



## **Notice of Adoption: Amendment to the Land Use Bylaw**

Second reading and adoption of an amendment to Schedule A of the Land Use By-Law for the Municipality of the County of Cumberland took place on Wednesday, October 25, 2023. The purpose of this amendment is to change the zoning of:

**PID 25358581 & 25267402 Powell & Scallion, East of 604 Valley Rd, Westchester** from Rural Resource (Rsrc) to Recreational Residential (RRec).

This amendment to the Land Use By-Law is in effect as of the date of this publication. Appeals may be submitted within 14 days to the Nova Scotia Utility and Review Board.

Copies of amendment documents can be viewed online at [plancumberland.ca/hearings](http://plancumberland.ca/hearings) or by contacting our office at 902-667-2313.



**TO:** Mayor and Council

**FROM:** Glen Boone, Director of Development and Planning

**DATE:** October 12, 2023

**SUBJECT: Rezoning PIDs 25358581 and 25267402 (portion) – Powell and Scallion – Wentworth Station**

**ORIGIN:** On May 10, 2023, planning staff received an application from Dianne Powell, Conor Scallion, and Christine Scallion to rezone two (2) properties (the “subject properties”) located south of Valley Road to permit future residential development on ten (10) new lots on a new private road in the community of Wentworth Station as per the table below: First Reading was held at the August 30, 2023 special Council.

<b>PID</b>	<b>Owner</b>	<b>Current Zone</b>	<b>Designation</b>	<b>Current Use</b>	<b>Proposed Zone</b>
25358581	Conor Bryan Scallion, Christine Claire Scallion	Rural Resource (Rsrc)	Resource	Undeveloped	Recreational Residential (RRec)
25267402 (portion)	Scallion and Powell Holdings Inc.	Rural Resource (Rsrc)	Resource	Undeveloped	Recreational Residential (RRec)

**LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT**

MGA Section 205: Requirements for Adoption of Planning Documents

Municipal Planning Strategy 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; and*

*(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.*



## CUMBERLAND COUNCIL

RFD

Date: October 25, 2023

**RECOMMENDATION:** THAT Council approve second reading of an amendment to Schedule A of the Land Use Bylaw, for the following rezonings:

- PID 25358581 from Rural Resource (Rsrc) to Recreational Residential (RRec)
- PID 25267402 (northwestern portion) from Rural Resource (Rsrc) to Recreational Residential (RRec)

**BACKGROUND:** The subject properties are located between the Westchester Fire Hall and Highway 4, within the community of Wentworth Station. Properties to the north of Valley Road are generally zoned Agriculture (AG) near the proposed development and transition to Recreational Residential (RRec) nearer to Highway 4. Properties to the south of Valley Road are zoned Rural Resource (Rsrc) with a similar transition to Recreational Residential (RRec) approaching Highway 4. The application is to rezone the subject properties to permit residential development on ten (10) new lots.

Access to the proposed project area would be from Valley Road along an existing 50-foot right-of-way over PID 25358573 (following the rail trail) to a new private road. The Subdivision By-law requires 20 metres (65.6 feet) as a minimum road width but will permit a reduction to 15 metres (49.2 feet) providing:

- 6.2(a) *the reduction is necessary due to restrictions caused by property ownership, existing easements, built structures or physical site limitations that impact road construction; and*
- 6.2(b) *reducing the width of the road parcel has no adverse affects on the safety, durability, drainage, erosion control, or the all-weather access aspect of the road.*

**DISCUSSION:** The subject property is designated as *Resource* on Schedule A of the Municipal Planning Strategy (MPS). Rezoning the subject property to Recreational Residential (RRec) would allow the development of residential building lots. Future residential development will be subject to the zone requirements and higher density projects will be subject to site plan or development agreements. In addition, creation of new lots within the rezoned properties will be subject to the subdivision process.

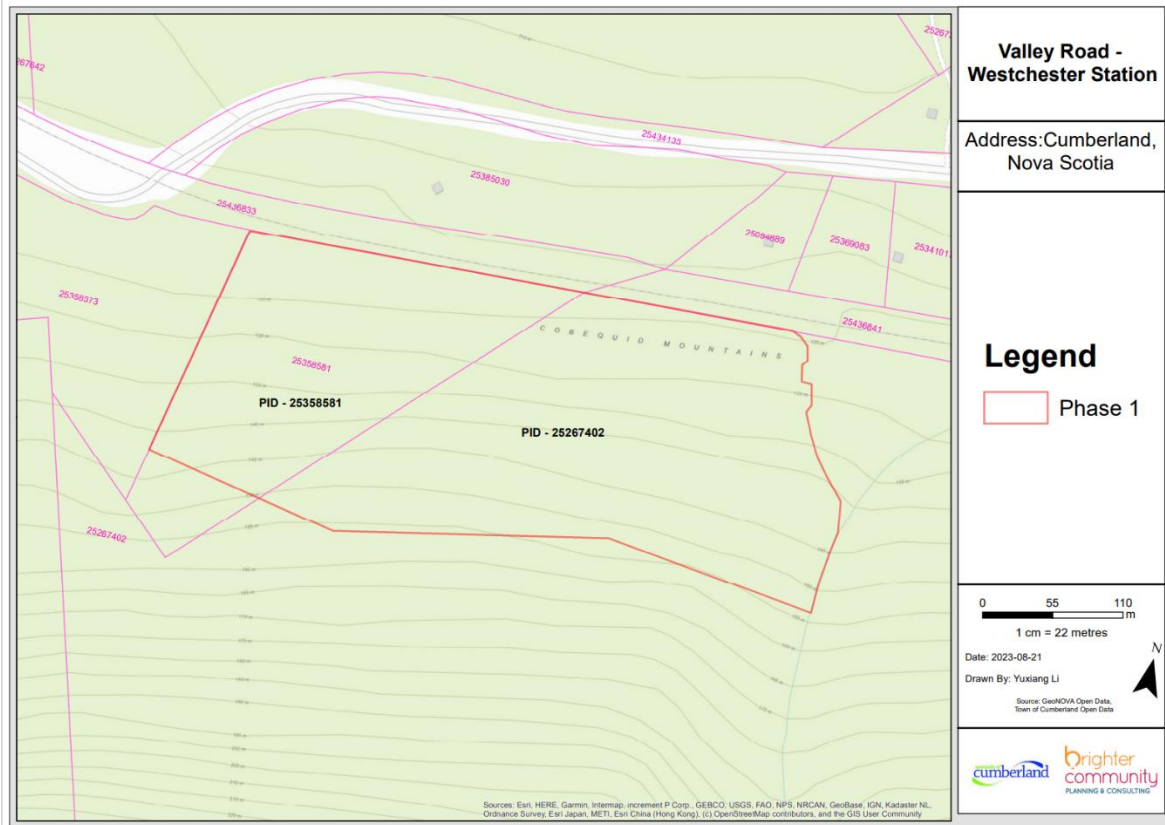
**FINANCIAL IMPLICATIONS:** None have been identified at this time.

**ENVIRONMENTAL IMPLICATIONS:** There are no sensitive environments or core wilderness areas indicated in Schedule B in the subject area. Provincial Karst Risk Map indicates this area as low risk.

**COMMUNITY ENGAGEMENT:** In accordance with MGA Section 206, notices will be placed in a locally circulated newspaper.

**ALTERNATIVES:** Council can 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:** Maps (below)



Report prepared by: Darren Shupe. Senior Planner, BCP



**APPLICATION FOR REZONING**

Municipality of the County of Cumberland  
1395, Blair Lake Rd, Upper Nappan, N.S. B4H 3Y4  
Phone (902) 667-2313 Fax: (902) 667-1352

**APPLICANTS**, DIANNE POWELL, CONOR SCALLION, CHRISTINE SCALLION  
9/0 Name: DIANNE POWELL

Mailing Address: 231 WENTWORTH STATION ROAD  
WENTWORTH, NS B0M 1Z0

Phone Number: 902-548-2876

**CURRENT ZONE:** RURAL RESOURCE

**PROPOSED ZONE:** RECREATIONAL RESIDENTIAL

**PROPOSED USE(S):** RESIDENTIAL LOTS ON PRIVATE ROAD

**PROPERTY LOCATION**

Civic Address: VALLEY ROAD, WESTCHESTER STATION

PID: 25267402 (PORTION)  
25358581

**DEVELOPMENT PROPOSAL:**

On a separate sheet of paper, describe the development proposal. Plans will be required and you may attach these to the application form.

**TERMS OF APPLICATION**

Application Fee: \$500  
Advertisement Fee: \$1000

**Declaration**

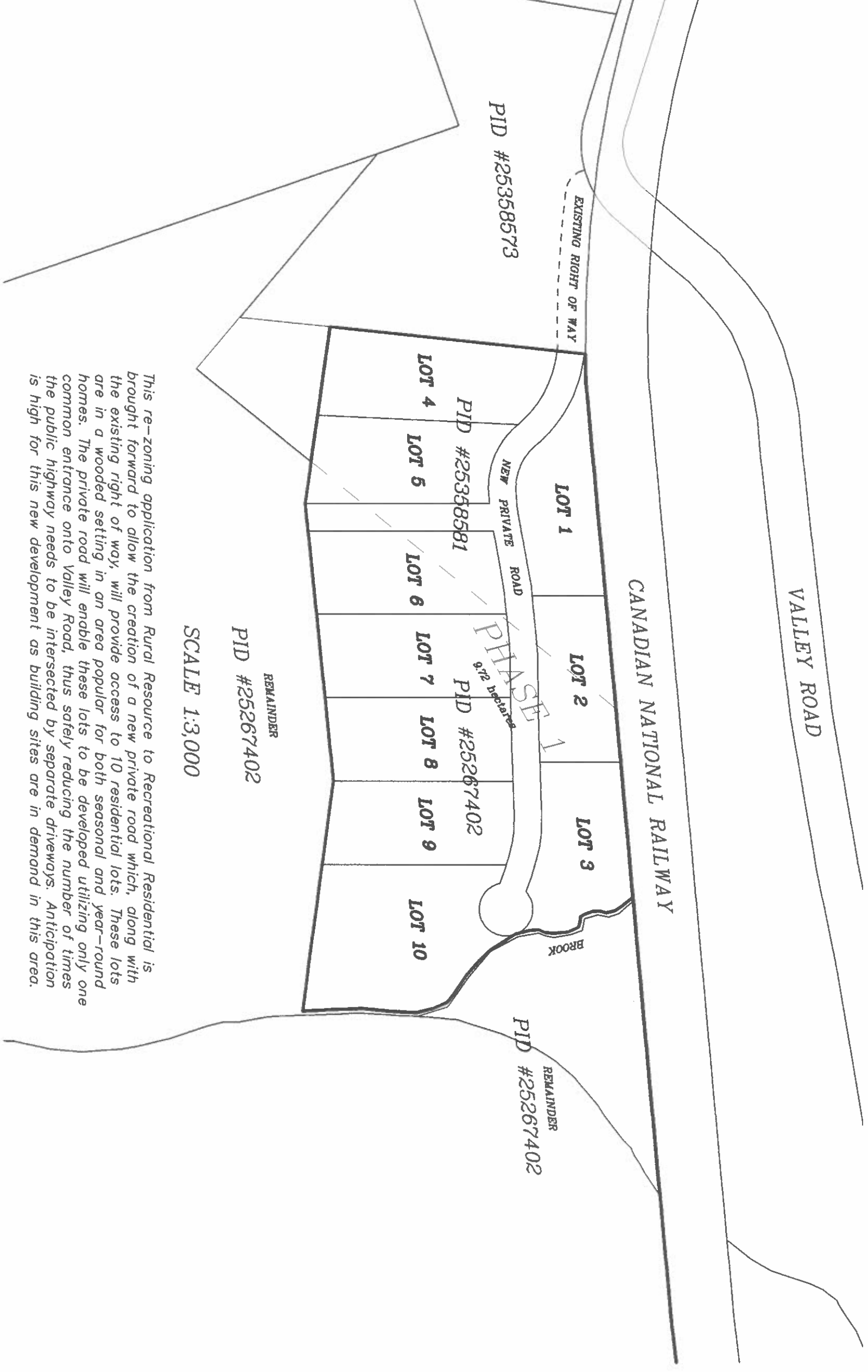
I hereby certify that I am the owner of the land for which this rezoning request is being made, and that all those with a legal interest in the land have co signed this application.

Dianne Powell 10 May 2023  
Signature of Owner(s) Date

Christine Scallion 10 May 2023  
Signature of Co-Signer(s) Date  
Conor Scallion 10 May 2023

NOTE: You must still obtain building and development permits from the Municipality once a rezoning is complete.

Rezoning are not a guaranteed approval - depending on policy and public feedback, Council may reject this application or ask for additional information.



SCALE 1:3,000

This re-zoning application from Rural Resource to Recreational Residential is brought forward to allow the creation of a new private road which, along with the existing right of way, will provide access to 10 residential lots. These lots are in a wooded setting in an area popular for both seasonal and year-round homes. The private road will enable these lots to be developed utilizing only one common entrance onto Valley Road, thus safely reducing the number of times the public highway needs to be intersected by separate driveways. Anticipation is high for this new development as building sites are in demand in this area.









**TO:** Mayor and Council

**FROM:** Glen Boone, Director of Development and Planning

**DATE:** August 30, 2023

**SUBJECT: Rezoning PIDs 25358581 and 25267402 (portion) – Powell and Scallion –  
Wentworth Station**

**ORIGIN:** On May 10, 2023, planning staff received an application from Dianne Powell, Conor Scallion, and Christine Scallion to rezone two (2) properties (the “subject properties”) located south of Valley Road to permit future residential development on ten (10) new lots on a new private road in the community of Wentworth Station as per the table below: First Reading was held at the August 30, 2023 special Council.

<b>PID</b>	<b>Owner</b>	<b>Current Zone</b>	<b>Designation</b>	<b>Current Use</b>	<b>Proposed Zone</b>
25358581	Conor Bryan Scallion, Christine Claire Scallion	Rural Resource (Rsrc)	Resource	Undeveloped	Recreational Residential (RRec)
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**LEGISLATIVE AUTHORITY: MGA PART VIII PLANNING AND DEVELOPMENT**

MGA Section 205: Requirements for Adoption of Planning Documents

Municipal Planning Strategy 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; and*

*(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.*



**CUMBERLAND COUNCIL**

**CDR**

**Date: September 20, 2023**

**RECOMMENDATION:** That Council approve first reading of an amendment to Schedule A of the Land Use Bylaw, AND to schedule a Public Hearing for the proposed amendment at a future Council Meeting for the following rezonings:

- **PID 25358581 from Rural Resource (Rsrc) to Recreational Residential (RRec)**
- **PID 25267402 (northwestern portion) from Rural Resource (Rsrc) to Recreational Residential (RRec)**

**BACKGROUND:** The subject properties are located between the Westchester Fire Hall and Highway 4, within the community of Wentworth Station. Properties to the north of Valley Road are generally zoned Agriculture (AG) near the proposed development and transition to Recreational Residential (RRec) nearer to Highway 4. Properties to the south of Valley Road are zoned Rural Resource (Rsrc) with a similar transition to Recreational Residential (RRec) approaching Highway 4. The application is to rezone the subject properties to permit residential development on ten (10) new lots.

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**DISCUSSION:** The subject property is designated as *Resource* on Schedule A of the Municipal Planning Strategy (MPS). Rezoning the subject property to Recreational Residential (RRec) would allow the development of residential building lots. Future residential development will be subject to the zone requirements and higher density projects will be subject to site plan or development agreements. In addition, creation of new lots within the rezoned properties will be subject to the subdivision process.

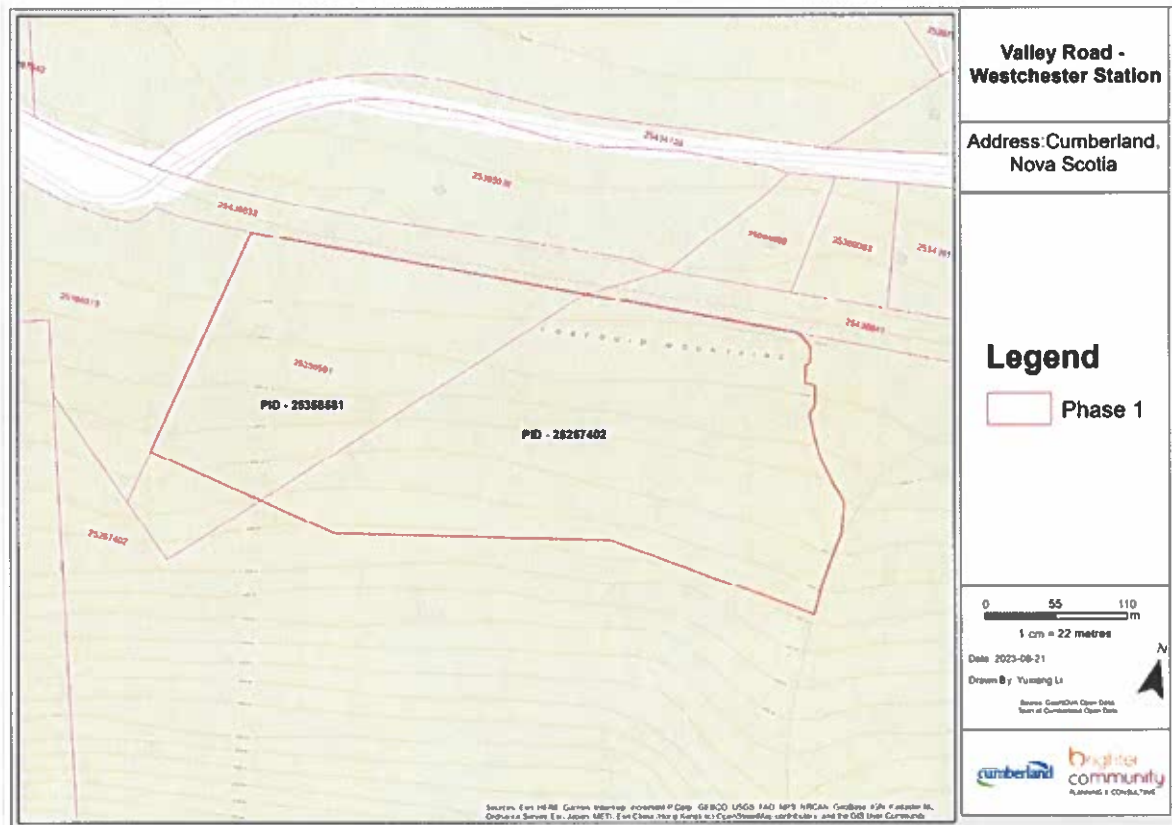
**FINANCIAL IMPLICATIONS:** None have been identified at this time.

**ENVIRONMENTAL IMPLICATIONS:** There are no sensitive environments or core wilderness areas indicated in Schedule B in the subject area. Provincial Karst Risk Map indicates this area as low risk.

**COMMUNITY ENGAGEMENT:** If Council approves, a public hearing could be held on the above matter at a date of Council's choosing. In accordance with MGA Section 206, notices will be placed in a locally circulated newspaper.

**ALTERNATIVES:** Council can 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:** Maps (below)



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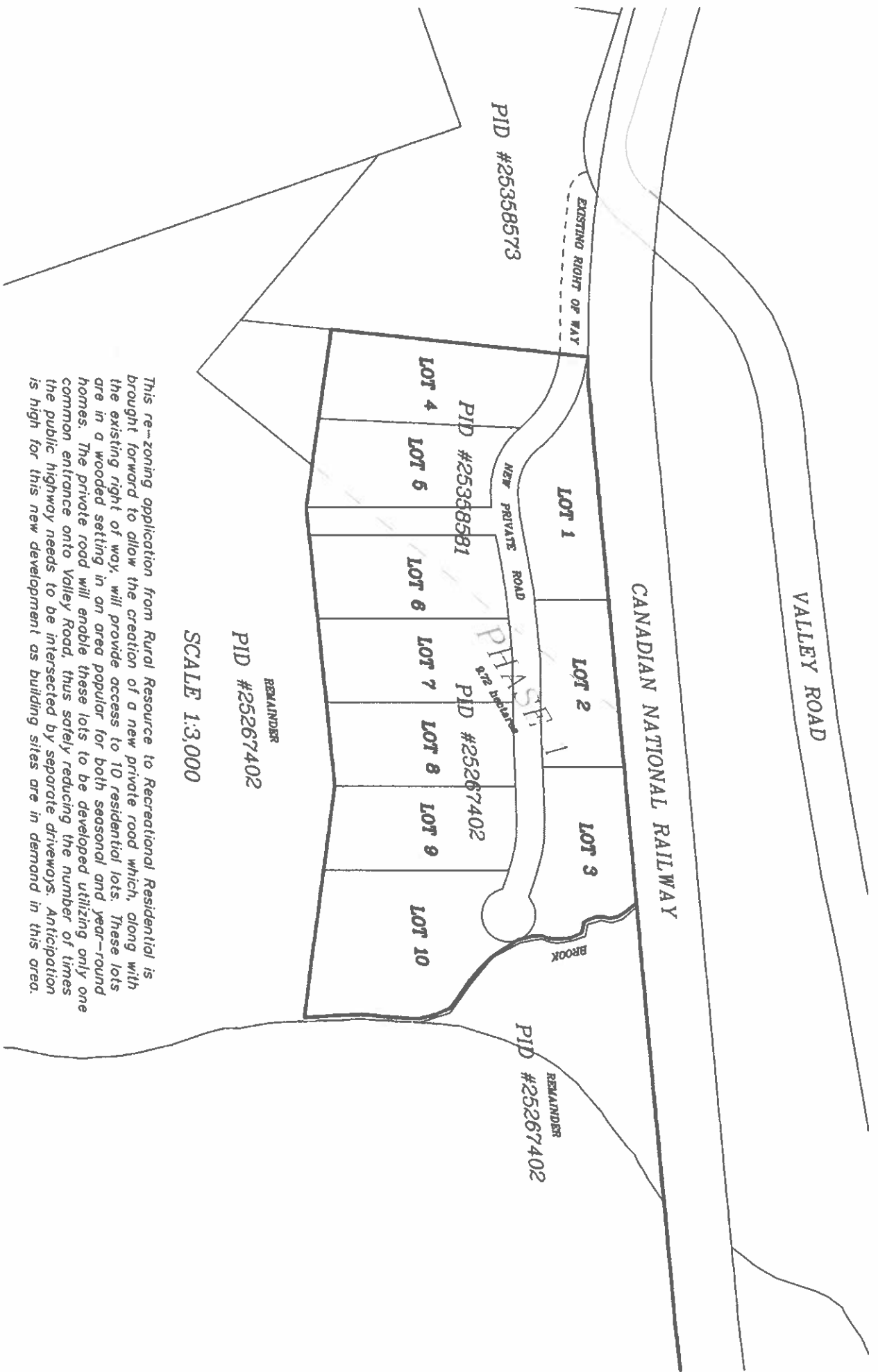
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Signature of Owner(s) Date

Conor Scallion 10 May 2023  
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SCALE 1:3,000

REMAINDER  
PID #25267402

PID #25358573

PID #25358581

PID #25267402

REMAINDER  
PID #25267402

