

**Public Consultation Meeting Notes
District #6 Western Shore Legion
7 p.m. April 23th, 2018**

Attendance

Council: Cllr. Danielle Barkhouse
Cllr. Sharon Church
Cllr. Tina Connors
Cllr. Marshall Hector
Deputy Warden Floyd Shatford

CPAC: Art Backman, District 4 Representative

Staff: Tara Maguire, Director of Community Development
Garth Sturtevant, Planner
Heather Archibald, Development Officer
Sandra Challis, Administrative Assistant

Gallery: There were approx. 30 members of the public present.

Summary of Comments & Questions

COMMENT - There needs to be a longer period of time for replacing animals, 6 months is not long enough.

RESPONSE - We have heard this at meetings and will be reviewing it. 6 months is a Provincial regulation and is a minimum, but has been discussed about expanding it to 12 months perhaps. This will be going back to the committee for further discussion.

QUESTION - Will the number of chickens vary depending on the type of fowl you are keeping – raising meat bird for eggs etc.

ANSWER - No, currently the rules do not differentiate.

COMMENT - For a property owner with a large piece of land, the number of permitted farm animals should be dependent on how far they can be situated from a neighbour -

RESPONSE - In the Hamlet Zone, you are permitted 10 female fowl, regardless of lot size. In the Mixed-Use zone, you are permitted one farm animal unit (FAU) for the first 4,000 m² and then an additional (FAU) for each additional 2,000 m². The new regulations also impose setbacks from lot lines for animal shelter and manure management.

QUESTION - If you have roosters now are you allowed to continue having roosters?

ANSWER - Yes, as long as you do not stop having roosters for a period longer than 6 months, you are permitted to continue as a non-conforming use.

QUESTION - What's the problem with roosters?

ANSWER - We receive regular complaints regarding noise of these animals, and many municipalities control this issue by limiting backyard fowl to females only. Roosters are permitted in the General Basic Zone.

COMMENT - *The number of chickens I keep are dependent on the type of bird I am raising. I sometimes raise 20 chickens at a time. Roosters are sometimes needed, depending on if I am raising layers or meat birds. Meat birds are only raised for a short period of time, but there may be a longer gap than 6 months between raising meat birds. I do not wish to cause a conflict, but would like to maintain the property rights I had when I bought this property.*

QUESTION - If I currently have more than 10 fowl, can I keep that number, how do I prove what I have?

ANSWER - You are able to keep the number of animals you have when the plan comes into effect, providing that number is maintained continuously, or does not cease for a period of more than 6 months. If the number of animals you had was contested, we would request you to make a sworn affidavit to the number, and it is unlikely this would be challenged.

QUESTION - Are you permitted to have mares and stallions, or males and females of other farm animals? What about the noises they make during mating?

ANSWER - There is no regulation on the sexes of farm animals apart from fowl. Roosters make constant noise; mating animal noises are more seasonal.

COMMENT - *Stallions will make noise if it can see mares.*

RESPONSE - Currently we are not proposing any controls for this, if it is something that you feel needs to be controlled, please let us know.

QUESTION - *What about dogs, is barking controlled?*

ANSWER - Yes, dog barking is controlled under our dog by-law and we have an animal control officer who administers this by-law. We already have a by-law that controls this. You can contact the animal control officer.

QUESTION - If you don't have 4,000 m² can you have any animals?

ANSWER - In the Hamlet Zone you would be permitted to have 10 female fowl.

QUESTION - What zone is Simms Settlement in? What does that mean for farm animals?

ANSWER - Simms Settlement is mostly in the Mixed-Use Zone. In this zone you are permitted to have farm animals providing you can meet the minimum lot size and set back requirements. There are no restrictions on male fowl.

QUESTION - What is the principle behind the noise bylaw, how is noise level determined between animal and machinery?

ANSWER - We have two different by-laws – a noise by-law which relates to controlling noise from machinery and radios (for example) operating outside during the hours of 11pm and 7am and a dog by-law which controls persistent barking. Obviously, classifying persistent barking can be subjective, and the severity of the complaint would be determined by the animal control officer. He would need to amass considerable evidence (i.e. many complaints regarding the same animal), before issuing a Summary Offence Ticket against the owner. The intent of both by-laws is to try to reduce conflicts between neighbours, so that property owners are able to enjoy their property.

QUESTION - Why not include animal noise in its own separate by-law, or include barking dogs in the land-use by-law?

ANSWER - It would not be effective to control these issues any other way. The Farm Animal regulations are not just as a result of noise complaints, we have received complaints regarding manure close to wells and offending odours too.

QUESTION - Where did the numbers come for the farm animal units and the acreage required for farms?

ANSWER - The farm animal unit numbers were based on extensive research of other municipal standards. Set-back requirements are more relaxed than other municipalities for shelters and manure management. The minimum lot size is based off of some Provincial guidelines, but ultimately was a decision of the Citizens Planning Advisory Committee in combination with staff to come up with the final numbers.

COMMENT - 33 chickens make up one farm animal unit. Three swine being one unit seems reasonable, but 33 chickens seems too small for a farm animal unit. 200 would seem a better number.

RESPONSE -Perhaps we have this number wrong, maybe it needs to be reviewed.

COMMENT - If you can train your roosters to crow after 7am, there wouldn't be such an issue. What about shift-workers? The noise by-law doesn't help them by permitting machinery noise during the day.

RESPONSE - There is no current plan to update the noise by-law. If you feel strongly about this issue, please bring the matter to the attention of your councillor.

COMMENT - We buy the land, make our homes there and pay our taxes. I don't understand why other people should be able to tell us what to do with the land, as long as it's legal.

RESPONSE -The aim of this document is to try to reduce land use conflicts, to create a balance. We do hear from people with specific issues. The last land use regulations were brought in in 1997, and they need to be reviewed. This document is looking at the next 25 years and is a living document that can grow and change as necessary.

QUESTION - Why are there no dedicated areas for commercial activity? Seems that commercial use is permitted in most zones except SR where home based businesses are permitted. The general zones permit commercial and residential uses side-by-side as of right, would it not be better to concentrate commercial activity in one area?

ANSWER - The document and the proposed zones are a reflection of what already exists in each community, where historically there have been a mix of residential and commercial uses. Different types of permitted commercial activity are assigned to the zones, with new levels of control, depending on the intensity of the activity. To focus commercial activity in one area, would be out of kilter with what already exists.

QUESTION - Why bother being a home-based business, and adhering to the tighter regulations, when you are able to operate a business freely elsewhere?

ANSWER - The regulations only apply in the more restrictive residential zones, and are there to try to maintain the residential character of the area, without preventing people the opportunity to run a business from home.

QUESTION - Why does the Gateway Zone appear more restrictive on commercial uses than the Hamlet Zone? There is a list of specific permitted controlled commercial uses in the Gateway Zone and for the Hamlet zone, permits unspecified commercial activity that is controlled by the size of the floor area of the business.

ANSWER - The Gateway Zone is focused on areas close to Hamlets (Hubbards/Chester Basin) and the Village of Chester. Currently the area at the gateway to Chester Village has very tight regulations. Originally, the intent of the Gateway Zone is to be prepared for concentrated development around the highway exits, where we would control the look and feel of development through architectural controls. However, these controls have since been removed and we have identified that we may need to review the gateway zone and make sure the uses are in fact what we would like to see happen there.

QUESTION - Shopping Centres are permitted by Site Plan, does this mean there is no Council discretion, approval and public input?

ANSWER - The approval is given/denied by the Development Officer, but this decision is appealable by neighbours to Council.

QUESTION - It is apparent there are many people who don't like animals and many that do. Have you had the similar responses to the Farm Animal controls at the previous meetings? It is a fair statement to say that in this potential Hamlet zone, there are many people who will resist these changes regarding Farm Animals in order to protect their rights as property owners. Could it be possible, that with enough negative feedback, that this Hamlet could instead be a Mixed-Use zone?

ANSWER - This is what these public engagement sessions are for, to hear if we have the boundaries right, have applied the correct zones to areas, if we have regulated sufficiently or appropriately. Everything is still on the table and up for discussion. As a general summary in Simms Settlement/East

River area, we heard concerns about the Farm Animal Units in relation to lot size in the Mixed-use Zone and also that the 6-month cessation period was too short. At both the Hubbards and Chester Village meetings, we did not hear any specific concerns over what was proposed for animals. At the Chester Basin meeting, there were concerns over the Hamlet Zone but more around the uses rather than farm animal controls.

QUESTION - It was by chance that we found out about this meeting. Where was it advertised?

ANSWER - It was advertised in the local papers, on our website and posters have been put up in the districts.

COMMENT - *The poster does not mention livestock specifically, how would people know if the changes mattered to them?*

QUESTION - The Farm Animal Units came from other municipalities? I believe HRM is the only municipality to control animals...

ANSWER - Farm animal units is a common term in Land Use By-laws and appear in regulations for Municipality of the District of Lunenburg, Municipality of Kings County and Halifax Regional Municipality to name a few.

QUESTION - **Historically much of the land in this area would have been large acreages, operating as farms or woodlots. Should the historic rights associated with these lands not be grandfathered for future generations? How does the Municipality have the right to decide you can't have a farm, if it was farmland originally? How did you decide on the rules to go with the zones?**

ANSWER - For the lot sizes and numbers of farm animal units, we looked to other municipalities and the province for information. The Hamlet Zone came about as a result of looking at the area, how it is currently developed and what it could potentially be in the future. The zones came about through community consultation, visioning and the work of the Citizens Planning Advisory Committee over the last 4 years. We have looked to consider what is the most appropriate use for the land, how we see it developing in the future while recognizing that each area of the municipality is different, and have created the zones to reflect this.

COMMENT - *Older people are perhaps in a position where they need to sell their lands, and are not able to pass on the same rights (farming/forestry), that the land has always had. With these regulations, you are saying that young people are not allowed to farm or forest, and that is not fair. How can they provide for their families?*

QUESTION - How did CPAC consult with the citizens, I did not receive any phone calls asking for my opinion.

ANSWER - The initial meetings were held in 2014, and were advertised on our website, in the Progress Bulletin and The Breaker. Posters were also placed in pertinent places in each community. Some communities were very engaged and attendance was high. Turn-out was not high for Western Shore,

but farm animals were raised as a concern as well as protecting the community character. This information was fed back to Council, and the number of attendees at sessions were recorded, giving Council the opportunity to determine how much weight to put on the comments they are hearing. The actual land-use bylaw was not developed at this point, we were asking for what people wanted to see in the document.

QUESTION - So, we are changing these laws to suit the other person, the person who complains? Is there one person behind this? Surely, we should live and let live...

ANSWER - The concerns are not isolated to this area, and do not come from one particular person. Council repeatedly hears similar concerns and these documents try to address them, where the previous rules do not.

COMMENT - What are the specific complaints about? Are there environmental, noise, unsightly, horses particularly?

COMMENT - Horses should be considered separately from Livestock, they should be a different category. I have had my property for over 40 years and since purchasing, I now have two farms as neighbours, and suffer from the smells from these farms. When you live in tight quarters, there is a reason to control things like this. I am FOR the Hamlet Zone, but do understand that what is already here, will be staying.

QUESTION - Where is the link between having a vibrant, livable community and the regulations you are proposing?

ANSWER - By making sure the communities are places where we can continue to live in some of traditional ways we have been doing, which leads to enjoyment of your property. That there are some controls over incompatible uses that affect your neighbour's ability to enjoy their property as well. Ensuring there are opportunities for economic growth and development through the mixed commercial and residential uses, and allowing a mix of housing stock too. There are going to be conflicts, we understand that, but we are trying to create a balanced approach.

COMMENT - With reference to the smells in the community coming from livestock, I live next door to the treatment plant and am hoping that the current upgrade will improve the smells from it.

QUESTION - There are a couple of properties that already have animals, and are large enough to have more. Why have they been included in the Hamlet Zone?

ANSWER - The boundaries are not set in stone. If the property is different enough, perhaps it can be rezoned. If the boundary for the zone is wrong, then please let us know where you think it should be. Maps are available for you to mark-up and make notes on.

COMMENT - Everybody appears to be focused on what you can't do. The new document gives assurance to people by providing guarantees on what they can do by right, and also reduces chances of conflict. This is a work in progress. People do have basic rights, and uses that are currently

occurring will be allowed to continue through grandfathered rights. Perhaps the numbers making farm animals units should be discussed again.

QUESTION - What happens to the grandfathered rights if a property is sold?

ANSWER - Providing the use does not stop for a period of more than 6 months, it is permitted to continue. The use is not tied to ownership.

COMMENT - *There is already a problem in Nova Scotia with the number of farms reducing, these documents will not help this problem.*

QUESTION - If grandfathered rights are not linked to ownership, then what kind of message is the Municipality sending out? This just creates a feeling in inequality? If a new owner of a property is grandfathered the rights to have a horse, where is the fairness in another owner without grandfathered rights, not being able to have a horse?

ANSWER - The transfer of non-conforming use is part of Provincial regulations, and unfortunately, municipalities are not permitted to change this.

The meeting closed at 8.21p.m.