



Subject: *Sunny Point Farms- Amendments to Official Community Plan*
To: CAO for Planning Advisory Committee, February 17th, 2026
Date Prepared: January 26th, 2026
Related Motions: PAC25(127), PAC25(128), C25(374)
Prepared by: Lee-Ann Martin, Planner & Development Officer
Approved by: John Woodford, Director of Planning and Development

Summary

In October of 2025, Planning staff received an application from Phillip Vroegh of Sunny Point Farms to amend the Municipal Planning Strategy and Land Use Bylaw to reduce the minimum setback requirement for an intensive livestock operation use in the Rural Use North (RU-2) Zone.

This staff report further outlines the application, proposed amendments to the Land Use Bylaw and Municipal Planning Strategy, and recommends that a Public Hearing be scheduled for the application.

Financial Impact Statement

There is no financial impact with the adoption of this report.

Recommendation

That Planning Advisory Committee recommends that Council give First Reading and authorize staff to schedule a Public Hearing.

Recommended Motion

- *Planning Advisory Committee recommends to Council that Council Give First Reading to amend the Municipal Planning Strategy and Land Use Bylaw to reduce the minimum setback requirement for Intensive Livestock Operations in the Rural Use North (RU-2) Zone and;*
- *Authorize staff to schedule a Public Hearing.*

Background

An application was received from Phillip Vroegh of Sunny Point Farms to amend the Municipal Planning Strategy and Land Use Bylaw to allow for a smaller setback for intensive livestock operation uses located within the Rural Use North (RU-2) zones. The applicant had submitted a Plan of Subdivision for their property containing an existing intensive livestock operation. Their plan of subdivision indicated a setback of 2m from the existing structure to the new property line. The current setback requirement in the RU-2 zone for an intensive agricultural use is 45m. The applicant has submitted an application to have the setback reduced from 45m to 2m where the neighbouring property is in common ownership.

Discussion

The Municipality's Land Use Bylaw has specific regulations for intensive livestock operations. This use is only permitted within the Rural zones which includes the Rural Use (RU), Rural Use North (RU-2) and the Agricultural Reserve (AR) zones. The General Provisions for rural zones of the Land Use Bylaw has regulations that apply across all three (3) rural zones. The Agricultural Reserve (AR) zone also has specific regulations for agricultural developments within that zone, including for intensive livestock operations. The provisions for intensive livestock operations as outlined in the general provisions for all rural zones are as follows:

5.2.3. Intensive Livestock Operation

An intensive livestock operation in a Rural Zone shall be subject to the following requirements:

- a) A minimum setback of 45 m from all lot lines and any public road, private road, or right-of-way easement;*
- b) The following setback distances shall be required from any structure or manure storage related to an intensive livestock operation to be located near a watercourse or well; and*

<i>Private or Off-Farm Well</i>	<i>100 m</i>
<i>Lake, River, Brook</i>	<i>50 m</i>
<i>Non-contained storage (solid manure)</i>	<i>100 m</i>
<i>Fully contained storage (liquid, semi-solid manure)</i>	<i>50 m</i>
<i>Ditch/Intermittent Stream or Wetland</i>	<i>20 m</i>

- c) An Intensive Livestock Operation in the Rural Use and Agricultural Reserve Zones which does not meet the minimum separation distances in this section may be considered by site plan approval.*

In the Rural Use (RU) Zone or Rural Use North (RU-2) Zone a dwelling shall be setback from existing intensive livestock operations in accordance with the following requirements:

- a) The minimum setback of a dwelling from existing intensive livestock operations shall be 46 m.*
- b) A dwelling which does not meet the minimum setback requirement of 46 m may be considered by site plan approval*

The Agricultural Reserve (AR) zone has further regulations for all agricultural related uses and residential uses, which are broken down into different categories as illustrated in the table below. As can be seen from the table, intensive livestock operations have a minimum required setback of 46m to property lines, or if the adjacent property is in common ownership, the setback may be reduced to 10m. There is no regulation within the Rural Use (RU) or Rural Use North (RU-2) zones for a reduced setback for properties with a common ownership.

	Residential and Home-Based Business Uses	Agricultural Related Business Uses and Agriculture Buildings	Intensive Livestock Operations
Minimum Lot Area	0.4 hectares	0.4 hectares	2 hectares
Minimum Lot Frontage <ul style="list-style-type: none"> • General • Where the lot is within 23 m of any water course 	30 m 46 m	30 m 46 m	60 m 60 m
Minimum Front Yard <ul style="list-style-type: none"> • Main structure • Accessory structure 	8 m 8 m	8 m 8 m	46 m 46 m
Minimum Rear Yard <ul style="list-style-type: none"> • Main structure • Accessory structure 	10 m 2.5 m	10 m 4.5	46 m or 10 m if adjoining property is in common ownership 46 m or 10 m if adjoining property is in common ownership
Minimum Side Yard <ul style="list-style-type: none"> • Main structure • Accessory structure 	3 m 2.5 m	10 m 4.5 m	46 m or 10 m if adjoining property is in common ownership 46 m or 10 m if adjoining property is in common ownership
Maximum Building Height <ul style="list-style-type: none"> • Main structure • Accessory structure 	10 m 7.5 m	no maximum no maximum	no maximum no maximum

The application requests a similar clause be introduced to allow a reduced setback for an intensive livestock operation where the neighbouring property is in common ownership. The 46m setback was introduced based on the Nova Scotia Manure Management Guidelines which includes recommended setbacks for intensive livestock buildings from property lines and watercourses.

Municipal Planning Strategy

An amendment to the Municipal Planning Strategy policy AR22 is required to proceed with the applicant's request. Policy AR22 states:

AR22. Council shall ensure that buildings or structures housing an intensive livestock operation not be established within 46 m of boundaries of properties within any designation other than Rural Use (RU) or Agricultural Reserve (AR), to reduce possible negative impacts and potential conflicts with rural residential development in areas designated for such use

The amendment to policy AR22 is required to include the Rural Use North (RU-2) zone as an area that allows a reduced setback from 46m for intensive livestock operations.

Proposed Amendments to the Land Use Bylaw and Municipal Planning Strategy.

The proposed amendments to the Land Use Bylaw and Municipal Planning Strategy are as follows:

5.2.3. Intensive Livestock Operation

An intensive livestock operation in a Rural Zone shall be subject to the following requirements:

- a) A minimum setback of ~~45 m~~ 46 m from all lot lines and any public road, private road, or right-of-way easement;
- b) The following setback distances shall be required from any structure or manure storage related to an intensive livestock operation to be located near a watercourse or well; and
- c) In the Rural Use North (RU-2) zone, the 46m minimum setback may be reduced to 10m if the adjoining property is in common ownership, subject to spatial separation requirements of the National Building Code

Private or Off-Farm Well	100 m
Lake, River, Brook	50 m
Non-contained storage (solid manure)	100 m
Fully contained storage (liquid, semi-solid manure)	50 m
Ditch/Intermittent Stream or Wetland	20 m

c) An Intensive Livestock Operation in the Rural Use and Agricultural Reserve Zones which does not meet the minimum separation distances in this section may be considered by site plan approval.

In the Rural Use (RU) Zone or Rural Use North (RU-2) Zone a dwelling shall be setback from existing intensive livestock operations in accordance with the following requirements:

- a) The minimum setback of a dwelling from existing intensive livestock operations shall be 46 m.
- b) A dwelling which does not meet the minimum setback requirement of 46 m may be considered by site plan approval

It is being proposed to allow adjacent properties that are within a common ownership to have a reduced setback under the Land Use Bylaw for intensive livestock operations to 10m. This setback is subject to meeting the spatial separation requirements as outlined in the National Building Code. Therefore, greater setbacks may be required as per the Code. The 10m setback is consistent with what is currently permitted within the Agricultural Reserve (AR) zone. The current 45m setback is being proposed to be amended to 46m to be consistent with the regulations in the Agricultural Reserve (AR) zone.

The proposed amendments are larger than what was proposed by the applicant; however, staff recommend based on regulations within the building code pertaining to spatial separation distances, as well as the potential for negative impacts on neighbouring properties including but not limited to, odour, noise, and manure, that the larger 10m setback be suggested.

An amendment to the Municipal Planning Strategy is also required to include the Rural Use North (RU-2) zone in the list of zones that are permitted to have a reduced setback for intensive livestock operations.

AR22. Council shall ensure that buildings or structures housing an intensive livestock operation not be established within 46 m of boundaries of properties within any designation other than Rural Use (RU) or Agricultural Reserve (AR), and Rural Use North (RU-2) to reduce possible negative impacts and potential conflicts with rural residential development in areas designated for such use.

STRATEGIC ALIGNMENT

Amendments to the East Hants Official Community Plan aligns with Council's Strategic goal to build strong communities and economic prosperity by ensuring the East Hants official community plan is effective in managing changes in the community and supporting existing local businesses.

LEGISLATIVE AUTHORITY

The Municipality has Legislative Authority to create land use policies and regulations under Part 8 of the Municipal Government Act.

FINANCIAL CONSIDERATIONS

There is no cost to the Municipality to process these amendments.

Citizen Engagement

Planning staff will comply with the Citizen Engagement Policies of the Municipal Planning Strategy when processing the amendments.

As this application involves an amendment to the Municipal Planning Strategy, a Public Information Meeting (PIM) was required. The Public Information Meeting was held on January 6th, 2026. There were five (5) members from the public who attended the meeting, including two (2) councillors and the applicants from both applications being presented at the meeting. The meeting notes are attached to this report. As these are not site-specific amendments, questionnaires will not be mailed to residents.

If authorized by Council, a Public Hearing will be scheduled and notice of the Hearing will be advertised in the Chronicle Herald and on the Municipal website and social media.

Council's decision on the amendments is not appealable to the Nova Scotia Regulatory and Appeals Board. If Council approves the amendments, the decision will be sent to the Minister of Municipal Affairs and Housing for approval.

Conclusion

Staff are recommending that First Reading be given to consider amendments to the Municipal Planning Strategy and Land Use Bylaw to reduce the minimum setback requirement for Intensive Livestock Operations in the Rural Use North (RU-2) Zone where properties are in a common ownership to 10m, subject to the spatial separation requirements under the National Building Code.

Attachments

Amendment Sheets

Public Information Meeting Notes

Amendment Sheet

The Municipality of East Hants
Official Community Plan
Land Use Bylaw

Part 5: Rural Zones

Part 5 of the Land Use Bylaw is hereby amended by removing the following text in red and adding the following text in green.

5.2.3. Intensive Livestock Operation

An intensive livestock operation in a Rural Zone shall be subject to the following requirements:

- a) A minimum setback of ~~45 m~~ 46 m from all lot lines and any public road, private road, or right-of-way easement;
- b) The following setback distances shall be required from any structure or manure storage related to an intensive livestock operation to be located near a watercourse or well; and
- c) In the Rural Use North (RU-2) zone, the 46m minimum setback may be reduced to 10m if the adjoining property is in common ownership, subject to spatial separation requirements of the National Building Code

Private or Off-Farm Well	100 m
Lake, River, Brook	50 m
Non-contained storage (solid manure)	100 m
Fully contained storage (liquid, semi-solid manure)	50 m
Ditch/Intermittent Stream or Wetland	20 m

c) An Intensive Livestock Operation in the Rural Use and Agricultural Reserve Zones which does not meet the minimum separation distances in this section may be considered by site plan approval.

In the Rural Use (RU) Zone or Rural Use North (RU-2) Zone a dwelling shall be setback from existing intensive livestock operations in accordance with the following requirements:

- a) The minimum setback of a dwelling from existing intensive livestock operations shall be 46 m.
- b) A dwelling which does not meet the minimum setback requirement of 46 m may be considered by site plan approval

Amendment Sheet

The Municipality of East Hants
Official Community Plan
Municipal Planning Strategy

Policy AR22 of the Municipal Planning Strategy is hereby amended by adding the following text in green.

AR22. *Council shall ensure that buildings or structures housing an intensive livestock operation not be established within 46 m of boundaries of properties within any designation other than Rural Use (RU) or Agricultural Reserve (AR), and Rural Use North (RU-2) to reduce possible negative impacts and potential conflicts with rural residential development in areas designated for such use.*