Excerpt of DRAFT changes given first reading May 30, 2022

plan cumberland | Municipal Planning Strategy

Adopted
April 4, 2018

With Amendments To
DATE

4.7 Renewable Energy

4.7.1 Context

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 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. **[CHG-408]**

4.7.2 Wind Energy

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 **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. **[CHG-408]**

Policy 4-51: Council shall, through the Land Use By-law, define three categories of wind turbines:

(a) Domestic-scale wind turbines, which are very limited in scale and intended to generate electricity only for on-site consumption or are mechanical in nature and are intended to pump water.

(b) Small-scale wind turbines, which are limited in scale and are generally intended to meet the electricity needs of on-site uses, but may export energy to the grid through "net-metering" programs.

(ba) Medium-scale wind turbines, which are intended to generate electricity on a commercial scale but are limited in overall capacity and height. [CHG-408]

(c) Large-scale wind turbines, which are large in scale and are intended for commercial supply of electricity to the grid and may be built individually or in a collective "wind farm".

Policy 4-52: Council shall, through the Land Use By-law, permit domestic-scale wind turbines as an accessory use in all zones and shall establish requirements for their design and siting to minimize safety concerns and conflicts with neighbouring uses.

Policy 4-53: Council shall, through the Land Use By-law, establish a Wind Turbine Restricted Overlay that identifies inappropriate areas for **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. **[CHG-408]**

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 **medium**- and large-scale wind turbines are not compatible with the goals of the tourism plan. **[CHG-408]**

Policy 4-55: *[Deleted: CHG-408]*

Policy 4-56: *[Deleted: CHG-408]*

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. [CHG-408]

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.**

[CHG-408]

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.**

[CHG-408]

Policy 4-57: Council shall, through the Land Use By-law, allow for the waiver of separation distances between wind turbines and existing dwellings, and shall permit new dwellings to be built within the separation distance from existing wind turbines.

Policy 4-58: Council shall, through the Land Use By-law, establish requirements for the information to be provided and process to be followed for permitting, maintenance, and decommissioning of wind turbines.

4.9.7 Architectural Design

The character of our communities is very much defined by their buildings. It comes from their location in relation to the street, their height and massing, but also from their architecture – proportions, materials, roof types, size and placement of windows and doors, and the rhythm of design features.

The various land use by-laws in place before the development of this Plan included different approaches to regulating architectural design, with variation in the success of those approaches and the level of effort required for administration and on the part of the building owner. Council recognizes that a comprehensive effort is now needed to develop an updated approach to architectural regulation that is consistent across the Municipality and that strikes a good balance between promoting good architecture of all styles, preserving specific architectural styles that exist in Cumberland's communities, and being easy to understand and implement for building owners and the Municipality.

Policy 4-78: Council may, through the Land Use By-law and following the completion of an architectural design study, implement regulations to control the architectural design of buildings.

Policy 4-79: Council may, through the Land Use By-law, implement the architectural design regulations for all or only some types of buildings, and in all or only some zones, as recommended by the architectural design study.

Chapter 4 Changelog

Reference Number	Date	File or Project	General Nature of the Changes
CHG-401	2018.11.14	2018 Housekeeping	Converted vertical datums from CGVD1928 to CGVD2013
CHG-402	2018.11.14	2018 Housekeeping	Updated Commercial Recreation Zone to allow smaller residential uses without a development agreement
CHG-403	2020.09.16	2020 MPS and LUB Amendments	Changed the name of the Environment Zone to the Flood Hazard Zone
CHG-404	2020.09.16	2020 MPS and LUB Amendments	Added preamble and policy for geohazards
CHG-405	2020.09.16	2020 MPS and LUB Amendments	Added policy requiring contiguous connections for new private roads
CHG-406	2020.09.16	2020 MPS and LUB Amendments	Added policy allowing private roads in some areas of the Lower Density Residential Zone
CHG-407	2020.09.16	2020 MPS and LUB Amendments	Added policy prohibiting private roads in wildlife areas and areas at risk of geohazards
CHG-408	DATE	2022 Wind turbine Amendments	Updated context; added policy to add medium-scale category of wind turbines; added policy to consider medium- and large-scale wind turbines by development agreement