



Subject: *Sunny Point Farms- Amendments to Official Community Plan*
To: Planning Advisory Committee, April 14th, 2026
Date Prepared: April 1st, 2026
Related Motions: PAC25(127), PAC25(128), C25(374), PAC26(15), PAC26(16), C26(66)
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.

Financial Impact Statement

There is no financial impact with the approval of the amendments.

Recommendation

That Planning Advisory Committee recommends that Council give Second Reading and approve the amendments.

Recommended Motion

- *Planning Advisory Committee recommends to Council that Council Give Second Reading and approval 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 to 2m, subject to building code requirements, where the neighbouring property is commonly owned, and;*

That in no instance shall an intensive livestock operation be less than 45m from a property that is not commonly owned.

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.

A previous report brought forward from Staff recommended a minimum 10m setback to align with what is permitted in the Agricultural Reserve (AR) zone and reduce potential land use conflicts and to better align with what would be permitted as a spatial separation as per the National Building Code. Council amended the recommendation from staff and passed a motion to reduce the setback requirement to 2m, subject to building code requirements, for properties that are in a common ownership.

The following motion was passed at the Regular Meeting of Council in February 2026:

C26(66) Moved 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 to 2m, subject to building code requirements, where the neighboring property is commonly owned; and

That in no instance shall an intensive livestock operation be less than 45m from a property that is not commonly owned

The requirement is written that the setback must meet the spatial separation requirements under the National Building Code. Therefore, the 2m is a minimum, and spatial separation calculations will be required from an Agricultural Engineer to determine what the minimum required under the National Building Code will be for spatial separation. In many instances, the minimum setback will exceed the 2m as per the proposed amendments.

Council also included in the motion that in no instance shall an intensive livestock operation be less than 45m from a property that is not in common ownership.

The proposed amendments to the Land Use Bylaw and Municipal Planning Strategy are as follows as per Council motion C26(66):

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*

<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*

e) In the Rural Use North (RU-2) zone, the 46m minimum setback may be reduced to 2m if the adjoining property is in common ownership, subject to spatial separation requirements of the National Building Code

f) In no instance shall an intensive livestock operation be less than 45m from a property that is not commonly owned

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 2m. 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.

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 have complied with the Citizen Engagement Policies of the Municipal Planning Strategy when processing the amendments.

As this application involved 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 were not be mailed to residents.

A Public Hearing has been scheduled for the April 2026 Regular Meeting of Council. Notice of the Public Hearing was published in the Chronicle Herald, on the Municipal website and social media platforms.

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 second reading and approval 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 2m, subject to the spatial separation requirements under the National Building Code and That in no instance shall an intensive livestock operation be less than 45m from a property that is not commonly owned.

Attachments

Policy Analysis

Amendment Sheets

Public Information Meeting Notes

Policy Analysis:

IM11	Council shall only consider private applications to amend this Strategy where said amendments in the best interest of the Municipality	Reduced setbacks are currently permitted within the Agricultural Reserve (AR) zone for intensive livestock operations where the adjacent property is in a common ownership. This regulation was not introduced in the Rural Use North (RU-2) zone when regulations were implemented.
Council shall consider text amendments to this Strategy when:		
<p>a) A need arises to change policy.</p> <p>An amendment to the Strategy is required to enable to reduced setback for intensive livestock operations.</p>		
IM12	b) New information is identified or studies have been undertaken which necessitate or recommend an amendment to the strategy.	A private application was submitted to amend the regulations.
<p>c) A provincial policy change requires a change in this Strategy.</p> <p>n/a</p>		
<p>d) The boundaries of the planning area are altered</p> <p>n/a</p>		
<p>e) Housekeeping amendments are warranted.</p> <p>n/a</p>		
IM14	It shall be the policy of Council to consider amendments to the Land Use Bylaw provided the amendment is consistent with the intent of the Municipal Planning Strategy.	The Municipal Planning Strategy does permit a reduced setback. An amendment is proposed to the Strategy to include the Rural Use North (RU-2) zone within this policy.
IM15	It shall be the policy of Council to consider an application for amendment to the Land Use Bylaw only if the application has identified a proposed use for the property. Council shall give consideration to both the proposed use and to the impact of other uses permitted in the requested zone.	The applicant is proposing to submit a subdivision application, moving the property lines closer to the existing intensive livestock operation, in order to develop another building at a later date.
IM16	It shall be the policy of Council to consider an application for amendment to the Land Use Bylaw only if the site meets all of the lot size and zone standards for the zone sought.	New developments of intensive livestock operations must meet setback requirements and National Building Code requirements.
Council shall, in considering amendments to the Land Use Bylaw, in addition to all other criteria as set out in the policies of this Strategy, have regard for the following matters:		

IM18	a) Whether the proposed development is in conformance with the intent of this Strategy and with the requirements of all other Municipal Bylaws and regulations as applicable matters.	Reduced setbacks for intensive livestock operations are currently permitted in the Agricultural Reserve (AR) zone if the adjacent property is in a common ownership
	b) Whether Planning Staff have initiated a review of this Strategy, or any of the Official Community Plan documents	A Plan Review is currently underway. These amendments were submitted as a private application to amend the Strategy and Land Use Bylaw.
IM19	Council shall consider if the proposal is premature or inappropriate by reason of:	
	a) The financial capability of the Municipality to absorb any costs relating to the development.	n/a
	b) The adequacy of municipally approved water and wastewater services or if services are not provided, the adequacy of physical site conditions for private on-site septic and water system. Council shall consider comments from the Municipal Infrastructure and Operations Department or Nova Scotia Environment as applicable.	There are no Municipal piped services in the Rural Use North (RU-2) zone. Developments in this zone must comply with NS Environment regulations for on-site services.
	c) The adequacy and proximity of school, recreation, and any other community facilities. Council shall consider comments from Municipal departments and the appropriate School Board as applicable.	n/a
	d) The potential for significantly reducing the continuation of agricultural land uses.	The amendments will permit a reduced setback for intensive livestock operations in the Rural Use North (RU-2) zone.
	e) The adequacy of existing or proposed road networks in, adjacent to, or leading to the development and ability of the proposed development to satisfy applicable stopping sight distances. Council shall consider comments from the appropriate Municipal Engineer and/or Nova Scotia Transportation and Infrastructure Renewal.	n/a

	<p>f) The potential for the contamination of watercourses or the creation of erosion or sedimentation. Council shall consider comments from relevant Provincial Departments as applicable.</p>	<p>Any new development of an intensive livestock operation will be required to meet setback requirements from watercourses</p>
	<p>g) Creating a leap frog, scattered, or ribbon development pattern as opposed to compact and orderly development.</p>	<p>n/a</p>

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*

<i>Private or Off-Farm Well</i>	<i>100 m</i>
<i>Lake, River, Brook</i>	<i>50 m</i>
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<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:

- I. The minimum setback of a dwelling from existing intensive livestock operations shall be 46 m.*
 - II. A dwelling which does not meet the minimum setback requirement of 46 m may be considered by site plan approval*
- d) Application for site plan approval shall be in the form specified in the Appendix and shall be accompanied by a sketch of sufficient detail to address all of the matters identified above, and shall be accompanied by a letter stating the purpose for the reduction in the minimum setback requirement.*
- e) In the Rural Use North (RU-2) zone, the 46m minimum setback may be reduced to 2m if the adjoining property is in common ownership, subject to spatial separation requirements of the National Building Code*
- f) In no instance shall an intensive livestock operation be less than 45m from a property that is not commonly owned*

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.*