accessory d~~ Domestic-scale wind turbines shall meet the following requirements:

- (a) The minimum separation distance from property lines **and railway rights-of-way** shall be **1.15** times the height of the turbine.
- (b) The minimum lot area for the subject property shall be 4,000 m².
- (c) There shall be no signs, advertisements, or objects attached to or added to the turbine.
- (d) Turbines 6 metres or greater in height shall not be mounted on or attached to any other structure.
- (e) All supporting structures such as guy wires or similar support apparatus shall be located a minimum of 3 metres from the property line.
- (f) All supporting structures such as guy wires or similar support apparatus shall be clearly visible to a height of 2 metres above grade.
- (g) Any climbing apparatus shall be a minimum of 3 metres above grade.
- (h) The minimum separation distance from habitable buildings external to the wind energy project shall be 50 metres or 1.25 times the height of the turbine, whichever is larger.**
- (i) The minimum separation distance from habitable buildings internal to the wind energy project shall be 1.1 times the height of the turbine.**
- (j) The minimum separation distance from natural gas rights-of-way shall be 85 metres.**
- (k) The minimum separation distance from wind turbines external to the wind energy project, including turbines for which a valid development permit has been granted but has not yet been constructed, shall be 1.25 times the height of the turbine.**

21. Part 5 of the Land Use By-law is amended by inserting the following text shown in bold between Sections 5.2 and 5.3:

5.2A Meteorological (Test) Towers

5.2A.1 Meteorological towers for testing wind speeds for the purpose of identifying the suitability of a wind resource shall be permitted in all zones subject to the following requirements:

- (a) Meteorological towers shall require a development permit and shall not be required to meet zone standards.**
- (b) The property owner or developer shall remove the meteorological tower within 180 days from the date testing activity ceases.**
- (c) The Municipality shall notify the public through a newspaper circulating in the municipality upon issuance of a development permit of a meteorological tower.**

22. Subsection 9.1.4 of the Land Use By-law is amended by inserting the following text shown in bold after clause (a):

- (b) Large-scale wind turbines – MPS Policy 4-56A.**
- (c) Medium-scale wind turbines – MPS Policy 4-56A.**

23. Subsection 9.3.4 of the Land Use By-law is amended by inserting the following text shown in bold:

- (a) Large-scale wind turbines – MPS Policy 4-56A.**
- (b) Medium-scale wind turbines – MPS Policy 4-56A.**

24. Subsection 10.1.4 of the Land Use By-law is amended by inserting the following text shown in bold:

- (a) Large-scale wind turbines – MPS Policy 4-56A.**
- (b) Medium-scale wind turbines – MPS Policy 4-56A.**

25. Subsection 11.1.4 of the Land Use By-law is amended by inserting the following text shown in bold:

- (a) Large-scale wind turbines – MPS Policy 4-56A.**
- (b) Medium-scale wind turbines – MPS Policy 4-56A.**

26. Subsection 11.2.4 of the Land Use By-law is amended by inserting the following text shown in bold:

- (a) Large-scale wind turbines – MPS Policy 4-56A.**
- (b) Medium-scale wind turbines – MPS Policy 4-56A.**

27. Subsection 11.3.4 of the Land Use By-law is amended by inserting the following text shown in bold:

- (a) Large-scale wind turbines – MPS Policy 4-56A.**
- (b) Medium-scale wind turbines – MPS Policy 4-56A.**

28. Subsection 11.5.4 of the Land Use By-law is amended by inserting the following text shown in bold:

- (a) Large-scale wind turbines – MPS Policy 4-56A.**
- (b) Medium-scale wind turbines – MPS Policy 4-56A.**

29. The definition of “domestic-scale wind turbine” is amended by deleting the following text as shown in ~~strikeout~~ and inserting the following text as shown in bold:

DOMESTIC-SCALE WIND TURBINE means a wind turbine that has a height of not more than ~~30~~ **50** metres **and has a nameplate generation capacity of not more than 15 kilowatts.**

30. The definition of “large-scale wind turbine” is amended by deleting the following text as shown in ~~strikeout~~ and inserting the following text as shown in bold:

LARGE-SCALE WIND TURBINE means a wind turbine that ~~is not a small-scale wind turbine or a domestic-scale wind turbine~~ **has a height greater than 100 metres or has a nameplate generation capacity of more than 500 kilowatts.**

31. Part 14 is amended by inserting the following text as shown in bold after the definition of large-scale wind turbine:

MEDIUM-SCALE WIND TURBINE means a wind turbine that:

- (a) has a height of more than 75 metres but not more than 100 metres; or**
- (b) has a nameplate generation capacity of more than 100 kilowatts but not more than 500 kilowatts.**

32. The definition of “small-scale wind turbine” is amended by deleting the following text as shown in ~~strikeout~~ and inserting the following text as shown in bold:





SMALL-SCALE WIND TURBINE means a wind turbine that: ~~has a height of more than 30 metres and not more than 60 metres and a nameplate generation capacity of not more than 100 kW.~~

- (a) has a height of more than 50 metres but not more than 75 metres; or**
- (b) has a nameplate generation capacity of more than 15 kilowatts but not more than 100 kilowatts.**

33. Schedule ‘F’ of the Land Use By-law is amended by deleting the Wind Turbine Restricted Overlay Map and replacing it with the map attached as Appendix ‘A’.

Schedule F: Wind Turbine and Restricted Overlay

Appendix 'A'

 Cumberland County  Towns and FN Reserves
 Restricted (R) Zone
 1:500,000 Last Updated: 2022.05.25

0 5 10 20 km

plan
cumberland

municipality of
cumberland

