Public Consultation Meeting Notes
District #7 Canaan Little Red School
7 p.m. May 14, 2018

Attendance

Council: Cllr. Sharon Church
Cllr. Tina Connors

CPAC: N/A

Staff: Tara Maguire, Director of Planning
Garth Sturtevant, Planner
Sandra Challis, Administrative Assistant
Carol Randall, Facilitator

Gallery: There were approximately 20 members of the public present.

Summary of Comments & Questions

QUESTION - You are giving us these rules, who benefits from them?

ANSWER - These rules are being brought in to try to reduce land conflicts as much as possible. It's not all about winners and losers, it's about creating a balance. We still do allow lots of different uses to occur next door to each other, but zoning gives you certainty – something that we found businesses want, following recent studies. They want to know what can and can't be built next door, there is a benefit to knowing that.

QUESTION - Are there different rules in different zones for Manure Piles, I'm on Beech Hill Road?

ANSWER - Yes, there are different rules. Beech Hill Road is mostly zoned General Basic. If you are starting a new operation of over 20 Farm Animal Units (FAUs), then the set backs are 50m from property lines, 100m from an existing house and 100m from a watercourse. This changes in Mixed Use depending on FAUs, we can follow up afterwards to check your specific zone.

QUESTION - If you have an existing manure pile, you would be allowed to continue using it?

ANSWER – Yes.

QUESTION - I am a full-time agriculture and forester. You're talking about infrastructure that's already in place. What about if you want to expand? An add-on to your manure pile or addition to your barn?

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ANSWER – Everything there is permitted to stay. Any expansion would have to meet the new rules. However, there is a provision to request a variance to these rules. You would have to put forward a specific reason, unique to your property, (lay of the land for example) that prevents you from meeting the new rules. The Development Officer assesses your application and either grants or denies the variance. If granted, then all neighbours within 100ft will be notified of the decision and they have the ability to appeal it. If denied, the applicant can appeal this decision. The appeal in both circumstances, is made directly to Council. They can choose to uphold, overturn or set their own conditions and Council's decision is final.

COMMENT - There are many different options for manure storage. The by-laws should consider these options and maybe controlled in a different way, setting time limits on moving manure for example.

QUESTION - Are farm animals with babies considered one FAU, when they are dependent on their mother for a period of time?

ANSWER - That question has been raised, and this is a good suggestion to consider a time-limit on offspring. This will go back for discussion.

QUESTION - Is the 6-month thing in the by-laws right now?

ANSWER - The 6-month protection is only applied when something takes place now and the rules change and the use would not be allowed. It only affects something like heavy industrial uses in the General Basic zone, petrochemical refinement for example. We wouldn't close them down or prevent them from operating, but if they shut down for 6 months, they would need to meet the new rules in order to re-open. For farm animals, the 6-months applies to the use of the land. Any related buildings, barns for example, can remain forever, even if they do not meet the new setback requirements, you can even rebuild on the same spot.

QUESTION - What about if you're over 20 units. Can you still use the structure?

ANSWER - Yes, in General Basic zone you can continue to use it as the rules only apply to new structures or expansions of existing structures. There is language in the General Provisions that allows for existing structures to be used for any use that is permitted in that zone. As FAUs are permitted in GB zone, the existing barn, or an existing garage that you want to use as a barn, would be allowed to be used for farm animals (subject to building code requirements).

QUESTION - If someone is buying a property in rural areas with an existing barn (not meeting set-back requirement), but no animals, can they start farming and use the barn?

ANSWER - Yes they can. Change of ownership does not lose any rights of structure (providing they are legal structures in the first place).

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QUESTION - Why did this take 4 years. Why didn't the money get spent on the roads?

ANSWER - Roads are Provincial (mostly), so it is the Province who looks after these. The first 2 years of this process were involved with consultation with the communities to see what they wanted for their areas. Then working with the volunteer citizen group (CPAC) to educate them in what planning is, and how the existing rules work, before working together to come up with these policies and regulations to fit the policies.

COMMENT - Many people have not heard about this and these people were not involved in the first consultation. As it is a community issue, people should be educated. We feel like the process has gone too far before we have had a chance to speak.

QUESTION - How are these rules going to be enforced if you're not going to hire anyone extra?

ANSWER - We work on a complaint-driven basis. Staff do not go out actively looking for violations. When we receive a complaint we follow-up and investigate. We are looking for a resolution, sometimes a fine is the only resolution. The Development Officer administers the land use by-law and any complaints of this nature go to her. Her initial approach is education, she always assumes that people don't realize they are in violation. Together with the homeowner, she will try to find ways to resolve issues.

QUESTION - Are there any changes to Subdivision rules, minimum lot sizes for example, or the migration of land?

ANSWER - The Subdivision by-law is on our list to review. This will follow the review of the Secondary Planning Strategy for Chester Village. It is possible that they may want to change their minimum lot sizes for subdivision, but this may not impact the Municipal Planning Strategy. In Zones without a specified minimum lot size, the size is determined by the ability for a lot to have a septic system, and this is determined by NS Dept. of Environment on receipt of a Qualified Persons Report. It is possible to subdivide to produce small non-developable lots, and this is unlikely to change. Migration of property and the regulations are governed by the Provincial government under the Land Registry.

COMMENT - I have a bias toward small family farm area. I applaud what you are doing and can see you have a challenge on your hands. You are creating laws that will hopefully reduce conflicts. You also have a variance and appeal process, where ultimately Council decides and that's it. There has to be a mechanism in place that implies fairness. People need to feel that their interests are somewhat protected and that people who understand their situation allow them to be heard. The Development Officer seems to be a fair and reasonable person, but what happens when they leave and the next person has to administer and interpret the bylaws. You need a process that is not only well defined, but flexible.

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QUESTION - There are two properties in the Forties who do not have their animals properly fenced and their animals are running on other people's properties. Some seniors are having to gate their own property to stop them coming in. Is there anything in the by-law that addresses this?

ANSWER - Not in this by-law, but we do have a Fences and Arbitration Committee which is governed by a Provincial Act. As we are complaint driven, we deal with these complaints when they come in, but we need to be made aware of the situation in order to act.

QUESTION - You say you're complaint driven. Say you get a repeated complaint and you follow it up every time but there's nothing wrong? How do you stop the person from complaining, is there a way you can ticket the person complaining?

ANSWER - When we receive a complaint, we look into the history and determine if there is validity to the complaint. We do have to respond as we are a public service, but we do not always take it up with the person being complained about. If a non-valid complaint is persistent we will try to shut the situation down. We have limited powers under the Municipal Government Act, and don't believe we would be allowed to issue a Summary Offence Ticket to the person who is complaining.

QUESTION - I was being harassed over my cattle and the Department of Health were able to prosecute the person who was wasting their time. I understand that you have regulations, but there has to be assurance of a fair and equitable response to these regulations. I had a calf continually escaping, but it was going for deer apples being left out on a neighbor's property. Do you regulate for that?

ANSWER - We do have a separate by-law that deals with Animal Control and you can contact the dedicated officer with these complaints.

COMMENT - One thing I would like to see, is the ability to pass on farms to our family without any needs for permits.

QUESTION - What about future amendments, if this all passes, what input do people have over any amendments?

ANSWER - There is a specific process for this. Anyone has the ability to request an amendment, or it could be Council driven. If Council wish to proceed with amendment, there are Committee meetings and public meetings ending with a public hearing. These notices are put in the local paper and on our website. Affected neighbours are only specifically informed if the amendment is regarding a particular property. For a general amendment, to a zone for example, there is no mailout. Amendments take approximately 6 months to go through the process.

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QUESTION - Do any committee members have background in farming?

ANSWER - There was a call for representation in each district and when people applied they gave us an overview of what they would bring to the Committee. We don't ask for detailed backgrounds.

COMMENT - So people with animals could be in the minority of the decision?

ANSWER - That's why these meetings are happening now, for the public and specialists to give their feedback. A recent suggestion was to form a farming committee to look specifically at Farm Animal Unit calculations in particular.

COMMENT - Why is it being fixed in the first place, why didn't we know the rules when this process started in 2014?

COMMENT - With reference to other zones that are only allowed 10 female fowl. When you raise meat birds you only have them for 3-4 months which doesn't work with the 6-month rule.

ANSWER - We have heard this previously and it is one of the things on our list to re-evaluate.

COMMENT - Maybe people could get them in the fall when odours would be less?

QUESTION - I have a forestry property. As of right now, I can go in and cut what I want. At what point do I become a commercial operation?

ANSWER - We do not control wood cutting. We only get involved if there is processing or milling related to the operation. If you were a new commercial milling operation (gross floor area of 1000-2800 m^2 or occupying land area between 6000-15000m^2), you would need a development permit and required to meet some setbacks.

COMMENT - General Basic works the opposite of all other zones in the draft document; all uses are permitted in the GB zone except heavy industrial developments. Some uses, the uses specifically listed, are permitted with some form of development approval, any other uses, no development permit is necessary. In all the other zones, if the use is not listed, it is not permitted, and some specific are expressly prohibited. All the listed uses require some kind of development approval.

QUESTION - What about 4H members with show birds, you can't have show birds without a rooster?

ANSWER - We have heard this already. This is not an issue in the General Basic Zone, but may be in other areas.

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QUESTION - What about 4H kids that want a rabbit or a sheep and they live in a restricted zone? Can they have them?

ANSWER - We have received a lot of feedback regarding 4H and there needs to be more discussion on it. Currently, in some zones, the proposal would require you to have a minimum of an acre for 1 FAU, and approximately ½ an acre for each additional FAU. The by-law does not distinguish between 4H members or non 4H members.

COMMENT - To limit 4H kids to need an acre is unreasonable, they should be allowed to keep animals providing they are able to maintain them.

QUESTION - When these changes get addressed, will we be told?

ANSWER - We are holding public meetings until the end of May. All comments received will be reported back to the Citizens Planning Advisory Committee. We are likely to be working on changes to the document over the summer. Then the revised draft will be presented to Council for them to request additional changes if necessary. Before the document is adopted, we will hold a Public Hearing and this will be advertised in the local paper and on our website. There is no direct mailing to property owners regarding this. If you wish to stay informed, you can check on www.VoicesandChoices.ca for updates, sign up for newsletter and join the email server list for information. Also, you can always check-in with Planning Staff.

QUESTION - What is the Lakefront Overlay?

ANSWER - This layer does affect the GB zone. This overlay sits on-top of the zone and includes all lakes as identified on our map. We heard, during the early rounds of public engagement, that there was a strong desire to protect our lakes from overdevelopment and pollution. The regulations we are proposing are that no new dwellings be located within 20m (approx. 66ft) from the ordinary high-water mark. It is possible to build an accessory structure (under 215 ft^2) in this buffer and hard-surfaces are limited to 25% of this area. Development permits will be required for all new construction on lands within the lakefront overlay zone.

QUESTION - Rivers too?

ANSWER - The Lakefront Overlay is just for lakes. However, if your development requires a development permit (DP), there are some regulations on setbacks from other watercourses. In the GB Zone, you don't need a DP to build a house, so our setbacks only apply if you are on a lake.

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QUESTION - Can you explain the regulations for RVs in SR2. My mom lives in a trailer for 6 months of the year, what if she wanted to move that onto my lot?

ANSWER - This is another topic that we have heard a lot about and will be going back for discussion. In the proposal, there are no regulations for RVs in GB. In SR2 and the more residentially focused zones you are permitted to live in an RV for up to 6 months but would need a permit. Usually Development Permits are only issued once and do not expire, however, as this use has a time restriction, we would only issue a temporary development permit, so you would need to reapply each year and would need to meet setback requirements for a dwelling. We have heard these regulations may be overreaching, so they will be reviewed.

QUESTION - When I apply for a permit, is there a lot size that would give me a better chance of getting a permit for an RV?

ANSWER - There is no minimum lot size, and no staff discretion on issuing permits. If you meet the rules, you get the permit, there is not subjectivity to it.

COMMENT - There are circumstances when animals don't have to graze. They can be kept in a barn and fed on hay. If you wanted to put up a 100x100 barn that could house over 20 FAUs, you should not need to meet a minimum lot size. The documents need to allow for growth and advances in technology.

ANSWER - There is no minimum lot size for over 20 FAUs in GB, MU & CI Zones. You just must be able to meet the large setback requirement for associated structures and manure management. The setbacks are not just about grazing, it's to consider the impact on adjacent properties. Maybe we haven't got this right?

QUESTION - If the animals are not grazing, can we have more animals on less land?

ANSWER - This was not considered when the regulations were proposed, and this is a valid point. This will go back to the Committee.

QUESTION - If you meet the set-back on your property, can you still put the 100x100 barn up, even if you're going to have more animals in it?

ANSWER - The *use* of the barn is controlled, so we would look to see if *use* met the new rules. The building would have to meet the Building Code regulations and any zone-specific rules, like set-backs. In GB Zone, there is no minimum lot size for FAUs.

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