

Municipality of the District of Yarmouth Plan Review - Public Draft

What We Heard + Policy Direction Report
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This What We Heard + Policy Direction Report
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UPLAND

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1. INTRODUCTION

1.1. About the Plan Review

The Municipality of the District of Yarmouth (MODY) Plan Review is a project to review and update the Municipal Planning Strategy and Land Use By-law.

A Municipal Planning Strategy (MPS) is the primary planning document for the Municipality and establishes a vision, goals, and policies for growth and development. A Land Use By-law (LUB) is a companion document that sets out the various rules and regulations that have to do with development activities. Together, the MPS and LUB shape our communities by determining what types of development can happen where.

The new Municipal Planning Strategy and Land Use By-law represent an exciting opportunity to renew and reinforce the vision for the Municipality, to make the Municipality's role in land use regulation easier, and to ensure planning policy better serves residents and businesses of MODY.

1.2. How This Report Will Be Used

This report is a summary of the Draft Plan engagement phase and encompasses “What We Heard” from the public. The activities undertaken in this phase generated a large amount of feedback and data. This report explores that feedback, grouped into themes. The reporting in this document does not utilize direct quotes, rather it represents the efforts of the project team to develop a cohesive narrative from the various engagement activities and the wide range of information received.

Some of this feedback will be used to inform policy decisions in the Plan Review, while some will be passed on to the Municipality for consideration through other parts of their operations. Certain topics addressed by residents throughout the consultation process related to matters outside of the scope of planning or the Municipality's jurisdiction but are still included in this report to provide an accurate representation of priorities and issues identified by the public.

1.3. Engagement Overview

Initial Project Engagement

Gathering input from citizens is critical in order to ascertain the key issues and opportunities of a community. Recognizing this, the development of the Draft Plan began with an extensive initial engagement process.

The initial phase of engagement sought to gather input from residents and stakeholders to determine their priorities and took place from July 2021 to January 2022.

For an in-depth overview of the initial phase of engagement, please visit www.planmody.ca/documents to read the *What We Heard Report*.

Public Draft Plan Engagement

The second phase of engagement focused on the public drafts of the new Municipal Planning Strategy and Land Use By-law. This phase of gave the public another opportunity to enrich the planning process with their input and expertise.

To ensure that the results accurately represented the diverse population of the Municipality, multiple methods of engagement were used, including:

- » Updates and documents posted to the project website
- » An online presentation and discussion with 3 attendees
- » A recording of the online presentation and discussion with 20 views
- » An in-person presentation and discussion with 66 attendees
- » An online feedback form with 12 submissions
- » Letters to adjacent municipalities

These activities were promoted through:

- » The Municipality's website
- » The project website (www.planmody.ca)
- » The Municipality's social media
- » The local newspaper
- » Email updates





2. FEEDBACK AND DISCUSSION TOPICS

Several recurring issues emerged throughout the Draft Plan engagement phase. Some of the feedback related to typographical errors in the documents or areas where the language of the documents lack clarity. These comments will simply be addressed by the project team while creating the final draft documents.

Some feedback also related to topics that are outside the direct scope of land use planning documents or are beyond the powers granted to municipalities through the *Municipal Government Act*. While these items cannot be addressed as part of the current project, the feedback is nonetheless appreciated, and the project team does not want these comments to get lost. These items are captured in Chapter 3 of this report.

The remainder of the feedback related to specific policy directions in the drafts, primarily related to the following topics. These are presented in no particular order.

- » Coastal Development
- » Watercourse Buffers
- » Wind Energy
- » Dark Skies and Illumination
- » Waste and Recycling
- » Housing Diversity
- » Aquaculture
- » Sensitive Environment Designation
- » Consultation with Adjacent Municipalities
- » Industrial Zoning
- » Lake George Watershed

This chapter of the report outlines the feedback received on each of those topics, the related policy, potential approaches for modifying the documents to address public feedback, and - where beneficial - additional research or discussion to help inform

decision-making on these topics.

2.1. Coastal Development

Current Draft Approach

Subsection 4.3.3 of the current draft MPS addresses coastal development:

“Although shorelines are widely seen as attractive places to develop, they are also sensitive landscapes, and their development comes with inherent risks such as coastal flooding and erosion. Coastal development can also increase the volume of runoff and surface pollutants and negatively impact essential habitats for many species. These risks are increasing as sea levels rise, and modeling shows that many coastal areas across the province are at risk of flooding in the coming years.

The Government of Nova Scotia has acted on developing a province-wide approach to development regulation in coastal areas through the passing of the *Coastal Protection Act* in 2019. As of winter, 2023, that Act has not yet been implemented through regulations. However, it is expected that such regulations will include a minimum vertical elevation for development and provisions for establishing site-specific horizontal setbacks within a defined coastal zone.

Considering the forthcoming provincial regulations, Council has decided not to implement a separate set of municipal regulations. When the provincial legislation comes into effect, Council will update this Plan and the associated Land Use By-law if necessary to defer to any relevant provincial documents.

Policy 4-5 Council shall, upon the Province’s adoption of any regulations related to the Coastal Protection Act, amend, if necessary, this Plan and the associated Land Use By-law to reference and implement provincial coastal setbacks.”

Feedback

Overall, there was general support shown for the approach taken in the Draft Plan related to Coastal Development.

One participant expressed a concern for any developments that could occur between now and the enactment of the *Coastal Protection Act*. They are advocating that operations not be “grandfathered” in if they are breaking the spirit and regulations of the coming act.

Another participant stated that the *Coastal Protection Act* should be considered above and ahead of approval for any major industry related changes in the municipality. A third participant expressed concern related the development and activities related to a specific sensitive coastal environment. This is explored further in section 2.8, Sensitive Environments.

Potential Policy Direction

The most recent information we have on the Coastal Protection Regulations suggests the Province is hoping to implement them this year (2023). If this is indeed the case, then there will be little-to-no gap between the adoption of the new MODY planning documents and the implementation of the Regulations.

However, if there is a delay in the Regulations then there is a risk that coastal developments could be approved under the new MODY planning documents prior to the Coastal Protection Regulations coming into effect. Current information suggests the Coastal Protection Regulations would “grandfather” such developments, and would only regulate these developments if they were expanded or moved in the future.

The Planning Advisory Committee has two options in response:

1. Direct UPLAND to draft interim coastal development regulations.

This approach would likely include a minimum vertical elevation for coastal development (to account for sea level rise and storm surge), and an increased horizontal watercourse buffer for coastal development (to account for erosion).

This approach would have the upside of preventing developments that would potentially be considered inappropriate under eventual Coastal Protection Regulations.

This approach would have the downside of requiring future amendments to delete these provisions, or risk having applicants and staff having to apply two sets of rules once the Regulations are in effect.

Additionally, it is likely that any such regulations would be somewhat imprecise. Coastal areas are not homogeneous and one set of rules is not necessarily appropriate to all coastal areas. For example, a hard granite coast will erode much slower than an area of consolidated sand. Much of the delay with the Coastal Protection Regulations is the work being done to develop a tool that can account for different erosion rates when setting horizontal setbacks. Any coastal rules established in the MODY documents would be more “crude”, and would, for example, likely include only one single horizontal setback. This would either over regulate slowly eroding areas, or under regulate quickly-eroding areas.

2. Direct UPLAND to maintain to current draft approach of deferring to the eventual Coastal Protection Regulations.

This approach would have the upsides of being straight-forward, potentially avoiding the need for future amendments, and avoiding the application of “imprecise” rules.

This approach would have the risk of continuing to allow coastal development that would not be consistent with the eventual Coastal Protection Regulations.

2.2. Watercourse Buffers

Current Draft Approach

Subsection 4.3.4 of the current draft MPS addresses watercourse buffers:

“The natural areas where the land meets water (the “riparian zone”) are incredibly important as natural habitat, as natural filters to stop pollutants before they enter waterways, and as buffers against flooding. For example, many fish species depend on the riparian zone as a safe space for young to grow, sheltered from predators. The riparian zone also helps to regulate the temperature of adjacent watercourses and provides aesthetic value to the municipality.

Development that harms the riparian zone can cause serious damage to the health of our waterways. Watercourse buffers help protect watercourses from adjacent development, and protect development from flooding in areas where it occurs. Retaining riparian buffers around watercourses is important to water quality, plant and animal communities, and the protection of property from the natural hazards of flooding.

Policy 4-6 Council shall, through the Land Use By-law, prohibit development within 12 horizontal metres from the high-water mark of watercourses, with some exceptions for uses and structures that require direct access to the water.

Policy 5-48 Council shall, through the Land Use By-law, prohibit development within 15 metres of watercourses within the Lakeside Residential Zone, with exceptions for structures such as boathouses and wharves, which must be located in close proximity to watercourses.

Policy 5-49 Council may, through the Land Use By-law, allow a reduction in other yard setbacks to accommodate development on existing lots that cannot meet the 15-metre watercourse setback.”

The buffer is required to remain in its natural state, with minor exceptions for things like trails to the water’s edge.

Feedback

One participant expressed support for the approach taken in the Draft Plan, however, they conveyed their concern about the enforcement of Policy 4-6. They would like to see enforcement come from the Municipality rather than relying on the Department of Environment and Climate Change. Another participant shared these sentiments and noted that it seems unnecessary to have a regulation if it is not going to be enforced.

Another participant expressed their concern around buffer exceptions for Marine Industrial and Watershed Zone lands. They do not think that wetlands should be altered to allow for aquaculture development, even if it is in a Marine Industrial Zone.

Potential Policy Direction

The issue of enforcing watercourse buffers is always a challenging one. The *Municipal Government Act* only enables municipalities to regulate such buffers “in relation to development”, so it is possible for landowners to clear such areas before applying for a development permit.

However, even in cases where the buffer is present at the time of permitting and is later disturbed, it can be difficult to enforce. Doing so requires showing evidence of the original extent of the buffer which—potentially years after initial development—may be hard to accurately document to a level of accuracy sufficient for legal prosecution.

The draft documents attempt to address this challenge to some degree by requiring Site Plan Approval for developments in the Lakeside Residential Zone. This means that there will be a site plan, including the extent of the buffer, that becomes part of the permit record and can act as evidence for any potential enforcement.

The Planning Advisory Committee could direct UPLAND to draft changes that require Site Plan Approval for any development within a certain distance of a watercourse.

This would have the advantage of providing similar evidence for buffer enforcement in areas outside of the Lakeside Residential Zone.

The downside of this is the additional administration burden for the Development Officer and applicant to negotiate the Site Plan Approval, which must be weighed against the potential benefits. An additional challenge is that Site Plan Approval is appealable, so there is a burden on the Development Officer to advise neighbours when giving such an approval, and the potential for an increase in appeals that would need to be heard by Council.

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In relation to the comment about buffer exemptions in the Marine Industrial Zone and Watershed Zone, the Watershed Zone has its own, separate watercourse setback requirement of 92 metres for everything except utility structures.

The Marine Industrial Zone is intended specifically to enable land uses that are water-related, and likely need to be located at or near the water's edge. This includes things like marine storage, boat and other marine servicing, and fisheries storage. Without an exemption, such uses could have their operation affected.

The specific use that the participant was concerned about—land-based aquaculture operations—are only permitted by development agreement in this zone. Through that process Council has the ability to establish buffering provisions specific to the potential proposal and override the general LUB buffer exemption.

The Planning Advisory Committee could direct UPLAND to remove the watercourse buffer exemption from the Watershed Zone and Marine Industrial Zone.

However, this approach is not recommended. The Watershed Zone already has its own, stricter, buffer, and the Marine Industrial Zone is specifically intended to accommodate uses that need to be at the water's edge.

2.3. Wind Energy

Current Draft Approach

Subsection 4.3.6 of the current draft MPS addresses wind turbines:

“Wind turbine generators harness the movement of the wind to generate electricity. Wind turbine generators can be constructed on a range of scales, from small turbines powering an off-grid cabin up to collections of multiple turbines 100+ meters tall. There is an abundance of wind energy resources in South West Nova Scotia, and some wind turbines have already been developed in the wider region, while one has been developed within the municipality.

As of 2023, wind development in Nova Scotia is currently on the cusp of a resurgence, and the Province recently announced a new round of procurement for five developments featuring large-scale wind turbine generators, though none are within the municipality’s boundaries.

Council recognizes that the economic and environmental benefits of wind turbine generators can be significant, and the long-term goals of the Municipality incorporate principles of sustainability through pollution reduction and renewable energy. However, there are also potential negative impacts that need to be addressed for larger systems, including noise, visual impacts, and blade and ice throw. Council feels that careful consideration is required to limit the potential impacts on the surrounding area.”

This is implemented through detailed policy, particularly in relation to large-scale wind turbines. Large-scale wind turbines can be considered by development agreement in the Rural Development Zone, subject to provisions that include a minimum 1,000 metres separation distance from dwellings, provision of detailed project information, and provision of a decommissioning plan. See Policy 4-10, 4-11, 4-12, and 4-13 in the Appendix.

Feedback

Wind energy came up several times across engagement activities. There was one participant that expressed their general support for wind projects, while another participant, conversely expressed their concern for the potential impacts that wind turbines can have on bird life. Another participant spoke out about electricity more generally and its impact on the health of people and the planet.

A specific concern about the following aspect of Policy 4-13 was brought forward by another participant:

“a) any proposed wind turbine generator shall be separated from any dwellings by a minimum of 1,000 metres;”

It was expressed that having a fixed number for distance seems concerning as turbines continue to increase in size. This participant requested that the mandated separation distance be based on the size of the turbine and scaled accordingly. They would like to see the distance be at least 15x the total height of the turbine.

Potential Policy Direction

Municipal involvement in wind turbine regulation is typically limited to land use impacts, and responsibility for more detailed environmental review (e.g. bird life impacts) falls to other provincial or federal legislation, since municipalities lack the mandate and expertise to undertake such review. For example, wind turbines with a rated capacity of 2+ megawatts (a typical large-scale wind turbine) require a Class I Environmental Assessment under the Nova Scotia *Environment Act*.

One of the main tools that municipalities have to limit land use impacts of wind turbines is through the application of minimum separation distances between wind turbines and sensitive noise receptors (e.g. dwellings). This tool is primarily intended to limit noise impacts, though may also have some effect on visual impacts.

Separation distances can be based on modelled noise levels, set distances, or distances based on the height of the turbine. Noise modelling has the potential to most accurately account for the noise impacts a specific turbine proposal; however, municipalities typically lack the expertise to implement this tool, and this approach is also convoluted from a public perspective - it does little to communicate to people how far they can expect to have turbines from their house.

As a result, many municipalities settle on a distance-based approach, setting the distance high enough that the risk of impacts is acceptably low, but not so high as to unreasonably exclude wind turbines from the municipality.

The feedback from the public submission is correct – land-based wind turbines are, on average, getting bigger. A report¹ on the state of the wind market in the US found that between 2010 and 2021, the average hub height of wind turbines increased from 80 metres (262 feet) to 94 metres (308 feet).

Practically, there are some major limitations to continued increases in land-based turbine height. The primary one is turbine transportation and installation; components can only get so large before it becomes impossible to transport them along existing roads and under bridges, etc. As a result, the major growth in wind turbines size is in off-shore installations. However, there is of course the possibility that future engineering and design advancements could enable transportation of larger land-based turbines.

Interestingly, a recent major study² has found that the average noise impacts of wind turbines on communities are expected to decrease in the future even as turbines get larger. This is a result of technology improvements, needing fewer turbines (because each one is larger and generates more electricity), and because many communities have a separation distance based on multiples of height.

Given the trend of increasing turbine height, there is some merit to establishing a separation distance based on a multiple of height. However, we recommend doing this in addition to a set distance. This is because people often want to know what is the absolute minimum distance a turbine could be from their home (which is not immediately clear with a “multiple-only” approach).

Further, if a multiple-based separation distance is implemented we recommend against the 15x suggested in the public feedback. Turbines that have historically been built in Nova Scotia (e.g. South Canoe in Lunenburg County) are in the range of 150 metres tall when measured from grade to the highest point of the blade. A 15x setback on such a turbine would be 2,250 metres, a significant increase over the current 1,000 metres. Rather, we recommend 6.5x turbine height, which would maintain consistency for what has been typical of turbines in Nova Scotia while accounting for potential future growth in turbine sizes.

The Planning Advisory Committee could direct UPLAND to:

- a) Maintain the current 1,000 metre minimum separation distance for large-scale wind turbines;**
- b) Draft changes that would switch to a separation distance based on a multiple of turbine height; or**
- c) Draft changes that would implement a separation distance based on a multiple of turbine height in addition to the current 1,000 metre minimum separation distance.**

¹ U.S. Department of Energy (2022) *Land-Based Wind Market Report: 2022 Edition*

² Hoen et. al (2023) *Effects of land-based wind turbine upsizing on community sound levels and power and energy density*. Applied Energy, Volume 338

2.4. Dark Skies and Illumination

Current Draft Approach

Subsection 4.3.5 of the draft MPS addresses dark skies:

“Yarmouth and the Acadian Shores have some of the darkest, clearest skies in North America, and the region has been designated as the continent’s first Starlight Reserve. However, with the growth of human developments has come an increase in exterior lighting. Abundant street and property lighting make it easier to navigate at night, provide a sense of safety and security, enhance architectural designs, and can allow outdoor facilities (such as sports fields or wharves) to be used into the night. Despite these benefits, lighting can have negative consequences by obscuring clear views of the night sky and by disrupting animal migration patterns.

A growing awareness of these consequences has led to options for lighting designs that minimize such “light pollution”, and the establishment of “dark sky” programs to identify areas with exceptional night skies. The Municipality of the District of Yarmouth has a Dark Skies initiative which aims to limit intrusions on the night sky by managing the intensity and placement of lighting throughout the municipality.

Council recognizes the value of dark skies for preserving our connection to nature, providing animals with natural lighting cycles and navigation landmarks, and attracting visitors seeking an awe-inspiring night-time experience. Council supports efforts to reduce light pollution, and to explore ways in which to improve lighting design in municipal operations and in private development.

Policy 4-7 Council shall evaluate discretionary development proposals (development agreements and Land Use By-law amendments) for their potential impact on light pollution and dark night skies, as set out in the evaluation criteria of Section 6.6 of this Plan.

Policy 4-8 Council shall, through the Land Use By-law, require dark-sky-friendly lighting for developments occurring via the site plan approval process.

Policy 4-9 Where commercial uses are proposed within the Rural Development Designation which would abut residential, institutional, or recreational uses, all outdoor lighting shall be positioned away from neighboring properties, and applicants shall be required to provide an outdoor lighting plan that includes:

- A. lot boundaries;
- B. the location of all existing and proposed structures;
- C. identification of any areas or signs requiring illumination; the location and height of all existing and proposed outdoor lighting; and
- D. specifications on the type, wattage, height, spacing, and foundation of any lighting.”

Feedback

One participant expressed that these policies are heavy handed.

Another participant’s feedback was related to Section 6.15, “Illumination”, in the general provisions of the Draft By-law. They stated that they are glad to see illumination is being included in the Plan but that they think section 6.15.2 is a bit vague. They also stated that they do not think that light positioning matters if a maximum is not set for color temperature and intensity.

“6.15.2 To avoid potential negative impacts on the UNESCO Dark Skies designation, there shall be no lighting directed upwards.”

Potential Policy Direction

Section 220(5)(c) of the *Municipal Government Act* gives the authority for land use by-laws to regulate outdoor lighting, and Section 231(4)(g) gives the authority to control the type and location of outdoor lighting through site plan approval.

Upon review of the lighting provisions, UPLAND agrees that there are some redundancies, inconsistencies, and unclear aspects of how the current drafts address this, and that some work should be done on this matter for the next draft. For example, commercial uses in the Rural Development Zone are required to have full-cutoff light fixtures, but Subsection 6.15.2 also requires this broadly for all development by prohibiting light directed upwards.

Regulating and enforcing lighting can be challenging because not all changes to lighting require any sort of municipal approval. For example, changing out lightbulbs can change the colour or intensity of lighting but does not require a permit. Similarly, changing a residential porch fixture to a different style would not typically be regulated by planning rules.

It is easier to control lighting through development agreements and site plan approvals, where specific standards for that particular development can be established in the agreement or approval.

The International Dark-sky Association first and foremost recommends that lighting be shielded to direct light where it is needed (downward) instead of having it shine upwards and light up the night sky. Beyond that, they recommend warmer (less blue) light colours and only using lights that are as bright as they need to be to achieve their purpose.

In considering directions forward for this topic, UPLAND would benefit from Planning Advisory Committee Feedback on the following matters:

Should lighting be considered when Council is considering discretionary planning applications (development agreements and zoning map amendments)?

Should outdoor lighting be regulated for commercial uses?

Should outdoor lighting be regulated for residential uses?

Should lighting provisions focus specifically on keeping light directed downward, or should they also address colour and/or intensity?

2.5. Housing Diversity

Current Draft Approach

Subsection 4.6.3 of the draft MPS addresses housing diversity:

The main form of housing in the municipality is owner-occupied, single-detached homes. However, demographic changes show an aging population and a shift to smaller household sizes, which suggests that new housing options are needed.

The density and scale of housing change the shape of a community and affect the cost and availability of dwellings. Council wishes to enable a range of housing suited to the scale and form of each community, with denser housing mainly directed to urban serviced areas, where amenities are available. Some higher-density forms of housing should also be permitted in small rural communities to support smaller, affordable housing options.

Where Council wants a higher degree of control, some higher-density development will be permitted by site plan approval or development agreement to ensure the development is carefully designed to fit the community.

Policy 4-53 Council shall, in the permitted uses in each zone of the Land Use By-law, tailor the types and densities of residential uses to the classification of community in which the zone is intended to be used. Rural development areas shall be limited to a lower density of development, hamlets shall generally be lower in density with an opportunity for medium densities with careful oversight, and more urban serviced areas shall be the focus of higher densities of residential development.

The draft LUB carries out this policy direction by permitting a range of housing types. For example, most zones that permit residential uses allow up to four dwelling units on a lot,

as-of-right. The exceptions are the Watershed Zone and Lakeside Residential Zone, which are limited to two dwelling units. The Multiple Unit Residential Zone allows up to ten dwelling units as-of-right. All zones that permit residential uses, with the exception of the Watershed Zone, allow Council to consider residential developments with more units by development agreement.

In most zones that permit residential uses the maximum building height is 10.7 metres (35 feet). The new Multiple Unit Residential Zone allows 14 metres (40 feet).

Feedback

There were several density related concerns that emerged throughout engagement. One participant stated that the reason they purchased their land where they did was due to low density and the quality of life that comes with it. They expressed that they do not think it is fair for the rules to change now.

Another participant expressed concern about the potential of 4-storey housing developments. Concerns about the requirement for sizes of RV lots was also discussed as something that needs further consideration.

It was also noted that there is no mention of company housing as a possible use in industrial zones. However, this is actually already addressed by provisions in the Marine Industrial Zone (22.7.2 of draft LUB) and General Industrial Zone (23.7.3 of draft LUB) that allow dwellings and boarding house as accessory uses in these zones.

Potential Policy Direction

One of the key topics we heard in initial engagement and also became clear during background analysis is the challenge of finding affordable, available, suitable housing in the municipality and surrounding region. The draft documents attempt to address this in many ways, including enabling small multi-unit dwellings (3-4 units) without requiring the burden of a development agreement and by establishing the Multiple Unit Residential Zone that pre-identifies areas where moderate-sized (up to ten units and 14 metres / 40 feet in height) multi-unit dwellings can be easily established.

While this is a change from the status-quo, it is a response to current issues, which is partially the intent of reviewing and updating planning documents.

However, Planning Advisory Committee may wish to refine this approach. Such direction could include:

Changes to the number of units permitted as-of-right in some or all zones that permit residential uses.

Changes to maximum building height in the Multiple Unit Residential Zone.

Changes to where the Multiple Unit Residential Zone is applied (see Zoning Map 2 in the draft LUB).

2.6. Aquaculture

Current Draft Approach

Subsection 4.7.5 of the draft MPS addresses aquaculture:

“Aquaculture includes the farming of fish, shellfish, and aquatic plants, and there are many different forms of aquaculture development—all with their own benefits and challenges. Each year more fish products come from aquaculture. This is an emerging land use in the municipality, and as of spring, 2023 there is one development agreement signed for a proposal located in the Business and Industrial Park Zone.

There are two main approaches to aquaculture—land-based and water-based operations. While water-based aquaculture is regulated by the Nova Scotia Department of Fisheries and Aquaculture, the municipality can regulate on-shore components associated with water-based systems and can also regulate land-based systems.

With constantly evolving technologies, aquaculture systems vary greatly, and each operation may use a combination of various processes and methods. The two main types of land-based aquaculture are flow through systems, in which no water is recirculated within the facility, and recirculating aquaculture systems, in which any proportion of the water is recirculated. In order to appropriately regulate this complex land use, Council wishes to ensure proponents provide all information necessary for Council to make an informed and thoughtful decision”

The draft sets out that aquaculture operations will only be considered by development agreement and only in the Business and Industrial Park Zone, Marine Industrial Zone, or General Industrial Zone. The draft expands the information that the proponent needs to provide, so that all parties are operating with a

transparent understanding of any proposal to be considered by Council. See Policy 4-69 in the Appendix.

Feedback

We heard extensively about the collective community concern regarding a previously-proposed, land-based salmon farm at Chebogue Point.

Many participants expressed a resistance toward fin-fish farms, with some suggestion that they have no issues with aquaculture for shellfish or marine plants. A main point of concern is how the proposed fin-fish project could impact the existing industries (e.g. lobster fishing) that are currently making up the backbone of the local economy. In 2021, a petition was circulated opposing the development of a proposed salmon farm on Chebogue Point and received 1,420 signatures.

Participants also voiced their concerns about the potential ramifications that this type of development could have on its surrounding ecosystem. There were several concerns raised related to managing the outflow of wastewater, and the perception that the draft documents are not clear enough in prohibiting wastewater discharge.

Other concerns related to this type of development include:

- » Clean up standards and waste management regulations
- » The state of fish when they are shipped
- » The level of processing that will be permitted and how the excess items will be disposed
- » Where the meat is processed and the facility requirements
- » Species permitted to be farmed

Potential Policy Direction

The Municipality has recently gone through an extensive development agreement application process related to a proposed land-based aquaculture development. While that application was eventually denied by Council on the basis of not complying with MPS policies, a key takeaway from the process was the lack of clear information about the proposal and the related impact on the ability of all parties to participate in informed discussion.

The draft planning documents respond to this previous challenge by expanding the details to be included in any land-based aquaculture application and the requirements for public communication of proposal details.

In re-writing sections of the MPS to update the context and include these additional provisions, we inadvertently removed some of the precise language related to “closed containment” systems on which Council relied to make its previous decision. The requirement for closed-containment does, however, remain in the draft LUB definition of land-based aquaculture:

“Aquaculture Operation (Land-based) means a facility for the cultivation of fish or shellfish which utilizes closed containment systems to contain all inputs and outputs.”

However, this may not be immediately clear to the casual reader. Additionally, concerns related to processing can be somewhat addressed by strengthening the definition in relation to animal processing and rendering plants (*i.e.* by making it clear that these activities are a separate land use).

The Planning Advisory Committee could direct UPLAND to amend the drafts to strengthen language around closed containment and/or processing for land-based aquaculture operations.

Some of the other concerns raised by participants are outside the scope of municipal planning, which is primarily concerned with land use and the interrelation of different land uses with each other. For example, the state of fish when they are shipped is not a land use issue and is better addressed within the realm of provincial licensing.

Finally, we would recommend that specifying the appropriate species or types of animals (*e.g.* fin-fish vs. mollusks) is inappropriate for municipal land use planning. Neither Section 220 (Content of Land Use By-law) nor Section 227 (Content of Development Agreement) of the *Municipal Government Act* include language that specifically allows regulation of animal species. While this has been pushed to some degree in the past (*e.g.* municipalities defining “animal units” for livestock operations based on species), our recommendation is typically for municipalities to move away from this approach.

The key consideration for municipal land use planning is land use impacts. While this is potentially tied, to some degree, to the type or species of animal used in the aquaculture, ultimately the specifics of the proposal design and its operational controls will dictate the how these impacts manifest. The development agreement process gives Council the ability to evaluate potential land use impacts specific to the proposal, whatever the species.

2.7. Sensitive Environments

Current Draft Approach

Section 5.11 of the draft MPS addresses sensitive environments:

“The communities within the municipality are home to many natural features with important ecological value. These include the wetlands, sensitive coastal habitat, floodplains, dykeland, wilderness areas, beaches, and nature reserves, among others. While many of these features are protected by other legislation or by ownership, it is important to communicate the value these lands have for a sustainable future. As a result, Council has established the Sensitive Environment Designation to apply to these areas.

Policy 5-50 *Council shall, on Schedule ‘A’, the Future Land Use Map, designate as “Sensitive Environment” lands intended to protect the natural environment.*

Policy 5-51 *Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Sensitive Environment Designation:*

- A. *Floodplain Zone*
- B. *Dykелands Zone*
- C. *Sensitive Environment Zone”*

These zones are then created through the Land Use By-law. Specific to this discussion, the Sensitive Environment Zone is a very strict zone that limits development to utilities, parks and playgrounds, and trails and conservation uses.

Feedback

The appropriate designation and protection of sensitive environments was a commonly discussed issue across engagement activities. Residents feel that this Plan must place a high emphasis on the protection of sensitive environments and restrict or limit development in these spaces.

A specific area that was flagged was Big Pond and the surrounding wetland area (see Figure 1 in the Appendix). Chebogue Point and Rockville citizens, among others, are concerned about this unique coastal habitat and the potential development of this land. Participants are advocating for this area to be rezoned appropriately. It was also noted by participants that during extreme storms the barrier beach is being breached and the area is being intensely flooded inland, making it a flood risk area. Members of the community would also like to see this reflected on the maps.

The Tuskent River Environmental Association with the support of the Nova Scotia Bird Society and other supporting citizens requested that this area be rezoned as a protected coastal wetland (see May 16, 2023 Planning Advisory Committee Agenda). They noted that this is the sole freshwater coastal bog in the Municipality and that under the Ramsar Convention on Wetlands, of which Canada is signatory, it is considered to be “internationally important” as “it contains a representative, rare, or unique example of a natural or near-natural wetland type found within the appropriate biogeographic region”.

Conversely, it has been requested from a member of the community that this area not be rezoned without considering the property rights of the land owners. It has been expressed that the request to rezone this area will do nothing to protect, improve or save the Big Pond area, and all it will do is infringe on land owner’s rights and the value of the land.

Potential Policy Direction

The extent of the draft Sensitive Environment zone is essentially the same as the Coastal Wetlands Zone in the existing LUB, with a few notable changes:

- the zone boundaries have been updated to use new data that better identifies the actual boundaries of sensitive environments;
- the zone now includes beaches; and
- the zone now includes “cliffs, dunes” and coastal rocks”

The Sensitive Environment Zone is based on data from the Nova Scotia Forest Inventory land classifications, with some minor amendments by the Municipality’s GIS staff where local knowledge showed the classification to be inaccurate. The NS Forest Inventory is based on interpretation of aerial photographs, and classifies lands into a number of categories such as “natural stand”, “alders”, “open bog”, “urban” etc.

The zone as drafted includes lands classified as “salt marsh”, “beaches”, and “cliffs, dunes, and coastal rocks”.

The Planning Advisory Committee could direct UPLAND to maintain the Sensitive Environment Zone as drafted, or to expand it to include additional land cover categories.

The *Municipal Government Act* (220(5)(p)) does provide municipalities with the ability to prohibit development of lands that:

- “(i) is subject to flooding or subsidence,
- (ii) has steep slopes,
- (iii) is low-lying, marshy, or unstable,
- (iv) is otherwise hazardous for development because of its soil conditions, geological conditions, undermining or topography,
- (v) is known to be contaminated within the meaning of the Environment Act, or
- (vi) is located in an area where development is prohibited by a statement of provincial interest or by an enactment of the Province;”

It is important to note in this scope of authority that any prohibition is not on the basis of the specific environmental value of a particular piece of land, but rather on the hazard it would place on development.

However, the *Minimum Planning Requirements Regulations* provide finer-grained guidelines with the statement that “a municipal planning strategy may include statements of policy on any of the following:

- (a) climate change mitigation and adaptation;
- (b) protecting the natural environment and biodiversity;
- (c) protecting the coast;
- (d) protecting water supplies;
- (e) identifying, preserving and protecting landscape features;
- (f) stormwater management and erosion control;
- (g) excavating or filling of land, the placement of fill or the removal of soil;
- (h) identifying, protecting, using and developing any of the following:
 - (i) lands subject to flooding,
 - (ii) steep slopes,
 - (iii) lands susceptible to subsidence, erosion or other geological hazards, and [sic]
 - (iv) wetlands or other environmentally sensitive areas.”

While this does provide an expanded scope for municipal regulation of environmental matters, we would caution against overstepping into the jurisdiction of other regulatory bodies (e.g. NS Environment and Climate Change) or moving too far away from general control of land use matters and into areas that are beyond the typical expertise of a municipality.

Therefore, we would recommend that any potential expansions of the Sensitive Environment Zone, if expansions are to be considered, not be on the basis of the particular environmental value of any one specific area, but rather on a consistent methodology of identifying hazardous or at-risk landscapes based on their land cover classification.

Map 1 in the Appendix includes mapping of land cover categories that would be potential candidates for the Sensitive Environments Zone on the *Municipal Government Act* basis of being “low lying, marshy, or unstable”. This includes identified wetlands, wetlands in lakes, open bogs, and treed bogs. Areas on this map that are identified as wetlands and are along coastal areas are already included within the Sensitive Environments Zone since their sub-category classification is coastal marsh.

As illustrated, including one or more additional land cover categories does have the potential to affect development rights on large areas of land. Importantly, this would require consideration for establishing a procedure for property owners to dispute the exact boundary of the zone. While the NS Forest Inventory has been recently updated with high-resolution imagery, the inherent nature of air photo interpretation means there is a risk of some imprecision on the scale of individual developments, where the matter of a metre or two might be a material consideration. This is not a particular concern with the current extent of the Sensitive Environment Zone since it primarily covers lands that are otherwise difficult to develop or are also protected by other legislation (e.g. beaches), but could become more of a concern if extended to areas where there is stronger possibility of property owners having development plans.

2.8. Consultation with Adjacent

Municipalities

Current Draft Approach

Subsection 6.2.1 of the draft MPS addresses consultation with adjacent municipalities:

“This Municipal Planning Strategy and its associated By-laws apply only to lands within the Municipality of the District of Yarmouth. However, activities that occur within the municipality have the potential to affect adjacent municipalities. This may be direct, such as the generation of traffic or trespass of noise or odours across borders. It may also be indirect, such as through effects on the market for various types of development in neighbouring areas, or environmental impacts. Council believes that it is important to consider the input of adjacent municipalities when considering amendments to this Municipal Planning Strategy.

Policy 6-4 Council shall notify adjacent municipalities and the Acadia First Nation and provide opportunity for comment when:

- A. Adopting a new Municipal Planning Strategy to replace this one; and
- B. when considering amendments to this Municipal Planning Strategy that would affect lands within 500 metres of the adjacent municipalities or Acadia First Nation.”

Feedback

The Town of Yarmouth has requested that the project team consider making changes to the proposed Policy 6-4 (see Appendix for full letter) to expand the notification distance, include notification of LUB amendments in addition to MPS amendments, and measure the notification distance from other features in addition to municipal boundaries:

Policy 6-4 Council shall notify adjacent municipalities and the Acadia First Nation and provide opportunity for comment when:

- A. Adopting a new Municipal Planning Strategy to replace this one; and
- B. when considering amendments to this Municipal Planning Strategy **or Land Use By-law** that would affect lands within **1000** metres of:

- + **The Town of Yarmouth**
- + **A Provincial Park**
- + **Yarmouth County Solid Waste Park**
- + **Lake George Protected Watershed Area**
- + **Maple Grove Education Centre**
- + **Yarmouth International Airport**
- + **Yarmouth Harbour**
- + **Lake Milo**
- + **Broad Brook**

Additionally, the Province, in its preliminary review of the drafts, has highlighted elements of the Engagement Program Content Regulations that are missing from the draft Policy 6-4. These include a specific process for Council to consider feedback from adjacent municipalities, and for the timing of the engagement.

Potential Policy Direction

At a minimum, this portion of the draft MPS must be adjusted to align with the Province’s comments. **In doing so, the Planning Advisory Committee could also direct UPLAND to make amendments to align the neighbouring municipalities engagement provisions with some or all of the elements requested by the Town of Yarmouth.**

2.9. Zoning Map Amendments made for Industrial Zones in the Rural Development Designation

Current Draft Approach

Subsection 5.5.4 of the draft MPS addresses the process for “rezoning” to industrial zones in the Rural Development Designation:

“In general, potential areas of industrial uses should be clearly communicated through the placement of the Industrial Designation and appropriate industrial zones. However, there may be times where proposals for industrial uses come forward in rural areas that, due to their location in relation to other uses, may not be particularly at risk of creating land use conflicts. In such cases, requiring an amendment to the Future Land Use Map would be an unnecessary burden. As a result, Council is prepared to consider proposals for industrial zoning in the Rural Development Designation, with consideration for its impacts on surrounding uses.

Policy 5-21 *Council shall consider proposals to amend the Zoning Map of the Land Use By-law to place the General Industrial Zone or Marine Industrial Zone on lands within the Rural Development Designation. Council shall not approve such an amendment unless Council is satisfied:*

- A. *the risk of land use conflicts between industrial uses permitted in the zone and surrounding land uses is low, including, but not limited to, conflicts due to heavy equipment traffic, noise, odour, dust, light emissions, or visual impacts; and*
- B. *the proposal meets the criteria of Section 6.6 of this Plan.”*

Feedback

One participant stated that they would like to see a more rigorous process for zoning amendments made for Industrial Zones in the Rural Development Designation.

Potential Policy Direction

All amendments to the zoning map of the LUB go through the same process, which includes a Staff policy review and recommendation, Planning Advisory Committee review and recommendation, Council review and approval process including a Public Hearing, and appeal period.

Council’s decision must be made on the basis of the policies in the MPS, including any applicable general policies, any specific policies (*i.e.* Policy 5-21 in this case), and the broad policy considerations for all applications outlined in Section 6.6.

Section 6.6 includes a wide range of topics that Council must consider in making its decision, including potential impacts on drinking water, traffic, servicing, pollution, climate change risks, species at risk habitat, and more.

However, if Planning Advisory Committee feels there are additional, specific considerations that Council should turn its mind to beyond those outlined in Policy 5-21 and Section 6.6, **the Planning Advisory Committee could direct UPLAND to amend Policy 5-21 to expand the specific guidance for when it is appropriate to amend the zoning map for industrial zoning in the Rural Development Designation.**

2.10 Lake George Watershed

Current Draft Approach

Section 5.9 of the draft MPS addresses the watershed of Lake George:

“The Lake George watershed provides a potable water supply for the Town of Yarmouth and several developed areas of the municipality. The watershed is located within the municipality, while the Town of Yarmouth owns and operates the central water servicing system as the Yarmouth Water Utility.

The Provincial Department of Environment and Climate Change has jurisdiction of watershed management in Nova Scotia. A Source Water Protection Plan is in place for the watershed, and Lake George is designated as a Protected Watershed area. These provincial regulations limit land use activity on all lands located within the watershed and restrict resource extraction and recreational [sic] such as swimming and boating. Council wishes to ensure the Lake George watershed and any backup water supplies designated in the future are protected and will support provincial regulations through the municipality’s land use policies.”

The draft MPS then goes on to create the Watershed Designation and Watershed Zone. The draft Land Use By-law contains the Watershed Zone, which is quite restrictive. It limits permitted uses to one or two dwelling units per lot, small options homes, places of worship, trails and conservation uses, utilities, and small-scale wind turbine generators. It also has a large minimum lot size of 12,140.6 square metres (3 acres) and a minimum setback from watercourses of 92 metres (300 feet). See Zoning Map 12 of the draft LUB for the extent of the Watershed Zone.

Feedback

The Town of Yarmouth has requested that the drafts be amended to further restrict development rights in this zone, with a particular focus on residential dwellings. See the letter in the Appendix for the full request.

Potential Policy Direction

Human activities, including development, within a watershed have the ability to negatively impact water quality. This can occur as the result of damage to the landscape (e.g. tree clearing or damage from ATVs and other vehicles) and resulting erosion, or from the emission of petroleum products, biological contaminants (such as animal waste), organic compounds (e.g. drycleaning chemicals), pesticides, or other such harmful chemicals. This is especially a concern in watersheds that supply drinking water.

Lake George is subject to the *Lake George Watershed Protected Area Regulations*. These regulations restrict activities such as skating, fishing, forestry, swimming, agriculture, and mineral workings. They also have provisions to regulate home heating oil storage. However, they do not restrict specific land uses; this is left up to the Land Use By-law.

The draft LUB is very similar to the existing LUB when it comes to the Watershed Zone, is not inconsistent with the *Lake George Watershed Protected Area Regulations*, and was found by the Province—in its initial review of the drafts—to be reasonably consistent with the Statement of Provincial Interest Regarding Drinking Water.

However, there are two notable departures from the existing LUB in the draft LUB: the number of dwellings permitted on a lot is increased from one to two, and places of worship are permitted. The additional dwelling unit is a result of document-wide policy changes to consider at least two dwellings in all zones that permit residential uses, while the places of worship appears to be a drafting error.

The Planning Advisory Committee could direct UPLAND to maintain the current draft approach to the Watershed Zone, or to increase restrictions in this zone.

It is important to note that the *Municipal Government Act* does not appear to permit municipalities to outright ban all development within a surface supply watershed.

2.11 Hardscratch Road Industrial

Zoning

Current Draft Approach

The draft LUB contains a new area of industrial zoning (General Industrial Zone) along Hardscratch Road from the boundary with the Town of Yarmouth north to approximately Annies Drive. See Zoning Map 16 in the draft LUB.

Feedback

One engagement participant raised concerns about the extent of the proposed General Industrial Zone on Hardscratch Road, noting that it encompasses many properties that are residential in nature and has the potential to create land use conflicts.

Potential Policy Direction

Recently, the Municipality rebranded the industrial park in Hebron as the “Nova West Regional Business Park” and concurrently shifted its focus from general industry to light industrial uses.

Subsequently, Municipal Staff identified the need for additional lands to be identified that could accommodate general industrial uses that are no longer compatible with the vision for the Nova West Regional Business Park. Hardscratch Road was identified as a potential location due to the existing industrial land use mix at its southern extent, its proximity to Highway 103 and Highway 101, its proximity to the Yarmouth Airport, and the large tracts of undeveloped land.

However, the zone extent as drafted does include approximately 22 properties containing residential dwellings. Four of these are located in the vicinity of heavier commercial uses (RV sales and automotive repair), and the remainder are grouped together in a dominantly residential area at the northern end of the zone extent. Additionally, a number of the proposed industrially-zoned properties are adjacent to Acadia First Nation.

The Planning Advisory Committee could direct UPLAND to maintain the current proposed General Industrial Zone boundaries along Hardscratch Road, or to change the proposed boundaries.

Changing the boundaries could include “split zoning” large properties where it makes sense to include a portion of the property in industrial zoning but where including the whole property creates industrial zoning adjacent to other sensitive uses.



ADDITIONAL FEEDBACK

This section provides a summary of the feedback that the project team received related to topics that are outside the specific scope of land use planning documents in Nova Scotia, or are beyond the powers granted to municipalities through the *Municipal Government Act*. While these items cannot be directly addressed as part of the planning documents, the feedback is still appreciated and important and is included here as a reference for the Municipality in instances where other municipal tools are available to address these comments.

Enforcement

Several comments tangentially or directly referenced the need for enforcement of by-law requirements. One participant specifically referenced enforcement related to watercourse buffers, another to garbage and dumping. They would like to know what the repercussions are if someone breaks a by-law.

Another participant brought up enforcement related to environmental issues. They believe that attention needs to be given to how to ensure enforcement is carried out practically. They suggested coordinating with the Ministry [Department] of the Environment. They stated that they believe the current approach is not working and something needs to be done to fulfill the good intent of the environmental protection expressed in the by-laws.

Event Noise Pollution

The project team received a comment about concerns related to high noise polluting events involving ATVs, modified trucks, and other vehicles. This extends beyond the noises created - they are also concerned about the impact that these activities have on the environment including, but not limited to, toxic fluids leaking from motor vehicles. They are also apprehensive about potential dangers in relation to drivers that are speeding and/or under the influence. It is thought that these issues are too problematic to be addressed just through the by-law, as the officers are typically not available outside regular office hours when the events are held. Additionally, the noises tend to be intermittent, and the bylaw officer might not have the appropriate vehicle, training, or equipment to manage the situation.

Filing Complaints

It was expressed by one participant that it is onerous, in their experience, to file a complaint with the Municipality.

Permits

One participant noted that it appears projects move forward before permits are approved and by the time they are reviewed it is too late for anything to be done. They do not believe this is fair and that it seems like a loophole.

The Planning Process, Communications, and Engagement

» A participant highlighted that there is only one citizen representative on the Planning Advisory Committee (PAC) among six councilors, and that they would like to see more citizen representation on that committee.

- » It was expressed several times how important it is to have information publicly available. One participant noted that receiving information and updates with tax bills in the mail is a good approach.
- » A recurring theme was the collective concern for ensuring that all community members are aware of what is happening and how it will impact them. They want to ensure that individuals are informed and with the appropriate time to provide feedback. It was mentioned that notification to residents is a general issue.
- » It was expressed that this process leaves no room for true citizen involvement and that there is a government control issue.
- » Citizens would like to be informed when there is site plan happening near their land before it begins.
- » A participant expressed that they would like to see more public meetings as they believe a lot is riding on this. Another expressed that they do not believe the process reached enough people.
- » Participants were curious what weight the public meeting held for the drafts has and what sort of impact the feedback provided will have on the plan.
- » It was expressed by one participant that the plan needs more attention to detail.
- » A private landowner shared that they feel as though they are having their rights infringed upon.
- » Another participant expressed that they would like to see this draft sent to each person in the municipality for approval.
- » Some participants questioned the authority of the Municipality to regulate private lands.

APPENDIX

Policy 4-69 Council shall consider approval of land-based aquaculture operations in the Business and Industrial Park Zone, Marine Industrial Zone, and General Industrial Zones by development agreement, subject to the following requirements:

- A. the project proponent shall provide a site plan which shall show:
 - i) location and dimensions of existing and proposed property lines;
 - ii) topography;
 - iii) location of zoning boundaries;
 - iv) existing and proposed watercourses and wetlands;
 - v) location and dimensions of driveways, parking lots, and parking spaces;
 - vi) type and amount of site clearing, if any;
 - vii) location of buffers;
 - viii) location of utilities;
 - ix) location of any on-site water source(s) to be used;
 - x) location of any on-site effluent discharge;
 - xi) location of each type of aquaculture system to be used; and xii) location of any proposed screening and lighting;

- B. the project proponent shall provide a stormwater management plan, prepared by a Professional Engineer or a Landscape Architect licensed to practice in Nova Scotia;

- C. the project proponent shall establish a project website or webpage, which shall, at a minimum:
 - i) identify the lands subject to the proposal;
 - ii) identify whether the proposal includes a flowthrough or recirculating aquaculture system;
 - iii) for recirculating systems, identify the percentage of water to be recirculated within the facility;
 - iv) identify the water source(s) to be used within the system;
 - v) identify the destination(s) of effluent discharge;
 - vi) identify all treatment and filtration processes to be used;
 - vii) identify the species to be cultured, and their life stages;
 - viii) identify any potential impacts on surrounding properties, including those related to noise, odour, or traffic; and
 - ix) provide a phone number, email address, or contact form to connect members of the public with project proponents; and

- D. the proposal shall meet the policies for considering development agreements outlined in Section 6.6.

Policy 4-10 Council shall, through the Land Use By-law, define three categories of wind turbine generators:

- A. Micro scale wind turbine generators, which are very limited in scale and intended to generate electricity only for on-site uses or are mechanical in nature and intended to pump water;
- B. small scale wind turbine generators, which are limited in scale and generally intended to meet the electricity needs of on-site uses, but may export energy to the grid through “net-metering” programs; and
- C. Large scale wind turbine generators, which are intended for commercial supply of electricity to the grid and may be built individually or in a collective “wind farm”.

Policy 4-11 Council shall, through the Land Use By-law, permit micro scale wind turbine generators in all zones except the Floodplain Zone.

Policy 4-12 Council shall, through the Land Use By-law, permit small scale wind turbine generators by site plan approval in the Rural Development, Hamlet Commercial, Rural Commercial, General Industrial, Watershed, Marine Industrial, Business and Industrial Park, and Lakeside Residential Zones, subject to evaluation criteria.

Policy 4-13 Council shall consider proposals for large-scale wind turbines within the Rural Development Zone by development agreement, subject to the following requirements:

- a) any proposed wind turbine generator shall be separated from any dwellings by a minimum of 1,000 metres;
- b) no commercial advertising other than the manufacturer’s name shall be permitted on any of the proposed wind turbine generator or accessories;
- c) impacts on noise levels, viewplanes, shadows, and the natural environment shall be considered within the proposal to minimize any potential negative impacts of the development on the community;
- d) safety considerations on- and off-site related to electricity, emergency response, and any potential for ice throw, blade throw, or turbine collapse shall be addressed within the proposal;
- e) the project proponent shall provide within the proposal all documentation required by the Canadian Environmental Assessment Act, Nova Scotia Environment Act, the Department of National Defense, Environment Canada, Navigation Canada, Transport Canada, the Canadian Coast Guard, the Royal Canadian Mounted Police, and the Nova Scotia Department of Natural Resources;
- f) the project proponent shall provide sound and topography modeling for the proposed site;
- g) the project proponent shall submit a decommissioning plan to be enacted no later than 2 years after of the closure of the site, which will become part of the development agreement; and
- h) the project proponent shall establish a project website or webpage, which shall, at a minimum:
 - i) identify the lands subject to the proposal;
 - ii) identify the make a model of proposed wind turbine generators;
 - iii) provide a phone number, email address, or contact form to connect members of the public with the project proponents;
 - iv) where any required setback, yard requirement, or separation distance cannot be satisfied, the project proponent shall provide a legal agreement for the siting from the owners of all affected adjacent dwelling owners, and all property owners within the required setback, yard requirement, and separation distance; and
 - i) the proposal shall meet the general policies for considering development agreements outlined in Section 6.6.

Figure 1 Participant-proposed Sensitive Environment at Big Pond





TOWN OF YARMOUTH
400 MAIN STREET
YARMOUTH NS B5A 1G2
WWW.TOWNOFYARMOUTH.CA

Deputy Warden Trevor Cunningham, Chair
Planning Advisory Committee
932 Highway 1
Hebron, NS B5A 5Z5

May 8th, 2023

Dear Deputy Warden,

Thank you for the opportunity to review and make comment on your draft Municipal Planning Strategy and Land-Use By-Law. These documents are important regulating tools for the development of our community and need to be updated to respond to changes in our priorities and values in our community and culture.

The opportunity to comment on your Municipal Planning Documents during this important process has caused us to think more about our interconnectedness and shared interest in many aspects of how our community evolves. We will, as a result, include notification of ALL of our Planning Advisory Committee meetings, with access to all reports under consideration, to your municipality on a go-forward basis. These documents and meetings are open to the public, but notification gives an extra nudge to take notice, and engage if you wish. We will enshrine this clearly, within policy.

We appreciate your policy 6-4 that provides we would be notified of applications within 500m of the Town boundaries, and would ask that you consider the following:

Policy 6-4 Council shall notify the Town of Yarmouth and the Acadia First Nation and provide opportunity for comment when:

- a) adopting a new Municipal Planning Strategy to replace this one; and
- b) when considering amendments to this Municipal Planning Strategy or Land-use By-law

that would affect lands within 1000 metres of

- the Town of Yarmouth.
- A Provincial Park
- Yarmouth County Solid Waste Park
- Lake George Protected Watershed area
- Maple Grove Education Centre
- Yarmouth International Airport
- Yarmouth Harbour

Figure 3 Submission from the Town of Yarmouth - Page 2

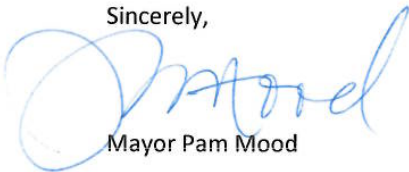
- Lake Milo
- Broad Brook

We appreciate that the District of Yarmouth recognizes that higher density residential development is not appropriate within the Lake George Watershed. Statements acknowledging the importance of protecting our drinking water are consistent with the Provincial Interest regarding drinking water. As you know a great number of residential properties depend on Lake George as their primary source for drinking water. In addition, during the dry seasons the Water Utility dispenses millions of litres of water to non-connected customers through the Water Utility's Bulk Water Station. Since September 2020, the Water Utility has dispensed over 13 Million litres of Lake George water through the Bulk Water Station. It is difficult to over-state the importance of Lake George to the entire community. There is no plan "b" for the Lake George water supply, highlighting the need to provide strong protection for this resource.

We notice that the Watershed Zone continues to allow 1 and 2 unit residential developments with the watershed. The Lake George Watershed zone makes up 3.7% of the entire land/water area of the Municipality of the District of Yarmouth. While we agree that a great percentage of the remaining 725 square kilometers of the municipality could provide opportunities of residential development and a very high quality, we are concerned that the level of protection within the Lake George Watershed comes up short of prohibiting the development of buildings of any type. At least half of the properties that extend into the watershed zone have sufficient areas outside of the zone, on the same property, to allow for development of a typical dwelling unit without the need to encroach on the protected watershed. We ask you to reconsider and strengthen further, the limits of development rights within the protected watershed area.

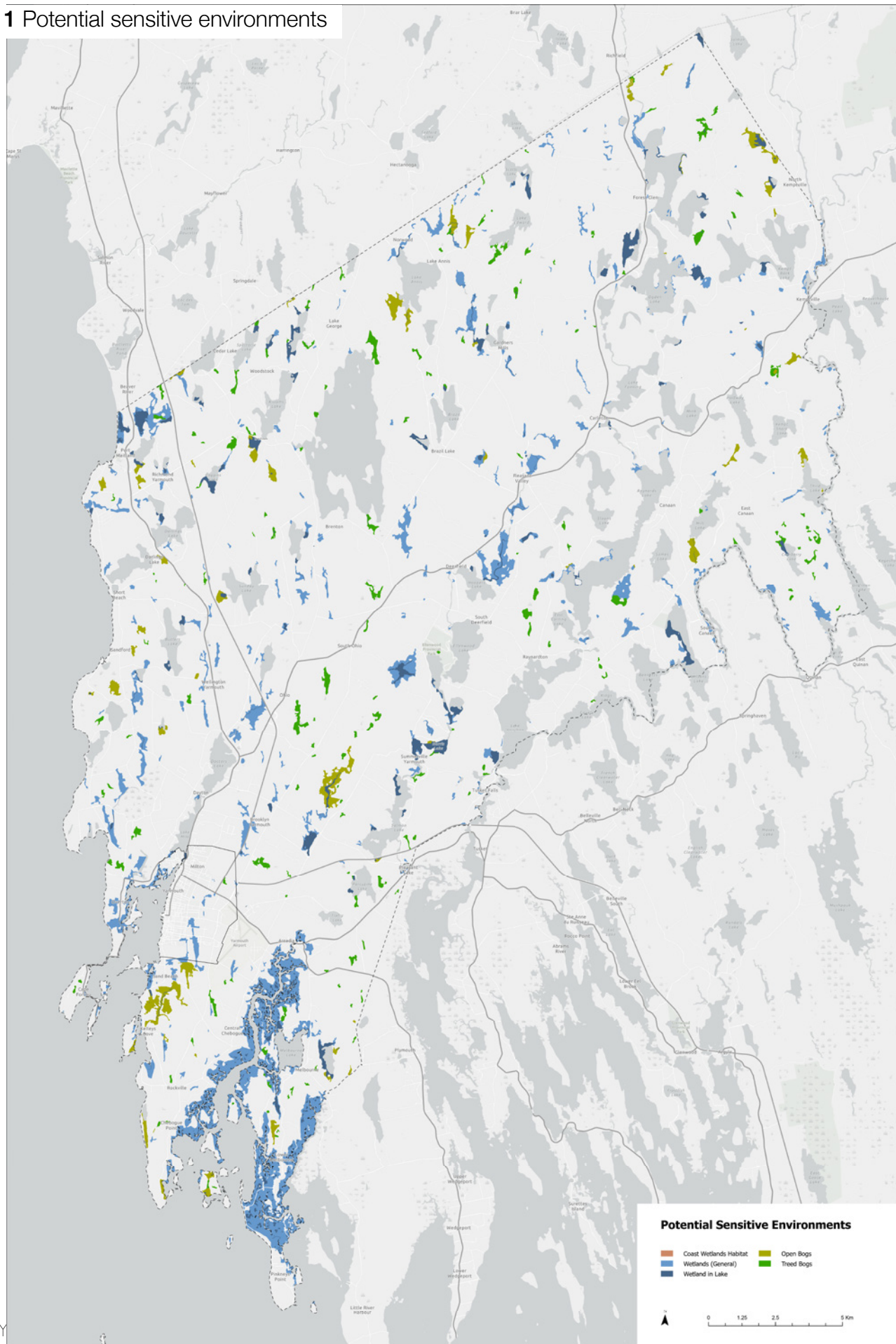
Again, we thank you for the invitation to engage during this process and commend your work on this important process.

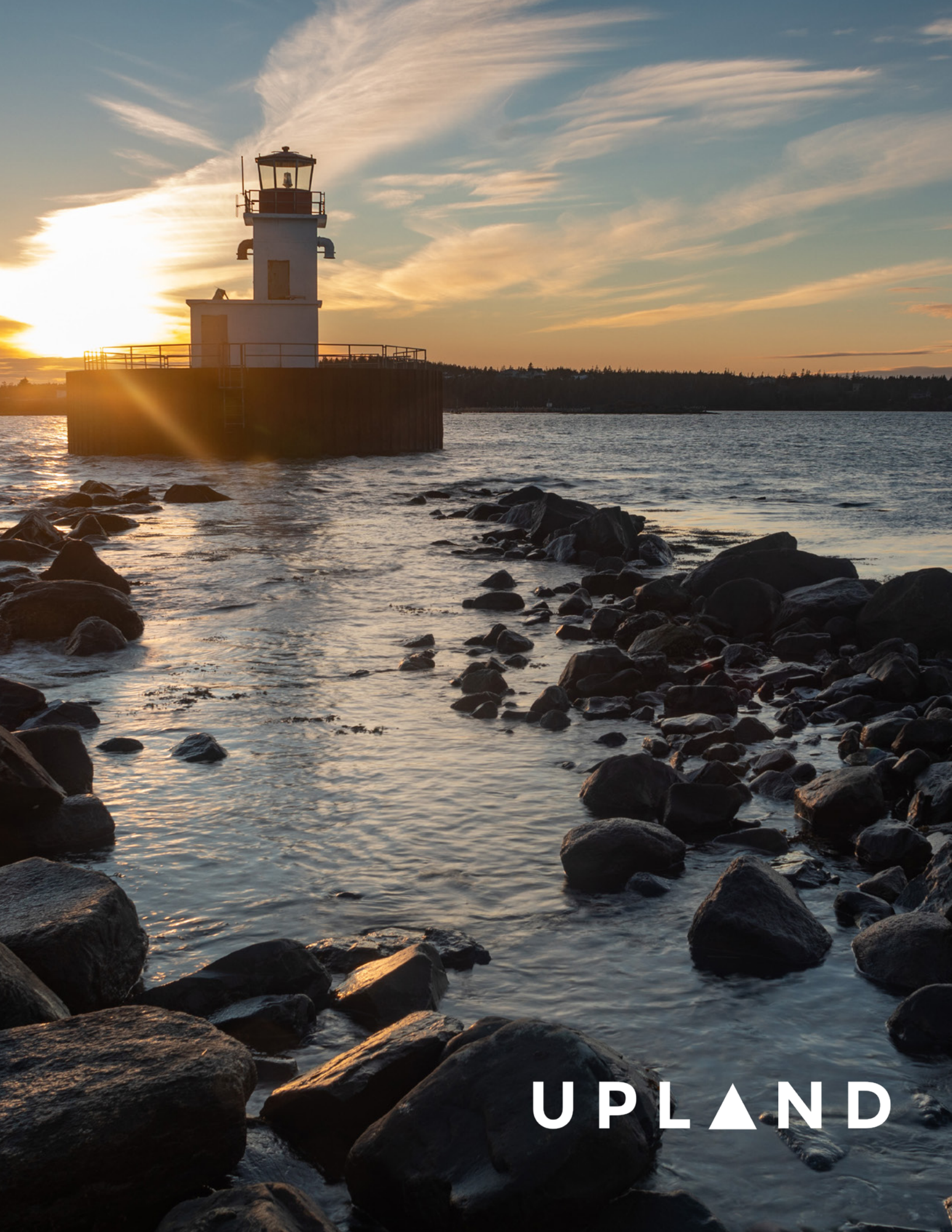
Sincerely,



Mayor Pam Mood

Map 1 Potential sensitive environments





UPLAND