

October 4, 2021

The Municipal Council for the Municipality of the County of Pictou met in the Council Chambers and by video-conference on Monday, October 4, 2021 at 7:00 p.m.

PRESENT

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

IN ATTENDANCE

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

CALL TO ORDER & LAND ACKNOWLEDGEMENT

Warden R. Parker called the meeting to order and invited Councillors to pray or reflect, as may be their preference, to help Council focus and properly do the work of the Municipality, and to remember our indigenous communities. He acknowledged that we are in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq People.

AGENDA

It was moved by Clr. Turner and seconded by Deputy Warden Murray that the agenda be approved with the addition of a proclamation, dialysis request, vaccination for firefighters, vaccination updates, and a vaccination policy for Council.

Motion carried.

PROCLAMATION – WASTE REDUCTION WEEK

Warden R. Parker read the proclamation as follows:

The Municipality of the County of Pictou
Hereby declares
Waste Reduction Week in Canada
October 18-24, 2021

We commit to waste reduction, resource conservation, and community education for sustainable living. We recognize that losing waste to disposal, and as litter, are local and global threats to the environment. We will take action to reduce our waste and support the circular economy.

MINUTES

It was moved by Clr. MacKeil and seconded by Clr. D. Parker that the minutes of September 7th & 20th, 2021 be approved as circulated.

Motion carried.

CORRESPONDENCE

Correspondence was received and acknowledged from the following:

- (a) Letters/Notes of appreciation for funding (uncirculated) have been received from Pictou County Volunteer Ground Search & Rescue, the Riverview Volunteer Association, Pictou County 4-H Leaders Council, and the Abercrombie Cemetery Company (grant recipients)

DANGEROUS & UNSIGHTLY PREMISES HEARING, JAMES PAUL ATKINS, 6333 EAST RIVER WEST SIDE ROAD, EUREKA

Warden R. Parker called the meeting to order and convened the Dangerous & Unsightly Premises hearing on the James Paul Atkins property at 6333 East River West Side Road, Eureka.

Mr. McDowell reported a notice was sent in July 2020 with no response and a notice to attend Council for October, 2021. The property is in a dangerous and unsightly condition with an assessed value of \$96,900, 1.47 acres that borders on 2 other properties. It is in tax sale with taxes owing in the amount of \$33,000 and has a sewer lateral with sewer fees owing.

Clr. D. Parker asked why this property was not in tax sale before now and Warden R. Parker replied it may not have sold at previous tax sales.

Clr. Dewar informed Council this property has been brought to attention before regarding dangerous and unsightly.

RESOLUTION – DEMOLITION ORDER

Clr. Dewar 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 finds that the property located at 6333 East River West Side Rd., Eureka (Tax Account # 00134023) and further described in the attached Order is dangerous and unsightly;

AND BE IT RESOLVED that Council, pursuant to Section 346 of Part 15 of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, make an Order in the form attached hereto and forming part of this resolution, the said Order to be signed and issued forthwith on behalf of the Council by the Chief Administrative Officer of the Municipality or his designate.

DATED at Pictou, NS this 4th day of October, 2021.

(Sgd.) Chester Dewar
Andy Thompson

ORDER

**MUNICIPAL GOVERNMENT ACT, STATUTES OF NOVA SCOTIA, 1998, CHAPTER 18
ORDER REQUIRING DEMOLITION**

TO: James Paul Atkins 6333 East River West Side Road Eureka, NS

TAKE NOTICE that pursuant to Section 346 of *The Municipal Government Act*, The Council of the Municipality of the County of Pictou (“the Council” and “the County”) has determined that the property located at 6333 East River West Side Road, Eureka, Pictou County, Nova Scotia, associated with Tax Account Number 00134023, and PID #00907980, which lands are included in those more particularly described in Schedule “A” hereto attached and forming a part hereof (“the Property”) is dangerous or unsightly.

AND FURTHER TAKE NOTICE that the Council orders you to remedy these conditions by doing all of the following work, acts or things (“the work”) on the property, that is to say:

Complete all required work to the property as listed below:

- (1) Demolish the house and shed structures; which are in a ruinous or dilapidated condition, leaving the site in a safe condition.
- (2) Remove all debris from the property and dispose at an approved site. For greater certainty, but not limiting the generality of this obligation, all debris on the entire property must be removed.

THE WORK IS TO BE COMPLETED AND DONE WITHIN THIRTY (30) DAYS OF THE DATE OF SERVICE OF THIS ORDER.

AND FURTHER TAKE NOTICE

THAT in the event of failure by you to comply with the requirements of this Order within Thirty (30) days after its date of service, the administrator may enter upon the property without warrant or other legal process and carry out the work specified in this Order;

THAT the cost of the work, with interest at the rate determined by the Council, from the date of the completion of the work until the date of payment:

- (a) Is the first lien on the property upon which the work was done and that the property is liable to be sold in a tax sale in accordance with *The Municipal Government Act*, and;
- (b) May at any time be sued for and recovered in an action in the name of the County.

THAT after this Order is served; any person who permits or causes a dangerous or unsightly condition, continues to permit or cause a dangerous or unsightly condition or fails to comply with the terms of the Order is liable, on summary conviction, to a penalty of not less than One Hundred (\$100.00) Dollars, and not more than Five Thousand (\$5000.00) Dollars, and, in default of payment, to imprisonment for not more than three (3) months;

THAT every day during which the condition is not remedied is a separate offence.

MOTION

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

Motion carried.

PARL REPORT

Clr. Wadden reported that the Board met September 9 at the Library in Antigonish and it was a nice reminder that we could have a facility as beautiful and functional right here in Pictou County. We are still hearing reports of continued support for this new facility in Pictou and remain hopeful we will soon have confirmation to begin this project. Meanwhile, Troy and Eric continue fundraising efforts which so far has been very positive.

Summer Programs were once again well supported with 350 participants with 1915 Learning and Reading Activities and 1662 Take home Kits were distributed. The Adult Book Club went very well this summer too.

5 new Interns were hired for the summer and allowed us to provide 200 one on one individual training sessions. We were also able to hire one new student started the first week of September for 14 weeks The One Card Project is now known as the Same Page Project. It is the public facing name of the online Platform for searching the library collection. Their website should be up and running by November of this year. Cooperation between all the regions has been very good and they have agreed to make investments in Circulation as the stats are improving.

April to August 2019 = 9699

April to August 2020=13,659 (+40.8%)

April to August 2021=15,704(+14.9%)

Launch for this entire project is Feb 24, 2022. A Policy Diversity & Inclusive workshop is being planned to help work on this issue. All 8 regional libraries are on board and have recently learned the provincial library is paying the cost.

Accessibility Planning Committee continue to work on this issue. Funding is in place for Branch Audits. The RFP will go out soon. They are tackling each segment of the plan and are now working on Transportation. We had a good discussion concerning all the Accessibility Committees we have in our respective areas so it only makes sense to share whatever information we can. Eric will contact our CAO's to make sure we have the opportunities to work together. There should be no need to reinvent the wheel as it only makes sense to share information.

We discussed the Phase 5 reopening and have a policy in place for making sure Staff are vaccinated or if not, will follow the procedures in place for unvaccinated. Library Development Fund application to help us as we climb out of Covid and revise our vision which could cost approximately \$40,000.

We have the introduction of Video Conferencing, Accessibility Opportunities- make sure there are no barriers for our disabled. The One Step Program has the potential to cost \$75 to \$80,000 to plan for the increase in book loaning across the 8 regions. This cost will be absorbed by this fund for the first year but hopefully the province will look after this additional costs after year 1.

We saw a huge increase in our budget renewal for Blue Cross this year. It took a great deal of negotiating but have finally agreed to a 25.6% increase which we can absorb our next meeting is scheduled for Nov 4.

NSFM REPORT

Clr. Wadden reported that the Board met virtually Sept 17.

We had a presentation from the new Minister of Municipal Affairs, John Lohr along with DM Paul LaFleche and Mark Peck. Minister Lohr will be visiting all municipalities starting Sept 28. He plans to renegotiate the MOU for equalization payments to Municipalities. It was last updated in 1994. There seems to be some confusion here over the MOU and Service Agreement. Is everything under review?

He is looking at the MGA and Halifax charters. Housing - there is a sense of urgency for this issue and wants to work with us for solutions.

If you had an opportunity to read the Ministers letter you will see it did not contain reference to EPR which is very disappointing as this was one of our top resolutions and a great deal of work has been done on this but not sure where it will go from here. It needs the collaboration with Municipal Affairs.

We are still waiting to see what the revised Code of Conduct will look like. We tried to point out we have a whole team to work with him and his office so can only hope at this point he hears us.

Juanita advised us there would be a Joint Board Meeting with AMA concerning the mandate letter from the minister. We need to be working together if this is going to be a major change for municipalities.

Another item we brought forward was the opportunity to be better prepared and notified of changes due to COVID. He will communicate this issue to Public Health as that is who handles this.

We also had a presentation from Kathy Gillis and Hugh Fraser from Property and Valuation services.

This covers the full calendar year of 2020:

Residential Value is up but remember we do have the CAP Commercial - seeing a decrease for Hotels /Motels but an increase for Industrial Parks Seems to be a strange economy happening We have the CAP impact and the CPI is trending for the past 4 months at 4% Overall, they feel every municipality should see an increase of approximately 8% with differences between communities Offices have remained stable even with COVID Nursing Homes/Retirement Homes have remained fairly stable Hotels/Motels hit the hardest with an expected drop by 15 to 25% An example they gave was 11% increase + 4% cap - large increase is imminent If this is something council would like to have more information they are certainly willing to come out and do a presentation.

NSFM now has Cyber Insurance Coverage, which is very important to have in the event we are hacked.

Our Auditors proposal has come in much higher up \$15000 so we are dealing with this issue.

West Hants have indicated they would like to move to a Regional Caucus. This could have long term implications so we are planning a Board retreat to deal with some of the issues concerning the makeup of our NSFM. If anyone has any ideas for what they would like to see in our structure please send them along to me so I can present them at the retreat scheduled for Oct 13 and 14 in Truro. This will be our first face to face board meeting so I am looking forward to that.

We were given the Draft Terms of Reference for the Can Will Project with the FCM. This project aims to address the systemic barriers that women face running for Municipal Office, while also improving the context and environment once elected. If anyone wants to see the terms just contact me and I will forward to you

A reminder Registration is now open for our Fall Conference Nov 3 and 4. Please consider registering for this event. Judy and her team have worked very hard to put together a program that can work virtually for us.

Finally, I was able to attend a workshop called Working Together for Clean Energy with Peter Greg from NS Power. It was a very informative presentation that showcased some of the work already done and being worked on by NSP.

The Climate change committee would certainly benefit from having a presentation done to you by Mr. Greg who explained the Clean Energy Transition as Emera works to have net zero emissions by 2050. He spoke of the Atlantic Loop which would see a Maritime link to Newfoundland, New Brunswick and Quebec. The new meter system to help customers understand their use of power and time of day savings. He spoke to Community Solar Gardens, electric vehicles, electric busses for transit, Bi directional charges, the list was quite lengthy. They do want to collaborate with municipalities so would be a great opportunity to have him speak to our council or our climate committee in particular. If anyone is interested I can forward his contact information to you for follow up.

Warden R. Parker reported that he met with Divert NS regarding EPR so they are still working on it.

Clr. Boyles reported that the Climate Change Committee is working with NSP on climate change issues.

RESOLUTION – MUNICIPAL GRANTS

Clr. Thompson 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 payment of the following Municipal Grants:

Municipal Services:

D04 River John Community Action Soc. \$ 600.00 Farmer's Market Expenses

D11	East Riv. St. Mary's Fire Dept.	1,500.00	Operating Expenses
	Moose River Cemetery	400.00	Operating Expenses
	SBI-4H Club	500.00	Program Expenses
	Trust. Springville Presby. Ch.	3,400.00	Ramp/Electric Door Opener/Paint
D12	Eureka & Dist. Vol. Fire Dept.	<u>4,100.00</u>	Operating Expenses
		\$10,500.00	

DATED at Pictou, NS this 4th day of October, 2021.

(Sgd.) Andy Thompson
Chester Dewar

MOTION

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

RESOLUTION – MPS AMENDMENTS, SECOND READING

Clr. Palmer presented a resolution to Council as follows:

RESOLUTION
MUNICIPAL PLANNING STRATEGY AMENDMENTS
(Second Reading)

BE IT RESOLVED by the Municipal Council for the Municipality of the County of Pictou that the Municipal Planning Strategy of the Municipality adopted by Municipal Council on September 10, 2007 is hereby amended as follows:

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.

DATED at Pictou, NS this 4th day of October, 2021.

Sgd.) Randy Palmer
Deborah Wadden

MOTION

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

RESOLUTION – LUB AMENDMENTS, SECOND READING

Clr. Palmer presented a resolution to Council as follows:

RESOLUTION
LAND USE BY-LAW
(Second Reading)

BE IT RESOLVED BY THE Municipal Council for the Municipality of the County of Pictou that Council adopt the following Wind Energy 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.

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 residences 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 subsequent to 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 1 cm : 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.

DATED at Pictou, NS this 4th day of October, 2021.

(Sgd.) Randy Palmer
David Parker

MOTION

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

RESOLUTION – NEW SCOTLAND LOAN GUARANTEE

Clr. Turner presented a resolution to Council as follows:

MUNICIPALITY OF THE COUNTY OF PICTOU GUARANTEE
RESOLUTION

\$3,125,000 NEW SCOTLAND BUSINESS DEVELOPMENT
INCORPORATED

WHEREAS the New Scotland Business Development Incorporated (hereinafter referred to as "NSBDI") was incorporated on December 31, 2014 pursuant to Section 60 of the Municipal Government Act;

AND WHEREAS NSBDI has determined to borrow the aggregate principal amount of Six Million Two Hundred and Fifty Thousand Dollars (\$6,250,000) for the purpose of purchase of lands for the development of a business park and has applied to the Municipality of the County of Pictou for its guarantee of share of the borrowing;

AND WHEREAS NSBDI has requested the Municipality of the County of Pictou, one of the municipalities that executed the instrument of incorporation of the NSBDI to guarantee the said borrowing;

AND WHEREAS Section 88 of the Municipal Government Act, provides that no guarantee of a borrowing by a municipality shall have effect unless the Minister has approved of the proposed borrowings or debenture and of the proposed guarantee;

BE IT THEREFORE RESOLVED

THAT the Municipality of the County of Pictou does hereby approve the borrowings of Six Million Two Hundred and Fifty Thousand Dollars (\$6,250,000) for the purpose set out above;

THAT subject to the approval of the Minister of Municipal Affairs of the borrowing by NSBDI and the approval of the Minister of Municipal Affairs of the guarantee, the Municipality of the County of Pictou unconditionally guarantees repayment of Three Million One Hundred and Twenty Five Thousand Dollars (\$3,125,000) of the principal and interest of the borrowings of Six Million Two Hundred and Fifty Thousand Dollars (\$6,250,000) for the purpose set out above; and

THAT upon the issue of the temporary Borrowing Resolution, the Warden and Chief Administrative Officer (Clerk) of the Municipality of the County of Pictou do sign the guarantee and attach it to the Temporary Borrowing Resolution of the NSBDI and affix the seal of the Municipality of the County of Pictou.

DATED at Chéticamp, NS this 4th day of October, 2021.

(Sgd.) Larry Turner
Randy Palmer

MOTION

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

Motion carried.

LETTER OF SUPPORT – HEALTH CARE PROVIDERS

Clr. D. Parker reported that he has been impressed with the health care providers processing numbers of tests every day. We as community leaders should send a message to these health care providers on all the work they have been doing since the start of the pandemic.

MOTION

It was moved by Clr. D. Parker and seconded by Clr. Butler that a letter be sent to the Nova Scotia Nurses Union expressing Council's appreciation for health care providers trying to keep the residents as safe as possible.

Motion carried.

DIALYSIS CONCERNS

The Deputy Municipal Clerk reported the Aberdeen hospital's response was no immediate plans for dialysis services at the Aberdeen Hospital.

Warden R. Parker reported he received a request that seats be made available for dialysis patients in Pictou County instead of them travelling outside Pictou County.

Mayor MacGillivray who is also the Chair of CHAD reported that CHAD takes patients to Halifax and other areas outside Pictou County. CHAD has spent all its funding from the provincial government and they are now using CHAD's funding.

Warden R. Parker informed Council the request may have more effect if it's a joint effort from all the municipal units in the County.

Clr. Elliott reported this is a very important issue for these people that need help and she informed Council she is also going to send her own letter.

MOTION

It was moved by Clr. Boyles and seconded by Clr. Elliott that a joint letter from all the municipal units be sent to the Minister of Health and 3 MLAs requesting more dialysis seats in Pictou County.
Motion carried.

VACCINATIONS FOR FIREFIGHTERS

Clr. D. Parker reported that he received a call from a firefighter who asked if there was a vaccination policy for firefighters especially for medical first response. He suggested Council ask Dr. Strang to issue that directive.

MOTION

It was moved by Clr. D. Parker and seconded by Clr. Elliott that a letter be sent to Dr. Strang requesting he issue a directive for volunteer firefighters.
Motion carried.

SMALL ARENAS & VACCINATIONS

Clr. Palmer asked what the Wellness Center is doing in regards to checking for vaccinations at the door.

The Deputy Municipal Clerk referred to directives from the province which address these issues.

Clr. MacKeil reported that there is public awareness that people are supposed to be double vaccinated. As a parent going through minor hockey last year, she saw firsthand the responsibilities for the organization to come into the rink. She is hoping there are similar protocols in place for this year but it also puts a lot of onus on arenas and volunteers.

VACCINATION POLICY

Clr. Thompson commented that we as community leaders need to take a lead role, but we have no policy as a Council requiring vaccination.

MOTION

It was moved by Clr. Thompson and seconded by Clr. Wadden that Council adopt a proof of vaccination policy for Council with medical exemptions.
Motion carried.

Clr. Wadden agreed that Council should lead by example and there should be something in place for people who are not medically able to receive the vaccine.

Clr. D. Parker reported we need to show leadership and we also have to look at the safety of staff.

Clr. Palmer suggested Council get a legal opinion in regards to staff and work with the union on this issue.

Deputy Warden Murray asked for clarification regarding visitors and the CAO replied visitors do not require an exemption.

COMMUNITY ANNOUNCEMENTS

Clr. Dewar reported the market held in Churchville was very successful and he was so pleased it was a success and very well organized.

Clr. Dewar was pleased to report the road conditions in the East River Valley area were in very poor condition but the road has since been upgraded.

Clr. Dewar reported the project at the Trenton Connector has been moving along quite quickly and the residents will be very thankful to have this work completed.

Clr. Thompson thanked Mike Hechimovich for all the work he has done in the area and with the Springville Hall.

Clr. Boyles referred to anonymous donors who furnished the entire Palliative Care unit at the Aberdeen Hospital with cuddle beds.

Clr. MacKeil congratulated Ken & Cindy Pettipas who organized the annual Woody's Slice Golf Tournament where the Hector Arena also gets a donation, however this year they had a silent auction at the Pictou Legion.

Clr. D. Parker reported on October 16, there will be a seafood chowder take out, from 10:30 am to 1:30 pm at the Union Center Community Hall.

Clr. D. Parker reported the passing of Patsy DeYoung a resident in the White Hill area who took on a campaign to get the White Hill Road repaved.

EMERGENCY RESOLUTIONS

There were no emergency resolutions.

REFERRALS TO COMMITTEES & COUNCIL

Clr. MacKeil asked for an update from the province on speed signs.

Clr. Boyles reported he has a lot of problems with his iPad and he has a hard time to get it working properly.

ADJOURN

It was moved by Clr. MacKeil and seconded by Clr. D. Parker that the meeting adjourn.
Motion carried. (8: 49 p.m.)

Robert Parker
Warden

Brian Cullen
Municipal Clerk