

May 3, 2021

The Municipal Council for the Municipality of the County of Pictou met by video-conference on Monday, May 3, 2021 at 7:00 p.m.

PRESENT

Dist.	1	Clr. Don Butler
	2	Clr. Deborah Wadden
	3	Clr. Darla MacKeil
	4	Clr. Mary Elliott
	6	Warden Robert Parker
	7	Clr. David Parker
	8	Clr. Larry Turner
	9	Clr. Peter Boyles
	10	Clr. Randy Palmer
	11	Clr. Andy Thompson
	12	Clr. Chester Dewar

ABSENT

Dist.	5	Deputy Warden Murray (Illness)
-------	---	--------------------------------

IN ATTENDANCE

Donn Fraser, Solicitor, Mac Mac & Mac
Brian Cullen, CAO, Municipal Clerk-Treasurer
Karen Cornish, Deputy Municipal Treasurer
Carolyn MacIntosh, Deputy Municipal Clerk
Sueann Musick, Communications Officer
Jane Johnson, Recording Secretary

BY APPOINTMENT

Marcus Stephenson, Administrator, Valley View Villa
Tyrell Giffin, Controller, Valley View Villa

Warden R. Parker informed Council of the recent passing of former Premier, Donald Cameron who served as MLA for Pictou East.

CALL TO ORDER

Warden R. Parker called the meeting to order and invited Councilors to pray or reflect, as may be their preference, to help Council focus and properly do the work of the Municipality.

AGENDA

It was moved by Clr. Boyles and seconded by Clr. D. Parker that the agenda be approved as circulated.
Motion carried.

MINUTES

It was moved by Clr. Turner and seconded by Clr. MacKeil that the minutes of April 6, 2021 be approved as circulated.
Motion carried.

Warden R. Parker referred to a proclamation he read and signed at last month's regular Council meeting designating May as "Lyme Disease awareness Month" in the Municipality. He noted that ticks have become more prevalent over the last few years and he even found them on his clothing. He informed Council that everyone should be doing routine tick checks if they spend any amount of time outdoors.

CORRESPONDENCE

Correspondence was received and acknowledged from the following:

- (a) Office of the Minister of Municipal Affairs – 12 month notice of provincial legislation, regulation, or administrative actions that could have the effect of decreasing revenues or increasing the required expenditures of municipalities in 2022/23.
- (b) Min. of Fisheries, Oceans and Coast Guard – Advising that the Toney River dredge material management site was chosen for its proximity to the harbour & the limitations of spring road weight restrictions. There are currently no other sustainable, practical, and economically feasible options for this area.

Cl. Wadden emphasized the importance of reviewing the information from the Minister of Municipal Affairs and assured Council that she will direct any questions or concerns given to her to the Office of Municipal Affairs.

PRESENT, VALLEY VIEW VILLA UP-DATE – MARCUS STEPHENSON & TYRELL GIFFIN (7:11 PM)

Mr. Marcus Stephenson, Administrator of Valley View Villa, informed Council their financial position is looking a lot stronger than the first meeting they had with Council. COVID has been their most pressing issue in the last year so in the early days the government told them to buy whatever they needed to prevent or help with the pandemic. The province reimbursed almost everything they requested. They also had temporary assistance from a long-term care aid as well as approved PPE. They did draw a bigger line of credit to manage the cash flow because it took longer to receive funding from the province. They did put measures in place for the pandemic and they lost some staff so they had been recruiting for replacements. They sectioned off the building so there was no interactions with other sections of the building to contain any spread if necessary. They established a COVID unit in the building in case a resident became infected so they could be moved away from other residents and staff. The most difficult situation was resident isolation because they had no contact with family during this time. In wave 3 it is still restrictive but residents are now vaccinated and they can see their caregivers but there are still a lot of unknowns. Those who were hesitant during the first wave to get vaccinated are now more receptive to getting their vaccines. Their big challenge at present is communication because of COVID. Mr. Stephenson informed Council he is very proud of his staff and he has nothing but positive comments. He is going to increase activity with caregivers and family visits once we get past COVID.

Warden R. Parker asked the situation at the Villa regarding room capacity and Mr. Stephenson replied that there could be 2 residents sharing a room, however there can be 4 residents sharing a bathroom.

Clr. Boyles asked if managers continue to be working from home and Mr. Stephenson replied that he is working at the Villa.

Clr. D. Parker congratulated Mr. Stephenson and staff for having no COVID cases at the Villa. He asked about the recruitment challenges and Mr. Stephenson replied that he had challenges earlier on but has a full staff compliment at present.

Clr. D. Parker asked if they have trouble recruiting nurses and Mr. Stephenson replied that they do have problems recruiting nurses.

Warden R. Parker thanked the gentlemen for the presentation. (7:32 p.m.)

RESOLUTION – MUNICIPAL GRANTS

Clr. Elliott presented a resolution to Council as follows:

RESOLUTION

BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that Council approve the extension of the following Municipal Grants:

Municipal Services:

D04	St. David's Presbyterian Church	\$ 2,000.00	Defibrillator; to be paid from funds Previously reserved for sidewalks
D04	St. George's Presbyterian Church	\$ 2,000.00	Defibrillator; to be paid from funds Previously reserved for sidewalks

Recreation:

Hillside Community Society	\$12,600.00	Repurposing of 2 nd installment of funds approved on July 6/20 for Hall Acquisition & Operating Expenses to Fund accessible washroom Expenses
North Nova Education Centre	\$ 2,000.00	Bursaries & Graduation Expenses
Northumberland Regional High School	\$ 2,000.00	Bursaries & Graduation Expenses
Pictou Academy	200.00	Bursary
Tatamagouche Regional Academy	<u>\$ 200.00</u>	Bursary

GRAND TOTAL **\$ 8,400.00**

DATED at Seafoam, N.S. this 3rd day of May, 2021.

(Sgd.) Mary Elliott
Chester Dewar

MOTION

It was moved by Clr. Elliott and seconded by Clr. Dewar that the preceding resolution be adopted as presented.

Clr. Wadden inquired about battery replacement on the AEDs purchased by Council for the Council districts.

The Deputy Municipal Clerk advised that all recipients of these units were provided with contact information from the supplier to arrange for regular replacement of their batteries and supplies.

Motion carried.

RESOLUTION – COVID-19 POLICY

Clr. Palmer presented a resolution to Council as follows:

RESOLUTION

BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that Council adopt the following policy with respect to COVID-19:



**MUNICIPALITY OF THE COUNTY OF PICTOU
COVID-19 POLICY**

1) Purpose

- a) To provide direction and alter administrative provisions of certain municipal policies enacted by the Municipal Council for the Municipality of the County of Pictou.

2) Policy statements

- a) The following changes to policy are hereby enacted in response to the COVID-19 Pandemic:
 - i) POLICY #2001-07-08 MUNICIPAL VEHICLES: All sections pertaining to staff use of vehicles are hereby suspended, until otherwise directed by the Chief Administrative Officer.
 - ii) POLICY #2019-03-21 CONFERENCE/SEMINAR/TRAINING ATTENDANCE & EXPENSE REIMBURSEMENT POLICY:

Section 9 (9) (a) – (c) are hereby suspended.
 - iii) POLICY #2019-05-52 MUNICIPAL SERVICES GRANT POLICY: Section 6 (a)-(d) Ratepayer Meeting Requirements are hereby suspended for the duration of Order of the Chief Medical Officer for Nova Scotia as amended limiting gatherings to no more five (5) persons; Section 7 (a) Financial Statements shall be amended in accordance with the following policy statements:
 - (1) The following terms shall now be applied to the Municipal Services Grant Policy:
 - (a) A Councillor may receive applications via email at any point from qualified applicants.
 - (b) The Councillor shall make a recommendation to a Committee of the Whole for the Municipal Council the amount of grant that an organization shall receive.
 - (c) The Municipality shall advertise on its website the new process for approval of Municipal Services Grants.
 - (d) A Municipal Councillor may contact any group to determine if they have any requirements for a Municipal Services Grant.
 - (e) Prior to payment of a municipal services grant a copy of the most recent financial statements of the organization shall be provided to the Administration of the Municipality.
- d) The aforementioned policy amendments shall remain in effect until December 6, 2021 unless repealed by Municipal Council at an earlier date.
- e) This policy may be extended and or amended by the Municipal Council at a duly called meeting of the Municipal Council.

3) Repeal

All former policies with respect to COVID-19 are hereby repealed.

DATED at MacLellan’s Brook, N.S. this 3rd day of May, 2020.

(Sgd.) Randy Palmer
Larry Turner

MOTION

It was moved by Clr. Palmer and seconded by Clr. Turner that the preceding resolution be adopted as presented.

Motion carried.

RESOLUTION – CLIMATE CHANGE NOMINATIONS

Clr. D. Parker presented a resolution to Council as follows:

RESOLUTION

BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that Council approve the following appointments for the 2021/22 term:

OUTSIDE BOARDS	
Climate Change Advisory Committee	Ed Kennedy (to Nov./23) & Diane Kennedy (to Nov./23)

DATED at Whitehill, N. S. this 3rd day of May, 2021.

(Sgd.) David Parker
Peter Boyles

MOTION

It was moved by Clr. D. Parker and seconded by Clr. Boyles that the preceding resolution be adopted as presented.

Motion carried.

RESOLUTION – CLIMATE CHANGE MISSION & VISION STATEMENTS

Clr. Turner presented a resolution to Council as follows:

RESOLUTION

WHEREAS Council has approved the formation of a Climate Change Advisory Committee comprised of elected officials and non-elected members at large to consider and recommend to Council measures to address climate change in the Municipality;

WHEREAS the Committee has had five initial meetings and has developed a draft Mission Statement and Vision Statement for the consideration of Council;

THEREFORE, BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that Council approve the following:

CLIMATE CHANGE MISSION STATEMENT

The Municipality of the County of Pictou will mitigate the effects of Climate change and will reduce greenhouse gas emissions to net zero.

VISION STATEMENT

The Municipality will achieve net zero greenhouse gas emissions by 2031.

DATED at Abercrombie, N.S. this 3rd day of May, 2021.

(Sgd.) Larry Turner
Don Butler

MOTION

It was moved by Clr. Turner and seconded by Clr. Butler that the preceding resolution be adopted as presented.

Clr. Palmer asked what net zero greenhouse gas emissions means and the CAO replied that to reduce emissions you have to offset your greenhouse gases so you get down to zero.

Clr. Wadden asked if the goal is to reduce emissions for the entire County or just our administrative operations and the CAO replied that it is a corporate goal, although the Climate Change Advisory Committee’s mandate includes educating our residents.

Motion carried.

RESOLUTION – CORPORATE ENERGY INVENTORY

Clr. Boyles presented a resolution to Council as follows:

RESOLUTION

WHEREAS Council has approved a Mission Statement and Vision Statement with respect to greenhouse gas emissions;

WHEREAS achieving “Net Zero” requires that any greenhouse gas emissions released by the operations of the Municipality are balanced by an equal amount being taken out of the atmosphere;

THEREFORE, BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that Council complete an inventory on corporate energy usage and identify annual goals for reducing the use of fossil fuels by 2031.

DATED at Hillside, N.S. this 3rd day of May, 2021.

(Sgd.) Peter Boyles
Larry Turner

MOTION

It was moved by Clr. Boyles and seconded by Clr. Turner that the preceding resolution be adopted as presented.

Motion carried.

RESOLUTION – ELECTRIC VEHICLES & CHARGING STATIONS

Clr. Elliott presented a resolution to Council as follows:

RESOLUTION

BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that as part of its commitment towards reducing greenhouse gas emissions, the Municipality investigate the feasibility of transitioning to the use of electric vehicles, where appropriate, throughout its corporate fleet.

AND FURTHER BE IT RESOLVED that the Municipality research and cost the purchase and installation of electric charging stations in key locations throughout the Municipality.

DATED at Seafoam, N.S. this 3rd day of May, 2021.

(Sgd.) Mary Elliott
Peter Boyles

MOTION

It was moved by Clr. Elliott and seconded by Clr. Boyles that the preceding resolution be adopted as presented.

Clr. Wadden reported a number of years ago Council requested a charging station for the administration office and asked if there was an update on the issue. The CAO replied it was supposed to be free of charge but that had changed so they did not pursue it any further.

Motion carried.

MUNICIPAL PLANNING STRATEGY AMENDMENTS – 1ST READING

Clr. Palmer presented for first reading proposed amendments to the Municipal Planning Strategy as follows:

MUNICIPAL PLANNING STRATEGY

1. Introduction

Background

As a renewable resource wind energy is becoming an important viable alternative to reliance on fossil fuels. In the past five years a number of wind turbines have been constructed in various areas of Nova Scotia. These facilities range from a single turbine to “windmill farms” consisting of many turbines. Recently controversy has arisen with respect to the location of turbines and their impact on nearby residential development.

In early 2006 the Municipality of the County of Pictou (Pictou County) was approached by a local company involved in the development of wind energy. In addition to providing Municipal Council with an overview of their activities, the company felt that the development of a municipal strategy and regulations for wind turbines would be beneficial in protecting the interests of both the community and wind energy

businesses. At present, there are three turbines in Pictou County, two located on Fitzpatrick Mountain and one located in Marshville.

There are two scales of wind turbine development. The larger ones are frequently called utility scale wind turbines as they are designed to tie into the power grid of Nova Scotia Power Inc. (NSPI).

Usually only one turbine is initially constructed as a test turbine. If tests are positive more are constructed leading to a development known as a wind farm. Some of these turbines are reaching 115 metres (377 feet) in height. The turbines are developed by companies which have agreements in place with NSPI for the sale of the electricity. Many of these proponents are community based.

In addition to the utility scale wind turbines, relatively small turbines known as domestic turbines are also being installed throughout the province. As the term implies, these turbines generate power primarily for domestic use. Most of these turbines are installed “behind the meter” and NSPI restricts the size of these turbines to 100 kilowatt (KW). Only twelve of these turbines have been constructed throughout the province to date. In addition, a smaller number of domestic wind turbines have been constructed in remote areas not serviced by NSPI. This Municipal Planning Strategy and Land Use By-law will address both utility scale turbines and domestic turbines.

Wind turbines producing 2 megawatts (MW) or more are required by the Province to undertake an environmental assessment. Federal requirements may also apply. Many municipalities believe that not all municipal concerns will necessarily be addressed by the senior levels of government. Increasingly municipalities are adopting by-laws to regulate not only turbines producing 2 MW or more but the smaller ones as well.

Pictou County is very supportive of wind energy and believes it is important that this source of energy be developed without jeopardizing the rights of their residents to fully enjoy their property and way of life. Council intends to provide for the future development of wind turbines and to regulate them in such a way that other land uses, especially residential development, will not be adversely affected. Council is aware that there will be no perfect solution acceptable to all of the residents and all the developers of wind energy but will strive to arrive at a reasonable balance in their approach to control future wind turbine development.

Legislative Mandate

The *Municipal Government Act*, Chapter 18 of the Statutes of Nova Scotia, 1998, gives municipalities the authority to regulate land use and development within its boundaries. This authority is exercised through the adoption of a Municipal Planning Strategy and Land Use By-law.

The purpose of a Municipal Planning Strategy is to provide statements of policy to guide the development and management of the municipality. Council may address a broad range of land uses in the Strategy or Council may choose to provide for the planning and management of only one use of land. Council has decided that this Municipal Planning Strategy and Land Use By-law will address only the development of wind turbines within the Municipality of the County of Pictou. No other use of land will be affected.

The Municipality Planning Strategy provides the policy statements with respect to the regulation of wind turbines but the regulations themselves are contained in a separate document, the Land Use By-law. The documents are prepared and adopted concurrently. After adoption, the Land Use By-law may be amended but any amendments must be consistent with the policy statements of the Municipal Planning Strategy. Development is regulated by the Land Use By-law through the issuance of a development permit by the Municipal Development Officer. A proposed wind turbine development may not be issued a development permit unless it meets all requirements of the Land Use By-law.

The *Municipal Government Act* mandates that a public participation program be carried out to obtain input from all interested parties before documents may be adopted. As well, Council must hold a formal public hearing to hear and receive final comments before they make their decision.

In the preparation of the Municipal Planning Strategy, the Statements of Provincial Interest were reviewed to determine their applicability to this planning initiative. Statements of Provincial Interest form part of the *Municipal Government Act*. The Act requires that planning documents be consistent with the Statements.

As this Strategy and By-law will regulate only the location of future wind turbine facilities, the documents will not adversely affect the goals and objectives reflected in the Statements.

Wind Energy Development in Nova Scotia

To highlight its commitment to renewable energy, the Province is setting targets to require increased production. The general target is that by 2013 at least 20% of Nova Scotia's electricity be produced by

renewable energy – wind, tidal, solar, hydro, and biomass. Regulations entitled *Renewable Energy Standards Regulations* have recently become effective and are posted at the Department of Energy's website. No doubt wind energy will be a major contributor to this effort.

This provincial initiative will spur more and more wind energy development in Nova Scotia. Community groups are major players as they hold seminars throughout the province and raise capital for wind turbine development.

Municipal Profile

The Municipality of the County of Pictou ("Municipality") is a rural municipality located in the northern part of Nova Scotia with a population of 21982 (2006 Census). The Municipality is situated along the Northumberland Strait and encompasses an area of 635,200 acres.

The region is well known for its industrial, farming, forestry, and fishing sectors. The Municipality has one of the largest industrial bases in the Province and is home to one of three Michelin Tire Plants in the Province, and to Neenah Paper, a major international pulp & paper company. In addition, numerous smaller businesses contribute greatly to the prosperity of the County.

The Municipality is the largest of six (6) municipal units located in the County of Pictou and provides a wide range of municipal services. A fourteen (14) member elected Council governs the Municipality, and meets on a monthly basis with a formal Council meeting and a number of standing committees.

The County of Pictou at present does not have a Municipal Planning Strategy or any bylaws related to planning, with the exception of a Subdivision Bylaw. A Development Officer for the approval of subdivisions is appointed by Council from the Pictou County District Planning Commission. The County of Pictou is not a member of the Pictou County District Planning Commission.

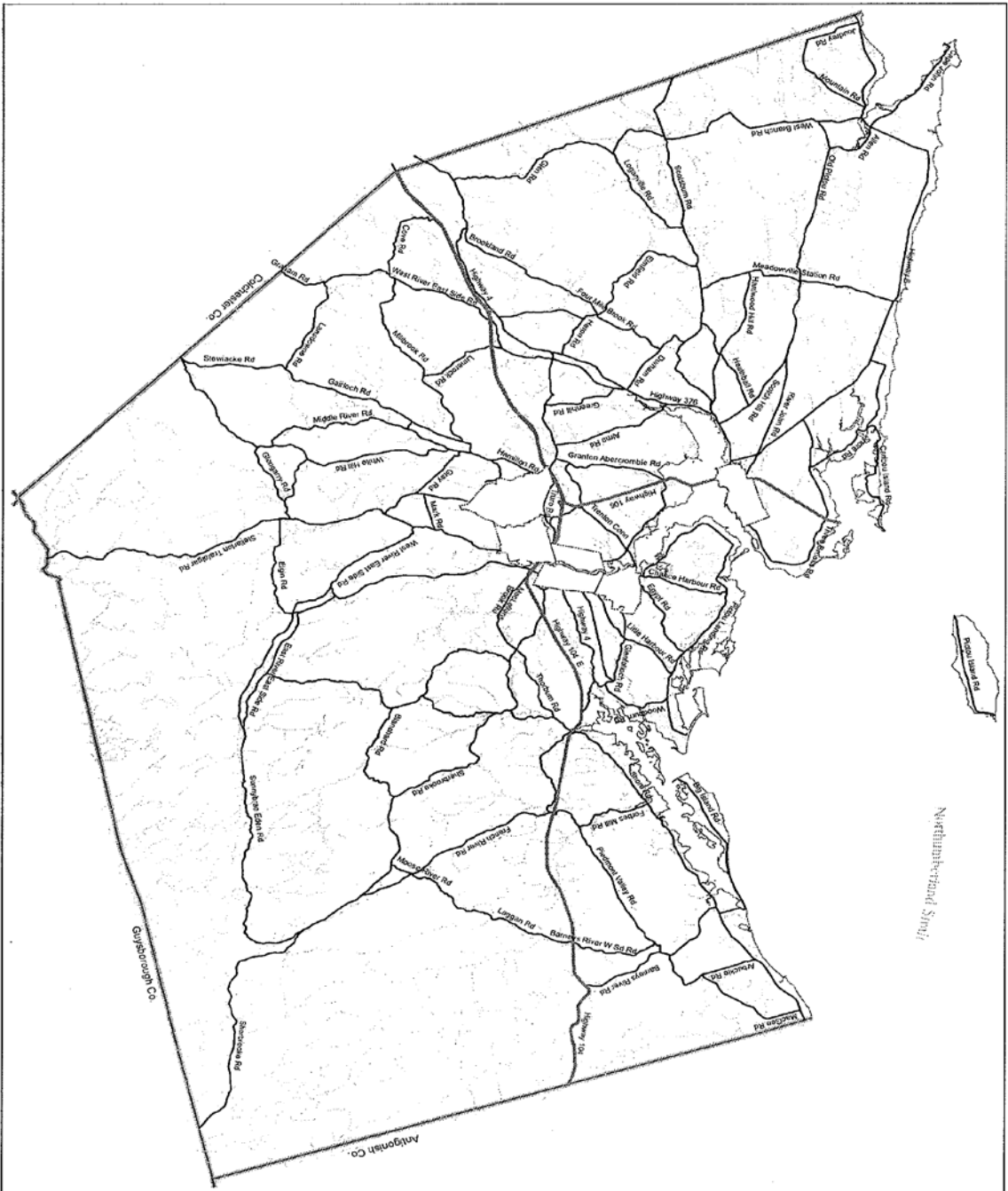
During the late 1990's early 2000, the County of Pictou did examine Land-use Planning in the Abercrombie area of the Municipality to deal with industrial developments near residential uses. After public consultation of a proposed plan, the Municipal Council abandoned the development of a Municipal Planning Strategy and Bylaw.

2. Regulating Wind Turbine Development

This Municipal Planning Strategy and the accompanying Land Use By-law will be very straightforward documents. This is due to two main factors:

- Council has decided that the only development to be regulated is wind turbine development, both utility scale turbines and domestic turbines; no other land use will be affected.
- Council has decided on an approach which is easy to understand by the general public and relatively easy to administer by the Municipality.

The planning area is the entire Municipality of the County of Pictou.



The Municipality of the County of Picou
 Municipal Planning Strategy
 Planning Area

- Town Boundaries
- Lakes
- Land
- 100 Series Hwy
- Roads
- County Boundary
- Coastline
- Rivers



1:250,000

2

Provincial legislation requires that a planning area be divided into zones. Since wind turbine development is the only land use being regulated; only one zone will be established in the Land Use By-law. The zone will allow all development, including wind turbines, but will contain requirements pertaining only to wind turbines. Therefore a development permit will not be required for any development except for wind turbines.

Council will regulate utility scale wind turbines in a different way than domestic turbines.

Utility Scale Wind Turbines

To regulate the location of utility scale turbines, Council has decided on a three pronged approach.

First, the Land Use By-law shall contain setbacks from existing residential uses. These setbacks shall be of sufficient distance to mitigate most adverse effects the turbines may have on residential uses. Council believes this approach will provide for wind turbine development in future and also provide a degree of protection for homeowners to continue to enjoy the use of their residential property.

In keeping with Council's original intent to regulate only wind turbine development, the setback requirement will not apply to future residential growth locating closely or relatively closely to existing turbines. Council's position is that homeowners who do so will be fully aware of the distance their residence will be to a turbine and will have accepted the adverse effect, if any; the turbine will have on them. The same is true of future purchasers of these residences.

Therefore if these homeowners decide they are, after all, adversely affected at some point in future by the wind turbine development and look to Council for relief, Council will bear no responsibility to take any action in this regard.

Second, the Land use By-law will contain a setback requirement from property lines. Obviously this setback distance will be considerably less than the setback from a residential use. The property line setback serves two purposes: to have the turbine contained on the lot if it should topple and to also provide some protection to the homeowners who choose to locate their residence close to a turbine.

There may be instances where a number of contiguous properties are leased for wind turbine development. Although the properties are leased, the property lines remain in place. If a property owner has leased his or her land for wind turbine development, the concern of a wind turbine falling onto the leased land should not apply. Therefore the setback requirement from a property line will be waived where the adjacent property is leased on a long term basis for wind turbine development.

Setback requirements will not apply to residences being located on any lot on which wind turbine development is proposed as the owners will have full control as to whether or not their land will be used for this purpose.

Third, the Land use By-law will contain a setback from public roads. Council is concerned that there may well be people who have purchased or otherwise acquired a lot on which they intend to construct their home. If there are no existing homes in the area, wind turbines could be constructed quite close to a prospective building lot, even though the setback from a property line would apply. Council will therefore require that wind turbine development be located a distance from a public road that is greater than the distance from a property line but less than the setback from a residence.

There will not be a limit on the number of turbines in any one area. In other words even if the number of turbines proposed puts a project into the "wind farm" category, the project would still be permitted provided all of the turbines meet the setback requirement.

Policy 1

It shall be a policy of Council to regulate utility scale and domestic wind turbines as defined in the Land Use By-law. A development permit will be required to construct a wind turbine anywhere within the planning area. A development permit will not be required for any other land use.

Policy 2

It shall be the policy of Council to establish in the Land Use By-law the General Development (GD) Zone which shall apply to the entire planning area and which shall permit all uses as-of-right.

Policy 3

The General Development (GD) Zone shall regulate the location of utility scale wind turbines by establishing a setback from residential uses, a setback from a public road, and a setback from all property lines. The setback from residential uses shall not apply to residences located on the same lot as the turbine.

Policy 4

The General Development (GD) Zone shall regulate domestic wind turbines by establishing a setback from all property lines.

Policy 5

Notwithstanding Policy 5, where wind turbine development is proposed on a lot where the immediately adjacent property is subject to a long term lease for that use, the setback requirement from a property line shall not apply.

New Residential Development within Wind Turbine Setback

As previously indicated, Council will not regulate any development other than wind turbine development. Therefore the setback requirements will not apply to new residential development being located close to any utility scale wind turbine development. If such development does occur, Council is of the opinion it should not prevent an expansion of the wind turbine development which has been established in conformity with this Strategy. However the expansion should not be located any closer to the residential development which has been built within the setback.

Policy 6

Where a residence is constructed within the setback distance of utility scale wind turbine development erected after the effective date of this Strategy, the wind turbine development may expand provided the expansion is not located closer to the residence than the initial wind turbine development.

Existing Wind Turbines

Policy 6 shall not apply to utility scale wind turbines existing as of the effective date of this Strategy. Existing wind turbine development that does not meet the setback requirements will be allowed to continue as non-conforming structures but an expansion will not be permitted.

Removal of Wind Turbines

When the time comes that a utility scale wind turbine is not in operation and will be removed from a site, Council would like to be informed of the decision to remove the wind turbine as early as possible.

Policy 7

Council would like to be made aware of decisions to remove utility scale wind turbines and encourages the owners to notify Council of such decisions as early as possible.

3. Variance

The *Municipal Government Act* authorizes the Development Officer to grant a variance from specified requirements of the Land Use By-law. These requirements include

- height of a structure;
- height and area of a sign;
- size of yards; and
- minimum lot area

The Act also states that variance may not be granted where the

- variance violates the intent of this Land-Use By-law;
- difficulty experienced is general to properties in the area; or
- difficulty experienced results from an intentional disregard for the requirements of the Land-Use By-law.

Adjacent landowners are notified of the Development Officer's granting of a variance and may appeal the decision to Council. The refusal of a variance may also be appealed to Council.

Only one of the above requirements is relevant to the Land Use By-law for the Municipality, that being the size of yards. A setback is considered a yard. Council would like to call attention to this variance provision as it provides for a degree of flexibility for development proposals.

Policy 8

It shall be a policy of Council to include a provision in the Land Use By-law stating that a variance may be granted pursuant to the *Municipal Government Act*. The variance will apply to the setback requirements established in the By-law.

Wind Energy Developments 2021

The Municipal Council started the process of regulating wind energy developments in 2007, with the development of its Municipal Planning Strategy and related bylaw. Over the course of time several amendments were made to the Land-use Bylaw, mainly dealing with the setback requirements of Utility Scale Turbines.

Recently there has been concern expressed by residents that domestic wind turbines should be regulated in a different manner than presently contained under the bylaw.

The Municipal Council wishes to bring consistency in the manner that it regulates wind turbine development. This will include ensuring setback requirements from residential developments and property lines.

The Municipal Council also wants to bring clarity to terms used within the bylaw and municipal planning strategy. The term domestic wind will now be referred to small wind.

The Municipal Council will also introduce a third classification of wind development known as Micro wind, which are small turbines used primarily used onsite use of wind energy.

The Municipal Council also wants residents to be informed of wind developments prior to issuance of a development permit. To this end the Municipal Council wants the proponent of a development permit to conduct a public consultation process.

The following policies are hereby added or deleted from the Municipal Planning Strategy:

Policy 1 is amended to read

Policy 1

It shall be a policy of Council to regulate utility scale and ~~domestic~~ small wind turbines as well as Micro-wind as defined in the Land Use By-law. A development permit will be required to construct a wind turbine anywhere within the planning area. A development permit will not be required for any other land use.

Policy 4 is deleted

~~The General Development (GD) Zone shall regulate domestic wind turbines by establishing a setback from all property lines.~~

Policy 4 (a)

The General Development (GD) Zone shall regulate the location of small wind turbines by establishing a setback from residential uses, and a setback from all property lines and height requirements. The setback from residential uses shall not apply to residences located on the same lot as the turbine

Policy 4 (b)

The General Development (GD) Zone shall regulate the location of Micro wind turbines by establishing a setback from residential uses, and a setback from all property lines. The setback from residential uses shall not apply to residences located on the same lot as the turbine.

Policy 9

It shall be the policy of the Municipal Council to require that a developer of Utility Scale Turbines and small wind conduct a public consultation process in the community of the proposed development to inform residents of the development and to allow for dialogue on the development.

Policy 10

It shall be the policy of the Municipal Council to establish within the Land-use Bylaw a noise standard and the requirement for a field study of noise emissions to ensure minimal disturbance to surrounding properties and uses.

MOTION

It was moved by Clr. Palmer and seconded by Clr. D. Parker that proposed amendments to the Municipal Planning Strategy be received for first reading.
Motion carried.

LAND USE BY-LAW – 1ST READING

Clr. Palmer presented for first reading the following Land Use By-Law:

Land Use By-law

1. TITLE AND PURPOSE

TITLE

- 1.1. This By-law shall be known and may be cited as the Wind Energy By-law for the Municipality of the County of Pictou.

PURPOSE

- 1.2. The purpose of this By-law is to carry out the purpose and intent of the Municipal Planning Strategy in accordance with the provisions of the Nova Scotia Municipal Government Act (Chapter 18, Acts of 1998) as amended, by regulating the development of wind turbines. This By-law shall apply to the Municipality of the County of Pictou shown on Schedule "A", Zoning Map.
- 1.3. This By-law does not exempt any person from complying with other by-laws or regulations in force within the Municipality of the County of Pictou or from obtaining any license, permission,

permit, authority or approval required there under. Where any provisions of this By-law conflicts with those of any other Municipal, Provincial or Federal regulation, by-law or code, the more stringent requirement shall prevail.

2. ADMINISTRATION

DEVELOPMENT OFFICER

- 2.1. This By-law shall be administered by the Development Officer appointed by the Council of the Municipality of the County of Pictou, and the Development Officer shall issue Development Permits under this By-law.

ACTING DEVELOPMENT OFFICER

- 2.2. In the absence or incapacity of the Development Officer, the Acting Development Officer appointed by Council shall act in the Development Officer's stead.

REQUIREMENT FOR DEVELOPMENT PERMIT

- 2.3. No person shall undertake, or cause or permit to be undertaken, any wind turbine development in the area to which this Land-Use By-law applies unless a Development Permit has been obtained in relation to such development from the Development Officer or Acting Development Officer, as appointed by Council.

NO PERMIT REQUIRED

- 2.4. A Development Permit is not required for any development except for wind turbine development.

REQUIREMENT FOR APPLICATION

- 2.5. Every person wishing to obtain a Development Permit must apply for such Development Permit to the Development Officer in the form prescribed from time to time by Council.

CONTENTS OF APPLICATION

2.6. Every application for a Development Permit shall be accompanied by a plan drawn to an appropriate scale and showing:

2.6.1. the true shape and dimension of the lot to be used or upon which the development is proposed.

2.6.2. the proposed location, height and dimensions of any building or structure for which the permit is applied and the location information shall include measurements of the lot frontage and front, side and rear yards;

2.6.3. the location of every building or structure already constructed, or partly constructed, on such lot and the location of every building or structure existing upon abutting lots;

2.6.4. the location of any watercourse and location of any existing or proposed building or structure in relation to the watercourse; and

2.6.5. other such information as may be necessary to determine whether or not the proposed development conforms with the requirements of this By-law.

SURVEY OF LANDS

2.7. Where the Development Officer is unable to determine whether the proposed development conforms to this By-law, the Development Officer may require that the plans submitted under Section 2.6 be based upon an actual survey by a Nova Scotia Land Surveyor.

SIGNATURES

2.8. The application for a Development Permit shall be signed by the owner of the lot, or by his or her authorized agent, and shall set forth in detail the current and proposed use of the lot and each building or structure, or part thereof, together with all information necessary to determine whether the proposed development conforms to the requirements of this By-law.

PUBLIC NOTICE AND CONSULTATION

- 2.9. As part of the application for a Wind Power Project, the applicant must demonstrate that it has made plans to conduct a community meeting in accordance with this clause, held in the community where the proposed Wind Power Project is to be installed, or in the nearest community that has facilities available for the meeting where the applicant will present to the community on the application it has submitted to the Municipality to install and operate a Wind Turbine, including showing the site plan included with its application and answering any questions concerning the Wind Turbine Project for which the Development Permit has been applied for. This community meeting shall be held at the convenience of the applicant; however, the applicant's application shall not be considered complete for the purposes of the By-law until such time as this community meeting is held.

NOTICE TO LANDOWNERS

- 2.10. The applicant shall provide written notice of a community meeting held pursuant to this clause to all land-owners who own land within two thousand 2000 metres of the boundaries of the proposed Wind Turbine Project by way of regular mail to the registered address of the land owner, no later than three (3) weeks prior to any scheduled community meeting. This written notice shall include the date and time and location of the community meeting. The applicant shall provide the Development Officer with a complete list of landowners to whom written notice was given pursuant to this clause within two (2) days of such written notices being given.

ADVERTISING PUBLIC MEETINGS

- 2.11. Notice of a community meeting held pursuant to this clause will be advertised in a newspaper circulating in the Municipality at least two (2) times, the first notice to be published at least fourteen (14) days before the date of the meeting and the second notice being at least seven (7) days before the date of the meeting.
- 2.12. At the time of publishing a first notice pursuant to clause 9.5(c) of this By-law, the applicant shall provide to the Development Officer a copy of the newspaper in which the first notice was published.
- 2.13. At the time of publishing a second notice pursuant to clause 9.5(c) of this Bylaw, the applicant shall provide to the Development Officer a copy of the newspaper in which the second notice was published.

ISSUANCE OF A DEVELOPMENT PERMIT

- 2.14. The Development Officer shall not issue a Development Permit unless:
- 2.14.1. the proposed development is in conformance with this By-law; or
 - 2.14.2. the Development Officer has granted a variance from the terms of this By-law, pursuant to the Municipal Government Act and the time for appeal has elapsed or the appeal has been disposed of and the development is otherwise consistent with the requirements of this Land Use By-law.

DEVIATIONS

- 2.15. No person shall deviate, or allow deviations to be made, from the description of the proposed development that is contained in the Development Permit, unless the developer has obtained a new Development Permit from the Development Officer.

RIGHT OF ENTRY

- 2.16. Pursuant to the Municipal Government Act, the Development Officer, at all reasonable times, may enter into or upon any property within the area to which this Land Use By-law applies for the purposes of any inspection necessary in connection with the administration of this By-law.

LAPSE OF PERMITS

- 2.17. Every Development Permit issued under this By-law shall automatically lapse, and become null and void, if the development to which it relates has not commenced and three years has passed since its issuance.
- 2.18. A nonconforming use of land may not be (a) extended beyond the limits that the use legally occupies; changed to any other use except a use permitted in the zone; and (c) recommenced, if discontinued for a continuous period of six months.

REVOCAION OF DEVELOPMENT PERMIT

- 2.19. The Development Officer may revoke a Development Permit where the development permit was issued based upon false or mistaken information.

DECISION IN WRITING

- 2.20. Any decision of the Development Officer to refuse the issuance of a Development Permit shall be given by written notice served by ordinary mail, whereas any decision to revoke a Development Permit shall be given by written notice served by registered mail, and such revocation shall become effective on the third business day after it was sent.

VIOLATIONS

- 2.21. In the event of any alleged contravention of the provisions of this By-law, the Municipality of the County of Pictou may take action as outlined in the Municipal Government Act, as amended from time to time. Right of Inspection
- 2.22. The Development Officer may, for the purpose of ensuring compliance with this By-law and the terms of a Development Permit issued pursuant to this By-law, enter in or upon any land or premises at any reasonable time upon reasonable notice.
- 2.22.1. If any individual or organization attempts to interfere or interferes with the Development Officer in the exercise of a power pursuant to this By-law, the Development Officer may apply to a judge of the Supreme Court of Nova Scotia for an order to allow the Development Officer to enter in or upon the premises for the purpose of ensuring compliance with this By-law and the terms of a Development Permit issued pursuant to this By-law and for an order restraining the individual or organization from further interference.
- 2.23. It shall be an offence to:
- 2.23.1. contravene any provision of this By-law;
 - 2.23.2. contravene any condition in a of the development permit issued or renewed pursuant to this Bylaw; or
 - 2.23.3. fail to comply with any representations contained within an application upon which a development permit was issued or renewed pursuant to this By-law.

PENALTIES

- 2.24. Any individual or organization who commits an offence pursuant to this By-law shall be punishable on summary conviction as follows:
- 2.24.1. for a first offence, by a fine of not less than \$1,000 and not more than \$5,000 and to imprisonment of not more than two (2) months in default of payment thereof;

- 2.24.2. for a second offence, by a fine of not less than \$2,000 and not more than \$10,000 and to imprisonment of not more than two (2) months in default of payment thereof; and
- 2.24.3. for a third and subsequent offence, by a fine of not less than \$5,000 and not more than \$20,000 and to imprisonment of not more than two (2) months in default of payment thereof.

ADDITIONAL PENALTIES

- 2.25. In addition to any penalty under clause 2.23 of this By-law, in the event of an offence under this By-law, the Development Officer may:
 - 2.25.1. suspend a development permit for a period of up to three (3) months for a first conviction, and
 - 2.25.2. revoke a development permit for a second conviction within any three (3) year period.
 - 2.25.3. A suspension or revocation shall preclude any individual or organization from
 - 2.25.3.1. in the event of a suspension, receiving a development permit or renewal of a development permit for the period of the suspension, and
 - 2.25.3.2. in the event of a revocation, receiving a permit or renewal of a permit for five (5) years, in respect of the same Wind Power Project in relation to which the offence was committed.

EFFECTIVE DATE

- 2.26. Pursuant to the Municipal Government Act, this By-law shall take effect on the date a notice is published in a newspaper, circulating in the Municipality, informing the public that the Planning Strategy and its implementing Land Use By-law are in effect.

COST OF NOTICE FOR A VARIANCE

- 2.27. Pursuant to the Municipal Government Act, where a variance from the requirements of this By-law has been granted or refused, the Development Officer shall give notice to the persons required and in the manner prescribed by the Municipal Government Act, such notice to be served by ordinary mail, and the Municipality shall recover from the applicant the cost of giving such notice.

3. INTERPRETATION

ZONES

- 3.1. To this By-law, the whole of the Municipality of the County of Pictou shall be placed in the General Development Zone, the boundaries of which are shown on the attached Schedule "A". This zone is also referred to by the symbol "GD".

ZONING MAP

- 3.2. The attached Schedule "A" is titled "Zoning Map" and forms a part of this By-law.

INTERPRETATION OF CERTAIN WORDS

- 3.3. In this by-law, words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular number; the word "used" includes "arranged", "designed" or "intended to be used"; the word "shall" is mandatory and not permissive. All other words and phrases carry their customary meaning except for those defined in Part 5 of this By-law, entitled "Definitions".

STANDARDS OF MEASUREMENT

- 3.4. The Metric System of Measurement is used throughout this By-law and in all cases represents the required standard. Imperial measurements are approximate only, for convenience only, and are not to be regarded as precise.

VARIANCE FROM MINIMUM REQUIREMENTS

- 3.5. In accordance with the requirements of the Municipal Government Act, the Development Officer may not grant a variance for the size of yards (setback requirements) provided the
- variance violates the intent of this Land-Use By-law;
 - difficulty experienced is general to properties in the area; or
 - difficulty experienced results from an intentional disregard for the requirements of this Land-Use By-law.

4. GENERAL DEVELOPMENT (GD) ZONE

PERMITTED DEVELOPMENTS

4.1. All developments are permitted in the General Development (GD) Zone.

REQUIREMENTS

4.2. No requirements apply to any development except wind turbine development which is subject to the following:

UTILITY SCALE WIND TURBINES

4.2.1. Minimum setback from residences, except residences located on the same lot as the wind turbine, shall be 1000 metres.

4.2.2. There is no setback requirement from the residence located on the same lot.

4.2.3. Minimum setback from all property lines shall be two times the height of the turbine.

4.2.4. Minimum setback from the boundary of a public road shall be 300 metres (984.3 feet);

SMALL WIND TURBINES

4.2.5. Minimum setback from residences, except residences located on the same lot as the wind turbine, shall be 1000 metres.

4.2.6. There is no setback requirement from the residence on the same lot.

4.2.7. Minimum setback from all property lines shall be two times the height of the turbine.

Maximum Height of the turbine shall be 60 metres.

MICRO WIND TURBINES

4.2.8. Minimum setback from residences, except residences located on the same lot as the wind turbine, shall be 60 metres.

4.2.9. There is no setback requirement from the residence on the same lot.

4.2.10. Minimum setback from all property lines shall be two times the height of the turbine.

EXPANSION OF WIND TURBINE DEVELOPMENT

- 4.3. Notwithstanding the setback requirement from a residence contained in Section 4.2, where a residence is constructed within the setback distance of utility scale wind turbine development erected after the effective date of this Strategy, the wind turbine development may expand. The setback requirement for any expansion shall be the distance from the wind turbine development established after the effective date of this By-law to any residence constructed after the wind turbine development.

SETBACK ON LAND LEASED FOR WIND TURBINE DEVELOPMENT

- 4.4. The setback requirement from a property line contained in Section 4.2 is waived where wind turbine development occurs on land where the adjacent property is subject to a lease for that purpose for a term of 19 years or greater. The setback requirement shall apply to any property which is not leased for wind turbine development.

NOISE ASSESSMENT AND MONITORING

- 4.5 A post-construction sound monitoring field study will be undertaken by the owner of the wind turbine to ensure the allowable standard of 40 dBA is not being exceeded.
- 4.6 The sound monitoring field study must be prepared for the following developments and completed within the first year of operations:
- 4.6.1 When there are two (2) or more utility scale turbine located within 1000 metres of each other and if one or more Points of Reception or Participating Receptors are located within 2000 metres of a wind turbine generator.
- 4.6.2 When there are two (2) or more small wind turbines located within 1000 metres of each other and if one or more Points of Reception or Participating Receptors are located within 2000 metres of a wind turbine generator.
- 4.7 The report must be prepared by a qualified acoustical consultant and the cover document must be signed by the proponent for the project.
- 4.8 Utility and small wind turbines must not have an Ambient Degradation Noise Standard greater than 40 dBA as measured 15 metres from a dwelling.

- 4.9 The noise impact assessment must provide reference or justification for the acoustic emissions data used in the noise prediction at the receptors. For the purposes of this document, receptors mean Points of Reception and Participating Receptors.
- 4.10 As a minimum, the report must include the following:
- 4.10.1 The plan and location of the wind turbines must be described in detail for the purpose of supporting the noise impact assessment calculations and for demonstrating compliance with the sound level limits.
 - 4.10.2 General project layout description must be supported with clear maps of the site and surrounding area, complete with scale, northing, and legend information.
 - 4.10.3 A suitable minimum drawing scale for the overall plan of the project is 1cm : 500 m.
 - 4.10.4 Geographic location of the project study area;
 - 4.10.5 Locations of wind turbines; Location of Transformer Substation or Switching Station;
 - 4.10.6 Locations of all receptors including buildings, dwellings, campsites, places of worship, and institutions, up to 2000 m from any wind turbine location;
 - 4.10.7 All receptors must be assigned a unique receptor identification and must be tabulated along with their precise coordinates in the report.
 - 4.10.8 Property boundaries of lands associated with the project and location of dwellings therein.
 - 4.10.9 Topographical features including roadways, terrain elevations, and ground cover; and
 - 4.10.10 A description of the wind turbine generators, including manufacturer's make and model, maximum electrical output rating, hub height above grade, range of rotational speeds, and mode of operation.
 - 4.10.11 A description of the Transformer Substation and the Aircraft Detection Lighting System (ASDL), including all available information at the time of submission on the manufacturer's make and model designations, maximum electrical output rating, primary and secondary voltages, method of cooling, physical dimensions, drawing showing elevation and plan views of the unit, and any noise abatement measures.
- 4.11 The acoustic emissions of the wind turbine must be specified by the manufacturer for the full range of rated operation and wind speeds.
- 4.12 As a minimum, the information must include the sound power levels, frequency spectra in octave bands (63 to 8000 Hz), and tonality at integer wind speeds from 6 to 15 m/s. The acoustic emission information must be determined and reported in accordance with the international standard CAN/CSA-C61400-11-07.

- 4.13 The wind speed profile on site of the wind turbines may influence the manufacturer's wind turbine acoustic emission data and, consequently, on the sound levels predicted at a Point of Reception. Therefore, the wind turbine generator acoustic emission levels must be consistent with the wind speed profile of the project area.
- 4.14 To address this issue, the assessment must use manufacturer's acoustic emission data adjusted for the average summer nighttime wind speed profile, representative of the site. The adjusted acoustic emissions data must be used in the noise impact assessment at each receptor.
- 4.15 The combined noise impact must comply with the limits at all the wind speeds from 0 m/s to 15 m/s. It should be noted that the acoustic emissions from a Transformer Substation are independent and unrelated to the wind speed, unlike the acoustic emissions from wind turbine generators which are wind speed dependent.
- 4.16 The acoustic emissions of each transformer unit must be specified by the manufacturer and conform to the standard ANSI/IEEE C57.12.90, Reference [7].
- 4.16.1 In cases where the specific information is not available in the early stages of planning the proposed Wind Farm, proponents must submit a maximum rated value of the noise emission in Oil Natural or Air Force (ONAF) cooling mode, typically the highest noise emission operating condition.
- 4.16.2 The requirements do not apply to the small transformer units attached to each wind turbine.
- 4.17 The noise assessment must represent the maximum rated output of the wind turbines and reflect the principle of "predictable worst case" noise impact, Publications NPC-205 and NPC-232, References [2] and [4].
- 4.18 In general, Transformer Substation noise impact must be assessed in combination with the noise impact from the wind turbine generators. In the unique case where the noise impact is caused only by the Transformer Substation the detailed noise impact assessment is only required to consider the sound levels from the Transformer Substation.
- 4.19 If a Point of Reception or a Participating Receptor is or can be affected by adjacent approved Wind Turbines, the noise impact assessment must address the combined impact from all wind turbines located within 2000 metres of the Point of Reception.

- 4.20 A receptor is a Participating Receptor and not considered as a Point of Reception if the property of the receptor is located on the same parcel of land as the wind turbine.
- 4.21 Predictions of the total sound level at a Point of Reception or a Participating Receptor must be carried out according to the method described in the standard ISO 9613-2, Reference [6].
- 4.22 Should the manufacturer's data indicate that the wind turbine acoustic emissions are tonal, the acoustic emissions must be adjusted by 5 dB for tonality, in accordance with Publication NPC-104, Reference [1].
- 4.22.1 If a sound has a pronounced audible tonal quality such as a whine, screech, buzz, or hum then the observed value shall be increased by 5.
- 4.22.2 If a sound has an audible cyclic variation in sound level such as beating or other amplitude modulation then the observed value shall be increased by 5.
- 4.22.3 If a sound is Quasi-Steady Impulsive Sound then the observed value shall be increased by 10.
- 4.22.4 An adjustment may be made under one only of subsections (1), (2) and (3), providing that, if subsection (3) applies, it shall be used in preference to subsection (1) or subsection (2).
- 4.22.5 Otherwise, the prediction should assume that the wind turbine noise requires no adjustments for special quality of sound described in Publication NPC-104, Reference [1].
- 4.23 No special adjustments are necessary to address the variation in wind turbine sound level (swishing sound, amplitude modulation) due to the blade rotation. This temporal characteristic is not dissimilar to other sounds to which no adjustments are applied. It should be noted that the adjustments for special quality of sound described in Publication NPC-104, Reference [1], were not designed to apply to sounds exhibiting such temporal characteristic.
- 4.24 Since transformer acoustic emissions are tonal, an adjustment of 5 dB must be added to the specified acoustic emissions in accordance with Publication NPC-104, Reference [1].
- 4.24.1 If a sound has a pronounced audible tonal quality such as a whine, screech, buzz, or hum then the observed value shall be increased by 5.
- 4.24.2 If a sound has an audible cyclic variation in sound level such as beating or other amplitude modulation then the observed value shall be increased by 5.
- 4.24.3 If a sound is Quasi-Steady Impulsive Sound then the observed value shall be increased by 10.

- 4.24.4 An adjustment may be made under one only of subsections (1), (2) and (3), providing that, if subsection (3) applies, it shall be used in preference to subsection (1) or subsection (2).
- 4.25 The standard on which the noise impact prediction method is based, namely standard ISO 9613-2, Reference [6], is designed for source/receiver distances up to about 1000 m. Although the use of the standard may be extended to larger distances, other factors affecting sound level contributions from the distant sources may need to be considered. In practice, sound level contributions from sources such as wind turbines located at very large distances from receptors are affected by additional attenuation effects.
- 4.26 To address the above in a prediction method, contributions from sources located at very large distances from receptors, larger than approximately 5 km, do not need to be included in the calculation.
- 4.27 All calculations must be performed in terms of octave band sound levels (63 to 8000 Hz) and for each integer wind speed from 6 to 10 m/s.
- 4.27.1 A separate drawing must be presented for each of the following wind speeds: 6, 8, 10 and 15 m/s.
- 4.27.2 The sound level scale should be the same on all drawings. If practical, each drawing should show the sound level contours for the 40 dBA level as well as the contour for the applicable sound level limit.
- 4.27.3 The drawings should be included as an Appendix.
- 4.28 Compliance must be based on the comparison of the combined sound levels from all sources at each Point of Reception with the sound level limits.
- 4.29 All calculations and the determination of compliance with the sound level limits must be presented to a precision of one decimal place.
- 4.30 If the results of the monitoring program demonstrate that the Wind Power Project exceeds maximum,
- 4.30.1 the development permit holder will be directed to comply with the By-law through mitigation measures within a period that the Development Officer determines as reasonable.
- 4.30.2 When the Wind Power Project meets the allowable standard, the Municipality's compliance requirement is deemed to be complete.

NOISE COMPLAINTS

- 4.31 Any complaints concerning a potential violation of the Wind Turbine Development Bylaw shall be in writing to the Development Officer in a form approved by the Municipality.
 - 4.31.1 The submission of Email or texts shall not constitute a written complaint.

- 4.32 Upon receiving a complete form, the Development Officer shall assess the circumstances and reasonableness of the complaint. In making such a determination, the Development Officer shall consider the following conditions during the investigation:
 - 4.32.1 A change in the operation of the wind turbine which has caused an audible increase in sound transmission;
 - 4.32.2 The frequency, duration, and time of day of increased noise transmission as well as weather conditions over this period;
 - 4.32.3 Any information and / or data submitted by the complainant in regard to the purported increased sound transmission.
 - 4.32.4 If the Development Officer is satisfied with evidence that suggests an increase in sound transmission from the wind turbine, he/she shall require the proponent to undertake a sound monitoring study described above within a reasonable timeframe.

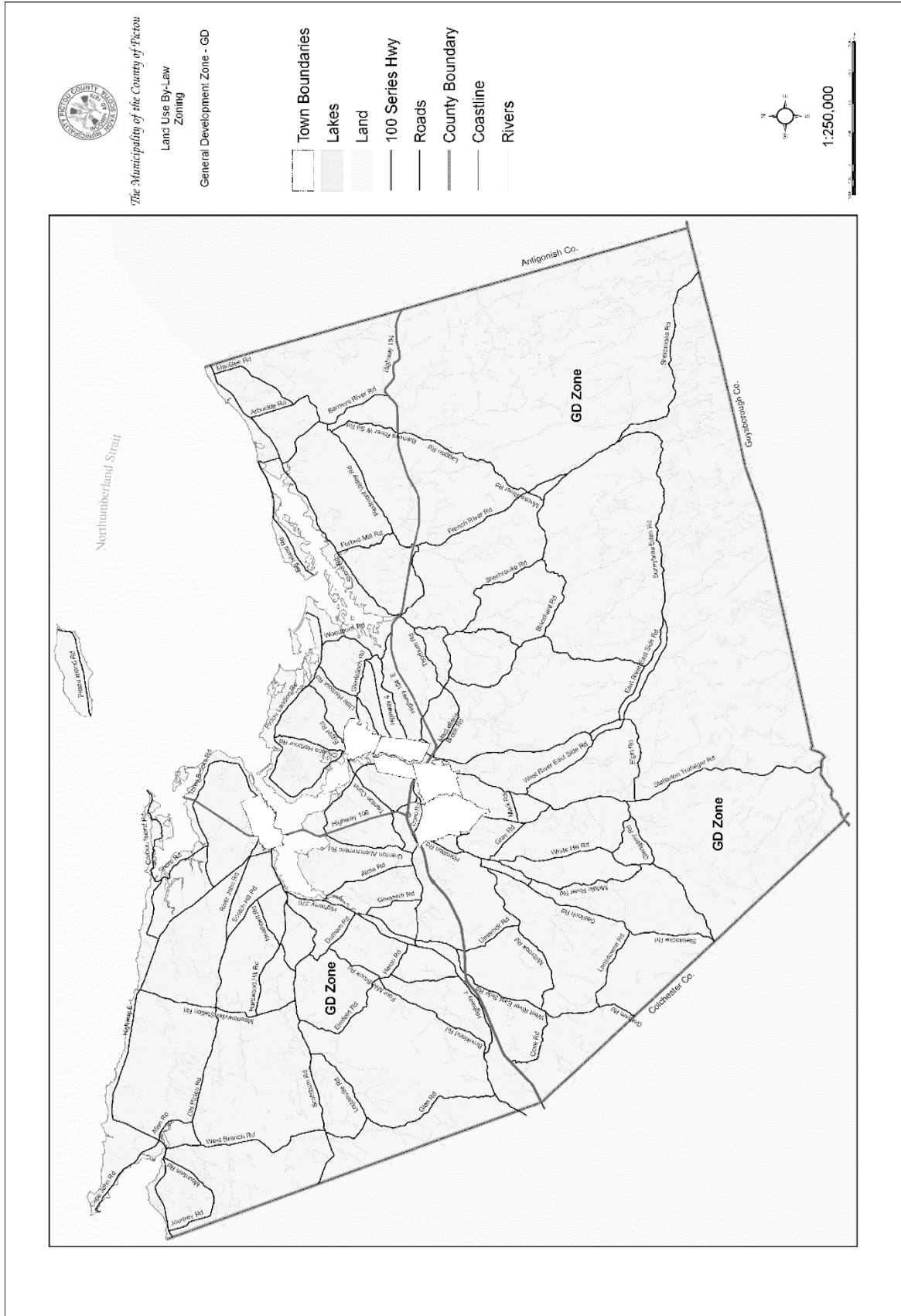
- 4.33 Upon a review of the sound monitoring study, the Development Officer shall:
 - 4.33.1 Advise the Complainant that the results of the sound monitoring study comply with the Wind Turbine development By-law; or
 - 4.33.2 Direct the development permit holder to comply with the By-law through mitigation measures within a period that the Development Officer determines as reasonable.

5. DEFINITIONS

For the purposes of this By-law all words shall carry their customary meaning except for those words and phrases defined in this Part.

- 5.1. **“A-Weighted Decibel” or “dB(A)”** means a measurement of Environmental Noise, whereby A-frequency weighting is used to compensate for the varying sensitivity of the human ear to sounds at different frequencies;
- 5.2. **“Ambient Degradation Noise Standard”** means the average noise level over a specified period of time, usually composed of sound from many sources, near and far;
- 5.3. **“Decibel” or “dB”** means a measurement of sound, namely the scale in which sound pressure level is expressed. When measuring Environmental Noise, a weighting network is used which filters the frequency of sound, and is expressed as “dB(A)”;
- 5.4. **Height of Wind Turbine** means the distance from ground level to the height of a rotor blade in a vertical position;
- 5.5. **Micro Scale Wind Turbine”** means a Wind Turbine which has a Nameplate Capacity of less than 10 kW
- 5.6. **Public Road** means:
 - 5.6.1.any road or highway owned and currently maintained by the Department of Transportation and Public Works excluding designated controlled access highways pursuant to Section 21 of the Public Highways Act, or
 - 5.6.2.any road owned and currently maintained by the Municipality of the County of Pictou;
- 5.7. **Small Wind Turbine** means a wind turbine that has a Nameplate Capacity of not more than 50 kilowatts (kW).
- 5.8. **Utility Scale Wind Turbine** means a wind turbine that has a Nameplate Capacity greater than 50 Kilowatts (Kw);
- 5.9. **Residence** means a structure used for human habitation, whether for seasonal or permanent occupancy, and is assessed for residential taxation purposes on the Municipality of the County of Pictou’s annual assessment roll.

5.10. **Watercourse** means the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or other natural body of water, and the water therein, whether it contains water or not.



MOTION

It was moved by Clr. Palmer and seconded by Clr. D. Parker that the proposed Land Use By-Law be received for first reading.

Clr. D. Parker noted we are moving to a noise standard rather than distance from home; 40 dB is the common standard in Canada and both sides indicated they can live with that.

Clr. Wadden asked the impact towers will have with these documents and the CAO replied somewhat anecdotal. They all tend to believe they can meet the 40 dB standard with 1,000 m so it is not going to restrict the industry any further than what they are at present.

Clr. Wadden asked who will pay for the noise study and the CAO explained that the company installing the turbines will cover that cost.

Clr. Wadden asked what this amendment does for the Tower Road residents and the CAO replied it is on a go forward basis so it will not impact any existing turbines.

Motion carried.

COMMUNITY CLEANUP REPORT

Clr. MacKeil reported that she is really proud of District 3 and its volunteers because they were able to fill a dumpster. They had a great turn out and the Pictou County Solid Waste staff was great in their support and guidance. She thanked the local fire department who paid for a dumpster and letting people use their parking lot. It is really important to keep our roadsides clean and hopefully we can do it again in the fall.

Clr. Palmer reported District 10 had a really good turn out and he thanked the volunteers who participated in the day. The Crossroads Country Market contributed towards the day and he thanked them as well.

Clr. Dewar recognized Kenny Fraser, Diane MacLean and Kathy Fraser from the Hopewell area who went around from sign to sign in Hopewell and the surrounding area to clean up garbage along the side of the roads.

Clr. MacKeil also acknowledged Diane Ross who is learning about the environment and offered to help with the clean-up.

Clr. Wadden reported she had quite a few residents from District 2 who participated in the clean-up but they have a problem on one particular road where the garbage and recycling blows onto other properties. She noted a special mention to Collette Forbes who cleaned up the garbage.

Clr. Thompson reported he went out with residents in his District and collected a lot of garbage. He was concerned about the amount of liquor bottles in the ditches which he found very disturbing.

Clr. Turner acknowledged Monica Rivers who lives at the Abercrombie Connector who is constantly picking up bags of garbage in that area. There is a problem on the Trenton Connector that really needs some attention so he is going to speak to Earle Cameron about the situation.

Warden R. Parker pointed out the blue bags are light and blow away so he bought a couple of galvanized containers to put the bags in which has helped.

Clr. Boyles acknowledged the efforts of residents in his area for the garbage they collected.

UP-DATE - RURAL BROADBAND PROJECT

The CAO reported that Phase 1 of the fiber build arrived in Pictou County 2 weeks ago. They are working on co-location agreements that include the Halifax Internet Exchange as well as Truro with F6 Networks that should be concluded by Friday. There has also been some discussion about fiber swaps for additional routing. The rapid response for tower sites, infield data and testing has been complete so we just have to identify various sites required for towers as well as roadside locations and poles. They are working on a point of presence location in New Glasgow where the original location was to be library but that will probably be changed to the town hall because there is no conduit to run additional fiber into the library. He informed Council that much of what has taken place in April has been developing the system and processes to move the project forward in more transparent ways. We are working on financial systems and operational plans so that will give us complete picture of project on capital side. All of this is computer

and technology driven and the hope is to go live this week and the overall operating system will control the ISPs that will come on board. On the Rapid Response side there has been some back and forth with Industry Canada to wrap up all the details, statement of work and timelines. Wireless networks require licenses to operate and the applications have been started. We are still working through the make readies and to sign off with Bell and NSP. On the construction side, the fiber installs have been identified and some of the runs are fairly short.

Warden R. Parker asked if there was any indication when Ring 8 may be operational and the CAO replied that he was speaking with Matt LeMay who informed him September was a good timeline.

Clr. Wadden asked about fiber swaps and the CAO replied it is taking our fiber and trading it with somebody else who has fiber. It could be in an adjacent location such as Colchester that borders on Pictou County.

Clr. Butler asked about the placement of towers and how much emphasis is put on their location and the CAO responded that they are being placed from a technical standpoint to make the network available for maximum coverage. He advised that he hopes to have the tower locations by the end of this week.

Clr. MacKeil asked if there was timeline on funding from the Federal Government on the larger project and the CAO replied that there was no indication of when awards may be forthcoming from that fund.

COMMUNITY ANNOUNCEMENTS

Clr. Elliott reported receiving a thank you letter from Mary Jane Craik on receiving a certificate for her volunteer years of service at the River John Library.

Clr. Elliott thanked Mr. Stephen MacNeil for his 7 years of service with the Provincial Liberal Government and for telling everyone to “stay the blazes home” during the pandemic.

Clr. Elliott wished Clr. Dewar an early happy birthday as his birthday is tomorrow.

Clr. D. Parker reported that the seafood chowder had to be postponed because of COVID restrictions.

Clr. Turner referred to the mixed-use development in the New Scotland Business Park and thanked Council for its patience to let the process unfold. He pointed out that Clr. Thompson guided us through the first stages of the development and Mr. MacFarlane is continuing on with the development.

Clr. Dewar reported that S.W. Weeks was awarded a contract in District 12 to pave a portion of the Lorne Station Road and work will start as soon as possible.

Warden R. Parker reported Donna Rivers MacDonald, Greenhill was named the winner of the “Great Canadian Grilled Cheese Challenge” with her Lobster Grilled Cheese.

Warden R. Parker also reported that 4-H Public Speaking held in Pictou County was won by Tyler MacLean for 1st intermediate speaker and Luke MacLean for junior speaker in the County.

Warden R. Parker informed Council that the Saltsprings Elementary School won the championship for reading across the country for 2020/21.

EMERGENCY RESOLUTIONS (UNANIMOUS CONSENT REQUIRED)

There were no emergency resolutions.

REFERRALS TO COMMITTEES & COUNCIL

Clr. Boyles reported he was informed today that one of the doctors in Pictou County declined to receive a COVID vaccination and as a result was told he was not allowed to practice medicine.

Clr. Wadden reported that the Chief Medical Officer of Health was clear that a person was not obliged to be vaccinated.

Clr. D. Parker reported it was time they revisited the lack of doctors in the County because it is an ongoing crisis for our residents.

Warden R. Parker asked everyone to stay safe and help your residents to stay safe. It is really hard on the mental health of our students.

Clr. Wadden encouraged everyone to read the “Monday Memo” that comes out weekly from the NSFM.

ADJOURN

It was moved by Clr. Boyles and seconded by Clr. Wadden that the meeting adjourn.
Motion carried. (9:01p.m.)

Robert Parker
Warden

Brian Cullen
Municipal Clerk