

## COUNCIL REPORT

M&C No.	2019-208
Report Date	August 14, 2019
Meeting Date	August 19, 2019
Service Area	Growth and Community Development Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Green Energy Municipal Plan and Zoning By-law Amendments –  
referral to Planning Advisory Committee***

### ***OPEN OR CLOSED SESSION***

This matter is to be discussed in open session of Common Council.

### ***AUTHORIZATION***

Primary Author	Commissioner/Dept. Head	City Manager
<b><i>Corey Cooper</i></b>	<b><i>Jacqueline Hamilton</i></b>	<b><i>John Collin</i></b>

### ***RECOMMENDATION***

1. THAT Common Council refer the proposed Municipal Plan By-Law Amendments set out in Schedule “A” to M&C No. 2019-208 dated 14<sup>th</sup> day of August 2019 to the Planning Advisory Committee for consideration at its meeting scheduled for September 17, 2019; and
2. THAT Common Council direct staff to give the required notice of Council’s intention to consider the aforesaid Municipal Plan By-Law Amendments at a public hearing to be held at the Council Meeting scheduled for the 7<sup>th</sup> day of October, 2019.

### ***PREVIOUS RESOLUTION***

On July 8, 2019, a Public Presentation was held for Municipal Plan amendments that would help facilitate Green Energy Developments in accordance with the *Community Planning Act*. Following the Public Presentation, there is a 30-day period for Public comment on the proposed Municipal Plan amendments.

### ***REPORT***

The required 30-day public comment period closed on August 7, 2019 and 20 letters were received. The following table is a summary of the comments received, and how they are recommended to be addressed.

Area of Concern	Rockwood Park	Municipal Parks	Parks & Natural Areas	Industry Concerns
Summary of Content	Opposition of Green Energy projects in Rockwood Park. Concern of disruption of park, and concerns over wildlife.	Opposition of development in Municipal Park lands due to environmental impact, reduction of the use of these lands for citizens, and the selling of these lands to private users/developers.	Opposition to development in Parks & Natural Areas due to the potential impact on the environment and citizens. Proximity to urban life is seen as detrimental.	Recommendations to include a more permissive approach to Green Energy development including the opportunity for development of projects within the PDA and increasing the allowable maximum height.
How Concerns are Addressed	<p>Addition of new criteria to prevent Green Energy projects from being located in Municipal Parks including Rockwood Park for policy LU-95:</p> <p>...f) "Shall not be located within municipally owned Parks including, but not limited to Rockwood Park.</p>	Staff believe that the change to Policy LU-95 addressing Rockwood Park & Municipal Parks will also address this concern.	Staff believe that altering the language used in the Municipal Plan amendments to facilitate Green Energy development in Parks & Natural Areas, would not only severely reduce the opportunities available for high output locations, but would make this initiative ineffective.	<p>The requested addition of the Industrial Designation or changing the Primary Development Area (PDA) boundary is beyond the intent of this application (which is to provide opportunities outside of the PDA).</p> <p>Staff recommends a change to the maximum height of wind turbine towers from 200 to 220 metres.</p>

Staff arranged a meeting on July 23, 2019 with the Friends of Rockwood Park (F.O.R.P.) group. Staff from Growth and Community Development Services and DevelopSJ, along with several F.O.R.P. members attended. Attendees voiced concerns, and then general information regarding the proposed amendments was discussed.

Natural Forces, a Nova Scotia based private power producer that pursues partnerships across Canada, has requested a meeting to discuss the Municipal Plan amendments, as well as the future Zoning By-law amendments. A preliminary review of the Natural Forces letter is complete. Staff are not in support of adding Heavy Industrial Designation or changing the boundary of the Primary Development Area (PDA). Staff do support a change to the maximum height for Large Scale Wind Turbines (LWT) from 200 to 220 metres – this would eliminate the need for height variances. Staff also believe the process for testing stations, outlined in the proposed Green Energy zone is sufficient. Permit turnaround times are typically less than 20 days, and would be through an as-of-right process.

After considering all of the valuable feedback from the public, Staff have determined that it is proactive to propose changes to the initial draft of the Green Energy recommendations. These changes maintain the purpose and integrity of the initial recommendations while responding appropriately to public concern.

Staff suggests an additional criterion to Policy LU-95, which should ensure the concerns of the public relating to Parks & Natural Areas are addressed, especially in regards to Rockwood Park:

- f) Shall not be located within municipally owned Parks including, but not limited to Rockwood Park.

As per the legislative planning process to consider amendments to the Municipal Plan, Council has two options following the conclusion of the public presentation period:

1. To receive the submissions from the public, and to proceed through the required process which involves scheduling the public hearing date and referral of the amendments for consideration by the Planning Advisory Committee; or
2. Not to proceed further with the consideration of the amendments to the Municipal Plan.

With the recommended revisions to address the issues raised by the public, Staff are recommending that Council proceed with the process to consider these amendments (option 1). Green energy is an emerging sector for Saint John and these amendments will proactively position Saint John to capitalize on this sector with an appropriate land use regulatory regime.

#### ***SERVICE AND FINANCIAL OUTCOMES***

N/A

#### ***INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS***

The City Solicitor's Office has reviewed this report.

#### ***ATTACHMENTS***

- 1 – Public Notice for the Proposed Municipal Plan presentation posted on June 26, 2019 on the City of Saint John's website.
- 2 – Proposed Municipal Plan amendments