



**To: Municipality of Barrington Planning Advisory Committee**  
**From: Chris Millier**  
**Date: January 28, 2022**  
**Re: Comments Relating to Draft Amendments to the Land Use By-law  
relating to Agricultural Uses**

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In May 2021 the Committee reviewed draft amendments to the Land Use By-law relating to the regulation of agricultural activities.

The Municipality has received correspondence regarding the draft amendments. The following provided for the Committee's consideration in responses to various issues/questions which have been raised.

#### **Re: Definitions**

The proposed amendments refine the definition of agriculture use. The basis of the proposed new definitions is to define and establish a differentiation between agricultural uses carried out for personal use accessory to a residential use (in a residential area) and agricultural uses which are undertaken as a commercial activity and which may or may not be associated with a residential use. The proposal to differentiate between "domestic" (associated with a primary residential use) and "intensive" (the primary use of the property being commercial agricultural activities) relates to complaints and concerns about compatibility of residential and agricultural uses received from the community.

It's noted that definitions are often tied to context and the industry, community and government may utilize different definitions for similar things to address different purposes. The draft definition draws on several municipal Land Use By-laws including the existing Kings County Land Use By-law – and have been drafted with land use control/development administration as the primary focus

With respect to agricultural uses, the Municipality for the purposes of development regulations has already excluded fur farms and piggery activities as being different from general agricultural uses.

In order to bolster and clarify the purpose of the definition the Municipality may want to consider the use of the term "Commercial Agricultural Use" rather than "Intensive Agricultural Use". Similarly the Municipality could consider the use of the term "Hobby Farm" and link it to the proposed definition of "Domestic Agriculture.

Re: Animal Unit Approach and Lot Size

The concept of regulating agricultural uses by means of “animal units” is discussed in Section 4 of the May 2012 PAC report. This approach was also discussed with Municipal administration and enforcement staff. The animal unit approach was deemed to be complicated to administer and a potential challenge to enforce. The Animal Unit approach has been suggested as an appropriate approach and it is recognized as being utilized by various municipalities.

Should Barrington wish to utilize this technique the proposed amendments would require to be revised accordingly.

With respect to minimum lot sizes the proposed amendments contain different minimum lot standards for agriculture associated with residential activities and commercial/intensive agriculture. The minimum lot standards for “Domestic Agricultural Use” is logically tied to standards for residential; lots and is intended to be modest so that as many citizens as reasonable can qualify. That said, the proposed minimum lot area of 15,000 sq. ft. is recognized as being arbitrary and could be increased. Mr. Roy’s expertise in this area would indicate a substantially larger minimum lot area (1 – 2.5 acres) which may be deemed reasonable. It is unclear how many properties this higher standard may effect.

Re: Manure Storage

The Municipality’s Land Use By-law makes extensive use of setbacks to minimize the potential impact of land use on adjacent properties. Setbacks are relatively easy to understand, easy to establish/confirm and easy to enforce.

The suggested use of Nutrient Management Plans and Environmental Farm Plans appear to be industry regulation/best practice for commercial/intensive agriculture. The Municipal Government Act does not make specific reference to them as enabled contents of a Land Use By-law and my assumption is that they fall more appropriately under other Provincial regulatory regimes (NS Dept. of Agriculture programs/regs?).

A high level review of information concerning these plans indicates that they are primarily directed at commercial/intensive agricultural uses, originating in the Nova Scotia regulatory context with the regulation of fur farms. If the Municipality is interested in this level of regulation it would be suggested that any such requirements not be required for “Domestic Agricultural Use”. The Municipality will have to investigate accessing qualified persons who could act through the permitted process to administer and enforce any such regulations. Again however it is not clear what legal standing such regulatory requirement may have relative to the Municipality’s Land Use By-law.

Re: Animal Noise

It has been identified that animal noise is an issue which is of growing concern with the increased interest in agricultural activities, specifically in urban and established residential area. It has been suggested that the By-law could specifically regulate potentially noisy and/or nuisance animals. This is an approach utilized by some municipalities. Roosters are specifically prohibited in a number of jurisdictions where domestic agriculture has been introduced. Bee keeping appears to be another agricultural use which has been singled out for additional/higher degrees of regulation or prohibition

If the Municipality wishes to identify animals/uses which could be incompatible, specific reference could be included to prohibit them. Again this approach might be most appropriate for domestic agriculture uses rather than commercial/intensive agricultural uses.

Re: Protected Cover

“Protected Cover” would be considered an accessory structure where associated with an existing residential use or may be considered a primary structure where it is located on its own lot associated with a commercial/intensive agricultural use. The Land Use By-law currently enables and regulates accessory structures.