

<p align="center">PROPOSED MUNICIPAL PLAN AMENDMENT</p> <p align="center">RE: POLICIES RELATED TO GREEN ENERGY DEVELOPMENT</p>	<p align="center">PROJET DE MODIFICATION DU PLAN MUNICIPAL</p> <p align="center">OBJET : POLITIQUES RELATIVES AU DÉVELOPPEMENT DES ÉNERGIES VERTES</p>
<p>Public Notice is hereby given that the Common Council of The City of Saint John intends to consider an amendment to the Municipal Development Plan which would include amendments to the Municipal Plan policies including amending Sections 2.4 The Rural Areas, 2.5 Lands Common to the Primary Development Area and The Rural Areas, 7.8 Energy Efficiency and subsections 3.6.1 Rural Resource and 3.7.1 Parks and Natural Areas in addition to other relevant subsections and policies in order to facilitate Green Energy Developments.</p> <p>A public presentation of the proposed amendment will take place at a regular meeting of Common Council on Monday, July 8, 2019 in the Ludlow Room, 8th floor of City Hall.</p>	<p>Le public est avisé que le conseil communal de The City of Saint John a l'intention d'examiner une modification à son Plan municipal, y compris aux politiques du Plan municipal, et notamment aux sections 2.4 Secteurs ruraux, 2.5 Terrains communs au principal secteur de développement et aux secteurs ruraux et 7.8 Efficacité énergétique et aux sous-sections 3.6.1 Secteur de ressources rurales et 3.7.1 Désignations communes d'utilisation des sols, en plus de modifications à d'autres sous-sections et politiques pertinentes, en vue de permettre les aménagements d'énergie verte, lors de la réunion ordinaire qui se tiendra dans la salle Ludlow, à l'hôtel de ville, le lundi, 8 juillet 2019 à 18 h 30.</p>
<p>REASON FOR CHANGE: To facilitate the ability to construct green energy projects involving wind and solar in limited designations in the Municipal Plan.</p>	<p>RAISON DE LA MODIFICATION : Afin de permettre la construction de projets d'énergie verte visant l'énergie éolienne et solaire dans certaines désignations du Plan municipal.</p>
<p>Written objections to the proposed amendment may be made to the Council, in care of the undersigned, by August 7, 2019. Enquiries may be made at the office of the Common Clerk or Growth and Community Development Services, City Hall, 15 Market Square, Saint John, N.B. between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, inclusive, holidays excepted.</p>	<p>Veuillez faire part au conseil par écrit de vos objections au projet de modification au plus tard le 7 août 2019 à l'attention du soussigné. Pour toute demande de renseignements, veuillez communiquer avec le bureau du greffier communal ou le bureau de service de la croissance et du développement communautaire à l'hôtel de ville au 15, Market Square, Saint John, N.-B., entre 8 h 30 et 16 h 30 du lundi au vendredi, sauf les jours fériés.</p>
<p>Jonathan Taylor, Common Clerk 658-2862</p>	<p>Jonathan Taylor, Greffière communale 658 2862</p>

LOCATION	CIVIC ADDRESS : N/A	PID # : N/A
STAFF USE	HERITAGE AREA: Y / N INTENSIFICATION AREA: Y / N FLOOD RISK AREA: Y / N APPROVED GRADING PLAN: Y / N	
	APPLICATION #: 19-0099	DATE RECEIVED: June 4/19
		RECEIVED BY: Ken
APPLICANT INFORMATION	APPLICANT Develop Saint John	EMAIL brian.iring@saintjohn.ca
		PHONE 506.658.4418
	MAILING ADDRESS P.O. Box 1971	POSTAL CODE E2L 4L1
	CONTRACTOR	PHONE
	MAILING ADDRESS	POSTAL CODE
	OWNER	PHONE
CHECK ALL THAT APPLY	PRESENT USE:	
	PROPOSED USE:	
	BUILDING	PLANNING
	INFRASTRUCTURE	HERITAGE
	<input type="checkbox"/> INTERIOR RENOVATION	<input type="checkbox"/> NEW CONSTRUCTION
	<input type="checkbox"/> EXTERIOR RENOVATION	<input type="checkbox"/> ACCESSORY BLDG
	<input type="checkbox"/> ADDITION	<input type="checkbox"/> POOL
	<input type="checkbox"/> DECK	<input type="checkbox"/> DEMOLITION
	<input type="checkbox"/> CHANGE OF USE	<input type="checkbox"/> SIGN
	<input type="checkbox"/> MINIMUM STANDARDS	<input type="checkbox"/> OTHER
	<input type="checkbox"/> VARIANCE	<input type="checkbox"/> STREET EXCAVATION
	<input type="checkbox"/> PLANNING LETTER	<input type="checkbox"/> DRIVEWAY CULVERT
	<input type="checkbox"/> PAC APPLICATION	<input type="checkbox"/> DRAINAGE
	<input type="checkbox"/> COUNCIL APP	<input type="checkbox"/> WATER & SEWERAGE
	<input type="checkbox"/> SUBDIVISION	<input checked="" type="checkbox"/> OTHER
	<input type="checkbox"/> OTHER	<input type="checkbox"/> HERITAGE DEVELOPMENT
		<input type="checkbox"/> HERITAGE SIGN
		<input type="checkbox"/> HERITAGE INFILL
		<input type="checkbox"/> HERITAGE DEMO
		<input type="checkbox"/> OTHER
DESCRIPTION OF WORK	Municipal Plan Amendment Submission	

☐ I consent to the City of Saint John sending to me commercial electronic messages, from time to time, regarding City initiatives and incentives.

General Collection Statement

This information is being collected in order for the City of Saint John to deliver an existing program / service; the collection is limited to that which is necessary to deliver the program / service. Unless required to do so by law, the City of Saint John will not share your personal information with any third party without your express consent.

The legal authority for collecting this information is to be found in the Municipalities Act and the Right to Information and Protection of Privacy Act. For further information or questions regarding the collection of personal information, please contact the Access & Privacy Officer:

City Hall Building
 8th Floor - 15 Market Square
 Saint John, NB E2L 1E8
commonclerk@saintjohn.ca
 (506) 658-2862



I, the undersigned, hereby apply for the permit(s) or approval(s), indicated above for the work described on plans, submissions and forms herewith submitted. This application includes all relevant documentation necessary for the applied for permit(s) or approval(s). I agree to comply with the plans, specifications and further agree to comply with all relevant City By-laws and conditions imposed.

Brian Irving
 Applicant Name

Applicant Signature

Date

June 4/19

CIVIC ADDRESS		APPLICATION #		FEE PAID	Y	N
----------------------	--	----------------------	--	-----------------	----------	----------

TYPE OF APPLICATION		
<input type="checkbox"/> Land for Public Purposes Release Service Fee: \$300	<input type="checkbox"/> Non-Conforming Use Service Fee: \$200	<input type="checkbox"/> Satisfactory Servicing Service Fee: \$200
<input type="checkbox"/> Section 39 Amendment Service Fee: \$2,500	<input type="checkbox"/> Zoning By-law Amendment Service Fee: \$2,500	<input checked="" type="checkbox"/> Zoning By-law Amendment with a Municipal Plan Amendment Service Fee: \$3,500

DETAILED DESCRIPTION OF APPLICATION
Where applicable, indicate the changes to existing Section 39 conditions, zoning, or Municipal Plan designation being requested. Attach site plans, building elevations, floor plans, and other documentation to fully describe the application. The submission of a preliminary proposal and a Pre-Application Meeting is encouraged prior to seeking approval. Please contact the One-Stop Development Shop at (506) 658-2911 for further information.
A Municipal Plan amendment and corresponding zoning framework to accommodate provision for Green Energy applications & possible developments.

ENCUMBRANCES
Describe any easements, restrictive covenants, and other encumbrances affecting the land.
N/A.

AUTHORIZATION
As of the date of this application, I, the undersigned, am the registered owner of the land described in this application or the authorized agent thereof, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize the applicant to represent this matter and to provide any additional information that will be necessary for this application.
<div style="display: flex; justify-content: space-between;"> <div> <u>Brian Irving</u> Registered Owner or Authorized Agent </div> <div> _____ Additional Registered Owner </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div> <u>June 4/19</u> Date </div> <div> _____ Date </div> </div>
The information contained in this application and any documentation, including plans, drawings, reports, and studies, provided in support of this application will become part of the public record.

LOCATION	CIVIC ADDRESS : N/A	PID # : N/A
STAFF USE	HERITAGE AREA: Y / N INTENSIFICATION AREA: Y / N FLOOD RISK AREA: Y / N APPROVED GRADING PLAN: Y / N	
	APPLICATION #:	DATE RECEIVED:
		RECEIVED BY:
APPLICANT INFORMATION	APPLICANT Develop Saint John EMAIL brian.irving@saintjohn.ca PHONE 506.658.4418	
	MAILING ADDRESS P.O. Box 1971 Saint John N.B. POSTAL CODE E2L 4L1	
	CONTRACTOR N/A EMAIL POSTAL CODE	
	MAILING ADDRESS POSTAL CODE	
	OWNER EMAIL PHONE	
	MAILING ADDRESS POSTAL CODE	
PRESENT USE: PROPOSED USE:		
CHECK ALL THAT APPLY	BUILDING PLANNING INFRASTRUCTURE HERITAGE <input type="checkbox"/> INTERIOR RENOVATION <input type="checkbox"/> NEW CONSTRUCTION <input type="checkbox"/> VARIANCE <input type="checkbox"/> STREET EXCAVATION <input type="checkbox"/> HERITAGE DEVELOPMENT <input type="checkbox"/> EXTERIOR RENOVATION <input type="checkbox"/> ACCESSORY BLDG <input type="checkbox"/> PLANNING LETTER <input type="checkbox"/> DRIVEWAY CULVERT <input type="checkbox"/> HERITAGE SIGN <input type="checkbox"/> ADDITION <input type="checkbox"/> POOL <input type="checkbox"/> PAC APPLICATION <input type="checkbox"/> DRAINAGE <input type="checkbox"/> HERITAGE INFILL <input type="checkbox"/> DECK <input type="checkbox"/> DEMOLITION <input type="checkbox"/> COUNCIL APP <input type="checkbox"/> WATER & SEWERAGE <input type="checkbox"/> HERITAGE DEMO <input type="checkbox"/> CHANGE OF USE <input type="checkbox"/> SIGN <input type="checkbox"/> SUBDIVISION <input type="checkbox"/> OTHER <input type="checkbox"/> OTHER <input type="checkbox"/> MINIMUM STANDARDS <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> OTHER	
	DESCRIPTION OF WORK Plan Amendment.	

☐ I consent to the City of Saint John sending to me commercial electronic messages, from time to time, regarding City initiatives and incentives.

General Collection Statement

This information is being collected in order for the City of Saint John to deliver an existing program / service; the collection is limited to that which is necessary to deliver the program / service. Unless required to do so by law, the City of Saint John will not share your personal information with any third party without your express consent.

The legal authority for collecting this information is to be found in the Municipalities Act and the Right to Information and Protection of Privacy Act. For further information or questions regarding the collection of personal information, please contact the Access & Privacy Officer:

City Hall Building
 8th Floor - 15 Market Square
 Saint John, NB E2L 1E8
commonclerk@saintjohn.ca
 (506) 658-2862



I, the undersigned, hereby apply for the permit(s) or approval(s), indicated above for the work described on plans, submissions and forms herewith submitted. This application includes all relevant documentation necessary for the applied for permit(s) or approval(s). I agree to comply with the plans, specifications and further agree to comply with all relevant City By-laws and conditions imposed.

Brian Irving
 Applicant Name

Applicant Signature

June 4, 2019
 Date

CIVIC ADDRESS		APPLICATION #		FEE PAID	Y	N
----------------------	--	----------------------	--	-----------------	----------	----------

TYPE OF APPLICATION		
<input type="checkbox"/> Land for Public Purposes Release Service Fee: \$300	<input type="checkbox"/> Non-Conforming Use Service Fee: \$200	<input type="checkbox"/> Satisfactory Servicing Service Fee: \$200
<input type="checkbox"/> Section 39 Amendment Service Fee: \$2,500	<input type="checkbox"/> Zoning By-law Amendment Service Fee: \$2,500	<input checked="" type="checkbox"/> Zoning By-law Amendment with a Municipal Plan Amendment Service Fee: \$3,500

DETAILED DESCRIPTION OF APPLICATION
Where applicable, indicate the changes to existing Section 39 conditions, zoning, or Municipal Plan designation being requested. Attach site plans, building elevations, floor plans, and other documentation to fully describe the application. The submission of a preliminary proposal and a Pre-Application Meeting is encouraged prior to seeking approval. Please contact the One-Stop Development Shop at (506) 658-2911 for further information.
Municipal Plan amendment and corresponding zoning framework to accommodate provision for Green Energy applicants/developments.

ENCUMBRANCES
Describe any easements, restrictive covenants, and other encumbrances affecting the land.

AUTHORIZATION
As of the date of this application, I, the undersigned, am the registered owner of the land described in this application or the authorized agent thereof, and I have examined the contents of this application and hereby certify that the information submitted with the application is correct insofar as I have knowledge of these facts, and I hereby authorize the applicant to represent this matter and to provide any additional information that will be necessary for this application.
<div style="display: flex; justify-content: space-between;"> <div> <u>Brian Irving</u> Registered Owner or Authorized Agent </div> <div> _____ Additional Registered Owner </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div> <u>June 4/19</u> Date </div> <div> _____ Date </div> </div>
The information contained in this application and any documentation, including plans, drawings, reports, and studies, provided in support of this application will become part of the public record.



DEVELOP SAINT JOHN

Green Energy Development

Municipal Policy & Regulatory Amendments



March 2019– 19-9084

May 28, 2019

Develop Saint John
15 Market Square
PO Box 1971
Saint John, NB
E2L 4L1

Attention: Brian Irving

Re: Green Energy Development – Municipal Policy & Regulatory Amendments

Dillon Consulting Limited (Dillon) is pleased to provide the following professional planning report to Develop Saint John (Develop SJ) for "Green Energy Development – Municipal Policy & Regulatory Amendments".

The information presented herein is intended to provide Develop SJ with a jurisdictional review of municipal policies for green energy (wind and solar) developments and a large cross section of available development control tools (zoning provisions). Furthermore, this report provides options and professional planning recommendations, which will be able to assist Develop SJ and the City of Saint John in developing appropriate provisions that avoid negative environmental impacts and encourage future development within the City.

The following technical report is presented in four (4) main components, as follows:

- Policy Framework Review;
- Jurisdictional Best Practice Review;
- Options & Recommendations; and
- Policy and Regulatory Amendments.

If you have any questions regarding the report, please do not hesitate to contact the undersigned at (506) 633-5000 or csimic@dillon.ca.

Sincerely,

DILLON CONSULTING LIMITED



Colin Simic, MPI.

Planner

Our file: 19 - 9084

Table of Contents

	Executive Summary	iii
1.0	Introduction	1
1.1	Methodology.....	2
2.0	Policy Framework Review	3
2.1	Saint John Municipal Plan (2011) Review	3
2.1.1	Saint John Land Designations Best Suited for Green Energy Development	7
2.2	Saint John Zoning By-law (2014) Review	8
3.0	Jurisdictional Best Practice Review	9
4.0	Options & Recommendations	11
4.1	Green Energy Municipal Policies (Municipal Plan).....	12
4.1.1	Municipal Policy Framework.....	13
4.1.2	Application Requirements (Criteria) & Associated Documentation.....	14
4.1.3	Decommissioning	15
4.1.4	Health and Safety	16
4.1.5	Regulatory Monitoring and Policy Review.....	17
4.1.6	Public Consultation, Education and Communication	18
4.2	Green Energy Requirements & Standards (Zoning By-law)	19
4.2.1	Regulatory Approaches.....	19
4.2.2	Zones for Permitted Use	24
4.2.3	Separation Distances and Setbacks	25
4.2.4	Application Process	28
5.0	Proposed Amendments	29
5.1	Municipal Plan Amendments.....	29
5.2	Zoning By-law Amendments	31
5.2.1	Amended or New Definitions.....	31
5.2.2	Other Zone Description	32
5.2.3	Green Energy Zone (Context, Permitted Uses, Conditions of Use, & Zone Standards)	32

Figures

Figure 1: City of Saint John's Municipal Plan Policy – Energy Efficiency (Section 7.8).....	3
Figure 2: Municipal Plan - Rural Area(s) Descriptions	4
Figure 3: Municipal Plan - Employment Area Description.....	5
Figure 4: Municipal Plan - Industrial Area(s) Descriptions	6

Tables

Table 1: Regulatory Approaches for Green Energy Developments.	10
Table 2: Municipal Plan - Policy framework analysis.	13
Table 3: Municipal Plan - Application policy analysis.....	14
Table 4: Municipal Plan - Decommissioning policy analysis.....	16
Table 5: Municipal Plan - Health and safety policy analysis.	17
Table 6: Municipal Plan - Monitoring policy analysis.....	18
Table 7: Regulatory Approached taken by Municipalities on Wind Energy Development.	23
Table 8: Zoning By-law – Zones for Permitted Use Analysis.....	24
Table 9: Zoning By-law - Setbacks and Separation Distance Analysis.....	27
Table 10: Zoning By-law - Application Requirement Analysis	28

Appendices

A	Application & Criteria Requirements:
---	--------------------------------------

References

Executive Summary

Green Energy development is becoming increasingly desirable, as the energy industry continues to trend toward renewable energy sources. Currently, the City of Saint John does not have policy provisions to allow for this type of development. The current Municipal Plan, PlanSJ is silent on wind or solar development; however, touches upon exploring opportunities for alternative energy development within certain chapters. The Province of New Brunswick is actively promoting and advocating for green energy development at small, medium and large scales and has issued policy papers and amended legislation to this effect. Locally, Saint John Energy is actively pursuing green energy development as an energy source and has recently issued a Request for Proposals for a 20 to 20MW wind farm.

The purpose of this study was to amend the City of Saint John Municipal Plan and Zoning By-law to allow for and apply standards and conditions on wind and solar energy development in the City. Specifically, a jurisdictional best practice review of land use treatments for wind and solar development was completed. The municipalities ranged in size and scale; however, each had land use considerations that would apply to the Saint John context.

The proposed policy and regulatory framework to allow wind and solar energy development in the City of Saint John includes significant amendments to the Municipal Plan. Particularly, this includes amendments to the Land Use chapter to allow for green energy development projects within the Heavy Industrial, Rural Resource, and Parks and Natural Areas future land use designations. These would be subject to environmental approvals and the required federal and provincial approvals process. Green Energy development would be focused on lands outside of the Primary Development Area and focused on areas that are stable, generally inaccessible, and not prime for other types of land use development.

Additionally, standards and conditions are applied to regulate and manage green energy developments in the City, through amendments to the Zoning By-law, including the introduction of a new zone, Green Energy Zone, which applies standards and conditions of development pertaining to setbacks, access, operations, access, screening, and height. The standards also outline a development permit process and site rehabilitation requirements.

This study is intended to be used to inform an upcoming Municipal Plan amendment and Zoning By-law text amendment to facilitate future and anticipated green energy development within the City of Saint John.

1.0

Introduction

Green energy development has been commonly accepted as an important social, environmental, and economic opportunity for communities and an important technology to deploy in the carbon constrained era associated with global climate change. Currently, policy within Saint John's Municipal Plan is silent on green energy, effectively making no allowances for these types of developments within the City's boundaries. Recognizing Saint John's vast land holdings (especially of rural land), it is understandable that there may be demand for renewable (green) energy development of these lands in the near future. Furthermore, wind and solar development represents an important opportunity for both economic and environmental improvement. The implementation of green energy regulations is needed as the City grows into the future.

The Province has advocated for the development of renewable energy sources in *Our Action Plan to be Self-sufficient in New Brunswick (2007)*, through renewable portfolio standards and through investments in such alternative energy sources, such as biomass and tidal, with a renewed emphasis on wind power due to the relative maturity of technologies. In addition to these portfolio developments, the Province has recently amended the *Local Governance Act (2017)* to encourage such developments within municipalities and by local governments. Alongside the Province, there is strong support for the advancement of wind power projects in many communities across Atlantic Canada, as more green energy developments are forming each year.

Although a strong case and community support for green energy exists today, there are still associated issues and concerns being raised by the public with these types of developments. Most of the issues associated with green energy (wind and solar) developments include the following:

- Noise (audible and infrasound);
- Environmental effects to birds and bats;
- Property values;
- Effects on agricultural and forestry practices;
- Visual effects (visual landscape and lighting);
- Setback distances;
- Interference with telecommunications; and
- Shadow flicker, ice throw and other health and safety concerns.

To address these issues, Atlantic Canadian communities have become more interested in researched guidance to develop local zoning standards that are based on best practices to allow for green energy developments that maintain the public's welfare and safety, avoid or mitigate negative environmental effects, avoid nuisance effects, and promote sustainable development objectives.

To address these potential aforementioned issues within the boundaries of the City of Saint John, Develop Saint John (Develop SJ) has retained Dillon Consulting Limited (Dillon) to provide a technical review of the City's Municipal Plan and Zoning By-law, as it relates to land use and development controls associated with green energy developments. The intentions of this report are to provide professional planning policy and regulatory amendments to assist the City of Saint John to safely permit and encourage green energy developments, while creating development certainty for Develop SJ to promote and market development options to energy proponents.

The issue is somewhat pressing, as Saint John Energy, one of the Province's few municipal utilities has released an RFP for a 20MW to 40MW wind farm in the City's Spruce Lake Industrial Park. Although this proposed project is in development stages, the scope of this project is not limited to that project's boundaries.

1.1 Methodology

The information presented herein is intended to provide the City with a jurisdictional review of zoning provisions in their planning framework for green energy (wind and solar) developments with a large cross section of available development control tools. Furthermore, this report will provide options and professional planning recommendations, which will be able to assist Develop SJ in guiding the City of Saint John in developing appropriate provisions that avoid negative environmental impacts and allow future alternative energy development within the City's land management framework. The following technical report is presented in four (4) main components, as follows:

- **Policy Framework Review**
An overview of the City of Saint John's Municipal Plan and Zoning By-law has been undertaken to identify any prohibitive language that would prohibit this type of development and identify designations that would be best suited to adopt green energy provisions.
- **Jurisdictional Best Practice Review**
A brief jurisdictional best practice review of ten (10) communities in Atlantic Canada has been undertaken to identify local policy and regulatory approaches to green energy developments. In addition, zoning standards will be reviewed and identified to understand the most suitable fit for the City of Saint John.
- **Policy & Regulatory Options & Recommendations:**
Five (5) of the ten (10) communities will be further reviewed to develop options and recommendations on planning approaches and mechanisms to permit green energy developments within the City of Saint John, all while maintaining the public's welfare and safety and mitigating negative effects to the natural environment.

- **Policy and Regulatory Amendments**

Policy and regulatory amendments to the City's Municipal Plan and Zoning By-law will be developed based on options and recommendations developed and approved by Develop SJ. Specific resolutions and regulatory approaches have been identified, which will allow the City to review and consider permitting green energy development through an existing land designation and existing zone or by the creation of a new zone.

2.0

Policy Framework Review

2.1

Saint John Municipal Plan (2011) Review

The City of Saint John's Municipal Plan (2011) briefly addresses "Energy". More specifically, energy related policies can only be found under Chapter 7: Natural Environment & Energy' of the Municipal Plan, which provides a very small focus on alternative (green) energy development. Energy related policies within the City's Municipal Plan can be found in 'Section 7.8 - Energy Efficiency', which states the following:

7.8

Energy Efficiency

The City is a recognized leader in municipal energy efficiency. The City has made significant investments to reduce its energy use and has developed and is using alternative energy sources to reduce the City's energy costs and environmental footprint. The City intends to continue to engage in public education and awareness efforts to encourage citizens to implement energy efficiency measures.

Council shall:

Policy NE-37	Continue to improve the energy efficiency of municipal service delivery, including facilities, equipment, fleet, street-lights, and procurement through the Municipal Energy Efficiency Program.
Policy NE-38	Explore and encourage the development and use of alternative energy sources, such as solar, wind, geothermal, biomass, and energy recovery.
Policy NE-39	Encourage excellence in energy efficiency in new development and in retrofitting of existing development.
Policy NE-40	Support public education and action on the use of alternative energy sources and energy efficiency measures.
Policy NE-41	Work with relevant agencies to develop and implement an Energy and Greenhouse Gas Emissions Plan for the City.

Figure 1: City of Saint John's Municipal Plan Policy – Energy Efficiency (Section 7.8)

The City has provided its intentions under Section 7.8 to “continue to engage in public education and awareness efforts to encourage citizens to implement energy efficiency measures”. This report is a small step in providing awareness into best practice research on developing green energy (specifically wind and solar) policy and zoning provisions.

Although the City of Saint John has provided encouragement to explore the development and use of alternative (green) energy, the City’s Municipal Plan has provided no direction to where these uses may be permitted under a specific existing or future land designation.

The City is a large municipality which is comprised of over 300 square kilometers of land. Council has identified that urban development is most appropriately located within the boundaries of the Primary Development Area (PDA). The Municipal Plan carefully manages land uses beyond the PDA in the Rural Areas to preserve the environmental features and functions of these lands, protect the rural character of these areas, and facilitate the continued use of these lands for rural resource use, where appropriate and permitted. The City of Saint John’s Municipal Plan identifies that developments of a larger stature associated with land use impacts (smell, noise, visual impact, etc.), such as large facilities (i.e. large scale alternative energy facilities), shall be located outside of the primary development land designations. Lands outside the Primary Development Area are generally described as Rural Areas. These lands are typically described through three sub-categories:

Rural Resource Areas are primarily undeveloped lands with the potential for rural resource activity such as pits and quarries and/or forestry uses. New resource uses may be permitted in Rural Resource Areas provided the proposal meets the criteria outlined in the Land Use Chapter of the Municipal Plan, and the relevant provisions of the Zoning Bylaw.

Rural Settlement Areas are the existing, historic communities of Martinon to Ketepec, Lorneville and Treadwell Lake. New, minor, low density residential development that is compatible with a rural lifestyle and with the existing community character will be permitted in these Rural Settlement Areas to support their continued vitality and to maximize existing investments in community infrastructure provided the proposal meets the criteria outlined in the Land Use Chapter of the Municipal Plan.

Rural Industrial Areas have existing industrial uses, such as Canaport LNG and Coleson Cove Generating Station. New Rural Industrial Areas may be permitted in select circumstances provided the proposal meets the criteria outlined in the Land Use Chapter of the Municipal Plan. Residential uses will not be permitted.

Figure 2: Municipal Plan - Rural Area(s) Descriptions

The Rural Resource Area land designation identified within the City's Municipal Plan provides that lands are intended to facilitate resource related activities, where appropriate. They provide examples, such as forestry operations, agriculture, fisheries, and extraction activities, including pits and quarries, but do not mention the use of alternative (green) energy developments or facilities. There is no prohibitive language within this section of the Municipal Plan in which deters alternative (green) energy developments. However, there is no language that clearly allows for this type of use. Furthermore, one of the City's Future Land Use Goals is to limit new developments within the City's Rural Land Designations:

"Provide for limited new development in the City's Rural Areas, preserving the balance of these lands for the conservation of natural areas, limited residential infill and appropriate resource use."

(Future Land Use Goals, Municipal Plan, pg. 50)

It is our understanding that alternative (green) energy developments could be considered within Rural Resource land designation, provided that alternative (green) energy developments are identified as "appropriate" for these areas and an amendment is made to the Municipal Plan.

Lands designated Rural Settlement Areas, should not be considered for alternative (green) energy use, as these lands contain greater risks of land use impacts associated with these facilities. Lands designated Rural Industrial within the Municipal Plan currently are no longer existent, as this land designation has been repealed by City Council (2014) and currently provide no direction on where these types of uses would be appropriate. It is not recommended to pursue alternative (green) energy development within this land designation.

In addition to 'Rural Areas', 'Employment Areas' also encourage and allow for larger developments and facilities. Lands designated for employment supply well located, high quality employment lands to accommodate the needs of business and industry. Employment Areas are defined within the City's Municipal Plan as:

Employment Areas are comprised of existing Industrial Parks, other existing industrial areas, Business Centres, and two areas of primarily undeveloped lands identified for new industrial and employment uses in Spruce Lake Industrial Park and McAllister Industrial Park. Employment Areas will generally not allow residential uses; these areas are generally single purpose industrial or business park uses, not appropriate in proximity to residential uses. Development will occur at lower densities as these uses generally require more land.

Figure 3: Municipal Plan - Employment Area Description

Industrial areas comprise a large proportion of the employment areas, and are established within the Municipal Plan through two industrial designations: the Light Industrial designation and the Heavy Industrial designation. New industrial land uses are generally not appropriate inside of the Primary Development Area. Many large-scale, industrial facilities (i.e. alternative energy developments or facilities), are best suited to their isolated locations outside of the Primary Development Area and may or may not be serviced with municipal servicing. The following industrial land designations are described as follows through Policy:

Heavy Industrial Areas	
Council shall:	
Policy LU-76	Create the Heavy Industrial land use designation on the Future Land Use map (Schedule B). The Heavy Industrial designation is intended to accommodate industrial operations which may have a significant detrimental effect on the safety, use, amenity, or enjoyment of adjacent or nearby sites due to appearance, noise, odour, emission of contaminants, fire or explosive hazards, or dangerous goods. Uses in the Heavy Industrial designation may utilize the City's water and wastewater systems.
2014, C.P. 106-8	
Light Industrial Areas	
Council shall:	
Policy LU-81	Create the Light Industrial land use designation on the Future Land Use map (Schedule B). The Light Industrial designation is intended to accommodate industries which generally do not create nuisances, such as noise, heavy truck traffic, smoke, dust, heat, particulate matter, or highly visible outdoor storage, which extend beyond the property line. Examples of such industries include, but are not limited to, light manufacturing and assembly, warehousing, wholesaling, distribution, research & development activities, equipment or vehicle servicing, sales or rental. Uses in the Light Industrial designation will be connected to the City's water and wastewater systems.

Figure 4: Municipal Plan - Industrial Area(s) Descriptions

Upon review of Employment Areas designated heavy and light industrial, it is recommended that lands designated 'Heavy Industrial', may be able to permit alternative (green) energy developments and/or facilities, provided that an amendment is made within the Municipal Plan.

In addition to Rural and Employment Areas, there are areas that are common to both the Primary Development Area (PDA) and Rural Areas; these include 'Parks and Natural areas'. These lands are intended to form a system of natural areas to help conserve natural ecosystems and include lands designated as park, lands identified as being environmentally sensitive or significant, lands located

adjacent to watercourses and lands within the City's protected watersheds, coastlines, and estuarine areas.

The Parks and Natural Areas states that these areas are

"...generally not appropriate for any form of development, including resource use".

(Park and Natural Areas, Municipal Plan, Pg.96)

The intent of this area is to protect and preserve the natural area. Provided that alternative energy developments and/or facilities (wind and solar) are not an environmental threat or risk to these areas within the City, which could be determined through a required Provincial Environment Impact Assessment (EIA), alternative energy uses could be permitted provided that the proponent meets all federal and provincial standards and the City deems the use appropriate for these lands.

2.1.1 Saint John Land Designations Best Suited for Green Energy Development

Through our brief review of the City's Municipal Plan (2011), we have identified no prohibitive language, which would prevent green energy developments from occurring within the near future. Furthermore, no specific land use objectives or energy related objectives are affected by the development of alternative (green) energy uses. However, there is indication of limiting use in many areas and lands designated around the City, more specifically resource uses which could include alternative (green) energy.

The City has provided their intentions to explore and encourage the development of alternative (green) energy and at this time has provided no restrictions through municipal planning policies. Provided that alternative energy proposals meet all provincial environmental standards and the City of Saint John deems this use 'appropriate', it is recommended that the following designations are best suited for alternative (green) energy developments and should be considered individually and collectively to permit this type of use:

- Rural Resource Areas;
- Heavy Industrial Areas; and
- Parks And Natural Areas

2.2 Saint John Zoning By-law (2014) Review

After reviewing the City's Zoning By-law, we have identified that the By-law is silent on "green or alternative energy", more specifically wind energy. The City's Zoning By-law does speak briefly to "Solar Collectors" under Section 8: General Provisions: Other Standards (8.1: Building and Structure Projections), which permits solar collectors in any yard. From this regulatory provision, we understand that solar energy is permitted on any property at a consumer or residential scale. However, there is no mention of small or large green energy (solar and wind) developments at a commercial scale mentioned within the City's Zoning By-law. Furthermore, there are no definitions in place within the City's Zoning By-law that would provide further direction on defining such developments.

With no prohibitions or direction provided through developed definitions identified within the City's Zoning By-law, a regulatory approach and design standards must be developed to best accommodate the City's needs in protecting the public and natural environment's welfare and encouraging future development.

The following sections of this report will explore best practices on regulatory approaches and design standards from a handful of communities across Atlantic Canada who have implemented policy and zoning provisions to allow for green energy developments (specifically wind and solar).

3.0

Jurisdictional Best Practice Review

Planning is regulated under the *Community Planning Act* (2017) and the *Local Governance Act* (2017) which are administered by the New Brunswick Department of Environment and the New Brunswick Department of Local Government. The *Local Governance Act* provides the legislative framework for municipal powers and responsibilities. It outlines administrative, financial, and operational responsibilities. The *Community Planning Act* establishes the overall planning framework in the province, identifying planning jurisdictions, planning responsibilities and powers, and processes for adoption of planning policy, by-laws and regulations.

Municipal Plan approaches to green energy are limited in New Brunswick. For example, some identify the desirability of renewable (green) energy by making reference to goals around energy efficiency, such as the City of Saint John and the City of Miramichi. Most municipalities that have provided municipal policy for green energy developments and facilities have enabled wind turbines and solar farms in resource, rural, agriculture or conservation type zones and subject to terms and conditions. In addition to communities in New Brunswick, many communities in Nova Scotia have also developed policy and regulatory provisions for green energy and energy efficiency.

There are fairly significant variations among New Brunswick and Nova Scotia municipalities in their policy and regulatory responses to wind and solar energy in terms of the planning mechanisms used. A review of ten (10) municipalities between New Brunswick and Nova Scotia for green energy (specifically wind and solar) policy and zoning regulations was completed (Table 1). Three (3) cities in New Brunswick were reviewed (Fredericton, Moncton and Miramichi), which provided little information on policy and regulatory approaches for allowing green energy development. In fact, of the three reviewed, only the City of Miramichi allowed for as-of-right wind turbines or generators, provided zoning conditions were met within their zoning By-law. Neither the City of Moncton, nor the City of Fredericton provided information on permitting green energy development through their Municipal Plans or Zoning By-laws. Seven (7) municipalities within Nova Scotia were also reviewed. These municipalities provided more in-depth policy and regulatory provisions to allow and permit green energy developments. Municipalities in Nova Scotia provide a variety of regulatory approaches, as some municipalities permitted wind and solar farm developments through:

- As-of-right process;
- Development Agreement process;
- Restricted Overlay (Development Scheme) process;
- Site Plan Approval process; or
- By-law, separate from the municipalities Zoning By-law.

Develop Saint John

Municipal Policy & Regulatory Amendments
Municipal Policy & Regulatory
Amendments Green Energy Development
March 2019– 19-9084

Below are a number of municipalities within New Brunswick and Nova Scotia that provide a response and approach to permit green energy developments:

REGULATORY APPROACHES FOR GREEN ENERGY DEVELOPMENTS

Municipality	Wind Turbine			Solar
	Mini/Micro Scale (~ 0 - 25 KW)	Small Scale (~ 0 – 100 KW)	Large Scale (100 KW or greater)	Small to Large Scale
Halifax Regional Municipality, (NS)*	AOR	AOR/RO	AOR/RO	N/A
Annapolis County (NS)	AOR	AOR	AOR	N/A
Town of Truro (NS)*	N/A	N/A	DA	N/A
County of Cumberland (NS)*	AOR/CU	AOR/RO	AOR/RO	AOR
Town of Bridgewater (NS)	AOR	AOR/CU	NP	N/A
East Hants (NS)*	AOR/CU	AOR/CU	SPA	N/A
County of Colchester (NS)*	N/A	BL	BL	N/A
City of Fredericton (NB)	N/A	N/A	N/A	N/A
City of Moncton (NB)	N/A	N/A	N/A	N/A
City of Miramichi (NB)	AOR/CU	AOR/CU	AOR/CU	N/A
Legend	DA – Development Agreement	CU – Conditional Use	BL – By-law	AOR – As of Right
	NP – Not Permitted	SPA – Site Plan Approval	RO- Restricted Overlay	N/A – No Information
	Municipalities of Interest = *			

Table 1: Regulatory Approaches for Green Energy Developments.

To better understand the benefits and challenges of each regulatory approach, municipal policies and associated zoning standards, the following five (5) municipalities (identified by a star in Table 1) were reviewed further to identify options and recommendations for green energy policy and zoning provisions for the City of Saint John:

1. Halifax Regional Municipality (HRM), NS
2. Township of Truro, NS
3. County of Cumberland, NS
4. East Hants, NS
5. County of Colchester, NS

4.0

Options & Recommendations

The following section outlines options available to regulate green (wind and solar) energy developments. In light of the policy framework and jurisdictional review presented in this report, it should be clear that there is no consensus on many aspects of green energy development. Some controversy remains around some impacts of large energy developments (for example the question of a safe distance from wind-turbines for protection against noise impacts, or even the simpler question of how many birds and bats are killed by wind turbines). These controversies will likely continue into the future, at least until more research has been produced around the topic and its impacts, and as wind developments become more familiar, apparent and normalized. It should be recognized that the assertive development of green energy potential is in accord with broader New Brunswick, Atlantic Canadian, national and global concern and commitments regarding environmental protection and particularly global climate change. Renewable (green) energy has been generally accepted as one of the most promising and important energy technologies, the rapid timely growth of which is deemed critical in addressing these significant global and regional challenges.

Communities want to ensure that their interests and their properties are protected. Developers want clarity in what they can and cannot do and they too have an interest in ensuring that communities are protected and satisfied so as to prevent a backlash to this fairly young industry. Local governments need to carefully balance the need to protect the character, health and safety within communities against the desire for flexibility, respecting the strong desire to support alternative renewable energy options, the advantages associated with economic opportunities and from the industry. Each community therefore needs to consider its interests, values and its own unique socio-political circumstances in moving forward on wind energy legislation.

To establish effective and appropriate approaches to municipal policy and regulation of green energy developments within Saint John, this report and especially the planning tools and options presented in this section are meant to frame and inform (with the best information available) past approaches taken by communities that could be adapted by the City.

The following section is broken down into two major categories, which provide options and recommendations for further consideration:

1. Green Energy Municipal Policies (Municipal Plan Implementation)
2. Green Energy Requirements & Standards (Zoning By-law Implementation)

4.1

Green Energy Municipal Policies (Municipal Plan)

The following describes common municipal policies used by municipalities to address the various impacts associated with larger scaled green energy developments. Some municipalities have provisions to address a major issue directly (e.g. noise by-laws), while others have a framework that addresses several issues simultaneously (e.g. setback distances, accounting for noise, blade throw, ice throw, etc.). Depending on what type of planning policy mechanism is used (e.g., permitted use vs. development agreement) the approaches described below may be more prescriptive (e.g., by-laws) or discretionary (e.g., directions or requirements for inclusion in development application). To provide an in-depth understanding into what type of municipal policies are used by other municipalities, the following sections have been reviewed and provide options and recommendations on municipal policy for alternative (green) energy developments and facilities:

- Municipal Policy Framework
- Application Requirements (Criteria) & Associated Documentation;
- Decommissioning;
- Health & Safety;
- Regulatory Monitoring & Policy Review; and
- Public Consultation & Engagement.

4.1.1 Municipal Policy Framework

After reviewing the City of Saint John's Municipal Plan and Zoning By-law and undertaking a jurisdictional best practice review of municipalities across Atlantic Canada, there are many policy framework approaches that can be developed to allow for alternative (green) energy development. The following Policy Framework options have been reviewed and a recommendation developed:

Municipality	Framework	Description	Model Recommended
Halifax Regional Municipality (HRM), NS	As-of-Right/ Zoning Overlay	Municipal Planning Policy permits renewable energy uses within specific zones under general standards, conditional standards, or both.	✓
Truro, NS	Development Agreement	The process results in a legal agreement of the range of conditions that the developer is required to meet.	
Cumberland, NS	Zoning Overlay	Municipal Planning Policy permits uses within specific zones under general standards, conditional standards, or both.	
East Hants, NS	Site Plan Approval	The site plan approval process involves the review of detailed drawings which illustrate the physical arrangement of property improvements	
Colchester, NS	Separate By-law	A separate By-law permits development and is not associated with legislative planning requirements.	

Table 2: Municipal Plan - Policy framework analysis.

RECOMMENDATION

After considering all the different policy frameworks provided by other municipalities, it is recommended that a policy framework, similarly outlined by the Halifax Regional Municipality, NS, be developed to provide policy within **the Rural Resource, Heavy Industrial and Parks and Natural area designations** to allow for green energy development uses. Developing a prescriptive approach will provide an efficient less expensive approach to processing and regulating green energy developments. Furthermore, both Council and the general public will be able to provide feedback on the proposal during the provincially required Environmental Impact Assessment process and throughout the local planning process.

It is recommended that an **As-of-right regulatory approach** be considered by local council and City Staff, which would permit renewable (green) energy uses as-of-right, provided they meet both the general and conditional standards of their appropriate zones. This policy framework was recommended because it would provide the **greatest options for future development, while still protecting the social and environmental welfare of the City of Saint John.**

4.1.2 Application Requirements (Criteria) & Associated Documentation

There is no clear example of a specified or formal application process for larger green energy developments. Each municipality has its own process to ensure that specific documentation and criteria have been met at all levels of government for the project at hand. One of the most comprehensive examples of an application process in Atlantic Canada is in Cumberland County, Nova Scotia. Cumberland's application process requires a tentative site plan showing all buildings, boundaries and natural features, and alterations of site and environment for 1 km in addition to meeting the requirements for the zone where the facility is located. Prior to construction the municipality also requires a final site plan, decommissioning plan, copies of documentation of approvals from Transport Canada and Nav Canada, copies of all environmental assessment documentation required under the Canadian Environmental Assessment Act and any approvals or certificates required under the Nova Scotia Environment Act and regulations. Furthermore, the municipality requires emergency response plans for site safety and adequate emergency service personnel training, and a professional engineer's design and approval of turbine base.

Another example of a comprehensive process is the Town of Truro. This Town requires a scaled plan with height and design configuration, including colour and lighting; location of proposed site and setbacks, topography, location and proximity to roadways and proposed access to site, distance to residential areas and other structures, existing and proposed vegetation, fencing and other security measures; written confirmation that turbine(s) will not affect telecommunications and radar; written confirmation that turbine(s) have been reviewed or will not require approvals from Transport Canada; graphic representation indicating visual impact of wind turbine on surrounding properties and from various vantage points throughout town; non-refundable processing fee plus advertising deposit; and any other information requested.

Municipality	Tentative Site Plan	Visual Impact Modelling Shadow Flicker analysis	Final Site Plan	Manufactures Information Environmental Approvals	Security Measures	Penalty / Enforcement	Transport Canada Approvals	Policy Model Recommended
Halifax Regional Municipality (HRM), NS			✓	✓			✓	
Truro, NS		✓	✓		✓		✓	
Cumberland, NS	✓				✓		✓	
East Hants, NS		✓	✓		✓			✓
Colchester, NS		✓	✓	✓	✓	✓	✓	

Table 3: Municipal Plan - Application policy analysis.

RECOMMENDATION

It is recommended that **application and associated documentation policies**, similarly outlined by the Municipality of **East Hants, NS**, be developed to provide local council and City Staff with more control on green energy development and facility requirements. After considering all the different policies provided by other municipalities, it is recommended that policies specific to **visual impact, site plan requirements, security and environmental approvals** should be required by the City of Saint John. Please see **Appendix A** for example schedules developed by the Municipality of East Hants, Nova Scotia.

4.1.3**Decommissioning**

While it is important to make provisions and plans for decommissioning of turbines before they are erected, municipalities face a significant challenge in enforcing requirements for decommissioning. Regardless of the challenges with enforcement, municipalities that have provisions for renewable energy development often include requirements regarding decommissioning. Municipalities vary in the detail they require from developers for decommissioning of turbine(s); some only require a date by which inactive turbines will be decommissioned. In some cases, the proponent of a green energy development will submit a status report to council within 3 months of a development not producing power which will identify the reason for the shut down and estimated timeframe to return to operational status. If the development is not operational within 1 year or longer, at the discretion of council, decommissioning of the development will commence according to management plan.

Municipality	Policy	Example	Policy Model Recommended
Halifax Regional Municipality (HRM), NS	-	-	
Truro, NS	✓	Policy G-42: i) "decommissioned turbines shall be removed within two years of the cease of operation;"	
Cumberland, NS	✓	Policy 4-57: "Council shall, through the Land Use By-law, establish requirements for the information to be provided and process to be followed for permitting, maintenance, and decommissioning of wind turbines."	
East Hants, NS	-	-	
Colchester, NS	✓	<p>"A copy of the applicant's Decommission Plan, which must identify the following:</p> <ol style="list-style-type: none"> I. any above ground components of the Wind Power Project to be removed from the site along with any site remediation, excluding roads, required to return the site to a natural state; II. confirmation that Decommissioning will commence 	✓

Develop Saint John

Municipal Policy & Regulatory Amendments
 Municipal Policy & Regulatory
 Amendments Green Energy Development
 March 2019– 19-9084

Municipality	Policy	Example	Policy Model Recommended
		<p>within one (1) year after the Owner or Operator has surrendered the License or the Owner or Operator's License has been terminated;</p> <p>III. confirmation that Decommissioning will be completed within twelve (12) months after commencement; and</p> <p>IV. a cost estimate for carrying the Decommission Plan through to completion, prepared by an engineer who is licensed to practice in the Province of Nova Scotia or by another professional individual who has been deemed appropriate by the Development Officer to prepare the requisite cost estimate."</p>	

Table 4: Municipal Plan - Decommissioning policy analysis.

RECOMMENDATION

Three (3) of the five (5) municipalities of interest provided municipal policy on decommissioning wind turbines. It is recommended that **decommissioning policies**, similarly outlined by the **Municipality of Colchester, NS**, be developed to provide local council and City Staff with more control on decommissioning green energy development and facilities after their business life-span has ended. After considering all the different policies provided by other municipalities, it is recommended that policies specific to a **decommissioning plan** be developed, which outlines **remediation requirements, a time-line to remove all-above ground components, and a cost estimate** to carry out the decommissioning plan, should be required by the City of Saint John.

4.1.4

Health and Safety

When developing municipal policy, health and safety is one of the most influential elements which assist in forming specific planning policies. For example, setbacks are the most common mechanisms used to protect the community against most of the associated issues (noise, visual impact, etc.) with green energy developments. In addition to municipal requirements set out in policy, other information or requirements are required by the Provincial Government for green energy developments, such as large scale wind turbines¹.

The following health and safety policy-based approaches used by municipalities to protect their community have been identified below in Table 5. Separation distances and setbacks, which are also aligned within health and safety policies have been identified under section 4.3) Green Energy Zoning Standards of this report, due to the quantity of unique conditions and regulatory mechanisms that can be imposed.

Municipality	Ice Throw	Blade Throw	Fire Damage and Risk	Aviation Safety	Shadow Flicker	Height	Management Plan	Noise	Access / Roads	Setback Distances	Meteorological Towers	Telecommunications	Birds/Mammal Safety	Recommended
Halifax Regional Municipality (HRM), NS						✓			✓	✓				
Truro, NS					✓	✓		✓	✓	✓	✓	✓		✓
Cumberland, NS		✓				✓			✓	✓				
East Hants, NS		✓				✓		✓		✓				
Colchester, NS								✓	✓	✓	✓		✓	

Table 5: Municipal Plan - Health and safety policy analysis.

RECOMMENDATION

It is recommended that **Health and Safety Policies**, similarly outlined by the **Town of Truro, NS**, be developed to provide residents of Saint John with the greatest welfare. After considering all the different policies provided by the other municipalities of interest, it is recommended that policies specific to an in-depth review **to height, shadow flicker, noise, access, setback distances, and other requirements** be developed by the City of Saint John and required for all small and large scale green energy developments.

4.1.5**Regulatory Monitoring and Policy Review**

Just as wind technology is changing, Municipal By-laws will also continue to change and adapt in response to technology changes and physical impacts associated with green energy developments. To address this notion, many municipalities have taken it upon themselves to review and regulate green energy developments within a shorter time-frame than the five (5) – year requirement, as stated within the Community Planning Act (2017). Undertaking a review every year or couple of years has allowed these municipalities to understand new pressures with green energy developments or facilities and provide an in-depth review and monitoring approach to their development.

Municipality	Monitoring Policy	Example	Policy Model Recommended
Halifax Regional Municipality (HRM), NS	-	-	
Truro, NS	-	-	
Cumberland, NS	✓	Policy 4-53: "Council may consider amending the Wind Turbine Restricted Overlay to add locations where a local tourism plan concludes that small- and large-scale wind turbines are not compatible with the goals of the tourism plan."	
East Hants, NS	✓	AR39. "Council shall periodically review the policies regulating the use of micro, small-scale and large-scale wind turbines."	✓
Colchester, NS	✓	"A Licence issued under this By-law will be in effect for twenty-five (25) years unless otherwise cancelled or suspended. If a License is not renewed pursuant to this By-law before the License expires, a License shall automatically terminate at the end of the twenty-five (25) year period of the License."	

Table 6: Municipal Plan - Monitoring policy analysis.

RECOMMENDATION

Three (3) of the five (5) municipalities of interest provided municipal policy on monitoring wind turbine developments. It is recommended that **monitoring policies**, similarly outlined by the **Municipality of East Hants, NS**, be developed to ensure green energy developments are **reviewed periodically** under no specific timeline but on a case-by-case basis. A Municipal Plan is to be reviewed every five (5) years, as per the Community Planning Act, which will be the longest period of time between each policy and provisional review of green energy facilities.

4.1.6

Public Consultation, Education and Communication

Community engagement, education, and consultation processes have been an integral part of nearly all of the above mentioned municipalities of interest. Often, the developer is proactive in beginning this engagement process early on, so as to address any concerns directly, rather than dealing with resistance once construction has begun. Organized opposition to wind development is not common, but individuals, who often live near the intended site, tend to have concerns or comments that need to be responded by the developer directly. The policy stage, at which municipalities establish their by-laws and procedures around wind power development, is also an important stage to engage in more specific communications around wind energy.

Develop Saint John

Municipal Policy & Regulatory Amendments
Municipal Policy & Regulatory
Amendments Green Energy Development
March 2019- 19-9084



By working with the public early during the planning phase of green energy developments and gathering local wind energy champions, project developers can gain a sense of history in the community while completing requirements set out within the Community Planning Act (2017). This is important in certain instances, as some communities may have resentment from previous wind developments within the community or Province. Such historical issues have posed challenges to developers who were not prepared for community opposition. It should also be noted that Provincial EIA projects require public consultation as part of the overall EIA process, including the requirements for First Nation consultation. The Department of Environment should be contacted for further details on these requirements.

RECOMMENDATION

It is recommended that a **discretionary approach** be developed, which provides a decision-making process that involves local council and the community. It should be noted that other forms of consultation and public engagement will be required by other governmental departments for green energy developments before the proponent may apply to the City of Saint John for a Building and Development Permit.

4.2 Green Energy Requirements & Standards (Zoning By-law)

The following section describes common regulatory approaches and zoning standards used by municipalities to address the various impacts associated with larger scale green energy developments. The following sections have been reviewed to provide options and recommendations on the following elements to provide regulatory provisions for alternative (green) energy developments and facilities:

- Regulatory Approaches
- Zones of Permitted Use
- Separation Distances and Setbacks; and
- Application Requirements/Criteria

4.2.1 Regulatory Approaches

There are a variety of planning mechanisms and tools used by municipalities for regulating green energy developments. Broadly speaking, these range from fairly prescriptive (e.g., permitted or conditional uses) to highly discretionary (e.g., rezoning, development schemes, and development agreements). On the prescriptive side of the development spectrum, applications for permitted uses are simply judged against a standard checklist of regulations. The application process is fairly simple and quick, but there is little flexibility in the evaluation system. At the discretionary end of the spectrum, applications are considered on a case by case basis and their suitability is determined through a consultative decision-making process that involves local council or commission and potentially the community, but it is a longer and more expensive process. The pros and cons of various mechanisms are further described on the following pages (Table 7).

Regulatory Approach	Description	Strengths	Challenges
Permitted Uses (As-of-Right) Example: Halifax Regional Municipality, NS (Zoning Overlay)	Under typical planning legislation, a Zoning By-law enables local governments to identify uses of land that are permitted within certain zones subject to compliance with a set of prescribed standards. These standards may also be conditional based on the type of use, building or structure. Using this standard planning mechanism, a wind or solar development can be identified as a permitted or conditional use in a zone and therefore be permitted 'as-of-right' when it complies with prescribed standards.	<ul style="list-style-type: none"> • Certainty to developers • Enables development of wind industry. • By using a set of predetermined criteria it ensures that projects will be evaluated against a consistent set of standards • Approvals can be obtained within a relatively short period of time. • Typically a less expensive approval process • Permitted Use standards can be varied, either by Committee or Development Officer through the Zoning By-law 	<ul style="list-style-type: none"> • Generic approach that can exclude areas from development, which on a case by-case basis may be suitable. • Difficult to articulate quantitative regulations (ex: visual impacts are more difficult to manage through zoning standards) • No input from Municipal Council • No public input on application/proposal
Conditional Uses Example: Cumberland, NS	Under typical planning legislation, a Zoning By law enables local governments to identify uses of land that are permitted within certain zones subject to compliance with a set of prescribed standards. In addition to this, a use permitted in a zone can also be made subject to terms and conditions as imposed by a Planning Advisory Committee or Commission. These conditions must be related to health, safety, wellbeing and protection of properties within zone or abutting zones.	<ul style="list-style-type: none"> • Establishes locational criteria • Enables flexibility in designing adequate conditions relevant to the site • Provides certainty to developers • Enables development of wind industry. • Approvals can be obtained within a relatively short period of time. • Typically a less expensive approval process 	<ul style="list-style-type: none"> • Need for clear and concise criteria for mutual understanding of the assessment and potential conditions imposed. • Terms and conditions imposed are limited to health, safety and well-being and protection of properties within zone or abutting zones. • No ability to enforce decommissioning requirements

Regulatory Approach	Description	Strengths	Challenges
<p>Wind Turbine Development By-law)</p> <p>Example: Colchester, NS</p>	<p>The Municipality of Colchester has developed a 'Wind Turbine Development By-law' that allows wind energy on all lands within the municipality, provided all regulations are met. This By-law does not fall under or abide by the Provincial Planning Regulations, as outlined in the <i>Municipal Government Act</i> (NS). Therefore, all regulations must be met with no option for variance. This By-law is permitted through General-Bylaw development provisions within the MGA (section 172). This process is applicable through section 10 of the <i>Local Governance Act</i> within NB.</p>	<ul style="list-style-type: none"> • Process allows all lands to be considered for development • The onus is more clearly on the developer • Public input, monitoring, and decommission planning is required • Approval process more streamlined • Allows for more detailed requirements 	<ul style="list-style-type: none"> • Less direct control provided to Council • No opportunity to vary conditions or requirements within the By-law. • Could be perceived as a challenge to the development • Not associated with Municipal Policy or Zoning By-law regulations
<p>Development Scheme (Restricted Overlay Zone)</p> <p>Example: Cumberland, NS</p>	<p>The Development Scheme is a tool provided within typical planning legislation. A Development Scheme is a tool that carries out or amplifies any project, providing it is not inconsistent with a municipal plan. In this case, a use such as a wind or solar farm could be permitted subject to the statements, drawings and details included in the scheme. Council is the ultimate authority in determining conformance with the scheme. The Municipality of Cumberland has developed a restricted overlay map, which identifies areas that are not permitted for wind or solar energy development.</p>	<ul style="list-style-type: none"> • Development scheme could be used to identify the conditions that can be imposed and the scope of assessment, which provides clarity for the developer. • This process is site specific, and thus, can take into account site specific factors • Public input into the development scheme is required • More direct control provided to Council/Commission 	<ul style="list-style-type: none"> • Creates greater uncertainty for developers as the decision is subject to Council/approval • Development planning staff must have the appropriate skill set to make an informed decision on the development agreement requirements. • Process is a lengthier and at times onerous process, and requires a more significant investment of resources

Regulatory Approach	Description	Strengths	Challenges
<p>Development Agreement</p> <p>Example: Truro, NS</p>	<p>Development agreements allow specific development standards to be negotiated in addition to those required by the existing regulatory framework (zoning by-law, subdivision plan etc.). The process results in a legal agreement of the range of conditions that the developer is required to meet. The agreement is registered against the property and runs with the land until it is discharged.</p>	<ul style="list-style-type: none"> • Can be used to supplement permitted uses or conditional uses • The onus is more clearly on the developer to identify and assess impacts • The process is site specific, and thus, can take into account site specific factors such as environmental impacts and development obstacles. 	<ul style="list-style-type: none"> • Presupposes or requires the willingness of the developer to use the agreement. • Development planning staff must have the appropriate skill set to make an informed decision on the development agreement requirements.
<p>Site Plan Approval</p> <p>Example: East Hants, NS</p>	<p>The site plan approval process involves the review of detailed drawings which illustrate the physical arrangement of property improvements such as buildings, driveways, parking areas, landscaping, fences, light fixtures, waste collection areas, drains and municipal services. Municipal staff and commenting agencies review the drawings to ensure they comply with development standards, regulations and policies. The site plan approval process promotes functional and attractive development, while minimizing adverse impacts on surrounding land uses. Conditions will be imposed to ensure that development proceeds in accordance with the approved drawings.</p>	<ul style="list-style-type: none"> • Runs with the title of land • Stream-lined process • Places trust into Municipal Staff • Site Specific Controls • Provides more certainty to developers • No Council/PAC during approval process 	<ul style="list-style-type: none"> • No public involvement • No Council Involvement • Less control than Development Agreements • Invested power to Development Officer

Regulatory Approach	Description	Strengths	Challenges
Rezoning or Integrated Development Zones	<p>Another tool available under typical planning legislation is using a rezoning or the creation of an Integrated Development Zone to enable any given proposal.</p> <p>In either case, when a proposal is made to establish a wind turbine or a wind turbine farm, the zoning by-law could be amended to enable the proposed use. Once the change to the zoning by-law is approved, the development can proceed as a permitted use, however it may be subject to terms and conditions or an agreement as established under planning legislation.</p>	<ul style="list-style-type: none"> • The process is site specific which allows the municipality to use the process to establish locational criteria without having to predetermine the location on the ground. • Provides a process through which the local government can require further study of the potential impacts of wind turbine development • The onus is more clearly on the developer • Provides a process through which the local government can enforce decommissioning and require financial bonds. • Public input into the development is required • More direct control provided to the Council 	<ul style="list-style-type: none"> • Need for clear and concise criteria for assessment • Creates greater uncertainty for developers as the decision is subject to Council or Commission approval • There is greater potential (or perception thereof) that projects will not be treated evenly as agreements are project specific • The process is a lengthier and at times onerous process • Could be perceived as a challenge to the development

Table 7: Regulatory Approached taken by Municipalities on Wind Energy Development.

RECOMMENDATION

After considering all different regulatory approaches, it is recommended that a **discretionary approach**, which provides local council and community with an opportunity for feedback on a proposal, should be considered by the City of Saint John. Developing a discretionary approach will provide comprehensive approach to processing and regulating green energy developments. It is recommended that a **Rezoning approach be considered by City Council and Staff** to allow for alternative (green) energy uses as-of-right, provided they meet both the general and conditional standards of its appropriate zone. The rezoning approach would require text amendments to the zoning by-law to allow for specific zoning standards and conditions. It is anticipated that the new zoning standards and conditions would be developed in a new zone entirely.

4.2.2 Zones for Permitted Use

Table 8 below identifies which lands and which zones green energy developments are permitted:

Municipality	Permitted Zones	Permitted Use Approach Recommended
Halifax Regional Municipality (HRM), NS	HRM has established three overlay zones within the Land Use By-law to regulate wind energy facilities: <ul style="list-style-type: none"> • Urban Wind (UW-1) Zone, • Rural Wind (RW-2) Zone and • Restricted (R) Zone. 	✓
Truro, NS	The Township of Truro has established that wind energy development may be permitted in the following zones: Commercial Zone; Industrial Zone; Community Use Zone; Rural Residential (R8) Zone; Watershed Residential (R9) Zone; or Environmental Management Zone excluding the Floodway (E3) Overlay or the Floodway Fringe (E4) Overlay where the underlying Zone is a Residential Zone other than the Rural Residential (R8) or Watershed Residential (R9) Zone.	
Cumberland, NS	The Municipality of Cumberland has permitted small land large-scale wind turbines in all zones, but shall prohibit small- and large-scale wind turbines on lands covered by the Wind Turbine Restricted Overlay.	
East Hants, NS	The municipality of East Hants has permitted wind energy developments within the Wind Energy (WE) Designation and implementing zone, which is used to regulate wind energy development in the region of East Hants.	
Colchester, NS	The Municipality of Colchester enables wind energy developments in all lands of the municipality, provided that it meets all regulatory provisions of the By-law.	

Table 8: Zoning By-law – Zones for Permitted Use Analysis

RECOMMENDATION

It is recommended that the City of Saint John **establish a new zone (Green Energy Zone)**, which can be used to regulate all small and large scale green energy developments. Proponents looking to develop a wind or solar energy development would need to **meet all municipal policies and zoning standards within their identified land designations and zone** in order to obtain a development permit for alternative (green) energy use.

4.2.3 Separation Distances and Setbacks

Separation distances are determined by such considerations as noise, blade and ice throw, and proximity to inhabited structures. Separation distances can be defined at the federal, provincial and municipal level. For example, some distances will be defined by federal agencies concerned with aeronautical safety, protection of fish habitat, navigable waters, species at risk, and migratory birds.

A setback describes the distance between a property line and a building. Separation distance would be used to describe the distance required to separate structures in other circumstances (separation based on noise levels, other structures, safety concerns, etc.). Due to the fact that the majority of the literature reviewed and the municipal by-laws surveyed used the term setback to describe both the technical definition and all other separation considerations, this report predominately uses the term setback to describe both mechanisms.

Some municipalities only have setbacks for regulating the placement of turbines in relationship to closest receptors or dwellings while other municipalities have a series of setbacks for dwellings on and off site, roads, property lines, other turbine developments, and special zones. An established setback from a neighbouring dwelling will protect residents within the dwelling from the unwanted impacts of wind turbines (e.g. noise) while an established setback from the property line will protect neighbouring properties in their entirety – thus for example, allowing neighbouring properties full liberty in building new structures anywhere on their site without having to worry about impacts of the wind turbines on any such new structures.

In some cases, the development of setbacks from either dwellings or property lines will greatly affect the ability of proponents to build wind turbines. In Nova Scotia, the County of Pictou changed its draft setback criteria from originally having setbacks for property lines to setbacks for dwellings since the lot sizes in the county were of the size which would severely restrict wind turbine development if based solely on property lines. The change to setbacks for dwellings allowed for greater opportunity for development of wind turbines. Similarly, the Municipality of Cumberland measures setbacks from “an existing building intended for human occupation on a neighbouring property,” not from property lines. This is to avoid problems associated with narrow properties (common in NB); putting the separation where it is needed and not inadvertently restricting development on neighbouring properties through a reverse application of setbacks.

Table 9 below identifies examples of setbacks used by the municipalities of interest for large scale wind turbines and offers a recommended approach for zoning standards set forth by the City of Saint John:

Type of Setback	Description	Examples	Setback Approach Recommended
Setbacks to dwellings on neighbouring property	Setback a minimum distance from any habitable building on an adjacent property.	<ul style="list-style-type: none"> • HRM - Urban Zone (Medium Facilities) - set back a minimum distance of 250 metres (820 feet) from any habitable building on an adjacent property. • HRM – Rural Wind Zone (Large Facilities) – set back a minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property; • Cumberland – 600 metres or 3 times the height of the turbine, whichever is larger • Colchester - The minimum Setback for the location of a Large Scale Wind Turbine from an existing Dwelling on a neighbouring property is 1,000 metres, • Colchester - an applicant may request a reduction of the 1,000 metres minimum Setback provided by clause 5.2 of this By-law, to a minimum Setback of 700 metres, with written permission from all landowners who own parcels of land that share a common boundary with any parcels of land which form part of the Wind Power Project, in a form approved by the Development Officer from time to time. • Truro – 10 times tower height of wind turbine 	<ul style="list-style-type: none"> • Set back a minimum distance of 1000 metres (3281 feet) from any habitable building on an adjacent property; • Reduction of the 1,000 metres minimum Setback to a minimum Setback of 700 metres, with written permission from all landowners who own parcels of land that share a common boundary with any parcels of land which form part of the Wind Power Project.
Setbacks to dwellings on site	Setback a minimum distance from any habitable building on the subject property.	<ul style="list-style-type: none"> • Cumberland – 1.25 times the height of the turbine • Truro – 3 times the total height of the wind turbine 	<ul style="list-style-type: none"> • Setback a minimum of 1.25 times the height of the turbine
Setbacks from property lines	Setback a minimum distance from any adjacent property boundary.	<ul style="list-style-type: none"> • HRM – Urban & Rural Wind Zone- a minimum distance of 1.0 times the tower height from any adjacent property boundary. • Cumberland – 1.1 times the height of the turbine, or height of the turbine plus 7.5 metres, whichever is larger. • East Hants - 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 	<ul style="list-style-type: none"> • The minimum Setback for a Large Scale Wind Turbine from an External Property Line is one (1.1) times the Wind Turbine Height.

Type of Setback	Description	Examples	Setback Approach Recommended
		<p>lines;</p> <ul style="list-style-type: none"> • East Hants - 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. • Colchester - The minimum Setback for a Large Scale Wind Turbine from an External Property Line and public roads is one (1) times the Wind Turbine Height. • Colchester - The minimum Setback for the location of a Small Scale Wind Turbine from an External Property Line is two (2) times the Wind Turbine Height. • Truro – 3 times the total height of wind turbine 	
Setbacks from roads	Setback a minimum distance from public roads/streets	<ul style="list-style-type: none"> • Cumberland – 1.1 times the height of the turbine, or height of the turbine plus 7.5 metres, whichever is larger. • Colchester - The minimum Setback for a Large Scale Wind Turbine from an External Property Line and public roads is one (1) times the Wind Turbine Height. 	<ul style="list-style-type: none"> • Setback a minimum of 1.1 times the height of the turbine, or height of the turbine plus 7.5 metres, whichever is larger.
Setbacks for multiple turbines on a site	Setback a minimum distance between turbines	<ul style="list-style-type: none"> • HRM - Urban Zone a minimum distance between turbines equal to the height of the tallest tower. 	<ul style="list-style-type: none"> • Setback a minimum distance between turbines equal to the height of the tallest tower
Setbacks for multiple wind turbines on multiple properties	Setback a minimum distance between turbines on multiple properties (wind farm)	<ul style="list-style-type: none"> • Cumberland - Four (4) times the height of the proposed wind turbine or four (4) times the height of the wind turbine external to the wind energy project, whichever is larger. • Truro – the minimum separation distances between turbines shall be 5 times the rotary diameter 	<ul style="list-style-type: none"> • Setback a minimum distance of 4 times the height of the proposed wind turbine.
Setback from Natural Gas pipeline right-of-way	Setback from natural gas pipeline	<ul style="list-style-type: none"> • Cumberland – 85 metres 	<ul style="list-style-type: none"> • Setback a minimum of 85 metres

Table 9: Zoning By-law - Setbacks and Separation Distance Analysis

4.2.4 Application Process

The application process, whether for a permitted use, rezoning or development agreement, will require proponents to describe certain aspects of the proposed development. The following table (Table 10) lists elements that the City of Saint John may wish to include in the requirements in its application process. The following information was generated by compiling requirements from other application processes from the five (5) identified municipalities of interest.

<u>Content of Development Application</u>	<u>Recommended Requirement</u>
Project definition including installed turbine(s) capacity, targeted long term production levels, scale elevations or photos of turbines showing total height, tower height, rotor diameter and colour;	✓
Site plan showing all buildings, boundaries and natural features and alterations of site;	✓
Turbine manufacturer's specifications and professional engineer's design and approval of turbine base;	✓
Analysis of visual impact including the cumulative impact of other wind turbines and impact of overhead transmission lines, mitigation measures for shadow or reflection of light onto adjacent sensitive land uses;	✓
Analysis of noise impact including a map indicating all lands and sensitive receptors impacted and estimated noise levels at property lines and receptors;	
Impacts to the local road system including required approaches from public roads;	
Study to determine impact and mitigation for identified natural heritage features;	
Copies of completed forms from Transport Canada and Nav Canada for turbines taller than 30 m and 30.5 m respectively;	✓
Evidence of notification to DND and Nav Canada if within a 10 km radius of airfield;	✓
Copies of all documentation required for <i>Canadian Environmental Assessment Act</i> and <i>New Brunswick Environmental Impact Assessment Act</i> if applicable;	✓
Evidence of notification to DND, Nav Canada, Natural Resources Canada or other applicable agencies regarding potential radio, telecommunications, radar and seism acoustic interference if applicable;	✓
Evidence and results of public consultation if conducted;	✓
When placed on agricultural land, evidence of the continued use of prime agricultural land for farm use;	
Emergency response plans for site safety; and	
Decommissioning and reclamation plan.	✓

Table 10: Zoning By-law - Application Requirement Analysis

5.0

Proposed Amendments

The following section describes proposed policy and regulatory amendments for the City of Saint John to address the various impacts associated with larger and small scale green energy developments. The following sections have been reviewed to provide recommendations on the following Bylaws for alternative (green) energy developments and facilities:

- Municipal Plan Policy Amendments; and
- Zoning By-law Amendments

5.1

Municipal Plan Amendments

The proposed Municipal Plan amendments are provided below, in *green italics* for additions and ~~red strikethrough~~ for deletions.

a. The Rural Areas

Lands outside the Primary Development Area are generally described as Rural Areas and are not provided with municipal water and wastewater services. The Rural Areas will support limited growth and development which will be carefully controlled through Municipal Plan policy in order to encourage most development to take place within the Primary Development Area. Rural Areas include three sub-categories described as Rural Resource Areas.

Rural Resource Areas are primarily undeveloped lands with the potential for rural resource activity such as pits and quarries, ~~and/or~~ forestry uses, *and alternative energy development, such as wind and solar.* New resource uses may be permitted in Rural Resource Areas provided the proposal meets the criteria outlined in the Land Use Chapter of the Municipal Plan, and the relevant provisions of the Zoning Bylaw.

b. Lands Common to the Primary Development Area and the Rural Areas

Park and Natural Areas are currently in a primarily natural state or would benefit from re-naturalization and are not appropriate locations for development. Park and Natural Areas include wooded lands, lake shores, rivers, coastlines, and important geology and habitat. Through specific policies in Chapters 3 and 7, such as the provision of wildlife corridors, protection of environmentally sensitive/ significant areas, and guidelines for watersheds, riparian, coastal and

estuarine areas, the lands are intended to form a system of natural areas to conserve ecosystems. *Due to the large provision of Park and Natural Areas in largely inaccessible areas of the city, Green Energy Developments, as defined within the City's Zoning By-law, are appropriate, subject to required provincial and federal approvals.*

Rural Resource

The majority of lands within the City's Rural Areas are located in the Rural Resource Area designation. These lands are intended to facilitate resource related activities, where appropriate, such as forestry operations, *wind and solar energy development*, agriculture, fisheries, and extraction activities, including pits and quarries. Limited residential and other land uses may be contemplated.

Policy LU-95

Create the Rural Resource Area designation on the Future Land Use map (Schedule B). Council intends that land within the Rural Resource Area designation shall generally remain in their natural state, or subject to regulation and required approvals, be used for appropriate resource uses, including forestry operations, *wind and solar energy development*, agriculture uses, including livestock operations and the fishery, and extraction activities, including pits and quarries.

Parks and Natural Areas

Policy LU-110

Create the Park and Natural Areas designation on the Future Land Use map (Schedule B). Council intends that the Park and Natural Areas designation will permit a range of conservation and appropriate recreational land uses permitted in the City's major regional and community parks, environmentally sensitive or significant areas, lands that are located adjacent to watercourses, lands adjacent to the City's coast lines, estuarine areas, significant archaeological and geological sites, historic sites, designated heritage places and cemeteries. Council may permit commercial recreation uses in the Park and Natural Area designation subject to appropriate standards in the **Zoning Bylaw**. *Council may permit wind and solar energy development in the Park and Natural Areas designation outside of the Primary Development Area, subject to federal and provincial environmental approvals and conditions and standards in the Zoning Bylaw.*

5.2 Zoning By-law Amendments

The proposed Zoning By-law amendments are provided below, in *green italics* for additions and ~~red strikethrough~~ for deletions.

5.2.1 Amended or New Definitions

The following is a list of definitions that will need to be created or amended to support regulatory provisions for the proposed Green Energy Zone:

“Blade Clearance” means the distance from grade to the bottom of the rotor’s arc.

“Green Energy Development” means a project that accommodates renewable resource-related activities, such as a wind energy development or solar energy development.

“Habitable Building” means a dwelling unit, hospital, hotel, motel, nursing home or other building where a person lives or which contains overnight accommodations.

“Micro Scale Wind Turbine (MWT)” means a Wind Turbine providing on-site power to a home or business, with a power generation capacity of 10 kilowatts or less.

“Nacelle” means a component of a wind turbine that houses its generating components including, but not limited to, the gearbox, generator, drive train, and brake assembly.

“Other Zone” means any zone denoted in this By-law as: Park (P), Environmental Protection (EP), Integrated Development (ID), Future Development (FD), Rural (RU), *Green Energy (GE)*, or a Special Zone.

“Rotor’s Arc” means the circumferential path traveled by the wind turbine’s blade.

“Solar Energy Development” means a project in which one or more solar collector(s) will be installed.

“Solar Collector” means a single device that collects and/or concentrates solar radiation from the Sun. These devices are primarily used for active solar heating and allow for the heating of water for personal use. Without restricting the generality of this definition, a solar collector may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.

“Solar Collector System” means a structure or array of structures, and ancillary equipment, designed to collect solar radiation and convert it to useable forms of energy. Without restricting the generality of this definition, solar collector systems may include evacuated tubes, flat plate collectors, concentrating mirrors, and building-integrated photovoltaic materials but does not include windows or greenhouses.

“Temporary Test Facility” means temporary measurement towers or instruments for the assessment of potential wind energy resource.

“Turbine Height” means the measurement of a wind turbine from grade to the highest point of the rotor’s arc.

“Large Scale Wind Turbine (LWT)” means a Wind Turbine providing power to the local Utility grid, with a minimum power generation capacity of 100 kilowatts, and a maximum height of 200 metres.

“Small Scale Wind Turbine (SWT)” means a Wind Turbine providing on-site power to a home or business, with a power generation capacity between 11 and 99 kilowatts, inclusive, and a maximum height of 125 metres, which may also be used for net metering.

“Wind Energy Development” means a project in which one or more wind turbine(s) will be installed.

“Wind Farm” means a number of wind turbines that are spaced over a large area and are connected to the local utility grid.

“Wind Test Tower” means a temporary tower and mechanical device used to measure wind dynamics for potential wind turbine locations.

“Wind Turbine” means a mechanical structure designed to convert wind into electrical power.

“Wind Turbine Separation Distance” means the horizontal distance measured from the closest external face of the base of the wind turbine tower to any specified feature or object.

5.2.2 Other Zone Description

On page 204 of the City’s Zoning By-law, Table 14-1 shall identify the following permitted uses under the general list of uses allowed in the Other Zones:

Use	Zone Permitted
Wind Energy Developments	Green Energy
Solar Energy Developments	Green Energy

5.2.3 Green Energy Zone (Context, Permitted Uses, Conditions of Use, & Zone Standards)

The City of Saint John is to amend their existing Zoning By-law to create Section 14.10, which provides context and direction on permitted uses, conditions and zoning standards for the newly proposed Green Energy (GE) Zone. The following Zoning By-law amendments have been developed for the City’s consideration:



14.10 Green Energy Zone

MUNICIPAL PLAN CONTEXT

The Green Energy (GE) zone accommodates renewable resource-related activities, such as wind and solar energy developments. Green energy operations are not considered permanent uses and these properties are intended to be rezoned back to an appropriate zone once a green energy development is no longer feasible and rehabilitated. The Green Energy (GE) zone is intended for land outside of the Primary Development Area that is designated Rural Resource; Heavy Industrial; or Parks and Natural Areas.



14.10(1) PERMITTED USES

Any land, building, or structure may be used for the purposes of, and for no other purpose than, the following:

- Wind Energy Developments; and
- Solar Energy Developments; and

The above main uses may also include any of the following as an accessory or secondary use:

- Caretaker Dwelling;
- Office and Storage Buildings; and
- Parking;

14.10(2) GENERAL

- a) Nothing in this Bylaw shall exempt developers from obtaining all necessary federal and provincial approvals from agencies, such as, but not limited to, Department of Environment, Department of Energy and Resource Development, Department of National Defense, Transport Canada, NAV Canada, and Saint John Energy.
- b) An accessory or secondary use permitted in subsection 14.10(1) shall be subject to the following:
 - i. The building shall have a minimum ground floor area of 65 square metres;
 - ii. The building shall be placed on a lot so that its length is parallel to the street; and

- iii. If not placed on a permanent foundation, the building shall have skirting of an opaque material installed around its perimeter between the building and ground.
- c) Wind Turbines exceeding 6 metres (20 feet) shall not be mounted on or attached to any other structure.

14.10(3) ZONE STANDARDS: SETBACKS

Green Energy Developments, as permitted under section 14.10(1), shall have the minimum separation distances, as outlined below:

- a) Subject to paragraph 14.10(8)(b), the minimum distances stipulated herein shall be maintained between any Green Energy Development upon land with respect to which a development permit has been issued:

From	Minimum Separation Distance		
	Solar Collector System	Small Wind Turbine (SWT)	Large Wind Turbine (LWT)
i. Habitable building(s) external to the project (adjacent properties)	100 metres	750 metres	1000 metres
ii. Habitable building(s) internal to the project (on site)	20 Metres	1.25 times the Turbine Height	1.25 times the Turbine Height
iii. Property lines external to the energy project	20 Metres	2 times the Turbine Height	1 times the Turbine Height

- b) Subject to Paragraph 14.10(8), the Applicant is to provide documentation that all setback and separation distance regulations, stipulated by the Provincial and Federal Government, have been satisfied.
- c) If a Wind Energy Development is expanded, the expansion shall not be located any closer to new habitable buildings that were permitted under subsection (a).
- d) There is no limit on the number of Small or Large-Scale Wind Turbines permitted on a site, provided all of the turbines meet setback and separation distance requirements.

14.10(4) ZONE STANDARDS: ACCESS

- a) A Green Energy Development shall be protected from unauthorized access by:
 - i. having a security fence, which shall have a minimum height of 1.8 metres and a lockable gate; or

- ii. having any ladder or permanent tower access located no closer to the ground than 3.7 metres; or
- iii. for monopole designs with internal access only, a lockable door.

14.10(5) ZONE STANDARDS: SCREENING

- a) A buffer(s) shall be in place prior to the start of a Solar Energy Development. On-site material may be used for constructing buffers and berms, provided that the treed and/or landscaped berm is 4 metres in height to visually screen the site and associated activities. If trees do not exist in quantities to adequately screen the visibility of the operation from a public street or adjacent residential properties, the applicant shall construct a treed and landscaped berm 4 metres in height to visually screen the site and associated activities.
- b) The location of buffers, present or proposed, shall be identified on the applicant's site plan(s).

14.10(6) ZONE STANDARDS: HEIGHT

- a) Notwithstanding other provision herein, a Small-Scale Wind Turbine shall have a maximum Turbine Height of 125 metres.
- b) Notwithstanding other provision herein, a Large-Scale Wind Turbine shall have a maximum Turbine Height of 200 metres.
- c) The minimum ground clearance for a Rotor Blade shall be 7.5 metres.

14.10(7) CONDITIONS OF USE & OPERATION

A development permit under subsection 14.10(9) is subject to the following terms and conditions:

- a) Appearance
 - i. A Green Energy Development shall have a non-reflective matte finish.
- b) Lettering and Signage
 - i. A Wind Turbine shall not contain any commercial advertising;
 - ii. The Nacelle of a Wind Turbine may display the name or logo of the manufacturer of the Wind Turbine or the name or the logo of the Owner or Operator of the Wind Turbine, which shall not exceed 5% of the total surface area of the wind turbine; and
 - iii. Site signs will be limited to those which identify the Green Energy Development, those which locate access points and those which provide safety and educational information.
- c) Lighting
 - i. A Wind Turbine shall not have artificial lighting, except for lighting that is required by Transport Canada or other Provincial or Federal regulatory authorities.
- d) Temporary Test Tower Facilities
 - i. Temporary Test Tower Facilities may remain erected for a maximum of two (2) years after the issuance of a development permit, after which time any such Temporary Test

Tower Facilities must be dismantled unless an Owner and/or Operator satisfies that the Temporary Test Tower Facilities continue to be necessary.

- e) Outdoor Storage
 - i. Outdoor storage shall be considered an accessory use to a Green Energy Development, and any such outdoor storage occurring after the completion of installation or construction of the Project shall be screened from the view from adjacent Dwellings and public roadways.
- f) Requirements of the Applicant During the Construction Phase
 - i. Within two (2) months of the installation of a Wind Turbine or the completion of a phase in a multi-phased Wind Power Project, the applicant will submit a Location Certificate prepared by a surveyor who is licensed to practice in the Province of New Brunswick or a drawing prepared by an engineer who is licensed to practice in the Province of New Brunswick which confirms that the location of the installed Green Energy Development and is in compliance with the minimum Setbacks as required in this By-law.

14.10(8) DEVELOPMENT PERMIT APPLICATION

A person seeking to obtain a development permit shall be the owner or agent of the land proposed to be developed and shall make application in writing to the Development Officer and such application signed by the applicant shall contain:

- a) A site plan, drawn to scale by an engineer or surveyor who is licensed to practice in the Province of New Brunswick, showing the proposed location of the Wind Turbines, Solar Collector Systems, and accessory components of the Green Energy Power Project.
- b) A plan, drawn to scale by an engineer or surveyor who is licensed to practice in the Province of New Brunswick, showing the location of adjacent structures and land parcels and identifying all dwellings, structures, public and private roads and right-of-ways within two (2) kilometres of any proposed Green Energy Development. The plan must also demonstrate compliance with the required minimum setbacks, where applicable, for the entire Green Energy Project. The plan must also include tables which provide the distance, in metres, from each Wind Turbine or Solar Collector System to external property lines and dwellings.
- c) The results of a Wind Turbine Noise Modelling Study, if undertaken, or an equivalent study, which demonstrates that the Wind Power Project will have an Ambient Degradation Noise Standard.
- d) If applicable, a copy of an Environmental Assessment and notice of the issuance of any Federal and/or Provincial approvals, along with any changes, comments or conditions imposed by Federal and/or Provincial regulatory authorities.
- e) A certified copy of the complete manufacturer's specifications for all proposed Wind Turbines and Solar Collector(s).

- f) A copy of the applicant's Decommissioning Plan, which must identify the following:
- i. any above ground components of a Wind or Solar Energy Development to be removed from the site along with any site remediation, excluding roads, required to return the site to a natural state;
 - ii. confirmation that Decommissioning will commence within one (1) year after the Owner or Operator has surrendered the License or the Owner or Operator's License has been terminated;
 - iii. confirmation that Decommissioning will be completed within twelve (12) months after commencement; and
 - iv. a cost estimate for carrying the Decommission Plan through to completion, prepared by an engineer who is licensed to practice in the Province of New Brunswick or by another professional individual who has been deemed appropriate to prepare the requisite cost estimate.
- g) Written acknowledgement from the landowner(s) of the parcel(s) of land which form part of the proposed Green Energy Development that the Municipality shall not be liable for any costs, fees or expenses of any kind which may be incurred by the landowner in relation to the Decommissioning of the Green Energy Development in the event that the Decommission Plan is not completed to the landowner's satisfaction or in accordance with any agreement that may have been entered into between the landowner and the applicant.
- h) If applicable, confirmation that the applicant has given notice to, and has received approval from, any Federal or Provincial regulatory authorities including but not limited to the Department of National Defense, Natural Resources Canada, Transportation Canada, NAV Canada and any other applicable department or agency with respect to any potential radio, telecommunications, radar and seismoacoustic interference that may result from the proposed Green Energy Development. Copies of all such approvals must be obtained and provided to the Development Officer before an application will be considered complete.
- i) If any other information that may be requested by the Development Officer to ensure compliance with the requirements of this By-law, including any other information that the Development Officer deems necessary as a result of any community meetings.

14.10(9) Development Permit

- a) Subject to paragraph 14.10(9)(c), the Development Officer may issue a development permit where:
 - i. An application under this section has been received; and
 - ii. The proposed site rehabilitation of the land for which a development permit has been sought has been approved by the Development Officer as conforming with all requirements of this By-law.
- b) A development permit shall:
 - i. Be in the form prescribed by the Development Officer;
 - ii. Be signed by the Development Officer;
 - iii. Indicate the purpose of the work to be carried on; and
 - iv. Set out any controls or measures, which in the opinion of the Development Officer, shall be employed in the operation, including any conditions that may have been imposed by Council upon the rezoning of the site.
- c) No development permit may be issued under paragraph (b) if:
 - i. The proposed work would:
 - A. Create a hazard to human life;
 - B. Endanger adjoining property;
 - C. Adversely affect a municipal sanitary sewer, municipal water main, watercourse, or street; or
 - D. Not meet the conditions of use set out in the GE Zone.

14.10(10) DECOMMISSIONING & SITE REHABILITATION

- a) The land with respect to which a development permit has been issued shall be rehabilitated in a progressive manner in accordance with subsection 14.10(8)(f).
 - i. In accordance with the decommissioning plan, in accordance with subsection 14.10(8)(f), all above ground components of the Green Energy Development(s), including all buildings and storage facilities, Solar Collector Systems, Wind Turbines, wind testing facilities and above ground accessory infrastructure (such as overhead transmission lines and substation) shall be removed from the site 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 Green Energy Development cease to produce power continuously for a period of 6 months or, in a case where construction of the Green Energy Development is not completed, the time at which the development of the Green Energy Development ceases.

14.7(11) Enforcement

- a) A development permit shall expire within the following time periods from the date issued if the development has not commenced:
 - i. Two years for Green Energy Developments
- b) In the event of a contravention or failure to comply with any provision of this section, the Development Officer may suspend, or in the case of a continued violation, revoke, the

development permit, in writing, to be delivered by hand or by registered mail to the owner, and may, if the conditions leading to the suspension are subsequently corrected, reinstate the suspended development permit or issue a development permit if the conditions are corrected and all the requirements for the issuance of a development permit have been satisfactorily met.

5.2.4

General Provisions: Uses Permitted in Multiple Zones Amendment

The City of Saint John is to amend Section 9.19 of their existing Zoning By-law to permit the use of a Temporary Test Tower Facility in all zones:

9.19 Uses Permitted in Zones

Notwithstanding anything else in this By-law:

- (a) The following uses shall be permitted in all zones:
 - (i) [Repealed: 2016, C.P. 111-35]
 - (ii) Lane, Street, or Highway;
 - (iii) Minor Utility Service Building or Structure;
 - (iv) Pipeline;
 - (v) Railroad;
 - (vi) Stormwater Management Pond; [2016, C.P. 111-35]
 - (vii) Telecommunication Tower; ~~or~~
 - (viii) Temporary Parking Lots and Snow Lots authorized by The City of Saint John; *or*
 - (xi) *Temporary Test Facility*

6.0

Closure

This study outlines a clear, process and recommended amendments to the City of Saint John's Municipal Plan and Zoning By-law, to create a permissive land use framework, and proactive regulations to manage this type of development within municipal boundaries. It is anticipated that this study will inform a future Municipal Plan Amendment and Zoning By-law text amendment application by Develop Saint John.



Application for Site Plan Approval

Large Scale Wind Energy Developments

Appendix C3

Property Owners Name:

Agent (if acting on behalf of owner):

Mailing Address:

Email:

Contact Person:

Description of Proposed Development:

Applicant's Signature

Date

A site plan and information required by Appendix D must accompany this application.

Date Application Received:

Initial:

Date Application Completed:

Initial:

Site Plan: ☐ Approved

☐ Refused

Development Officer's Signature

Date

* Site plan to be circulated to property owners within 1000 m of the subject site.

Requirements and Application for Large Scale Wind Developments

Appendix E

Requirements for Large Scale Wind Turbines and/or Wind Farms

Item Guide	Description	
Site Plan	<p>Provide an accurate and to scale site plan addressing the following:</p> <ul style="list-style-type: none">a. proposed location of wind turbine(s) and related structure(s), as well as existing structures,b. proposed wind test tower sites,c. proposed and existing roads,d. adjoining property lines,e. utility lines,f. topography and contours,g. proposed landscaping,h. environmentally sensitive lands, and watercoursesi. direction of prevailing winds,j. noise levels at adjoining property lines,k. type, size and location of any proposed security fencing,l. location of any proposed public safety signage, andm. possible future site expansion.	
Impact Study	<p>Provide an impact study examining how the proposed wind turbine or wind farm will affect neighbouring properties and community, including an assessment on:</p> <ul style="list-style-type: none">a. visual impact, including:<ul style="list-style-type: none">ii. how the turbine modifies the landscape, e.g. shadow flicker, wind patterns, lighting, ice throws,iii. visual perspective of the local community,iv. visibility of the development from public viewpoints, andv. proximity to conservation areas, as well as, provincial and municipal parks.b. noise impact including:<ul style="list-style-type: none">iii. existing background noise levels,iv. expected noise levels associated with construction and operation of the wind development,v. if any, the effects increased noise levels will have on residents and wildlife near the wind development, andvi. decibel ratings for all equipment required in the wind development.	
Visual Representation	<p>Provide a visual representation including scale elevations, colour and proportion of wind turbine(s), photographs and/or digital representations showing placement and landscaping.</p>	
Manufacturer's Details	<ul style="list-style-type: none">a. the turbine rated output in Kilowatts,b. sound characteristics,c. type of material used in tower, blade, and/or rotor construction,d. suggested footing construction (engineered plans), ande. safety features.	
Decommissioning/Reclamation	<p>Provide a plan for decommissioning and reclamation of the land.</p>	
Application	<p>Complete the application for site plan approval in Appendix B.</p>	
Regulation	Amendment Date	Description

References

ⁱ (<https://www2.gnb.ca/content/dam/gnb/Departments/env/pdf/EIA-EIE/SectorGuidelines/WindTurbines.pdf>)

**BY-LAW NUMBER C.P. 106-XX
A LAW TO AMEND THE
MUNICIPAL PLAN BY-LAW**

Be it enacted by The City of Saint John in Common Council convened, as follows:

The Municipal Plan By-law of The City of Saint John enacted on the 30th day of January, A.D. 2012 is amended by:

- 1) Deleting a portion of Section 7.8 Energy Efficiency and replacing it with the following:

“Policy NE-38

Explore and encourage the development and use of alternative energy sources, such as solar, wind, geothermal, biomass, and energy recovery. These developments shall occur in the appropriate Green Energy zone, and will be accommodated in Rural Resource and Parks and Natural Areas ”

- 2) Deleting a portion of Section 2.4 The Rural Areas and replacing it with the following:

“Lands outside the Primary Development Area are generally described as Rural Areas and are not provided with municipal water and wastewater services. The Rural Areas will support limited growth and development which will be carefully controlled through Municipal Plan policy in order to encourage most development to take place within the Primary Development Area. Rural Areas include three sub-categories described as Rural Resource Areas.

Rural Resource Areas are primarily undeveloped lands with the potential for rural resource activity such as pits and quarries, forestry uses, and alternative energy development, such as wind and solar. New resource uses may be permitted in Rural Resource Areas provided the proposal meets the criteria outlined in the Land Use Chapter of the Municipal Plan, and relevant provisions of the Zoning Bylaw.”

**ARRÊTÉ N° C.P. 106-XX
ARRÊTÉ MODIFIANT L'ARRÊTÉ
RELATIF AU PLAN MUNICIPAL**

Le conseil communal de The City of Saint John, étant réuni, édicte ce qui suit :

L'Arrêté concernant le plan municipal de The City of Saint John, édicté le 30 janvier 2012, est ainsi modifié :

- 1) Le Plan municipal est modifié par suppression, à la section 7.8 Efficacité énergétique, de la politique NE-38 et son remplacement par ce qui suit :

« Politique NE-38

Étudier et encourager le développement et l'utilisation de sources d'énergie de remplacement telles que l'énergie solaire, éolienne, géothermique, de biomasse, et la récupération d'énergie. Ces aménagements auront lieu dans les zones d'énergie verte qui conviennent et seront accueillis dans les secteurs de ressources rurales et les parcs et aires naturelles. »

- 2) Le Plan municipal est modifié par suppression d'une partie de la section 2.4 Secteurs ruraux et son remplacement par ce qui suit :

« Les terrains situés hors du principal secteur de développement sont généralement considérés comme des secteurs ruraux et ne reçoivent pas les services municipaux d'alimentation en eau et d'évacuation des eaux usées. Les secteurs ruraux accueilleront une croissance et un développement limités, qui seront soigneusement contrôlés grâce à des politiques du plan municipal qui encourageront la majeure partie du développement à se diriger vers le principal secteur de développement. Les secteurs ruraux comprennent trois sous-catégories appelées secteurs de ressources rurales.

Les secteurs de ressources rurales sont surtout des terrains non aménagés qui peuvent se prêter

- 3) Deleting a portion of Section 2.5 Lands Common to the Primary Development Area and the Rural Areas and replacing it with the following:

“The Parks and Natural Areas and the Federal Transportation categories apply to lands within the PDA and to the Rural Areas.

Parks and Natural Areas are currently in a primarily natural state or would benefit from re-naturalization and are not appropriate locations for development. Park and Natural Areas include wooded lands, lake shores, rivers, coastlines, and important geology and habitat. Through specific policies in Chapters 3 and 7, such as the provision of wildlife corridors, protection of environmentally sensitive/significant areas, and guidelines for watersheds, riparian, coastal and estuarine areas, the lands are intended to form a system of natural areas to conserve ecosystems. Due to the large provision of Park and Natural Areas in largely inaccessible areas of the city, Green Energy Developments, as defined within the City’s Zoning By-law, are appropriate, subject to required provincial and federal approvals.”

- 4) Deleting a portion of Section 3.6.1. Rural Resource Area and replacing it with the following:

“The majority of lands within the City’s Rural Areas are located in the Rural Resource Area designation. These lands are intended to facilitate resource related activities, where appropriate, such as forestry operations, wind and solar energy development, agriculture, fisheries, and extraction activities, including pits and quarries. Limited residential and other land uses may be contemplated.”

Policy LU-95

Create the Rural Resource Area designation on the Future Land Use map (Schedule B). Council

à une exploitation de ressources rurales comme les carrières et ballastières, les utilisations forestières et le développement des énergies de remplacement, telles que l’énergie éolienne et solaire. De nouvelles utilisations liées à l’exploitation de ressources peuvent être autorisées dans les secteurs de ressources rurales, pourvu que la proposition satisfasse aux critères formulés dans le chapitre sur l’utilisation des sols du plan municipal et les dispositions pertinentes de l’arrêté de zonage. »

- 3) Le Plan municipal est modifié par suppression d’une partie de la section 2.5 Terrains communs au principal secteur de développement et aux secteurs ruraux et son remplacement par ce qui suit :

« Les catégories des parcs et aires naturelles et des secteurs de transport fédéral s’appliquent aux terrains dans le principal secteur de développement aussi bien qu’à ceux des secteurs ruraux.

Les **parcs et aires naturelles** sont actuellement dans un état essentiellement naturel ou bénéficieraient d’une renaturalisation et ne sont pas des endroits propices au développement. Les parcs et aires naturelles comprennent des terrains boisés, des rives de lacs, des rivières, des côtes ainsi que des sites géologiques et des habitats importants. Grâce à des politiques particulières énoncées aux chapitres 3 et 7, notamment l’aménagement de corridors fauniques, la protection de secteurs écosensibles ou écologiquement importants et des directives concernant les bassins hydrographiques et les zones riveraines, côtières et estuariennes, il est prévu que ces terrains formeront un système d’aires naturelles afin de conserver les écosystèmes. En raison de la grande quantité de parcs et aires naturelles dans des secteurs de la municipalité qui sont, en grande partie, inaccessibles, les aménagements d’énergie verte, au sens de ce terme défini dans

intends that land within the Rural Resource Area designation shall generally remain in their natural state, or subject to regulation and required approvals, be used for appropriate resource uses, including forestry operations, wind and solar energy development, agriculture uses, including livestock operations and the fishery, and extraction activities, including pits and quarries.

Provide that wind and solar energy developments may be located in the Rural Resource Area designation provided that the land is rezoned to the Green Energy Zone. The Green Energy Zone defines the specific performance standards for their operation, and the rehabilitation of operative and inoperative wind and solar energy developments. In considering applications to rezone a property to the Green Energy Zone, Council shall ensure the proposed use can demonstrate compliance with all of the zone provisions, including:

- a) The proposal is in conformity with the goals, policies and intent of the Municipal Plan and the requirements of all City bylaws;
 - b) Compatibility with and/or minimal impact on existing adjacent land uses;
 - c) Submission of measures to mitigate storm water drainage, noise, and other impacts.
 - d) Where appropriate, the provision of visual screening for solar energy developments;
 - e) Measures to ensure decommissioning and rehabilitation of the site;
 - f) All application policies from Section I-2
- 5) Deleting a portion of Section 3.7.1. Parks and Natural Areas and replacing it with the following:

“Policy LU-110

Create the Park and Natural Areas designation on the Future Land Use map (Schedule B). Council intends that the Park and Natural Areas designation will permit a range of conservation and

l’arrêté de zonage de la municipalité, seront permis, sous réserve des approbations provinciales et fédérales requises. »

- 4) Le Plan municipal est modifié par suppression d’une partie de la sous-section 3.6.1 Secteur de ressources rurales et son remplacement par ce qui suit :

« La plupart des terrains dans les secteurs ruraux de la municipalité se trouvent à des endroits désignés comme secteurs de ressources rurales. Leur raison d’être est de faciliter, aux endroits appropriés, les activités liées aux ressources, par exemple les opérations forestières, les parcs éoliens et solaires, l’agriculture, la pêche et les activités d’extraction, y compris les carrières et les ballastières. Des utilisations résidentielles limitées et d’autres utilisations des sols pourront être envisagées. »

Politique LU-95

Établir la désignation de secteur de ressources rurales sur la carte d’utilisation future des sols (annexe B). L’intention du conseil est que les terrains ayant la désignation de secteur de ressources rurales demeurent généralement à leur état naturel ou que, sous réserve des règlements et des approbations requises, elles servent à des utilisations appropriées liées aux ressources, y compris les opérations forestières, les parcs éoliens et solaires, des utilisations agricoles – y compris les fermes d’élevage – et la pêche, et des activités d’extraction – y compris les carrières et les ballastières.

Prévoir que les parcs éoliens et solaires peuvent être exploités dans la désignation de secteur de ressources rurales, pourvu que les terrains soient rezonés zone d’énergie verte. La zone d’énergie verte prescrit les normes spécifiques de rendement de leur exploitation et la remise en état des parcs éoliens et solaires exploités ou non. Lorsqu’il étudie les demandes visant à rezoner une propriété en zone d’énergie verte,

appropriate recreational land uses permitted in the City's major regional and community parks, environmentally sensitive or significant areas, lands that are located adjacent to watercourses, lands adjacent to the City's coast lines, estuarine areas, significant archaeological and geological sites, historic sites, designated heritage places and cemeteries. Council may permit commercial recreation uses in the Park and Natural Area designation subject to appropriate standards in the Zoning Bylaw. Council may permit wind and solar energy development in the Park and Natural Areas designation outside of the Primary Development Area, subject to federal and provincial environmental approvals and conditions and standards in the Zoning By-law.

When reviewing an application for re-zoning, refer back to Policy LU-95"

le conseil s'assurera qu'il pourra être démontré que l'utilisation proposée respecte toutes les dispositions applicables à la zone, y compris les suivantes :

- a) la proposition est conforme aux objectifs, aux politiques et à l'intention du plan municipal ainsi qu'aux exigences de tous les arrêtés municipaux;
- b) la compatibilité avec les utilisations actuelles des sols adjacents et une incidence minimale sur celles-ci;
- c) la présentation de mesures visant à atténuer les effets, notamment au niveau du drainage des eaux pluviales et du bruit;
- d) là où ils conviennent, la présence d'écrans visuels pour dissimuler les parcs solaires;
- e) les mesures pour assurer la désaffectation et la remise en état du site;
- f) l'ensemble des mesures de mise en œuvre prévues à la politique I-2. »

- 5) Le Plan municipal est modifié par suppression de la politique LU-110 à la sous-section 3.7.1 Désignations communes d'utilisation des sols et son remplacement par ce qui suit :

« Politique LU-110

Établir la désignation de parcs et aires naturelles sur la carte d'utilisation future des sols (annexe B). L'intention du conseil est que la désignation de parcs et aires naturelles permette diverses utilisations des sols à des fins de conservation et de loisirs appropriées qui sont permises dans les grands parcs régionaux et communautaires de la municipalité, les zones écosensibles ou écologiquement importantes, les terrains en bordure des cours d'eau, les terres côtières de la municipalité, les terrains estuariens, les sites archéologiques et géologiques importants, les lieux d'intérêt historique, les lieux du patrimoine désignés et les cimetières. Le conseil peut permettre des utilisations commerciales récréatives dans les

secteurs désignés comme parcs et aires naturelles, sous réserve de l'adoption de normes appropriées dans l'arrêté de zonage. Il peut aussi permettre l'aménagement de parcs éoliens et solaires dans les secteurs désignés comme parcs et aires naturelles qui se trouvent à l'extérieur du principal secteur de développement, sous réserve de l'obtention des autorisations environnementales fédérales et provinciales et de la conformité aux conditions et aux normes prescrites par l'arrêté de zonage.

Au moment de l'examen d'une demande de rezonage, se reporter à la politique LU-95. »

- all as shown on the plans attached hereto and forming part of this by-law.

- toutes les modifications sont indiquées sur les plans ci-joints qui font partie du présent arrêté.

IN WITNESS WHEREOF The City of Saint John has caused the Corporate Common Seal of the said City to be affixed to this by-law the * day of *, A.D. 2019 and signed by:

EN FOI DE QUOI, The City of Saint John a fait apposer son sceau communal sur le présent arrêté le 2019, avec les signatures suivantes :

Mayor

Common Clerk/Greffier communal

First Reading -
Second Reading -
Third Reading -

Première lecture -
Deuxième lecture -
Troisième lecture -