

**West Hants Plan Review
Public Meeting
West Hants Planning Advisory Committee
West Hants Council Chambers
May 11, 2005, 7:00 p.m.**

MINUTES

PRESENT:

Chairman Randy Matheson
Councillor Tom Brown
Councillor Anne MacDonald
Mr. John Shanks
Ms. Traci Curry

STAFF:

Lynn Davis, Director of Planning
Doug MacInnis, Development Officer
Velma Macumber, Administrative Assistant

GUESTS:

Deputy Warden Gary Cochrane

REGRETS:

Councillor Reed Allen, due to illness
Councillor Rick Gaudet, prior commitment, UNSM Conference

MEMBERS OF THE PUBLIC: Approximately 55

Welcome and Introductions

Chairman Matheson welcomed the members of the public and introduced the members of the Planning Advisory Committee, other Councillors, and Staff. He advised that other Councillors who do not sit on the Planning Advisory Committee had sent their regrets as they wanted to attend this meeting but were unable due to their prior commitment to attend the UNSM Conference. Chairman Matheson advised that this meeting will be recapped for those Council members at the next regular PAC meeting at 6:00 p.m. on May 19, 2005.

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Chairman Matheson explained the purpose of this meeting was to receive input from the public regarding the draft agricultural policies for West Hants. He advised that Ms. Davis will be presenting the draft agricultural policies.

Presentation of Draft Agricultural Land Use Regulations

Ms. Davis thanked the public for attending the meeting and said she was glad to see such a great turnout. She stated this is one of a series of public meetings that the Committee will be having for the Plan Review. Ms. Davis said by Fall, the Committee hopes to have a complete draft of all the planning documents ready to present at a series of community meetings, and at that point the policies covering the entire Municipality will be reviewed in detail. But tonight's meeting will deal only with the agricultural policies.

Ms. Davis stated the purpose of the Plan Review is to update and improve the planning documents which have been in place for many years and in some ways are outdated. There are four separate planning documents that cover all of West Hants. All of them treat different matters in slightly different ways, so one of the things that the Committee is trying to achieve with the Plan Review is to consolidate the four planning documents into one more comprehensive document that addresses matters in a more consistent way. In keeping with that, there will be fewer zones as there are far too many zones than what is needed for a rural municipality of this size.

Ms. Davis said before she goes into more detail with the presentation, she would like to acknowledge and thank a few people. She stated there has been a small farmers' working group who have been very helpful to staff in providing a practical perspective on regulations. They have volunteered their time to attend meetings, to read the draft policies and regulations and provide comments. The people who were involved are: Dean Manning, Bob Wilson, Allen Shaw, Manfred Zillig, and Jim Bremner.

Ms. Davis advised from the previous meetings that were held, the survey conducted in 2001, and a meeting held with the agricultural community in January 2003, it seemed very clear that there was strong support for protecting agricultural land in West Hants. She said there is a need to take a very long-term perspective when looking at protecting resource land. In 50 to 100 years or more from now, that land may be needed to produce food, but once it has been built upon, it is lost forever. Ms Davis also noted that another good reason for protecting agricultural land is because a provincial interest statement under the Municipal Government Act requires municipalities to identify, and find ways to protect, agricultural land in their planning documents.

Ms. Davis gave an overview of the proposed agricultural provisions. She advised that four agricultural zones are proposed: a Prime Agriculture zone for Upper Falmouth, and AR-1, AR-2, and AR-3 agricultural zones, with the degree of control over non-agricultural development

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decreasing from Prime Agriculture to AR-3. Ms. Davis explained in detail the as-of-right provisions for each zone, as well as the opportunities for non-farm development by development agreement or rezoning.

The meeting recessed at 7:50 p.m.

The meeting reconvened at 8:15 p.m.

Questions and comments from Public

Ms. Davis opened the discussion by asking for questions and comments from the public.

Peter Traves stated he lives on Castle Frederick Road. Mr. Traves asked how it was determined that the majority of people in West Hants wanted agricultural protection. He felt the new zoning would lower property values substantially. He noted that in other areas, there is a land bank or other program that provides funds to compensate the farmer for the reduction of the capital value of his land. Mr. Traves said he did not understand as farmers why they should accept the reduction in value of their farmland so someone from the city could drive by and see nice green pastures. He stated it is a significant loss when land cannot be subdivided, although he does not intend to subdivide his land. He suggested when someone purchases land in a farming area, there should be something in the deed so from that time on, there can be no complaints about manure storage or proper farming practices. This would protect the farmer from nuisance complaints. Mr. Traves stated his principal point is that if the regulations are put in place, it is lowering the value of the land. Who is going to compensate for that?

Ms. Davis stated she wanted to clarify that when she said the majority of people wanted agricultural land protected, it was the majority of people who responded to the survey and spoke at the public meetings held so far. Ms. Davis stated in terms of land banking, she agreed that would be ideal. It is something that the Federation of Agriculture has talked about, but it is certainly not something that would be possible at the municipal level. Council can take a stand on the issue and promote it to the Provincial or Federal Government. In the meantime at the municipal level it is important to be sure that there will be an agricultural land base to grow food for future generations because if we allow the land to be build upon now, it is gone forever.

Mr. Traves commented that if they paid the farmers enough they could come in with a bulldozer tear down the houses and grow food.

Bruce Cameron stated he lives in Mount Denson. He asked where the figure came from for the 500 ft. road frontage. Mr. Cameron expressed concern about the road frontage requirement and noted there are a lot of farms that do not have 500 ft. road frontage. Ms.

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Davis advised that the figure resulted from discussion held by the farmers' working group. She advised that there are a couple of ways to look at protecting agricultural land. One of them is to follow the Upper Falmouth example and not permit dwellings as the main use on a lot, so the result is little or no subdivision and the ability to keep large acreages. Ms. Davis noted that probably in the majority of areas in West Hants, this would not be acceptable. Another way to protect agricultural land is by making it difficult to subdivide land, and one way to make it difficult is by having a large road frontage requirement. One of the options considered was requiring a larger lot area, for example, five acres with 200-300 ft. road frontage, but that would mean deeper lots which take even more land out of production. So the conclusion was to go with a wider lot frontage with less depth, three acres with 500 ft. of frontage.

Mr. Cameron felt that the 500 ft. road frontage would be impossible in a lot of situations. Ms. Davis advised there is still the option of applying to rezone to residential where the lot size requirement would be smaller.

Donald Pineo asked why requirements were being changed again when they had been discussed at meetings in the past. Ms. Davis noted that over time it has been seen in agricultural zones that allow 100-150 ft. frontage, the road frontage in those areas is gradually eaten up by residential lots. When that happens it makes it more difficult for agricultural operations to continue to operate. Necessary activities such as spreading manure are much harder because there are dwellings so much closer to them.

Donald Pineo commented on the gypsum company activities. He noted that many residents have parcels of land that they would like to break up. Ms. Davis stated that the proposed agricultural zones are a relatively small part of the municipality. There is a lot of land that is not good for agricultural use that can be developed. She said this is not a blanket coverage for the whole municipality, it applies to areas where there are active farms and agricultural land that may be needed in the future for crops.

Bob Sweet said he does not mind regulations to have the land protected but he felt it was too restrictive. He stated he has a hobby farm which does not have good land for agriculture. He said under the proposed restrictions for Prime Agriculture, he cannot give his daughter a lot. Ms. Davis pointed out with the zoning there is more work to be done, this is the first draft of the proposed agricultural zones. In the maps there are blanks where no zoning is indicated, particularly in the Hamlets. There is still a lot of work that has to be done in looking at individual areas and trying to identify what activities are occurring on properties at this time and how it should be zoned. Those areas proposed will be reviewed and this is the kind of input that the Committee needs from the people who own the land. Ms. Davis suggested to the members of the public in the next few weeks to contact her or someone in the Planning Department to discuss their property and how it fits into the zoning.

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Bev Connell asked for clarification about Policy 8.6.1 (a) under Section 8.6 Determination of Agricultural Capability. He stated he lives in Falmouth and works as a professional agrologist. He noted that one of the requirements for determination of agricultural capability is that 90 percent of the property has to be Class 4 or lower. Mr. Connell said there are cases where land is classified as Class 2 or 3, but is not suitable for farming because of topography or other reasons. Ms. Davis stated she thought it was a good point and that perhaps the wording could be reviewed.

Mr. Connell referred to the provision for intensive livestock operations to have an agricultural engineer certify that the manure management and storage capacity are adequate, and that runoff will be eliminated or contained. He stated for non-intensive operations, such as someone who may have a pony in the back yard, the requirement is a concrete enclosure with a minimum of 5 ft. of height which is well in excess of what intensive livestock operations require. Mr. Connell asked if a similar provision could apply which would allow an engineer to certify manure storage for a non-intensive operation. Ms. Davis stated the matter is something that the Committee will look into in more depth.

Dave Oulton asked about setback requirements in the Prime Agriculture zone. Ms. Davis advised that there are no major changes in Upper Falmouth, except the separation distance for dwellings. Mr. Oulton asked if in Falmouth if the farmers could practice agricultural practices up to the property line. Ms. Davis said yes it only applies to structures that require setbacks. The setback requirement for intensive livestock operations is 1000 ft. from a dwelling or non-farm building, and 40 ft. from a property line. The setback requirement for dwellings is 1000 ft. from an intensive livestock operation as well.

Bob Wilson stated he sat on the farmers' working group committee and in defence of the 500 ft. road frontage, it may be a field that the farmer may want to sell a building lot off of. Instead of stopping them from selling a lot off the agricultural land, they would be permitted to sell, but it has to be 3 acres with 500 ft. road frontage. Mr. Wilson stated the idea was that it would make the house close to the road, would not destroy the field and would minimize the number of houses that would be alongside the field, so instead of dealing with ten people when spreading manure, there would only be two or three. Mr. Wilson also noted that the land could be rezoned as well.

Gary McLean stated he felt the requirements were quite restrictive. Ms. Davis advised that in the AR-3 zone there are no restrictions on the number of lots that can be created as long as the requirements are met. In the AR-2 zone two lots can be created in a calendar year, and in the AR-1 zone, one per calendar year.

Victor Oulton commented that everyone should remember that these restrictions are for the long-term protection of farmland, not for this generation but for future generations.

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Ronald Thorpe stated he had the same concerns as others about the 500 ft. road frontage. He questioned why the forest land he has is zoned agricultural. Is this regulated by the Municipality or by the Province? Ms. Davis stated it was up to the Municipality to find ways to identify and protect agricultural land as directed by the Province. She commented that when she spoke about the agricultural designation she said it was going to apply to active farmland and land with potential for agricultural use that has Class 2 or 3 soils so that could include land that is currently forested. Ms. Davis referred to the Canada Land Inventory (C.L.I.) map showing land capability for agriculture.

Doug Corkum commented that right to farm legislation protects farmers from nuisance complaints. He said that in the past, he had a piece of land that he wanted exempted from the agricultural zoning. He applied to have it exempted and he received the exemption. Mr. Corkum asked if there was a process for people who do not want their land to be Prime Agriculture. Ms. Davis stated as part of the Plan Review there is an opportunity for people to advise how they would like their property zoned or something they do not like about the way their property is zoned. They can ask the Planning Advisory Committee in their deliberations to consider different zoning. Mr. Corkum asked if in the last fifty years if there was more or less farmland being utilized. Ms. Davis replied that less farmland is being utilized. Ms. Curry commented that in West Hants there is less farmland available but there is more productivity.

Ms. Curry asked in the Growth Centres what happens to existing farmland? Will it be lost? Ms. Davis advised that the mapping has not been finalized yet. In the Growth Centres, Village and Hamlets, particularly, there is still more work to be done in detail. Ms. Curry referred to the Farm Practices Act and noted that she is Chair of a committee that deals with nuisance complaints under the Act. Although the Act sets a process in place to deal with nuisance complaints and the farmer may succeed in the end, the process is time consuming, extremely stressful and costly for the farmer.

Suzanne Corkum stated she did not understand why the dykeland across the river is not zoned as Prime Agriculture. Ms. Davis said the Prime Agriculture zone is the most restrictive, and the farming community of Upper Falmouth strongly desired to have controls put in place, and that is how this came about. She said the zone applies only to Upper Falmouth, but if someone else wants to have their property zoned as Prime Agriculture they probably could. Ms. Davis advised that a couple of members of the farmers' working group had properties that did not have any zoning. They chose to have the proposed AR-2 zoning applied to their properties as an introduction to zoning. However, if people want more restrictive zoning applied to their property, then it is probably something that the Planning Advisory Committee would consider.

Peter McClare stated he supported the proposed agricultural provisions including the 500 ft. road frontage requirement. He asked about a statement in the draft policy that indicated zoning will help inform new residential landowners that they are moving into a farming area. Ms. Davis stated the way that happens is normally when someone buys land, they or their

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solicitor check the zoning for the property. Ms. Davis said this is also a matter of public education. But people also have a responsibility to find out for themselves something about what the permitted land uses are.

Mr. McClare noted that with all the lobbying against forestry practices such as clear cutting, it may get more difficult to clear land for agricultural purposes in the future. So it is all the more important to protect the land that is cleared now.

A discussion was held about why dykeland is not included in an agriculture zone. It was noted that there is no need to do that because the dykeland regulations are more restrictive than any of the agriculture zones.

Beth Taylor agreed that agricultural land be protected for future generations, and that the Committee was going in the right direction with the proposed policies.

Christine McClare stated she would like to add some positive comments as well. She agreed with looking forward to future generations, and protecting the farmland, even though it may come at a financial cost to present day owners. Ms. McClare said she agreed with the larger lot sizes. She noted they are living in an area with older farmers around them, and in the next number of years they are probably looking at people moving into the area. She said she would like to be farming in the future, and to continue to do so and maybe expand their operations with some agricultural land that may become available. However, if there is subdivision all around them, then they certainly could be feeling some pressure. Ms. McClare said she did agree with the protection for the zones.

Graham Smith stated he lives in Scotch Village. He commented that the discussion was about saving the farmland, but at the expense of the farmers. Mr. Smith stated those who have work on the land for 30 or 40 years have paid for it and now ready to retire, but will be unable to sell the land. He said somebody should be compensating them.

Andrea Hardy stated she agreed with the comments made by Mr. Smith, Mr. Traves and Mr. Corkum. She said she was not against large lot sizes and is quite happy with a 25 acre lot size but she is against the 500 ft. road frontage, and against prohibiting new roads. She said she did not see how this would protect agriculture in Hants County at all. Ms. Hardy stated personally it would be detrimental to her, she has 120 acres and only 500 ft. of road frontage. She noted this would mean that she could only build herself one house on 120 acres. But she could not even do that because she would have to build it within 300 ft. of the road, and she could not do that because it is dykeland. Ms. Hardy stated as far as she understood that building cannot be done on dykeland, and that special permission would have to be obtained before putting a driveway across the dyke. She said if she wanted to build herself a retirement home on her own land she cannot do it, and she could not give her children a lot to build upon.

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Allen Shaw stated he was one of the members of the farmers' working group, and he wanted to make a couple of points. He said the group had reviewed many regulations and information. Their mandate was to find ways to protect agricultural land, and they made an assumption the first meeting that there is going to be agricultural land in West Hants, and protection is needed for it. Another thing that needed to be done was to allow some development as they realized that some individuals may want to sell or give lots to their children. The group also considered the new nutrient management restrictions that are coming in that require an adequate land base for spreading of manure. After reviewing all the information one of things they wanted to do was restrict the amount of depth that was cutting into the field when it was taken out of agriculture production and put into a building lot. This 500 ft. road frontage requirement is not cast in stone, it is just for point of discussion. Mr. Shaw said people are getting hung up on the 500 ft. requirement and they need to look at the whole package and try to come up with ways to preserve agricultural land. He agreed the lot size could be smaller, but on the other hand they want to prevent people from coming in and buying up farmland, and selling off the road frontage specifically for houses.

Victor Swinamer pointed out that to subdivide a lot with 500 ft. frontage, the property actually has to have at least 1,000 ft. frontage. Ms. Davis agreed the remaining land also has to meet the land use by-law requirement. Ms. Davis stated West Hants still allows right-of-way lots, however, under certain conditions, which would not have to meet the minimum frontage requirement.

Darren MacLeod asked whether the lot size could be based on a qualitative analysis where the length and width are determined to minimize the effects to surrounding farm operations. Ms. Davis said in a way it is quite limited as to what can be done with as-of-right provisions, what is permitted in the zone, the lot size requirement, etc. Subdivision occurs if the requirements are met. It has to be laid out in a way that the Development Officer, or anyone, can read and understand exactly what the minimum requirements are. Ms. Davis stated to go through with the suggestion, it may be done through a development agreement process which is a long costly process. Council and the public get involved with the process, a public hearing is set and the neighbours get notified. For something that is straightforward, it should be avoided getting into a complicated process.

Suzanne Corkum surmised that most farmers do not want to sell lots but sometimes they are forced to because of financial complications. She stated there may be a piece of land that is not good for agricultural purposes that does not meet the 90 percent, but it still not a good piece of land. She stated putting 500 ft. of frontage on it then you are taking up better land. Mrs. Corkum said she felt there has to be room for manoeuvring to look at parcels that are zoned agriculture but the owners may want to sell off because they need the money. Ms. Davis stated the option of if it could be proven that the land is unsuitable then there is the option to rezone to a rural residential zone that will allow a smaller road frontage, and whatever the Department of Environment may need. Mrs. Corkum stated she felt the 500 ft.

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frontage requirement would be taking more good farmland away. She said was not against protecting farmland, but simply saying that it should be looked at.

Serge Paquette suggested that if an area is zoned AR-3 with Class 4 then the frontage should be reduced for non-farm operations. He asked if AR-3 could be rezoned to something else. Ms. Davis replied that the process for rezoning in the AR-3 zone is easier. She noted there is no requirement for a study showing the land is unsuitable for agriculture. Mr. Paquette asked if the 500 ft. road frontage would still apply. Ms. Davis stated it would still apply in order to protect active farmland.

Glenn Mosher asked about the separation distance for building a barn from a house. Ms. Davis advised that the separation distance is 1,000 ft, but new provisions allow that to be reduced if an engineer certifies the adequacy of manure storage, etc.

Philip Davison stated he agreed that it is important to protect farmland for future generations.

Bob Wilson commented that farming is not a lucrative business at this time but maybe in the future it could change.

A brief discussion was held about the idea of land banking and lobbying the Province for compensation.

Chairman Matheson asked for further comments.

Dean Manning stated he sat on the farmers' working group committee and they had discussion about the matters that were discussed at this meeting. Mr. Manning spoke in favour of the proposed policies.

Chairman Matheson asked for further comments.

Ms. Davis advised that at the next PAC meeting she will recap the comments heard. The Committee will consider and continue revising for the draft planning documents to be presented in the Fall at community meetings.

Adjourn

Chairman Matheson thanked the public for attending and adjourned the meeting.

The public meeting adjourned at 9:42 p.m.