



**Subject:** *David Maddeaux - Development Agreement Application*  
**To:** CAO for Planning Advisory Committee, February 17, 2026  
**Date Prepared:** February 3, 2026  
**Related Motions:** PAC25(125) November, PAC25(126) November, C25(372) November and C25(373)  
**Prepared by:** Rachel Gilbert, Manager of Planning  
**Approved by:** John Woodford, Director of Planning and Development

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### Summary

The Municipality has received an application from David Maddeaux to redesignate and rezone his land from Agricultural Reserve (AR) to Rural Use (RU). Following discussion at the Agricultural Advisory Committee in January the applicant has amended his application to request only a portion of his land be redesignated and rezoned.

### Financial Impact Statement

There is no immediate financial impact from the recommendations in this report. A fiscal impact analysis will be completed for the final staff report.

### Recommendation

That Planning Advisory Committee recommend that Council give first reading to the proposed Municipal Planning Strategy and Land Use Bylaw amendments and authorize staff to schedule a public hearing.

### Recommended Motion

Planning Advisory Committee recommends to Council that Council:

- give first reading to the proposed amendments to the MPS and LUB by changing the land use designation and zone from Agricultural Reserve (AR) to Rural Use (RU) for a portion of 47 MacIntosh Road, Upper Nine Mile River; and
- authorize staff to schedule a public hearing.

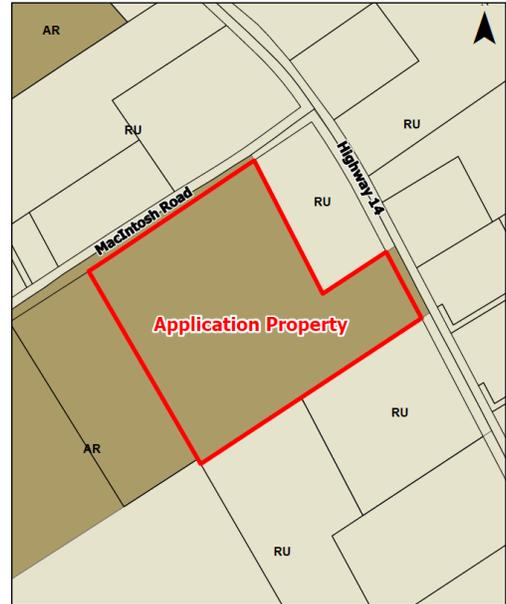
## Subject Property

The subject property is located at 47 MacIntosh Road, Upper Nine Mile River. The land is designated and zoned Agricultural Reserve (AR).

The property is approximately 5.6 hectares (13 acres) in size and has approximately 200 metres of frontage on MacIntosh Road. The property also has approximately 78 metres of frontage on Highway 14.

There are properties to the west, along MacIntosh Road which are also zoned Agricultural Reserve (AR).

Located on the property is a shed, a camper and a shipping container. A septic system has recently been installed on the property.

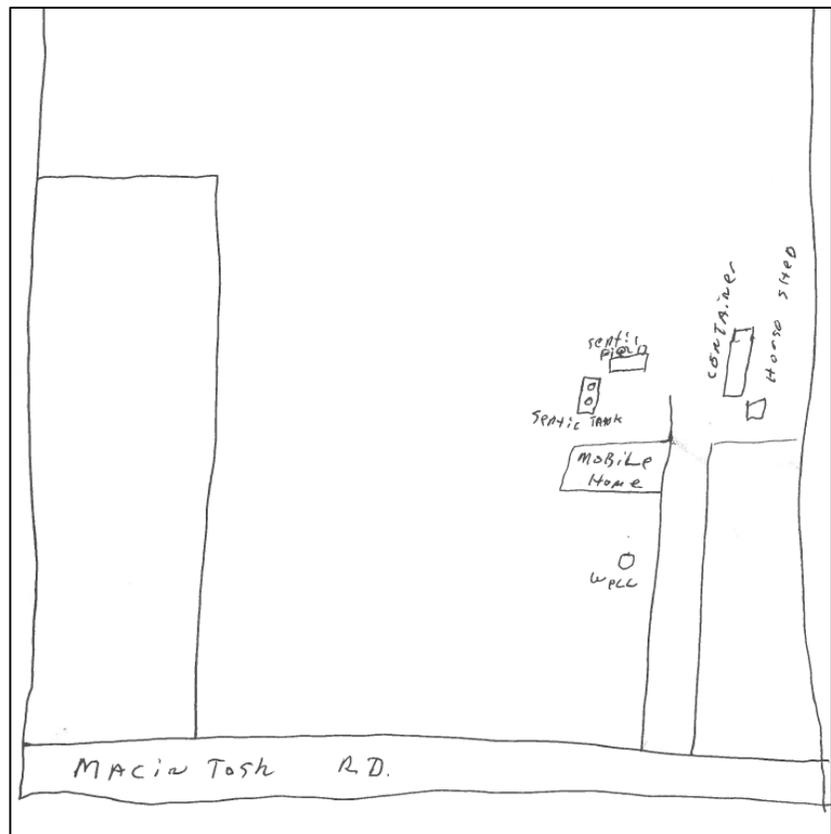


## Development Proposal

The applicant has requested the land be redesignated and rezoned from Agricultural Reserve (AR) to Rural Use (RU). The redesignation and rezoning will enable him to install a mini-home on the property. In the Agricultural Reserve (AR) Zone only dwellings related to a bona fide farming operation are permitted.

Following the motion passed at the agricultural advisory committee the applicant has amended his request for redesignation and rezoning to Rural Use (RU) to just a portion of his land. The split zoning will still enable the applicant to construct a non-farm dwelling or mini home and any associated/accessory buildings with that non farm use. The remainder of the land will be kept as Agricultural Reserve (AR).

A hand drawn site plan has been submitted with the application which identifies the location of the proposed mini-home, existing shed and shipping container. The driveway for mini-home is located off MacIntosh Road.



As noted in the previous section, there is a camper on the property which is understood to have been there several years.

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## Policy Analysis

Staff will continue to review the proposed amendments based on the applicable policies contained in the Municipal Planning Strategy (MPS). A detailed table of the evaluative criteria from the enabling policies and corresponding comments from Staff will be attached to the final report.

The land will have to be redesignated and rezoned to enable the development of non-farm related uses. If this application is approved, all RU zone uses would be permitted on this property.

In evaluating this application, the review will consider policies relating to the protection of agricultural land including policies relating to the Agricultural Reserve (AR) designation.

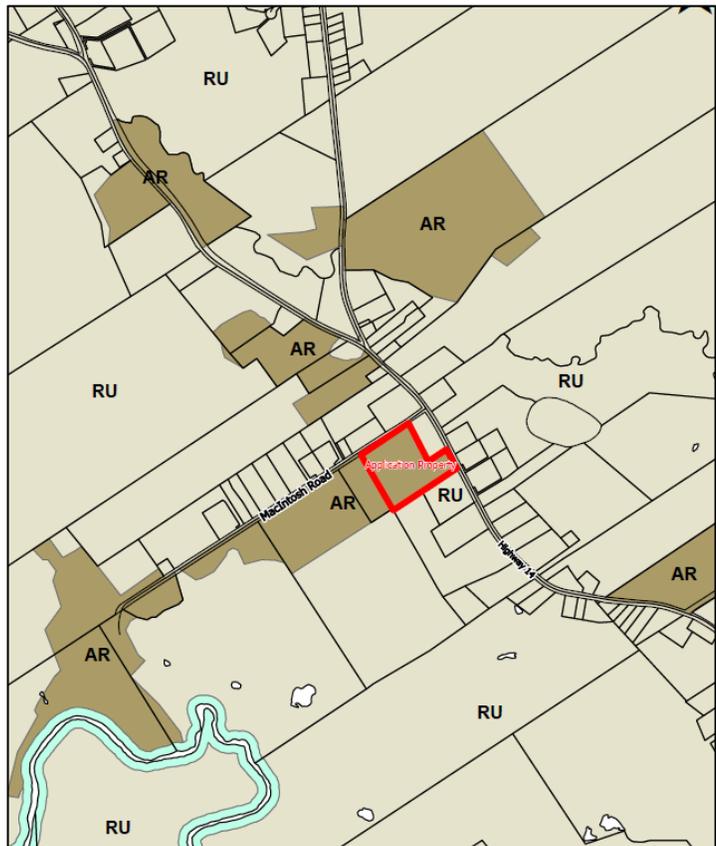
Policy AR17 of the Municipal Planning Strategy considers non-agricultural uses by development agreement only on Agricultural Reserve designated lands. In discussing the differences between a development agreement and a rezoning application, the applicant has requested that the property be rezoned.

One of the provincial statements of interest has regard for the preservation and protection of agricultural lands to enable the development of viable and sustainable agriculture.

The applicant engaged a professional Agrologist to prepare an Agricultural Impact Study for the subject property as per the requirements of the Municipal Planning Strategy. The study is required to evaluate the CLI soil classification and the impact of the loss of agricultural land based on the proposed application.

The study results concluded the subject property found to adhere to the definition of Class 3D/P under the Canadian Land Inventory (CLI) soil classification.

The study also suggests that the quality of the Hebert soil apparent in the land is poor to fair for crop production. The study also indicates that the drainage on most of the property is very poor as water run off from adjoining properties pools creating a wet swampy area to the south and eastern part of the property.



### Agricultural Advisory Committee

Under the terms of reference, one of the mandates of the Agricultural Advisory Committee is to review land use applications regarding large parcels of agricultural land and provide recommendations to the Planning Advisory Committee.

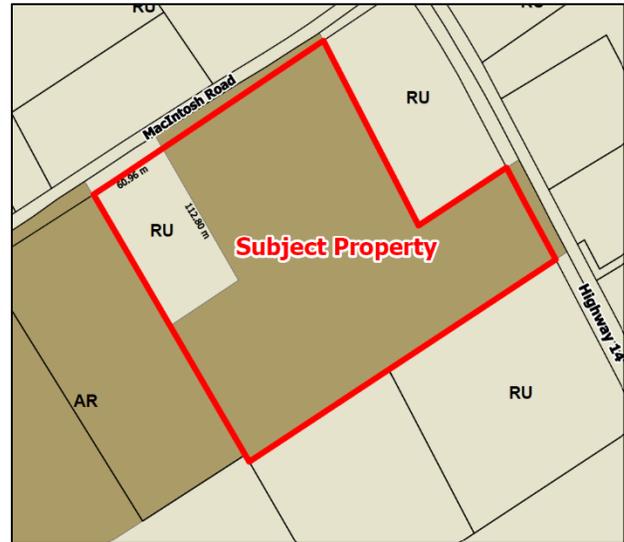
The agricultural advisory committee met on January 13, 2026 to discuss this application. Some committee members mentioned that the land not being farmed was not a valid reason for the rezoning to RU, noting that

adjacent land was being farmed. Comments were also made that the majority of the corridor has similar to soil to this property, has bad drainage and is farmed anyway.

The committee is unanimously recommending that the rezoning request be denied for the rezoning of the entire property. The committee discussed a split zoning for the property whereby the applicant would have land for their non-farm dwelling and other accessory non-farm buildings but retaining the remainder of land as Agricultural Reserve (AR). The committee suggested that this approach would be a good compromise and seemed generally acceptable to the committee.

#### Amended Redesignated and Rezoning Request

Following the agricultural advisory committee, planning staff have discussed the motion made by the committee and the comments made by the members of the committee. Following that discussion the applicant has amended their application to request only a portion of the land be redesignated and rezoned. The applicant provided measurements to staff as to the land they wanted to continue with the request for rezoning for. This area of land would include the pad for the mini-home, plus the septic and well which have already been installed. Planning staff have used these measurements of 113 metres (370 feet) long and 61 metres (200 feet) wide to prepare the proposed redesignation and rezoning map.



#### STRATEGIC ALIGNMENT

The 2025-2029 East Hants Strategic Plan identifies ‘Strong Community’ and ‘Economic Prosperity’ as two of the four areas of strategic focus. The protection of agricultural land supports a strong community and prosperity for the agricultural economy sector.

#### LEGISLATIVE AUTHORITY

The legislative authority is set out in the Municipal Government Act, Part VIII. This part of the MGA sets out the process for MPS and LUB amendments to be considered.

#### FINANCIAL CONSIDERATIONS

A fiscal impact statement will be provided with the final staff report.

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## Citizen Engagement

Staff will continue to follow the Citizen Engagement Policies of the Municipal Planning Strategy when processing this application. An advertisement outlining the application and indicating that it is under review has been placed in the Chronicle Herald.

A Public Information Meeting (PIM) was held on January 6<sup>th</sup>. This PIM was held for two applications. Notes from this meeting has been appended to this staff report. Five people attended the meeting which included two councillors and the two applicants. Comments and questions for this application related to a requested clarification of the site plan and questions regarding process for the application.

Questionnaires have been mailed to property owners within 300 metres of the application site. Questionnaire responses will be provided with the final staff report.

Details of the public hearing will also be mailed to property owners within 300 metres of the application site.

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## Attachments

- Appendix A - Notes from Public Information Meeting
- Appendix B - Notes from Agricultural Advisory Committee meeting
- Appendix C - Proposed Designation and Zoning changes (amendment sheets)
- Appendix D - Agricultural Impact Study

## Appendix A - Notes from Public Information Meeting



EAST HANTS

MINUTES

### Public Information Meeting

1. PLN25-009: Redesignation and Rezoning - MacIntosh Rd
2. PLN25-010: MPS and LUB Amendments - Sunny Point Farms

January 6, 2026  
Lloyd E Matheson Centre

#### ATTENDANCE

##### Staff:

John Woodford, Director of Planning and Development  
Rachel Gilbert, Manager of Planning  
Lee-Ann Martin, Development Officer/Planner  
Hannah Grosvenor, Administrative Assistant

##### People in Attendance:

5 people, which includes Councillor Mitchell, Councillor Merriam and the two applicants.

1.	Call to Order: 7:00 p.m.
	The meeting was called to order at 7:00pm by John Woodford, beginning with a land acknowledgement.
2.	<b>PLN25-009- Redesignation and Rezoning - MacIntosh Rd</b>
	Rachel Gilbert presented. The applicant spoke briefly about their intent.
3.	Questions from the Public
	<ul style="list-style-type: none"><li>• Councillor Mitchell requested clarification on the hand-drawn site plan.</li><li>• A resident requested clarification regarding the process. Staff explained that the Agricultural Advisory Committee would review the application and provide recommendations to council. Council makes the decision. The resident inquired if</li></ul>



	<p>the province had any decisions to make. Staff confirmed, and explained that once approved by council, applications are reviewed and approved, refused, or sent back requiring changes by the minister. Staff also noted that the Land Use Bylaw distinguishes between residences and farm residences.</p>
4.	<p><b>PLN25-010- MPS and LUB Amendments - Sunny Point Farms</b></p>
	<p>Lee-Ann Martin Presented. The applicant spoke briefly about the setbacks and the reasoning for their application.</p>
5.	<p><b>Questions from the Public</b></p>
	<ul style="list-style-type: none"><li>• Councillor Mitchell questioned if there was a plan to connect the barns. The applicant didn't think that was possible due to the property line, but hoped to have a concrete walkway between the barns.</li></ul>
6.	<p><b>Adjournment</b></p>
	<p>The meeting was adjourned at 7:17pm.</p>

## Appendix B - Notes from Agricultural Advisory Committee Meeting



EAST HANTS

NOTES

### Agricultural Advisory Committee Meeting

1. Proposed Municipal Planning Strategy and Land Use Bylaw Amendments  
Application from David Maddeaux

January 13, 2026

Lloyd E. Matheson Centre, Elmsdale

#### In Attendance:

Councillor MacPhee, Josh White, Jeffrey van de Riet, Councillor Rhyno, Phillip Vroegh, Logan Stephens, Daniel Muir (NS Department of Agriculture)

#### Staff:

Rachel Gilbert, Manager of Planning  
Hannah Grosvenor, Administrative Services Clerk

### NOTES

1.	Call to Order: 6:30 p.m. The meeting was called to order by Councillor MacPhee, beginning with a land acknowledgement.
2.	PLN25-009: David Maddeaux Application - Staff presentation and overview of application- Rachel Gilbert, Manager of Planning
3.	Committee comments and questions for staff <ul style="list-style-type: none"><li>• Councillor Rhyno clarified the split zoning of the property and asked if any portion of the land was farmed. Staff responded that it hadn't been farmed since 2011.</li><li>• Jeffrey van de Reit felt that the land not being farmed was not a valid reason for rezoning, noting that all adjacent property was being actively farmed. JvdR observed that the majority of the corridor has similar soil to this property, has</li></ul>



bad drainage, and is farmed anyway. He felt that if the landowner wants to put in a house, they have the option to apply for a DA. He hypothesized that if we rezone AR land for other purposes, the area will end up like Toronto, citing a recent rezoning application on Ess Road that is now being developed.

- Philip Vroegh questioned how long the applicant had owned the parcel. Staff replied since 2020.
- Josh White questioned if the applicant just wanted to put a mini-home on the land. Staff confirmed that was what the applicant stated.
- Daniel Muir questioned the applicant's alternative options. Staff explained that the applicant could apply for a DA, and that the municipality has a plan review coming up that the applicant could utilize to change zoning. Staff clarified that a DA is specific, where rezoning allows the property owner to do anything permitted in the new zone.
- Jeffrey van de Riet moved that the Agriculture Advisory Committee recommend to PAC that they not support the request to rezone this property from AR to RU.
- Phillip Vroegh asked if the zoning was AR when the applicant bought the site. Staff confirmed that it was.
- Daniel Muir asked if the motion should recommend that the applicant consider a DA.
- Jeffrey van de Riet noted that the applicant was already aware of this option.
- Councillor Rhyno questioned what was permitted on the property if the applicant has a DA. Staff explained that the DA will have specific limits and restrictions that would be approved by council.
- Phillip Vroegh inquired about the timeline for a DA. Staff replied that rezoning approval typically takes longer than DA approval. Phillip then asked what reasons council would have to deny a DA. Staff stated that they can't speak for council, but in the past council has been open to enabling residential builds for property owners. Phillip referenced the Ess Road property again, observing that rezonings can be done in bad faith, so it's hard not to be jaded from that.
- Josh White suggested the applicant take a small portion of the property to rezone, allowing for compromise.



- Daniel Muir asked what the difference would be in the application. Staff responded that the measurements would be clearly stated on the plan, and before building on the property a location certificate would be required to ensure that the building is in the rezoned portion.
- Jeffrey van de Riet shared he felt there were three options for the applicant: to subdivide, split zone or apply for a DA.
- Josh White felt that split zoning was the ideal solution.
- Councillor Rhyno suggested that staff should be telling applicants about split zoning, and asked if they could recommend split zoning. Staff explained that it could be recommended, but it is not common and can set up potential and use conflicts.
- Councillor Rhyno & Josh White suggested there would be no conflict with split zoning, everyone's interests would be served.
- Staff explained that the applicant was not misinformed about their options, and noted that all information was given to the applicant.
- The motion that the Agriculture Advisory Committee recommend to PAC that they not support the request to rezone this property from AR to RU was withdrawn.
- Jeffrey van de Riet moved that the Agriculture Advisory Committee recommend to PAC that they deny the rezoning of the entire property from AR to RU.
- Josh White emphasized to staff that the applicant should be aware of the ability to split zone their property.
- Jeffrey van de Riet felt that residents should understand that AR land has restrictions.
- Josh White observed that salespeople don't always disclose the restrictions.
- Councillor MacPhee agreed, and added that buyers don't always listen.

### Motion

On the motion of Jeffrey van de Riet and Councillor Rhyno:

Moved that the Agriculture Advisory Committee recommend to PAC that they deny the rezoning of the entire property from AR to RU.



	<p>Motion Carried</p> <ul style="list-style-type: none"><li>• Staff alerted the committee that this recommendation would not be on the PAC agenda for January, giving the applicant time to consider this committee's recommendation.</li><li>• Jeffrey van de Riet again shared his disappointment in the Ess Rd decision. He noted that the committee recommended against rezoning, but council approved it anyway.</li><li>• DM clarified that council may choose to ignore the committee's recommendation.</li><li>• Jeffrey van de Riet asked what the point of the committee was, in that case. The committee was trying to feed everybody, trying to protect.</li><li>• Josh White felt that if enough land was rezoned for the applicant to build a house and the rest was left AR, everyone would be happy.</li></ul>
4.	<p>Adjournment</p> <p>The meeting was adjourned at 7:09 pm.</p>

## Appendix C - Proposed amendments to the designation and zone

### Amendment Sheet

The Municipality of East Hants  
Official Community Plan  
Municipal Planning Strategy

#### Generalized Future Land Use Map 8: Official Community Plan Area

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The GFLUM designation for a portion of the western side of 47 MacIntosh Road, Upper Nine Mile River, shown on the Generalized Future Land Use Map 8: Official Community Plan Area, is changing from the Agricultural Reserve (AR) Designation to the Rural Use (RU) Designation.



## Amendment Sheet

The Municipality of East Hants  
Official Community Plan  
Land Use Bylaw

### Land Use Bylaw Map 8: Official Community Plan Area

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The Zoning for a portion of the western side of 47 MacIntosh Road, Upper Nine Mile River, shown on the Land Use Bylaw Map 8: Official Community Plan Area, is changing from the Agricultural Reserve (AR) Zone to the Rural Use (RU) Zone.

