



To: Municipality of Barrington Planning Advisory Committee
From: Chris Millier
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Re: Proposed Amendments to the Barrington Land Use By-law Relating to Agricultural Uses

1. Introduction

The Municipality of Barrington's Municipal Planning Strategy recognizes that small scale and domestic agricultural has been and continues to be an important component of the rural character of the Municipality (Part 1, General, History).

The importance of agriculture, in particular to local food sustainability is an issue that the Strategy also recognizes (Part 2, Goals and Objectives, Regional Sustainability Challenges and Issues) and is identified as a focus of the Municipality's Integrated Community Sustainability Plan.

The Strategy and By-law include provisions for the regulation of certain agricultural uses which are widely recognized as presenting potential concerns with land use compatibility, in particular fox and mink farms and intensive livestock operations. Provisions in the Strategy and By-law afford strong regulatory processes for consideration of new such uses or the expansion of existing uses. The Municipality has however encountered some concerns with respect to the compatibility of some smaller scale agricultural uses with their immediate vicinity. While wanting to support the ability for agricultural uses in much of the Municipality the need to provide some regulatory structure for agricultural use is generally recognized.

This report provides and overview of current Municipal Planning Strategy and Land Use By-law provisions relating to agricultural land use activities. The report confirms that the currently Strategy contains sufficient and appropriate policy support for the encouragement and regulation of agricultural uses and identifies proposed amendments to the Land Use By-law aimed at clarifying and strengthening regulations relating to agricultural uses.

2. Current MPS/LUB Provisions

As indicated, the Strategy's introductory text and provisions relating to the Strategy's goals include high level and positive language relating to agricultural uses within the Municipality. The Strategy references the significance of agricultural activities in both a

historical context and in light of the growing recognition of the importance of local food supplies and food sustainability.

In Part 3, Provincial Statements of Interest the Strategy acknowledged the Province's interest relating to the protection of agricultural lands. The Strategy does identify that commercial agriculture is for the most part limited in the Municipality due to poor soil capabilities

Part 3, Provincial Statements of Interest

3. To protect agricultural land and to maintain viable and sustainable food resource base.

The Municipality of Barrington has limited agricultural lands. Fisheries-based industries provide much of the Municipality's economic and food resource base.

Part 6, Rural Development again acknowledges agricultural land use in rural areas of the municipality and includes agricultural use as permitted use in the Rural Development (RD) Zone. Policy is also established in Parts 6, Part 8 and Part 11 to require certain agricultural uses to be considered only by Development Agreement.

Part 6, Rural Development

RD-3 To permit in the Rural Development (RD) Zone a wide range of land uses including residential, institutional, recreational, commercial (Lounges, taverns and cabarets subject to Development Agreement), industrial, agricultural, forestry and utility uses.

RD-4 To consider only by development agreement, in areas zoned Rural Development (RD) proposals for fish reduction and fish composting operations, intensive livestock operations, motor vehicle race tracks, wind farms, cannabis production and processing facilities, expansion of existing fur farms and new fur farms in accordance with Policies ECON-1 and ECON-2.

Part 8, Industrial

Fish reduction plants, scarp yards and salvage yards, land fill operations, composting operations, wind farms, intensive livestock operations and fur farming will only be permitted in the Rural Development Zone by development agreement subject to meeting specific conditions and satisfying a variety of policy requirements.

I-2 To permit fish reduction plants, fish composting operations, fish plants, boat shops, scrap yards, salvage yards, wind farms, intensive livestock operations, and fur farming in the Rural Development (RD) Zone subject

to special requirements in the By-law and to require development agreements for their use.

Part 11, Economic development

Agriculture

Soil and climate conditions in Barrington Municipality severely limit the potential for food agriculture of any significant scale. Family gardens will remain popular for individuals interested in growing their own food. There is some potential for berry farming on a small commercial scale in the few areas where soil conditions enable horticulture, and renewed interest and initiatives in studying local micro climate conditions and research into alternate and innovative crops may yield results which could lead to the development of a modest agriculture industry in the future.

Council recognizes the importance of agriculture in the broader community, and the long term sustainable goals and objectives of the Municipality support the principles of maintaining and improving air, water and soil quality. This emphasis on environmental health includes the principle of sustainability of a healthy and vibrant food agriculture into the future. The need for study and innovation with cooperation of senior levels of government and industry is understood to be necessary to improve and expand any potential agricultural endeavours.

With the 2018 federal legalization of cannabis use and production the Municipality has determined that commercial cannabis production and processing should be limited to specific areas and be subject to approval by Development Agreement in order to minimize the potential for land use conflict. Cannabis production and processing shall only be considered in the Business Park (BP) and Rural Development (RD) Zones.

Fur farming is a segment of the overall agricultural industry which may have a future in the Municipality as it is not based on soil conditions. Council recognizes this potential, and also recognizes the potential this industry has for contamination of the environment and creating conflict with existing residential uses. To minimize any potential conflicts the By-law will include separation distance requirements in the Land Use By-law between fur farm structures and watercourses and existing residences, and the By-law will require development agreements for the development of any new fur farms in the Municipality.

ECON-1 *To require development agreements for all proposals for fish reduction and fish composting operations, intensive livestock operations, motor vehicle race tracks, wind farms, expansion of existing fur farms and new fur farms subject to Policies IMP 13 to IMP 17 inclusive.*

3. Land Use By-law Provisions

The Municipality's Land Use By-law provides for agricultural uses in the Residential General (RG) Zone, the Mixed Use (MU) Zone and the Rural Development (RD) Zone. Part 11 also contains provisions relating Development Agreements for specific agricultural uses.

Part 5 Residential General (RG) Zone

5.1 Permitted Developments

No development permit shall be issued for any use in the Residential General (RG) Zone except for one or more of the following uses:

- *Agricultural uses except fox, mink farms and piggery operations*

Part 9 Mixed Use (MU) Zone

9.1 Permitted Developments:

No development permit shall be issued for any use in the Mixed Use (MU) Zone except for one or more of the following uses:

- *Agricultural uses except fur farming operations*

Part 11 Rural Development (RD) Zone

11.1 Permitted Developments:

No development permit shall be issued for any use in the Rural Development (RD) Zone except for one or more of the following uses:

- *All agricultural uses except fur farms*

11.3 Developments Permitted subject to development agreements:

The following uses require development agreements:

- *Intensive Livestock operations*
- *Fur farms and expansions to existing fur farms*
- *Cannabis Production and Processing*

Part 18, Zone Standards contains specific zone standards for specific agricultural uses for specific zones.

18.7 Fox, mink and Piggery Operations permitted in the MU and RD Zones:

Lot Area* - 10 acres
Lot Frontage - No requirement
Front Yard - 150 ft.
Rear Yard - 200 ft.
Side Yards - 200 ft. on both sides
Maximum height of main building is 35 feet.

**The Department of Environment may require larger lot sizes than those listed here for on-site sewage disposal systems.*

Part 19, Definitions

Fox or Mink Ranch means any operation where one or more males and females of either species, unless such are neutered or spayed, are confined to an enclosed structure for feeding, breeding or holding for production purposes or for pelts or for future sale.

Hog Operation means an operation where more than 6 pigs are confined within an enclosed structure for feeding, breeding or holding for production purposes or for future sale.

4. Discussion

The Municipal Planning Strategy contains various policies supporting the establishment of agricultural uses. It also enables the regulation of certain agricultural uses by Development Agreement to promote compatibility with adjacent properties and provide enhanced regulatory abilities.

Barrington-Barrington Passage Rural Centre's Residential General designation and zone and the Woods Harbour Rural Centre Mixed Use designation and zone provide for a broad range of residential, commercial and institutional uses as well as some industrial uses. The zones allow for uses which may vary in "intensity" but which can generally be managed and regulated to promote compatibility.

The approach to development in the Rural Development designation and zone similarly allows a very broad range of uses and to put regulations in place on certain uses so that there is a public review process and the ability to regulate potential land use conflict between intensive and less intensive uses.

The Land Use By-law enables agricultural uses in three specific zones and includes provisions relating to implementation of the Development Agreement policies.

It is noted that while the By-law (Part 19, Definitions) does contain definitions for “Fox and Mink Ranch” and “Hog Operation” however neither of these terms are actually uses in the various Parts of the By-law establishing permitted uses in various zones. The terms uses in Parts 5, 11 and 18 are “Fox and Mink Farms” and “Piggery Operations”. Consistency in the use of defined terms is important for By-law interpretation and enforcement.

Part 19 of the Land Use By-law does not include definitions for a number of terms that are used in other Parts of the By-law. These terms include “agricultural use”, “intensive livestock operation” or “piggery”. Again it is important to have definitions for uses which are permitted by and subject to various By-law provisions.

With respect to “agricultural uses” it is common for land use by-laws to provide for definitions which differentiate between agriculture activity which is accessory to a main residential use verses agricultural activities which are the primary use of land and commonly associated with commercial scale activities. This differentiation assists in defining and separation levels of intensity of agricultural use.

With respect to development control and regulations the Municipality has two primary approaches available to it and which are utilized by other jurisdictions. Standards for various types of agricultural activities and structures (barns, pasture, manure storage areas) can be established within each zone where agricultural uses might be permitted. The standards could be common to all zones or be tailored to the differing characteristics of different zones. The regulations might include a minimum lot size for a certain agricultural use, separation distances for agricultural uses from buildings or property lines, fencing requirement, etc.

Another approach to address this same issue used in various by-laws, used specifically for animal and fowl, is to define the intensity of use in terms of the actual type and number of animals on a lot. The concept of an “animal unit” is defined by the type and number of a particular animal and the intensity of use is tied to prescribed limits according to lot size. The by-law would prescribe the number of “animal units” permitted in a particular zone or lot and then define what type and number of animals would constitute an animal unit (as an example: a large lot might allow 2 animal units and 1 animal unit might be defined as be comprised of 1 horse/cow, or 4 sheep or 6 goats or 10 chickens and the total permitted agricultural use/number of animals present could not exceed the prescribed number of 2. In this approach it is possible to regulate levels of intensity but it can represent challenges with ongoing monitoring and enforcement.

Given the generally supportive approach to agricultural land use regulation in the municipality, and the MPS's current focus on regulation of more intensive type uses it is suggested that the adoption of definitions and associated regulations for less intensive – "Domestic Agriculture" - and more intensive agricultural uses – "Intensive Agriculture" - would be consistent with the Municipality's approach. The existing definition and regulations around "Intensive Livestock" are appropriate and should be maintained. The By-law can contain specific minimum lot standards (frontage/area/setbacks) for various types of defined agricultural activities.

In light of this discussion, the following are proposed amendments to the Land Use By-law directed at strengthening current By-law provisions relating to agricultural uses and to provide the Municipality addition regulatory provisions aimed at limiting potential future land use conflicts between agricultural and non-agricultural uses.

5. Proposed Amendments to the Municipality of Barrington Land Use By-law

The following proposed amendment to the Municipality of Barrington Land Use By-law are suggested for the Committee's consideration.

1. Part 5.1 Residential General (RG) Zone, Permitted Developments

Amend "agricultural uses except fox, mink farms and piggery operations" to read "domestic agricultural uses except fox or mink farms and piggery operations".

2. Part 9.1 Mixed Use (MU) Zone, Permitted Developments

A. Amend "agricultural uses except fur farming operations" to read "domestic and intensive agricultural uses except fur farms and piggery operations"

B. Include "Kennel" as a permitted use.

3. Part 11 Rural Development (RD) Zone

A. Part 11.1 Rural Development (RD) Zone, Permitted Developments

Amend the preamble text to read:

"No development permit shall be issued for any use in the Rural Development (RD) Zone except for one or more of the following uses:"

B. Part 11.1 Rural Development (RD) Zone, Permitted Developments

Amend “agricultural uses except fur farms” to read “domestic and intensive agricultural uses except fur farms and piggery operation”.

C. Include “Kennel” as a permitted use.

D. Part 11.3 Developments Permitted Subject To Development Agreements:

Amend to include the following use

- Piggery Operations

4. Part 18, Zone Standards

A. Insert the following new Part 18.7 and Part 18.8

18.7 Domestic Agriculture uses in the RG, MU and RD Zones

18.7.1 Minimum lot area shall be 15,000 sq. ft.;

18.7.2 Domestic agricultural use must be contained within the limits of the property by means of fencing, enclosures, or buildings;

18.7.3 No building or structure in association with the domestic agricultural uses, except fencing, shall be located within:
i. 30 ft. of an adjacent property or road; and,
ii. 50 ft. of any well;

18.7.4 No manure storage shall be located within:
i. 30 ft. of an adjacent property or road;
ii. 50 ft. of a watercourse or wetland;
iii. 100 ft. of any well.

18.8 Intensive Agriculture uses in the MU and RD Zone

18.8.1 Minimum lot area shall be 10 acres;

18.8.2 Intensive agricultural use must be contained within the limits of the property by means of fencing, enclosures, or buildings;

18.8.3 No building or structure in association with the intensive agricultural uses, except fencing, shall be located within:
i. 50 ft. of an adjacent property or road; and,
ii. 100 ft. of any well;

18.7.4 No manure storage shall be located within:

- i. 100 ft. of an adjacent property or road;
- ii. 100 ft. of a watercourse or wetland;
- iii. 100 ft. of any well.

B. Renumber existing Parts 18.7 through 18.11 to Parts 18.9 through 18.13 respectively

5. Part 19, Definitions

A. Insert the following new definitions:

Agriculture:

Domestic Agriculture means means the use of land and buildings for farming, dairying, the keeping of livestock, pasturage, floriculture, apiculture and horticulture and the necessary accessory activities for personal use and enjoyment, which is accessory to the main residential use on a lot.

Intensive Agriculture means the use of land and buildings for farming, dairying, the keeping of livestock, pasturage, floriculture, apiculture and horticulture and the necessary accessory activities for feeding, breeding or holding for purposes of processing, and the packing, storing, or treating the produce for sale and does not include Fox or Mink Ranch or Piggery Operations.

Fur Farm means fox or mink farm

Intensive Livestock means a livestock or fowl operation in which animals are confined to a barn, feedlot or other facility for feeding, breeding, milking, egg laying, processing or eventual sale.

Kennel means a premise used for the keeping of more than two dogs for the purposes of commercial breeding or sale, overnight boarding of dogs, excluding veterinary clinic, commercial training or the shelter of stray or abandoned animals.

B. Amend “**Fox or Mink Ranch**” to read “**Fox or Mink Farm**”

C. Amend “**Hog Operation**” to read “**Piggery Operation**”