



WEST HANTS
NOVA SCOTIA

MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Public Hearing
November 13, 2018
Municipal Planning Strategy and Land Use By-law Text Amendments:
Indoor Storage Facilities Accessory to Agricultural Uses

Present:	P. Morton	Deputy Warden
	R. Jannasch	Councillor District 1
	K. Monroe	Councillor District 2
	D. Keith	Councillor District 3
	T. Leopold	Councillor District 4
	D. Francis	Councillor District 5
	R. Hussey	Councillor District 6
	J. Daniels	Councillor District 7
	R. Zwicker	Councillor District 10
	M. Laycock	Chief Administrative Officer
	M. LeMay	Director of Planning and Development
	S. Poirier	Municipal Planner
	S. Shah	Municipal Planner
	T. Babineau	Planning Technician
	C. Lowe	Director of Finance
	R. Brown	Municipal Clerk
	C. Remme	Communications Coordinator
Regrets:	A. Zebian	Warden

There were 15 members of the public in attendance.

Deputy Warden Morton advised that the Public Hearing is for amendments to the text of the Municipal Planning Strategy and Land Use By-law to allow Indoor Storage Facilities Accessory to Agricultural Uses. Deputy Warden Morton called on the Municipal Planner, Sara Poirier, to speak.

The Planner reviewed the presentation (attached).

The Municipal Planner read the email received from Keir Perry of Windsor Forks regarding By-Law Amendment stating the following:

“I support the amendment in principle; measures that support our Agriculture sector are very needed. Unfortunately, there are people who have very little regard for the laws and will take advantage. With rules and laws - “checks & measures” are needed and this proposal falls short on that. It would be beneficial to re-examine the proposal to add in these “checks & measures”.

I understand that the municipality is concerned over time and money needed in processing permits. Which is why a registration rather than a permit process. This would put the onus on the owner.

Registration of use should include: location of structure; owners' information; income showing storage use will be the non-dominant use of the property. 20% storage 80% agricultural (income for agricultural use / Storage accessory use); submit waivers for fire safety and or inspection by municipal / fire inspector; set dates of use for storage to protect the primary use of the property / building; proof of valid insurance for storage purposes.

We need to protect our agriculture sector and ensure "checks & measures" are built into this By-law. The bylaw should not be blind as to actions when broken. Or leaving it open to abuse from lack of clarity. For example, what defines dominant?"

The Municipal Planner reviewed the five email inquiries that had been received noting the first was like the one received from Mr. Perry regarding a possible registration process for RV storage facilities including location, owner, income, fire inspection, dates for storage and proof of insurance. She stated that the proposed special requirements of Section 5.19 would ensure fire inspection approval, name and location would be kept on record with the Municipality, adding that income and insurance information are not collected by the Planning Department for any land use purposes. She went on to say that, in discussions with the Development Officer, having date and time limits would not be feasible for enforcement.

The Municipal Planner went on to say that the other inquiries were regarding the amendment process, the timeline, the documentation and the process for complaints to the Development Officer.

Planner Poirier advised Council that an inquiry had been received questioning how dominant land uses would be determined in comparing commercial versus agricultural uses noting that in normal circumstances accessory would mean less than 50 percent of operations.

Finally, the Municipal Planner addressed a question posed by Councillor Jannasch at the Planning Advisory Committee Meeting of October 18, 2018, where he asked if the buildings used for RV storage would be commercially taxed. The Planner advised that property owners would not be required to apply for a development permit for the use as it is accessory to the agricultural use and that Property Valuation Services Corporation would not be reevaluating tax assessments related to this amendment.

The Municipal Planner concluded her slide presentation.

Deputy Warden Morton asked if there were any questions or comments from the public; there were none. He asked if the Planner had any closing comments. She had none.

Deputy Warden Morton declared the Public Hearing adjourned at 7:22 p.m.

Paul Morton, Deputy Warden

Rhonda Brown, Municipal Clerk



WEST HANTS
NOVA SCOTIA



WEST HANTS
NOVA SCOTIA

WHMPS and WHLUB Amendments: Indoor Storage Accessory to Agricultural Uses

**Public Hearing
November 13, 2018**

Background

- ▶ Received an application from Robert (Bob) Thomson to allow commercial indoor storage of recreational vehicles and other similar items as an accessory use within an agricultural building
- ▶ The use already takes place within a storage barn on the lot; the applicant wishes to regularize this use

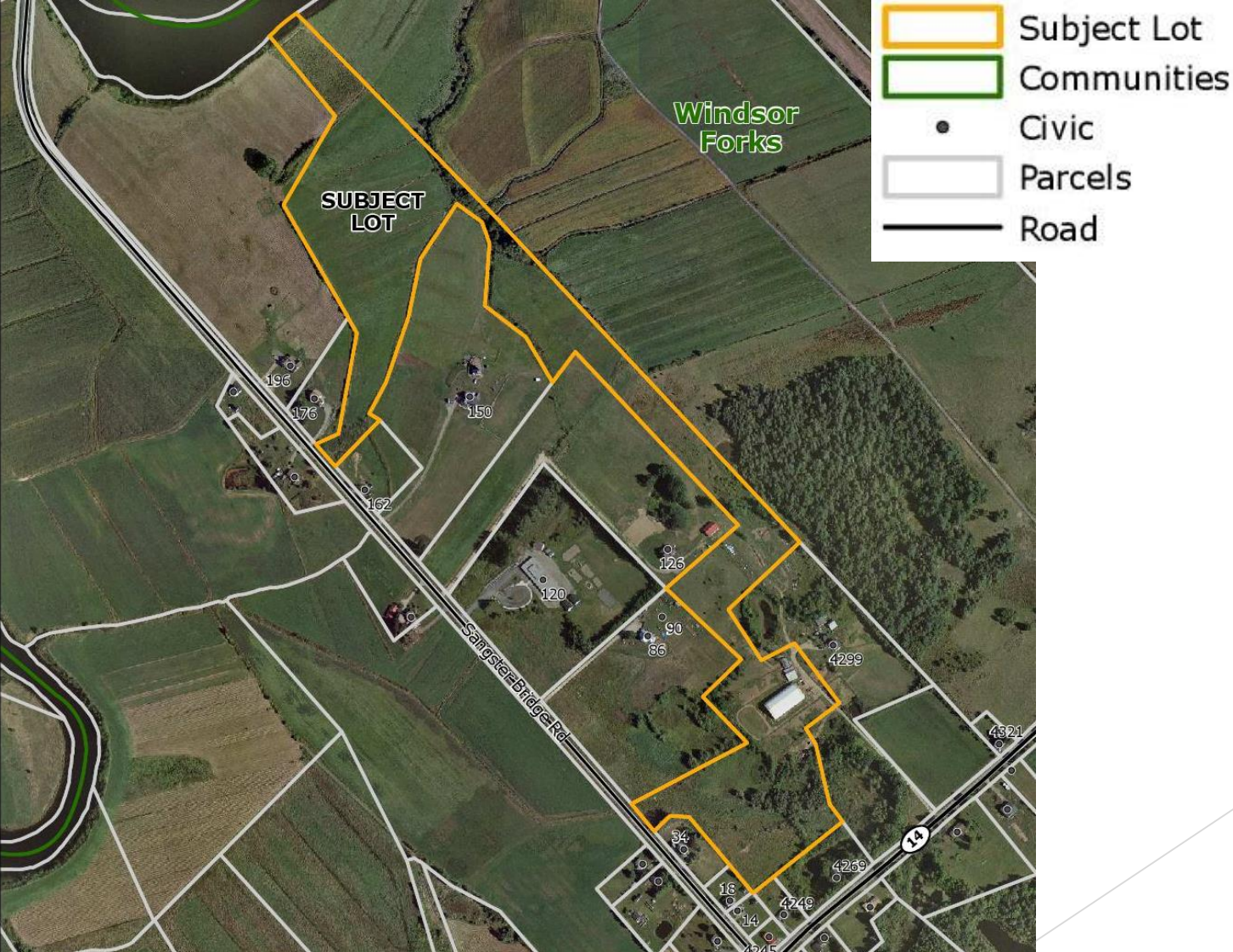
Shared Right-of-Way

- ▶ The Development Officer has received multiple complaints, dating back to March 2017, from an abutting property owner regarding the use of a shared right-of-way
- ▶ The applicant has been advised that the Municipality takes no responsibility regarding the use of shared right-of-ways
- ▶ These proposed amendments will not exempt the applicant from any conditions or requirements of the right-of-way agreement

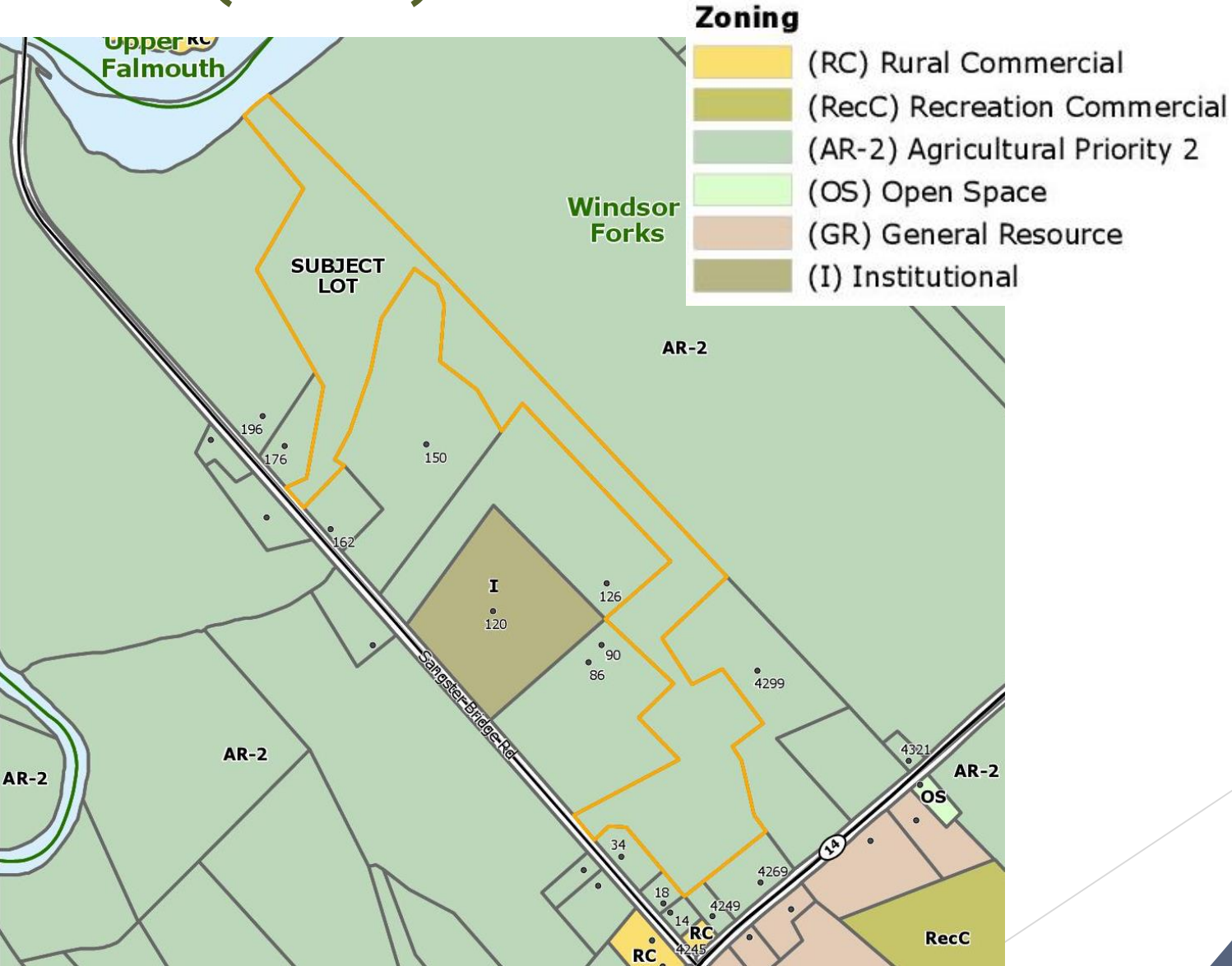
Subject Lot

- ▶ Located within the Agriculture designation on the Generalized Future Land Use Map
- ▶ Zoned Agricultural Priority Two (AR-2)
- ▶ The requested use is not permitted within the Agriculture designation or the AR-2 Zone

Subject Lot (cont.)



Subject Lot (cont.)



Context for Amendment

- ▶ Property owners are looking to diversify uses to make it financially viable to continue agricultural operations
- ▶ Storage buildings on lots used for agriculture purposes are commonly constructed for storage of agriculture-related supplies and equipment
- ▶ These large buildings may not be fully utilized all year round

Non-Intensive Accessory Use

- ▶ The use will be contained within an enclosed building
- ▶ No signage will be permitted
- ▶ This use will be permitted on lots zoned agricultural or resource
- ▶ The structure would likely meet the required setbacks of the specific zone which are larger than the setbacks for residential or commercial zones

Limited to One Building per Lot

- ▶ Lots used for agricultural and resource purposes usually require more buildings to support the use
- ▶ To ensure the use is accessory to agricultural uses and to allow the Development Officer the necessary flexibility to enforce the WHLUB requirements, staff recommend that indoor storage facilities be limited to one (1) building (either main or accessory) per lot
- ▶ However, PAC (Sept 20) recommended the removal of this restriction

Fire and Building Inspection

- ▶ It is common for owners of indoor storage facilities to require customers to sign an annual agreement to ensure the removal of flammable items such as batteries and fuel
- ▶ In the event that no such agreement is used in West Hants, the Municipal Building Inspector / Fire Official has requested that the buildings being used for the indoor storage facilities are inspected and approved before use

No Development Permit Required

- ▶ Indoor storage facilities within agricultural buildings constructed prior to November 13, 2018 will not require a development permit
- ▶ This means that the Development Officer will only become aware of any indoor storage facilities based on inquiries from land owners or complaints from neighbouring property owners
- ▶ Consequently, this also means that the Development Officer will only be able to enforce any special requirements if made aware of the indoor storage facility

WHMPS Amendment

- ▶ Part 8 of the WHMPS contains the overall intention for designated agriculture areas in West Hants
- ▶ Policy 8.2.2 states that *“it shall be the policy of Council that the **primary purpose of the Agriculture designation is to preserve active farmland and land with high potential for agriculture in West Hants. Within the Agriculture designation, agricultural activity shall be considered the dominant use, having priority over all other uses.** Non-agricultural development shall be encouraged to locate in areas less suitable for agricultural purposes”*

WHMPS Amendment (cont.)

- ▶ Policy 8.2.3 states that *“it shall be the policy of Council to **encourage and support**, through provisions of the Land Use By-law, **the continued operation of existing farms and agricultural activities in West Hants.**”*

WHMPS Text Amendment

- ▶ As indoor storage of recreational vehicles and other similar items is not now listed as an agricultural use, and is not usually accessory to an agricultural use, an amendment to the text of the WHMPS will be required to allow this use on agriculture properties

WHMPS Text Amendment (cont.)

[Red text = amendments to the WHMPS]

4.0 GENERAL LAND USE POLICIES

4.1 Accessory Uses, Buildings and Structures

~~Whenever a use is permitted in a land use zone, it is intended that uses, buildings or structures normally incidental, accessory or essential to the primary permitted use may also be permitted, unless the Land Use By-law expressly states otherwise. Where the Land Use By-law provides that any land, building or structure may be used for a purpose, the purpose includes any accessory use unless specifically prohibited.~~

WHMPS Text Amendment (cont.)

4.10 Indoor Storage Facility

The agricultural areas of West Hants are facing economic pressure similar to other agricultural areas in Nova Scotia. Property owners are looking to diversify lots used for agricultural purposes to make it financially viable to continue agricultural operations. Storage buildings on lots used for agriculture purposes are commonly constructed for storage of agriculture-related supplies and products such as fertilizers, harvest totes, hay, animals and equipment. These large buildings may not be fully utilized all year round.

WHMPS Text Amendment (cont.)

To encourage and support the continuation of agricultural operations by providing the opportunity to earn additional income, Council will permit the use of buildings which are erected and regularly used as part of a main agricultural use for indoor storage facilities. Indoor storage facilities will mean indoor storage of a wide range of items. To ensure agricultural activities remain the dominant land use, indoor storage facilities will ~~only be permitted in one (1) building per lot and will~~ have to meet specific requirements.

Policy 4.10.1 It shall be the policy of Council to permit indoor storage facilities as an accessory use to agricultural uses.

WHMPS Map Amendment

- ▶ An amendment to the Generalized Future Land Use Map is not required for this application

WHLUB Amendment

- ▶ Since some properties that are used for agricultural purposes are outside of the agriculture designation and may not be in an agricultural zone, it is recommended that a general provision for all zones be created to permit and regulate indoor storage facilities
- ▶ Agricultural uses are allowed in several zones

WHLUB Text Amendment

2.0 ADMINISTRATION

No Development Permit Required

2.5 Notwithstanding Section 2.4, no development permit shall be required for:

...

- (d) a temporary use subject to Section 5.43; ~~and~~
- (e) woods camps, except in the Water Supply (W) zone; ~~and~~
- (f) indoor storage facilities within agricultural buildings constructed prior to November 13, 2018.

WHLUB Text Amendment (cont.)

5.0 GENERAL PROVISIONS FOR ALL ZONES

Accessory Buildings and Structures

5.1 ...

(f) Accessory buildings which are erected and regularly used as part of a main agricultural activity on lots used for agricultural purposes may be used for other purposes which support the agriculture use, including but not limited to commercial indoor storage of recreational vehicles, boats, and cars in accordance with Section 5.19.

WHLUB Text Amendment (cont.)

Indoor Storage Facility

5.19 Where indoor storage facilities are permitted as an accessory use to agricultural uses, an indoor storage facility shall:

- (a) not require a development permit if the use is within an existing building used for agriculture purposes;
- ~~(b) only be permitted in one (1) building per lot that is primarily used for agricultural purposes;~~

...

WHLUB Text Amendment (cont.)

...

~~(e)~~ (b) be clearly subordinate to the principal agricultural use of the lot; and

~~(d)~~ (c) require approval from the Municipal Fire Inspector / Building Official for use of the building for an indoor storage facility.

WHLUB Text Amendment (cont.)

- ▶ The following shall be added to the list of permitted uses in the Prime Agriculture (P/Ag), Agricultural Priority Two (AR-2), Agricultural Priority Three (AR-3), General Resource (GR) and Mineral Resource (MR) zone:
 - ▶ **Indoor storage facilities accessory to an agricultural use subject to Section 5.19**

WHLUB Text Amendment (cont.)

35.0 DEFINITIONS

- ▶ **Indoor Storage Facility** means the accessory use of a building on a lot used for agricultural purposes for the temporary commercial indoor storage of items including but not limited to recreational vehicles, cars and boats.
- ▶ **Recreational Vehicle** means a licensed vehicle constructed to CSA standards that is capable of being towed behind a motor vehicle or is self-propelled and is primarily designed as temporary mobile accommodation for personal travel and recreation purposes.

WHLUB Map Amendment

- ▶ An amendment to the Zoning map is not required for this application

General Criteria for Amendment

- ▶ *Policy 16.3.1* states general criteria for any amendments considered in West Hants
- ▶ In summary:
 - ✓ the proposal is not premature or inappropriate for the area; and
 - ✓ no municipal costs related to the proposal are anticipated.

Conclusion

- ▶ Proposed WHMPS text amendment has been considered within the context of the general policies of the WHMPS
- ▶ Consistent with the intent, objectives and policies of the WHMPS
- ▶ Meets the general criteria for amendments to the WHLUB
- ▶ Reasonable to amend the text of the WHMPS and WHLUB to permit indoor storage facilities as an accessory use to agricultural uses

Inquiries

- ▶ Five (5) email inquiries were received from the public
- ▶ 1. Suggestion for a possible registration process for RV storage facilities: location, owner, income (% of storage vs. agriculture), fire inspection, dates for storage, proof of insurance (Oct 5 and Nov 13)
 - ▶ The proposed special requirements of 5.19 would ensure fire inspection approval, name and location
 - ▶ Income and insurance are not municipal domain
 - ▶ Staff discussed date and time limits

Inquiries (cont.)

- ▶ 2. Amendment process and timeline (Oct 16)
- ▶ 3. Documentation and process for complaints to the Development Officer (Oct 15)
- ▶ 4. Inquiry to the Development Officer on how the dominant land use will be determined when comparing commercial vs. agriculture uses (Oct 30)
 - ▶ DO response: would like to see the final amendments; however, normally accessory means less than 50 percent of the operation

Inquiries (cont.)

- ▶ At PAC on Oct 18, Councillor Jannasch asked if the buildings used for RV storage will be commercially taxed?
 - ▶ No, the property owner will not be applying for a development permit for the use, as it is accessory to the agricultural use, therefore PVSC will not be re-evaluating their tax assessment

Process

Notices were placed in the local paper advertising the Public Hearing

5 emails were received from the public

All statutory requirements have been met





WEST HANTS
NOVA SCOTIA

Recommendation

that Council give Second Reading to and approve the proposed amendments to:

1. the text of the West Hants Municipal Planning Strategy to create a policy to permit indoor storage facilities as accessory uses to agricultural uses; and
2. the text of the West Hants Land Use By-law to:
 - i. allow indoor storage facilities without a development permit within agricultural buildings constructed prior to November 13, 2018;

Recommendation (cont.)

- ii. permit the use of accessory buildings for indoor storage facilities on lots used for agricultural purposes;
- iii. create special requirements for indoor storage facilities;
- iv. add indoor storage facilities as a permitted use accessory to agricultural uses, subject to the special requirements, in the Prime Agriculture, Agricultural Priority Two, Agricultural Priority Three, General Resource and Mineral Resource Zones; and

Recommendation (cont.)

- v. include a definition of indoor storage facility and recreational vehicle;

as attached as Appendix A and B of report #18-03 to the Planning Advisory Committee dated September 20, 2018, with the deletion of the limit of one building per lot.