

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

From: **Planning Staff (EDPC)**

Date: **March 21, 2023**

Reference: **Proposed amendments to the West Richmond Plan Area Municipal Planning Strategy and Land Use By-law to create a Heavy Industrial Restricted (I-4) Zone; to permit Green Energy Facilities in the Heavy Industrial (I-3) zone, and to permit, subject to Special Regulations Green Energy Facilities in the Heavy Industrial Restricted (I-4) Zone, and Watershed Protection Periphery (W-2) Zone; and**

**A concurrent amendment to rezone a portion of the property identified by PID 75117671, Old Heavy Water Road, Point Tupper, Richmond County from the Light Industrial (I-1) Zone to the Heavy Industrial Restricted (I-4) Zone**

**Recommendation:**

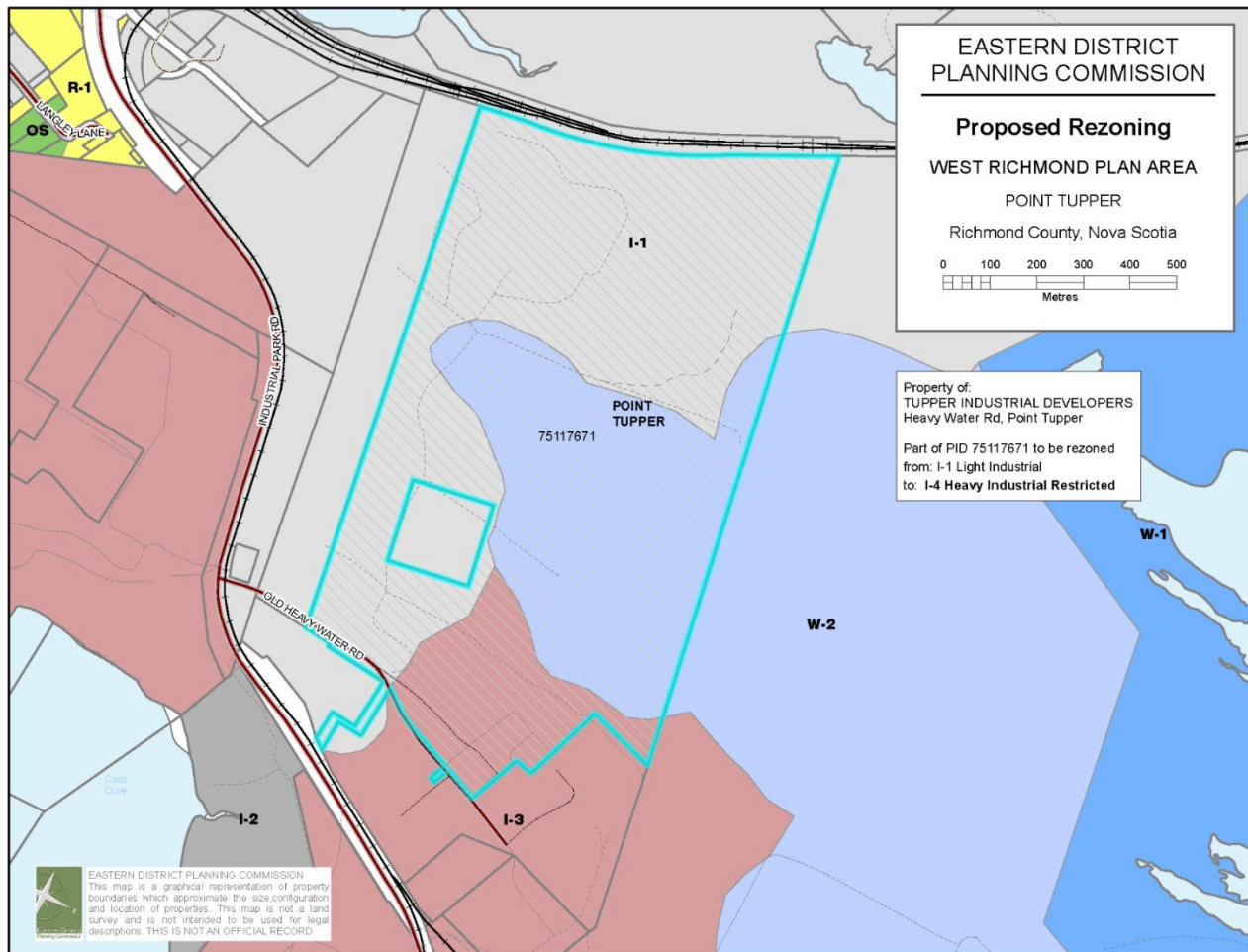
Planning Staff recommend that Municipal Council approves amendments to the West Richmond Plan Area Municipal Planning Strategy and Land Use By-law to permit a Green Energy Facility (a green hydrogen and ammonia production facility) on a portion of the property identified by PID 75117671, Old Heavy Water Road, Point Tupper, Richmond County through the creation of a new zone, and zone-specific restrictions related to the protection of the Landrie Lake drinking water supply. (See Proposed Rezoning Map, p. 2).

The proposed Municipal Planning Strategy (MPS) and Land Use By-law (LUB) amendments proposed to allow for the expansion of green hydrogen facilities in the Point Tupper Industrial Park are summarized as follows:

	Description
<b>Designations:</b>	Industrial Landrie Lake Watershed
<b>Zoning:</b>	Light Industrial (I-1) Zone Heavy Industrial (I-3) Zone Watershed Protection Periphery (W-2) Zone
<b>Proposed Zone:</b>	Heavy Industrial Restricted (I-4) Zone
<b>PID:</b>	75117671
<b>Size:</b>	257 Acres (11,178,321 ft <sup>2</sup> )
<b>Site Visit:</b>	March 02, 2023

1. The creation of a new Heavy Industrial Restricted (I-4) zone which allows a limited number of industrial uses including Green Energy Facilities subject to special provisions specifically designed to address the protection of the Landrie Lake Water Supply Area;
2. A concurrent rezoning of a portion of the property to the new I-4 Zone;
3. The addition of Green Energy Facilities as a permitted use within the Watershed Protection Periphery (W-2) Zone subject to special provisions;

4. While “Oil and Gas Processing Plants and Refineries” are permitted in the Heavy Industrial (I-3) Zone for clarification the addition of Green Energy Facilities as a permitted use within the Heavy Industrial (I-3) Zone subject to the existing zone provisions;
5. The addition of a rezoning Policy for the new Heavy Industrial Restricted (I-4) Zone; and
6. The addition of a definition of “Green Energy Facility/Facilities” in the Land Use By-law



**Background Information:**

The production and use of green hydrogen as a sustainable energy source is gaining popularity worldwide. The combustion of hydrogen produces only water vapor as a byproduct, making it a clean and environmentally friendly energy source. Green hydrogen is produced using renewable energy sources such as wind, solar, and hydroelectric power, which is used to split water into hydrogen and oxygen through electrolysis.

Nova Scotia has committed to achieving a net-zero greenhouse gas emissions target by 2050. As a part of this target, the province has developed an energy strategy to increase the use of renewable energy sources, reduce energy consumption, and decrease greenhouse gas emissions. One of the ways to achieve this goal is by promoting the use of green hydrogen as an alternative fuel.

The Point Tupper Industrial Park is a strategic location for the development of green hydrogen production facilities as has been recognized by a number of major companies. The industrial park is located near the Strait of Canso, providing easy access to the international shipping lanes and major highways. The park is also adjacent to the existing electricity grid and natural gas pipeline infrastructure, making it an ideal location for the development of renewable energy projects.

The Eastern District Planning Commission received a Planning Application on November 25 2022, from Tupper Industrial Developers Ltd (TIDL) requesting an amendment to the West Richmond Plan Area Municipal Planning Strategy & Land Use By-law to allow for a Green Hydrogen and Ammonia Production Facility to be built on their property on Old Heavy Water Road in Point Tupper as of right; and to rezone a portion of the property from the Light Industrial (I-1) Zone to the Heavy Industrial Restricted (I-4) Zone. TIDL also authorized Canada Fortescue Future Industries Limited (“CFFI”) and Brighter Community Planning to submit supplementary information to support this planning application.

The request was submitted to allow the applicant to construct a Green Hydrogen and Ammonia Production Facility that will utilize renewable power on the property. Given the scale and type of development, the applicant does have to go through the Environmental Assessment Approval Process via the Province in order to construct this facility. For example, on February 21, 2023, Bear Head Energy Inc registered the Bear Head Energy Green Hydrogen and Ammonia Production, Storage and Loading Facility for Environmental Assessment (EA). At the end of the Environmental Assessment process the Minister of Environment and Climate Change will decide if that project can be granted conditional environmental assessment approval by the April 12, 2023, at the latest.

**Site Visit:**



**Figure 1.** Elevation Map of the Property

The subject property, PID 75117671, is located off Old Heavy Water Road which is a private road owned by Nova Scotia Business Inc (NSBI). Old Heavy Water Road connects to a section of Industrial Park Road that is privately owned. The top part of Industrial Park Road is owned and maintained by Nova Scotia Department of Public Works. Nova Scotia Business Inc (NSBI) is responsible for managing and promoting the Point Tupper Heavy Industrial Park.

Located within the property is a

smaller 8-acre landlocked square parcel (PID 75189076), with an access easement in place on which an active concrete plant is located, owned by Zutphen Equipment Inc.

On March 02, 2023 a site visit was conducted. The portion of Industrial Park Road that is privately owned is paved, appears to be adequately maintained and is drivable. Old Heavy Water Road which the subject property fronts on is privately owned and maintained by Nova Scotia Business Inc (NSBI). Old Heavy Water Road is paved, drivable and appears to be adequately maintained. The existing uses observed during the site visit were consistent with those noted by the applicant. Sections of the property are cleared and graded with several dirt roads running throughout. Presently, the property contains significant tracts of low land forest. In terms of elevation, please see an elevation map of the property in Figure 1.

North of the property, approximately 550 m at the closest point to the property, is Landrie Lake which can be seen in the photo taken by the drone in Figure 2.

Uses within the surrounding area include the railway, wind turbines, Port Hawkesbury Pulp and Paper Mill, Nova Scotia Power Incorporated's (NSPI) coal-fired thermal electricity generating station, a concrete plant, fly ash stockpiles, a tank farm, a marine port that loads hydrocarbon, storage facilities and heavy machinery storage.

The abutting northeastern property was recently purchased by Everwind Terminal in 2022. Everwind Terminal plans to construct a green energy hydrogen and ammonia production facility and registered for Environmental Assessment on December 9, 2022, which has since been approved with conditions by the Minister of Environment and Climate Change.

This property has capacity for over 7.8 million barrels of liquid storage - including crude oil and petroleum storage. Some of these uses are still in operation as of the submission of this planning application. As pointed out in the applicant's supplementary information, some of these storage tanks are closer to Landrie Lake than the Tupper Industrial Developers Ltd (TIDL)



**Figure 2.** Site Visit Photo via Drone – Landrie Lake Watershed (left) & former Nustar storage tanks

property. The nearest storage tank to Landrie Lake is approximately 320m away while the nearest Tupper Industrial Developers Ltd (TIDL) property line is approximately 550m away.

**Municipal Planning Strategy and Land Use By-law Amendment:**

The West Richmond Plan Area Municipal Planning Strategy has policy that enables amendments to the Municipal Planning Strategy Amendment and Land Use By-law. Policy A-16 of the West Richmond Plan Area MPS speaks to when a Strategy Amendment is required:

*“This Strategy and all associated maps constitute the official Municipal Planning Strategy for the West Richmond Plan Area.*

*An amendment to this Strategy shall be required:*

*a. where any policy intent is to be changed...”*

As noted already the applicant recognized that a portion of the property is within a designation and zone that is focused on the protection of the Landrie Lake Municipal Water Supply. Therefore, the present industrial and watershed protection zoning requires that the plan and by-law be amended to allow the development.

Due to the established character of the Point Tupper Heavy Industrial Park a number of heavy industrial uses are permitted in the area already as of right. The Heavy Industrial Zone permits uses such as electrical power stations, oil and gas processing plants and refineries, commercial sites involving hazardous wastes or dangerous goods, petrochemical plants, pulp and paper mills, radioactive materials manufacturing or processing facilities including heavy water plants. Some of these uses are operating, even in the protected water supply area, but subject to provincial environmental controls. Nevertheless, allowing for additional uses in the water supply area needs to be carefully considered. Staff are of the opinion that the requirement of a provincial environmental impact assessment is the better control mechanism for regulating this type of development. Overall, the Nova Scotia environmental impact assessment process is designed to ensure that proposed development projects are evaluated in a comprehensive and transparent manner, and that potential environmental impacts are identified and mitigated before the project is approved.

The resources available to the Provincial Department of the Environment allow for a more extensive process to identify potential environmental impacts and to propose ways to mitigate or avoid those impacts. The assessment is conducted by the Department, and involves the creation of an impact assessment: The proponent prepares an environmental impact statement (EIS) that describes the potential environmental effects of the proposed project and identifies mitigation measures that could reduce or eliminate those effects. The Department reviews the EIS and may request additional information or studies before making a decision on the project. When a project is approved, the Department has the expertise to review the proponent’s required monitoring and may also conduct its own monitoring to ensure that the proponent is complying with the conditions of approval and that the project is not having any unforeseen environmental impacts.

Subsection 219 (1) of the *Municipal Government Act* supports the concurrent adoption of a Land

Use By-law amendment that supports the Strategy amendment:

*“Where a Council adopts a municipal planning strategy or a municipal planning strategy amendment that contains policies about regulating land use and development, the council shall, at the same time, adopt a land-use-by-law or land-use-by-law amendment that shall enable the policies to be carried out.”*

While these proposed amendments do not have any specific enabling policy in the current West Richmond Plan Area Municipal Planning Strategy, they are still in line with the preamble and Generalized Future Land Use Map. The preamble in the “Watershed Protection” section of the West Richmond Plan Area Municipal Planning Strategy states:

*“...The Watershed Protection Periphery (W-2) Zone **permits limited development while ensuring the undesignated watershed lands area are protected.**”*

The proposed Municipal Planning Strategy and Land Use By-law amendment regarding the Watershed Protection Periphery (W-2) Zone adds one additional permitted use – which is in line with permitting limited development – and places restrictions on that additional permitted use to ensure the watershed lands area are protected.

In the Generalized Future Land Use Map seen below in Figure 5, the subject property is shown to be designated as “Industrial” and “Landrie Lake Watershed”. The proposed new Heavy Industrial Restricted (I-4) Zone will be under the industrial designation and is only available by rezoning, and can only be rezoned from the Light Industrial (I-1) zones where they are abutting the Watershed Protection (W-1) Zone and or the Watershed Protection Periphery (W-2) Zone. The proposed amendment to the Watershed Protection Periphery (W-2) Zone will not change or affect the “Landrie Lake Watershed” designation.

#### **Rezoning Application:**

While the rezoning of this property is proposed as a concurrent amendment with the MPS amendment and therefore is not subject to the amending criteria within the document, staff did review the document against the implementation policies regardless. Therefore, and specifically, Policy A-3 (a) which examines whether the proposal is in conformity with the intent of the MPS in addition to all other criteria set out in various policies of the MPS does not apply. While the proposed rezoning does not meet the intent of the current Municipal Planning Strategy, it will meet the intent of the MPS if the proposed amendments are adopted.

Policy A-3 (b) sets out that Council shall have appropriate regard to whether the proposal is premature or inappropriate by reason of: (i) the financial capacity of the Municipality to absorb any costs relating to the development, (ii) the adequacy of water and sewer services and (iii) the adequacy of road networks leading or adjacent to, or within the development.

On March 09, 2023 comment was received from the Director of the Municipal Department of Finance who noted the all costs associated with a development of this nature would be the

responsibility of the developer. He therefore noted he did not have any financial concerns on behalf of the Municipality regarding this proposed development. Based on the comment received, Policy A-3 (b) (i) is satisfied.

Regarding Policy A-3 (b) (ii) the proposed development will not be using municipal water and sewer services as it is not available in the area. Should the developer desire an on-site septic system, it would be under the jurisdiction of Nova Scotia Department of Environment and Climate Change.

The process to create hydrogen through electrolysis requires fresh water. For example, at full buildout Bear Head Energy Inc's green hydrogen and ammonia facility will require an estimated average of 15 million liters of water daily. For this particular project, the freshwater is to be drawn from the Landrie Lake Watershed and A Memorandum of Understanding was signed by the Landrie Lake Watershed Utility to provide the required initial water supply for this project.

The Environmental Assessment process will address and identify any concerns regarding the proximity to, and any usage of, Landrie Lake Watershed. Moreover, the proponent would have to work with the Landrie Lake Watershed Utility to draw freshwater from the Landrie Lake Watershed. For these reasons, the proposal does not appear to be premature or inappropriate by reason of the adequacy of water and sewer services and Policy A-3 (b) (ii) is met.

Concerning Policy A-3 (b) (iii), "that the proposal is not premature or inadequate by reason of: the adequacy of road networks leading or adjacent to, or within the development" ... As previously mentioned in the Staff Report, the road the subject property fronts on is private and connects to another private road. A site visit confirmed that the private roads appeared to be adequately maintained, were drivable and were paved. These private roads connect to roads that are owned and maintained by the Nova Scotia Department of Public Works. Roads located on the property were drivable and appeared to be adequately maintained. The proposed development therefore complies with Policy A-3 (b) (iii).

In accordance with Policy A-3 (c), Council shall have adequate regard to whether the development meets the specific zone requirements related to the following: (i) type of use, (ii) height, bulk and lot coverage of any proposed building, (iii) traffic generation, access to and egress from the site, and parking, (iv) open storage and outdoor display, (v) signs and (vi) any other relevant matter of planning concern.

Policy A-3 (c) (i) type of use, (ii) height, bulk and lot coverage of any proposed building, (iv) open storage and outdoor display and (v) signs are regulated in the West Richmond Plan Area Land Use By-law. Prior to receiving a Development Permit, the proposed development must comply with the Land Use By-law regulations.

Policy A-3 (d) outlines that Council shall have regard to whether the proposed site is suitable in terms of steepness of grade, soil and geological conditions, location of watercourses, potable water supplies, marshes or bogs and susceptibility to flooding. All of these matters will be addressed in

the Environmental Assessment process.

**Statements of Provincial Interest:**

The Statements of Provincial Interest (SPI) are policy statements adopted by the provincial government under the powers of the Municipal Government Act (MGA s.193). The purpose of the SPI is to protect the common public interest and encourage sustainable development in municipalities. They are set out in Schedule “B” of the MGA and came into effect on April 1, 1999. Legislation requires that municipal planning documents are “reasonably consistent” with the SPI.

It is important to note that the applicant was upfront about recognizing that *“...a portion of the property is within a designation and zone that is focused on the protection of the Landrie Lake Municipal Water Supply. CFFI is committed to working with the Landrie Lake Water Utility to ensure that CFFI’s activities meet all applicable municipal, federal, and provincial requirements, and supports the continued usage of Landrie Lake as the drinking water supply for the Town of Port Hawkesbury.”*

Given the above the Statement of Provincial Interest with respect to Drinking Water must be considered as part of this application. The statement with respect to drinking water states in part the following:

*Planning documents must address the protection of drinking water in municipal water supply watersheds. Measures that should be considered include*

- (a) restricting permitted uses to those that do not pose a threat to drinking water quality;*
- (b) balancing the expansion of existing uses against the risks posed to drinking water quality;*
- (c) limiting the number of lots. Too many lots may result in development which cumulatively affects drinking water quality. The minimum size of lots and density of development should be balanced against the risks posed to the quality of drinking water;*
- (d) setting out separation distances between new development and watercourses to provide protection from run-off;*
- (e) establishing measures to reduce erosion, sedimentation, run-off and vegetation removal associated with development.*

With respect to the specific criteria, the purpose of the Provincial Environmental Impact Assessment will be to ensure that the proposed development does not pose a threat to drinking water quality. Nevertheless, the new zone takes precautions to emphasize this condition of development to further balance the expansion of an existing heavy industrial park against the risks posed to drinking water quality by minimizing these risks. For example, the new zone has a minimum lot size of just under 0.93 hectares (100,000 square feet) and stringent setback requirements (300 m) for buildings, structure or facilities from the Watershed Protection (W-1) Zone boundary. There is also a zone requirement for the preparation of a sediment and erosion control



plan that is prepared by an adequately qualified professional as a condition of development.

The following comments relate to the consistency of the proposal with the remaining SPI:

1. Flood Risk Areas: Not in an identified flood risk area.
2. Agricultural Land: Not considered agricultural land or impacting agricultural lands.
3. Infrastructure: Does not require new municipal infrastructure.
4. Housing: Does not provide additional housing nor remove housing.

The proposed development is reasonably consistent with the SPI.

**Conclusion:**

Analysis of the site completed through a review of the *West Richmond Plan Area Municipal Planning Strategy* and *Land Use By-law* shows that the proposed amendment to the Municipal Planning Strategy & Land Use By-law to create the Heavy Industrial Restricted (I-4) Zone, to permit Green Energy Facilities as a permitted use in the Watershed Protection Periphery (W-2) Zone subject to Heavy Industrial Restricted (I-4) Zone regulations; and concurrently rezone a portion of the property identified by PID 7511767 from the Light Industrial (I-1) Zone to the Heavy Industrial Restricted (I-4) Zone is in line with the policy of both documents.

After thorough consideration, Staff are advising that the Municipality approve amendments to the *West Richmond Plan Area Municipal Planning Strategy and Land Use By-law* to allow:

1. The creation of a new Heavy Industrial Restricted (I-4) zone which allows a limited number of industrial uses including Green Energy facilities subject to special provisions specifically designed to address the protection of the Landrie Lake Water Supply Area;
2. A concurrent rezoning of a portion of the property to the new I-4 Zone;
3. The addition of Green Energy Facilities as a permitted use within the Watershed Protection Periphery (W-2) Zone subject to special provisions;
4. The addition of Green Energy Facilities as a permitted use within the Heavy Industrial (I-3) Zone subject to the existing zone provisions;
5. The addition of a rezoning Policy for the new Heavy Industrial Restricted (I-4) Zone; and
6. The addition of a definition of “Green Energy Facility/Facilities” in the Land Use By-law.

## Appendix A: Amending Pages

### A BYLAW TO AMEND THE WEST RICHMOND MUNICIPAL PLANNING STRATEGY FOR THE MUNICIPALITY OF THE COUNTY OF RICHMOND

The West Richmond Municipal Planning Strategy for Richmond County Municipal is hereby amended by:

1. The “Table of Contents” of the West Richmond Municipal Planning Strategy is hereby amended by adding the following text in bold and renumbering the page numbers accordingly:

**Heavy Industrial Restricted .....4**

2. Adding to the following section and corresponding policy immediately after the Heavy Industrial subsection:

#### ***Heavy Industrial Restricted***

The production and use of green hydrogen as a sustainable energy source is gaining popularity worldwide. The combustion of hydrogen produces only water vapor as a by-product, making it a clean and environmentally friendly energy source. Green hydrogen is produced using renewable energy sources such as wind, solar, and hydroelectric power, which is used to split water into hydrogen and oxygen through electrolysis.

Nova Scotia has committed to achieving a net-zero greenhouse gas emissions target by 2050. As a part of this target, the province has developed an energy strategy to increase the use of renewable energy sources, reduce energy consumption, and decrease greenhouse gas emissions. One of the ways to achieve this goal is by promoting the use of green hydrogen as an alternative fuel.

Point Tupper is a strategic location for the development of green hydrogen production facilities. The industrial park is located near the Strait of Canso, providing easy access to the international shipping lanes and major highways. The park is also adjacent to the existing electricity grid and natural gas pipeline infrastructure, making it an ideal location for the development of renewable energy projects.

While heavy industrial development is concentrated at the Point Tupper Industrial Park, many properties within the “Industrial” designation which abut or are near the Landrie Lake Watershed are zoned with the Light Industrial (I-1) Zone. While there are provisions for rezoning to the Heavy Industrial Zone staff are of the opinion that there is still need to regulate what can be permitted by the watershed through zone restrictions. Therefore, special restrictions based on the Draft Landrie Lake Watershed Source Water Protection Monitoring and Enforcement Plan are included in the Heavy Industrial Restricted (I-4) Zone.

**POLICY IND 1.8** It shall be the policy of Council to establish in the Land Use By-law a Heavy Industrial Restricted (I-4) Zone which will be used to implement the “Industrial” designation. Within the Heavy Industrial Restricted (I-4) Zone the following and similar types of uses shall be permitted: uses permitted in the Light Industrial (I-1) Zone and green energy facilities subject to special provisions related to protection of the Landrie Lake water supply.

**POLICY IND 1.5** Within the Industrial designation, it shall be the policy of Council to consider rezoning to the Heavy Industrial Restricted (I-4) zone for properties zoned as Light Industrial (I-1) Zone and which abut the Watershed Protection (W-1) Zone or the Watershed Protection Periphery (W-2) Zone or both by amendment to the Land Use By-law. In considering any such proposals Council shall have regard to the following:

- a. that site design details, including landscaping, buffering, outdoor storage areas, parking areas and driveways are of an adequate size and design to address potential impacts on adjacent developments;
- b. that the appearance of all buildings and structures related to the use shall be compatible with the surrounding area in terms of scale, exterior appearance and signage;
- c. the provisions of Policy A-3

**3. Removing the following text shown in strikethrough and adding the following text in bold to Policy WSP 1.4 the subsequent:**

**POLICY WSP 1.4** It shall be the policy of Council to establish a Watershed Protection Periphery (W-2) Zone in the Land Use By-law which will be used to implement in part the “Watershed” designation. The Watershed Protection Periphery (W-2) Zone as shown on the Zoning Map of the Land Use By-law, Schedule “A” will apply to the remaining watershed lands not officially designated by the province but contained within the actual Landrie Lake Watershed area. Within the Watershed Protection Periphery (W-2) Zone institutional uses, public and private utilities and passive recreational uses not involving structures other than accessory buildings shall be permitted. In addition, expansions to existing industrial uses shall be permitted only by development agreement- **and green energy facilities shall be permitted as of right subject to special provisions related to protection of the Landrie Lake water supply.**

This is to certify that the resolution of which this is a true copy, was duly passed at a duly called meeting of the Council for the Municipality of the County of Richmond held on the \_\_\_\_ day of \_\_\_\_\_ 2023

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_ 2023

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Troy MacCulloch, CAO

**A BYLAW TO AMEND THE WEST RICHMOND LAND USE BY-LAW  
FOR THE MUNICIPALITY OF THE COUNTY OF RICHMOND**

The West Richmond Land Use By-law for Richmond County Municipal is hereby amended by:

1. The “Table of Contents” of the West Richmond Land Use By-law is hereby amended by adding the following text in bold, renumbering the page numbers and renumbering the parts accordingly:

**Part 10 - Heavy Industrial Restricted (I-4) Zone .....17**

2. **Part 3: “Zones and Zoning Map” of the Land Use By-law is hereby amended by adding the following text in bold to Subsection 3.1:**

*Zones*

1. For the purpose of this By-law, the West Richmond Planning Area is divided into the following zones which may be referred to by the appropriate symbols.

<b>Zone Designation</b>	<b>Symbols</b>
Residential	(R-1)
Open Space	(OS)
Watershed Protection	(W-1)
Watershed Protection Periphery	(W-2)
Light Industrial	(I-1)
Port Industrial	(I-2)
Heavy Industrial	(I-3)
<b>Heavy Industrial Restricted</b>	<b>(I-4)</b>

The zone boundaries are shown on Schedule “A”. Schedule “A” as included may be cited as the “Zoning Map” and is hereby declared to form part of this By-law.

3. **Part 9 – “Heavy Industrial (I-3) Zone” of the Land Use By-law is hereby amended by adding the following permitted use immediately following “Ferro-alloy plants”:**
  - Green energy facility or facilities

4. The Land Use By-law is hereby amended by adding the following part:

**Part 10 – Heavy Industrial Restricted (I-4) Zone**

***I-4 Uses Permitted***

1. No development permit shall be issued in a Heavy Industrial Restricted (I-4) Zone except for the following uses:
  - Automobile sales and service establishments
  - Building supply, equipment depots excluding bulk storage of sand or gravel
  - Business, government and professional offices
  - Display courts including swimming pools, decorative foundations, pre-fabricated homes
  - Green energy facility or facilities
  - Light industrial manufacturing, assembly or warehousing including recycling depots
  - Railyards and associated uses
  - Recreational uses
  - Service and personal service establishments excluding dry cleaning establishments
  - Single unit dwellings
  - Transportation depots
  - Wholesale or retail sales, leasing or rental establishments

***General Lot Requirements***

2. No development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	100,000 ft <sup>2</sup>
Minimum Lot Frontage	100 ft.
Minimum Front Yard	30 ft
Minimum Rear Yard	25 ft.
Minimum Side Yard	i) one side
	ii) other side
	15 ft.
	10 ft.

***Special Restrictions: Open Storage and Outdoor Display***

3. The following restrictions shall apply to open storage or outdoor display:
  - a) open storage or outdoor display shall not be permitted within the required front yard of a lot; and
  - b) the area devoted to open storage or outdoor display shall not exceed 50 percent of the lot area.

***Special Restrictions: Watershed Protection (W-1) Zone***

4. Notwithstanding anything else in this by-law, the following requirements shall apply to all developments in this zone:
  - a) no building, structure or facility shall be permitted within 300m of the Watershed Protection (W-1) Zone boundary;
  - b) no blasting within 500 m of the Watershed Protection (W-1) Zone boundary shall be permitted

***Special Restrictions: Green Energy Facility or Facilities***

5. Notwithstanding anything else in this by-law, the following requirements shall apply to the green energy facility or facilities use:
  - a) an application for a development permit as outlined in Part 2 Section 10 shall also include the following:
    - i. a copy of the Environmental Assessment if applicable;
    - ii. bedrock is to be excavated by ripping where possible rather than blasting, and if it is not possible, rationale shall be provided;
    - iii. an operation management plan detailing the setback distances established for storage of the chemicals used/generated in the facility, including hydrogen and ammonia, accompanied with rationale if applicable to the development;
    - iv. a sediment and erosion control plan that is prepared by an adequately qualified professional;
    - v. a surface water management plan that is prepared by an adequately qualified professional;
    - vi. a wastewater management plan that is prepared by an adequately qualified professional if applicable to the development;
    - vii. a water conservation plan developed based on the Guide for Surface Water Withdrawals from November 2016, as amended from time to time if applicable to the development;
    - viii. a surface water contingency plan that shall identify timelines for response and the measures to be taken if unacceptable effects to water quantity or quantity of residential and or municipal water supplies occur due to project activities if applicable to the development; and
    - ix. a vibration control plan detailing how the applicant will apply vibration controls during site preparation, construction, operation and decommissioning.
  - b) where applicable the green energy facility or facilities must receive Environmental Assessment Approval from the Minister
  - c) unless otherwise authorized in writing by the Department of Environment and Climate Change, no removal of vegetation, fuel storage, refueling, lubrication of equipment, washing of machinery or equipment, storage of equipment, excavated material and potential contaminant shall be permitted within 30m of a surface watercourse and or wetland.

***Special Restrictions: Blasting***

6. Notwithstanding anything else in this by-law, the following requirements shall apply to the green energy facility or facilities use:
  - a) prior to any blasting the applicant shall prepare a blasting plan, the plan shall consist of:
    - i. a completed pre-blast survey for structures within 800m of the point of blast;
    - ii. a blast monitoring plan; and
    - iii. a blast damage response plan.

***Special Restrictions: Remedial Actions***

7. Notwithstanding anything else in this by-law, the following requirements shall apply to the green energy facility or facilities use:

- a) the applicant, at their expense, shall undertake remedial action to encapsulate any slate bedrock that may be exposed during site preparation, construction, operation and decommissioning; and
- b) the applicant, at their expense, shall replace any water supply which has been lost or damaged as a result of project operations as authorized and required by the Department of Environment and Climate Change.

**Special Restrictions: Accidents, Malfunctions and Response**

- 8. Notwithstanding anything else in this by-law, the following requirements shall apply to the green energy facility or facilities use:
  - a) the applicant shall maintain sufficient resources on site or in coordination with local fire departments to handle the spill or release of any dangerous goods or waste dangerous goods used or produced at the facility.

**5. Part 11: “- Watershed Protection Periphery (W-2) Zone” of the Land Use By-law is hereby amended by removing the following text shown in strikethrough and adding the following text in bold:**

**Part 12 - Watershed Protection Periphery (W-2) Zone**

**W-1 Uses Permitted**

- 1. No Development Permit shall be issued in a Watershed Protection Periphery (W-2) Zone, except for the following uses:
  - **Green Hydrogen energy facilities subject to special requirements in Part 10 of this by-law**
  - Institutional uses
  - Public and private utilities
  - Passive recreational uses not involving structures other than accessory buildings
  - Expansions to existing industrial uses shall be permitted only by development agreement

**Lot Requirements**

- 2. In any Watershed Protection Periphery (W-2) Zone, no development permit shall be issued except in conformity with the following requirements:

Minimum Lot Area	5 acres
Minimum Lot Frontage	150 ft.
Minimum Front Yard	50 ft.
Minimum Side Yards	50 ft.
Minimum Rear Yard	50 ft.
Maximum Height of Main Building	50 ft.
<del>Maximum Lot Coverage</del>	<del>30%</del>

**6. Part 15: “Definitions” of the Land Use By-law is hereby amended by adding to the following subsection immediately after subsection 21 the subsequent and renumbering the part accordingly:**

22. GREEN ENERGY FACILITY/FACILITIES means an energy production system or systems such as energy producing infrastructure and energy storage, by-product storage and treatment, electrical infrastructure, transmission lines, associated control or conversion electronics, cooling systems, administrative and operational accessory structures, etc., - the purpose of which is to produce energy that is an environmentally friendly alternative to fossil fuels. This includes renewable energy such as wind, solar, hydroelectric, geothermal, bioenergy, etc., and energy produced greenly via renewable energy.

**7. As indicated in Appendix ‘B’ the Rezoning Map.**

This is to certify that the resolution of which this is a true copy, was duly passed at a duly called meeting of the Council for the Municipality of the County of Richmond held on the \_\_\_\_ day of \_\_\_\_\_ 2023

Given under the hand of the Chief Administrative Officer and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_ 2023

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Troy MacCulloch, CAO



