

To: Warden and Council, Municipality of the District of Yarmouth
Submitted by: Madelyn LeMay, LPP, MCIP, Backharbour Consulting
Date: February 25, 2026
Subject: MPS Text Amendment Regarding Wind Turbines
First Reading Report for Revised Amendments

1.0 LEGISLATIVE AUTHORITY

Minimum Planning Requirements Regulations of the Municipal Government Act.

2.0 POSSIBLE MOTION

Should Council wish to proceed to a public hearing and second reading, the following motion would be in order:

...that Council gives first reading and will hold a public hearing to consider amending the text of the Municipality of the District of Yarmouth Municipal Planning Strategy to amend the regulation of wind turbines in a manner substantively the same as Appendix D of the report to Council dated February 25, 2026.

3.0 BACKGROUND

Last year, the Province amended the Minimum Planning Requirements Regulations to establish maximum allowable setbacks for wind turbines for Nova Scotia municipalities (Appendix A).

4.0 PROCESS

The Municipality began the process of amending the Municipal Planning Strategy to reflect these requirements last spring. The process in grey below has been completed; the remaining steps are shown in black and red:



▼
Provincial Review
Notice of Approval on Website
(No Appeal)

5.0 REVISED AMENDMENTS

Amendments were discussed at PAC in 2025 (Appendix B). A Public Hearing was opened in November and adjourned since Council wished further information. The Public Hearing was re-convened in January. When the Public Hearing was re-convened, Council was advised that fully drafted amendments were required for Provincial approval. Following the Public Hearing, Council directed staff to prepare the revised amendments and return them to First Reading.

The amendments to the Minimum Planning Regulations regarding Wind Turbines affect only wind turbines that are part of, or located within, an energy-generating facility with a production rating of 2 MW or greater.

Large-Scale wind turbines are defined in the MODY Land Use By-law (LUB) as *“means a wind turbine generator greater than 100 kilowatts (kW) in nameplate generating capacity and/or greater than 60 metres in total height. The power generated from a large-scale wind turbine generator is typically intended to supply the Nova Scotia Power grid system.”* These are considerably smaller than those affected by the recent Provincial regulations. They may be located in the Rural Development (RD) Zone only by development agreement in accordance with criteria established in the Municipal Planning Strategy.

The existing criteria for the location of *“MODY large-scale wind turbines”* is more stringent than the most stringent criteria now allowed by the Province for larger (2MW) wind turbines. Using the criteria established by the Province for the 2MW turbines for *“MODY large scale wind turbines”* will ensure that as required, the criteria used in MODY are not more stringent than permitted by the Province..

Amendments to reflect these changes have been drafted and are attached as Appendices C and D.

5.0 APPENDICES

- Appendix A Minimum Planning Requirement Regulations regarding Wind Turbines
- Appendix B A Review of the Provincial Minimum Planning Requirements for Wind Turbines, Updated for Public Participation, June 23rd, 2025; Yaba Osifo and Caroline Robertson
- Appendix C Draft Amendments shown in colour and strikeout
- Appendix D Proposed Amendments

APPENDIX A
Wind Turbines

Taken from the Minimum Planning Requirements Regulations January 13, 2026

Discretionary content related to general matters

- 13** A municipal planning strategy may include statements of policy on any of the following:
- (a) public health and safety;
 - (b) land use matters relating to the physical, economic or social environment of the municipality not otherwise prescribed in these regulations;
 - (c) the minimum setback required between a residential dwelling and a wind turbine;
 - (d) the matters that the council must consider before approving a wind turbine development.

Wind turbine setback requirement

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- (1) Any statement of policy included in a municipal planning strategy in accordance with clause 13(c) on the minimum setback required between a residential dwelling and a wind turbine, that is part of, or located within, an energy-generating facility with a production rating of 2 MW or greater, must not require a minimum setback larger than the greater of the following:
- (a) 4 times the wind turbine height;
 - (b) the distance required to ensure that
 - (i) sound levels from the wind turbine do not exceed 40 dBA at the exterior of a residential dwelling, and
 - (ii) a residential dwelling receives less than 30 minutes per day or 30 hours per year of shadow flicker.
- (2) For the purposes of subsection (1), wind turbine height is measured as the distance from
- (a) for a wind turbine other than a roof-mounted wind turbine, the average finished grade of the wind turbine to 1 of the following:
 - (i) the highest point of the wind turbine rotor,
 - (ii) the tip of the wind turbine blade when it reaches its highest elevation;
 - (b) for a roof-mounted wind turbine, the building's average finished grade to 1 of the following:
 - (i) the highest point of the wind turbine rotor,
 - (ii) the tip of the wind turbine blade when it reaches its highest elevation.

Matters considered before approving wind turbine development

15 Any statement of policy included in a municipal planning strategy in accordance with clause 13(d) on matters that council must consider before approving a wind turbine development must not include the visual impact or aesthetic appearance of a wind turbine development.

APPENDIX B



A Review of the Provincial Minimum Planning Requirement for Wind Turbines

Updated for Public Participation

June 23rd, 2025

Prepared by: Yaba Osifo, Junior Planner

Reviewed by: Caroline Robertson, Senior Planner, MCIP, LPP



C+D community design

NEW Minimum Planning Requirement for Wind Turbines

Report Overview	
Description	<p>This report examines the amendments made by The Department of Municipal Affairs to the Minimum Planning Requirements under the Municipal Government Act (MGA), introducing requirements for wind turbines development near dwellings.</p> <p>The new regulations apply to wind turbine developments generating greater than 2MW and require that the minimum distance between a commercial wind turbine and a dwelling cannot be more than either four times the height of the turbine or the distance needed to keep noise levels below 40 decibels outside the home and limit shadow flicker to no more than 30 minutes a day or 30 hours a year. Additionally, the amendments stipulate that visual impact or aesthetic appearance of a wind turbine development is not a matter Council can consider prior to approval.</p> <p>These changes support the province’s clean energy goals while protecting public health and quality of life by setting clear, evidence-based standards for noise, shadow flicker, and setbacks. They align with Nova Scotia’s target to phase out coal and achieve 80% renewable electricity by 2030.</p>
Recommendation	<p>It is recommended that an amendment to the Municipal Planning Strategy (MPS) be made following the process laid out in section 6.8.2 of the Municipal Planning Strategy in accordance with the Municipal Government Act.</p> <p>Amendment: Update the Development Agreement criteria for large-scale wind turbine development to align with the new provincial regulation, which would include the new maximum minimum distance, remove aesthetic and visual impact considerations, and incorporate the provincial standard for maximum shadow flicker.</p> <p>Note: 100kW (kilowatts) is equal to 0.1 MW (megawatts)</p> <p>An amendment to the Municipal Planning Strategy involves the following steps:</p> <ol style="list-style-type: none"> 1. Recommendation to Public Participation Program (Planning Advisory Committee) 2. Public Participation Program (Staff) 3. What We Heard Report & Recommendation (Planning Advisory Committee) 4. 1st Reading (Council) 5. Notify Adjacent Municipalities, and First Nation Communities Planning (Staff) 6. Public Hearing (Council) 7. 2nd Reading (Council) 8. Director Review (Province)
Relevant Policies and Legislation	<p>Municipal Government Act Nova Scotia Minimum Planning Requirement Municipal Planning Strategy Land Use By-Law Public Participation Program Policy</p>

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Background

Wind energy is one of the fastest-growing sources of clean power worldwide and is now cost-competitive with fossil fuels. One megawatt (MW) of wind energy can power approximately 350 to 400 homes, while also reducing greenhouse gas emissions by up to 2,500 tonnes per year. This significant reduction in greenhouse gas emissions supports Canada's commitment to phase out coal-based electricity generation by 2030, as well as Nova Scotia's Environmental Goals and Climate Change Reduction Act, which mandates that 80% of the province's electricity must come from renewable sources, such as wind and solar, by the same year.

Benefits of Wind Energy

- **Local Economic Growth:** Wind projects generate local investment, create jobs in construction and maintenance, and offer lease opportunities for land.
- **Renewable and Affordable:** Wind is an unlimited and free natural resource, making it a long-term, sustainable, and stable-priced source of electricity.

In the past, planning processes have faced public concerns related to wind turbines, such as noise, shadow flicker, ice throw, and impacts on migratory birds. Many of these concerns have since been shown to be either minimal or unfounded and are thoroughly addressed through the provincial environmental assessment process and technical guidelines.

To promote the development of commercial wind turbines capable of generating 2 megawatts or more, while addressing these concerns, the Nova Scotia government is updating the Minimum Planning Requirements under Section 214 of the Municipal Government Act (MGA), and mandating that all wind energy projects over 2MW (megawatts) in size must undertake a provincial Environmental Assessment (EA), administered by the Department of Environment¹. These updates introduce setback requirements for wind turbine development near dwellings for Municipal Planning Documents (Municipal Planning Strategy and Land-use Bylaw).

The updated regulations set clear limits on the maximum minimum distance required between commercial wind turbines (which generate 2 Megawatts or more²) and residential dwellings;

- The maximum minimum distance required between a commercial wind turbine and a dwelling cannot be more than four times the height of the turbine;

Note: maximum minimum distance refers to the farthest distance that a municipality is allowed to set as a requirement for how far apart certain things must be from one another.

- Unless a greater distance is required to ensure that sound levels do not exceed 40 decibels outside the home, and
- Shadow flicker does not exceed 30 minutes per day or 30 hours per year.
- Additionally, the changes clarify that the visual appearance or aesthetic impact of a wind turbine cannot be considered by Council when deciding on approval.

Note: This does not override a municipality's authority under the Municipal Government Act (MGA) to regulate signage.

¹ <https://energy.novascotia.ca/sites/default/files/Wind%20regulations.pdf>

² 1,000 Kilowatts (kW) = 1 Megawatt (MW)

MODY's MPS and LUB Regulations on Wind Turbine Development

The Municipal Planning Strategy (MPS) recognizes the benefits of wind energy while also acknowledging its potential negative impacts. To support wind energy development while minimizing negative effects, the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) provide policies and regulations that guide the installation of wind turbine generators. [Policy 4-10](#) of the MPS classifies wind turbine development into three categories: Micro-scale, Small-scale, and Large-scale wind turbine generators.

Micro-scale wind turbine generators

These are limited in size and used to generate electricity or pump water on the site they're built on. The [LUB defines](#) them as wind turbines which generate less than ten (10) kilowatts (kW) or are under 20.0 meters in height ([LUB regulation 7.15.1](#)).

[Policy 4-11](#) of the MPS permits them in all zones except the Floodplain Zone, with a minimum setback of 1.25 times the total height of the turbine, measured from ground level or from the base of any support structure, whichever is greater ([LUB regulation 7.15.1 \(a\)](#)).

Small wind turbines

Primarily used to power homes, farms, or buildings on the same property. These turbines may also feed excess energy to the grid through net metering programs³. The [LUB defines](#) them as wind turbines generating between 10 kW and 100 kW, with a height under 60 metres.

These are permitted by site plan approval within the Rural Development, Hamlet Commercial, Rural Commercial, General Industrial, Watershed, Marine Industrial, Business and Industrial Park, and Lakeside Residential Zones, subject to the evaluation criteria of [policy 31.9](#) in the LUB, including a notification area of 152 metres has stated in [policy 6-20](#) of the MPS.

Note: By definition, Micro and Small-scale wind turbines are not affected by the new provincial regulation, as they do not generate up to 2 megawatts of electricity.

Large wind turbines

These produce electricity for sale to Nova Scotia's power grid. They can stand alone or be part of a group of turbines called a wind farm. The [LUB defines](#) them as wind turbines generating over 100 kilowatts (kW) or exceeding 60 metres in total height. These developments are only permitted within the Rural Development zone by [Development Agreements](#), with a permit expiration in three years from the date of approval stated in [regulation 5.1.3 \(a\)](#) of the LUB. *Requirements within the Development Agreement criteria, such as minimum distance, aesthetic and visual impact, and shadow flicker standards, conflict with the new provincial regulations.*

Note: 100kW is equal to 0.1MW, the amendment to the Statement of Provincial Interest only applies to

Net Metering allows small-scale producers to send surplus electricity to the power grid and receive credits.

Additional Regulations and Flexibility

Exemption from Public Utility Rules:

Although wind turbines can be considered as public utilities, they are exempt from [LUB 7.14.1](#), which permits essential public utilities in all zones. This ensures they are only developed in areas that meet the appropriate environmental standards.

Flexibility in Setbacks:

Under [LUB 7.15.2](#), setback or yard requirements may be waived for all wind turbines if the developer obtains written legal agreements from all affected adjacent property owners within the required setback area.

Identified Areas for Revision

The Minimum Planning Requirements amendments relate to large-scale wind turbine developments designed for commercial energy production, specifically those generating 2 Megawatts or more. Under the current Municipal Planning Strategy (MPS) and Land Use By-law (LUB), such developments are only permitted within the Rural Development Zone by Development Agreement, as outlined in [Policy 4-13](#) of the MPS.

Current Land-Use Planning Policy vs. Provincial Amendments

Separation Distance

[Policy 4-13\(a\)](#) of the MPS currently requires a wind turbine to be set back from any dwelling by the greater of:

- 1,000 metres, or
- 6.5 times the turbine's height (measured from ground level to the tip of the blade at its highest point).

The Provincial Regulations state that:

*The minimum setback from a residential dwelling for **turbines producing 2 megawatts or more must not exceed the greater of four times the turbine's height or the distance required to keep noise levels below 40 dBA at the dwelling's exterior.***

Visual and Aesthetic Consideration

Several of the Municipality of the District of Yarmouth's Planning Document policies that enable Wind Turbine Development through Development Agreements include factors about the visual or aesthetic appearance of wind turbines. We have confirmed with our Department of Municipal Affairs and Housing representative that the following requirements are contrary to the new provincial regulations and must be amended:

- [Sub-subsection \(c\)](#) requires the impact of view planes and natural environments as considerations for Council;

This policies are in direct conflict with [Section 15 of the new amendments](#), which states that the visual impact or aesthetic appearance of a wind turbine must not be considered during the approval process.

This means that general aesthetic concerns, including how turbines might alter the landscape's appearance, cannot be used as a reason to reject or restrict a project at the municipal level.

Note: this does not include the municipality's authority to protect its UNESCO starlight designation reserve by regulating exterior light levels.

Shadow Flicker

While the current MPS mention shadow impacts, it does not specify measurable limits. The new amendments set a clear [standard](#):

- *Shadow flicker must not exceed 30 minutes per day or 30 hours per year for any residential dwelling.*

Recommendation

It is recommended that an amendment of the Municipal Planning Strategy (MPS) be made, following the process laid out in [section 6.8.2](#) of the MPS per the MGA, to:

Update the Development Agreement criteria for large-scale wind turbine development to align with the new provincial regulation, which would include the new maximum minimum distance, remove aesthetic and visual impact considerations, and incorporate the provincial standard for maximum shadow flicker.

This option allows the municipality to align with provincial regulations and provides the same land-use requirements for wind turbines generating more than 100KW, but under 2MW. It also helps in retaining a degree of oversight through zoning and the Development Agreement process. It preserves the requirement for public engagement and enables case-by-case review, maintaining some local control within the broader provincial framework. This maintains a system where all wind turbine developments greater than 100kW are subject to the same conditions.

Existing MPS Development Agreement

Policy 4-13 Council shall consider proposals for large-scale wind turbines within the Rural Development Zone by development agreement, subject to the following requirements:

- a) any proposed wind turbine generator shall be separated from any dwellings by a minimum of 1,000 metres or 6.5 times the height of the turbine, whichever is larger, where height is measured from grade to the highest point on the turbine rotor's arc;
- b) no commercial advertising other than the manufacturer's name shall be permitted on any of the proposed wind turbine generator or accessories;
- c) impacts on noise levels, viewplanes, shadows, and the natural environment shall be considered within the proposal to minimize any potential negative impacts of the development on the community;
- d) safety considerations on- and off-site related to electricity, emergency response, and any potential for ice throw, blade throw, or turbine collapse shall be addressed within the proposal;
- e) the project proponent shall provide within the proposal all documentation required by the Canadian Environmental Assessment Act, Nova Scotia Environment Act, the Department of National Defense, Environment Canada, Navigation Canada, Transport Canada, the Canadian Coast Guard, the Royal Canadian Mounted Police, and the Nova Scotia Department of Natural Resources;
- f) the project proponent shall provide sound and topography modeling for the proposed site;
- g) the project proponent shall submit a decommissioning plan to be enacted no later than 2 years after the closure of the site, which will become part of the development agreement; and
- h) the project proponent shall establish a project website or webpage, which shall, at a minimum:

- i. identify the lands subject to the proposal;
- ii. identify the make a model of proposed wind turbine generators;
- iii. provide a phone number, email address, or contact form to connect members of the public with the project proponents;
- iv. where any required setback, yard requirement, or separation distance cannot be satisfied, the project proponent shall provide a legal agreement for the siting from the owners of all affected adjacent dwelling owners, and all property owners within the required setback, yard requirement, and separation distance; and
- i) the proposal shall meet the general policies for considering development agreements outlined in Section 6.6.

Proposed Amendments

Policy 4-13 Council shall consider proposals for large-scale wind turbines within the Rural Development Zone by development agreement, subject to the following requirements:

- a) any proposed wind turbine generator shall be separated from any dwellings by no greater than four times the turbine's height or the distance required to keep noise levels below 40 dBA at the dwelling's exterior, where height is measured from grade to the highest point on the turbine rotor's arc;
- b) no commercial advertising other than the manufacturer's name shall be permitted on any of the proposed wind turbine generator or accessories;
- ~~e) impacts on noise levels, viewplanes, shadows, and the natural environment shall be considered within the proposal to minimize any potential negative impacts of the development on the community;~~
- c) Shadow flicker must not exceed 30 minutes per day or 30 hours per year for any residential dwelling.
- d) safety considerations on- and off-site related to electricity, emergency response, and any potential for ice throw, blade throw, or turbine collapse shall be addressed within the proposal;
- e) the project proponent shall provide within the proposal all documentation required by the Canadian Environmental Assessment Act, Nova Scotia Environment Act, the Department of National Defense, Environment Canada, Navigation Canada, Transport Canada, the Canadian Coast Guard, the Royal Canadian Mounted Police, and the Nova Scotia Department of Natural Resources;
- f) the project proponent shall provide sound and topography modeling for the proposed site;
- g) the project proponent shall submit a decommissioning plan to be enacted no later than 2 years after of the closure of the site, which will become part of the development agreement; and
- h) the project proponent shall establish a project website or webpage, which shall, at a minimum:
 - i. identify the lands subject to the proposal;
 - ii. identify the make a model of proposed wind turbine generators;
 - iii. provide a phone number, email address, or contact form to connect members of the public with the project proponents;
 - iv. where any required setback, yard requirement, or separation distance cannot be satisfied, the project proponent shall provide a legal agreement for the siting from the owners of all affected adjacent dwelling owners, and all property owners within the required setback, yard requirement, and separation distance; and
- i) The proposal shall meet the general policies for considering development agreements outlined in Section 6.6.
- j) To preserve the quality of the night sky and support recognition as a UNESCO International Dark Sky Reserve, all exterior lighting within the designated Dark Sky Area shall be designed, installed, and operated in a manner to minimize light pollution, including the following requirements:

NEW Minimum Planning Requirement for Wind Turbines

- i. *It does not exceed more than 25% of the Light Level recommended by Illuminating Engineer Society lighting Standard; and*
- ii. *Light fixtures emitting more than 1,000 lumens are fully shielded and shall emit no more than 5% of their total lumens output above 80 degrees from the vertical.*

Amendment Process

Large-scale wind turbine projects are permitted only by a Development Agreement, with the approval criteria detailed in the Municipal Planning Strategy (MPS). Consequently, the necessary amendments to comply with the new provincial regulations must focus on sections 6-28 of the MPS.

An amendment to the Municipal Planning Strategy involves the following steps:

1. Recommendation to Public Participation Program (Planning Advisory Committee)
2. Public Participation Program (Staff)
3. What We Heard Report & Recommendation to Council (Planning Advisory Committee)
4. 1st Reading (Council)
5. Notify adjacent municipalities, First Nations, and the Provincial Director of Planning (Staff)
6. Public Hearing (Council)
7. 2nd Reading (Council)
8. Director Review (Province)

Any modifications to the MPS require a Public Participation Program at the Planning Advisory Committee level. If the PAC plans to proceed with an amendment, a Public Participation Program is necessary before the Planning Advisory Committee can make a recommendation to Council. [Section 3.5](#) of MODY's Public Participation Program Policy states that a Public Participation Program/meeting shall be conducted by Municipal Staff of the Planning and Development Office, on behalf of the Planning Advisory Committee.

The PAC will need to provide directions to staff on the hosting of this meeting. Following [section 3.2](#) of MODY's Public Participation Program Policy, the meeting must be advertised:

- Within a local newspaper
- On the Municipality of the District of Yarmouth's website
- On the Municipality of the District of Yarmouth's social media for a minimum of five business days before the meeting.

Adjacent municipalities, including First Nations, should be notified that a proposed amendment is under consideration ([section 3.8.2](#) of the MPS).

A "what we heard" report will be prepared to summarize and analyze the information presented by the public at the public participation meeting. This report will be presented by the Planning Advisory Committee for review and consideration. This report ("what we heard") must be reviewed before the PAC may make a recommendation to Council for First Reading

Additional Reading

Wind Turbine Setbacks



Summary of Changes

The Department of Municipal Affairs is making amendments to the Minimum Planning Requirements Regulations under Section 214 of the *Municipal Government Act* (MGA) and Section 229 of the *Halifax Regional Municipality Charter* (HRMC) to implement a provincial standard for wind turbine setbacks.

The new regulations will require that the maximum distance between a commercial wind turbine and a dwelling cannot be more than either four times the height of the turbine or the distance needed to keep noise levels below 40 decibels outside the home and limit shadow flicker to no more than 30 minutes a day or 30 hours a year.

Additionally, the amendments stipulate that visual impact or aesthetic appearance of a wind turbine development is not a matter Council can consider prior to approval.

Nova Scotia is committed to reaching 80% renewables by 2030. These changes support this goal by providing consistent standards across Nova Scotia's municipalities, making it easier for wind energy projects to move forward while protecting residents from negative impacts from wind development projects such as noise and shadows.

FAQ

Q: What are the benefits of Wind Energy in Nova Scotia

Wind energy does not result in emissions that cause the health problems associated with fossil fuels, such as sulfur dioxide, nitrous oxide, mercury, or the environmental problems that come from carbon dioxide - one of the greenhouse gases that contribute to climate change. Every megawatt of wind energy can reduce our greenhouse gas emissions by as much as 2,500 tonnes per year—enough clean energy to power 350–400 Nova Scotian homes.

Wind energy does not use up natural resources. Capturing and transforming the energy of wind into the energy of electricity is infinitely renewable.

Nova Scotia has legislated goals in the *Environmental Goals and Climate Change Reduction Act* (PDF) to get off coal and have 80% of electricity generated with renewables by 2030 – and to reach net zero by 2050. [Learn more here.](#)

Q: Should residents be concerned about the resulting noise and light flicker of Wind Turbines? What about concerns with the turbines causing illness?

It's important to remember that potential wind farms over 2 megawatts must undergo an environmental assessment which requires companies to identify the benefits of their project, its potential impacts on the environment and human health, and their plans to mitigate impacts. Projects must also obtain other required authorizations, permits and permissions from various levels of government before being built. There is no scientific evidence to support the belief that wind turbines cause illnesses.

The proposed regulatory changes will ensure municipalities have consistent standards regarding wind turbine setback distances that will ensure that residents will not be impacted by noise and light flicker.

Q: What about the threat to migratory birds that turbines present?

Wind turbines are attributable to less bird deaths than cats and tall buildings. Consideration of potential impacts to migratory birds as a result of a wind turbine project are included within the Government of Nova Scotia's environmental assessment process. Companies must ensure that they comply with federal migratory bird legislation.

Q: Why is the Nova Scotia Government Making this change?

Wind turbines do create noise and may not be appropriate for all locations. The Government of Nova Scotia is making this change to ensure that wind projects are properly developed and managed consistently across all municipalities.

Q: How would distance required for sound and shadow flicker be established?

Distance for sound and shadow flicker is based on project specific factors. The provincial Environmental Assessment process considers these factors prior to granting approval of commercial Wind Turbine projects (at least 2MW). A municipality may decide to incorporate the *Minimum Planning Requirements Regulations* about setbacks from wind turbines to dwellings, as written, into their Planning Documents for ease of implementation.

Q: How does a municipality determine if their existing requirements are consistent with the proposed maximums?

We understand that many municipalities who regulate wind turbines, have policies or bylaws including a distance setback (i.e., Kms). These policies or bylaws may be contrary to the *Minimum Planning Requirements Regulations* amendments. The Provincial Planners supporting your region and the NRR contact provided can help you consider how your existing requirements relate to the amendments to the *Minimum Planning Requirements Regulations*. You should also seek advice from your solicitor should you have questions regarding the regulations.

Q: Will there be a deadline for when municipalities that have existing wind requirements should be consistent with the new requirements?

There is no specific deadline set. It is expected that municipalities bring their setback requirements in line with the newly amended *Minimum Planning Requirements Regulations* as soon as reasonably possible.

Appendix A

MPS polices

Policy 4-10 *Council shall, through the Land Use By-law, define three categories of wind turbine generators:*

- a) micro scale wind turbine generators, which are very limited in scale and intended to generate electricity only for on-site uses or are mechanical in nature and intended to pump water;*
- b) small scale wind turbine generators, which are limited in scale and generally intended to meet the electricity needs of on-site uses, but may export energy to the grid through "net-metering" programs; and*
- c) large scale wind turbine generators, which are intended for commercial supply of electricity to the grid and may be built individually or in a collective "wind farm".*

Policy 4-11 *Council shall, through the Land Use By-law, permit micro scale wind turbine generators in all zones except the Floodplain Zone.*

Policy 4-12 *Council shall, through the Land Use By-law, permit small scale wind turbine generators by site plan approval in the Rural Development, Hamlet Commercial, Rural Commercial, General Industrial, Watershed, Marine Industrial, Business and Industrial Park, and Lakeside Residential Zones, subject to evaluation criteria.*

Policy 4-13 *Council shall consider proposals for large-scale wind turbines within the Rural Development Zone by development agreement, subject to the following requirements:*

- a) any proposed wind turbine generator shall be separated from any dwellings by a minimum of 1,000 metres or 6.5 times the height of the turbine, whichever is larger, where height is measured from grade to the highest point on the turbine rotor's arc;*
- b) no commercial advertising other than the manufacturer's name shall be permitted on any of the proposed wind turbine generator or accessories;*
- c) impacts on noise levels, viewplanes, shadows, and the natural environment shall be considered within the proposal to minimize any potential negative impacts of the development on the community;*
- d) safety considerations on- and off-site related to electricity, emergency response, and any potential for ice throw, blade throw, or turbine collapse shall be addressed within the proposal;*
- e) the project proponent shall provide within the proposal all documentation required by the Canadian Environmental Assessment Act, Nova Scotia Environment Act, the Department of National Defense, Environment Canada, Navigation Canada, Transport Canada, the Canadian Coast Guard, the Royal Canadian Mounted Police, and the Nova Scotia Department of Natural Resources;*

- t) the project proponent shall provide sound and topography modeling for the proposed site;*
- g) the project proponent shall submit a decommissioning plan to be enacted no later than 2 years after of the closure of the site, which will become part of the development agreement; and*
- h) the project proponent shall establish a project website or webpage, which shall, at a minimum:
 - i. identify the lands subject to the proposal;*
 - ii. identify the make a model of proposed wind turbine generators;*
 - iii. provide a phone number, email address, or contact form to connect members of the public with the project proponents;*
 - iv. where any required setback, yard requirement, or separation distance cannot be satisfied, the project proponent shall provide a legal agreement for the siting from the owners of all affected adjacent dwelling owners, and all property owners within the required setback, yard requirement, and separation distance; and**
- i) the proposal shall meet the general policies for considering development agreements outlined in Section 6.6.*

Policy 4-14 *Council recognizes that wind energy technology is rapidly developing and commits to regular reviews of these wind energy policies and regulations.*

- 5.1.3 *A development permit shall expire within the following time periods from the date issued if the development has not commenced:*
- (a) three years for large-scale wind turbine generators.*
 - (b) two years for industrial uses.*
 - (c) one year for all other uses.*

6.5 Site Plan Agreements

6.5.1 Site Plan Agreements

Site plan approval is a development approval process in which applicants must meet an additional set of criteria set out in the Land Use By-law. Unlike standard development permitting, these criteria are not necessarily numerical in nature, and can involve a negotiation between the applicant and the Development Officer to determine compliance with these criteria. The outcome of site plan approval is a site plan agreement. This tool is useful for approvals that might require an additional level of oversight or flexibility in the ways impacts on neighbours are reduced, but that do not necessarily need to go through the complex and time-consuming process required for a development agreement.

Policy 6-19 *Council shall, through the Land Use By-law, use site plan approval as the tool for reviewing developments that require some additional oversight or where there is benefit to providing flexibility in the ways land use controls are implemented.*

Policy 6-20 *Council shall, through the Land Use By-law, establish a notification area of 152 metres for site plan agreements involving small-scale wind turbine generators and 30 metres for all other site plan agreements.*

6.8.2 Municipal Planning Strategy Amendments

This Municipal Planning Strategy may be amended from time to time; it is not necessary to wait for a formal review. The amendment process involves such things as public participation, notification of adjacent municipalities, First Nations, and the Provincial Director of Planning, newspaper notices of the intention to amend, a public hearing, and the approval of the Province. The specific process is set out in the *Municipal Government Act*. Council may initiate an amendment arising from an internally-identified need, or from a request from a member of the public. However, Council is under no obligation to consider or approve a Plan amendment unless the current Plan conflicts with the *Municipal Government Act*.

Policy 6-28 *Council shall consider an amendment to this Municipal Planning Strategy when:*

- a) any policy intent is to be changed;*
- b) a zoning amendment conflicts with this Plan and there are valid reasons for the amendment;*
- c) an amendment to the Subdivision By-law conflicts with this Plan and there are valid reasons for the amendment;*
- d) incorporation of a detailed secondary area strategy into this Plan is desired; or*
- e) when this Municipal Planning Strategy is inconsistent with Statements of Provincial Interest.*

LUB Policies

Wind Turbine Generator, Micro-scale

means a wind turbine generator less than 10 kw in nameplate generating capacity. The power generated from a micro-scale wind turbine generator is typically intended for on-site usage.

Wind Turbine Generator, Small-scale

means a wind turbine generator between 10 and 100 kilowatts (kW) in nameplate generating capacity and less than 60 metres in total height. The power generated from a small-scale wind turbine generator is typically intended for on-site usage.

Wind Turbine Generator, Large-scale

means a wind turbine generator greater than 100 kilowatts (kW) in nameplate generating capacity and/or greater than 60 metres in total height. The power generated from a large-scale wind turbine generator is typically intended to supply the Nova Scotia Power grid system.

X

Y

7.14 Utilities

- 7.14.1 Unless otherwise stated, any public *utility* that is essential for the actual provision of a service, not including electrical generation stations, **wind turbine generators**, *solar collector systems*, and *telecommunication towers*, shall be permitted in any *zone* and shall be exempt from *lot requirements* and the requirements of Section 6.13 related to road *frontage*. These *utilities* include, but are not limited to, telephone switching centres, electrical substations, sewage treatment facilities, and water supply facilities.

7.15 Wind Turbines Generators: Micro-scale

7.15.1 Notwithstanding *zone* requirements, *micro wind turbine generators* a maximum of 20.0 metres in *height* shall be permitted as *accessory structures* in any *zone* and may be mounted or attached to any other *building or structure*, provided the following requirements are met:

- (a) wind turbines shall have a minimum *setback* from all lot lines of 1.25 times the *total height* of the wind turbine measured either from *grade* or from the base of any supporting *structure*, whichever is greater; and
- (b) no advertising shall be permitted on the wind turbine other than the manufacturer's name.

7.15.2 Any required *setback*, *yard* requirement, or *separation distance* which cannot be satisfied shall be waived for the siting of a *wind turbine generator* where a legal agreement for the siting is obtained by the developer from the owners of all affected adjacent dwellings, and all property owners within the required *setback*, *yard* requirement, and *separation distance*.

31.9 Small-scale Wind Turbine Generators

31.9.1 Where a *zone* permits *small-scale wind turbine generators* by *site plan approval*, the *Development Officer* shall approve a *site plan* where the requirements of this Land Use By-law and the following matters have been addressed:

- (a) design and location:
 - i. wind turbines shall be a minimum of 200 metres from all *existing dwellings*;
 - ii. any required *setback*, *yard* requirement, or *separation distance* which cannot be satisfied shall be waived for the siting of a *wind turbine generator* where a legal agreement for the siting is obtained by the developer from the owners of all affected adjacent *dwelling* owners, and all property owners within the required *setback*, *yard* requirement, and *separation distance*;
 - iii. no commercial advertising other than the manufacturer's name shall be permitted on any WTG or accessory structures;
 - iv. the proponent shall provide a stormwater management plan, subject to the requirements of Section 5.5;
- (b) environment
 - i. the proponent shall undertake mitigation of noise, visual impacts, shadow effects, and environment impacts of wind turbines to minimize any potential negative effects of the development on adjacent *uses*;
 - ii. the proponent shall provide all documentation required by the Department of National Defence, Environment Canada, Navigation Canada, Transport Canada, Canadian Coast Guard, Royal Canadian Mounted Police and Nova Scotia Department of Natural Resources; and
- (c) decommissioning
 - i. the proponent shall provide a decommissioning plan ensuring wind turbines shall be removed from the site after a period of 2 years from the date of cessation of electrical power generation of the wind turbine.

NEW Provincial Amendments

Underlined are the following amendments made to the Minimum Planning Requirement document.

2 Definitions

In these regulations,

“Act” means the *Municipal Government Act*;

“Residential dwelling” means a permanent structure used for human habitation and includes a house, condominium, apartment building, cottage, mobile home or trailer.

13 Discretionary content related to general matters

A municipal planning strategy may include statements of policy on any of the following:

- (a) public health and safety;
- (b) land use matters relating to the physical, economic or social environment of the municipality not otherwise prescribed in these regulations.
- (c) the minimum setback required between a residential dwelling and a wind turbine;
- (d) the matters that the council must consider before approving a wind turbine development.

14 Wind turbine setback requirement

- 1) Any statement of policy included in a municipal planning strategy in accordance with clause 13(c) on the minimum setback required between a residential dwelling and a wind turbine, that is part of, or located within, an energy-generating facility with a production rating of 2 MW or greater, must not require a minimum setback larger than the greater of the following:
 - a) 4 times the wind turbine height;
 - b) the distance required to ensure that
 - i. sound levels from the wind turbine do not exceed 40 dBA at the exterior of a residential dwelling, and
 - ii. a residential dwelling receives less than 30 minutes per day or 30 hours per year of shadow flicker.
- 2) For the purposes of subsection (1), wind turbine height is measured as the distance from
 - a) for a wind turbine other than a roof-mounted wind turbine, the average finished grade of the wind turbine to 1 of the following:
 - i. the highest point of the wind turbine rotor,
 - ii. the tip of the wind turbine blade when it reaches its highest elevation;
 - (b) for a roof-mounted wind turbine, the building’s average finished grade to 1 of the following:
 - i. (i)the highest point of the wind turbine rotor,
 - ii. (ii) the tip of the wind turbine blade when it reaches its highest elevation.

15 Matters considered before approving wind turbine development

Any statement of policy included in a municipal planning strategy in accordance with clause 13(d) on matters that Council must consider before approving a wind turbine development must not include the visual impact or aesthetic appearance of a wind turbine development.

6.8.2 Municipal Planning Strategy Amendments

This Municipal Planning Strategy may be amended from time to time; it is not necessary to wait for a formal review. The amendment process involves such things as public participation, notification of adjacent municipalities, First Nations, and the Provincial Director of Planning, newspaper notices of the intention to amend, a public hearing, and the approval of the Province. The specific process is set out in the *Municipal Government Act*. Council may initiate an amendment arising from an internally-identified need, or from a request from a member of the public. However, Council is under no obligation to consider or approve a Plan amendment unless the current Plan conflicts with the *Municipal Government Act*.


Policy 6-28 *Council shall consider an amendment to this Municipal Planning Strategy when:*

- a) any policy intent is to be changed;*
- b) a zoning amendment conflicts with this Plan and there are valid reasons for the amendment;*
- c) an amendment to the Subdivision By-law conflicts with this Plan and there are valid reasons for the amendment;*
- d) incorporation of a detailed secondary area strategy into this Plan is desired; or*
- e) when this Municipal Planning Strategy is inconsistent with Statements of Provincial Interest.*

Chapter 6 Changelog

Reference No.	Effective Date	File or Project	General Nature of Change

MUNICIPALITY OF THE DISTRICT OF YARMOUTH

 <p>Municipality of the District of YARMOUTH <i>truly connected</i></p>	<p>Public Participation Program Policy P-102-21</p>	<p>Effective Date: April 27, 2022</p>
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- 3.2 Notice of any public participation meeting shall be published in a newspaper circulating in *the Municipality of the District of Yarmouth*, as well as on MODY's website page and other social media at least 5 business days prior to the meeting. The notice shall state the time, date and place of meeting, a brief summary or purpose of proposed planning documents, and ways in which the document may be viewed by the public.
- 3.5 The meeting shall be conducted by Municipal Staff of the Planning and Development Office, on behalf of the Planning Advisory Committee, and the committee shall report to *Council* the views of the public as expressed at the public participation meeting by means of a written report.

Appendix C

Draft Amendments

Note: coloured text and text with ~~strikeout~~ indicates a change from the present MPS and is provided only for the convenience of the reader..

Purpose: Text amendments to the Municipal Planning Strategy to align setback requirements for wind turbines with the Minimum Planning Requirements Regulations

1.0 Amend the text of the MPS so that Part 4.3.1 reads as follows:

4.3.1 Wind Energy

Wind turbine generators harness the movement of the wind to generate electricity. Wind turbine generators can be constructed on a range of scales, from small turbines powering an off-grid cabin up to collections of multiple turbines 100+ metres tall. There is an abundance of wind energy resources in South West Nova Scotia, and some wind turbines have already been developed in the wider region, while one has been developed within the municipality.

As of 2023, wind development in Nova Scotia is currently on the cusp of a resurgence, and the Province recently announced a new round of procurement for five developments featuring large-scale wind turbine generators, though none are within the municipality's boundaries.

Council recognizes that the economic and environmental benefits of wind turbine generators can be significant, and the long-term goals of the Municipality incorporate principles of sustainability through pollution reduction and renewable energy. However, there are also potential negative impacts that need to be addressed for larger systems, including noise, visual impacts, and blade and ice throw. Council feels that careful consideration is required to limit the potential impacts on the surrounding area.

Policy 4-10 *Council shall, through the Land Use By-law, define three categories of wind turbine generators:*

- a) micro scale wind turbine generators, which are very limited in scale and intended to generate electricity only for on-site uses or are mechanical in nature and intended to pump water;*
- b) small scale wind turbine generators, which are limited in scale and generally intended to meet the electricity needs of on-site uses, but may export energy to the grid through "net-metering" programs; and*
- c) large scale wind turbine generators, which are intended for*

commercial supply of electricity to the grid and may be built individually or in a collective “wind farm”.

Policy 4-11

Council shall, through the Land Use By-law, permit micro scale wind turbine generators in all zones except the Floodplain Zone.

Policy 4-12

Council shall, through the Land Use By-law, permit small scale wind turbine generators by site plan approval in the Rural Development, Hamlet Commercial, Rural Commercial, General Industrial, Watershed, Marine Industrial, Business and Industrial Park, and Lakeside Residential Zones, subject to evaluation criteria.

Policy 4-13

*Council shall consider proposals for large-scale wind turbines within the Rural Development Zone **only** by development agreement, subject to the following ~~requirements~~:*

General Requirements:

- ~~*a) any proposed wind turbine generator shall be separated from any dwellings by a minimum of 1,000 metres or 6.5 times the height of the turbine, whichever is larger, where height is measured from grade to the highest point on the turbine rotor's arc;*~~
- b) no commercial advertising other than the manufacturer's name shall be permitted on any of the proposed wind turbine generator or accessories;*
- ~~*c) impacts on noise levels, viewplanes, shadows, and the natural environment shall be considered within the proposal to minimize any potential negative impacts of the development on the community;*~~
- d) safety considerations on- and off-site related to electricity, emergency response, and any potential for ice throw, blade throw, or turbine collapse shall be addressed within the proposal;*
- e) the project proponent shall provide within the proposal all documentation required by the Canadian Environmental Assessment Act, Nova Scotia Environment Act, the Department of National Defense, Environment Canada, Navigation Canada, Transport Canada, the Canadian Coast Guard, the Royal Canadian Mounted Police, and the Nova Scotia Department of Natural Resources;*

- f) *the project proponent shall provide sound and topography modeling for the proposed site;*
- g) *the project proponent shall submit a decommissioning plan to be enacted no later than 2 years after of the closure of the site, which will become part of the development agreement; and*
- h) *the project proponent shall establish a project website or webpage, which shall, at a minimum:*
 - i. *identify the lands subject to the proposal;*
 - ii. *identify the make and model of proposed wind turbine generators;*
 - iii. *provide a phone number, email address, or contact form to connect members of the public with the project proponents;*
 - iv. *where any required setback, yard requirement, or separation distance cannot be satisfied, the project proponent shall provide a legal agreement for the siting from the owners of all affected adjacent dwelling owners, and all property owners within the required setback, yard requirement, and separation distance; and*
- i) *the proposal shall meet the specific policies for Wind Turbine Separation established in policy 4-13A; and*
- j) *the proposal shall meet the general policies for considering development agreements outlined in Section 6.6.*

Policy 4.13A

Wind Turbine Separation Requirement

- 4.13A.1 *The minimum setback required between a residential dwelling and a wind turbine shall be the greater of the following:*
- (a) *4 times the wind turbine height; OR*
 - (b) *the distance required to ensure that:*
 - (i) *sound levels from the wind turbine do not exceed 40 dBA at the exterior of a residential dwelling, and*
 - (ii) *a residential dwelling receives less than 30 minutes per day or*

*30 hours per year of shadow
flicker.*

4.13A.2

For the purposes of this section, wind turbine height is measured as the distance from:

(a) for a wind turbine other than a roof-mounted wind turbine, the average finished grade of the wind turbine to one (1) of the following:

- (i) the highest point of the wind turbine rotor; **OR***
- (ii) the tip of the wind turbine blade when it reaches its highest elevation;*

(b) for a roof-mounted wind turbine, the building's average finished grade to one (1) of the following:

- (i) the highest point of the wind turbine rotor,*
- (ii) the tip of the wind turbine blade when it reaches its highest elevation.*

Policy 4-14

Council recognizes that wind energy technology is rapidly developing and commits to regular reviews of these wind energy policies and regulations. The proposal shall meet the general policies for considering development agreements outlined in Section 6.6.

Appendix D Proposed Amendments

Purpose:

Text amendments to the Municipal Planning Strategy to align setback requirements for wind turbines with the Minimum Planning Requirements Regulations

Amend the text of the Municipal Planning Strategy of the Municipality of the District of Yarmouth as follows:

1. In Policy 4-13, add the word “*only*” between the word Zone and the phrase development agreement;
and in policy 4-13, at the end of the phrase, remove the word “*requirements*”;
so that policy 4-13 reads as follows:

Policy 4-13 *Council shall consider proposals for large-scale wind turbines within the Rural Development Zone only by development agreement, subject to the following:*

2. Under the heading “*General Requirements*” of Policy 4-13:
 - (i) delete section a)
 - (ii) delete section c)
 - (iii) in section h) replace the letter “a” with the word “*and*” between the words “*make*” and “*model*”;
3. Under the heading “*General Requirements*” of Policy 4-13, between the clause requiring establishment of a website and the clause regarding meeting the general policies for development agreements insert a new clause “*the proposal shall meet the specific policies for Wind Turbine Separation established in policy 4-13A*”; and
4. Renumber the remaining “*General Requirements*” so that the “*General Requirements*” of Policy 4-13 read as follows:

General Requirements:

- a) *no commercial advertising other than the manufacturer’s name shall be permitted on any of the proposed wind turbine generator or accessories;*
- b) *safety considerations on- and off-site related to electricity, emergency response, and any potential for ice throw, blade throw, or turbine collapse shall be addressed within the proposal;*
- c) *the project proponent shall provide within the proposal all documentation*

required by the Canadian Environmental Assessment Act, Nova Scotia Environment Act, the Department of National Defense, Environment Canada, Navigation Canada, Transport Canada, the Canadian Coast Guard, the Royal Canadian Mounted Police, and the Nova Scotia Department of Natural Resources;

- d) *the project proponent shall provide sound and topography modeling for the proposed site;*
 - e) *the project proponent shall submit a decommissioning plan to be enacted no later than 2 years after of the closure of the site, which will become part of the development agreement; and*
 - f) *the project proponent shall establish a project website or webpage, which shall, at a minimum:*
 - i. *identify the lands subject to the proposal;*
 - ii. *identify the make and model of proposed wind turbine generators;*
 - iii. *provide a phone number, email address, or contact form to connect members of the public with the project proponents;*
 - iv. *where any required setback, yard requirement, or separation distance cannot be satisfied, the project proponent shall provide a legal agreement for the siting from the owners of all affected adjacent dwelling owners, and all property owners within the required setback, yard requirement, and separation distance;*
 - g) *the proposal shall meet the specific policies for Wind Turbine Separation established in policy 4-13A; and*
 - h) *the proposal shall meet the general policies for considering development agreements outlined in Section 6.6.*
5. Immediately following the “General Requirements” of Policy 4-13 add a new policy 4-13A “Wind Turbine Separation Requirement” as follows:

Policy 4.13A Wind Turbine Separation Requirement

4.13A.1 *The minimum setback required between a residential dwelling and a wind turbine shall be the greater of the following:*

(a) *4 times the wind turbine height;*

OR

(b) *the distance required to ensure that:*

- (i) *sound levels from the wind turbine do not exceed 40 dBA at the exterior of a residential dwelling, and*
- (ii) *a residential dwelling receives less than 30 minutes per day or 30 hours per year of shadow flicker.*

4.13A.2 *For the purposes of this section, wind turbine height is measured as the distance from:*

(a) *for a wind turbine other than a roof-mounted wind turbine, the average finished grade of the wind turbine to one (1) of the following:*

- (i) *the highest point of the wind turbine rotor;*
- OR**
- (ii) *the tip of the wind turbine blade when it reaches its highest elevation;*

(b) *for a roof-mounted wind turbine, the building's average finished grade to one (1) of the following:*

- (i) *the highest point of the wind turbine rotor,*
- (ii) *the tip of the wind turbine blade when it reaches its highest elevation.*

Policy 4-14 *Council recognizes that wind energy technology is rapidly developing and commits to regular reviews of these wind energy policies and regulations. The proposal shall meet the general policies for considering development agreements outlined in Section 6.6.*