

The Municipality of Digby
Municipal Planning Strategy :
Concerning the Establishment of Residential Livestock
Areas

1. Introduction

Located in south west of the Province, the Municipality of Digby occupies the northern part of Digby County, which it shares with the Municipality of Clare. It is a largely rural area with a population that has developed over time into a number of residential concentrations of varying population sizes, housing densities and physical areas. These communities have, over time, serviced the rural economic base of forestry, agriculture and fishing. In more recent times tourism has become, or is becoming a more significant contributor to the economy both as an employer and revenue generator.

Currently the Municipality has two areas that are subject to Municipal Planning Strategies and Land Use By-laws, The Conway Area and The Well field Protection Area both of which abut the Town of Digby in the northeastern part of the municipality. The balance of the municipality is unregulated from a land use perspective. It is this presently unregulated area that is the focus of this present Municipal Planning Strategy and Land use Bylaw.

2. Background and Overview

It is a tradition in the rural areas that a family would often keep farm animals for their own future consumption as well as for the extended family. Within communities, particularly those with greater concentrations of dwellings, the proximity of farm animals and the manure they generate can cause problems of odour, ground water pollution and flies. Without wishing to adversely affect the right of individuals to raise animals for their 'family' use, the municipality seeks to ensure that future excessive animal husbandry does not take place within communities that the municipality considers represent areas of residential concentration. The concentrations of residences do not often coincide with the territorial boundaries of any one specific named community.

Over the last several years the Municipality has received numerous complaints concerning odour, water pollution and flies originating from various farming activities, Often the complaints were associated with traditional open shed mink farms.

In considering the importance of the agricultural sector and particularly the fur farming component, the Municipality is fully aware of the role animal husbandry plays in the economy of the area. It is with this in mind that the focus of this MPS/LUB is on the concentrations of residences that form communities of association within the municipality. It is within these areas that the Municipality seeks to intervene to ensure that animal husbandry is limited to raising animals in numbers that prevent new commercial farms becoming established within them; that farm animal rearing is essentially for home use, enjoyment or consumption.

Background studies and investigations were undertaken into the nature of the issues facing the municipality, the nature and extend of the animal husbandry industry, the location of dwellings in the subject communities and extensive discussions with representatives of the Federation of Agriculture in Digby County, the Mink Breeders Association, the Hog Producers Association, 4H representatives, and three rounds of public meetings.

3. The Issues/Context and Policy Responses

Municipal Perspective

The Municipality of Digby recognizes the economic importance of the agricultural sector to the economic vitality of its jurisdiction. It considers it important that farming and the various activities that make up this complex industry, be allowed to grow and develop. Being essentially a rural area, there evolved over time an acknowledgement and understanding by residents that farming and its environment effects, is integral to life lived in this rural context. Even though it is a rural municipality where agriculture, forestry and fishing form the economic backbone, there are within it concentrations of residential development of varying degrees of density.

3.1 Issue: The keeping of any mink for pets, the establishment of new mink farms and new commercial farming within concentrations of residences is seen as diminishing the lifestyle enjoyment experienced by area residents.

Policy 3.1.1

The Municipality will identify areas considered to have concentrations of residences and dwellings within which the keeping of farm type animals for use, consumption or breeding, will be regulated. Such concentrations or areas to be known as Residential Livestock Areas.

Policy: 3.1.2

That the municipality will establish a Residential Livestock Area using a Defining Highway Centreline with a 1033 feet right angled offset on both sides from that defining centreline. Such length of defining centreline will establish the limits of Residential Livestock Areas.

Policy 3.1.3

Such offsets may be modified, to either increase or decrease the extent of the Residential Livestock Area to reflect or respond to physical features, such as shorelines and other physical conditions such as water courses, power lines, abutting existing land use zones and roadways.

Policy 3.1.4

In addition while maintaining the centreline offset distance of 1033 ft, the right angle (to the Defining Centreline) of the end or longitudinal limits of the Residential Livestock Area may be modified to reflect angular property lines, abutting existing land use zones and other physical features referred to in 3.1.3

Policy 3.1.5

The Residential Livestock Areas are listed below and the locations are shown on Maps A-L, inclusive.

Schedule	'A' Bayview
	'B' Bear River
	'C' Centreville
	'D' East Ferry
	'E' Freeport
	'F' Little River
	'G' Marshalltown-Weymouth Corridor
	'H' Sandy Cove
	'I' Smith's Cove
	'J' Tiverton
	'K' Westport
	'L' Weymouth and Weymouth North

3.2 Issue: That development regulations be generated that respond to and respect the requirements of both area residents and animal husbandry.

Policy 3.2.1

That development regulations for the location of buildings to house animals within a Residential Livestock Area will be based upon the separation distances recommended in the Provincial Manure Guidelines, 2006, and as they may be amended from time to time.

Policy 3.2.2

The municipality will regulate the number and mixture of animal types permitted within the Residential Livestock Areas using Animal Units as the basis for establishing the animals permitted by type and lot area available.

3.3 Issue: When located in close proximity to concentrations of dwellings traditional open shed mink farms, hog and fowl operations tend not to be good neighbours. There is a need to minimize the future affect of mink farms, hog and fowl operations within a Residential Livestock Area and at the same time to recognize that mink are not usually kept as pets.

Policy 3.3.1:

That the keeping of mink in the Residential Livestock Areas will be prohibited, excepting existing fur farms which will be subject to special site development standards.

Policy 3.3.2:

That existing traditional fur farms and enclosed hog and fowl operations within Residential Livestock Areas will be considered as nonconforming uses which will be allowed to expand within more restrictive site development requirements than those established for other types of animal husbandry.

Policy 3.3.3

A new enclosed fur barn on an existing traditional fur farm will be required to satisfy the same less restrictive site development regulations established for new animal buildings within the Residential Livestock Area.

Policy 3.3.4:

That expansion of existing totally enclosed mink farming operations with additional enclosed mink facilities, will be required to meet the same site development requirements established for other new animal buildings within the Residential Livestock Area.

- 3.4 Issue: Use of the provincial definition of a commercial farm being a farm registered with the province is not considered practical for defining a farm in the context of Residential Livestock Areas. It would require access to confidential financial information from a farmer and as well the numbers of animals maintained would likely be in excess of those considered acceptable within concentrations of dwellings.**

Policy: 3.4.1

That the keeping of animals in excess of the maximum permitted number will be considered an intensive livestock activity. Within areas identified as having concentrations of residences or dwellings, to be known as Residential Livestock Areas, the Municipality will limit the number of animals, of different types, that may be kept for use, consumption or breeding.

- 3.5 Issue: Some now vacant land was originally used for intensive livestock farming. Will the Residential Livestock Area regulations prohibit these lands being used again for intensive livestock farming?**

Policy 3.5.1

Where it can be shown that land within the Residential Livestock Areas has been used for intensive livestock farming at some time in the five years prior to the

coming into effect of the MPS/LUB, such lands will be considered as an existing commercial farm for the purposes of the Land Use By-law.

Policy 3.5.2

Where land is considered to be an existing intensive livestock farm by policy 3.5.1, that consideration will extend for five (5) years from the date of the coming into effect of the Land Use Bylaw, after which time it will revert to non-intensive livestock farming status.

Policy 3.5.3

Prior to adoption of the Bylaw, the Municipality will advertise for owners to establish that such lands were used for intensive livestock farming in compliance with 3.5.2, and to register it in order to be deemed an intensive livestock operation.

3.6 Issue: There are a number of existing farms located within the Residential Livestock Areas. How are these going to be affected by regulations, including,

Policy 3.6.1

Existing intensive livestock operations that are located within the Residential Livestock Areas will be allowed to expand within the lands used for farming activities at the date of the MPS/LUB coming into effect.

Policy 3.6.2

Where an existing intensive livestock farm ceases to be in operation for a continuous five (5) year period, at some time after the date of the coming into effect of the Land Use Bylaw, it will revert to non-intensive farming (as defined) status.

3.7 Issue: There is concern expressed by the farming community regarding the possible application of land use regulations outside the Residential Livestock Areas.

Policy 3.7.1

No aspect of the policies of this strategy and consequent regulations will apply outside of the Residential Livestock Areas.

4.0 Administration

4.1 Land Use Designations and Zones

The Strategy seeks through the adoption of policies, to address issues and concerns that have been identified public in communication with the Municipality.

The long term future land use of the planning areas anticipated by this Strategy is reflected in the designation of residential livestock areas. To secure the realization of these policies and to manage the process of change, Council will adopt a Land Use Bylaw establishing residential livestock area zones, setting out the uses allowed and with what physical conditions or requirements.

Map A Is the Existing Residential Dwelling Map which records the existing dwellings as identified by a windshield survey undertaken in June & July 2006, with occasional updates thereafter.

Map B Is the Generalized Residential Livestock Area Maps of the Planning Strategy showing the intended of Residential Livestock Areas.

Schedule 'A' is the Zoning maps of the Land Use Bylaw, which serves to implement the Generalized Residential Livestock Area map. The land use zone is:

Residential Livestock (RL zone)

It is the policy of Council to:

Policy 4.1.1 Adoption of a Land Use Bylaw

Adopt a Land Use Bylaw with which to manage the process of physical change in realizing pertinent policies of this Strategy. The Land Use Bylaw will

- a). establish a land use zone consistent with the Generalized Future Residential Livestock Areas and policies contained in this Strategy;*
- (b). regulate the uses allowed in the zone;*
- (c.) set out the physical and performance requirements and conditions pertinent to the development of uses allowed in the zone.*

4.2 Land Use Bylaw Amendments

Policy and the Generalized Future Residential Livestock Area Map indicate where the Areas are located, however these areas may be expanded or reduced when demand justifies such action. Such a rezoning is considered to be a land use bylaw amendment consistent with this Strategy.

It is the policy of Council to:

Policy 4.2.1 Rezoning not requiring amendment to the Municipal Planning Strategy

Consider rezoning amendments to reduce or otherwise modify, an existing Residential Livestock (RL zone), to be consistent with the Municipal Planning Strategy and not requiring amendment to the Strategy.

*Policy 4.2.2 Rezoning requiring amendment to the Municipal Planning Strategy.
The creation of new Residential Livestock Areas or expansion of an existing Residential Livestock Area shall require an amendment to the Planning Strategy.*

Policy 4.2.3 Land Use By-law Amendment Criteria

When considering amendments to the Land Use By-law, in addition to all other criteria as set out in the policies of this Municipal Planning Strategy, Council shall have regard to the following matters where applicable:

- (a) That the proposed use is in conformance with the intent of the Planning Strategy;*
- (b) The effect on any existing animal husbandry farms(as defined in the Land Use Bylaw) within or adjacent to the proposed rezoning location.*
- (c) That the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;*
 - (ii) creating a leapfrog, scattered or ribbon development pattern as opposed to compact development;**
- (d) That site development controls are created so as to reduce conflict with any other adjacent or nearby land use by reason of:
 - (i) type of use;*
 - (ii) open storage;*
 - (iii) similar matters of planning concern..**
- (e) Suitability of the proposed site/land in terms of the environmental features and where applicable, comments from the Department of Environment concerning the suitability of the site*
- (f) Provision for buffering and screening.*

Policy 4.2.4 Public Hearing for By-law Amendments

In considering amendments to the zoning by-law, Council shall hold public hearings according to the provisions of the Municipal Government Act 1999.

Policy 4.2.5 Further By-law Amendment Matters

When considering amendments to the Land Use By-law, it shall be the intention of Council to:

- (a) Request a report from the development officer or other relevant personnel;*
- (b) refer the matter to the Planning Advisory Committee for their recommendation with respect to Policy 4.2.3.d, e and f), and any other policies of this Strategy which affect the proposed amendment;*

- (c) *refer the matter to the appropriate provincial government Departments (as identified in this Strategy) where special expert advice is required, and*
- (d) *comply with all legal requirements concerning amendment to the Land Use By-law as set out in the Municipal Government Act 1999.*

4.3 Planning Strategy Amendments

The Generalized Residential Livestock Area Map indicates areas where Residential Livestock zones can be created.

It is the policy of Council to:

Policy 4.3.1 Rezoning not requiring preceding amendments to the Planning Strategy

Not require an amendment to this Planning Strategy when considering the reduction or otherwise modifying an existing Residential Livestock (RL zone), providing that it is consistent with extent shown on the Generalized Future Residential Livestock Area Map B for each respective area.

Policy 4.3.2 Require amendment to the Planning Strategy for new Residential Livestock Areas

Require the Planning Strategy to be amended to establish new Residential Livestock Areas.

4.4 Other Administrative Requirements

This Strategy and Land Use By-law have been designed to be relatively simple as possible to administer, given the complexity of the subject matter. It is anticipated that the Administration staff should be able to deal with the tasks of receiving permit applications, reviewing their compliance with by-law regulations, and issuing development permits, although consultation with the Departments of Environment and of Agriculture will frequently be needed to address site specific concerns. Advice in dealing with Strategy amendments and rezoning will, however, be sought either from the Department of Municipal Affairs or from a consultant.

It is the policy of Council to:

Policy 4.4.1 Municipal Development Officer

In accordance with the Municipal Government Act, Council shall appoint a Municipal Development Officer whose prime function and responsibility it is to administer the Land Use By-law and shall grant development and site plan permits in accordance with the Land Use By-law. Council shall also appoint another person to act in the Municipal Development Officer's stead.

Policy 4.4.2 Planning Advice and Assistance

Seek planning advice and assistance from the Department of Municipal Affairs or a consultant on the matters of Planning Strategy and Land Use Bylaw Amendments.

4.5 Required Review of Municipal Planning Strategy and Land Use Bylaw

The Municipal Government Act, 1999, requires that Council establish the timing of the periodic review of the Municipal Planning Strategy and Land Use Bylaw.

It is the intention of Council to:

Policy 4.5.1 Review of Municipal Planning Strategy and Land Use Bylaw

Review the Municipal Planning Strategy and Land Use Bylaw every five years from the coming into effect of this document. Nothing shall prevent the Municipality from initiating an earlier review if circumstances so warrant.