

Introduction

The Municipality of East Hants first introduced wind energy policies and regulations in 2008. Since then, there have been only minor changes to the provisions as part of previous Plan Reviews. There are currently three wind energy development sites in East Hants; all were approved under the current regulations without issue.

In 2025, the provincial government mandated that all Nova Scotia municipalities update their wind energy provisions as per the Minimum Planning Requirement Regulations for wind turbine setbacks. As a result, Planning staff are recommending that the changes outlined in this background report be supported by Council so that they may be added to the East Hants Official Community Plan as part of the 2026/2027 Plan Review.

Research

As part of the Minimum Planning Requirements Regulations for wind turbine setbacks, the province has established maximum allowable setbacks for wind turbines for Nova Scotia municipalities. Under the amended regulations, the setback for wind turbines cannot be more than four times the turbine height from an existing dwelling, unless a greater distance is required to ensure that sound levels do not exceed 40 decibels at the exterior of a dwelling and that shadow flicker on nearby residential dwellings does not exceed limits identified in the amendments.

The amendments also remove the ability for a municipality to influence wind turbine placement based on visual impact on the landscape. A copy of the provincial regulations has been attached as Appendix A.

The East Hants Official Community Plan is currently not in compliance with the setback requirements. Setbacks under the East Hants Land Use Bylaw state the following:

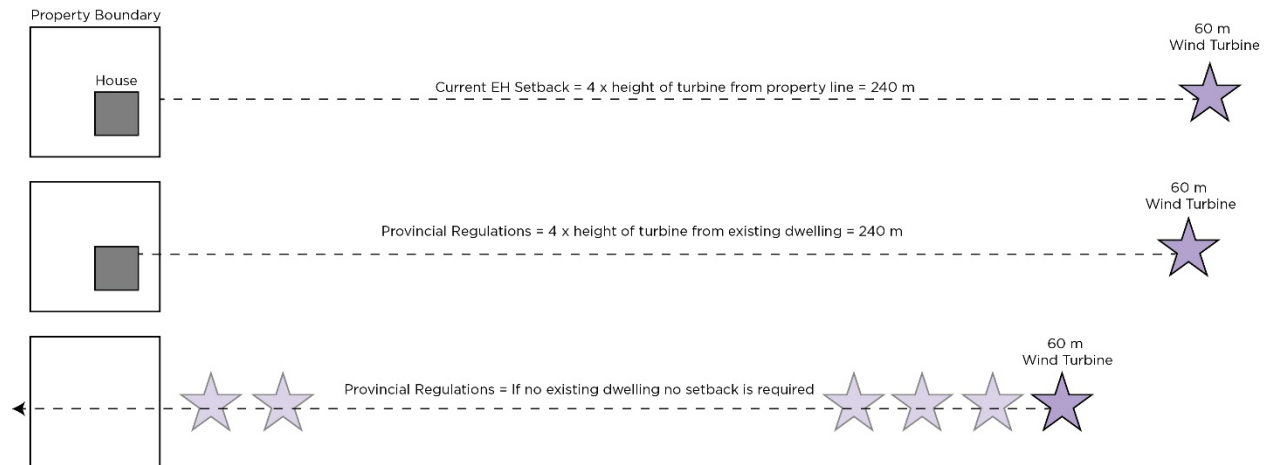
- i) *A large scale wind turbine shall be located not less than 4 times the height of the turbine, measured from grade to the highest point of the rotors arc, from adjoining property lines; and*
- ii) *In the case of wind farms, where the impact study demonstrates that a lesser or greater setback is appropriate, setbacks may be amended from the minimum setback depending upon the number of wind turbines in a group or the proximity to an existing wind farm; in addition if the owner of a neighbouring property agrees to a reduced setback in writing then the LWT(s) shall be setback at minimum 1.5 times the height of the turbine.*

Under the current East Hants regulations, setbacks for large scale wind turbines are measured from the property line, whereas the provincial regulations measure the height of a wind turbine from an existing dwelling unit. Large scale wind turbines are not permitted in the CR, LR, R1, R2, R2-T, R3, and MH zones.

When East Hants initially created the wind energy regulations, Council decided that measurements would be from a property line to protect future property rights and to reduce the potential for future

land use conflict. Regulations from the province only protect current dwelling unit owners and don't consider future development.

Below is an example illustrating the difference between the current East Hants wind turbine setbacks and setbacks required to be implemented by the province.



Based on the provincial regulations, a wind turbine could be located adjacent to multiple undeveloped lots. If the turbine is placed prior to the homes being constructed, new homes could be constructed closer than 4 times the height of the wind turbine, potentially causing land use conflicts between the two uses. The developable potential of the adjoining lot(s) may be reduced because of the proximity of the turbine to the undeveloped lot.

Proposed Amendments

MPS Amendments

Planning staff are proposing minor changes to the preamble to the Wind Energy Development section of the MPS. The proposed amendments do not change the section's intent but improve its introduction.

The Municipality of East Hants recognizes that developing green energy resources is important to the health and environment of our community and encourages the integration of renewable wind energy developments within the Municipality. The reality of increased demand and soaring fossil fuel costs makes wind energy a viable and attractive energy resource option, providing economic benefits to the community in the form of local tax revenue, construction jobs, and a stable power grid.

Council recognizes that the wind energy industry in Nova Scotia is growing and that it will need to be flexible to accommodate changes and advancements in technology. For this reason, Council will re-evaluate the wind energy development policies periodically. This review will assess how the wind energy industry has evolved to ensure the policy is meeting the needs of wind energy developers and the community.

LUB Amendments

Planning staff propose that section 3.12 Wind Energy Development is amended as per the requirements of the Minimum Planning Requirements Regulations.

3.12 Wind Energy Development

- a) Unless otherwise specified in this Bylaw, manufacturer's specifications shall accompany all development and building applications for a Micro Wind Turbine (MWT), Small Scale Wind Turbine (SWT), and Large Scale Wind Turbine (LWT).
- b) Nothing in this Bylaw shall exempt wind energy developers from obtaining all necessary approvals from agencies, such as, but not limited to, Nova Scotia Environment *and Climate Change*, Nova Scotia Department of Energy, Nova Scotia Department of Natural Resources, Transport Canada, NAV Canada, and Nova Scotia Power.

3.12.1 Micro Wind Turbines

Unless otherwise specified in this Bylaw, a MWT shall be permitted in all zones and subject to the following:

- a) Shall have a maximum power output of 1000 W.
- b) Shall be setback 1.25 times the height of the turbine, measured from grade to the highest point of the rotors arc, from adjoining residential property lines.
- c) Shall be setback 1 times the height of the turbine, measured from grade to the highest point of the rotors arc, from adjoining commercial property lines.

3.12.2 Small Scale Wind Turbines

Unless otherwise specified in this Bylaw, SWT shall be permitted in ~~all zones except residential CR, LR, R1, R2, R2-T, R3, and MH~~ RU-2, RU, AR, OS and BP zones and subject to the following:

- a) Shall have a maximum power output of 100 KW.
- b) There shall be no more than 1 SWT located on a property.
- c) The height of the SWT shall not exceed 52 m.
- d) Shall be setback 1.5 times the height of the turbine, measured from grade to the highest point of the rotors arc, from adjoining residential property lines.
- e) Shall be setback 1 time the height of the turbine, measured from grade to the highest point of the rotors arc, from adjoining ~~commercial~~ *non-residential* property lines.
 - i. In the BP Zone the minimum setback for a SWT shall be the same as the setback for the main building on the lot, except where the property abuts a residential use then the setback is 1.5 times the height of the turbine.
- f) To limit climbing access, a fence 1.8 m high with a locking portal shall be placed around the facility's tower base, or the tower climbing apparatus shall be limited to no lower than 3.7 m from the ground, or the tower shall not be climbable.
- g) The only signage that shall appear on the wind turbine is the owner's or manufacturer's identification, which shall not exceed 5% of the total surface area of the wind turbine.

3.12.3 Large Scale Wind Turbines

Unless otherwise specified in this Bylaw, LWTs shall be permitted in ~~all zones except residential CR, LR, R1, R2, R2-T, R3, and MH~~ *the RU-2, RU, AR, and OS* zones and are subject to the following:

- a) No development permit shall be issued for a LWT unless a site plan has been approved, pursuant to the requirements presented in the Appendix of the Land Use Bylaw, and provided the applicant agrees in writing to carry out the terms of the site plan.
 - i. A site plan shall be prepared by a qualified professional of sufficient detail to address all of the matters identified in the Appendix of the Land Use Bylaw; and
 - ii. A site plan submitted in accordance with the Appendix will be circulated to all property owners within 1000 m of the property.
- b) Large scale wind turbines shall comply with the following setbacks:
 - i. A large scale wind turbine shall be ~~located not less than~~ *setback a minimum of* 4 times the height of the turbine, measured from grade to the highest point of the rotors arc, *to the nearest dwelling unit from adjoining property lines*; and
 - ~~ii. In the case of wind farms, where the impact study demonstrates that a lesser or greater setback is appropriate, setbacks may be amended from the minimum setback depending upon the number of wind turbines in a group or the proximity to an existing wind farm; in addition if the owner of a neighbouring property agrees to a reduced setback in writing then the LWT(s) shall be setback at minimum 1.5 times the height of the turbine.~~
 - ~~iii. LWTs may be setback at minimum 1.5 times the height of the turbine from publicly owned lands if the publicly owned lands are determined to be culturally insignificant.~~
Multiple LWTs shall be permitted on a lot if the minimum setbacks for each wind turbine can be achieved.
- c) The minimum blade clearance from grade shall be 8 m.
- ~~d) Noise levels at adjoining property lines shall not exceed 40 dBs or above existing background noise. Sound levels from the wind turbine do not exceed 40 dBA at the exterior of a neighbouring residential dwelling.~~
- e) Neighbouring residential dwellings receive less than 30 minutes per day or 30 hours per year of shadow flicker.
- f) The only signage that shall appear on the wind turbine is the owner's or manufacturer's identification, which shall not exceed 5% of the total surface area of the wind turbine.
- g) If a ~~wind turbine/farm~~ *LWT* 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 turbine~~.

Appendix E: Requirements and Application for Large Scale Wind Developments

Proposed amendments to Appendix E have been attached to this report. Amendments to Appendix E propose to remove provisions for the review of the visual impact of the turbines. As per the Minimum

Planning Requirements Regulations, municipalities can no longer consider the visual impact of a wind turbine when reviewing a wind energy application.

Alternatives

As an alternative, if PAC wishes to have greater control over the location of large-scale wind turbines in East Hants, the Wind Energy Designation and Zone could be reinstated as an overlay designation and zone. The designation and zone could be applied to areas where existing wind energy developments are located, as well as areas where the Municipality would like to accommodate future wind energy development. This approach would be more restrictive than the current regulations.

Recommendation

Recommend that the changes proposed as part of the Wind Energy Background Report dated September 17, 2026, be included in the updates to the East Hants Official Community Plan.

Recommended Motion

Planning Advisory Committee recommends to Council that:

- ***the changes proposed as part of the Wind Energy Background Report dated September 17, 2026, be included in the updates to the East Hants Official Community Plan.***