

1. **Council Convenes - O Canada** –Warden Hunter called to order the October 5, 2011 session of Cumberland Municipal Council at 1:00 p.m. The meeting was held in the Council Chambers of the E. D. Fullerton Municipal Building, Upper Nappan. O Canada was sung.
2. **Roll Call** - The roll was called by Shelley Hoeg, Executive Assistant to the Chief Administrative Officer. Councillors in attendance: Warden Keith Hunter, Councillor Gerald Read, Deputy Warden John Kellegrew, Councillor Allison Gillis, Councillor Ron MacNutt, Councillor Kathy Redmond, Councillor Phillip Donkin, Councillor Ernie Gilbert, Councillor John Reid, and Councillor Ratchford Merriam. Staff in attendance: Andrew MacDonald, Director of Finance; Penny Henneberry, Director of Planning and Development; and Steve Ferguson, Director of Policy and Research.
3. **Approval of Agenda (Additions/Deletions)** - The agenda was approved with the following additions and deletions:

Additions:	11.5 – FPS Coordinator Classification, 14.1 – Application to Dissolve the Village of Pugwash
Deletions:	6, 7, 10, 13, 14
4. **Approval of Minutes**
 - 4.1 **Minutes from September 21, 2011 Council Session**
The minutes of September 21, 2011 were approved as presented.
 - 4.2 **Minutes from September 28, 2011 Council Session**
The Minutes of September 28, 2011 were approved as presented.
5. **Business Arising from the Minutes**
 - 5.1 **Action List, September 21, 2011** – This document was presented at the Council session.
 - 5.2 **Action List, September 28, 2011** – This document needs to be prepared and circulated.
6. **Delegations and Presentations**
This item was deleted
7. **Public Hearings**
This item was deleted.
8. **Correspondence**
This was provided prior to Council and it contained Thank You's from the Brookside Curling Club and the Canadian National Midget AAA Baseball team.
9. **Planning Issues**
 - 9.1 **First Reading MPS/LUB** – Ms. Henneberry provided the following report to Council:

In February of 2010, the Union of Nova Scotia Municipalities (UNSM), with funding from the NS Department of Energy, called for a Request for an Expression of Interest (REOI) for municipalities to take on the task of developing best practices for Wind Energy Development. The Municipality along with the Cumberland Energy Office submitted a joint proposal and we were successful in receiving funds as was the Municipality of Shelburne.

Background

The Municipality currently has bylaws that relate to wind energy development, but the language is very awkward and staff are sometimes frustrated when reviewing an application and applying the bylaws consistently. With the increased interest in developing wind energy in Cumberland County from a variety of stakeholders, staff realized that revisions would be required sooner rather than later. The timing of the UNSM project was perfect.

The project funds were awarded near the end of June of 2010 and were utilized to cover expenses related to a series of open houses held during August 2010 as well as the services of a consultant to prepare a more detailed wind energy map by using more data than what was included in the preparation of the Provincial Wind Atlas. The work of the consultant and continued research by staff in regards to best practices in other areas of Nova Scotia, Canada and the United States took several more months following the series of open houses. The deadline for the project report was March 2011 and the report was presented to a committee represented by UNSM, Department of Energy, industry representatives and other interested parties at a meeting in Halifax. Feedback and comments were received and

the report amended accordingly.

The proposed amendments were also recently reviewed by Municipal staff (Development Officers who would be responsible for applying the bylaws to permit applications) and by Service Nova Scotia and Municipal Relations (SNSMR). Municipal staff focused on clarity of language and ability to apply the rules consistently and SNSMR staff reviewed amendments for issues that may be of provincial interest, consistency with Statements of Provincial Interest, and conflict with the law. Any revisions suggested by either party were made accordingly.

Further Public Information

The Wind Energy Development Plan was sent via email to a list of individuals that expressed an interest in being informed as the project progressed. Attached to this report are emails sent as a reply to that report.

Three Public information meetings were held, a mandatory requirement under the Municipal Government Act when amendments to the Municipal Planning Strategy are being proposed, and the minutes of those three meetings are attached to this report.

Review and Analysis

The Municipality and other partners have developed a Regional Energy Strategy for Cumberland County and one of the goals of the strategy is to 'position and promote Cumberland County as a strategic location for investment and attraction in the renewable and alternative energy sector that increases capacity of tidal, wind, geothermal, solar, coal bed methane, etc.:'.

The proposed amendments have taken into consideration comments from the 2010 open houses, comments from UNSM, NS Department of Environment, NS Department of Energy, wind energy proponents (industry), municipal staff, SNSMR and more comments from a series of Public Participation Meetings held in August 2011.

Keeping the goals of the Strategy in mind and taking the public comments, staff comments and comments from all others interested in this work, the attached bylaw amendments represent several months of work and research and the incorporation of these comments and feedback. A general summary of the proposed amendments are described below and the full details are attached to this report.

- The separation distance and will remain as currently presented in the LUB (500 metres).
- Separation distances will not only be from residential development, but from buildings deemed as habitable buildings. A waiver provision is provided to allow proposed projects to be closer than the established setback.
- The current language of the LUB allows turbines as-of-right with Special Requirements prior to the issuance of a development permit. The list of special requirements will be amended to address a variety of concerns that were brought forward at the Open Houses and to correct the awkward language.
- The newly created Domestic Scale Turbine will be de defined in a new section in order to better address the 'over the counter' installations.
- A provision for allowing new residential development to locate closer to a turbine;
- The provision of notifying residents within a certain radius of the issuance of a Development Permit. This notification is a courtesy as a development permit is not appealable to Councilor the Utility and Review Board but can be challenged under civil law under Civil Procedure Rules 7.05 - Judicial Review Application.
- The four (4) year time limit permit provision will remain (including the renewal provision of two (2) years) as it is understood that projects of this nature take a considerable amount of time to develop and implement.

- The creation of a Restricted (R) Zone map outlining areas of exclusion such as environmental sensitivity and habitable building separation distance.
- Requirement for the Building Official to review domestic scale turbines.

Options

1. Concurrently amend the MPS and LUB as attached as Schedule A to this report and proceed to a Public Hearing
2. Concurrently amend the MPS and LUB as attached as Schedule A to this report, but with Council Directed amendments and proceed to a Public Hearing
3. Reject the amendments

Recommendations

Staff recommends Option 1 – Concurrently amend the MPS and LUB as attached as Schedule A to this report and proceed to a Public Hearing.

IT WAS MOVED BY Councillor MacNutt, seconded by Councillor Redmond to approve First Reading to the MPS/LUB By-Law to concurrently amend the Municipal Planning Strategy and Land Use Bylaw by amending the text as follows below and to proceed to Public Hearing.

SCHEDULE “A”

BYLAW 11-XX

**AMENDMENT TO THE
MUNICIPAL PLANNING STRATEGY
And
LAND USE BYLAW**

Municipal Planning Strategy

Delete Section 2.3

2.3 Renewable Energy

Renewable or green energy is an energy source that is naturally renewed.

The provisions of this Municipal Planning Strategy and accompanying Land Use Bylaw are intended to recognize the benefits of renewable energy and the county’s renewable energy resources and development opportunities, particularly for wind power. They will establish clear planning policies and development permit requirements in support of the development of wind turbines and will address some of the wind turbine land use concerns. They will also be flexible in order to accommodate advancements in technology and permit wind turbines to be developed without the need to amend the Municipal Planning Strategy or Land Use Bylaw for each development proposal.

Promoting renewable energy is part of sustainable community development and the municipality’s mission “to provide residents with leadership, support, and municipal services that contribute to the well being of the community.”

And replace with:

2.3 Renewable Energy

Fluctuating energy prices, dependency on imported fuel sources, and the environmental effects of dirty fuel are pressuring communities to understand how they can increase energy security, stimulate healthy sustainable economic development, and make choices that are good for the environment and human health within the community.

Nova Scotia's dependency on unstable countries for oil and coal put us 'at risk' from an energy supply and cost perspective. Increasing energy costs place significant pressure on existing businesses, on economic growth, and on citizens. It challenges economic viability, stability, and growth, and leaves the province vulnerable to restrictions in energy availability and price volatility.

While Nova Scotia has benefited from the availability of energy from coal and oil in the past, use of these fuels has contributed towards climate change, air pollution, and the depletion of non-renewable resources. Further, climate change causes significant adverse impacts to the environment and human health, which brings additional costs burdens to municipal and provincial governments. Ecosystems and community infrastructure are challenged to adapt to the changes associated with warmer temperatures, melting glaciers, increasing sea levels, and increased storm intensity and frequency.

Canada and Nova Scotia have made important commitments to combat climate change through increased development and use of renewable energy, energy efficiency, and conservation. Nova Scotia recently passed an Act of legislation which has the ultimate goal of transforming Nova Scotia into one of the cleanest and most sustainable environments in the world by 2020.

Municipalities are important to the implementation of climate change initiatives since almost 50% of Canada's greenhouse gas emissions are generated at the community level under the direct or indirect control or influence of municipalities. With objectives to increase energy self reliance and sustainability, communities are taking steps to diversify away from imported energy sources and to increase energy efficiency and conservation.

The provisions of this Municipal Planning Strategy and accompanying Land Use Bylaw are intended to recognize the benefits of renewable energy and the county's renewable energy resources and development opportunities. They will establish clear planning policies and development permit and/or site plan approval requirements for wind energy related projects. They will also be flexible in order to accommodate advancements in technology and permit wind energy related projects to be developed without the need to amend the Municipal Planning Strategy or Land Use Bylaw for each development proposal. As other renewable energy projects come to the forefront, amendments to the Municipal Planning Strategy and Land Use bylaw may be required.

Delete Section 3.3

~~3.3 Renewable Energy~~

~~3.3.1 In order to help protect the environment for the future, support the development of renewable energy systems and minimize any external negative impacts of wind turbines:~~

~~3.3.2 It shall be the intention of Council to include in the Land Use Bylaw, provisions:~~

- ~~a) to define small scale wind turbines as those which have a nameplate generating capacity of up to 100 KW and generate power primarily for on-site consumption by individual buildings and are permitted as accessory uses in any zone where accessory uses are permitted;~~
- ~~b) to define large scale wind turbines as those which are not small scale wind turbines and which generate power primarily for sale to a third party and which may be developed either as standalone machines or be grouped with others in a wind farm;~~
- ~~c) to permit the development of large scale wind turbines by development permit, without the need to amend the Municipal Planning Strategy or Land Use Bylaw;~~
- ~~d) to permit large scale wind turbines in the General, Utility, Rural Resource, Commercial and General Residential (Joggins) Zones;~~
- ~~e) to establish special information requirements to be provided by wind turbine project proponents prior to the issuance of development permits and construction;~~
- ~~f) to establish special setback or distance separation requirements between wind turbines and neighboring buildings intended for occupation and public highways;~~
- ~~g) to establish special height restriction exemptions, rotor blade ground clearance regulations and wind turbine project on-site setbacks;~~

~~h) to establish special maintenance, decommissioning, restoration, security and appearance regulations for wind turbine project sites;~~

and replace with

3.3 Renewable Energy

3.3 A - Wind

- 3.3A-1 The Municipality of Cumberland participated in a Wind Energy Planning project under the terms of reference of a Union of Nova Scotia Municipalities Request for Proposals. This project was funded by the Nova Scotia Department of Energy. The project terms of reference were very specific in that to encourage wind energy projects to locate in appropriate areas the Municipality was to ensure areas that were designated by the Province as existing or proposed protected wildlife areas or other environmentally sensitive lands were to be protected. Should the status of this protection change the Municipality can review and update its own bylaws accordingly.

In order to help the Province of Nova Scotia, other levels of government and non-government organizations protect the environment for the future and to support the development of renewable energy systems and minimize any external negative impacts of wind turbines it shall be the policy of Council to adopt a zoning map overlay that defines areas which are not appropriate for small and large scale wind turbines. This Restricted (R) Zone shall include, but not be limited to: designated provincial and federal parks, protected provincial and federal beaches, provincial and federal wilderness areas, known lands of ecological significance, designated municipal, provincial and federal historic sites, provincial wildlife areas, Ramsar wetlands, provincial game sanctuaries, national migratory bird sanctuaries, designated water supply areas, Nature Conservancy of Canada Lands, aboriginal reserve lands, open mining pits and mining related shaft areas, and known significant habitat areas. The map will also graphically show a general setback of 500 metres from civic points. This map will not preclude the requirement for the developer to conduct detailed site investigations and provide proof that said identified restricted areas are not going to be developed.

- 3.3A-2 It shall be the intention of Council to include in the Land Use Bylaw provisions:

- a) to define small scale wind turbines as those which have a nameplate generating capacity of not less than 10 kW and no greater than 100 kW and generates power primarily for on-site consumption by individual buildings;
- b) to define large scale wind turbines as those which are not small scale wind turbines and which generate power primarily for sale to a third party and which may be developed either as stand-alone machines or be grouped with others in a wind farm;
- c) to establish criteria for the placement of domestic, small and large scale turbines;
- d) to permit small and large scale wind turbines in the General, Utility, Rural Resource, Commercial, General Residential (Joggins) and Village Residential Zones (Pugwash);
- e) to define domestic scale wind turbines as having a maximum height of 27.43 metres (90 feet). Power-generating domestic wind turbines primarily provide power for on-site consumption by individual buildings;
- f) to permit domestic scale turbines in all zones as accessory uses;
- g) to establish special setback or separation distance requirements between wind turbines and habitable buildings and public highways;
- h) to allow a waiver of separation distances;
- i) to establish rotor blade ground clearance regulations and wind turbine project on site setbacks/separation distances;

- j) to establish separation distances from natural gas pipelines;
- k) to establish special maintenance, decommissioning, restoration, security and appearance regulations for wind turbine project sites;
- l) to not limit the number of turbines in a Wind Energy Project in any one area provided all of the turbines meet setback and separation distance requirements;
- m) submission by proponent of the results of public notification if conducted;
- n) to require evidence of the continued use of agricultural land for farm use when turbines are placed on agricultural land;
- o) to require evidence of notification to DND, Nav Canada and Natural Resources regarding potential radio, telecommunications, radar and seismoacoustic interference if applicable;
- p) to require copies of documentation required (obstruction clearance form) from Transport Canada for turbines taller than 30 metres (98.4 feet) and Nav Canada for turbines within 10 kms (6.2 miles) of an airport or taller than 30.5 metres (100 feet) outside the 10 km range;
- q) to require the provision of evidence of an agreement enabling the connection of the turbine(s) to the provincial electricity grid.

3.3A-3 **New Habitable Building Development constructed near Wind Energy Projects**

New *habitable buildings* can be located closer to Wind Energy Projects. If such development does occur, Council is of the opinion it should not prevent an expansion of an existing Wind Energy Project which was established in conformance with this Strategy. However, the expansion of the existing Wind Energy Project should still meet required setbacks or separation distances (unless waived) and not be located any closer to a *habitable building* which has been built closer to a Wind Energy Project.

Land Use Bylaw

Delete Section 10

~~10. SPECIAL REQUIREMENTS FOR WIND TURBINES~~

- ~~a) There is no lot frontage requirement for large scale wind turbines.~~
- ~~b) The minimum lot area and dimensions for the creation or development of a lot for a large scale wind turbine are 37.16 square meters (400 square feet) or area, and the lot must be able to contain a circle 6.1 meters (20 feet) in diameter.~~
- ~~c) The minimum set back for the location of a large scale wind turbine from an existing building intended for human occupation on a neighbouring property is the greater of 500 meters (1640 feet) or 3 times or 300 percent of the height of the wind turbine.~~
- ~~d) The minimum setback for the location of a large scale wind turbine from an external wind power project lot line is the length of the rotor arc, plus 7.5 meters (24.6 feet).~~
- ~~e) The minimum setback for the location of a large scale wind turbine from an internal wind power project lot line is 0 meters (0 feet).~~
- ~~f) The minimum setback for the location of a large scale wind turbine from a public highway is 1 times or 100 percent of the height of the wind turbine.~~

- ~~g) The minimum setback for the location of a large scale wind turbine from an existing building intended for human occupation on the wind power project site is 1.25 times or 125 percent of the height of the wind turbine.~~
- ~~h) The minimum rotor blade ground clearance is 7.5 meters (24.6 feet).~~
- ~~i) The minimum setback for the location of a large scale wind turbine from any other existing or permitted large scale wind turbine that is not part of the same wind power project is 4 times the diameter of the rotor.~~
- ~~j) Finish: A wind turbine shall be finished in a non-reflective matte and in an unobtrusive colour.~~
- ~~k) Lettering & Signage: A wind turbine tower shall not contain any commercial advertising. However, the hub or nacelle may display the manufacture's, operator's or owner's name or logo. Site signs shall be limited to those which identify the wind power project, locate access points and provide safety information.~~
- ~~l) Tower Access & Safety: A wind power project shall be protected from unauthorized access by a security fence, with a lockable gate and a minimum height of 1.8 meters (5.9 feet), or by having any ladder or permanent tower access device located no closer to the ground than 3.7 meters (12.1 feet) or, for monopole designs, with internal access only, a lockable door.~~
- ~~m) Lighting: A wind turbine shall not be provided with artificial lighting except for lighting that is needed to meet Transport Canada or other regulatory requirements.~~
- ~~n) Decommissioning: In accordance with a decommissioning plan prepared by the applicant for a Development Permit, all above ground components of the large scale wind turbine or the wind power 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 it can reasonably 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 six 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.~~
- ~~o) Temporary Uses (Test Towers): Facilities for the assessment of wind energy resources (test towers) may be erected for the life of the wind power project. Otherwise, they shall be removed within one year of inactivity.~~
- ~~p) Outdoor Storage: All outdoor storage associated with a wind power project shall be screened from view from adjacent properties and adjacent highways.~~
- ~~q) Development Permit Applications Information Requirements:~~

~~Development Permits shall be required for large scale wind turbines or wind power projects. In addition to satisfying the minimum requirements of Section 3.4 of the Land Use By Law (Application for Development Permit), the following special information requirements shall be provided with the development permit application: A tentative site plan, showing the location of all wind turbines and accessory uses, and plan of the site's environs, drawn to scale, that shows the dimensions and boundaries of all parcels of land, the location of all existing and proposed buildings, structures and use, proposed alterations to the natural features, contours and environmentally sensitive areas on the subject site and within 1 kilometre.~~

- ~~r) Development Permits: Development permits are valid for 4 years from the date issued. A development permit may be renewed once for an additional 2 years. A new development permit application, with updated plans, is required for renewals. Prior to the commencement of any construction, the developer must provide the following information:~~
 - ~~i) A final site plan, drawn to scale and certified by a surveyor, which shows the final location of all wind turbines and accessory uses.~~
 - ~~ii) A decommissioning plan which demonstrates how all above ground components of the large scale wind turbines or the wind power project, including all buildings and storage facilities, wind turbines, wind testing facilities and above ground accessory~~

~~infrastructure (such as overhead transmission lines and substations) and the applicable surface site areas, except for roads, will be restored to an reasonable natural state within 18 months of the time at which the wind turbines cease to produce power continuously for a period of six 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 power project ceases.~~

- ~~iii) — Copies of all documentation regarding Transportation Canada and Navigation Canada approvals.~~
- ~~iv) — Copies of all documentation submitted as part of the requirements of the Canadian Environmental Assessment Act and Nova Scotia Environment Act and Nova Scotia Environment regulations.~~
- ~~v) — An emergency response plan for site safety and adequate emergency service personnel training.~~
- ~~vi) — A professional engineer's design and approval of the turbine base.~~

Insert new Section 3.2

3.2 Development Permit

- e) Applications for a development permit for a *wind turbine* or *wind energy projects* in the Municipality of the County of Cumberland must comply with those conditions as found in Section 10 of this Bylaw.
- f) The Development Permit application for *domestic wind turbines* shall be reviewed by the Building Official to determine if design submissions are required from a Professional Engineer to ensure that the wind turbine base, foundation, or guy wire anchors required to maintain the structural stability of the wind turbine tower(s) are sufficient where the wind turbine is:
 - i) not attached to a building and is not connected to the power grid;
 - ii) attached to a building in excess of 20m² (215 ft²) and is not connected to the power grid.

Amend Section 4. Zones

4.1 Zones

Insert the following zone to the list

Restricted Zone R

4.2 Zoning Maps

Insert the follow map

Map 9 Wind Energy Map

Replace Section 10 with the following

10 SPECIAL REQUIREMENTS FOR WIND TURBINES

10.1 Restricted Zone (R)

Wind turbines will not be permitted in the Restricted (R) Zone.

10.2 Small and Large Scale Turbines

- a) There is no *lot frontage* requirement for *Wind Energy Projects*.

- b) The minimum *separation distance* for the location of a *small and/or large scale wind turbine* from a *habitable building* on a neighbouring property is the greater of 500 meters (1640 feet) or 3 times the *height* of the *wind turbine*.
- c) The minimum *separation distance* for the location of a *small and/or large scale wind turbine* from an external *Wind Energy Project* lot line is the *height* of the *wind turbine* plus 7.5 meters (24.6 feet).
- d) The separation distance of *small and/or large scale wind turbine* from a natural gas pipeline shall be 85 metres (279 feet).
- e) The minimum *setback* for the location of a *small and/or large scale wind turbine* from an internal *Wind Energy Project* lot line is 0 meters (0 feet).
- f) The minimum *separation distance* for the location of a *small and/or large scale wind turbine* from a *public highway* is 1 times the *height* of the *wind turbine* plus 7.5 meters (24.6 feet).
- g) The *separation distance* requirements for wind turbine developments shall be waived provided any one of the following conditions are met:
 - i) The wind turbine or turbines are located on the same property as the *habitable building* and no other *habitable buildings* are within the required *separation distance*; or
 - ii) Written consent is obtained from all owners of *habitable buildings* located within the required *separation distance*.
- h) The minimum *separation distance* for the location of a *small and/or large scale wind turbine* from an *existing habitable building* on the *Wind Energy Project* site is 1.25 times the *height* of the *wind turbine*.
- i) *Setback* or *separation distance* requirements will not restrict new *habitable buildings* from being located closer to *Wind Energy Projects* but the new *habitable buildings* shall not be closer than 1.5 times the *height* of a *wind turbine*.
- j) The expansion of an existing project shall not be located any closer to the new *habitable building* which has been built within the *setback* or *separation distance*.
- k) There is no limit on the number of *Wind Energy Project* turbines in any one area provided all of the turbines meet *setback* and *separation distance* requirements.
- l) The minimum rotor blade ground clearance is 7.5 meters (24.6 feet).
- m) The minimum *separation distance* for the location of a *small and/or large scale wind turbine* from any other *existing* or permitted *small and/or large scale wind turbine* that is not part of the same *Wind Energy Project* is 4 times the height of the proposed turbine that is located closest to the project boundary.
- n) The *separation distance* requirements for a *small and/or large scale wind turbine* from any other *existing* or permitted *small and/or large scale wind turbine* that is not part of the same *Wind Energy Project* shall be waived provided the following conditions are met:
 - i) Written consent is obtained from neighbouring *small and/or large scale wind turbine* projects located within the required separation distance.
- o) Finish: A *wind turbine* shall be finished in a non-reflective matte finish.
- p) Lettering & Signage: A *wind turbine* tower shall not contain any commercial advertising. However, the hub or nacelle may display the manufacture's, operator's or owner's name or logo. Site signs shall be limited to those which identify the *Wind Energy Project*, locate access points and provide safety information.

- q) If a *wind turbine or wind energy project* discontinues power production for a minimum of 1 year the operator shall provide the Municipality with a status report identifying future plans for the site.
- r) Decommissioning: In accordance with a decommissioning plan prepared by the applicant for a Development Permit, all above ground components of the large scale wind turbine or the wind power 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 it can reasonably 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 six 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.
- s) Tower Access & Safety: A *Wind Energy Project* shall be protected from unauthorized access by a security fence, with a lockable gate and a minimum *height* of 1.8 meters (5.9 feet), or by having any ladder or permanent tower access device located no closer to the ground than 3.7 meters (12.1 feet) or, for monopole designs, with internal access only, via a lockable door.
- t) Lighting: A *wind turbine* shall not be provided with artificial lighting except for lighting that is needed to meet Transport Canada or other regulatory requirements.
- u) Sight Lighting: Security or sight lighting shall not be intrusive and shall be directed so that they do not reflect onto adjacent properties.
- v) Temporary Uses (Test Towers): 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.
- w) Outdoor Storage: All outdoor storage associated with a *Wind Energy Project* shall be screened from view from adjacent properties and adjacent highways.
- x) Public Notification: Evidence and results of public notification if conducted;
- y) When placed on agricultural land, evidence of the continued use of prime agricultural land for farm use;
- z) Evidence of notification to DND, Nav Canada, Industry Canada and Natural Resources regarding potential radio, telecommunications, radar and seismoacoustic interference if applicable.
- aa) Copies of documentation required (obstruction clearance form) from Transport Canada for turbines taller than 30 metres (98.4 feet) and Nav Canada for turbines within 10 kms (6.2 miles) of an airport or taller than 30.5 metres (100 feet) outside the 10 km range.
- bb) Evidence of an agreement enabling the connection of the turbine(s) to the provincial electricity grid.
- cc) The Municipality shall notify all property owners directly bordering the *wind energy project* site upon issuance of a development permit.
- dd) The applicant must submit a site plan drawn to scale, showing the location of all wind turbines and accessory uses and must show the dimensions and boundaries of all parcels of land, the location of all existing and proposed buildings, structures and uses, and proposed alterations to the natural features. This plan must be prepared by a qualified individual (e.g. surveyor, engineer or architect) and must show the details of all required *setbacks* and *separation distances* between on site and off site structures and boundaries. This plan must also show that areas listed within the Restricted (R) Zone are not being developed.

10.3 Special Requirements Domestic Wind Turbines permitted as Accessory Structures

- a) All turbines must meet minimum *separation distance* requirements;
- b) The maximum height of the turbine(s) shall be 27.43 metres (90 feet);
- c) The minimum *separation distance* from the property line shall be 1.5 times the height of the turbine as measured from the base of the turbine;
- d) The minimum *separation distance* requirements can be modified provided the following condition is met:
 - i) Written consent is obtained from all property owners located adjacent to the site to be developed with a *domestic wind turbine*.
- e) The minimum lot size for the subject property shall be 0.4 hectares (1 acre);
- f) There shall be no signs, advertisements or objects, attached to or added to the turbine;
- g) Turbines 6 metres (19.7 feet) or greater in height (as measured from its base to the tip of the blade) shall not be mounted on or attached to any other structure;
- h) All supporting structures such as guy wires or similar support apparatus must be located three metres from the property line.
- i) All supporting structures including guy wires or similar support apparatus shall be clearly visible to a height of 2 metres (6.56 feet) above grade.
- j) Any climbing apparatus shall be a minimum of 3.05 metres (10 feet) above grade.
- k) Turbines less than 6 metres (19.7 feet) in height may be mounted or attached to any other structure.

Amend Schedule "A" Zoning Maps

Insert the following with the appropriate page number reference

Map 9: Wind Energy Map

Amend the Map Attachments

Insert new Wind Energy Map

Amend the Joggins Land Use Bylaw as follows (not to include cross out in adopted version):

3.4 Prohibited Uses – Cliffs and Beach Setback – General & and Community Residential Zones

Except for small scale safety and security fences or *structures*, the following uses and *structures* are prohibited in a 20 metre landward setback area from the cliffs and beaches: soil removal; grading, excavation or deposition of fill; material storage or processing; permanent or temporary *structures*, including freestanding ~~utility-scale~~ *small and large scale wind turbines*, communications towers, fences, cantilevers and billboards or signs; outdoor storage of any scrap or salvage material or inoperative motor vehicles or their parts. This provision does not prohibit the accessory storage of material, such as firewood and compost, for the use of residents of the property.

Amend the Pugwash Land Use Bylaw as follows (not to include cross out in adopted version):**3.11 Building Height Requirement Exemptions – All Zones**

The maximum building height requirements shall not apply to normal vertical building extensions and certain freestanding structures such as church spires and belfries, water tanks, elevator enclosures, silos, flag poles, television or radio antennae, commercial communication towers, ventilators, skylights, public art, chimneys, clock towers, tree houses, ~~small-scale~~ *domestic scale* wind turbines and solar collection devices.

To amend current or insert new definitions as follows:

Blade means the part of the wind turbine that rotates in the wind and extracts kinetic energy from the wind;

Blade Clearance means the distance from the grade to the bottom of the rotors arc

COMFIT Project means a project that has been approved to receive an established price per kilowatt hour (kWh) for projects producing electricity from qualifying renewable resources. These projects must be majority owned by local community based groups as outlined in the *Renewable Electricity Regulations*.

Domestic Wind Turbine means a turbine that converts the wind's kinetic energy into either electrical power or mechanical energy. The turbine comprises the tower, rotor blades (either vertical or horizontal) and nacelle. It shall have a maximum height of 25 metres (82 feet). Power-generating domestic wind turbines primarily provide power for on-site consumption by individual *buildings* and are as an *accessory use* in any *zone* where *accessory uses* are permitted.

Guy wire means a cable or wire used to support a tower;

Habitable building means a dwelling unit, hospital, hotel, motel, nursing home or other similar building occupied or capable of being occupied as a home, residence or sleeping place of one or more persons either continuously, permanently, temporarily or transiently.

Kilowatt (kW) is a measure of power for electrical current (1 kW= 1000 watts). A Megawatt (MW) equals 1000 Kilowatts.

Large scale Wind Turbine means any *wind turbine* that is not a *small scale wind turbine* and which generates power primarily for sale to a third party and which may be developed either as a standalone machine or be grouped with others in a wind farm.

Nacelle means the frame and housing at the top of the tower that is part of a wind turbine enclosing components such as, the gearbox and generator, protecting them from the weather;

Nameplate capacity means the manufacturer's maximum rated output of the electrical generator found in the nacelle of the wind turbine. This equals the electricity produced when the wind velocity is such as where the conversion efficiency is at its greatest.

Net Metering Project is when electricity consumers with small, privately-owned renewable electricity generators offset part or all of their own electrical requirements by utilizing their own generation. Excess self-generation, over own-consumption needs, is credited against purchased energy for billing purposes over a limited period of time.

Renewable Energy or renewable low-impact electricity is any resource that, in the opinion of the Minister and consistent with Canadian standards, is able to be replenished through natural processes or through sustainable management practises so that the resource is not depleted at current levels of consumption This includes but is not limited to: solar energy, wind energy, biomass, run-of-the-river hydroelectric energy, ocean-powered energy, tidal energy, wave energy, landfill gas, liquid biofuel, and other biogas energy.

Separation distance means the distance measured from the base of the wind turbine tower to any specified building, structure, road or natural feature.

Setback means the distance measured from the base of the wind turbine tower to the property line.

Shadow flicker means a condition that occurs when the sun is low on the horizon and the blades pass between the sun and an observer creating a flickering.

Small-Scale Wind Turbine means a turbine that converts the wind’s kinetic energy into either electrical power or mechanical energy. The turbine comprises the tower, rotor blades (either vertical or horizontal) and nacelle. It shall have a maximum height of 60 metres (196.8 feet) and a nameplate capacity of not less than 10 kW and no greater than 100 kW.

Supporting structure of a wind turbine includes all structures accessory to the turbine itself, including guy wires.

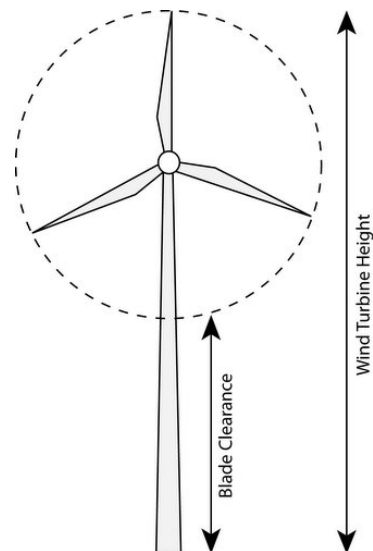
Wind Farm refers to a grouping of more than one interconnected wind turbines on one lot or abutting lots used for the purpose of converting wind power to produce electricity.

Wind monitoring or meteorological tower means a tower used for supporting an anemometer, wind vane and other equipment to assess the wind resource at a predetermined height above the ground;

Wind Energy Project means a *wind farm* which may contain one or more *wind turbine* and associated property, substations and other *utility* systems. It may include *Net Metering* and *COMFIT* projects;

Wind Turbine means a machine and *supporting structure* designed to convert wind energy into mechanical and electrical energy;

Wind Turbine Height means the distance measured from grade to the highest point of rotor’s arc;



MOTION CARRIED #11-129
(2 Nay Votes, Councillor(s) Gilbert and Reid)

The public hearing will be held November 9th, 2011.

10. **Strategic Planning**
This item was deleted.

11. **Financial Reports/Issues**

11.1 **Remittal(s)** – Mr. MacDonald advised of an error which occurred due to duplicate assessment.

IT WAS MOVED by Councillor Gillis, seconded by Councillor Read to provide a remittal to AAN 10038367 for the 2008 taxes in the amount of \$356.65 and that that amount be credited to AAN 04832256.

MOTION CARRIED #11-130

IT WAS MOVED by Councillor MacNutt, seconded by Councillor Gillis to approve a remittal for AAN 05690471 in the amount of \$2,560.00 due to issues with an address change.

MOTION CARRIED #11-131

11.2 **Grant to Organization** –

IT WAS MOVED by Councillor Redmond, seconded by Councillor MacNutt to approve Grants to East Cumberland Lodge for the Sparkle of Light Campaign (\$1,000, pending appropriate documentation) and Cumberland Health Authority’s Light the Way Campaign in the amount of \$1,000.

MOTION CARRIED #11-132

- 11.3 Community Development Grant –
IT WAS MOVED by Councillor Read, seconded by Deputy Warden Kellegrew to raise the per child amount allowed to Fundy Youth Soccer from \$15/child to \$25/child.

MOTION CARRIED #11-133

IT WAS MOVED by Councillor Reid, seconded by Councillor Gilbert to provide Community Development Grants in the following amounts to the following groups:

Parrsboro Spookarama	District 10	\$200	
	District 8	\$200	
Oxford Spookarama	District 6	\$200	
	District 7	\$500	
PDHS Snr Girls Basketball	District 4	\$500	
	District 6	\$500	
Fundy Youth Soccer	District 1	71	\$1775
	District 2	53	\$1325
	District 3	32	\$800
	District 4	8	\$200
	District 5	9	\$225
	District 6	8	\$200
	District 7	14	\$350
	District 8	9	\$225
	District 9	6	\$150
	District 10	1	\$25
	TOTAL	211	\$5275

MOTION CARRIED #11-134

- 11.4 Joggins Fossil Institute Funding – **IT WAS MOVED** by Councillor Read, seconded by Councillor Reid to provide the approved \$55,000 to the Joggins Fossil Institute.

MOTION CARRIED #11-135

115. FPS Coordinator Classification -

IT WAS MOVED by Councillor Redmond, seconded by Councillor MacNutt to approve that the Fire Protection Services Coordinator’s Position be placed at the same level on the salary scale as the Regional Emergency Services Coordinator.

MOTION CARRIED #11-136

12. Operational Services/Reports Issues

- 12.1 Maccan Wastewater Treatment Project –
IT WAS MOVED by Deputy Warden Kellegrew, seconded by Councillor Read to contract with ABL Environmental in the amount of \$94,740 plus tax, to carry out Geotechnical Soils Investigation, and detailed design work along with preparation and administration of the tendering process for the Maccan Sewage Treatment Plant Project.

MOTION CARRIED #11-137

- 12.2 Maccan Watermain Extension Pre-Design –
IT WAS MOVED by Deputy Warden Kellegrew, seconded by Councillor Gillis to accept CBCL’s proposal to carry out a preliminary design and prepare a construction budget for \$19,600 plus taxes for the Maccan Watermain Extension pre-Design.

MOTION CARRIED #11-138

- 12.3 E. D. Fullerton Building Roof Replacement -
 MR. Bugley, CAO, advised that Mr. Patterson has met with a roofing consultant for the E. D. Fullerton Municipal Building. This project may be deferred until next year for the following reasons:

1. By the time the tenders are awarded, it would be late November and the material must be installed in warm weather to ensure a smooth imperious surface,

2. Roofing contractors are very busy now and the quality of work might suffer, and
3. Roofing prices should be more competitive in the spring of next year.

13. **Committee/Other Reports**

This item was deleted.

14. **Old Business**

- 14.1 Application to Dissolve the Village of Pugwash – Mr. Bugley, CAO, advised that the filing date is October 7, 2011. Mr. Bugley will be requesting an extension of one week for this study. A special Council session is also scheduled to review the study.

15. **New Business**

- 15.1 Senior Safety Grant – Ms. Weaver, Recreation and Physical Activities Coordinator, advised that for the past two years, the Senior Safety Grant has been a standing item on the agenda at the “Aging Well Network” meetings and that this year the Committee is attempting to apply for the grant.

The Senior Safety Grant is a grant of up to \$20,000 a year to help fund s Seniors’ Safety Program. If funding were received from this grant then the goal would be to hire a Senior’s Safety Coordinator who could help with awareness and education to seniors throughout the County.

The Committee is requesting a letter of support for this project and any financial support the County can provide.

IT WAS MOVED by Councillor Redmond, seconded by Councillor Donkin, to provide funding in the amount of \$10,000 and a letter of support to the Aging Well Network for the Senior’s Safety program.

MOTION CARRIED #11-139

- 15.2 Canada World Youth Week – **IT WAS MOVED by Councillor Merriam, seconded by Councillor Gilbert for Council to authorize the Warden to proclaim October 17 – 23, 2011 as World Youth Week.**

MOTION CARRIED #11-140

- 15.3 October and November Council Meetings – Council agreed to hold Council sessions on the following dates October 26, November 9th and 23rd, December 7th, 2011 and January 18th, 2012.

IT WAS MOVED by Deputy Warden Kellegrew, seconded by Councillor Gilbert to endorse CAO, Rennie Bugley’s nomination for Vice president of the Association of Municipal Administrators.

MOTION CARRIED #11-141

16. **Information Items**

- 16.1 Nova Scotians for Equalization Fairness –
Provided as information. Any councillors interested in attending can advise Ms. Hoeg and she will register them.

17. **Adjournment**

On motion the meeting adjourned at 1:58 p.m.

18. **God Save the Queen**