

**NOTICE OF ADOPTION  
AMENDMENT TO THE LAND USE BYLAW**

Second reading and adoption of an amendment to the Land Use By-Law for the Municipality of the County of Cumberland took place on Wednesday, June 19, 2024. The purpose of this amendment is to:

**Amend the Land Use Bylaw and Schedule A to rezone PID 25478355 from Agricultural (AG) Zone to Rural Industrial (IRur),**


**Amendment to Section 11.3.2 Rural Industrial Zone of the Land Use Bylaw to permit the operation of a Propane Fueling Facility,**

**Add Propane Fueling Facility to Section 14 Definitions of the Land Use Bylaw.**

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](mailto:board@novascotia.ca)), in accordance with the provisions of the Municipal Government Act.

## Cumberland municipal council to hold special meeting on June 19 to consider rezoning application

### Details

 Published: 12 June 2024

Cumberland municipal council to hold a special meeting on Wednesday, June 19, 2024, at 5:30 p.m. in the council chamber at the Upper Nappan Service Centre.

Purpose of the meeting is to give consideration to second reading of a rezoning application to rezone 11175 Highway 6, Pugwash, from agricultural to rural industrial to permit the operation of a propane fueling facility.



CUMBERLAND COUNCIL

RFD#

Date: June 19, 2024

TO: Mayor and Council

FROM: Glen Boone, Director of Development and Planning

DATE: June 19, 2024

SUBJECT: Second Reading for Amendment to Land Use Bylaw to rezone 11175 Highway 6, Pugwash – PID 25478355

ORIGIN: On May 15, 2024 Planning staff received an application to rezone 11175 Highway 6 Pugwash – PID 25478355 (the “subject property”) from the Agricultural (AG) Zone to the Rural Industrial (IRul) Zone

PID	Current Use	Current Zone	Proposed Use	Proposed zone
25478355	Vacant	Agriculture (AG) Zone	Propane Re-fill station	Rural Industrial (IRul) Zone

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

*MPS 5-24(i) Council shall, on the zoning map of the Land Use Bylaw, permit the following zones within the Resource Designation;*

- (i) Rural Industrial Zone*



## CUMBERLAND COUNCIL

RFD#

Date: June 19, 2024

**RECOMMENDATION:** THAT Council approve second reading of the Bylaw to Amend the Land Use Bylaw and Schedule A to rezone PID 25478355 from Agricultural (AG) Zone to Rural Industrial (IRur), AND to approve first reading of a text amendment to Section 11.3.2 Rural Industrial Zone of the Land Use Bylaw to permit the operation of a Propane Fueling Facility, AND to approve an amendment to add Propane Fueling Facility to Section 14 Definitions of the Land Use Bylaw.

**BACKGROUND:** The subject property is located on 11175 Highway 6, in Pugwash. The application is to rezone the land from Agriculture Zone to the Rural Industrial Zone, to permit the development of a Propane Fueling Facility.

**DISCUSSION:** For a propane fueling facility to be permitted to operate within the Rural Industrial zone, a text amendment to the Rural Industrial (IRur) Zone is required. Propane Fueling Facility are not a land use that is currently included within the Land Use Bylaw and would require being added as a term. The Propane Fueling Facility would align well with the intentions of the Rural Industrial Zone.

The subject property is currently zoned as Agriculture; however, the lot currently remains vacant. The surrounding area consists of a variety of land uses, residential and industrial uses being the two most prominent. Within proximity to the subject property, there is an existing excavation company, construction company, Crossroads Cycle, and other industrial operators. Based on the surrounding context, rezoning the subject property to Rural Industrial would be consistent with community context.

The Propane Fueling Facility would be accessible to commercial operators and to residential customers.

**FINANCIAL IMPLICATIONS:** None specific to this matter.

**ENVIRONMENTAL IMPLICATIONS:** Operator will be required to obtain proper certifications according to the Provincial Fuel Safety Regulations, under the Technical Safety Act (2008).

**COMMUNITY ENGAGEMENT:** A public hearing on the above matter was held on June 19, 2024, no residents came forward at the public hearing, no comments have been received by staff on the above proposal. Advertisements for the public hearing were placed on our website on June 5<sup>th</sup> and in the Casket, a locally circulating newspaper, on June 12<sup>th</sup>, meeting the requirement for public notification set forward by the MGA. No comments were received by staff regarding the above proposal.

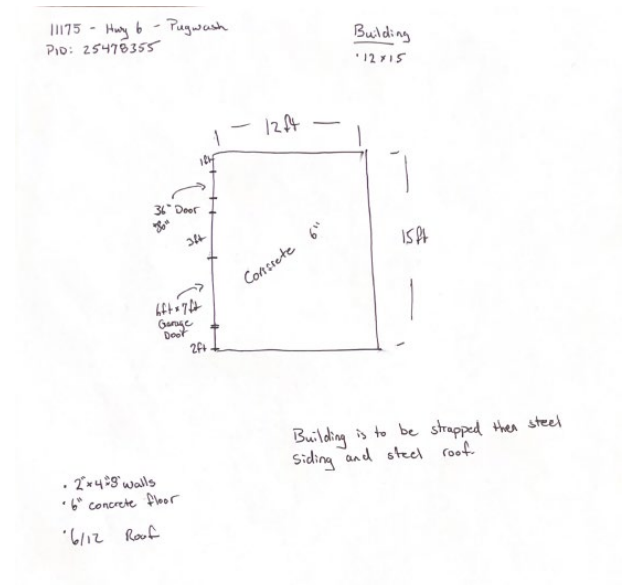
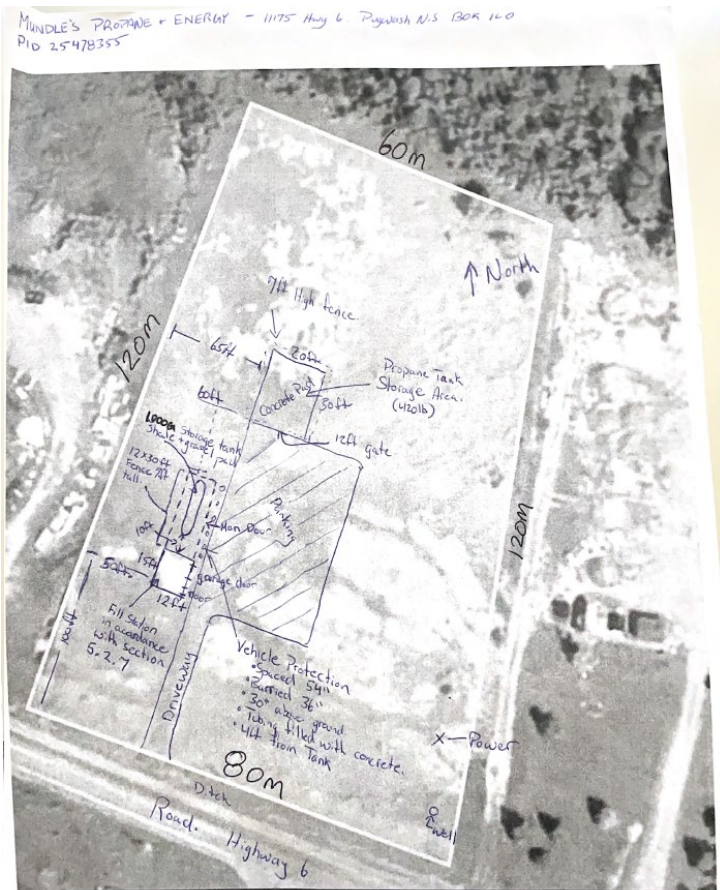
**ALTERNATIVES:** Council can defer the issue to a later date, request further information or reject the proposed amendments based on conflict with a policy in the Municipal Planning Strategy.

**ATTACHMENTS:**

- Attachment A: Development Plans (concept)
- Attachment B: Aerial and Street Images of the subject property
- Attachment C: Zoning Map

- Attachment D: Full Policy Analysis
- Attachment E: Amended Text (Example)
- Attachment F: Proposed Bylaw to amend the Land Use Bylaw ( Bylaw 24-0 X)

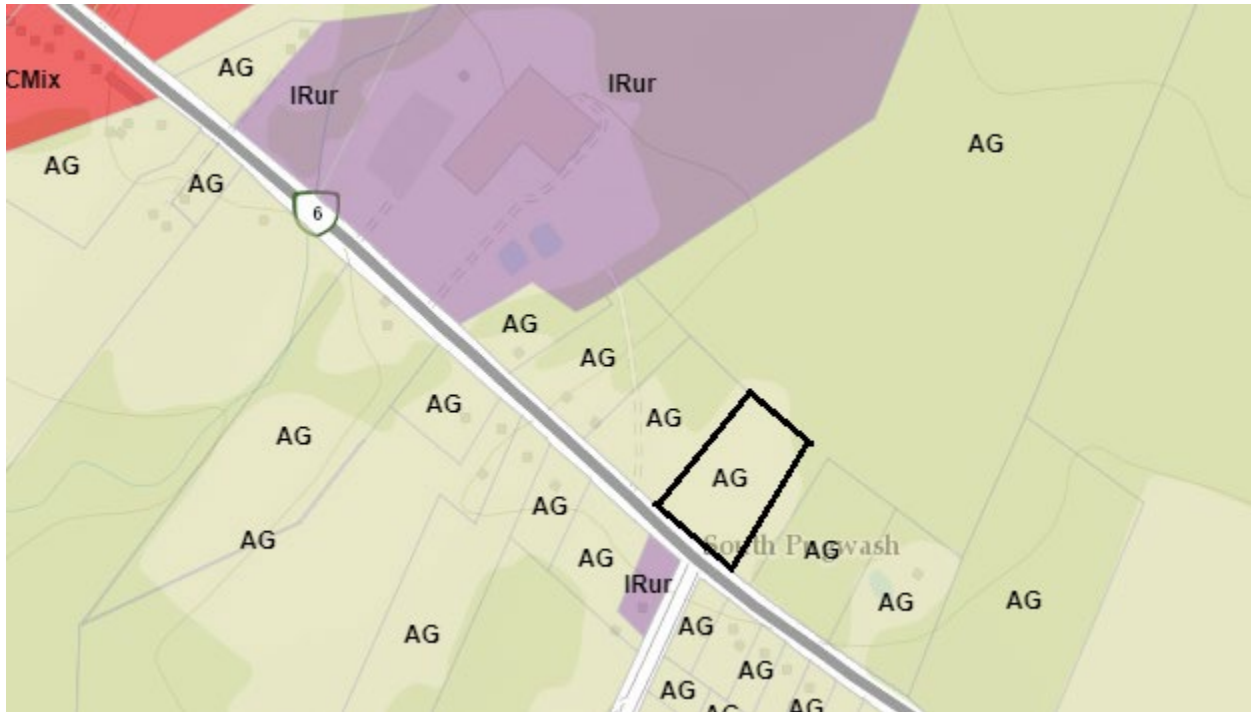
**Attachment A: Plans for Development (Concept)**



Attachment B: Aerial and Street Image of the Subject Property



Attachment C:





**CUMBERLAND COUNCIL**

**RFD#**

**Date: June 19, 2024**

Attachment D:

The first three policies analyzed identifies the proposed rezoning is permitted within the Resource designation and proposal to rezone the land is appropriate.

<b>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 such a rezoning unless Council is satisfied:</b>	
<i>Requirement</i>	<i>Comment</i>
<i>(a) if the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;</i>	N/A
<i>(b) the proposed change is not prohibited by any other policy in this Plan;</i>	The proposed change is not identified as prohibited by any other policy.
<i>(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</i>	See Policy 11.4.2 Analysis
<i>(cA)the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards;</i>	No identified impacts to the wildlife corridors or due to the presence of geohazards.
<i>(d) the proposal meets the general criteria for amending the Land Use By-law, set out in Policy 6-19.</i>	See Policy 6-19 Analysis
<b>MPS 6-7: Council Shall amend the text of the land use bylaw if the proposed amendment meets the general criteria set out in Policy 6-19</b>	
<i>Comment:</i>	
<i>See Policy 6-19 analysis below.</i>	



**CUMBERLAND COUNCIL**

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**Date: June 19, 2024**

<b>MPS Policy 6-19: Council shall not amend the Land Use By-law or approve a development agreement unless Council is satisfied the proposal:</b>	
<i>Requirement</i>	<i>Comment</i>
<i>(a) is consistent with the intent of this Municipal Planning Strategy;</i>	The proposed change is consistent with the intent of the Municipal Planning Strategy
<i>(b) does not conflict with any Municipal or Provincial programs, by-laws, or regulations in effect in the municipality;</i>	Does not conflict
<i>(c) is not premature or inappropriate due to:</i>	
<i>(i) the ability of the Municipality and/or Village (where applicable) to absorb public costs related to the proposal;</i>	No public costs expected related to this proposal
<i>(ii) impacts on existing drinking water supplies, both private and public;</i>	N/A
<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>	N/A
<i>(iv) the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to or leading to the proposal;</i>	No excessive traffic hazards or congestion risks identified relating to the proposal.
<i>(v) the adequacy of fire protection services and equipment;</i>	Fire protection services and equipment adequate for proposal
<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 identified problems related to the proposal
<i>(viii) the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;</i>	No identified flooding and drainage issues relating to the proposal



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<i>(ix) impacts on sensitive environments, as identified on Schedule B;</i>	No identified impacts
<i>(ixA) impacts on wildlife corridors;</i>	No identified impacts
<i>(x) impacts on known habitat for species at risk;</i>	No identified impacts
<i>(xA) risks presented by geohazards;</i>	No geohazard risks identified
<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 rights-of-way; and</i>	Proposed site is suitable for the proposed development.
<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>	No negative impacts towards the community identified

The next policy analyzed demonstrates the proposed development plans, including future plans for subdivision, aligns with the intent of the proposed zone.

<b>LUB 11.4.1 The Country Residential Zone is intended to permit lower density residential development on unserviced lots in defined rural communities and at the unserviced edges of serviced communities.</b>
Comment
The intent of the Country Residential Zone aligns with the proposed development of single unit dwellings. The proposal has been in communication with Department of Environment to confirm suitability of the proposed development, based on soil test results and proposed development lot dimensions.



**CUMBERLAND COUNCIL**

**RFD#**

**Date: June 19, 2024**


Attachment E: Amendment Text (Example)

11.3.2 The following uses shall be permitted in the Rural Industrial Zone, subject to all applicable requirements of this By-law:

- |                                    |   |
|------------------------------------|---|
| (a) Abattoir                       | (n) Forestry Uses                           |
| (b) Aggregate Related Industries   | (o) Heavy Equipment Repair                  |
| (c) Agricultural Uses              | (p) Heavy Equipment Sales                   |
| (d) Agriculture Related Industries | (q) Manufacturing                           |
| (e) Airport                        | <b><i>(q.1) Propane Refill Facility</i></b> |
| (f) Animal Boarding Facility       | (r) Recycling Depot                         |
| (g) Automotive Fueling             | (s) Sanitary Service                        |
| (h) Automotive Service             | (t) Self-storage Facility                   |
| (i) Commercial Livestock Operation | (u) Solid Waste Disposal                    |
| (j) Crematorium                    | (v) Solid Waste Transfer Facility           |
| (k) Farm and Forestry Supply Sales | (w) Transportation Services                 |
| (l) Fishery Related Industries     | (x) Warehouse                               |
| (m) Forestry Related Industries    |   |

# Notice of Public Hearing - Kolbec Rd Hwy 6, 11175 Highway 6, Pugwash

## Details

 Published: 05 June 2024

A Public Hearing regarding amendments to Schedule A and Sections 11.3.2 and 14 of the Land Use Bylaw for the Municipality of Cumberland will be held at 4:00 pm, Wednesday, June 19<sup>th</sup>, 2024, in the Council Chambers of the Upper Nappan Service Centre. Visit [cumberlandcounty.ns.ca](http://cumberlandcounty.ns.ca) to verify meeting schedule. The purpose of these amendments is to change the zoning of:

PID 25144031 & 25143215 Kolbec Rd., Port Howe (between civic 3397 and 3544) from Agricultural (AG) to Commercial Recreation (CRec) Zone.

PID 25478355, 11175 Hwy 6., Pugwash from Agricultural (AG) to Rural Industrial (IRur) Zone, a text amendment to Section 11.3.2 and an addition to Section 14.

Hearing documents can be viewed at [plancumberland.ca/hearings](http://plancumberland.ca/hearings) or by contacting our office at 902-667-2313. Public Hearings are open to the public. You may participate by submitting comments by email to: [Planning@cumberlandcounty.ns.ca](mailto:Planning@cumberlandcounty.ns.ca) or by mail to: Planning Dept, Upper Nappan Service Centre, 1395 Blair Lake Rd, Upper Nappan, NS B4H 3Y4.



**CUMBERLAND COUNCIL**

**RFD#**

**Date: June 19, 2024**

**TO:** Mayor and Council  
**FROM:** Glen Boone, Director of Development and Planning  
**DATE:** June 19, 2024  
**SUBJECT: Public Hearing for amendment to Land Use Bylaw to rezone 11175 Highway 6, Pugwash – PID 25478355**

**ORIGIN:** On May 15 2024, Planning staff received an application to rezone 11175 Highway 6 Pugwash – PID 25478355 (the “subject property”) from the Agricultural (AG) Zone to the Rural Industrial (IRul) Zone

PID	Current Use	Current Zone	Proposed Use	Proposed zone
25478355	Vacant	Agriculture (AG) Zone	Propane Fuelling Station	Rural Industrial (IRul) Zone

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

*MPS 5-24(i) Council shall, on the zoning map of the Land Use Bylaw, permit the following zones within the Resource Designation;*

- (i) Rural Industrial Zone*



**CUMBERLAND COUNCIL**

**RFD#**

**Date: June 19, 2024**

**RECOMMENDATION: No motions to be voted on.**

**BACKGROUND:** The subject property is located on 11175 Highway 6, in Pugwash. The application is to rezone the land from Agriculture Zone to the Rural Industrial Zone, to permit the development of a propane fuelling station.

**DISCUSSION:** Rezoning the subject property to Rural Industrial would permit the operation of propane plant, which is the land use term used to define a propane re-fill station according to section 49 Fuel Safety Regulations, of the Technical Safety Act (2008). The propane fuelling station would be accessible to commercial organizations and residents alike.

**FINANCIAL IMPLICATIONS:** None specific to this matter.

**ENVIRONMENTAL IMPLICATIONS:** According to soil study conducted in 2011, the land is identified as ideal for agricultural purposes. A new soil assesment has been conducted by a licensed surveyor and the results have been sent to the Department of Envirnement for comment. Regardless of soil test results, the size and location of the subject property makes it not ideal for large-scale agricultural purposes.

**COMMUNITY ENGAGEMENT:** Advertisements for the public hearing were place in the Casket, a locally circulating newspaper, for June 5<sup>th</sup>, and June 12<sup>th</sup>, meeting the requirement for public notification set forward by the MGA. No comments were received by staff regarding the above proposal.

**ATTACHMENTS:**

Attachment A: Development Plans  
(concept)

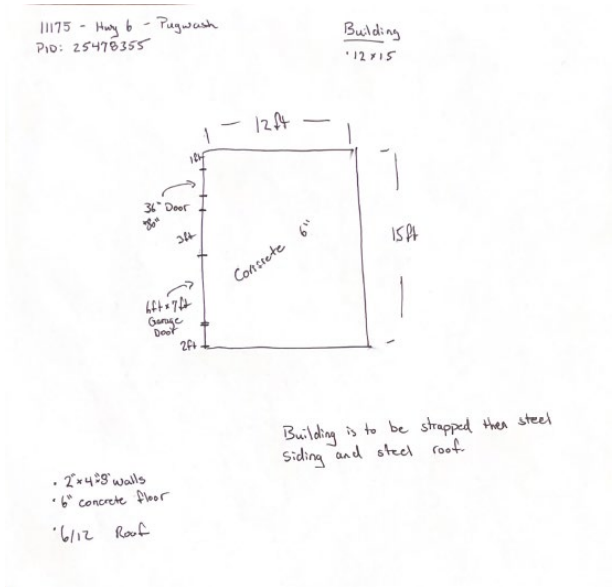
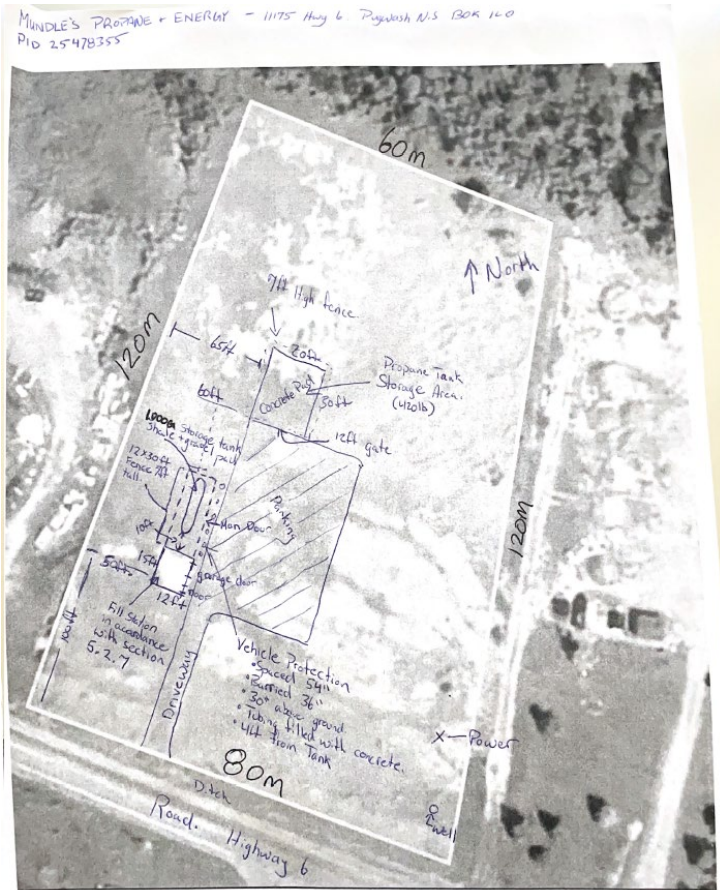
Attachment B: Aerial and Street Images  
of the subject property

Attachment C: Zoning Map

Attachment D: Full Policy Analysis

Attachment E: Amended Text (Example)  
and Proposed Definition

**Attachment A: Plans for Development (Concept)**



Attachment B: Aerial and Street Image of the Subject Property



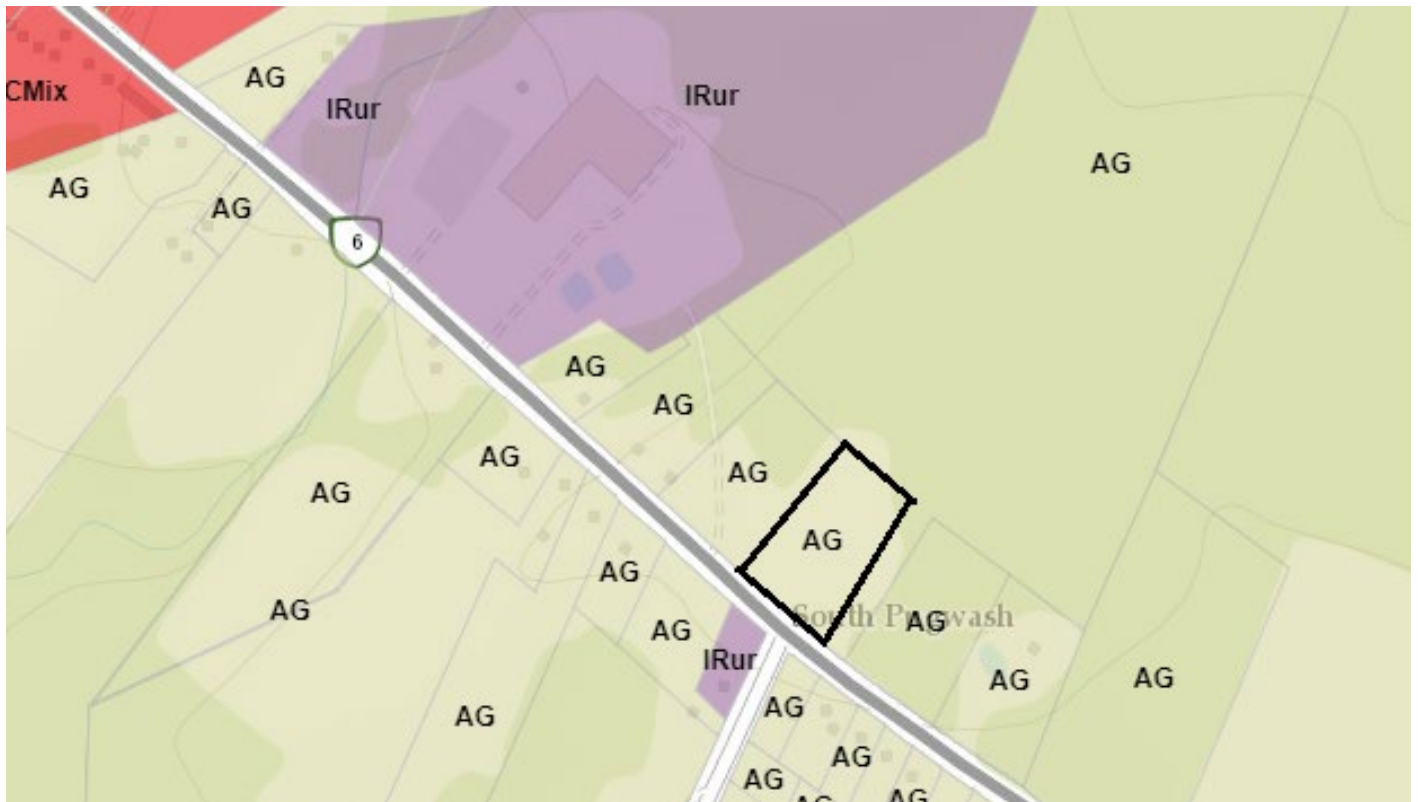


CUMBERLAND COUNCIL

RFD#

Date: June 19, 2024

Attachment C:





**CUMBERLAND COUNCIL**

**RFD#**

**Date: June 19, 2024**

Attachment D:

The first three policies analyzed identifies the proposed rezoning is permitted within the Resource designation and proposal to rezone the land is appropriate.

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**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 such a rezoning unless Council is satisfied:**

<i>Requirement</i>	<i>Comment</i>
<i>(a) if the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;</i>	N/A
<i>(b) the proposed change is not prohibited by any other policy in this Plan;</i>	The proposed change is not identified as prohibited by any other policy.
<i>(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</i>	See Policy 11.4.2 Analysis
<i>(cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards;</i>	No identified impacts to the wildlife corridors or due to the presence of geohazards.
<i>(d) the proposal meets the general criteria for amending the Land Use By-law, set out in Policy 6-19.</i>	See Policy 6-19 Analysis

**MPS 6-7: Council Shall amend the text of the land use bylaw if the proposed amendment meets the general criteria set out in Policy 6-19**

*Comment:*

*See Policy 6-19 analysis below.*

**MPS Policy 6-19: Council shall not amend the Land Use By-law or approve a development agreement unless Council is satisfied the proposal:**

<i>Requirement</i>	<i>Comment</i>
<i>(a) is consistent with the intent of this Municipal Planning Strategy;</i>	The proposed change is consistent with the intent of the Municipal Planning Strategy



**CUMBERLAND COUNCIL**

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<i>(b) does not conflict with any Municipal or Provincial programs, by-laws, or regulations in effect in the municipality;</i>	Does not conflict
<i>(c) is not premature or inappropriate due to:</i>	
<i>(i) the ability of the Municipality and/or Village (where applicable) to absorb public costs related to the proposal;</i>	No public costs expected related to this proposal
<i>(ii) impacts on existing drinking water supplies, both private and public;</i>	N/A
<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>	N/A
<i>(iv) the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to or leading to the proposal;</i>	No excessive traffic hazards or congestion risks identified relating to the proposal.
<i>(v) the adequacy of fire protection services and equipment;</i>	Fire protection services and equipment adequate for proposal
<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 identified problems related to the proposal
<i>(viii) the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;</i>	No identified flooding and drainage issues relating to the proposal
<i>(ix) impacts on sensitive environments, as identified on Schedule B;</i>	No identified impacts
<i>(ixA) impacts on wildlife corridors;</i>	No identified impacts
<i>(x) impacts on known habitat for species at risk;</i>	No identified impacts



**CUMBERLAND COUNCIL**

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<i>(xA)risks presented by geohazards;</i>	No geohazard risks identified
<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 rights-of-way; and</i>	Proposed site is suitable for the proposed development, based on soil test results.
<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>	No negative impacts towards the community identified

The next policy analyzed demonstrates the proposed development plans, including future plans for subdivision, aligns with the intent of the proposed zone.

<b>LUB 11.4.1 The Country Residential Zone is intended to permit lower density residential development on unserviced lots in defined rural communities and at the unserviced edges of serviced communities.</b>
Comment
The intent of the Country Residential Zone aligns with the proposed development of single unit dwellings. The proposal has been in communication with Department of Environment to confirm suitability of the proposed development, based on soil test results and proposed development lot dimensions.



**CUMBERLAND COUNCIL**

**RFD#**

**Date: June 19, 2024**

Attachment E: Amendment Text (Example) and Proposed Definition

11.3.2 The following uses shall be permitted in the Rural Industrial Zone, subject to all applicable requirements of this By-law:

- |                                    |   |
|------------------------------------|---|
| (a) Abattoir                       | (n) Forestry Uses                           |
| (b) Aggregate Related Industries   | (o) Heavy Equipment Repair                  |
| (c) Agricultural Uses              | (p) Heavy Equipment Sales                   |
| (d) Agriculture Related Industries | (q) Manufacturing                           |
| (e) Airport                        | <b><i>(q.1) Propane Refill Facility</i></b> |
| (f) Animal Boarding Facility       | (r) Recycling Depot                         |
| (g) Automotive Fueling             | (s) Sanitary Service                        |
| (h) Automotive Service             | (t) Self-storage Facility                   |
| (i) Commercial Livestock Operation | (u) Solid Waste Disposal                    |
| (j) Crematorium                    | (v) Solid Waste Transfer Facility           |
| (k) Farm and Forestry Supply Sales | (w) Transportation Services                 |
| (l) Fishery Related Industries     | (x) Warehouse                               |
| (m) Forestry Related Industries    |   |

**Propane Fueling Station** one or more large propane tanks and dispensing equipment designed to refill portable propane tanks and to fuel vehicles and equipment that require propane for operation.



CUMBERLAND COUNCIL

RFD#

Date: May 29, 2024

TO: Mayor and Council

FROM: Glen Boone, Director of Development and Planning

DATE: May 23, 2024

SUBJECT: **First Reading of amendment to Land Use Bylaw to rezone 11175 Highway 6, Pugwash – PID 25478355**

**ORIGIN:** On May 15, 2024, Planning staff received an application to rezone 11175 Highway 6, Pugwash – PID 25478355 (the “subject property”) from the Agricultural (AG) Zone to the Rural Industrial (IRur) Zone

PID	Current Use	Current Zone	Proposed Use	Proposed zone
25478355	Vacant	Agriculture (AG) Zone	Propane Fueling Facility	Rural Industrial (IRur) Zone

**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 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;*

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



**CUMBERLAND COUNCIL**

**RFD#**

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*MPS 5-24(i) Council shall, on the zoning map of the Land Use Bylaw, permit the following zones within the Resource Designation;*

- (i) *Rural Industrial Zone*

**RECOMMENDATION:** THAT Council approve first reading of the Bylaw to Amend the Land Use Bylaw and Schedule A to rezone PID 25478355 from Agricultural (AG) Zone to Rural Industrial (IRur), AND to approve first reading of a text amendment to Section 11.3.2 Rural Industrial Zone of the Land Use Bylaw to permit the operation of a Propane Fueling Facility, AND to approve an amendment to add Propane Fueling Facility to Section 14 Definitions of the Land Use Bylaw, AND to schedule a Public Hearing for the proposed changes at a future meeting of Council.

**BACKGROUND:** The subject property is located on 11175 Highway 6, in Pugwash. The application is to rezone the land from Agriculture Zone to the Rural Industrial Zone, to permit the development of a propane fueling facility.

**DISCUSSION:**

For a propane fueling facility to be permitted to operate within the Rural Industrial zone, a text amendment to the Rural Industrial (IRur) Zone is required. Propane Fueling Facility are not a land use that is currently included within the Land Use Bylaw and would require being added as a term. The propane fueling station would align well with the intentions of the Rural Industrial Zone.

The subject property is currently zoned as Agriculture; however, the lot currently remains vacant. The surrounding area consists of a variety of land uses, residential and industrial uses being the two most prominent. Within proximity to the subject property, there is an existing excavation company, construction company, Crossroads Cycle, and other industrial operators. Based on the surrounding context, rezoning the subject property to Rural Industrial would be consistent with community context.

The Propane Fueling Facility would be accessible to commercial operators and to residential customers.

**FINANCIAL IMPLICATIONS:** None specific to this matter.



**CUMBERLAND COUNCIL**

**RFD#**

**Date: May 29, 2024**

**ENVIRONMENTAL IMPLICATIONS:** Operator will be required to obtain proper certifications according to the Provincial Fuel Safety Regulations, under the Technical Safety Act (2008).

**COMMUNITY ENGAGEMENT:** Notices will be placed on the Municipality's website.

**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:**

Attachment A: Development Plans  
(concept)

Attachment B: Aerial and Street Images  
of the subject property

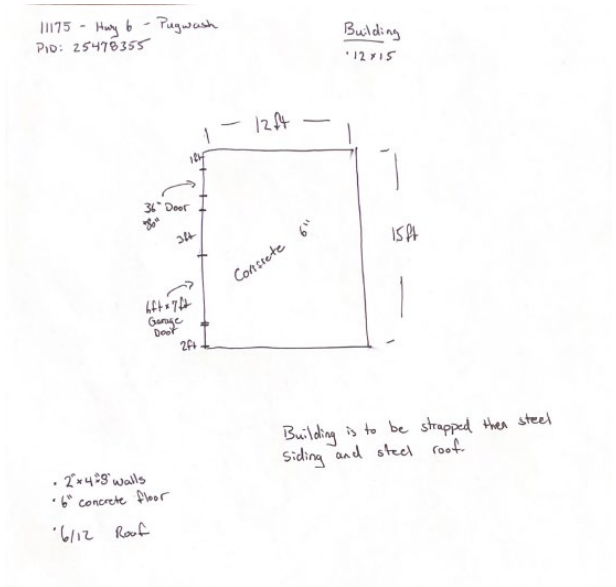
Attachment C: Zoning Map

Attachment D: Full Policy Analysis

Attachment E: Amended Text (Example)

Attachment F: Proposed Bylaw to amend  
the Land Use Bylaw ( Bylaw 24-0 X)

**Attachment A: Plans for Development (Concept)**



Attachment B: Aerial and Street Image of the Subject Property



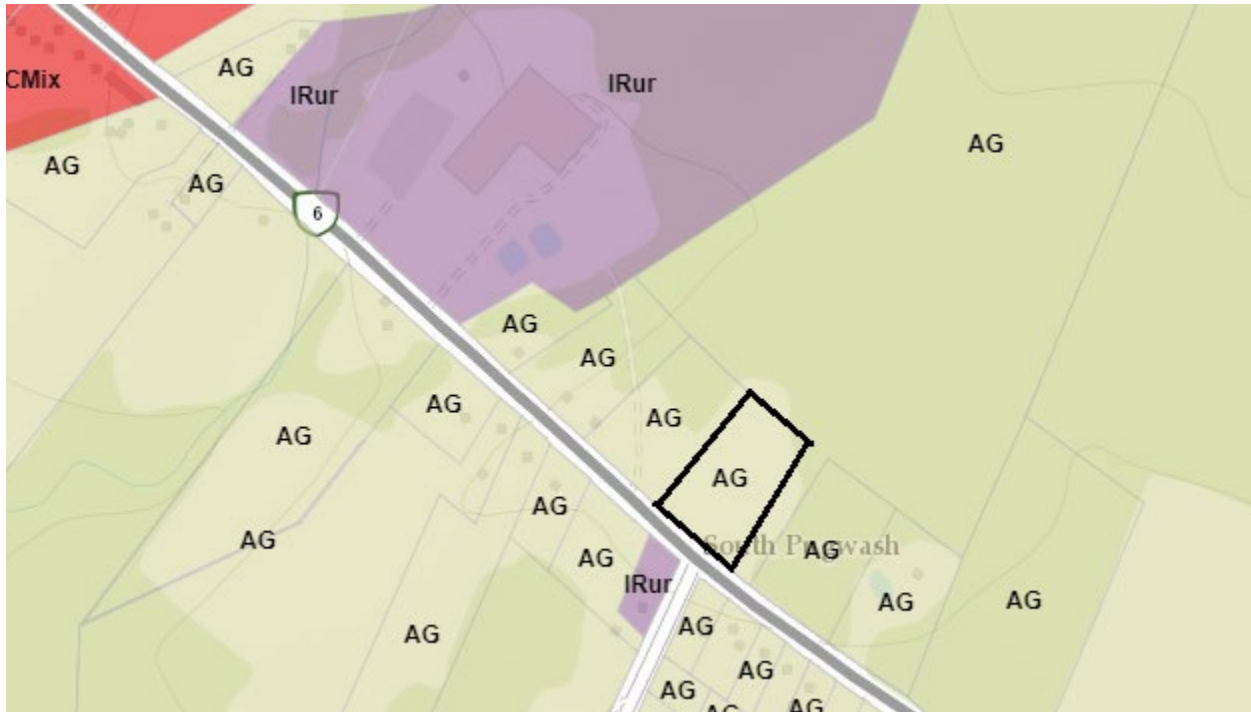


CUMBERLAND COUNCIL

RFD#

Date: May 29, 2024

Attachment C:





**CUMBERLAND COUNCIL**

**RFD#**

**Date: May 29, 2024**

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<i>Requirement</i>	Comment
<i>(a) if the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104;</i>	N/A
<i>(b) the proposed change is not prohibited by any other policy in this Plan;</i>	The proposed change is not identified as prohibited by any other policy.
<i>(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</i>	See Policy 11.4.2 Analysis
<i>(cA)the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards;</i>	No identified impacts to the wildlife corridors or due to the presence of geohazards.
<i>(d) the proposal meets the general criteria for amending the Land Use By-law, set out in Policy 6-19.</i>	See Policy 6-19 Analysis
<b>MPS 6-7: Council Shall amend the text of the land use bylaw if the proposed amendment meets the general criteria set out in Policy 6-19</b>	
<i>Comment:</i>	
<i>See Policy 6-19 analysis below.</i>	



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<b>MPS Policy 6-19: Council shall not amend the Land Use By-law or approve a development agreement unless Council is satisfied the proposal:</b>	
<i>Requirement</i>	<i>Comment</i>
<i>(a) is consistent with the intent of this Municipal Planning Strategy;</i>	The proposed change is consistent with the intent of the Municipal Planning Strategy
<i>(b) does not conflict with any Municipal or Provincial programs, by-laws, or regulations in effect in the municipality;</i>	Does not conflict
<i>(c) is not premature or inappropriate due to:</i>	
<i>(i) the ability of the Municipality and/or Village (where applicable) to absorb public costs related to the proposal;</i>	No public costs expected related to this proposal
<i>(ii) impacts on existing drinking water supplies, both private and public;</i>	N/A
<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>	N/A
<i>(iv) the creation of excessive traffic hazards or congestion on road, cycling, and pedestrian networks within, adjacent to or leading to the proposal;</i>	No excessive traffic hazards or congestion risks identified relating to the proposal.
<i>(v) the adequacy of fire protection services and equipment;</i>	Fire protection services and equipment adequate for proposal
<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 identified problems related to the proposal
<i>(viii) the potential to create flooding or serious drainage issues, including within the proposal site and in nearby areas;</i>	No identified flooding and drainage issues relating to the proposal



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<i>(ix) impacts on sensitive environments, as identified on Schedule B;</i>	No identified impacts
<i>(ixA) impacts on wildlife corridors;</i>	No identified impacts
<i>(x) impacts on known habitat for species at risk;</i>	No identified impacts
<i>(xA) risks presented by geohazards;</i>	No geohazard risks identified
<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 rights-of-way; and</i>	Proposed site is suitable for the proposed development, based on soil test results.
<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>	No negative impacts towards the community identified

The next policy analyzed demonstrates the proposed development plans, including future plans for subdivision, aligns with the intent of the proposed zone.

<b>LUB 11.3.1 The Rural Industrial Zone is intended to accommodate processing and other industries related to resource-based industries, and to accommodate intensive uses that require large separation distances from dwellings and other less-intensive uses.</b>
Comment
The intent of the Rural Industrial Zone aligns with the proposed development of a propane fueling facility. The subject property is within proximity to other industrial uses and rural industrial zoned lands. The density of structures and lot sizes for that area allows for large separation distances between the proposed propane fueling facility and dwellings.



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Attachment E: Amendment Text (Example)

11.3.2 The following uses shall be permitted in the Rural Industrial Zone, subject to all applicable requirements of this By-law:

- |                                    |  |
|------------------------------------|--|
| (a) Abattoir                       | (n) Forestry Uses                            |
| (b) Aggregate Related Industries   | (o) Heavy Equipment Repair                   |
| (c) Agricultural Uses              | (p) Heavy Equipment Sales                    |
| (d) Agriculture Related Industries | (q) Manufacturing                            |
| (e) Airport                        | <b><i>(q.1) Propane Fueling Facility</i></b> |
| (f) Animal Boarding Facility       | (r) Recycling Depot                          |
| (g) Automotive Fueling             | (s) Sanitary Service                         |
| (h) Automotive Service             | (t) Self-storage Facility                    |
| (i) Commercial Livestock Operation | (u) Solid Waste Disposal                     |
| (j) Crematorium                    | (v) Solid Waste Transfer Facility            |
| (k) Farm and Forestry Supply Sales | (w) Transportation Services                  |
| (l) Fishery Related Industries     | (x) Warehouse                                |
| (m) Forestry Related Industries    |  |