


Item No. 10.1.6
Halifax Regional Council
December 13, 2011

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer

Original Signed by 
Mike Labrecque, Deputy Chief Administrative Officer, Operations

DATE: November 10, 2011

SUBJECT: **Case 17342 - Wind Energy Initiation Report**

ORIGIN

On October 18, 2011, Regional Council passed two (2) motions:

- i. *“MOVED by Councillor Streach, seconded by Councillor Nicoll, that Halifax Regional Council authorize staff to prepare a staff report on the Planning process to amend the RMPs and relevant LUB’s to permit the siting of wind turbine on lands designated Urban Reserve that contain a power corridor in HRM”; and,*
- ii. *“MOVED by Councillor Streach, seconded by Councillor Nicoll, that Halifax Regional Council authorize staff to prepare a staff report on the Planning process to amend the Regional Municipal Planning Strategy and relevant Land Use By-Laws to permit a community consultation process for the siting of wind turbines within HRM.”*

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Initiate the process to consider amending the Regional Municipal Planning Strategy (RMPS) and Land Use By-Laws (LUB) for Cole Harbour/Westphal to enable Wind Turbine development on the Urban Reserve Lands as illustrated on Map 2 of this report; and
2. Not initiate MPS and LUB amendments respecting community consultation for the siting of wind turbines in HRM.

EXECUTIVE SUMMARY

1. Wind Turbines in Urban Reserve Areas

Under the RMPS, seven areas of land have been identified as Urban Reserves. These areas have been designated as locations outside the urban service boundary that have been reserved for the purpose of accommodating future residential development over the 25 year life of the Regional Plan (date of adoption, 2006).

Within HRM, three Urban Reserve areas contain major power transmission corridors as shown on Map 1. Staff recommends that Council initiate the planning process only for the Urban Reserve area in Cole Harbour/Westphal (Map 2) as future anticipated growth is considered to be limited at this location over the medium term due to infrastructure capacity.

2. Community Engagement for Wind Turbines

Under the recently approved amendments, all new wind turbine applications will be processed as-of-right with public notification given to residents within a specified distance of a proposed wind turbine. Council has directed staff to prepare a report outlining how a community consultation program can be adopted for wind turbines and the impact such an amendment would have on the current process. The following table shows a list of benefits and constraints when considering the adoption of a DA process for large wind turbine applications:

Benefits

1. Public input on DA applications
2. Ability to require studies under the DA process
3. Case by case decision making

Constraints

- Large wind turbine development already undergo Provincial Environmental Assessment (EA)
- EA process would occur after DA approved
- Cost of studies for DA
- Reliance on external consultants
- Protracted timeframe for DA process
- High likelihood of appeal
- Reopening of debate on separation distance standards
- Additional research will be required for each application

Based upon the above evaluation, staff recommends that Council not initiate a community consultation process for large wind turbines under the development agreement process.

BACKGROUND

On August 16 and October 18, 2011, Council adopted a full suite of amendments to regulate wind turbines in HRM. Council passed two motions requesting that staff provide a report outlining new RMPS and LUB amendments to permit:

1. the siting of wind turbines on lands designated Urban Reserve that contain a power corridor (August 16/11); and
2. a community consultation process for the siting of wind turbines within HRM (Oct18/11).

1. Wind Turbines in Urban Reserve Areas

Under the RMPS, seven areas of land have been identified as Urban Reserves. These areas have been designated as locations outside the urban service boundary that have been reserved for the purpose of accommodating future residential development over the 25 year life of the Regional Plan (date of adoption, 2006.)

Within HRM, three Urban Reserve areas contain major power transmission corridors as shown on Map 1. These Reserves are located within six Plan Areas (Map 2) as follows:

Urban Reserve Areas	Plan Areas
#1	Cole Harbour/Westphal
#2	Timberlea/Lakeside/Beechville, Halifax
#3	Bedford, Dartmouth, Planning Districts 14 & 17

2. Community Engagement for Wind Turbines

Under the recently approved amendments, all new wind turbine applications will be processed as-of-right with public notification given to residents within a specified distance of a proposed wind turbine. At present, a community consultation process can only be implemented for applications that require discretionary approval such as development agreement applications, not as-of-right application.

This report outlines the issues and processes for consideration of potential amendments to the RMPS and applicable LUB to consider both requests.

DISCUSSION

1. Wind Turbines in Urban Reserve Areas

The wind turbine regulations recently adopted by Council, dictate that wind turbines are not allowed on lands designated Urban Reserve. The reason for this decision is to preserve these lands for future residential growth in accordance with the directives of the Regional Plan. While the overall rationale still prevails, staff has considered each Urban Reserve that contains a power transmission corridor as per Council's request (see Map 2). This exercise has been conducted to consider whether or not all or some of these areas can be recommended for wind turbine siting.

Urban Reserve Area #1 (Cole Harbour/Westphal):

This area is situated near a Growth Centre, but not adjacent, and these lands are constrained by a lack of infrastructure capacity (sewer) over the medium and longer terms. Based upon the existing wind turbines regulations, the lands could be developed with medium scale turbines due to distance separation requirements and the amount of residential development adjacent to the Reserve. However, it should be noted that even at a medium scale, wind turbine development on these lands would remain encumbered over a protracted period of time, potentially limiting future use. The number and suitability of these lands for wind turbines, including any technical constraints, still needs to be done. This would include the lack of available municipal services. While sewage treatment capacity upgrades are currently underway at the Eastern Passage sewage treatment plant, structural issues in Cole Harbour exist, such as insufficient sewer pipe capacity. Such issues could mean delays in servicing availability for these lands over the medium and longer terms, which could strengthen the argument to allow wind turbines to site now.

Urban Reserve Area #2 (Timberlea/Lakeside/Beechville, Halifax):

This area is immediately adjacent to a growth centre (Suburban Local Centre), an area identified in the RMPS where future growth is anticipated. Should wind turbines be sited on these lands, a long term encumbrance would exist limiting the future use of the lands. Therefore, staff recommends that wind turbines not be considered on these lands at this time.

Urban Reserve Area #3, Map 2 (Bedford, Dartmouth, Planning Districts 14 & 17):

This area is located adjacent to Burnside Business Park and is currently under review as part of the creation of Business Park Functional Plan. In staff's opinion, it is premature to contemplate the use of wind turbines on these lands until the Functional Plan has been completed. The date for completion of the Plan is estimated to be the end of 2012. Therefore, staff recommends that wind turbines not be considered on these lands at this time.

Conclusion:

Due to the issues outlined above, staff recommends that Council only initiate a planning process to consider wind turbine development on the Urban Reserve lands in Cole Harbour/Westphal plan area. This process would require an amendment to the Regional Plan and the Cole Harbour/Westphal Land Use By-Law.

2. Community Engagement for Wind Turbine Siting in HRM

Under the Halifax Charter, community consultation can only occur through a discretionary approval process such as a development agreement (DA). This would necessitate a public information meeting and hearing that would be advertised in the local newspaper and a mail-out circulated to property owners within the notification area. The purpose of the ads and mail-out would be to notify residents of a public information meeting (PIM) and hearing on a proposed wind turbine development. At the end of the process, Council would render a decision on a case by case basis. Of the discretionary approval processes available to Council, staff recommends that Council only consider community consultation as part of a DA process as it allows Council to place site specific requirements on wind turbines on a case by case basis.

The Halifax Charter provides the Municipality with the right to request studies as part of a DA application. In this case, Council can request studies on matters such as shadow flicker, sound, tower collapse, blade and ice throw, and effects on surface water be undertaken and evaluated to determine any effect on residents within the vicinity. This information would then be presented to the public and members of council through a PIM and public hearing, respectively.

Despite the benefits of community consultation, the ability to request studies, and a case by case decision making process, the DA approach has its drawbacks for wind turbine development as follows:

- i. Most of the large wind turbine developments would also have to undergo a Provincial Environmental Assessment (EA) process, which in many respects would duplicate the DA process;
- ii. The EA process would not occur until the DA application was approved;
- iii. A DA application takes between 8-10 months to complete (or more depending on the number and depth of studies requested);
- iv. HRM would have to hire outside experts to evaluate and make recommendations on the studies;
- v. Costs of studies would have an impact on a project's financial viability, especially if a Provincial EA process is required;
- vi. Given the issues around wind turbines, there is a high likelihood of an appeal;
- vii. Council would re-open the debate on siting standards for each type of wind turbine under the DA process, such as the 1 km separation distance for large wind farms; and
- viii. Lead to additional research on wind turbines.

Conclusion

In light of Council's adoption of a comprehensive suite of regulations, staff recommends that Council permit the regulations that have recently been adopted to remain in place for a period of time to determine any issues that may or may not arise. Should issues arise, Council always has the option of initiating a planning process at that time.

If Regional Council wishes to initiate a planning process now to introduce a community consultation component via a development agreement process, staff recommends that it be limited to Large Wind Turbines that are not required to undergo a Provincial Environmental Assessment. Further, staff recommends that the number and location of Public Meetings for this planning process be primarily in Rural HRM, as outlined in Attachment A, as urban areas would continue to prohibit such uses.

BUDGET IMPLICATIONS

There are no budget implications associated with this report. However, if Council introduces a Development Agreement requirement for the siting of wind turbines in HRM, this may have impact on staff resources.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

Amendments to the RMPS and HRM LUBs, involve community engagement. The engagement process will be consistent with the intent of the HRM Community Engagement Strategy and the Halifax Regional Municipality Charter.

The proposed level of community engagement is consultation. This will be achieved through a number of community meetings to be held within proximity to each of the subject locations. Lastly, a public hearing at Regional Council will be held prior to it making a decision on the proposed RMPS and LUB amendments.

The proposed amendments will potentially impact the following stakeholders: local residents, property owners, community organizations, and businesses.

ALTERNATIVES

1. Council may choose to initiate a process to consider amendments to the Regional Municipal Planning Strategy (RMPS) and the Cole Harbour/Westphal Land Use By-Law (LUB) to permit wind turbines only on the Cole Harbour/Westphal Urban Reserve lands. This is staff's recommended course of action.

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2. Council may choose to initiate a process to consider amendments to the Regional Municipal Planning Strategy and various Land Use By-Laws to permit wind turbines in all Urban Reserve lands that contain a power corridor.
 3. Council may choose not to initiate a Community Consultation program for wind turbines at this time. This is staff's recommended course of action.
 4. Council may choose to initiate a Community Consultation program for wind turbines by amending the RMPS and various LUBs.

ATTACHMENTS

Map 1:	Urban Reserve Lands with Power Transmission Corridors
Map 2:	Urban Reserve Lands and Plan Areas
Attachment A:	Public Participation Program to consider Community Consultation on the Siting of Wind Turbines

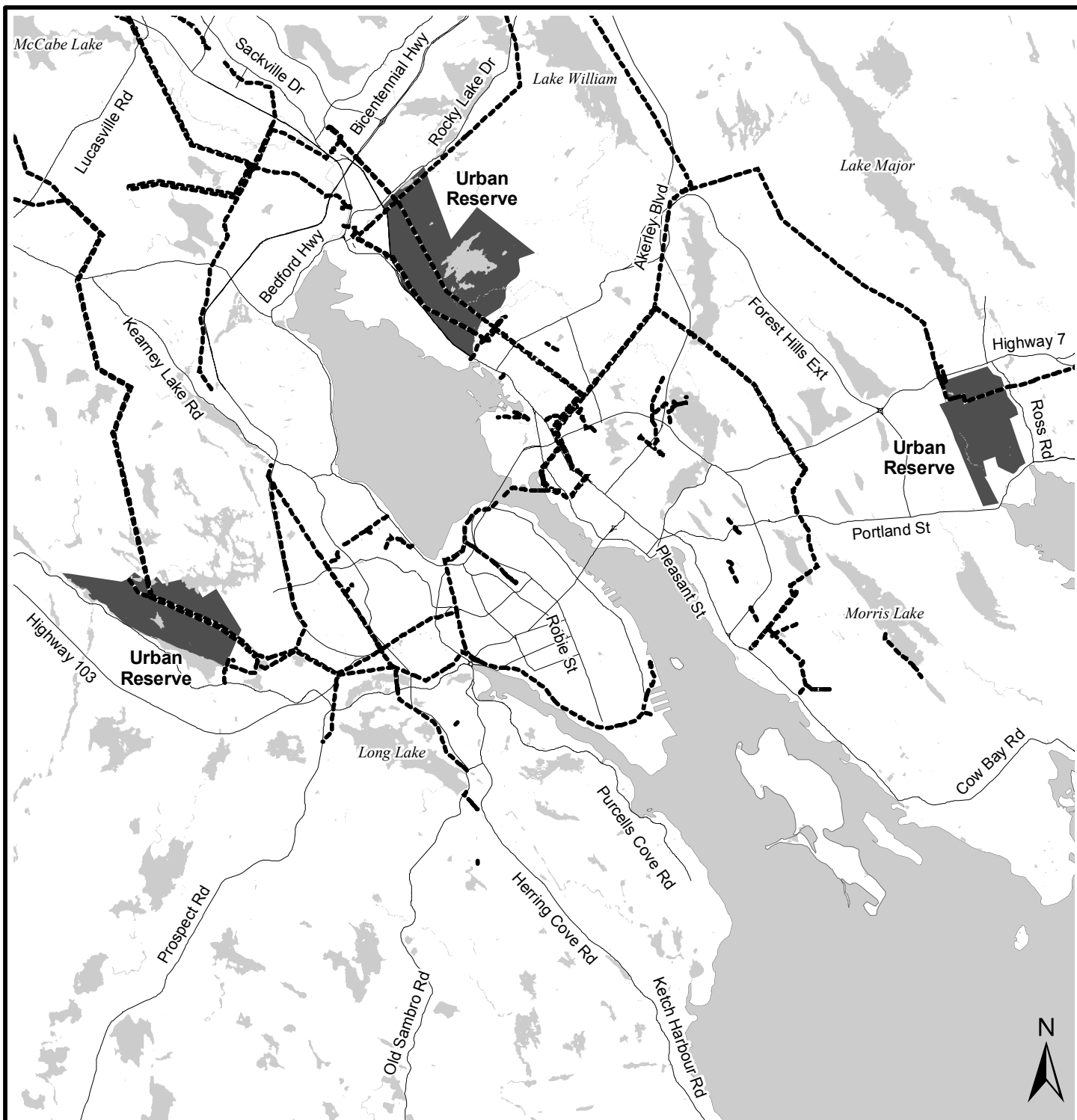
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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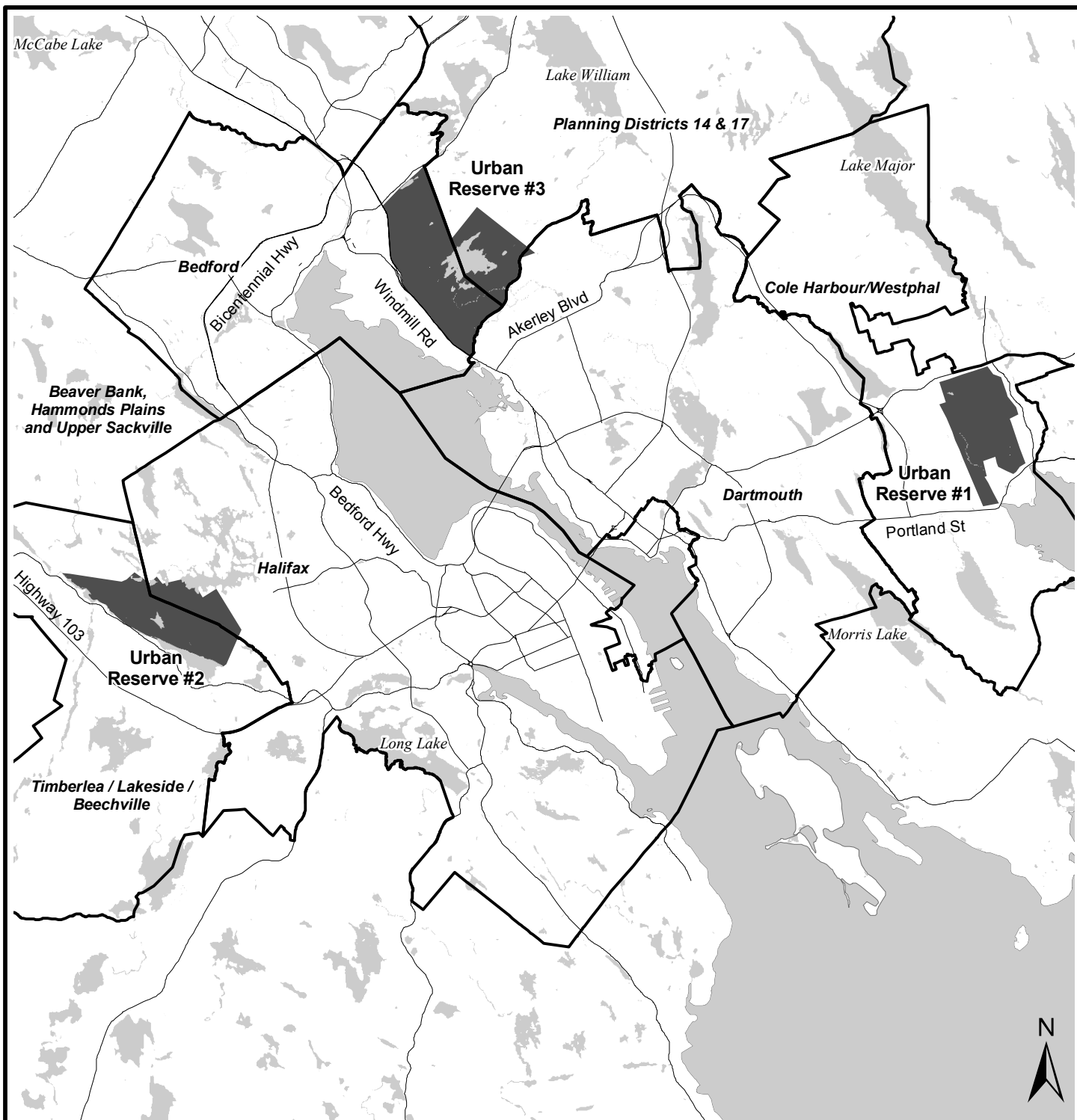


Map 1: Urban Reserve Lands with Power Transmission Corridors

- Lands with Urban Reserve Designation
- Power Transmission Line (major)



HRM does not guarantee the accuracy of any representation on this plan. Date of map is not indicative of the date of data creation.



Map 2: Urban Reserve Lands and Plan Areas

- Lands with Urban Reserve Designation
- Plan Areas



HRM does not guarantee the accuracy of any representation on this plan. Date of map is not indicative of the date of data creation.

Attachment A

Public Participation Program to consider Community Consultation when siting Wind Turbines

Staff intend to hold 6 public meetings, the purpose of which is to present proposed regulations to the community to receive feedback on the potential introduction of a development agreement process for large scale wind turbine applications in the rural areas of HRM.

The consultation meeting list is as follows:

Meeting Locations

Rural

- ✓ 1 meeting in the Prospect/ Timberlea Area
- ✓ 1 meeting in the St. Margaret's Bay area
- ✓ 1 Meeting in the Fall River Area

- ✓ 1 Meeting in the Porter's Lake Area
- ✓ 1 Meeting in the Middle Musquodoboit Area
- ✓ 1 Meeting in the Sheet Harbour Area

The public meetings will be duly advertised, and invitations will be extended to all members of Community Councils. In addition stakeholders will also be invited to attend these sessions to provide comment.

It is anticipated that this round of community consultation will commence in January of 2012 and run through January of 2013.