

Agricultural Policy Review Information Report

Planning and Heritage Advisory Committee (PAC/HAC)

September 14, 2023

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April 13, 2023 PAC/HAC

- Discussed the current agricultural policies, repurposing of agricultural land, the use of agrologist reports, and the Statement of Provincial Interest regarding agricultural land
- Motion “...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.”



Staff Reviewed

- Municipal Government Act (MGA)
- Statements of Provincial Interest
- Current planning documents



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Municipal Government Act (MGA)

- Outlines the powers provided to municipalities
- Sections:
 - 212 - council must adopt one or more MPS
 - 213 and 214 - purpose and requirements of a MPS
 - 219 - when a council adopts a MPS, council will also adopt a LUB to carry out the intent of the strategy
 - 220 - requirements of a LUB
 - 198 (1), 212 (1) and 213 (c) - planning documents must be reasonably consistent with the statements of provincial interest



Municipal Government Act (MGA) Cont.

- All MPS, and amendments to MPS, are sent to the Provincial Director of Planning with the Department of Municipal Affairs and Housing
- Section 208 (3) - 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
- 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



Statement of Provincial Interest

- Province of Nova Scotia has six (6) Statements of Provincial Interest
- Regulations made under the MGA
- Provide municipalities guidance on aspects of development in the Province:
 - drinking water
 - flood risk areas
 - agricultural land
 - Infrastructure
 - housing, and
 - the development of the Nova Centre



Statement of Provincial Interest

Agricultural Land

- Goal to “*protect agricultural land for the development of a viable and sustainable agriculture and food industry*”
- Applies to all active agricultural land and land with agricultural potential in the Province
- Planning documents must identify agricultural lands and address the protection of agricultural land



Statement of Provincial Interest Cont.

Agricultural Land

- Measures to consider to protect agricultural land:
 - 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. Nonagricultural 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.”



Statement of Provincial Interest Cont.

Agricultural Land

- Also states 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.”



Questions?



Planning Documents

Hantsport

- Do not include any agricultural designation or zone, policies or regulations
- Part 9 “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”.



Planning Documents

Hantsport Cont.

- Section 4.1 “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.”
- HLUB “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

Questions?



Planning Documents

West Hants

- An agricultural designation and three agricultural zones
- Primary purpose of the agricultural designation is to preserve active farmland and land with high potential for agriculture in West Hants
- 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
- No new public streets or private roads are permitted
- 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



Planning Documents

West Hants Cont. – Prime Agriculture (P/AG)

- 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
- Most restrictions on non-agricultural development
- Requires a min. 25-acre lot size and 200 ft. (60.96 m.) of frontage



Planning Documents

West Hants Cont. – Prime Agriculture (P/AG) Cont.

As-of-right	Map Amendment (rezoning)	Development Agreement
<ul style="list-style-type: none">• Agricultural uses• Existing churches and community halls• Existing dwellings• 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">• Rural Residential (R-4)• Open Space (OS)• Light Industrial (LI-1) (general policy 11.2.2)	<ul style="list-style-type: none">• Small-scale commercial uses that provide a service to the local community• New institutional uses (general policy 13.1.2)• New recreation commercial uses (general policy 13.3.2)

Planning Documents

West Hants Cont. – Agricultural Priority Two (AR-2)

- Applies to improved and unimproved land with high capability (Class 2 and 3) for production of a variety of crops
- Land is reserved for agricultural production with limited non-agricultural development
- 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



Planning Documents

West Hants Cont. – Agricultural Priority Two (AR-2)

As-of-right	Map Amendment (rezoning)	Development Agreement
<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)

Planning Documents

West Hants Cont. - Agricultural Priority Three (AR-3)

- 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



Planning Documents

West Hants Cont. - Agricultural Priority Three (AR-3)

As-of-right	Map Amendment (rezoning)	Development Agreement
<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)

Planning Documents

West Hants Cont. – Agrologist Report

- Majority of map amendment (rezoning) or development agreement applications on properties zoned Prime Agriculture (P/Ag) or Agricultural Priority Two (AR-2) require an agrologist report to accompany the application
- Report to conclude that the proposal 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

Planning Documents

West Hants Cont. – Agrologist Report Cont.

- Policy 8.6.1 requirements:
 - be prepared by a registered 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;
 - indicate the implications of fragmenting the land.

Questions?



Planning Documents

Windsor

- An agricultural designation and zone
- Goal 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



Planning Documents

Windsor Cont.

- 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.



Planning Documents

Windsor Cont.

- The agriculture designation outlines regulations :
 - 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.

Planning Documents

Windsor Cont.

- “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.”
- Allows lands zoned Agriculture to be considered for rezoning subject to Policy 16.3.1



Questions?



Next Steps

- Looking for feedback on whether amendments to the agricultural policies and regulations in the Municipal Planning Strategy's and Land Use By-law's are required



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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.





West Hants
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