



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Information Item No. 1
North West Community Council
November 21, 2022

TO: Chair and Members of North West Community Council

SUBMITTED BY: - Original signed -

Kelly Denty, Executive Director Planning and Development

DATE: November 7, 2022

SUBJECT: **Case 23621: Permitted Agricultural Uses and Commercial Recreation Uses in the Lucasville area**

INFORMATION REPORT

ORIGIN

On February 8, 2021 the following motion of North West Community Council was put and passed:

THAT North West Community Council request an information report outlining the planning provisions and regulations for agricultural uses and commercial recreation uses within the Municipal Planning Strategy and Land Use By-law for the Lucasville area. The report should include the scope and intensity of these land uses within the community and regulations to mitigate conflict between allowable uses in the area.

LEGISLATIVE AUTHORITY

Halifax Regional Municipal Charter, Part VIII, Planning and Development

BACKGROUND

The motion of the North West Community Council (NWCC) is in response to concerns raised within the community about the number of horse farms in the area and the possibility of larger scale farms occurring in the future. NWCC requested an information report that outlines how and under what conditions agricultural uses and commercial recreation uses are permitted in the Lucasville area.

Existing Land Use Policy and Regulations

The community of Lucasville is designated Mixed Use B under the Municipal Planning Strategy and Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville (Map 1). The Mixed Use B Designation is intended to support the continuation of the semi-rural mixed use development pattern that has been developing along the Hammonds Plains and Lucasville Roads. This form of development is characterized by a mix of low density residential, small scale commercial, light industrial and resource uses along the main roads.

Approximately 89% of the Lucasville community is zoned MU-1 (Map 2). This zone permits a mix of commercial, residential, institutional and resource uses. The R-6 (Rural Residential) Zone applies to approximately 10% of the community and the area along Newbury Road and Waterstone Run as shown on Map 2. It permits single and two-unit dwellings, daycares, small businesses in conjunction with permitted dwelling and resource uses. Apart from these zones, there are a few lots that are zoned I-1 (Light Industrial).

How Are Agricultural Uses Permitted?

Within the areas zoned MU-1 and R-6, agricultural uses are permitted as-of-right subject to meeting the standards of the Land Use By-law with decisions on permits being administered by a Development Officer. Agricultural uses are defined as the production of food or the breeding and handling of animals, but does not include intensive agricultural uses.

MU-1 Zone Agricultural Use Conditions

There are no limitations on the number of animals that may be permitted under the MU-1 Zone. Any barn, stable or other structure intended for the keeping of more than 50 domestic fowl or 10 other animals must be set back:

- a minimum of 15.4 metres (50 feet) from any side lot line;
- a minimum of 30.4 metres (100 feet) from any dwelling or potable water supply on an adjacent property.
- a minimum of 91.4 metres (300 feet) from any water course or water body; and
- a minimum of 152.4 metres (500) feet from any residential zone (R-1, RR-1).

R-6 Zone Agricultural Use Conditions

The R-6 Zone permits a maximum of 50 domestic fowl or 10 other animals where:

- a minimum setback from the side or the rear property line is 2.4 metres (8 feet) and 6 metres (20 feet) from the front is maintained; and
- a maximum of 92.9 square metres (1000 sq. feet) of floor area of any structure can be used for retail use accessory to agriculture use.

Intensive Agricultural Uses

Intensive Agricultural uses are not permitted in Lucasville or anywhere within the Mixed Use B Designation of the Beaver Bank, Hammonds Plains, Upper Sackville Municipal Planning Strategy. Intensive agricultural uses are defined as the use of land for commercial raising of animals, mushrooms, a slaughterhouse, broiler plants or feedlots. The distinction between an agricultural use and an intensive agricultural use, under the Land Use By-law, is that an intensive agricultural use is intended for the commercial production of food and food processing.

How are Commercial Recreation Uses Permitted?

Commercial Recreation Uses are permitted within the Mixed Use B Designation through the provisions of a development agreement (Policy P-27). A Commercial Recreation Use is defined as "...the use of a building or lot for commercial recreation or sport purposes and without limiting the generality of the foregoing, may include animal or vehicle racing tracks, rifle ranges, marinas, golf courses, amusement parks and centres, and commercial camping grounds." If a horse farm has a commercial component for horse competitions or the rental of horses for trail rides, it is considered a commercial recreation use.

As shown on Map 3, there are five commercial recreation facilities situated within the Hammonds Plains and Lucasville areas. This includes the Glen Arbour Golf Course, Atlantic Acres Park (Atlantic Splash Adventure), Woodhaven RV Park, Hatfield Farms and Restless Pines.

Horse Farms as Commercial Recreation Uses

Of the five commercial recreation facilities located in Hammonds Plains and Lucasville, only two involve the keeping and handling of horses. This includes Restless Pines in Lucasville, and Hatfield Farms in Hammonds Plains. Both are considered commercial recreation uses since they both involve commercial operations. There had been another application for a Commercial Recreation Horse Facility called Goldring Stables on Salto Drive, in Lucasville, however, this application was cancelled after the commercial recreation component of the facility (equestrian events) was discontinued. The barn was initially constructed through the issuance of a permit in 2002, and a permit was issued for an addition to the barn in 2016. It is permitted as an agricultural use under the MU-1 Zone.

The Restless Pines facility is located on a 10.5 hectare (26 ac) parcel off the Lucasville Road (Map 3). The Development Agreement permits horse breeding, boarding, horseback riding lessons and a limited number of competitions per year. The agreement also limits the number of animals that may be kept on this property to sixty-five (65) and establishes limitations on hours of operation for commercial recreation activities and establishes requirements for the management of animal waste.

Hatfield Farms is located on a 55 hectare (136 ac) parcel of land on the Hammonds Plains Road. This Development Agreement permits agricultural uses including a commercial trail ride facility. The agreement regulates the location and size of structures permitted on the property and requires that all animal waste stockpiles be set back a minimum of 91 metres (300 ft) from a potable water supply or residential dwelling on an adjacent lot. This agreement does not establish any limitations on the number of horses that may be kept on the property but does establish limitations on the hours of operation for the commercial recreation activities.

DISCUSSION

There are currently two large farms within the Lucasville and Hammonds Plains area, permitted as commercial recreation facilities and one large farm that is permitted as-of-right. The terms of the development agreements are designed to mitigate impact on neighbouring uses and the environment. The provisions of the MU-1 Zone also ensure that the barn at Goldring Stables is appropriately setback from dwellings, watercourses and wells. These horse farms and the other commercial recreation facilities occupy 189 hectares (467 acres) of land. These commercial recreation facilities have maintained large areas of open space in between large-scale subdivisions which maintains the semi-rural form. The retention of pasture land and open space is also reflective of the cultural heritage of the community.

There is no way of knowing where a new, large horse farm operation will be developed in the Lucasville area. A horse stable is a permitted use within the MU-1 Zone and a limited number of animals (10 horses maximum) may be kept in a barn within the R-6 Zone. There are standards in place to ensure that the barn or any structure for the keeping of animals is set back 91 metres (300 ft) from a watercourse, 30.4 metres

(100 feet) from a well or a dwelling unit on an adjacent lot; and 15.4 metres (50 feet) from a side lot line within the MU-1 Zone. The number of animals permitted within the R-6 (Rural Residential) Zone is limited to 50 fowl or 10 other animals and with the barn set back 2.4 metres (8 feet) from the side lot lines.

If a large horse farm involves a commercial recreation component, it may only develop as a commercial recreation use. Policy P-27 provides for the consideration of a wide range of criteria when assessing a proposal for a development agreement to permit a commercial recreation use (Attachment A). It gives Community Council the authority to ensure that the development has sufficient land area to mitigate any nuisance effects or environmental impacts on the area. It also provides for consideration of undue impact on the surrounding area due to increased noise or traffic and allows for control of hours of operation, buffering, size and appearance of structures and maintenance of the facility.

There is no requirement under the MU-1 and R-6 zones for a corresponding increase in lot area requirement with increased proposal in the number of animals. The minimum lot size requirement for the MU-1 and R-6 zones is 2,700 square metres (29,064 sf). The Nova Scotia Department of Agriculture recommends the use of stocking densities under its Guidelines for Manure Management where the farm operator is applying manure to land for fertilizer or stockpiling of manure. Some municipalities, including HRM, use stocking densities for the keeping of horses. HRM uses stocking densities to regulate intensive agricultural uses under the Musquodoboit Valley/Dutch Settlement LUB. Under this LUB the minimum lot area requirement for an intensive livestock operation is 4 hectares (10 acres) plus an additional 2,136.7 m² (23,000 sf) for any additional animal units over 30 units.¹ The Municipality of East Hants requires 4,000 m² (43,055 sf) for the first hooved animal and 2,000 m² (21,527 sf) for each additional hooved animal within its established rural residential areas. The District Municipality of Chester requires 3,716 square metres (39,998 sf) for the first animal unit (2 horses) and 1,858 square metres (19,999 sf) for each additional animal unit (2 horses per unit).

Staff does not recommend a change in the regulations for agriculture uses at this time. Staff will ensure these findings are included for consideration within the By-law Simplification project. In addition, in 2019 Regional Council approved and resourced HRM to co-lead the development of JustFOOD: action plan for the Halifax Region, in partnership with the Halifax Food Policy Alliance. JustFOOD is in the engagement phase, working with community partners to identify what the plan should achieve and building capacity to work together to increase access to food and strengthen our local food system. JustFOOD will be reviewing municipal policies relating to food production and other food uses to encourage and incentivize these uses, while respecting existing communities' form and nature.

Conclusion

Staff conducted a review of the regulations applicable to agriculture uses, intensive agriculture uses and commercial recreation uses under the Municipal Planning Strategy and Land Use By-law for Beaver Bank, Hammonds Plains and Upper Sackville. This was in response to a motion of the North West Community Council for an Information Report *outlining the planning provisions and regulations for agricultural uses and commercial recreation uses within the Municipal Planning Strategy and Land Use By-law for the Lucasville area*.

Commercial Recreation Uses and Agricultural Uses are a suitable land use activity in the semi-rural area of Beaver Bank, Hammonds Plains and Upper Sackville. The area is continuing to evolve with a mix of development activities and the development of residential subdivisions. These commercial recreation activities are retaining the semi-rural form of the community by retaining large expanses of open space. This provides breaks in the landscape from a continuous form of residential development and maintains

¹ Under the Musquodoboit Valley/Dutch Settlement Land Use By-law Intensive Agricultural use is called Intensive Livestock Operation, Under this by-law, an Intensive Livestock Operation is an agricultural use containing a minimum of 30 manure animal units. An operation containing 15 horses would be considered an Intensive Livestock Operation as each horse is classified as 2 manure animal units.

the rural character and cultural heritage of Lucasville and Hammonds Plains. Staff does not recommend a change in the regulations for agriculture uses at this time as farm owners are providing larger land areas when keeping horses.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this information report.

COMMUNITY ENGAGEMENT

Not applicable for an Information Report.

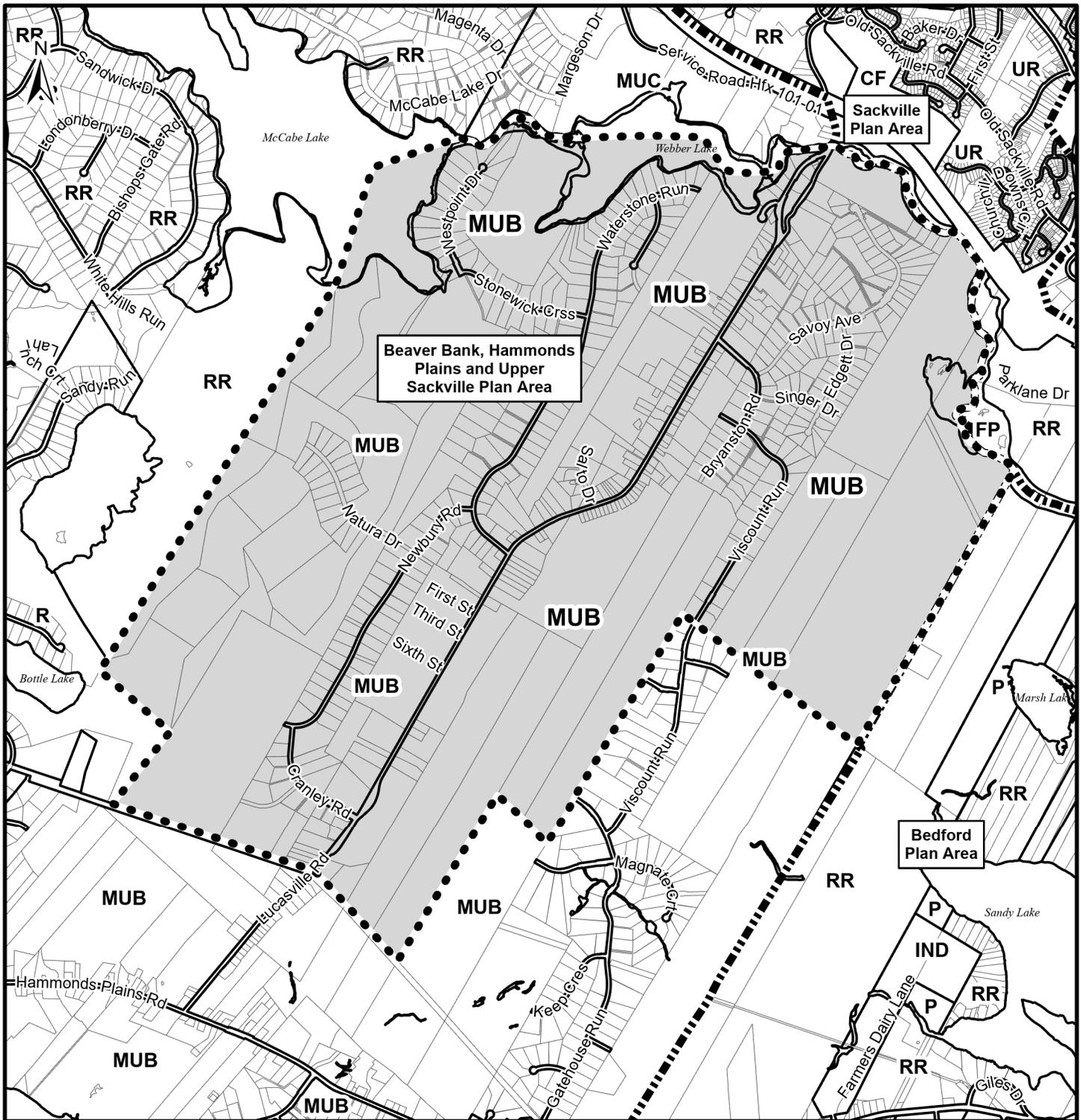
ATTACHMENTS

Map 1	Generalized Future Land Use - Lucasville
Map 2	Zoning - Lucasville
Map 3	Commercial Recreation Sites and Horse Farms
Attachment A	Commercial Recreation Use Policy - Beaver Bank, Hammonds Plains and Upper Sackville

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Maureen Ryan, Planner III Current Planning 782.640.0592

Map 1



Map 1 - Generalized Future Land Use

Lucasville

Lucasville Community Boundary

Beaver Bank, Hammonds Plains, and Upper Sackville Land Use By-Law Area

Designation -BB,HP,US

MUB Mixed Use B
 MUC Mixed Use C
 RR Rural Resource

Designation -Bedford

RR Residential Reserve
 P Park and Recreation
 IND Industrial

Designation -Sackville

RR Rural Residential
 UR Urban Residential
 CF Community Facility

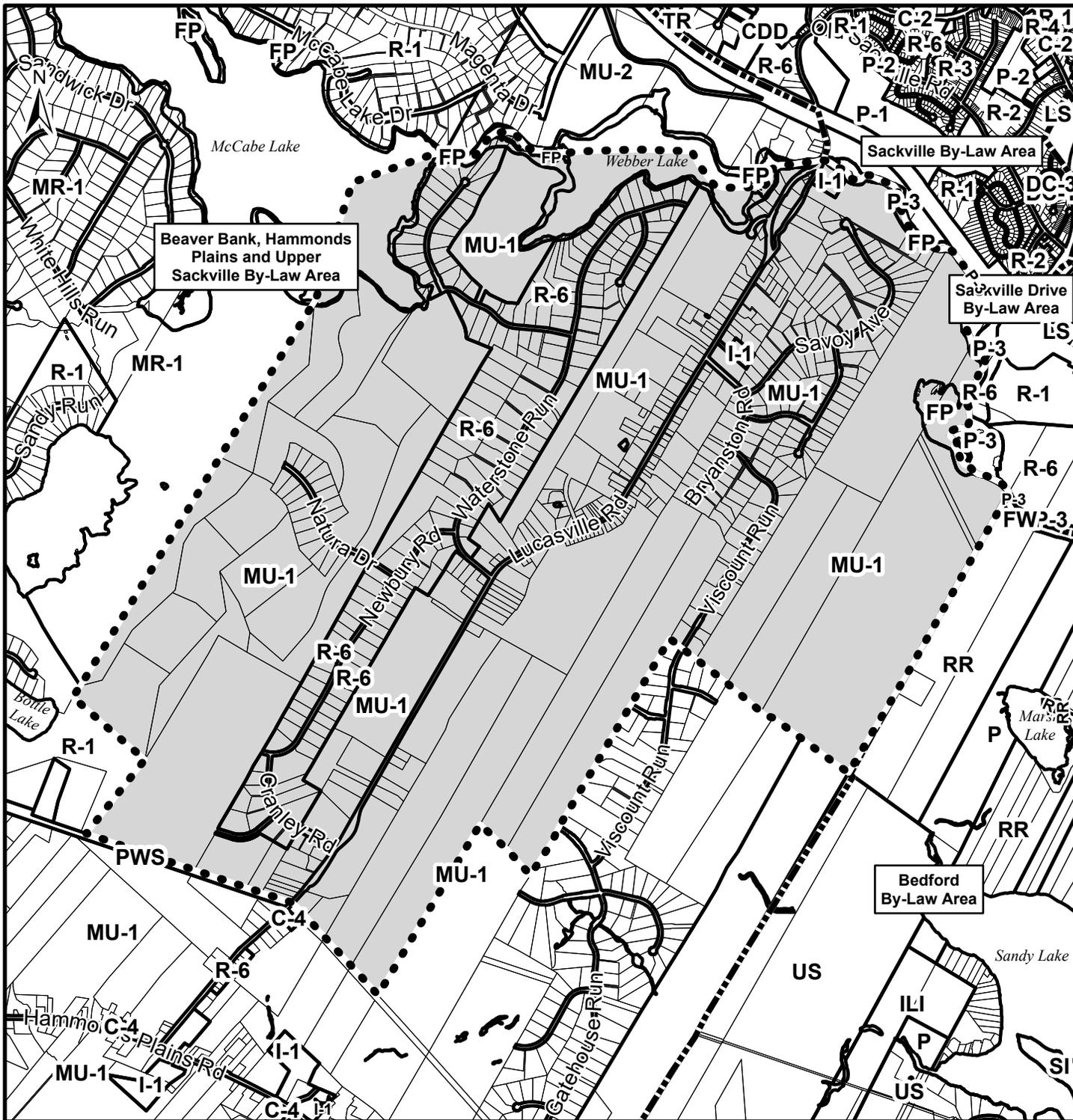
HALIFAX



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Map 2



Map 2 - Zoning

Lucasville

Lucasville Community Boundary

Beaver Bank, Hammonds Plains, and Upper Sackville Land Use By-Law Area

Zone - Bedford

- P-1 Open Space
- P-2 Community Facility
- P-3 Floodplain
- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-3 Mobile Dwelling
- R-6 Rural Residential

Zone - Sackville

- FW Floodway
- ILI Light Industrial
- P Park
- RR Residential Reserve
- US Urban Settlement

Zone - BB,HP,US

- C-4 Highway Commercial
- FP Floodplain
- I-1 Mixed Industrial
- MR-1 Mixed Resource
- MU-1 Mixed Use 1
- MU-2 Mixed Use 2
- PWS Protected Water Supply
- R-1 Single Unit Dwelling
- R-6 Rural Residential

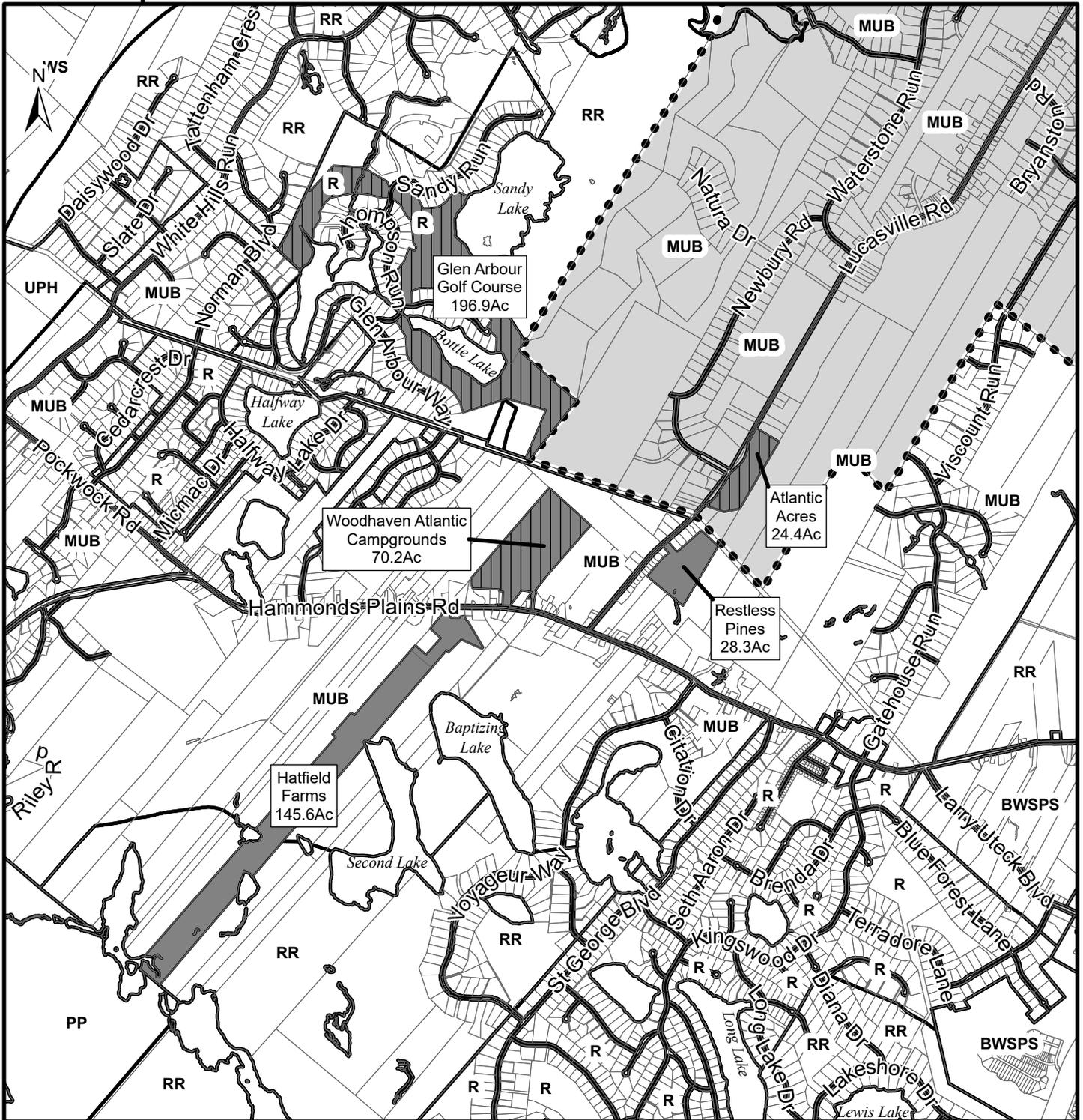
HALIFAX



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Map 3

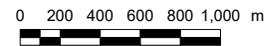


Map 3 - Commercial Recreation Sites and Horse Farm

Lucasville

HALIFAX

-  Lucasville Community Boundary
-  Primary Commercial Recreation Sites
-  Secondary Commercial Recreation Sites



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Beaver Bank, Hammonds Plains, and Upper Sackville Land Use By-Law Area

Attachment A

Commercial Recreation Use Policy

Beaver Bank, Hammonds Plains and Upper Sackville

P-27 Within the Mixed Use A, B and C Designations, it shall be the intention of Council through the land use by-law to provide for the continued use of commercial recreation uses to the extent they presently exist (Policy P-9 and P-12). Further, Council may consider any proposed expansion of existing commercial recreation uses as well as the development of new commercial recreation uses by development agreement and according to the provisions of the Municipal Government Act. In considering any new or expanded commercial recreation use, Council shall have regard to the following:

- (a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
- (b) the potential for adversely affecting adjacent residential and community facility development by virtue of noise, visual intrusion, traffic generation and littering;
- (c) the provision of landscaping or buffering from adjacent development and the public road to which it has access in order to reduce the impact of the proposed development;
- (d) the availability of a site and site design which will entirely contain all aspects of the operation within the boundary of the proposed site;
- (e) the impact on traffic circulation and in particular sighting distances and entrances and exits to the site.
- (f) the layout and design of the facility;
- (g) general maintenance of the facility;
- (h) where any sewage treatment plant is proposed, the location and level of treatment of the sewage treatment plant;
- (i) that the appearance of all buildings and structures related to the use shall be compatible with the surrounding area in terms of scale, exterior finish and signage;
- (j) an assessment of environmental concerns related to the proposed development and in particular, potential effects on watercourses;
- (k) the requirement for any applicable provincial approvals; and
- (l) hours of operation; and
- (m) the provisions of Policy P-137.