



Planning Report

To: Council of the Township of Huron-Kinloss

From: Monica Walker-Bolton, Sr. Policy Planner

Date: September 12, 2022

Re: Multi-Municipal Wind Turbine Working Group (MMWTWG)
Recommended Setbacks for Turbines.

Recommendation:

This report is for information.

Summary:

This report provides a planning policy review with related to impacts to current land use policies and regulations of two recommendations that have been advanced from the Multi-Municipal Wind Turbine Working Group (MMWTWG).

We have reviewed the June 6, 2022 staff report, linked [here](#), which considers the Provincial Policy Statement (2020), and excerpts from the Township's wind turbine development policy, and have also reviewed the County Official Plan.

The recommendations are discussed further below.

Recommendation 1: 2000 metre setback from Turbines to sensitive receptors

Bruce County Official Plan

The Bruce County Official Plan does not contain policies with respect to the siting of Wind Energy Conversion Systems. These policies were deleted from the plan.

The Bruce County Official Plan does contain policies for new sensitive uses near Wind Energy Conversion Systems:

4.16 New Sensitive Uses In The Vicinity Of A Wind Energy Conversion System

Given that a sensitive land use may be adversely affected by the noise emissions from a Wind Energy Conversion System (WECS or wind turbine), a local Comprehensive Zoning By-Law shall require all sensitive land uses to be setback from a WECS in accordance with the Ministry of the Environment "Noise Assessment Criteria in Land Use planning [Publication LU-131].

Since this policy was enacted the province has replaced publication LU-131 with the NPC-300 Guideline (approved in 2013), and further developed a specific guide, [“Noise Guidelines for Wind Farms”](#)

These guidelines do not specify a setback distance, but are instead performance based, outlining acceptable levels of noise at the point of reception.

The province also has a [technical guide to renewable energy approvals](#) (updated April 30, 2019) which outlines requirements for wind energy applications, and required setbacks for wind turbines.

Minimum setbacks are 550m from a turbine to a sensitive receptor (except where road ambient noise is consistently greater than 40dba, or where the noise receptor is on a parcel where the facility will be located, although a 40dba nighttime noise limit is recommended. The guide includes provisions for providing building envelopes on vacant lots and providing greater setbacks where there are multiple turbines within 3km of a receptor, and/or turbines with higher sound power levels. The guide provides that where up to 25 turbines with sound levels of 106-107 dba are proposed within 3km of a receptor, the minimum setback to the nearest turbine would be 1500m.

[Huron-Kinloss Wind Turbine Development Policy](#)

The Township currently applies a 2000m setback from a ‘Commercial Wind Generation System’ to Urban areas outlined in the local official plan, and a 1000m setback to residential uses or structures designated for human habitation. The recommendation from the MMWTWG would apply a 2000m setback to all sensitive receptors.

[Reciprocal Application Consideration](#)

While perhaps primarily intended to address new wind turbines, regulations designed to address impacts between turbines and sensitive uses would likely need to be applied reciprocally; i.e. if there’s a need to regulate setbacks from new turbines to existing sensitive receptors, there is also a need to regulate setbacks from new sensitive receptors to existing turbines.

Application of these setbacks through zoning could result in large numbers of existing sensitive receptors that are less than 2000m from an existing turbine becoming non-conforming uses, with a corresponding requirement to process any extension / addition to such uses, or change to the use, through a committee of adjustment application under Section 45(2) of the Planning Act.

[Recommendation 2: 1200 metre setback to lot lines of non-participating lots, or places where a citizen can access including public roadways or waterways](#)

This provision appears intended to relate to the siting of new turbines. It effectively eliminates the entire Township from consideration for new wind turbines, based on concession roads being located 2km apart.

Bruce County Official Plan

The Bruce County Official Plan lot creation policies generally permit 40ha lots in the agricultural designation and 20 ha lots or 2 non-farm lots up to 4 ha in the rural designation. The Plan notes

“xiii) Nothing in this Plan shall prohibit the recreation of the original Township lot fabric provided both the severed and retained lots comply with the minimum lot area requirements of this Plan and both the severed and retained lots front onto, and have access to, an opened and maintained municipal road that is maintained on a year-round basis at the time of application.”

A 1200m radius from a turbine to any non-participant lands would cover approximately 450 ha / 1150 ac of “participating” lands. While this does not specifically require the lands be under the same ownership, The application of this setback requirement to lot creation proposals would reduce opportunities in the countryside to consider severances of dwellings surplus to farm operations, non-farm lots in rural areas, or severance / transfer of 20-40ha rural / agricultural lots.

Map of Affected Areas

The map below illustrates setbacks from existing wind turbines. The combined area shaded orange and purple would not be able to have new sensitive uses constructed if 2000m setbacks to or from an existing turbine are established. In addition, the orange shaded area would not be able to be subject of consents where result could be non-participating landowners holding title to lands.

