Notice of Public Hearings - Wednesday, November 18, 2026 at 4:00 pm

Upper Nappan Service Centre

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

By-law to Amend the Land Use By-law 26-12:

To rezone PID 25514316, 25514324, and 25514332, located along Swallow Rd, West Wentworth from the Rural Resource (Rsrc) Zone the Commercial Recreation (CRec) Zone.

By-law to Amend the Land Use By-law 26-13:

To rezone PID 25143207 and PID 25491663 located on Beckwith Rd. in Port Howe from Agriculture (AG) Zone to the Rural Resource (Rsrc) Zone.

Add "Aggregate Extraction" as a permitted use by Site Plan Approval in Section 11.2.3, in the Rural Resource zone.

Add Site Plan Approval Criteria for Aggregate Extraction to Section 13 of the LUB, and add to Section 14 the definition "Aggregate Extraction".

Hearing documents can be viewed at cumberlandcounty.ns.ca/plan-cumberland or by contacting 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 of Meeting: October 28, 2026

To:	Mayor Gilroy and Members of Council
Submitted By:	Glen Boone, Director of Development and Planning
Date Submitted:	October 14, 2026
Subject:	**By-law to Amend the Land Use By-law 26-13 to rezone PID 25491663 and PID 25143207, located at 3018 Beckwith Rd., Port Howe from the Agriculture (AG) Zone to the Rural Resource (Rsrc) Zone**

Origin: On September 29, 2026, planning staff received an application to rezone PID 25491663 and PID 25143207, located at 3018 Beckwith Rd., Port Howe from the Agricultural (AG) Zone to the Rural Resource (Rsrc) Zone to enable the re-development and the expansion of the Dimensional Stone Quarry.

PID	Location	Current Zone	Proposed Zone	Proposed Use
25143207 & 25491663	Port Howe	Agriculture (AG) Zone	Rural Resource (Rsrc) Zone	Dimensional Stone Quarry

Legislative Authority: MGA PART VIII PLANNING AND DEVELOPMENT

MGA Section 205: Requirements for Adoption of Planning Documents

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 such 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) 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 [CHG-506]

(d) the proposal meets the general criteria for amending the Land Use By-law, set out in Policy 6-19.

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Recommendation: That Council approve First Reading of the By-law to Amend the Land Use By-law 26-13 to:

- **Rezone PID 25143207 and PID 25491663 located on Beckwith Rd. in Port Howe from Agriculture (AG) Zone to the Rural Resource (Rsrc) Zone.**
- **Add "Aggregate Extraction" as a permitted use by Site Plan Approval, in the Rural Resource zone.**
- **Add Site Plan Approval Criteria for Aggregate Extraction to Section 13 of the LUB, AND**
- **Schedule a Public Hearing.**

Background: The subject properties, located at 3018 Beckwith Rd, is the site of a formerly operational Stone Quarry, previously operated by Riverside Promenades. The original quarry was operational from 2018 – 2022, at which point operations on the site ceased. During the 2018-2022 operation period,075 acres of land were excavated, using a similar amount of land on the property for the storage of stone materials prior to transportation.

The stone pulled from this quarry was used in the first phase of the Halifax Armoury Restoration project, from 2017-2022. The original construction of the Halifax Armory in 1897-1899 used stone pulled from an adjacent property, along the same coastline as the subject property. The red sandstone is a natural material that is used for the restoration of many other historical buildings as well, with examples of buildings in Amherst, Sackville, Moncton and Halifax. Furthermore, some historical buildings in New England States and across eastern Canada utilize this stone for heritage property restoration.

This is a niche industry with a limited operational lifespan. Once all the valuable stone has been pulled and sold, the owner is looking to restore the property, infilling the excavated land in accordance with the Provincial Infilling requirements. The intention of the proponent is to restore the land to permit residential uses.

D**iscussion:** Currently, the LUB does not address and therefore permit the development of an aggregate extraction operation. Currently, the LUB permits aggregate Related industries, which is defined as

> *buildings, structures, land, or part thereof, used for aggregate processing, storage, and related uses including, but not limited to, asphalt processing, concrete batching and component manufacturing, sand pit operations and mineral bulk storage.*

This definition permits everything relating to aggregate extraction operations, except for the actual extraction of materials and rock itself. The existing aggregate extraction operations in Cumberland County pre-date the bylaw, meaning they are permitted as a non-conforming use, which is able to expand through Site Plan Agreement (SPA). The proposed quarry was non-operational for more than 12 months, meaning existing quarry is not able to re-open by right as a non-conforming use.

To address this gap in the Land Use By-law, staff is recommending text amendments to the Land Use by-law, to permit Aggregate Industries, by Site Plan Approval, in the Rural Resource (Rsrc) zone. These amendments will include provisions under part 13 of the LUB to be included in the future the Site Plan Agreement that will be required to enable development. Drafted text amendments have been included in this report as Attachment D. Recommended SPA provisions addresses impacts relating to impacts on adjacent property owners, impacts to the environment, and to ensure proper provincial permitting is obtained with respect to operation siting and resource extraction.

Accompanying the proposed text amendments, staff is recommending rezoning the subject lands to Rural Resource (Rsrc) Zone. Consideration was given by staff to rezone a portion of PID 25143207, as opposed to rezoning the entire parcel, as recommended in this report. Staff decided a partial rezoning would not be necessary, as the provincial licensing and the site plan approval requirement ensures activities are limited to the identified extraction area and work areas. Furthermore, the future LUB, currently being drafted, will recommend collapsing zones within the Resource Designation, amongst the zones being collapsed, it is being recommended to combine the Agriculture (AG) zone and the Rural Resource (Rsrc) zone.

Financial Implications: No financial implications or municipal costs associated with the project.

Environmental Implications: There exists mild concerns and environmental implications with the proposed site of the operation, that are being addressed through the provisions of the SPA. The subject property is a waterfront property. The proposed development is shown to maintain a 30m watercourse buffer which is place to protect both the people and property, but also to protect the coastline. Activities within 30m of the coast presents a risk towards the health and structural integrity of the shoreline. Further risks are being considered and addressed through the provisions for the SPA.

The provisions of the SPA will require the operator to obtain the required approvals from Nova Scotia Environment and Climate Change (NSECC). While this specific operation would not be subject to a full Environmental Assessment (EA), the operation still requires environmental review and industrial approval to operate. This process reviews things like setbacks from watercourses, setbacks from other properties and structures, liquid effluent discharge and impacts to groundwater resources. By requiring the proponent to obtain provincial licensing prior to obtaining a development permit, staff is assured that an independent and professional review of the proposed operation has been conducted, by the appropriate professionals, with respect to environmental impacts and stewardship. Should the proponent be unable to obtain the proper provincial permits and approvals, a development permit will not be issued for the operation.

How Will It Be Communicated: 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.

Further to the public engagement opportunities allotted by the municipal planning process, the process for obtaining provincial licensing includes a mandatory public engagement period, in which proponents, at a minimum, must post an advertisement in the local newspaper providing the public a 30-day comment period. Following the completion of the comment period, a summary of the comments received during the public consultation. Based on feedback received NSECC may create additional requirements for licensing, to address concerns presented in the Public Comment Summary report. Furthermore, the provincial licensing is a matter that can be appealed to the Minister, by an aggrieved person.

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.
- Council may defer until the applicant has completed NSECC permit/ license.

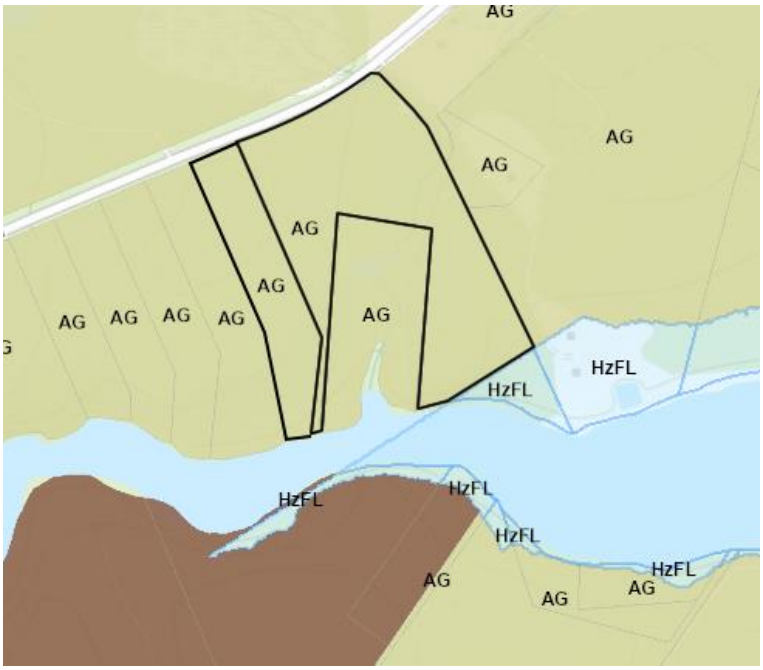
Attachments:

Attachment A: Zoning Map Change
Attachment B: Aerial and Street Images
Attachment C: Recommended Text Amendments
Attachment D: Policy Review

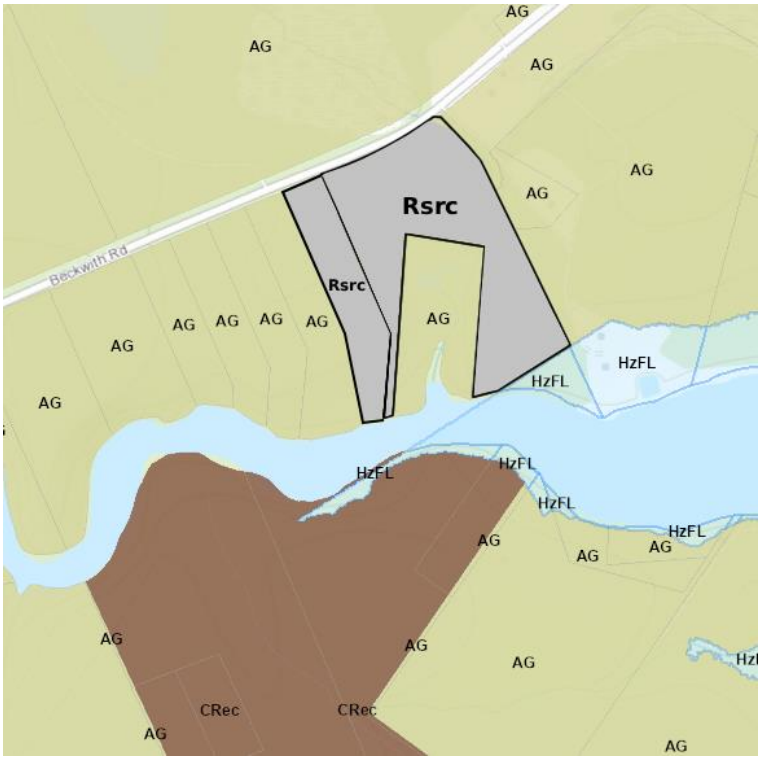
Council
First Reading
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Attachment A: Zoning Map Change

Current Mapping

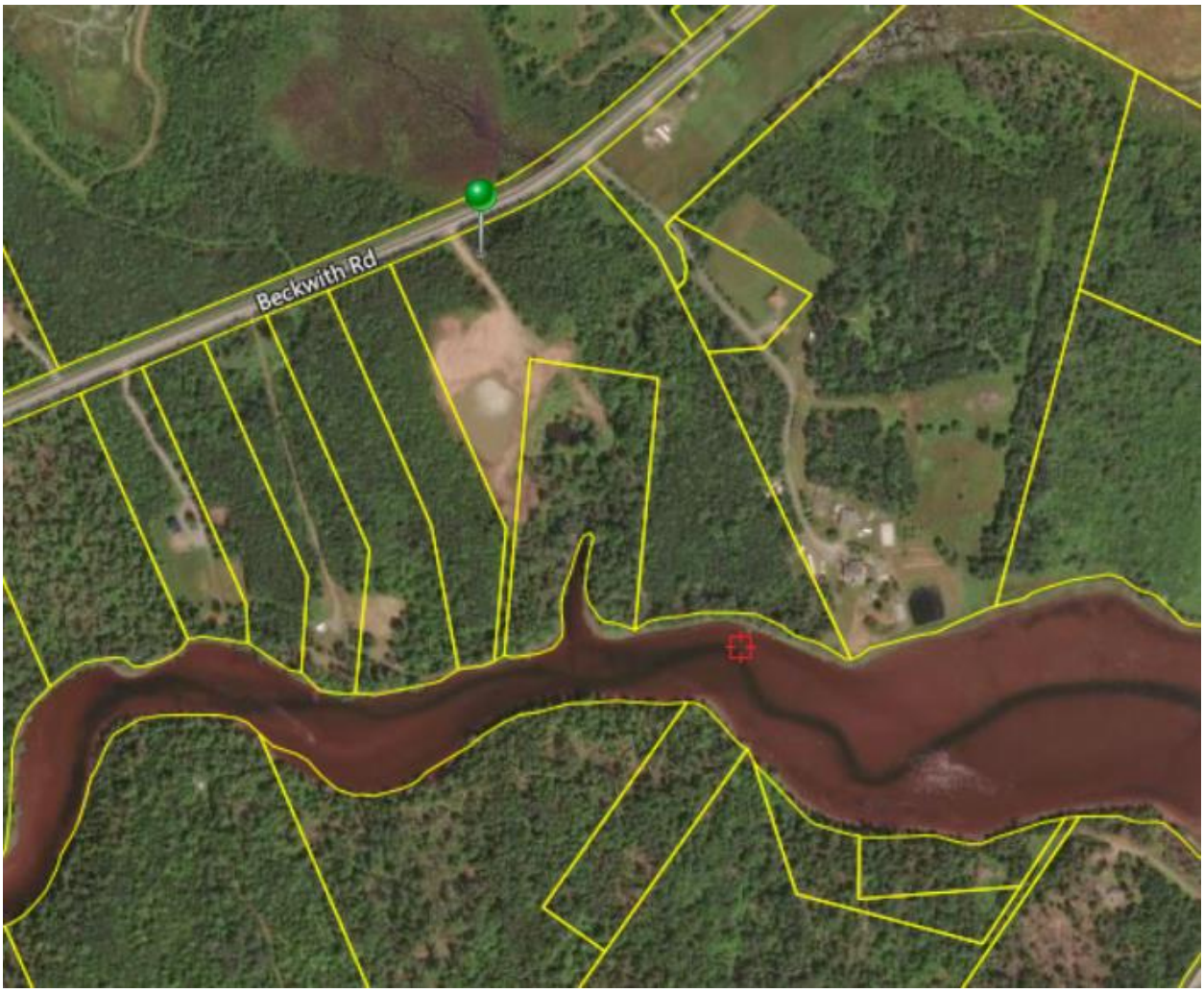


Proposed:



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Date of Meeting: October 28, 2026

Attachment B: Aerial and Street Images



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Date of Meeting: October 28, 2026

Attachment C: Recommended Text Amendments

Section 11.2.3 is hereby amended to add:

(a.1) Aggregate Extraction

Section 13 is hereby amended to add the following SPA Provisions:

3.15 Aggregate Extraction

13.15.1 Where aggregate extraction is a permitted use by Site Plan Approval, the Development Officer shall approved a site plan where the requirements of the Land Use Bylaw and the following matters have been addressed.

a) Siting
   - **i.** No extraction activities shall be located within;
     (1) 30m of a watercourses or OHWM
     (2) 30m from the edge of identified wetlands
     (3) 30m of a structure with a foundation base, internal or external to the project
     (4) 30 m of the boundary of a public or common highway unless the person has consent from the Department of Transportation and Public Works to operate closer;
     (5) Setbacks for the zones shall otherwise apply to all uses and/or structures on the site.
   - **ii.** The site plan prepared shall delineate the extent of the existing and/or proposed excavation area.

b) Licensing
   No permit shall be issued for an aggregate extraction operation unless an environmental review has been conducted by NSECC and the project has received industrial approval from the Minister or the associated successor body.

c) Stormwater Management
   A stormwater management plan, prepared by a professional engineer licensed to practice in Nova Scotia ensuring run off from the site is directed into the appropriate catchment area/settling pond must be approved by Municipal Staff prior to issuing a permit.

d) Lighting

The type and location of outdoor lighting is designed as full cut-off in order to provide light for the use, as required for safe operation, with no light directed at or spilled onto neighboring properties or into the night sky.

e) Access
Commercial driveway permit required prior to permitting.

Section 14 is hereby amended to add:

AGGREGATE EXTRACTION means the use of land for the surface extraction, crushing, screening and stockpiling of sand, gravel, clay, shale, bedrock, limestone or other aggregate, as well as peat and may include washing and blasting where permitted under the appropriate provincial regulation.

Council
First Reading
Date of Meeting: October 28, 2026

Attachment D: Policy Review

Policy 5-24: Council shall, on the zoning map of the Land Use By-law, permit the following zones within the Resource Designation: (j) Rural Resource (Rsrc) zone
Comment
The Rural Resource (rsrc) Zone is permitted under the Resource designation.

Policy 5-27 Council shall in the Land Use Bylaw create the Rural Resource Zone, intended to promote resource-based industries and other industries that require large areas of land, and to enable rural living along existing streets. Permitted uses shall cover a wide range of rural and resource activities and shall include limited residential development along existing streets. Zone standards shall be in keeping with the rural nature of these areas.
Comment
The proposed development aligns with the intent of the zone, as a resource-based industry that requires a larger area of land. While the existing zone is AG, due to the extraction activities that had previously occurred on the site and the land not being fully restored to its original condition, the property would not be considered favorable agricultural land.

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 such a rezoning unless Council is satisfied:	
Requirement:	**Comment**
(a) if the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;	Not located at an interchange.
(b) the proposed change is not prohibited by any other policy in this Plan;	Not prohibited by any other policy in the MPS.

(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;	Is consistent.
(cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards; and [CHG-506]	No impacts to wildlife corridors anticipated.
(d) the proposal meets the general criteria for amending the Land Use By-law, set out in Policy 6-19	Criteria met.

	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)	*Is consistent with the intent of this Municipal Planning Strategy*	Consistent with MPS.
(b)	*Does not conflict with any Municipal or Provincial Programs, by-laws, or regulations in effect in the Municipality.*	Does not conflict.
(c)	*Is not premature or inappropriate due to:*	
	(i)The ability of the Municipality to absorb the public costs related to the project.	No public costs associated with the project.
	(ii) Impacts on existing drinking water supplies, both private and public.	No noted impacts to private or public drinking water supplies.
	(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	Not applicable as OSS is not required for this use.
(iv) *The creation of any excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to, or leading to the proposal*	No concerns towards excessive traffic hazards or congestion.
(v) *The adequacy of fire protective services and equipment;*	Fire Servies are adequate.
(vi) *The adequacy and proximity of schools and other community facilities.*	Not Applicable
(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.*	Measures have been taken and are enforced through provincial permitting and the provisions of the SPA that prevent the siltation of watercourses. Provincial permitting requires the proponent to establish run-off management plan to ensure any runoff directed to watercourses are below the permissible ppu (particles per unit). The excavation area has is located further than 30m away from the watercourse. Provincial permitting process reviews and addresses impacts to waterways as watercourses are a

	provincial matter. Without provincial approval, no development permit can be obtained for this proposal.
(viii) *The potential to create flooding or serious drainage issues including within the proposal site and in nearby areas*	A stormwater management plan is prepared and approved by the Province as part of the quarry licensing process to ensure effluent and site run-off is properly managed.
(ix) *Impacts on sensitive environments, as identified on Schedule B*	Property is not identified as a sensitive environment on Schedule B.
(ixA) *Impacts on wildlife corridors*	No wildlife corridors noted on the property.
(x) *Impacts on known habitat for species at risk*	No identified impacts to at-risk species.
(xA) *risks presented by geohazards*	No geohazards identified.
(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*	The proposed extraction area is anticipated to roughly be over 90m from the OHWM, at its closest point. This distance would satisfy the provincial permitting setback requirements and the recommended

	provisions of the site plan agreement. While the proposed development does not require a Class 1 EA, review and industrial approval from NSECC is required. This ensures the site is deemed suitable by the authority regulating watercourses and wetlands.
(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.*	No negative impacts identified.

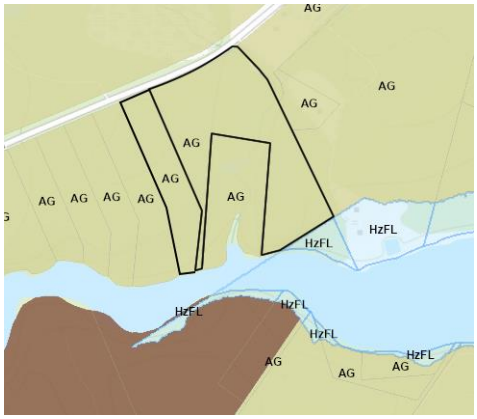
municipality of cumberland

Municipality of Cumberland By-law 26-13

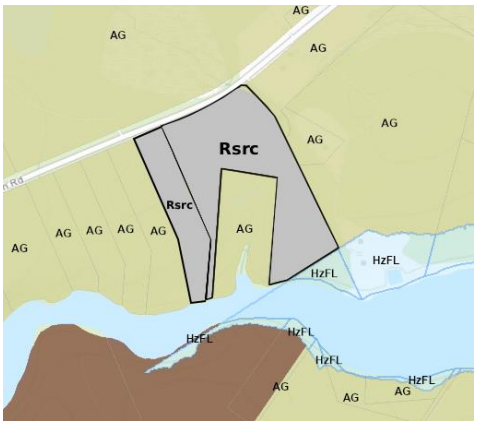
By-law to Amend the Land Use By-law

1. This By-law is titled “By-law to Amend the Land Use By-law 26-13”.

2. Schedule A of the Land Use By-law is hereby amended to reflect the change in zoning for PID 25491663 and PID 25143207, Beckwith Rd, Port Howe NS from Agriculture (AG) to Rural Resource (Rsrc) Zone.



Changes to



3. Section 11.2.3 of the Land Use By-law is hereby amended to add (a.1) Aggregate Extraction as a permitted use by Site Plan Agreement.

4. Section 13 of the Land Use By-law is hereby amended to add the site plan approval criteria for Aggregate Extraction;

13.15 Aggregate Extraction

13.15.1 Where aggregate extraction is a permitted use by Site Plan Approval, the Development Officer shall approve a site plan where the requirements of the Land Use Bylaw and the following matters have been addressed.

a) Siting
   i. No extraction activities shall be located within;
      (1) 30m of a watercourse or OHWM
      (2) 30m of a structure with a foundation base, internal or external to the project
      (3) 30 m of the boundary of a public or common highway unless the person has consent from the Department of Transportation and Public Works to operate closer;
      (4) Setbacks for the zones shall otherwise apply to all uses and/or structures on the site.

ii. The site plan prepared shall delineate the extent of the existing and/or proposed excavation area.

b) Licensing

i. No permit shall be issued for an aggregate extraction operation unless an environmental review has been conducted by NSECC and the project has received industrial approval from the Minister or the associated successor body.

c) Stormwater Management

i. A stormwater management plan, prepared by a professional engineer licensed to practice in Nova Scotia ensuring run off from the site is directed into the appropriate catchment area/settling pond must be approved by Municipal Staff prior to issuing a permit.

d) Lighting

i. The type and location of outdoor lighting is designed as full cut-off in order to provide light for the use, as required for safe operation, with no light directed at or spilled onto neighboring properties or into the night sky.

e) Access

i. Commercial driveway permit required prior to permitting.

5. Section 14 is hereby amended to add the following definition;

AGGREGATE EXTRACTION means the use of land for the surface extraction, crushing, screening and stockpiling of sand, gravel, clay, shale, bedrock, limestone or other aggregate, as well as peat and may include washing and blasting where permitted under the appropriate provincial regulation

6. This By-law comes into force upon publication.

Municipality of Cumberland By-law 26-13

By-law to Amend the Land Use By-law

Clerk's Annotation for Official By-law Book

Date of First Reading: _____

Date of Second Reading: _____

*Date of advertisement of Approval of By-law: _____

Date of mailing to Minister a certified copy of the By-law:

I hereby certify that this is a true copy of the By-law to Amend the Land Use By-law 26-13
approved by the Council of the Municipality of Cumberland on

Municipal Clerk: Date:

*Effective date of By-Law unless specified in the By-Law