



Planning Advisory / Heritage Committee Meeting

Tuesday, June 3, 2025

6:00 p.m.

Council Chambers

AGENDA

1. Call to order
2. Items Added / Approval of the Agenda
3. Review of Minutes, Re:
 - a) May 6, 2025
4. Review of zoning across the County relative to CMHC Catalogue - (memo)
5. Review of limits on allowable accessory buildings in Richmond County's Municipal Planning Strategy and Land Use By-law - (verbal)
6. Follow-up to initial meetings with developers - (memo)
7. Review of permitting practices for standalone buildings (Garage/Utility/Shed) - (verbal)
8. Correspondence – Department of Growth and Development, *Re: Amendments to the Nova Scotia Building Code Regulations*
9. Next Meeting Date
10. Adjournment



Planning Advisory / Heritage Committee Meeting

May 6, 2025

Location: Council Chambers

Present: Warden Lois Landry, Deputy Warden Brent Sampson, Councillor Brian Marchand, Councillor Amanda Mombourquette, Councillor Shawn Samson, Robbin Cotton, Appointed Member, Robert Wambolt, Appointed Member

Also Present: Troy MacCulloch, CAO, John Bain, Director/Development Officer, Eastern District Planning Commission (EDPC), Shelley David, Municipal Clerk

Call to Order

Deputy Warden Brent Sampson called the meeting to order at 6:12 p.m.

Items Added to the Agenda (Approval of the Agenda)

Moved by Councillor Amanda Mombourquette, seconded by Warden Lois Landry, that the agenda be approved as presented.

Motion carried.

Review of Minutes

a) July 16th, 2024

Moved by Councillor Amanda Mombourquette, seconded by Councillor Shawn Samson, that the July 16, 2024, Planning/Heritage Advisory Committee meeting minutes be approved as presented.

Motion carried.

b) April 1, 2025

Moved by Warden Lois Landry, seconded by appointed member Robert Wambolt, that the April 1, 2025, Planning/Heritage Advisory Committee meeting minutes be approved as presented.

Motion carried.



EDPC Staff Reports

a) New maximum setbacks for Commercial Wind Turbines -

Proposed amendments to the Municipal Planning Strategy and Land Use By-law for the Municipality of the County of Richmond and West Richmond Plan Area in response to the new provincial setback requirements.

Moved by Warden Lois Landry, seconded by Councillor Amanda Mombourquette, that the Planning Advisory/Heritage Committee accept the proposed amendments to the MOCR Municipal Planning Strategy addressing wind turbine setbacks as presented and recommend to Council to adopt the proposed amendments to Policy 5-52 of the Municipal Planning Strategy.
(Amendment attached)

Motion carried.

Moved by Councillor Amanda Mombourquette, seconded by Warden Lois Landry, that the Planning Advisory/Heritage Committee accept the proposed amendments to the MOCR Land Use By-law addressing wind turbine setbacks as presented and recommend to Council to adopt the proposed amendments to section 6:35.9(a) and 6.35.9 (b) of the Land Use By-Laws.
(Amendment attached)

Motion carried.

Moved by Warden Lois Landry, seconded by appointed member Robert Wambolt, that the Planning Advisory/Heritage Committee accept the proposed amendments to the West Richmond Planning Area Land Use By-law and recommend to Council to adopt the proposed amendments to Part 9 and Part 15 of the Land Use By-Law. (Amendment attached)

Motion carried.



b) Accessory Dwelling Unit (ADU) Report

Moved by Warden Lois Landry, seconded by appointed member Robert Wambolt, that the Planning Advisory/Heritage Committee recommend to Council to amend the Isle Madame Municipal Planning Strategy and Land Use By-law to remove the special provision requiring the lot to be capable of being subdivided in compliance with the requirements of the Zone and the Richmond County Subdivision By-law.

Motion carried.

It was noted that the amending pages will be prepared for the next Council meeting for consideration of first reading approval.

Next Meeting Date

June 3, 2025, at 6:00 p.m.

Adjournment

There being no further business, the meeting was adjourned at 7:06 p.m.

Municipal Clerk

Chairperson

To: **Richmond Planning Advisory Committee
Richmond County Council**

From: **Planning Staff (EDPC)**

Date: **May 6, 2025**

Reference: **Proposed Amendments to the Municipal Planning Strategy and Land Use By-law for the Municipality of the County of Richmond and West Richmond Plan Area in Response to New Provincial Setback Requirements**

Recommendations:

That Richmond County Council adopt the proposed amendments to the Municipal Planning Strategy and Land Use By-law for the Municipality of the County of Richmond and the Land-Use-By-law for the West Richmond Planning Area to align with the new wind turbine setback regulations introduced by the Province of Nova Scotia on March 7, 2025.

Background:

On March 7, 2025, the Province of Nova Scotia introduced amendments to the Environment Act regulations concerning wind energy development. These amendments establish proportional setback distances between wind turbines and nearby dwellings, with additional provisions related to sound levels and shadow flicker impacts. The intent of the changes is to create a consistent province-wide standard while addressing public concerns raised by residents and municipalities.

The new setback regulations will apply to all new large-scale wind turbine projects throughout Nova Scotia. As a result, these provincial changes will affect the Municipal Planning Strategy and Land Use By-law for the Municipality of the County of Richmond and the Land-Use-By-law for the West Richmond Planning Area.

Setback:

Richmond County

Currently, utility-scale wind turbines in the Municipality of the County of Richmond must be set back a minimum of 600 metres from dwellings. For turbines over two megawatts or those requiring environmental assessment under the Environment Act, the setback increases to 1,000 metres. Additional setbacks from lot lines, roads, and watercourses are based on the height of the turbine. Several waivers apply, including for adjacent leased land or the construction of new homes after turbines are installed.

The upcoming amendments to the Minimum Planning Requirements Regulations under the Municipal Government Act will establish maximum allowable setback standards. Specifically,

municipalities will be limited to requiring no more than four (4) times the turbine height in distance from dwellings. This distance may be increased where necessary to ensure that sound levels remain below 40 decibels at the exterior of nearby dwellings. This change reduces municipal discretion to impose larger setbacks based on visual impact, land use compatibility, or other considerations.

West Richmond Planning Area

The current Land Use By-law for the West Richmond Planning Area does not include specific setback requirements for wind turbines within the Heavy Industrial (I-3) Zone. While utility-scale wind farms such as the Point Tupper installation are permitted in this zone as “Electrical Power Stations,” there is currently no regulation establishing minimum distances from residential properties.

To address this regulatory gap and comply with the new provincial regulations, a new setback provision will be introduced for utility wind turbines located within the I-3 Zone. Where such turbines are located adjacent to residential properties, a minimum setback of four (4) times the turbine height will be required. This distance may be increased where necessary to ensure that sound levels remain below 40 decibels at the exterior of nearby dwellings.

Conclusion:

Staff recommend updating the Municipal Planning Strategy and Land Use By-laws for Richmond County and the Land-Use-By-law for the West Richmond Planning Area to align with the recently introduced provincial regulations concerning wind turbine setbacks.

Appendix:

Appendix A: Proposed Amending By-laws

Appendix A: Amending Pages

BYLAW TO AMEND THE MUNICIPALITY OF THE COUNTY OF RICHMOND MUNICIPAL PLANNING STRATEGY ADDRESSING WIND TURBINE SETBACKS

The Municipal Planning Strategy for the County of Richmond addressing wind turbine setback is hereby amended by:

1. Policy 5-52 of the Municipal Planning Strategy is hereby amended by removing the following text shown in strikethrough and adding the following text in bold to Policy 5-52:
 - a. “Policy 5-52: Council shall, through the Land Use By-law, regulate the size and scale of permitted wind turbines, required setbacks, noise requirements for wind turbine development, development application requirements, and any other matters pertaining to wind turbine development. Council shall establish setback thresholds within the Land Use By-law from residential dwellings based on the ~~size of the project and whether it requires an environmental assessment.~~
Government of Nova Scotia’s regulations for wind turbine development.”

This is to certify that the by-law of which this is a true copy, was passed at a duly called meeting of the Council of the Municipality of the County of Richmond held on the _____ day of _____ 2025.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this _____ day of _____ 2025.

Troy MacCulloch,
Chief Administrative Officer

**BYLAW TO AMEND THE MUNICIPALITY OF THE COUNTY OF RICHMOND LAND-USE BY-LAWS
ADDRESSING WIND TURBINE SETBACKS**

The Land-use By-laws for the County of Richmond addressing wind turbine setback is hereby amended by:

1. Section 6.35.9 (a) of the Land-Use By-Law Planning is hereby amended by removing the following text shown in strikethrough and adding the following text in bold to Section 6.35.9 (a):
 - a. “The minimum setback from all dwellings, except dwellings located on the same lot as the wind turbine, shall be ~~600.0 metres (1,968.5 feet)~~ **four (4) times the turbine height unless a greater distance is required to ensure that sound levels do not exceed 40 decibels at the exterior of a dwelling.** There shall be no setback requirement from dwellings located on the same lot.”

2. Section 6.35.9 (b) of the Land-Use By-Law Planning is hereby amended by removing the following text shown in strikethrough and adding the following text in bold to Section 6.35.9 (b):
 - a. “The minimum setback for wind turbine developments with a nameplate capacity greater than two (2) megawatts or turbines requiring an Environmental Assessment, as stipulated in the Nova Scotia Environment Act, from all dwellings, except dwellings located on the same lot as the wind turbine, shall be ~~1000.0 metres (3,280.84 feet)~~ **four times the turbine height unless a greater distance is required to ensure that sound levels do not exceed 40 decibels at the exterior of a dwelling.** There is no setback requirement from dwellings located on the same lot.”

This is to certify that the by-law of which this is a true copy, was passed at a duly called meeting of the Council of the Municipality of the County of Richmond held on the _____ day of _____ 2025.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this _____ day of _____ 2025.

Troy MacCulloch,
Chief Administrative Officer

BYLAW TO AMEND THE WEST RICHMOND PLANNING AREA LAND-USE BY-LAW

The Land-Use By-laws for the West Richmond Planning Area is hereby amended by:

The Land-use By-laws for the West Richmond Planning Area is hereby amended by:

1. Adding the following permitted use under Part 9-Heavy Industrial (I-3) Zone after “Storage Facilities” and before “I-1 Uses subject to the requirements of the I-1 Zone”:
 - Utility Wind Turbine
2. Adding to the following policy under Part 9 – Heavy Industrial (I-3) Zone titled “Special Restrictions: Wind Turbine Setbacks from Residential Uses”:
 - a) The minimum setback from all dwellings, except dwellings located on the same lot as the wind turbine, shall be four (4) times the turbine height unless a greater distance is required to ensure that sound levels do not exceed 40 decibels at the exterior of a dwelling, and
 - b) There shall be no setback requirement from dwellings located on the same lot.
3. Adding the following definitions to Part 15 – Definitions:
 28. HEIGHT OF WIND TURBINE refers to the distance from the bottom of the turbine to the height of a rotor blade in vertical position.
 29. HEIGHT OF ROTOR refers to the diameter of the swept area of the rotor blades.
 32. KILOWATT (kW) is a measure of power for electrical current (1 kW= 1000 watts). A Megawatt (MW) equals 1000 Kilowatts
 56. SETBACKS OF A WIND TURBINE is measured from the base of the wind turbine tower.
 63. UTILITY WIND TURBINE refers to a device for converting wind power to electricity, which has a name plate capacity of more than 100 Kilowatts (kW) and generates power primarily for sale to a third party and which may be developed either as a standalone machine or be grouped with others in a wind farm.
4. Section 15 of the West Richmond Land-Use By-law Strategy is hereby amended by renumbering the definitions accordingly.

This is to certify that the by-law of which this is a true copy, was passed at a duly called meeting of the Council of the Municipality of the County of Richmond held on the _____ day of _____ 2025.

Given under the hand of the Municipal Clerk and under the corporate seal of the Municipality this _____ day of _____ 2025.

Troy MacCulloch,
Chief Administrative Officer

Memorandum

To: Richmond County Planning/Heritage Advisory Committee
From: Lois Landry, Warden
Date: May 20, 2025
RE: Agenda Item – June 3, 2025: Land Use By-Laws and CHMC Catalogue

Background:

The Canadian Housing and Mortgage Corporation (CMHC) has released a *Housing Design Catalogue*, with final architectural design packages set to be released in the Spring of 2025.

In Nova Scotia, this catalogue includes two plans for accessory dwellings, two plans for fourplexes, a sixplex, and two stacked townhouse plans. The catalogue can be accessed here: [Housing Design Catalogue: Designs](#)

It's worth noting that the CBRM is set to release a similar catalogue, with accessory dwellings, duplexes, triplexes, and sixplex designs. They have submitted grant applications to create a similar bank of designs that would be net-zero-ready also. Should this catalogue be released prior to our meeting date, I'll provide them as well.

The challenges with housing supply are well documented. These catalogues are intended to help prospective homeowners and developers reduce costs as they build for themselves or others. One way we as a municipality can help is to ensure these plans can be used by residents and builders as simply and as quickly as possible when they are released.

To that end, I am proposing that staff investigate any barriers that our current Land Use By-Laws might create to individuals or developers planning to use these housing designs as soon as they are released. That scan can help us determine what steps we want to take to remove those barriers.

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MOTION:

I move that the PAC recommend to Council that they direct staff to review the CHMC Housing Design Catalogue, or similar catalogues as they present themselves, to determine any barriers our current Land Use By-Laws present to residents or developers who may want to build these homes.

Memorandum

To: Richmond County Planning/Heritage Advisory Committee

From: Lois Landry, Warden

Date: May 29, 2025

RE: Agenda Item – June 3, 2025: Next Steps Housing Developers’ Meetings

Background:

Several months ago, I presented the Committee with an update on conversations we had with developers in the area. I attached a “*What We Heard*” memo to our meeting package that related to those conversations.

It was agreed that we’d extend an invitation via our communication channels to other developers, or prospective developers, to have similar conversations.

The first round of responses came back, with 5 people reaching out. Two of those were not related to housing development (i.e., one wanted help finding housing, another wanted help selling her house). Three others were people who had no experience developing housing but were open to the idea of getting into that space. I was in touch with them and collected their information around (a) what got you into this space – or got you considering doing so, (b) what have been the positive parts of that journey, and (c) where have the challenges been.

Because we had relatively little uptake, we are posting again and will do the same if we get any uptake.

During our conversations, developers often spoke about being open to conversations with other developers and potential partnerships. We also have collected information that may be helpful in areas they described as problematic (e.g., rental handbook) that we’d like to share with them.

I am proposing that next steps would be to organize a meeting with any interested developers to share information. I believe we should invite our MP and MLA to hear their concerns as well.

Given the Committee’s concerns about ensuring we are open and transparent, and not excluding anyone, I’m looking for input from PAC around any measures they’d like to see as we pursue next steps.

MOTION:

To be determined, as necessary.

May 30, 2025

To: Municipal Clerks and Chief Administrative Officers

Re: Amendments to the Nova Scotia Building Code Regulations

I am writing to give you formal notice of amendments pursuant to the Building Code Act, R.S. N.S. 1989, Chapter 46 which will come into effect on or about August 1, 2025.

The proposed amendments are required to enhance productivity and accelerate new modular housing and reduce interprovincial trade barriers.

Please find enclosed a copy of the proposed amendments to the Regulations. This will be advertised shortly in the press in Nova Scotia.

The Building Code Act requires that the proposed amendments be circulated to each municipality and be made available to the public. Copies of the regulations are available on our website: <https://novascotia.ca/building-code-regulations-public-notice/>

Written comments on the proposed amendments to the regulations are welcome and should be forwarded via email on or before July 14, 2025 to:

Senior Advisor, Codes & Standards
Department of Growth and Development

buildingcodes@novascotia.ca

Sincerely,



Joe Rogers
Senior Advisor,
Codes & Standards

Schedule “A”

Amendment to the *Nova Scotia Building Code Regulations* made by the Minister of Municipal Affairs and Housing under Section 4 of Chapter 46 of the Revised Statutes of Nova Scotia, 1989, the *Building Code Act*

1 Subsection 2(1) of the *Nova Scotia Building Code Regulations*, N.S. Reg. 198/2024, made by order of the Minister of Municipal Affairs and Housing dated September 20, 2024, is amended by

- (a) repealing the definition of “modular home”; and
- (b) adding the following definitions where they belong in alphabetical order:

“modular building” means a finished module or modules of a complete building built in a factory for transport to the site for assembly and certified to CSA standard CSA A277, *Procedure for certification of prefabricated buildings, modules and panels* by an accredited certification body at the time of manufacture, before it is placed and assembled on the installation site;

“modular panel” means a finished section or panel that is not part of a modular or building that is built in a factory, intended for transport to the site for installation, and is certified to CSA standard CSA A277, *Procedure for certification of prefabricated buildings, modules and panels*;

2 Section 4 of the regulations is amended by

- (a) striking out “A national code” in subsection (2) and substituting “Except as provided in subsection (3), a national code”; and
- (b) adding the following subsection immediately after subsection (2):
 - (3)** A manufactured home or a modular building that is built in a factory after August 1, 2025, is exempt from the requirement under the regulations to comply with Part 3 of these regulations.

- 3 Subsection 9(1) of the regulations is amended by
- (a) striking out the semicolon at the end of clause (h) and substituting a period; and
 - (b) repealing clauses (i) and (j).

- 4 The regulations are further amended by adding the following Section immediately after Section 10:

Factory-constructed buildings

- 10A (1)** Except as provided in subsections (2) and (3), if a building or a component of a building is assembled in such a manner that it cannot be reviewed on site, an off-site review must be carried out to determine compliance with the Code.
- (2)** A manufactured home or a modular building is deemed to comply with the Code if it is marked in accordance with clause 7.4 of CSA standard CSA A277, *Procedure for certification of prefabricated buildings, modules and panels*.
- (3)** A modular panel that is closed at the factory such that it cannot be inspected on site is deemed to comply with the Code if it is marked in accordance with clause 7.4 of CSA standard CSA A277, *Procedure for certification of prefabricated buildings, modules and panels*.
(See Note NS-10A, NSBCR)

- 5 Subsection 35(1) of the regulations is amended by
- (a) striking out “manufactured and modular homes” in clause (e) and substituting “manufactured homes and modular buildings”; and
 - (b) striking out “manufactured and modular homes” in clause (f) and substituting “manufactured homes and modular buildings”.