

Notice of Adoption - By-Law to Amend LUB 26-03

Details

 Published: 07 May 2026

Second Reading and Adoption of the By-law to Amend the Land Use By-law 26-03 took place on April 27th, 2026 at a Regular Council meeting.

The purpose of the adopted By-law is to rezone portion of PID 25067778 located at 530 John Black Rd., East Amherst, from Country Residential (RCou) Zone to the Rural Resource (Rsrc) Zone.

Any aggrieved person, the Provincial Director of Planning, or the Council of any adjoining municipality may, within fourteen days of the publishing of this notice, appeal to the Nova Scotia Utility and Review Board (1-855-442-4448 / board@novascotia.ca) in accordance with the provision of the Municipal Government Act.

For a copy, please click here: [By-laws - Municipality of Cumberland](#) For further information, please call 902-667-1142, 1-888-756-6262 (toll free), or email clerk@cumberlandcounty.ns.ca



Council

Second Reading

Date of Meeting: April 27th, 2026

TO: Mayor Gilroy and Council
FROM: Glen Boone, Director of Development and Planning
DATE: April 20th, 2026
SUBJECT: **Second Reading – By-law to Amend the Land Use By-law 26-03 to rezone a portion of PID 25067778, located at 530 John Black Rd., East Amherst from Country Residential (RCou) Zone to the Rural Resource (Rsrc) Zone.**

ORIGIN: On January 05, 2026, Planning staff received an application from Natural Forces Solar to rezone a portion of PID 25067778, located 530 John Black Rd, East Amherst, from Country Residential (RCou) to Rural Resource (Rsrc) to enable the development of a commercial solar project.

PID	Location	Current Zone	Proposed Zone	Proposed Use
25067778	East Amherst	Country Residential (RCou) Zone	Rural Resource (Rsrc) Zone	Commercial Solar Project

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve a rezoning unless council is satisfied;

- (a) If the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;*
- (b) If the proposed change is not prohibited by any other policy in this Plan;*
- (c) The purpose of the proposed zone as described in the respective policy creating that zone, is consistent with the location and characteristics of the lands and with the proposed use of the lands*
- (cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and*
- (d) The proposal meets the general criteria for amending the land use bylaw, set out in Policy 6-19.*

RECOMMENDATION: That Council approve Second Reading of the By-law to Amend the Land Use By-law 26-03 to rezone a portion of PID 25067778, 530 John Black Rd., East Amherst, from Country Residential (RCou) Zone to the Rural Resource (Rsrc) Zone, AND to Amend section 5.3 of the LUB to add policy 5.3.6, AND add Vegetative Buffer as a definition under section 14 of the LUB.

BACKGROUND: The subject property, located in East Amherst along John Black Rd, is 250 acres of land zoned Country Residential. The property is in an area in the County located on the outskirts of the Town of Amherst (TOA), that contains a mixture of land uses, including but not limited to residential, agricultural and commercial recreation (golf course). The portion of the subject property considered for rezoning is currently largely wooded, with two wind turbines.



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The Intermunicipal Agreement (IMA) between TOA and the Municipality can result in the extension of sewer services from the Town of Amherst down John Black Road. The land could be eligible for TOA Sewer Services, subject to connection approval from the Town of Amherst and potential service agreements with developers. Staff have considered this potential which is why the rezoning is limited to the back portion of the subject property.

Natural Forces Solar, with permission of the current property owner, are looking to establish a Solar project on the subject lands, which will provide clean energy for up to 700 homes, spanning from East Amherst to Tidnish. The proposed project would have the capacity of 5.25 MW_{AC}

Natural Forces Solar has identified this parcel as an ideal location for the proposed project, due to a wind turbine already being located on the subject property. Co-locating the proposed solar project with the existing wind project allows for the sharing of infrastructure. Furthermore, co-locating is beneficial for the electrical grid, as the projects produce power at different times, providing more reliability to the power grid.

Should Council approve the rezoning, the applicant would be aiming to begin construction for this project in late Spring 2026, finishing construction before the end of 2026.

DISCUSSION:

The subject property currently is zoned Country Residential, which would permit solar collectors, however policy 5.3.1 only permits solar collectors as an accessory use. As the property currently only has a wind turbine on the property, both the solar and wind uses would not necessarily be ancillary to the other, making the commercial solar use a second main use. Policy 5.3.2 permits solar collectors as a main use in the Rural Resource Zone.

As noted in the discussion section above, the surrounding context of the subject property contains a mixture of land uses, including but not limited to residential, agricultural and a commercial recreation (golf course). The recent approval of the IMA and the By-law to Amend the Public Sewers By-law 25-08 creates the potential for extension of Town Water and Sewer services, permitting 400 sewers connections to properties within the Municipality. The surrounding context and the new potential for central services makes the subject property a potential candidate for residential development. For this reason, staff is proposing only rezoning a portion of the subject lands to Rural Resource (Rsrc) and maintaining the RCou zoning on the front portion of the lot, in alignment with surrounding properties and potential future use of the land. The proposed Rsrc zoning boundary would be set back approximately 365 m from John Black Road, ensuring significant area is maintained to allow for future residential development to still occur along the front portion of the lot. Mapping has been provided to Council as attachment A to provide a more closely measured view of the zoning boundary line being proposed. Further to this, the proponent intends to maintain a buffer from the zoning change boundary, maintaining 10m of trees intact, acting as visual screening from the public road. The details around the text amendment for the vegetative and some wording changes were discussed and presented at the Public Hearing. Staff feel the proposed rezoning aligns well with both the existing uses, adjacent uses and potential future uses.



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Mapping included as attachment A and C have been edited since the First reading report to Council, to provide more exact dimensions and location points for the proposed zoning boundary line. This provides more accurate representation of the portion of the lot in which rezoning is being considered.

FINANCIAL IMPLICATIONS: The location and technical details allow for the efficient use of land and infrastructure. Natural Forces Solar has been building relationships with businesses who are high electricity consumers, these users may be eligible to offset their energy consumption through a subscription to the East Amherst Solar project. Another potential off-taker for the proposed East Amherst solar project would be individual residents. This project has been submitted to the NS Community Solar Program. If accepted, up to 450 of the potential 700 subscription slots would be available to residents near the project. Staff had discussed with PVSC the potential property tax benefit once the project is operational.

ENVIRONMENTAL IMPLICATIONS: No significant environmental concerns. Water and sewer services are not required for the project. Some tree clearing will be required for proposed development, however the proposed text amendments will ensure this project, along with any other commercial solar project, maintains a 10m vegetative buffer. The vegetative buffer will aid in creating visual screening for the project from the public road, as well as with assisting with stormwater runoff on the site. The Owner will be required to maintain a buffer from any wetlands. This is shown on their site plan, as a 20m buffer is provided.

COMMUNITY ENGAGEMENT: A public hearing was duly held on March 18, 2026, and within the required MGA process. Notices were placed on the Municipal Website on March 03, 2026, more than two weeks prior to the scheduled hearing date. Furthermore, a notice was placed in a locally circulated newspaper for March 11, 2026, and a Planning Notice Sign was placed on the property. The planning notice sign was originally placed in wrong location but quickly corrected.

No representatives of the Public spoke at the Public Hearing, and no written submissions were received. Some residents have informally expressed that they wanted to ensure a visual barrier/buffer existed from views from adjacent lands and/or the John Black Road. Further to the engagement that was conducted by the Municipality, the proponent, Natural Forces Solar, held a community open house session on March 10, 2026, from 4:00pm-5:30pm and from 6pm to 7:30 pm. This was hosted at the Super 8 hotel. Community input obtained through this process has been summarized in a What We Heard Report, which has been published to the Natural Forces project webpage and is included in this report as Attachment E.

ALTERNATIVES:

- Council may defer the issue to a later date;
- Request further information; or
- Reject the proposed amendment based on conflict with a policy in the Municipal Planning Strategy.



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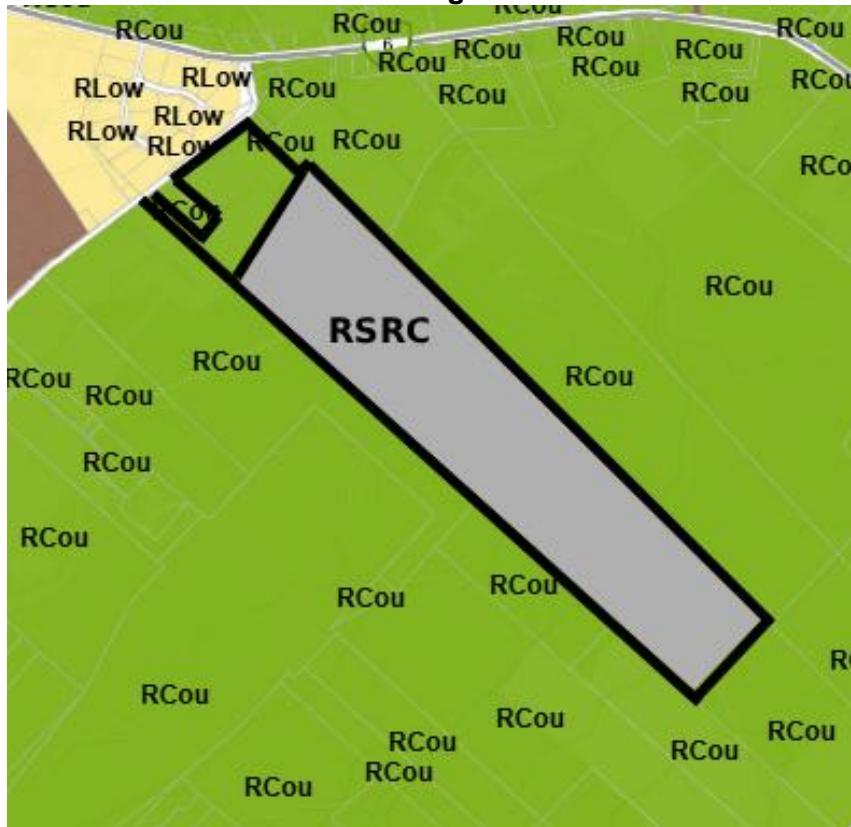
ATTACHMENTS:

- Attachment A: Zoning Map Change**
- Attachment B: Aerial and Street Images**
- Attachment C: Concept Site Plan**
- Attachment D: Letter from the Applicant**
- Attachment E: What We Heard Report (proponent prepared)**
- Attachment F: Proposed Text Amendments**
- Attachment G: Policy Review**

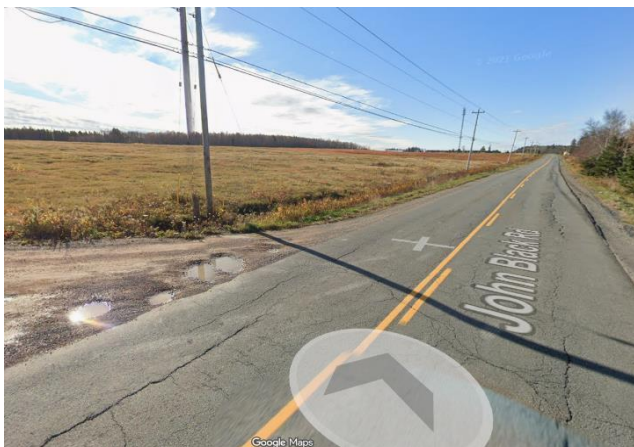
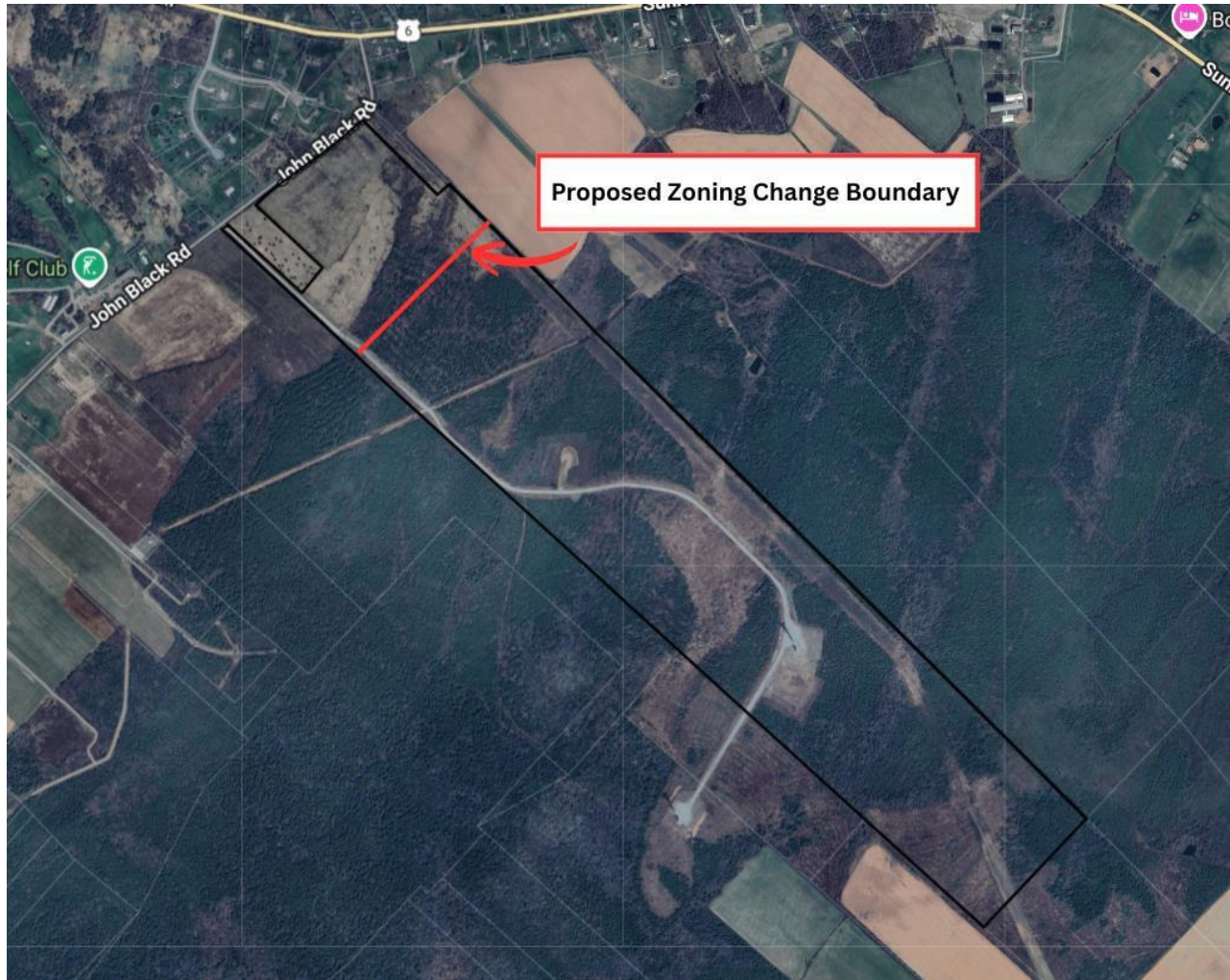
Attachment A: Zoning Map Change



Changes to



Attachment B: Aerial and Street Images





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Attachment D: Letter from the Applicant



201 Brownlow Ave, Unit 26
Dartmouth, NS B3B 1W2
902-422-9663
solarinfo@naturalforces.ca

Municipal Council of the County of Cumberland
1395 Blair Lake Rd, Upper Nappan, N.S.
B4H 3Y4

Dear Municipal Council of the County of Cumberland,

On behalf of Natural Forces Solar, this covering letter explains our application for rezoning of the parcel of land at civic address 530 John Black Road, East Amherst; PID 25067778.

We are requesting that the parcel be rezoned from its current designation of "RCou - Country Residential" to "Rsrc - Rural Resource". We make this request so we may apply for a development permit to install a commercial solar farm; solar photovoltaic (PV) equipment is not permitted as a main use in RCou, but the LUB does permit PV projects as-of-right in Rsrc.

We believe that the proposed East Amherst solar farm project, site and updated zoning, are an appropriate fit as the parcel already hosts a wind turbine and associated infrastructure (i.e. access roads and electrical connection equipment). Co-locating wind and solar projects can have benefits for electrical grids, due to energy being produced at alternating times of day and year. The landowner would continue to use the remainder of the parcel as they are now, for wild blueberries and forestry, activities which are also characteristic of Rsrc zoning.

Our intention is for our installation timeline to begin in spring 2026 and conclude before the end of 2026. This would be subject to a number of factors, but we anticipate a completion date no later than the end of 2027. Prior to proceeding with any installation work, we will conduct community engagement sessions near the project site. The purpose of these community engagement sessions is to share information about the project and its benefits with those who live and work near the site. We will listen to and respond to any concerns that community members may have. We always aim to recruit local workers and firms for construction and maintenance of our projects, providing employment benefits to the community.

Please find attached our proposed site plan, illustrating the tree line and large front set-back (238 m / 781 ft at its narrowest). These features preserve the view plane for observers along John Black Road. Also attached are screenshots from Google's Street View, demonstrating the present view plane, and illustrating the distance to the existing tree line.

The proposed project will occupy 11 fenced hectares (26 acres) and have a capacity of 5.25 MW_{ac}. A system of this size can provide clean electricity for up to 700 homes. This clean electricity will be consumed by residents and businesses within the local electrical distribution zone, which spans as far as Tidnish, Port Howe, and Kolbec.

Many thanks for your careful consideration of our assessment. I trust that you will not hesitate to get in touch if you have any questions or concerns.

Sincerely,

J. Mitchell Van Oosten,
Manager of Project Development



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Attachment E: What We Heard Report (Proponent Prepared)

Attached Separately



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Attachment F: Proposed Text Amendments

Solar Collectors

5.3

Solar collector systems shall be permitted as an accessory use in all zones.

5.3.1

Solar collector systems shall be permitted as a main use in the Rural Resource

5.3.2

(**Rsrc**) Zone, Agriculture (AG) Zone, Rural Industrial (**IRur**) Zone, Wellfield 3B (W3B) Zone, and Commercial Recreation (**CRec**) Zone. Solar collector systems developed as a main use shall meet the zone requirements for main buildings.

5.3.3

Solar collector systems may be mounted as free-standing structures or on buildings.

5.3.4

Solar collector systems mounted on buildings may exceed the maximum building height in the zone by up to 2 metres.

5.3.5

Solar collector systems installed as free-standing structures in the Agriculture (AG) Zone shall be mounted on helical piles or on ballasted foundations resting on the surface of the ground.

5.3.6

Solar collector systems developed as a main use shall maintain a 10m vegetative buffer from the common property or boundary line of any residential developments or land intended for residential uses. Natural existing vegetation shall be maintained within the 10m vegetative buffer.

Proposed Vegetative Buffer Definition:

Vegetative buffer means an area of land set aside for preservation of its natural vegetative state. Removal of plants is not permitted, with the exception of poisonous or non-native plant species. In addition, no fill/cutting activities or storage of materials is permitted in these areas.



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Attachment F: Policy Review

<p>MPS Policy 5-24: Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Resource Designation</p> <ul style="list-style-type: none"> (a) Agriculture Zone (b) Commercial Recreation Zone (c) Country Commercial Zone (d) Country Residential Zone (e) Flood Hazard Zone (f) Highway Commercial Zone (g) Institutional Zone (h) Parks and Open Space Zone (h.1) Recreational Residential Zone (i) Rural Industrial (j) Rural Resource
<p>Comment</p> <p>As both the Country Residential and the Rural Resource Zone are permitted within the Resource designation, no MPS amendments would be required to enable the zoning change.</p>

<p>MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve the rezoning unless council is satisfied.</p>	
Requirement	Comment
(a) <i>if the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104.</i>	N/A
(b) <i>The proposed change is not prohibited by any other policy in this plan.</i>	Not prohibited by any other Policy
(c) <i>the purpose of the proposed zone is consistent with the location and the characteristics of the lands;</i>	Proposed zone is consistent.
(cA) <i>the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards</i>	No risks towards wildlife corridors or geohazards present.
(d) <i>The Proposal meet the general criteria for amending the Land Use Bylaw, set out in Policy -19</i>	See Policy analysis below



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MPS 6-19 Council shall not amend the Land Use Bylaw or approve a development agreement unless Council is satisfied the proposal;	
Requirement:	Comment:
(a) <i>Is consistent with the intent of this Municipal Planning Strategy</i>	Yes, proposed rezoning aligns with policy of the MPS
(b) <i>Does not conflict with any Municipal or Provincial Programs, by-laws, or regulations in effect in the Municipality.</i>	Does not conflict
(c) <i>Is not premature or inappropriate due to:</i>	
<i>(i) The ability of the Municipality to absorb the public costs related to the project.</i>	No public costs associated with the project.
<i>(ii) Impacts on existing drinking water supplies, both private and public.</i>	No anticipated impacts to existing water supplies
<i>(iii) the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services</i>	As stated in the IMA and the Sewer Line Bylaw, TOA servicing will be available at this site, subject to Town Approval. The applicant does not currently have a need for sewer as no structures will be built on the lands.
<i>(iv) The creation of any excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal</i>	No excessive traffic hazards identified
<i>(v) The adequacy of fire protective services and equipment;</i>	Located within the TOA Fire District. Adequate fire protective services are available
<i>(vi) The adequacy and proximity of schools and other community facilities.</i>	N/A
<i>(vii) The creation of a new or worsening of a known pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses.</i>	No pollution problems are anticipated.
<i>(viii) The potential to create flooding or serious drainage issues including within the proposal site and in nearby areas</i>	No flooding or drainage issues anticipated.
<i>(ix) Impacts on sensitive environments, as identified on Schedule B</i>	No anticipated impact to sensitive environments
<i>(ixA) Impacts on wildlife corridors</i>	No anticipated impact to wildlife corridors
<i>(x) Impacts on known habitat for species at risk</i>	No anticipated impacts
<i>(xA) risks presented by geohazards</i>	No anticipated impacts
<i>(xi) the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility right-of-way</i>	Site is suitable, all structures and land uses associated with the project respect the required 15m



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	buffer from all watercourses, including wetlands.
<i>(xii) negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.</i>	Portion of land being rezoned would be set back from the main road 365 meters. As the land supports residential development, an adequate parcel of RCou land would remain as reserve residential land.

Last updated 13 March 2025

What We Heard

East Amherst Solar Project Community Engagement

10 March 2026: Super 8 Amherst, Ancestral Drive

4:00 PM – 5:30 PM and 6:00 PM – 7:30 PM

Summary of Activities

Natural Forces Solar hosted an engagement session for community members near the East Amherst Solar Project. Guests were invited to arrive at an open-house style event at a time that was convenient for them. Subject matter experts were available at the session to take questions and discuss the following topics: project owners, project timeline and overview, environmental studies, and a site map.

Prior to the first engagement session, informative newsletters were sent out to the community near the site. These letters included information about the project and an invitation to the community info session. This information was also shared by the Municipality of Cumberland Facebook page and by at least one local radio station. The engagement session was well attended, with at least 17 individuals participating.

Below are many of the questions that were asked at the event. Some have been paraphrased for clarity, or to combine similar questions.

What have you done to consider sensitive plant and animal life?

We have commissioned and received a completed Environmental Screening, conducted by Special Places Protection at the Nova Scotia Department of Communities, Culture and Heritage. These screenings included desktop studies for zoology, archaeology, botany, and paleontology, to identify potential environmental impacts of the project and inform environmental management best practices to mitigate impacts. These studies recommended that we commission an Archaeological Resource Impact Assessment, a rare plants survey, and that we consult additional resources regarding avian species and other biodiversity. The screening found no records of archaeological resources or species of concern within the project area. We intend to follow and/or exceed these recommendations.

Who are your partners?

The project is currently in an early development stage; partners may join at a later stage.

Who owns Natural Forces Solar? Is it a multinational?

Natural Forces Solar has three directors: Robert Apold, John Bererton, and Roby Douglas. The company has its office in Dartmouth, NS.

Who will buy the electricity? Will the electricity be sold out of the province?

There isn't a contract for the electricity yet, which is typical for renewable energy projects at this stage of development. We're working with the Province and local businesses toward such an agreement. The intention is for local businesses and/or households to receive bill savings from this project. The system is connected to the distribution lines (i.e. relatively low voltage lines next to the road), not the transmission system (those lines that run out to NB and beyond), so the power will be used within Nova Scotia.

What are the wheeling rates and who will pay for them?

There are no wheeling rates for solar projects such as this one in Nova Scotia. Any infrastructure upgrade costs will be paid for by the project.

How much will the project be paid for the electricity?

Power purchase agreements are private contracts between the project company and the off-taker (e.g. Nova Scotia Power). Unfortunately, we cannot disclose this information.

How long do solar panels last, and what happens to them after?

The manufacturer of the solar panels we are proposing to use for this project provides a 15-year product quality & process guarantee, and 30-year power guarantee; they predict that after 30 years, the modules will still be producing 87.4% of their rated energy capacity, so most likely they will continue to be used many years beyond that point.

Recycling technology is rapidly improving and becoming more available, so we intend to recycle the modules once they are decommissioned. Modules are made of mostly common materials like glass and aluminium, so they are already approximately 90%

recyclable¹.

Are solar panels toxic? What chemicals are they made of?

The chemical composition of a solar module depends on the technology type. We generally use silicon cells, which mainly consist of glass, aluminum, and silicon, with components made of silver, copper, and other metals. Small amounts of lead can be used in solder, and trace amounts of cadmium may sometimes be detected within solar cells. Solar farms are generally considered very safe; many places, including in Nova Scotia, allow solar farms to be built in protected water supply areas. All materials will, of course, be managed responsibly at decommissioning.

Will you be hiring for construction of the project?

We always look to hire locally where possible for all phases of construction and maintenance. Please get in touch if you would like us to hold your resume on file for when we are ready to hire for this project.

Do solar farms require maintenance?

Solar farms do require maintenance:

- A farm of this size requires bi-annual visits from a maintenance provider to conduct quality control testing, ensuring the system and all its components are working correctly.
- Vegetation will be actively managed, either by machine (mowers & trimmers) or by sheep, to keep the site & soil in good condition. Chemicals will not be used for vegetation control at the site. Any vegetation control activities will be mechanical (e.g. mowers) or biological (i.e. sheep).
- The system is monitored remotely 24/7, so any faults can be detected quickly and rectified. As there are no moving parts in a solar farm, they are very low maintenance.

Will this project include batteries? Will it enhance grid stability?

We are not currently proposing batteries for this project. The inverters to be used are programmed to follow the grid, so they cannot work as an independent islanded

¹Canadian Renewable Energy Association. (2025, January). *Recycling solar panels: Factsheet*. <https://renewablesassociation.ca/wp-content/uploads/2025/01/CanREA-factsheet-Recycling-solar-panels.pdf>

system. As they will provide their peak output in summer, they may help prevent brownouts related to air conditioner use.

What is on that portion of land right now?

The portion of the parcel of land being considered for the project is currently covered in primarily “Early Mature” trees (as classified by NSDNR). A local resident has told us that many of the trees in that area have experienced storm damage. A local forestry expert has suggested that this section of forest is of limited commercial value.

Will you be able to see it?

The project will be set back more than 200 m (700 ft) from the road, near the top of a gentle rise, beyond the treeline. Modules will be mounted so that they are about 3.5 m (12 ft) above the ground at their highest point. They will be largely or entirely hidden by the hill and trees.

Is the front of the lot being subdivided? Why is the blueberry field staked out?

The landowner has confirmed that this lot is not currently being considered for subdivision.

Will the municipality benefit in the form of property taxes collected?

The portion of the land containing the project will be reclassified as commercial for taxation purposes, from the existing resource classification. The commercial tax rate is a significantly higher tax rate than the resource rate, meaning additional municipal taxes will be collected, and paid by the project.

Why is this project on a property owned by someone who doesn't live in the community?

Natural Forces is a joint owner of the wind project which already exists on the site. Therefore, we have an existing relationship with the landowner, and a good understanding of environmental and other site considerations. Additionally, there is existing electrical infrastructure which we may be able to share.

Does Nova Scotia Power export electricity to other provinces?

Yes, all inter-connected utilities both export and import electricity as demand and supply fluctuates.




1701 Hollis Street
Halifax, NS B3J 3N4
(902) 422-9663
www.naturalforcessolar.ca

How is Nova Scotia diversifying its grid?

Nova Scotia Power and the Independent Energy System Operator (IESO) have an Integrated Resource Plan (IRP) in place, which is designed to bring new, diverse generation online, including grid-scale batteries and peaking gas turbines.

Notice of Public Hearing By-law to Amend the Land Use By-law 26-03

Details

 Published: 03 March 2026

Notice of Public Hearing By-law to Amend the Land Use By-law 26-03 on Wednesday, March 18, 2026 at 4:00 pm at the Upper Nappan Service Centre.

(Visit cumberlandcounty.ns.ca to verify meeting schedule.)

Purpose: To rezone a portion of PID 25067778, 530 John Black Rd., East Amherst from Country Residential (RCou) Zone to the Rural Resource (Rsrc) Zone.

Hearing documents can be viewed at plancumberland.ca/hearings or by contacting our office at 902-667-1142. Public Hearings are open to the public.

You may participate by submitting comments by email to: clerk@cumberlandcounty.ns.ca or by mail to: Planning Dept, Upper Nappan Service Centre, 1395 Blair Lake Rd, Upper Nappan, NS B4H 3Y4.



COUNCIL
FIRST READING
Date: February 25, 2026

TO: Mayor and Council
FROM: Glen Boone, Director of Development and Planning
DATE: February 13, 2026
SUBJECT: **First Reading – By-law to Amend the Land Use By-law 26-03 to rezone a portion of PID 25067778, located at 530 John Black Rd., East Amherst from Country Residential (RCou) Zone to the Rural Resource (Rsrc) Zone.**

ORIGIN: On January 05, 2026, Planning Staff received an application from Natural Forces Solar to rezone a portion of PID 25067778, located 530 John Black Rd, East Amherst, from Country Residential (RCou) to Rural Resource (Rsrc) to enable the development of a commercial solar project.

PID	Location	Current Zone	Proposed Zone	Proposed Use
25067778	East Amherst	Country Residential (RCou) Zone	Rural Resource (Rsrc) Zone	Commercial Solar Project

LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT

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RECOMMENDATION: THAT Council approve First Reading of the By-law to Amend the Land Use By-law 26-03 to rezone a portion of PID 25067778, 530 John Black Rd., East Amherst, from Country Residential (RCou) Zone to the Rural Resource (Rsrc) Zone, AND to Amend section 5.3 of the LUB to add policy 5.3.6, AND add Vegetative Buffer as a definition under section 14 of the LUB, AND schedule a Public Hearing.

BACKGROUND: The subject property, located in East Amherst along John Black Rd, is 250 acres of land zoned Country Residential. The property is in an area in the County located on the outskirts of the Town of Amherst (TOA), that contains a mixture of land uses, including but not limited to residential, agricultural and commercial recreation (golf course). The portion of the subject property considered for rezoning is currently largely wooded, with two wind turbines.



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DISCUSSION:

The subject property currently is zoned Country Residential, which would permit solar collectors, however policy 5.3.1 only permits solar collectors as an accessory use. As the property currently only has a wind turbine on the property, both the solar use and wind use would not necessarily be ancillary to the other, making the commercial solar use a second main use. Policy 5.3.2 permits solar collectors as a main use in the Rural Resource Zone.

As noted in the discussion section above, the surrounding context of the subject property contains a mixture of land uses, including but not limited to residential, agricultural and a commercial recreation (golf course). The recent approval of the IMA and the By-law to Amend the Public Sewers By-law 25-08 creates the potential for extension of Town Water and Sewer services, permitting 400 sewers connections to properties within the Municipality. The surrounding context and the new potential for central services makes the subject property a potential candidate for residential development. For this reason, staff is proposing only rezoning a portion of the subject lands to Rural Resource (Rsrc) and maintaining the RCou zoning on the front portion of the lot, in alignment with surrounding properties and potential future use of the land. The proposed Rsrc zoning boundary would be set back 365.03m from John Black Road, ensuring ample room for residential development to still occur. Further to this, the proponent intends to maintain a buffer from the zoning change boundary, maintaining 10m of trees intact, acting as visual screening from the public road.

Staff feel the proposed rezoning aligns well with both the existing uses, adjacent uses and potential future uses.



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FINANCIAL IMPLICATIONS: The location and technical details allow for the efficient use of land and infrastructure. Natural Forces Solar has been building relationships with businesses who are high electricity consumers, these users may be eligible to offset their energy consumption through a subscription to the East Amherst Solar project. Another potential off-taker for the proposed East Amherst solar project would be individual residents. This project has been submitted to the NS Community Solar Program. If accepted, up to 450 of the potential 700 subscription slots would be available to residents near the project. Staff has discussed with PVSC the potential property tax benefit once the project is operational.

ENVIRONMENTAL IMPLICATIONS: No significant environmental concerns. Water and sewer services are not required for the project. Some tree clearing will be required for proposed development, however the proposed text amendments will ensure this project, along with any other commercial solar project, maintains a 10m vegetative buffer. The vegetative buffer will aid in creating visual screening for the project from the public road, as well as with assisting with stormwater runoff on the site.

The Owner will be required to maintain a buffer from any wetlands. This is shown on their site plan, as a 20m buffer is provided.

COMMUNITY ENGAGEMENT: If Council approves, a public hearing would be held on the above matter, at a future Council Meeting. In accordance with MGA Section 206, notices will be placed on the Municipal Website two weeks prior to the scheduled date. Furthermore, a notice will be placed in a locally circulated newspaper at least one week prior to the public hearing and a Planning Notice Sign will be placed on the property.

ALTERNATIVES:

- Council may defer the issue to a later date,
- Request further information or
- Reject the proposed amendment based on conflict with a policy in the Municipal Planning Strategy.

ATTACHMENTS:

Attachment A: Zoning Map Change

Attachment B: Aerial and Street Images

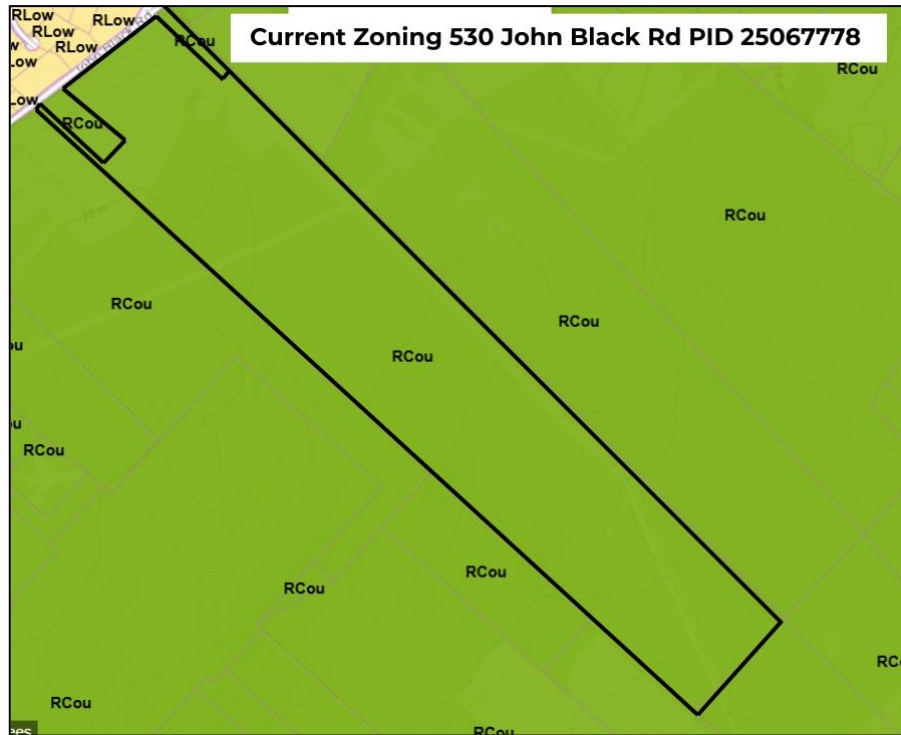
Attachment C: Concept Site Plan

Attachment D: Letter from the Applicant

Attachment E: Proposed Text Amendments

Attachment F: Policy Review

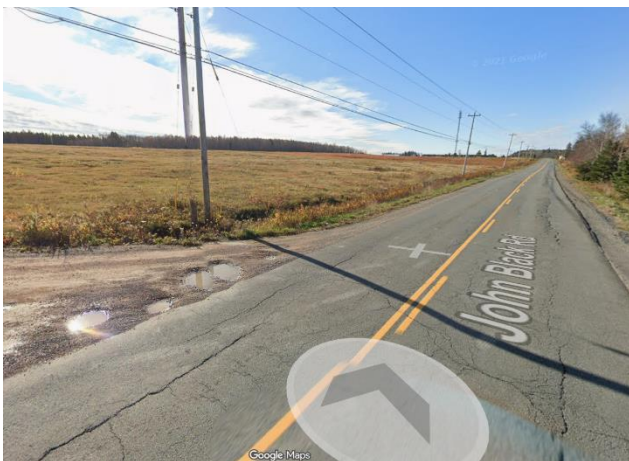
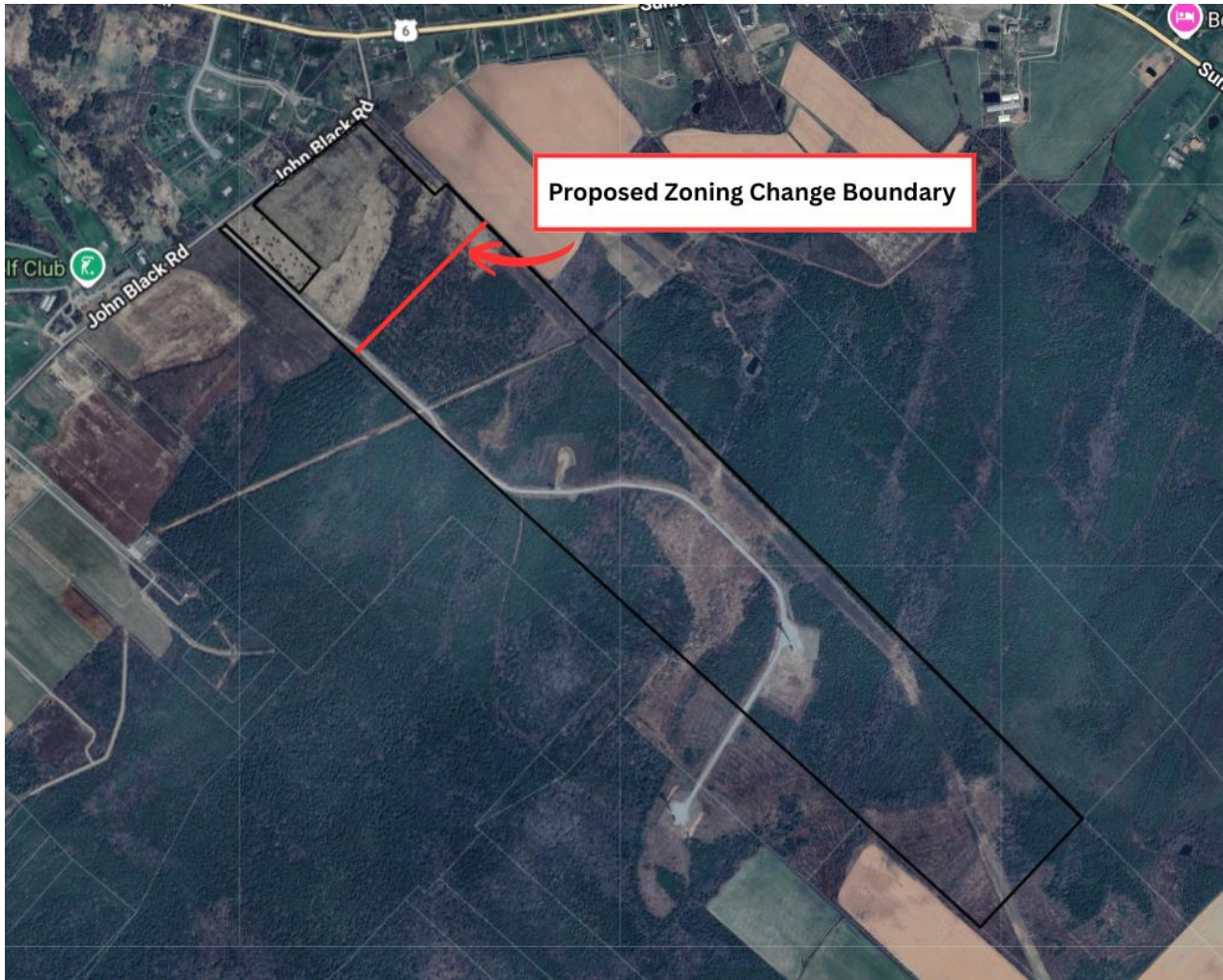
Attachment A: Zoning Map Change



Changes to



Attachment B: Aerial and Street Images





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Attachment D: Letter from the Applicant



201 Brownlow Ave, Unit 26
Dartmouth, NS B3B 1W2
902-422-9663
solarinfo@naturalforces.ca

Municipal Council of the County of Cumberland
1395 Blair Lake Rd, Upper Nappan, N.S.
B4H 3Y4

Dear Municipal Council of the County of Cumberland,

On behalf of Natural Forces Solar, this covering letter explains our application for rezoning of the parcel of land at civic address 530 John Black Road, East Amherst; PID 25067778.

We are requesting that the parcel be rezoned from its current designation of "RCou - Country Residential" to "Rsrc - Rural Resource". We make this request so we may apply for a development permit to install a commercial solar farm; solar photovoltaic (PV) equipment is not permitted as a main use in RCOU, but the LUB does permit PV projects as-of-right in Rsrc.

We believe that the proposed East Amherst solar farm project, site and updated zoning, are an appropriate fit as the parcel already hosts a wind turbine and associated infrastructure (i.e. access roads and electrical connection equipment). Co-locating wind and solar projects can have benefits for electrical grids, due to energy being produced at alternating times of day and year. The landowner would continue to use the remainder of the parcel as they are now, for wild blueberries and forestry, activities which are also characteristic of Rsrc zoning.

Our intention is for our installation timeline to begin in spring 2026 and conclude before the end of 2026. This would be subject to a number of factors, but we anticipate a completion date no later than the end of 2027. Prior to proceeding with any installation work, we will conduct community engagement sessions near the project site. The purpose of these community engagement sessions is to share information about the project and its benefits with those who live and work near the site. We will listen to and respond to any concerns that community members may have. We always aim to recruit local workers and firms for construction and maintenance of our projects, providing employment benefits to the community.

Please find attached our proposed site plan, illustrating the tree line and large front set-back (238 m / 781 ft at its narrowest). These features preserve the view plane for observers along John Black Road. Also attached are screenshots from Google's Street View, demonstrating the present view plane, and illustrating the distance to the existing tree line.

The proposed project will occupy 11 fenced hectares (26 acres) and have a capacity of 5.25 MW_{AC}. A system of this size can provide clean electricity for up to 700 homes. This clean electricity will be consumed by residents and businesses within the local electrical distribution zone, which spans as far as Tidnish, Port Howe, and Kolbec.

Many thanks for your careful consideration of our assessment. I trust that you will not hesitate to get in touch if you have any questions or concerns.

Sincerely,

J. Mitchell Van Oosten,
Manager of Project Development



Attachment E: Proposed LUB Text Amendments

5.3 Solar Collectors

- 5.3 Solar collector systems shall be permitted as an accessory use in all zones.
- 5.3.1 Solar collector systems shall be permitted as a main use in the Rural Resource (**Rsrc**) Zone, Agriculture (AG) Zone, Rural Industrial (**IRur**) Zone, Wellfield 3B (W3B) Zone, and Commercial Recreation (**CRec**) Zone. Solar collector systems developed as a main use shall meet the zone requirements for main buildings.
- 5.3.2 Solar collector systems may be mounted as free-standing structures or on buildings.
- 5.3.3 Solar collector systems mounted on buildings may exceed the maximum building height in the zone by up to 2 metres.
- 5.3.4 Solar collector systems installed as free-standing structures in the Agriculture (AG) Zone shall be mounted on helical piles or on ballasted foundations resting on the surface of the ground.
- 5.3.5 **Solar collector systems developed as a main use shall maintain a 10m vegetative buffer from the common property line of any existing adjacent residential developments. Natural existing vegetation shall be maintained within the 10m vegetative buffer.**

5.4 Home-based Businesses

Personal Office or Studio

- 5.4.1 Nothing in this By-law shall prevent the use of a portion of any dwelling unit or building accessory to a dwelling unit as personal office or studio for residents of the dwelling unit provided the personal office or studio is not intended to be visited by members of the public.
- 5.4.2 No development permit is required for a personal office or studio.

Instruction of One Student at a Time

- 5.4.3 Nothing in this By-law shall prevent the use of a portion of any dwelling unit or building accessory to a dwelling unit for the instruction of one student at a time.
- 5.4.4 No development permit is required for the instruction of one student at a time.

Level 1 Home-based Business

5.4.5 Level 1 home-based businesses shall meet the following requirements:

(a) Permitted Uses	(i) Art Gallery Sales (ii) Bed and Breakfast – 10 or Fewer Sleeping Units (iii) Business Office (iv) Commercial School – 6 or Fewer Students (v) Craft Product Workshop (vi) Day Care Centre – 6 or Fewer Dependents (vii) Household Item Repair Services (viii) Personal Service Shop (ix) Pet Grooming (x) Retail Store
(b) Maximum Number of On-site, Non-resident Employees	2
(c) Maximum Floor Area of Home Based-Business	25 percent of the gross floor area of the dwelling unit or 50 m ² , whichever is less. The maximum floor area shall not apply to bed and breakfasts or day care centres.
(d) Outdoor Storage and Display	Outdoor storage and display are not permitted.



Proposed Vegetative Buffer Definition:

Vegetative buffer means an area of land set aside for preservation of its natural vegetative state. Removal of plants is not permitted, with the exception of poisonous or non-native plant species. In addition, no fill/cutting activities or storage of materials is permitted in these areas.

Attachment F: Policy Review

<p>MPS Policy 5-24: Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Resource Designation</p> <ul style="list-style-type: none"> (a) Agriculture Zone (b) Commercial Recreation Zone (c) Country Commercial Zone (d) Country Residential Zone (e) Flood Hazard Zone (f) Highway Commercial Zone (g) Institutional Zone (h) Parks and Open Space Zone (h.1) Recreational Residential Zone (i) Rural Industrial (j) Rural Resource 	
<p>Comment</p> <p>As both the Country Residential and the Rural Resource Zone are permitted within the Resource designation, no MPS amendments would be required to enable the zoning change.</p>	

<p>MPS Policy 5-35 Council shall consider proposals to rezone lands in the Resource designation to any other zone permitted in that designation. Council shall not approve the rezoning unless council is satisfied.</p>	
<p>Requirement</p>	<p>Comment</p>
<p>(a) <i>if the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104.</i></p>	<p>N/A</p>
<p>(b) <i>The proposed change is not prohibited by any other policy in this plan.</i></p>	<p>Not prohibited by any other Policy</p>
<p>(c) <i>the purpose of the proposed zone is consistent with the location and the characteristics of the lands;</i></p>	<p>Proposed zone is consistent.</p>
<p>(cA) <i>the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards</i></p>	<p>No risks towards wildlife corridors or geohazards present.</p>
<p>(d) <i>The Proposal meet the general criteria for amending the Land Use Bylaw, set out in Policy -19</i></p>	<p>See Policy analysis below</p>



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MPS 6-19 Council shall not amend the Land Use Bylaw or approve a development agreement unless Council is satisfied the proposal;	
Requirement:	Comment:
(a) <i>Is consistent with the intent of this Municipal Planning Strategy</i>	Yes, proposed rezoning aligns with policy of the MPS
(b) <i>Does not conflict with any Municipal or Provincial Programs, by-laws, or regulations in effect in the Municipality.</i>	Does not conflict
(c) <i>Is not premature or inappropriate due to:</i>	
(i) <i>The ability of the Municipality to absorb the public costs related to the project.</i>	No public costs associated with the project.
(ii) <i>Impacts on existing drinking water supplies, both private and public.</i>	No anticipated impacts to existing water supplies
(iii) <i>the adequacy of central water and sewage services or, where such services are not available, the suitability of the site to accommodate on-site water and sewage services</i>	As stated in the IMA and the Sewer Line Bylaw, TOA servicing will be available at this site, subject to Town Approval. The applicant does not currently have a need for sewer as no structures will be built on the lands.
(iv) <i>The creation of any excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal</i>	No excessive traffic hazards identified
(v) <i>The adequacy of fire protective services and equipment;</i>	Located within the TOA Fire District. Adequate fire protective services are available
(vi) <i>The adequacy and proximity of schools and other community facilities.</i>	N/A
(vii) <i>The creation of a new or worsening of a known pollution problem in the area, including, but not limited to, soil erosion and siltation of watercourses.</i>	No pollution problems are anticipated.
(viii) <i>The potential to create flooding or serious drainage issues including within the proposal site and in nearby areas</i>	No flooding or drainage issues anticipated.
(ix) <i>Impacts on sensitive environments, as identified on Schedule B</i>	No anticipated impact to sensitive environments
(ixA) <i>Impacts on wildlife corridors</i>	No anticipated impact to wildlife corridors
(x) <i>Impacts on known habitat for species at risk</i>	No anticipated impacts
(xA) <i>risks presented by geohazards</i>	No anticipated impacts
(xi) <i>the suitability of the site in terms of grades, soil and geological conditions, the location of watercourses and wetlands, and proximity to utility right-of-way</i>	Site is suitable, all structures and land uses associated with the project respect the required 15m



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	buffer from all watercourses, including wetlands.
<i>(xii) negative impacts on the viability of existing businesses in the surrounding community, including, but not limited to, the risk of land use conflicts that could place limits on existing operational procedures.</i>	Portion of land being rezoned would be set back from the main road 365 meters. As the land supports residential development, an adequate parcel of RCou land would remain as reserve residential land.