



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input checked="" type="checkbox"/>	Recommendation <input type="checkbox"/>	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Members of the Planning and Heritage Advisory Committee (PAC/HAC)

Submitted by: _____
Sara Poirier, Director of Planning and Development

Date: 2023-09-14

Subject: Agricultural Policies Review; File 23-10

LEGISLATIVE AUTHORITY

Municipal Government Act (MGA) s. 213 Purpose of Municipal Planning Strategy and 214 Statements of Policy in Planning Strategy

Statement of Provincial Interest Regarding Agricultural Land

RECOMMENDATION or DECISION REQUEST

This report is being provided for information purposes only.

BACKGROUND

Property <input checked="" type="checkbox"/>	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input checked="" type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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During the PAC/HAC meeting on April 13, 2023 the Committee discussed the current agricultural policies, repurposing of agricultural land, the use of agrologist reports, and the Statement of Provincial Interest regarding agricultural land. The PAC/HAC made the following motion on April 13, 2023:

“...that PAC/HAC recommends that Planning and Development Staff bring information to PAC/HAC to review currently existing agricultural policies within the municipality and provincial statements of agricultural interest.”

DISCUSSION

Staff have reviewed the Municipal Government Act (MGA), Statements of Provincial Interest, and current planning documents for discussion by the PAC/HAC.

Municipal Government Act

The MGA outlines the powers provided to municipalities. Section 212 states that council must adopt one or more municipal planning strategies, and Section 213 and 214 outlines the purpose and requirements of a municipal planning strategy. Section 219 specifies that when a council adopts a municipal planning strategy, council will also adopt a land use by-law to carry out the intent of the municipal planning strategy. Section 220 outlines the requirements of a land use by-law.

Section 198 (1), 212 (1) and 213 (c) states that planning documents must be reasonably consistent with the statements of provincial interest.

All municipal planning strategies, and amendments to municipal planning strategies, are sent to the Provincial Director of Planning with the Department of Municipal Affairs and Housing. Section 208 (3) of the MGA states that the Minister must approve the planning documents when the Director determines the planning documents appear to affect a provincial interest or may not be reasonably consistent with an applicable statement of provincial interest. In accordance with the MGA, all of the West Hants planning documents were reviewed and approved by the Minister when originally adopted and when any amendment has affected a Statement of Provincial Interest.

Statements of Provincial Interest

The Province of Nova Scotia has six (6) Statements of Provincial Interest which are regulations made under the MGA and provide municipalities guidance on certain aspects of development in the Province including: drinking water, flood risk areas, agricultural land, infrastructure, housing, and the development of the Nova Centre.

The goal of the Statement of Provincial Interest regarding agricultural land (Attachment A) is to “protect agricultural land for the development of a viable and sustainable agriculture and food industry”. It is noted that this statement applies to all active agricultural land and land with agricultural potential in the Province. It states that planning documents must identify agricultural lands and address the protection of agricultural land.

The measures noted in the Statement of Provincial Interest regarding agricultural land that should be considered to protect agricultural land include:

- (a) “giving priority to uses such as agricultural, agricultural related and uses which do not eliminate the possibility of using the land for agricultural purposes in the future. Non-agricultural uses should be balanced against the need to preserve agricultural land;

- (b) limiting the number of lots. Too many lots may encourage non-agricultural development. The minimum size of lots and density of development should be balanced against the need to preserve agricultural land;
- (c) setting out separation distances between agricultural and new non-agricultural development to reduce land-use conflicts;
- (d) measures to reduce topsoil removal on lands with the highest agricultural value.”

The Statement also outlines that “Existing land-use patterns, economic conditions and the location and size of agricultural holdings means not all areas can be protected for food production, e.g., when agricultural land is located within an urban area. In these cases, planning documents must address the reasons why agriculture lands cannot be protected for agricultural use.”

West Hants Regional Municipality Planning Documents

Hantsport

The Hantsport Municipal Planning Strategy (HMPS) and Land Use By-law (HLUB) do not include any agricultural designation or zone. The only policies and regulations noted in the Hantsport planning documents that speak to agricultural type uses are outlined below.

Part 9 of the HMPS states *“Because Hantsport is a town with water and wastewater services, the protection of agricultural land does not carry the same impact as agricultural land in rural municipalities which has little or no likelihood of receiving services. However Council recognized the importance of agricultural uses in its unserved areas and has provided for them in the Land Use By-law.”* The Conservation Open Space (COS) zone in the HLUB permits “agricultural uses that do not involve structures other than open air structures and greenhouses”.

Additionally, Section 4.1 of the HMPS notes “In the past Hantsport has been home to agricultural uses. While no farms are active in the Town today there is an interest in keeping horses, not as a commercial operation but for the use and enjoyment of a resident as a hobby. Council sees no difficulty in allowing horses in the low density residential zones as long as there is sufficient space to keep them.

RP-4A It shall be the policy of Council to permit the keeping of horses in the R-1 and R-2 Zone subject to an area requirement for each horse as contained in the Land Use By-law.”

The HLUB permits “the keeping of horses provided they are kept in a fenced area at a minimum of 0.4 hectares (44,560 sq. ft.) for each horse” in the Single Unit Residential (R-1) and Two Unit Residential (R-2) zone.

West Hants

The West Hants Municipal Planning Strategy (WHMPS) and Land Use By-law (WHLUB) includes an agricultural designation and three agricultural zones. These agricultural zones include the Prime Agriculture (P/Ag), Agricultural Priority Two (AR-2), and Agricultural Priority Three (AR-3) zones.

The primary purpose of the agricultural designation is to preserve active farmland and land with high potential for agriculture in West Hants. The agricultural designation applies to the majority of active farmland and Canada Land Inventory Class 2, 3 and 4 agricultural land in West Hants outside the Growth Centre, Village and Hamlet designations.

The Prime Agriculture (P/Ag) zone applies to improved land with high capability (class 2 and 3) for production of a variety of crops and is reserved for long-term agricultural production. This agricultural zone has the most restrictions on non-agricultural development.

The Agricultural Priority Two (AR-2) zone applies to improved and unimproved land with high capability (Class 2 and 3) for production of a variety of crops. This land is reserved for agricultural production with limited non-agricultural development.

The Agricultural Priority Three (AR-3) zone applies to agricultural land with a lower productive capability (Class 4) and active agricultural land in the Growth Centres, Village and Hamlets. Controlled non-agricultural development is permitted.

Within the agriculture designation no new public streets or private roads are permitted and the removal of topsoil is prohibited, except as necessary to allow for the development of uses permitted in the zone or where the topsoil removal is incidental to an agricultural operation. The Prime Agricultural (P/Ag) zone requires a minimum 25-acre lot size and 200 ft. (60.96 m.) of frontage. The Agricultural Priority Two (AR-2) zone requires a smaller minimum lot size of 3 acres, however the Subdivision By-law restricts subdivision of properties zoned Agricultural Priority Two (AR-2) to a maximum of two (2) lots per area of land during a calendar year.

Table 1 shows the types of development that is permitted as-of-right in the agricultural zones and the types of non-agricultural development that can be considered by Council through a map amendment (rezoning) or development agreement.

Table 1 Developments Considered in Agricultural Zones

Zones	As-of-right	Map Amendment (rezoning)	Development Agreement
Prime Agricultural (P/Ag)	<ul style="list-style-type: none"> • Agricultural uses • Existing churches and community halls • Existing dwellings 	<ul style="list-style-type: none"> • Rural Residential (R-4) • Open Space (OS) 	<ul style="list-style-type: none"> • Small-scale commercial uses that provide a service to the local community

	<ul style="list-style-type: none"> • Forestry and forestry related activities • Indoor storage facilities accessory to an agricultural use subject to Section 5.19 • Single unit dwellings accessory to an ongoing agricultural operation 	<ul style="list-style-type: none"> • Light Industrial (LI-1) (general policy 11.2.2) 	<ul style="list-style-type: none"> • New institutional uses (general policy 13.1.2) • New recreation commercial uses (general policy 13.3.2)
<i>Agricultural Priority Two (AR-2)</i>	<ul style="list-style-type: none"> • Agricultural support uses • Agricultural uses • Churches, community centres and fire halls • Forestry and forestry related activities • Indoor storage facilities accessory to an agricultural use subject to Section 5.19 • Manufactured homes • One and two unit dwellings 	<ul style="list-style-type: none"> • Rural Residential (R-4) • Light Industrial (LI-1) (general policy 11.2.2) 	<ul style="list-style-type: none"> • Rural Commercial (RC) uses • Recreation Commercial (RecC) uses • Resource Industrial (M-1) uses • Open Space (OS) uses • On farm businesses as part of an ongoing farm operation • Off-highway vehicle courses • New institutional uses (general policy 13.1.2) • New recreation commercial uses (general policy 13.3.2)

<p>Agricultural Priority Three (AR-3)</p>	<ul style="list-style-type: none"> • Agricultural support uses • Agricultural uses • Churches, community centres and fire halls • Forestry and forestry related activities • Indoor storage facilities accessory to an agricultural use subject to Section 5.19 • Manufactured homes • One and two unit dwellings • Existing indoor recreation uses 	<ul style="list-style-type: none"> • Rural Residential (R-4) • Light Industrial (LI-1) (general policy 11.2.2) 	<ul style="list-style-type: none"> • Rural Commercial (RC) uses • Recreation Commercial (RecC) uses • Resource Industrial (M-1) uses • Open Space (OS) uses • On farm businesses as part of an ongoing farm operation • Off-highway vehicle courses • New institutional uses (general policy 13.1.2) • New recreation commercial uses (general policy 13.3.2)
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For Council to consider the majority of map amendment (rezoning) or development agreement applications on properties zoned Prime Agriculture (P/Ag) or Agricultural Priority Two (AR-2) the criteria require an agrologist report to accompany the application. The agrologist report is to be prepared by a professional agrologist, at the expense of the applicant, and conclude that the proposed development will not adversely affect the viability of surrounding agricultural operations and that either 90 percent or more of the development site has soils defined as Class 4 or lower capability for agriculture, or that the soils have a capability for agriculture rating better than Class 4, but 90 percent or more of the development site exhibits severe limitations for agricultural use because of slope, stoniness, salinity, wetness, permeability, depth of soils, size of parcel or proximity to non-farm buildings.

Policy 8.6.1 of the WHMPS specifically outlines the requirements of the report including that it:

- be prepared by a registered full member of the Nova Scotia Institute of Agrologists;

- require a site inspection by the agrologist;
- specify the method used, consistent with the C.L.I. classification methodology, to determine soil capability for agriculture;
- identify any major site features or characteristics which influence or determine soil capability including, but not limited to, slope, soil texture, stoniness, wetness, salinity, permeability, and depth of soils;
- include a site plan illustrating the area studied and any relevant site features;
- identify reasons why the use would be compatible with, or not adversely affect, area farms;
- indicate the implications of letting the parcel go out of agricultural production; and
- indicate the implications of fragmenting the land.

Windsor

The Windsor Municipal Planning Strategy (WMPS) and Land Use By-law (WLUB) include an agricultural designation and zone.

The goal of the agricultural designation is to protect active farmland which applies to active agricultural land, land not currently required for development and dykeland, which is also protected under the environmental constraints overlay and the Nova Scotia Agricultural Marshland Conservation Act.

The primary purpose of the Agriculture (AG) zone is to “protect existing active farms by ensuring that agricultural activity can occur with a minimum of disruption from competing or non-compatible land uses.” This zone permits: agricultural uses, except new intensive livestock operations; compatible uses such as riding stables; accessory agricultural buildings, structures and uses; and single unit dwellings.

The agriculture designation outlines regulations such as:

- the removal of topsoil being prohibited except as necessary to allow for the development of uses permitted in the zone, or where the topsoil removal is incidental to an agricultural operation such as sod farming;
- larger lot sizes required to discourage residential subdivision; and
- separation distances to avoid the land use conflicts that often arise between farm and non-farm uses.

The Agricultural designation states “Council wishes to encourage and facilitate the ongoing operation of the active farms in Windsor as long as the owners wish to continue to farm; however, because of the shortage of developable, serviced land within the Town boundaries, Council will consider rezoning agriculturally zoned land for other uses, provided the proposed development will not have a negative impact on adjacent active farms. No new land will be

zoned for agricultural use and no new intensive livestock operations will be permitted.” The WLUB allows lands zoned Agriculture to be considered for rezoning subject to Policy 16.3.1.

NEXT STEPS

The Committee should discuss and provide feedback to staff on whether amendments to the agricultural policies and regulations in the Municipal Planning Strategy’s and Land Use By-law’s are required.

FINANCIAL IMPLICATIONS

There are no financial implications in association with the filing of this report.

ALTERNATIVES

In response to the report, the PAC/HAC may:

- recommend no action is taken;
- direct staff to draft amendments to the agricultural policies and regulations in the Municipal Planning Strategy’s and Land Use By-laws based on the feedback received from the Committee; or
- provide alternative direction such as requesting further information on a specific topic.

ATTACHMENTS

Attachment A Statement of Provincial Interest regarding Agricultural Land

Attachment B Map of Land Zoned Agricultural in WHRM

Report Prepared by: _____

Sara Poirier, Director of Planning and Development

Report Reviewed by: _____

Mark Fredericks, Senior Planner

Attachment A

1998, c. 18

municipal government

301

not contribute to upstream or downstream flooding or result in a change to ~~flood~~
~~water~~ [floodwater] flow patterns.

STATEMENT OF PROVINCIAL INTEREST REGARDING AGRICULTURAL LAND

GOAL

To protect agricultural land for the development of a viable and sustainable agriculture and food industry.

BASIS

The preservation of agricultural land is important to the future of Nova Scotians.

Agricultural land is being lost to non-agricultural development.

There are land-use conflicts between agricultural and non-agricultural land uses.

APPLICATION

This statement applies to all active agricultural land and land with agricultural potential in the Province.

PROVISIONS

1. Planning documents must identify agricultural lands within the planning area.
2. Planning documents must address the protection of agricultural land. Measures that should be considered include:
 - (a) giving priority to uses such as agricultural, agricultural related and uses which do not eliminate the possibility of using the land for agricultural purposes in the future. Non-agricultural uses should be balanced against the need to preserve agricultural land;
 - (b) limiting the number of lots. Too many lots may encourage non-agricultural development. The minimum size of lots and density of development should be balanced against the need to preserve agricultural land;
 - (c) setting out separation distances between agricultural and new non-agricultural development to reduce land-use conflicts;
 - (d) measures to reduce topsoil removal on lands with the highest agricultural value.
3. Existing land-use patterns, economic conditions and the location and size of agricultural holdings means not all areas can be protected for food production, e.g., when agricultural land is located within an urban area. In these cases, planning documents must address the reasons why agriculture lands cannot be protected for agricultural use. Where possible, non-agricultural development should be directed to the lands with the lowest agricultural value.

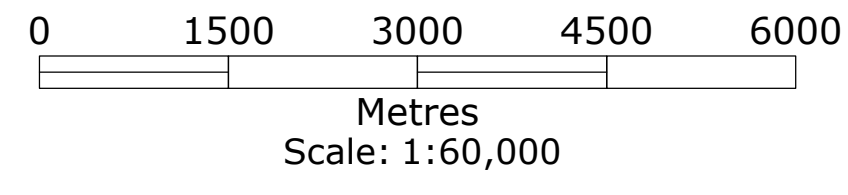
APRIL 12, 2023



Agricultural Zoning in West Hants Regional Municipality

Prepared by:
West Hants Planning Department
August 2023

Base data derived from the Nova Scotia Property Records Database (NSPRD), Copyright Her Majesty The Queen in Right of the Province of Nova Scotia. This map is a graphical representation only. It is not a land survey and is not intended for used for legal descriptions or to calculate exact dimensions or area.



Zoning

- Agriculture
- Agricultural Priority 2
- Agricultural Priority 3
- Prime Agriculture

- Municipal Boundary
- Community
- Road
- Railway
- Water

