



NOTICE OF REJECTION

By-law to Amend the Land Use By-law 24-14 & 24-16

Second Reading of the By-law to Amend the Land Use By-law 24-14 & 24-16-01 took place on Wednesday, February 26th, 2025 at a Council meeting held at the Upper Nappan Service Centre. Council voted to reject the by-laws due to;

- **By-Law to Amend the Land Use By-law 24-14**

- To rezone a portion of 19 McCully Lane, Wards Brook from Agriculture (AG) Zone to Commercial Recreation (CRec).

Rejected due to: Public concerns towards environmental stewardship.

- **By-law to amend the land use by-law 24-16**

- To rezone 1370 Southampton Rd. (PID 25394958), West Amherst, NS from Country Residential (RCou) Zone to Rural Industrial (IRur) Zone.

Rejected due to: Potentially hazardous traffic conditions created by the proposed development.

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.

Amanda Kinnear
Deputy Clerk



COUNCIL MEETING

SECOND READING

Date: February 26, 2025

TO: Mayor and Council

FROM: Glen Boone, Director of Development and Planning

DATE: February 20, 2025

SUBJECT: Second Reading - By-law to Amend the Land Use By-law 24-14 to rezone a portion of 19 McCully Lane (PID 25189911), Wards Brook NS from Agriculture (AG) Zone to Commercial Recreation (CRec).

ORIGIN: On July 28 2023, planning staff received an application to rezone 19 McCully Lane (PID 25189911) Wards Brook (the “subject property”), to permit the development of an “Off-Grid” campground and Recreational Vehicle Park.

PID	Location	Current Zone	Current Use	Proposed Zone	Proposed Use
25189911	Wards Brook	Agriculture (AG)	Vacant/ Former Gravel pit	Commercial Recreation (CRec)	Campground

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.*

RECOMMENDATION: THAT Council approve Second Reading of the By-law to Amend the Land Use By-law 24-14 to rezone a portion of 19 McCully Lane (PID 25189911), Wards Brook from Agriculture (AG) Zone to Commercial Recreation (CRec) Zone.



COUNCIL MEETING

SECOND READING

Date: February 26, 2025

BACKGROUND: Currently, the property is assigned two zones, the north portion of the parcel is zoned Country Residential (RCou), while the waterside portion (south) of the parcel is zoned Agriculture. The property owners are looking to rezone the portion of the property zoned Agriculture (AG) and maintain the Country Residential (RCou) zoning on the north portion of the parcel as the Country Residential portion of the parcel would not need to be rezoned. The current zoning was assigned during the initial zoning assignment during the 2018 Plan Review.

The subject property was assigned to the two zones because the size of the lot would permit multiple land uses. The subject property is approximately 10 acres, while the north portion of the parcel is used for residential purposes, there is an approximate 8.5 acres left to be used for other purposes. Due to soil conditions, the remaining 8.5 acres of land was zoned Agriculture with the intention of marking the land as reserve farmlands. Since the initial zoning assignment in 2018, the property had been used as a source for "pit-run" gravel. The site no longer has the topsoil to support agricultural activities.

DISCUSSION: As the property owner does not intend to use the waterside portion of the lot for agricultural purposes, rezoning the lands from Agriculture (AG) Zone would be appropriate and reflective of the potential use of the land. The Commercial Recreation (CRec) Zone would permit the development and operation of campsites on the property.

Within a land parcel, two zones may exist as long as both portions meet the requirements of the assigned zoning. The north portion of the lot which is zoned Country Residential (RCou) Zone will be required to meet the land use requirements of the RCou zone. The portion of the parcel that is currently zoned Agriculture (AG) Zone, once rezoned would be required to meet the requirements of the Commercial Recreation Zone. Setbacks are calculated by using the change in zoning boundary as a property line.

First reading for the proposed amendment was given on December 18, 2024

FINANCIAL IMPLICATIONS: None have been identified at this time.

ENVIRONMENTAL IMPLICATIONS: While the lot was suitable for agriculture purposes in the 2018 zoning assignment, it is no longer suitable for agriculture as most of the topsoil has been removed. The proposed campsite development will be required to maintain a watercourse buffer of 30.5 m from the ordinary high-water mark, determined by a licensed surveyor. The proposed development will be serviced by modular washroom facilities, operating on connected sewage disposal system. The proposed development will be subject to approval from the Department of Environment for an on-site sewage disposal system. Regulation of environmental activities such as infilling and diverting waterways are not within the jurisdiction of the Municipality. Planning staff reached out to the Department of Environment (DOE) to inquire about the status of any potential environmental enforcement /complaint files associated with the subject property. Staff were informed that to obtain such information, staff will be required to submit a FOIPOP application. After further discussion with NS Department of Environment and the applicant, staff confirmed the environmental enforcement actions being conducted on the adjacent property have concluded and the enforcement file has been closed. This means all actions required of the property owner by the Department of Environment have been completed to their satisfaction. A copy of the letter informing the applicant that the Environmental Enforcement file is closed has been included in this report as Attachment G.



COUNCIL MEETING

SECOND READING

Date: February 26, 2025

COMMUNITY ENGAGEMENT: A Public Hearing for the proposed amendment was held on January 22nd, 2025. The Public Hearing was duly advertised in accordance with section 206 of the MGA. A notice for Public Hearing was placed on the Municipal Website, on January 7th, 2025, two weeks prior to the scheduled hearing date. The hearing was also promoted on our Facebook page. In addition to the required public notification on Municipal website, a notice for the hearing was placed in the Chronicle Herald on January 11th, 2025. In addition, a Planning Notice sign was posted on the subject property, directing the public to visit PlanCumberland.ca/hearings for information on the proposed change. The sign that was initially posted had to be replaced, due to weather conditions knocking the sign out of the ground. The sign was replaced on January 14, 2025.

Prior to the Public Hearing, staff received communications regarding the proposed development from one member of the public. They submitted a Letter of Objection to staff to be included in the report to Council, this letter is included in the report to Council as Attachment F. This public representative also came to speak in front of Council at the Public Hearing to reinforce the statements made in their initial Letter of Objection, and to express additional points of concern. A second representative from the public came to speak before Council at the Public Hearing. They expressed support for the development of a campground on the property but are concerned about the applicant's ability to be a steward of the environment, based on the previous enforcement actions that took place on the adjacent property, owned by the applicant. In addition, they expressed a concern regarding public access to Ward's Brook Beach via the Wards Brook Road, however public access rights to the Wards Brook Beach via the Wards Brooke Road would require legal interpretation.

ALTERNATIVES:

Council can defer the issue to a later date and request further information, OR
Reject the proposed amendment.

ATTACHMENTS:

Attachment A: Aerial Image
Attachment B: Site Photos
Attachment C: Zoning Map with proposed amendments
Attachment D: Conceptual Site Plan
Attachment E: Policy Review
Attachment F: Letters of Objection
Attachment G: Letter of Notice of File Closed from NSECC

Report prepared by: Kira Norgren, Municipal Planner

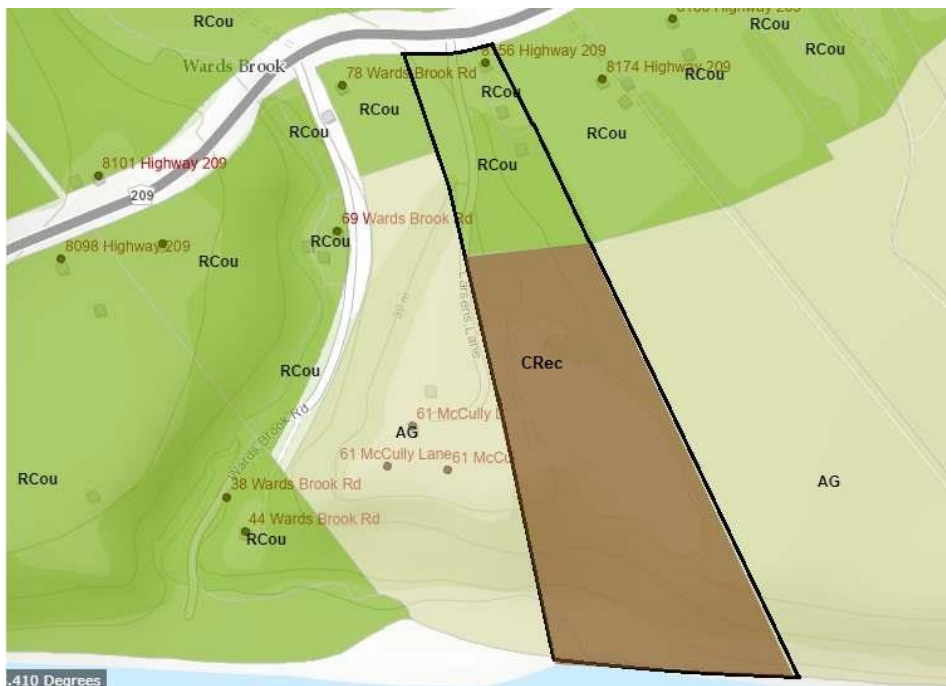
Attachment A: Aerial Image



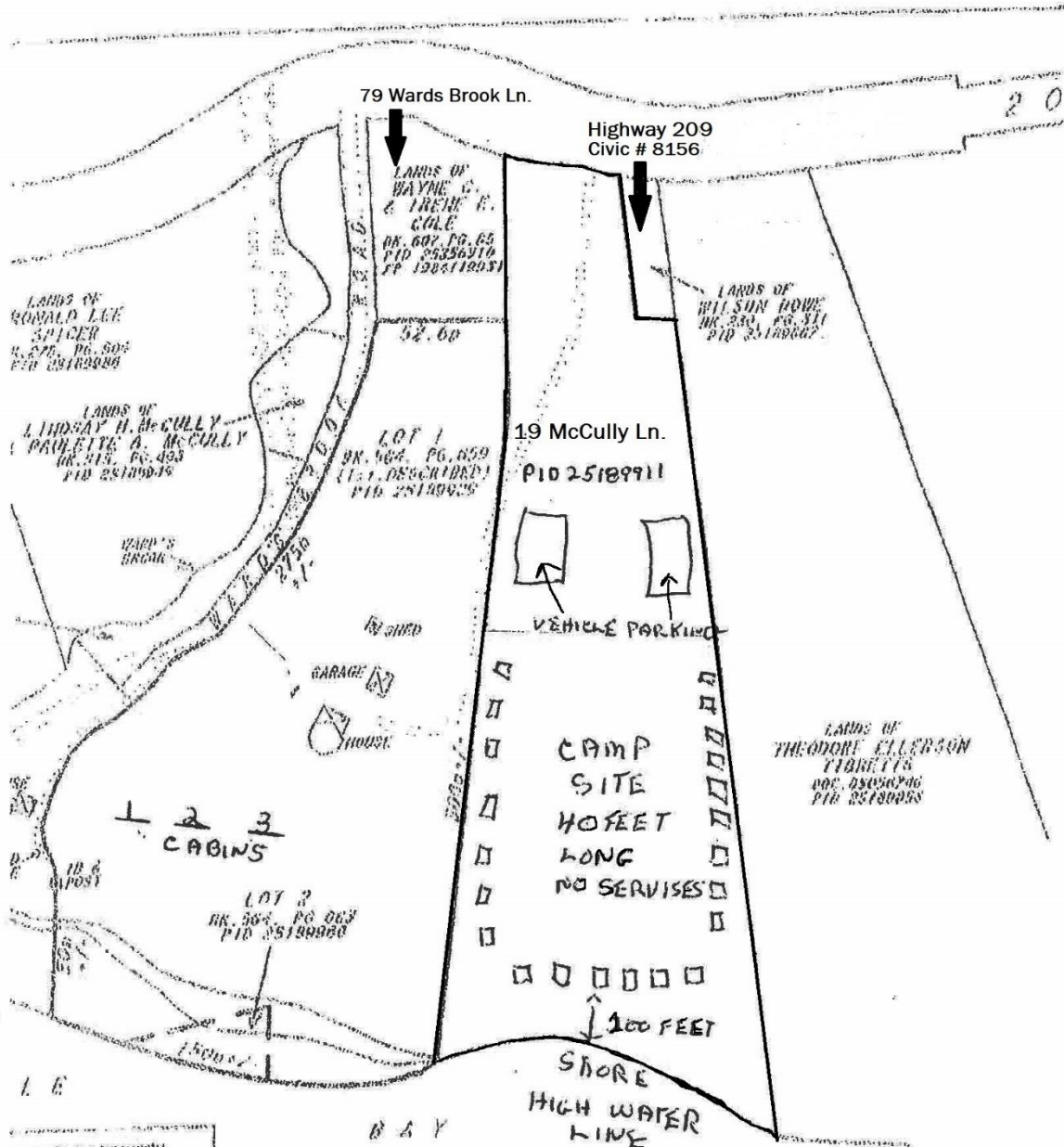
Attachment B: Site Photos



Attachment C: Zoning Map



Attachment D: Conceptual Site Plan



presented by property

CABINS ARE 221 FEET FROM HIGH WATER
140 FEET FROM PROPERTY LINE CABIN #1 10 X 16 F
40 FEET FROM CABIN #1 CABIN #2, 12 X 20 FEET



COUNCIL MEETING

SECOND READING

Date: February 26, 2025

Attachment E: Policy Review

<p>MPS Policy 5-24 Council shall, on Schedule A, the Future Land Use Map, permit the following in 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 Zone (j) Rural Resource Zone
<p>Comment: With both the proposed zone and the current zone under the Resource Designation, rezoning is permitted.</p>

<p>LUB 12.4.1 The commercial recreation zone is intended to permit commercial recreation activities, such as campgrounds, RV Parks, golf courses, and driving ranges.</p>
<p>Comment The proposed development of campsites aligns with the intention of the zone, as described in the Land Use Bylaw.</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
<p>(a) <i>if the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104.</i></p>	Not applicable
<p>(b) <i>The proposed change is not prohibited by any other policy in this plan.</i></p>	Not applicable
<p>(c) <i>the purpose of the proposed zone is consistent with the location and the characteristics of the lands;</i></p>	See analysis above
<p>(cA) <i>the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards</i></p>	No known geohazards or wildlife corridors on the parcel.
<p>(d) <i>The Proposal meet the general criteria for amending the Land Use Bylaw, set out in Policy -19</i></p>	See analysis below

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
(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>	No
(i) <i>The ability of the Municipality to absorb the public costs related to the project.</i>	No anticipated public costs related to the project.
(ii) <i>Impacts on existing drinking water supplies, both private and public.</i>	No impacts identified.
(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>	Site suitability for On-site Water and sewage services is determined by Nova Scotia department of environment (DOE). The proposal is subject to approval from DOE.
(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 traffic hazards created by the proposed development.
(v) <i>The adequacy of fire protective services and equipment;</i>	Sufficient fire protective services available, under 5min travel time from the nearest firehall.
(vi) <i>The adequacy and proximity of schools and other community facilities.</i>	Not applicable
(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 known pollution problems related to the project
(viii) <i>The potential to create flooding or serious drainage issues including within the proposal site and in nearby areas</i>	No anticipated flooding or drainage concerns posed by the proposed development.
(ix) <i>Impacts on sensitive environments, as identified on Schedule B</i>	No anticipated impacts
(ixA) <i>Impacts on wildlife corridors</i>	No anticipated impacts
(x) <i>Impacts on known habitat for species at risk</i>	No anticipated impacts
(xA) <i>risks presented by geohazards</i>	No risk for geohazards on the site
(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>	The site is suitable, subject to permitting. Shoreline buffers and setbacks shall be required to be maintained.
(xii) <i>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 to the surrounding community noted.



COUNCIL MEETING

SECOND READING

Date: February 26, 2025

Attachment F: Letter of Objection

See letter Attached Separately

Attachment G: Letter of Notice of File Closing NSECC

See attached separately

OBJECTION TO THE REZONING OF PID 25181911, 19 McCully Lane, Wards Brook

For Submission to: Cumberland County Council Meeting November 20th, 2024

Submitter: Dara Bowser, 8098 Highway 209 Wards Brook

The undersigned objects to the proposed re-zoning and requests that the amendment be rejected. In the event that Council does not reject the proposed re-zoning, the undersigned requests that the Application be deferred until more complete, clear and concise information is provided concerning the proposed use and the environmental covenants to be established. The undersigned further requests that the application be deferred until the Nova Scotia Dept. of the Environment has completed its enforcement actions with respect to these lands.

Reasons:

- 1) The meeting Notice is defective: It refers to an application to re-zone 11339 Highway 6 (PID26150665).
- 2) The sign advertising a Campground on this property has been permitted on this site since at least April of 2024. The sign exceeds the allowable size for a sign located on Rcou zoning. We were advised by County staff by email that a sign of this size was permitted based on Ag zoning of the property and that the property was actually zoned Ag, but appeared on the Zoning map as Rcou due to an error.

It is clear that this property is Zoned as Rcou now, has been zoned as Rcou in the past and is intended to be Zoned as Rcou in the future.

Failure of Municipal staff to enforce the existing regulation can be seen as favoritism towards the proponent and casts doubt on the independence of the process being followed by Municipal staff in this instance

- 3) The proponent is not a good environmental steward and cannot be expected to follow Provincial or Municipal regulations with respect other environment and appropriate use of the sensitive lands and the water course which exist on the southern boundary of the property.
 - a. In 2017, Oscar McCully built a causeway over Wards Brook (a Provincial Watercourse) in front of this property. (see images #1 and 2, appended) No permit was obtained and the causeway did not meet the provincial standard for culvert sizing. A provincial enforcement officer visited the site recorded the existence of the causeway and filed a report. No enforcement action was taken at the time

After citizen complaints, the Nova Scotia Dept of the Environment commenced a process to require the responsible parties to correct the problems with Ward's Brook, part of which is the removal of the illegal causeway. This was to have occurred under the direction of a qualified professional. The causeway has been removed but the report of the qualified professional has not been produced.

- b. On or about May 29th, 2019, Oscar McCully redirected Wards Brook using a tractor and an excavator. No permit was applied for or obtained. In order to carry out the redirection he had to trespass on the adjacent lands of Ohra Colins and he did not seek permission to do so. ((see images #3, 4, and 5 appended)

On June 4th, a provincial enforcement officer investigated but failed to take enforcement action.

At some point between June 4th and June 26th, Oscar McCully returned to the Brook with his bulldozer and reinforced the banks of the newly directed brook in an effort to prevent it from returning to its original course. (see image #6 appended)

Wards Brook is a Provincial water course and no person has the right to alter such a water course. Any filling in of a watercourse is not permitted until the watercourse has been continuously dry for 40 years. Due to this rule, a watercourse remains a watercourse, even it has been dry for some time.

The effect of the re-direction of the Wards Brook was to alter its course so that it ran directly out to the Bay of Fundy rather than running behind the gravel bar along the southern Boundary of Oscar McCully's properties, PID numbers 251899929 and 25189911. After re-direction, the Brook no longer intervened between these lands and the Bay of Fundy.

After citizen complaints, the Nova Scotia Dept of the Environment commenced a process to require the responsible parties to re-establish Wards Brook in its pre-disturbance location. This process is being managed currently by the Nova Scotia Dept. of the Environment, Enforcement Division.

- c. In June 2023, a person using a tractor attempted to make an access road from PID#25181911 through the wetland which remained after Wards Brook had been redirected . Citizen complaints were made to the Nova Scotia Dept. of the Environment and the access road activity ceased thereafter.
- 4) The statement of environmental implications is misleading and incorrect. It states that a buffer of 30.5m (100 ft) from "*Ordinary High Water*" will be provided. This is not appropriate and assumes that Wards Brook will not return to its original course. The stated intention of the NS Dept. of the Environment is that Wards Brook should return to its original course, in which case, the Brook would be well within the declared 30.5m buffer from ordinary high water.

Any such buffer should be a minimum of 30.5m from the bank of Wards Brook as it was in the past and will be in the future.

- 5) The provided "*Conceptual Site Plan*" is not accurate and is misleading.
 - a. The plan is hand drawn without scale.
 - b. Written information on the plan is ambiguous. It is not clear if the stated buffer distance is 100 feet or 300 feet.

- c. “*Shore High Water Line*” is not consistent with the language in the planning application, or any other terms commonly used to identify such a boundary.
- d. The location of the “*Shore High Water Line*” marked on the “*Conceptual Site Plan*” is not consistent with an established High water line, whether ordinary or spring.
- e. “*Camp Site 40 feet long NC servises*“(sic) is a statement that is sufficiently vague as to be meaningless.
- f. There appear to be two larger buildings located on the Northern portion of the property. There are no buildings there now. It is not clear whether these are expected to be residential buildings located on the Rcou zoned section or whether these are part of the proposed campground.
- g. The “*Conceptual Site Plan*” shows 22 small hand-drawn squares. Are these intended to denote campsites? Is the proposed development to be limited to 22 campsites?
- h. The Conceptual Site plan shows three “cabins” located on PID25189929. There is a note on the Conceptual Site Plan as follows: “*Cabins are 221 feet from High Water 140 feet from property line Cabin #1 10x16f 40 feet from Cabin #1 Cabin #2, 12x20 feet*”. It is not clear whether the cabins are proposed or existing nor is it clear whether the ‘Cabins’ are dwelling units or not.

Does this application seek to permit the location of the Cabins on PID25189929?

Submitted November 12, 2024

By: Dara Bowser, 8098 Highway 209, Wards Brook

List of Images:

- 1) Newly Constructed Causeway, 2017, with Enforcement Officer
- 2) Newly Constructed Causeway, 2017, with Enforcement Vehicle
- 3) Wards Brook, at crossing place, prior to re-direction
- 4) Wards Brook, at crossing place, after re-direction.
- 5) Wards Brook , 2019, shortly after re-direction, exit to Bay of Fundy
- 6) Wards Brook, 2019, Oscar McCully’s bull-dozer at the exit of Wards Brook



Image 1; Newly Constructed Causeway, 2017, with Enforcement Officer



Image 2: Newly Constructed Causeway, 2017, with Enforcement Vehicle



Image 3: Wards Brook, at crossing place, prior to re-direction



Image 4: Wards Brook, at crossing place, after re-direction.



Image 5: Wards Brook , 2019, shortly after re-direction, exit to Bay of Fundy



Image 6; Wards Brook, 2019, Oscar McCully's bull-dozer at the exit from Wards Brook

INSPECTION REPORT

Compliance Update

ISSUED TO: Oscar Edward McCully
INSPECTION DATE: January 14, 2025
SITE NAME: Wards Brook Alteration - 61 McCully Lane
SITE ADDRESS: 61 MCCULLY LANE WARDS BROOK NS B0M 1S0

OVERVIEW OF INSPECTION

Work was completed as per watercourse alteration approval 2024-3541134. Photos of the completed works were received by the Department on May 13, 2024. The culvert and material was removed from the original watercourse and shallow sloped banks and flat bottom channel remain. Upstream work on the adjacent property has not yet been completed blocking Wards Brook from returning. It is expected that Storms and High Tides will reroute Wards Brook back to its approximate original location if armour rock is pulled back on adjoining property and the channel is reopened.

Site visit on Jan 14 2024 showed that the work was completed. There was no sign of Tidal waters reaching this area. Tide was at peak height of 12.27m during visit. Storms would be all that would reach.

Deficiencies are complied with and file is closed.

COMPLIANCE ITEMS

In order to ensure compliance with the Environment Act and Regulations, the following items must be addressed:

Item # 18471467-003 *Environment Act 67(2)*

No person shall release or permit the release into the environment of a substance in an amount, concentration or level or at a rate of release that causes or may cause an adverse effect, unless authorized by an approval or the regulations.

In order to comply with this section you must:

Culvert and surrounding materials to be removed from Wards Brook Channel under approval.

Obtain the services of a Certified Installer, experienced in Channel Restoration, to complete the work as per the approval by the comply by date.

Item #18471467-003 was complied with on May 13, 2024

This inspection report was prepared on January 31, 2025 by Greg J Stewart, Environment Officer with Nova Scotia Department of Environment and Climate Change who may be contacted at:

Nova Scotia Department of Environment and Climate Change
155 Main Street, Suite 205
Antigonish, N.S. B2G 2B6
Phone:(902) 863-7389
Fax: (902) 863-7411
<https://novascotia.ca/nse>



COUNCIL MEETING
HEARING SUMMARY
Date: January 22nd, 2025

TO: Mayor and Council
FROM: Glen Boone, Director of Development and Planning
DATE: January 15th, 2025
SUBJECT: Public Hearing - By-law to Amend the Land Use By-law 24-14 to rezone a portion of 19 McCully Lane (PID 25189911), Wards Brook NS from Agriculture (AG) Zone to Commercial Recreation (CRec).

ORIGIN: On July 28 2023, planning staff received an application to rezone 19 McCully Lane (PID 25189911) Wards Brook (the “subject property”), to permit the development of an “Off-Grid” campground and Recreational Vehicle Park.

PID	Location	Current Zone	Current Use	Proposed Zone	Proposed Use
25189911	Wards Brook	Agriculture (AG)	Vacant/ Former Gravel pit	Commercial Recreation (CRec)	Campground

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.*

RECOMMENDATION: No motions to consider at the Public Hearing stage.



COUNCIL MEETING HEARING SUMMARY

Date: January 22nd, 2025

BACKGROUND: Currently, the property is assigned two zones, the north portion of the parcel is zoned Country Residential (RCou), while the waterside portion (south) of the parcel is zoned Agriculture. The property owners are looking to rezone the portion of the property zoned Agriculture (AG) and maintain the Country Residential (RCou) zoning on the north portion of the parcel as the Country Residential portion of the parcel would not need to be rezoned. The current zoning was assigned during the initial zoning assignment during the 2018 Plan Review.

The subject property was assigned to the two zones because the size of the lot would permit multiple land uses. The subject property is approximately 10 acres, while the north portion of the parcel is used for residential purposes, there is an approximate 8.5 acres left to be used for other purposes. Due to soil conditions, the remaining 8.5 acres of land was zoned Agriculture with the intention of marking the land as reserve farmlands. Since the initial zoning assignment in 2018, the property had been used as a source for "pit-run" gravel. The site no longer has the topsoil to support agricultural activities.

DISCUSSION: As the property owner does not intend to use the waterside portion of the lot for agricultural purposes, rezoning the lands from Agriculture (AG) Zone would be appropriate and reflective of the potential use of the land. The Commercial Recreation (CRec) Zone would permit the development and operation of campsites on the property.

Within a land parcel, two zones may exist as long as both portions meet the requirements of the assigned zoning. The north portion of the lot which is zoned Country Residential (RCou) Zone will be required to meet the land use requirements of the RCou zone. The portion of the parcel that is currently zoned Agriculture (AG) Zone, once rezoned would be required to meet the requirements of the Commercial Recreation Zone. Setbacks are calculated by using the change in zoning boundary as a property line.

First reading for the proposed amendment was given on December 18, 2024

FINANCIAL IMPLICATIONS: None have been identified at this time.

ENVIRONMENTAL IMPLICATIONS: While the lot was suitable for agriculture purposes in the 2018 zoning assignment, it is no longer suitable for agriculture as the majority of the topsoil has been removed. The proposed campsite development will be required to maintain a watercourse buffer of 30.5 m from the ordinary high-water mark, determined by a licensed surveyor. The proposed development will be serviced by modular washroom facilities, operating on connected sewage disposal system. The proposed development will be subject to approval from the Department of Environment for an on-site sewage disposal system. Regulation of environmental activities such as infilling and diverting waterways are not within the jurisdiction of the Municipality. Planning staff reached out to the Department of Environment (DOE) to inquire about the status of any potential environmental enforcement /complaint files associated with the subject property. Staff were informed that to obtain such information, staff will be required to submit a FOIPOP application. The ongoing investigation remains with DOE.

COMMUNITY ENGAGEMENT: In accordance with MGA Section 206, notices for this public hearing were placed on the Municipality's website, on January 7th, 2025, two weeks prior to the scheduled date. The hearing was also promoted on our Facebook page. In addition to the required public notification on our website, a notice for this hearing was placed in the Chronicle Herald on



**COUNCIL MEETING
HEARING SUMMARY**

Date: January 22nd, 2025

January 11th, 2025. In addition, a Planning Notice sign was posted on the subject property, directing the public to visit PlanCumberland.ca/hearings for information on the proposed change. The sign that was initially posted had to be replaced, due to weather conditions knocking the sign out of the ground. The sign was replaced on January 14, 2025.

At the time of the report being written, staff has only received one comment from the public, a letter of objection from a resident, which has been included in this report as Attachment F, which was submitted to staff prior to re-starting the legislative process for the proposed amendment.

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: Aerial Image
- Attachment B: Site Photos
- Attachment C: Zoning Map with proposed amendments
- Attachment D: Conceptual Site Plan
- Attachment E: Policy Review
- Attachment F: Letter of Objection

Report prepared by: Kira Norgren, Municipal Planner

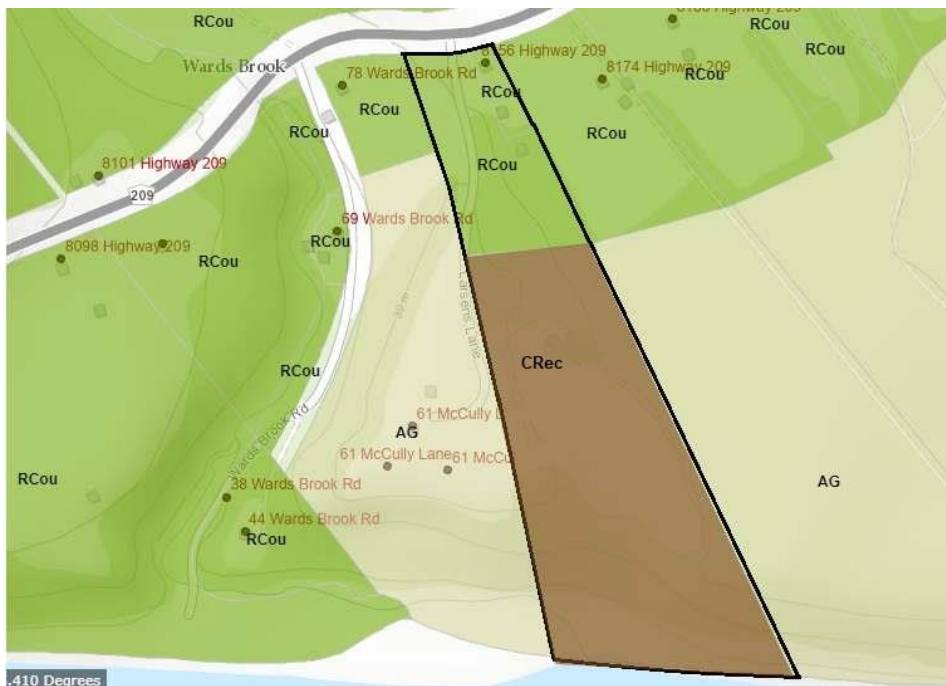
Attachment A: Aerial Image



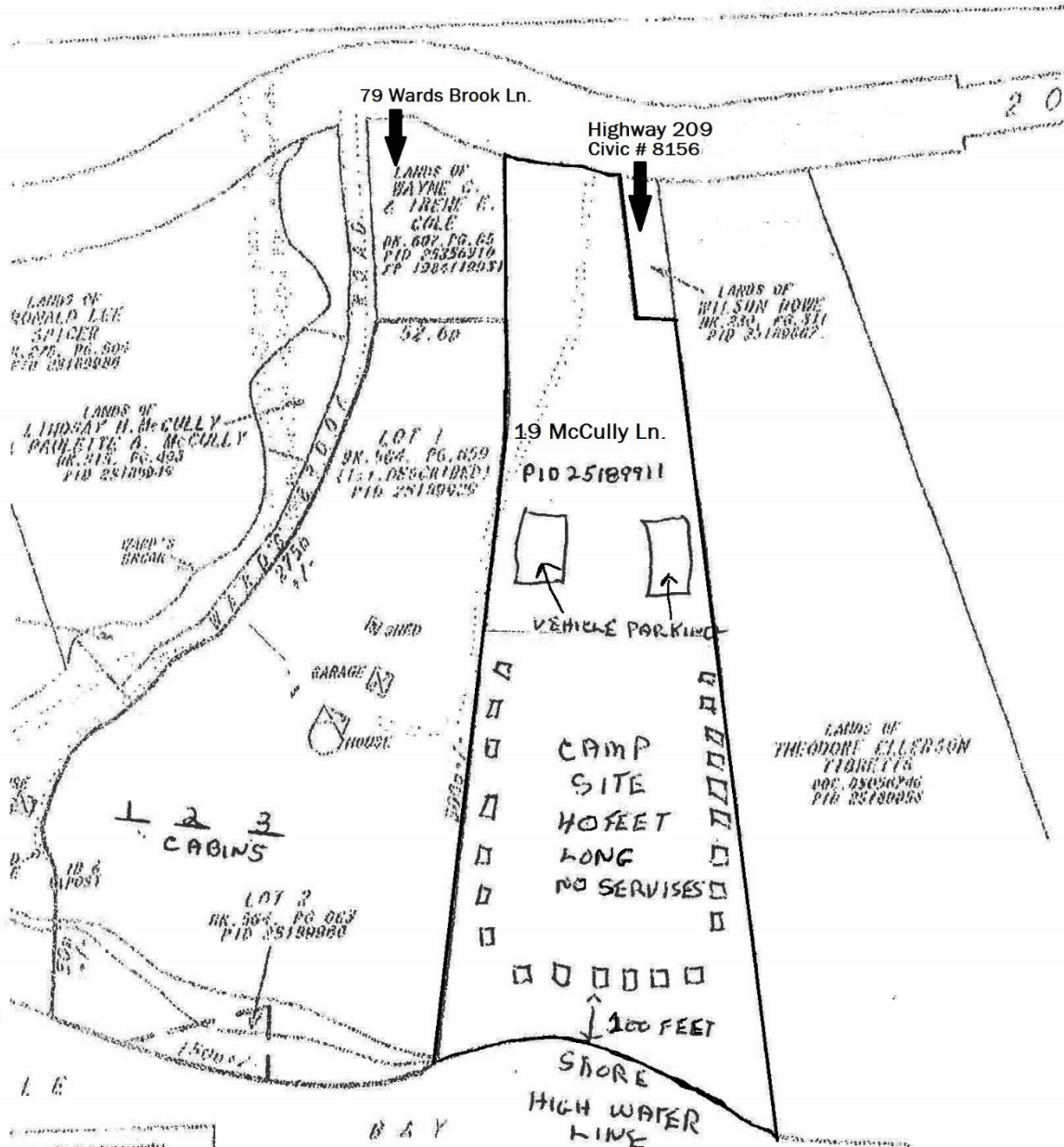
Attachment B: Site Photos



Attachment C: Zoning Map



Attachment D: Conceptual Site Plan



presented by property

SCALE

CABINS ARE 221 FEET FROM HIGH WATER
140 FEET FROM PROPERTY LINE CABIN #1 10 X 16 F
40 FEET FROM CABIN #1 CABIN #2, 12 X 20 FEET



**COUNCIL MEETING
HEARING SUMMARY
Date: January 22nd, 2025**

Attachment E: Policy Review

<p>MPS Policy 5-24 Council shall, on Schedule A, the Future Land Use Map, permit the following in 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 Zone (j) Rural Resource Zone
<p>Comment: With both the proposed zone and the current zone under the Resource Designation, rezoning is permitted.</p>

<p>LUB 12.4.1 The commercial recreation zone is intended to permit commercial recreation activities, such as campgrounds, RV Parks, golf courses, and driving ranges.</p>
<p>Comment The proposed development of campsites aligns with the intention of the zone, as described in the Land Use Bylaw.</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>	Not applicable
(b) <i>The proposed change is not prohibited by any other policy in this plan.</i>	Not applicable
(c) <i>the purpose of the proposed zone is consistent with the location and the characteristics of the lands;</i>	See analysis above
(cA) <i>the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards</i>	No known geohazards or wildlife corridors on the parcel.
(d) <i>The Proposal meet the general criteria for amending the Land Use Bylaw, set out in Policy -19</i>	See analysis below

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
(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>	No
(i) <i>The ability of the Municipality to absorb the public costs related to the project.</i>	No anticipated public costs related to the project.
(ii) <i>Impacts on existing drinking water supplies, both private and public.</i>	No impacts identified.
(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>	Site suitability for On-site Water and sewage services is determined by Nova Scotia department of environment (DOE). The proposal is subject to approval from DOE.
(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 traffic hazards created by the proposed development.
(v) <i>The adequacy of fire protective services and equipment;</i>	Sufficient fire protective services available, under 5min travel time from the nearest firehall.
(vi) <i>The adequacy and proximity of schools and other community facilities.</i>	Not applicable
(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 known pollution problems related to the project
(viii) <i>The potential to create flooding or serious drainage issues including within the proposal site and in nearby areas</i>	No anticipated flooding or drainage concerns posed by the proposed development.
(ix) <i>Impacts on sensitive environments, as identified on Schedule B</i>	No anticipated impacts
(ixA) <i>Impacts on wildlife corridors</i>	No anticipated impacts
(x) <i>Impacts on known habitat for species at risk</i>	No anticipated impacts
(xA) <i>risks presented by geohazards</i>	No risk for geohazards on the site
(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>	The site is suitable, subject to permitting. Shoreline buffers and setbacks shall be required to be maintained.
(xii) <i>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 to the surrounding community noted.



**COUNCIL MEETING
HEARING SUMMARY
Date: January 22nd, 2025**

Attachment F: Letter of Objection

See letter at end of report.

OBJECTION TO THE REZONING OF PID 25181911, 19 McCully Lane, Wards Brook

For Submission to: Cumberland County Council Meeting November 20th, 2024

Submitter: Dara Bowser, 8098 Highway 209 Wards Brook

The undersigned objects to the proposed re-zoning and requests that the amendment be rejected. In the event that Council does not reject the proposed re-zoning, the undersigned requests that the Application be deferred until more complete, clear and concise information is provided concerning the proposed use and the environmental covenants to be established. The undersigned further requests that the application be deferred until the Nova Scotia Dept. of the Environment has completed its enforcement actions with respect to these lands.

Reasons:

- 1) The meeting Notice is defective: It refers to an application to re-zone 11339 Highway 6 (PID26150665).
- 2) The sign advertising a Campground on this property has been permitted on this site since at least April of 2024. The sign exceeds the allowable size for a sign located on Rcou zoning. We were advised by County staff by email that a sign of this size was permitted based on Ag zoning of the property and that the property was actually zoned Ag, but appeared on the Zoning map as Rcou due to an error.

It is clear that this property is Zoned as Rcou now, has been zoned as Rcou in the past and is intended to be Zoned as Rcou in the future.

Failure of Municipal staff to enforce the existing regulation can be seen as favoritism towards the proponent and casts doubt on the independence of the process being followed by Municipal staff in this instance

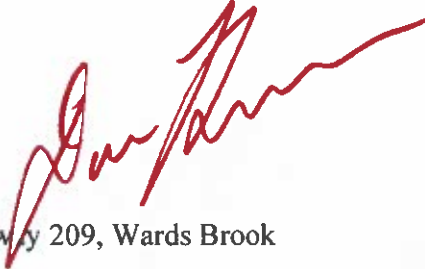
- 3) The proponent is not a good environmental steward and cannot be expected to follow Provincial or Municipal regulations with respect other environment and appropriate use of the sensitive lands and the water course which exist on the southern boundary of the property.
 - a. In 2017, Oscar McCully built a causeway over Wards Brook (a Provincial Watercourse) in front of this property. (see images #1 and 2, appended) No permit was obtained and the causeway did not meet the provincial standard for culvert sizing. A provincial enforcement officer visited the site recorded the existence of the causeway and filed a report. No enforcement action was taken at the time

After citizen complaints, the Nova Scotia Dept of the Environment commenced a process to require the responsible parties to correct the problems with Ward's Brook, part of which is the removal of the illegal causeway. This was to have occurred under the direction of a qualified professional. The causeway has been removed but the report of the qualified professional has not been produced.

- c. “*Shore High Water Line*” is not consistent with the language in the planning application, or any other terms commonly used to identify such a boundary.
- d. The location of the “*Shore High Water Line*” marked on the “*Conceptual Site Plan*” is not consistent with an established High water line, whether ordinary or spring.
- e. “*Camp Site 40 feet long NC services*” (sic) is a statement that is sufficiently vague as to be meaningless.
- f. There appear to be two larger buildings located on the Northern portion of the property. There are no buildings there now. It is not clear whether these are expected to be residential buildings located on the Rcou zoned section or whether these are part of the proposed campground.
- g. The “*Conceptual Site Plan*” shows 22 small hand-drawn squares. Are these intended to denote campsites? Is the proposed development to be limited to 22 campsites?
- h. The Conceptual Site plan shows three “cabins” located on PID25189929. There is a note on the Conceptual Site Plan as follows: “*Cabins are 221 feet from High Water 140 feet from property line Cabin #1 10x16f 40 feet from Cabin #1 Cabin #2, 12x20 feet*”. It is not clear whether the cabins are proposed or existing nor is it clear whether the ‘Cabins’ are dwelling units or not.

Does this application seek to permit the location of the Cabins on PID25189929?

Submitted November 12, 2024



By: Dara Bowser, 8098 Highway 209, Wards Brook

List of Images:

- 1) Newly Constructed Causeway, 2017, with Enforcement Officer
- 2) Newly Constructed Causeway, 2017, with Enforcement Vehicle
- 3) Wards Brook, at crossing place, prior to re-direction
- 4) Wards Brook, at crossing place, after re-direction.
- 5) Wards Brook , 2019, shortly after re-direction, exit to Bay of Fundy
- 6) Wards Brook, 2019, Oscar McCully’s bull-dozer at the exit of Wards Brook



Image 3: Wards Brook, at crossing place, prior to re-direction



Image 4: Wards Brook, at crossing place, after re-direction.

NOTICE OF PUBLIC HEARINGS

Details

 Published: 07 January 2025

A Public Hearing regarding the By-law to Amend the Land Use By-law 24-14, and 24-16 and to Schedule A of the LUB for the Municipality of Cumberland will be held **4:00 pm, Wednesday, January 22, 2025** in the Council Chambers of the Upper Nappan Service Centre.

Note that this meeting may be rescheduled or conducted online, visit cumberlandcounty.ns.ca to verify meeting schedule.

By-law to Amend the Land Use By-law 24-14

- **PID 25189911, 19 McCully Lane, Wards Brook** from Agriculture (AG) Zone to Commercial Recreation (CRec) Zone.

By-law to Amend the Land Use By-law 24-16

- **PID 25394958, 1370 Southampton Rd, West Amherst from Country Residential (RCou) Zone to Rural Industrial (IRur) Zone and** to add office as a permitted as-of-right use in the Rural Industrial (IRur) Zone AND to create Section 11.3.8 to create a 10m buffer area from the common property line of any adjacent residential use.

Hearing documents can be viewed at 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 or by mail to: Planning Dept, Upper Nappan Service Centre, 1395 Blair Lake Rd, Upper Nappan, NS B4H 3Y4.



COUNCIL MEETING

RFD

Date: December 18, 2024

TO: Mayor and Council

FROM: Glen Boone, Director of Development and Planning

DATE: November 20, 2024

SUBJECT: First Reading- By-law to Amend the Land Use By-law 24-14 to rezone 19 McCully Lane (PID 25189911), Wards Brook NS from Agriculture (AG) Zone to Commercial Recreation (CRec).

ORIGIN: On July 28 2023, planning staff received an application to rezone 19 McCully Lane (PID 25189911) Wards Brook (the “subject property”), to permit the development of an “Off-Grid” campground and Recreational Vehicle Park.

PID	Location	Current Zone	Current Use	Proposed Zone	Proposed Use
25189911	Wards Brook	Agriculture (AG)	Vacant/ Former gravel pit	Commercial Recreation (CRec)	Campground

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.*

RECOMMENDATION: THAT Council approve First Reading of the By-law to Amend the Land Use By-law 24-14 to rezone 19 McCully Lane (PID 25189911), Wards Brook from Agriculture (AG) Zone to Commercial Recreation (CRec) Zone AND to schedule a Public Hearing for the proposed amendment.



COUNCIL MEETING

RFD

Date: December 18, 2024

BACKGROUND: Currently, the property is assigned two zones, the north portion of the parcel is zoned Country Residential (RCou), while the waterside portion (South) of the parcel is zoned Agriculture. The Property Owners are looking to rezone the portion of the property zoned Agriculture (AG) and maintain the Country Residential (RCou) zoning on the north portion of the parcel as the Country Residential portion of the parcel would not need to be rezoned. The current zoning was assigned during the initial zoning assignment during the 2018 Plan Review.

The subject property was assigned to the two zones because the size of the lot would permit multiple land uses. The subject property is approximately 10 acres, while the north portion of the parcel is used for residential purposes, there is an approximate 8.5 acres left to be used for other purposes. Due to soil conditions, the remaining 8.5 acres of land was zoned Agriculture with the intention of marking the land as reserve farmlands. Since the initial zoning assignment in 2018, the property had been used as a source for "pit-run" gravel. The site no longer has the topsoil to support agricultural activities.

DISCUSSION: As the property owner does not intend to use the waterside portion of the lot for agricultural purposes, rezoning the lands from Agriculture (AG) Zone would be appropriate and reflective of the potential use of the land. The Commercial Recreation (CRec) Zone would permit the development and operation of campsites on the property.

Within a land parcel, two zones may exist as long as both portions meet the requirements of the assigned zoning. The north portion of the lot which is zoned Country Residential (RCou) Zone will be required to meet the land use requirements of the RCou zone. The portion of the parcel that is currently zoned Agriculture (AG) Zone, once rezoned would be required to meet the requirements of the Commercial Recreation Zone. Setbacks are calculated by using the change in zoning boundary as a property line.

FINANCIAL IMPLICATIONS: None have been identified at this time.

ENVIRONMENTAL IMPLICATIONS: While the lot was suitable for agriculture purposes in the 2018 zoning assignment, it is no longer suitable for agriculture as the majority of the topsoil has been removed. The proposed campsite development will be required to maintain a watercourse buffer of 30.5 m from the ordinary high-water mark, determined by a licensed surveyor. The proposed development will be serviced by modular washroom facilities, operating on connected sewage disposal system. The proposed development will be subject to approval from the Department of Environment for an on-site sewage disposal system. Regulation of environmental activities such as infilling and diverting waterways are not within the jurisdiction of the Municipality. Planning Staff reached out to the Department of Environment (DOE) to inquire about the status of any potential environmental enforcement /complaint files associated with the Subject Property. Staff was informed that in order to obtain such information, staff will be required to submit a FOIPOP application. The ongoing investigation remains with DOE.

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 on the Municipal Website two weeks prior to the scheduled date. Furthermore, a notice will be placed in a locally circulating newspaper, at least one week prior to the public hearing. The property will also be posted with a Planning Notice Sign.



COUNCIL MEETING

RFD

Date: December 18, 2024

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: Aerial Image
- Attachment B: Street Photos
- Attachment C: Zoning Map with proposed amendments
- Attachment D: Conceptual Site Plan
- Attachment E: Policy Review

Report prepared by: Kira Norgren, Municipal Planner

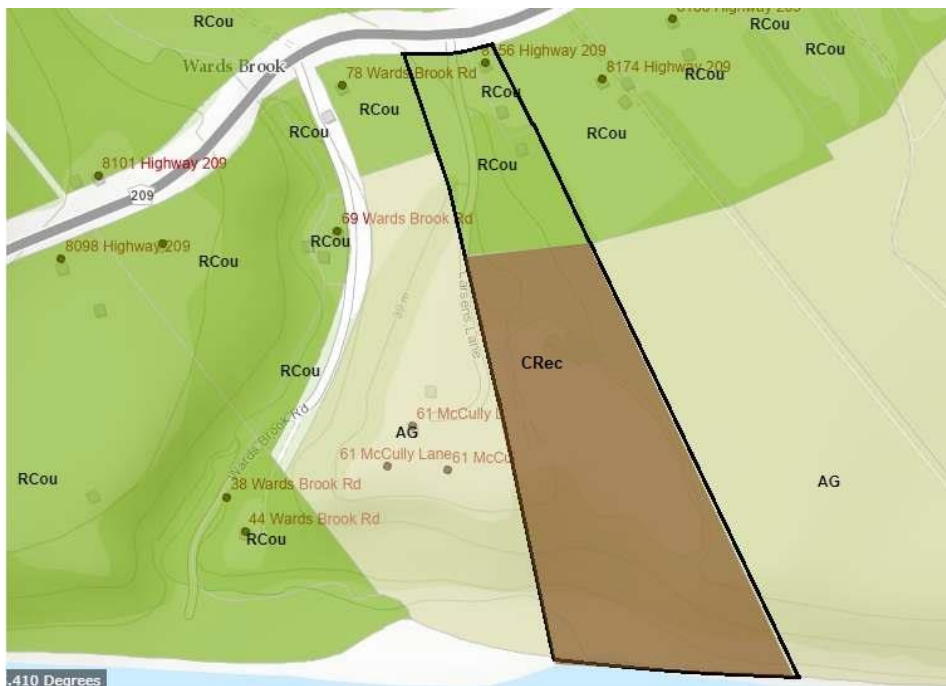
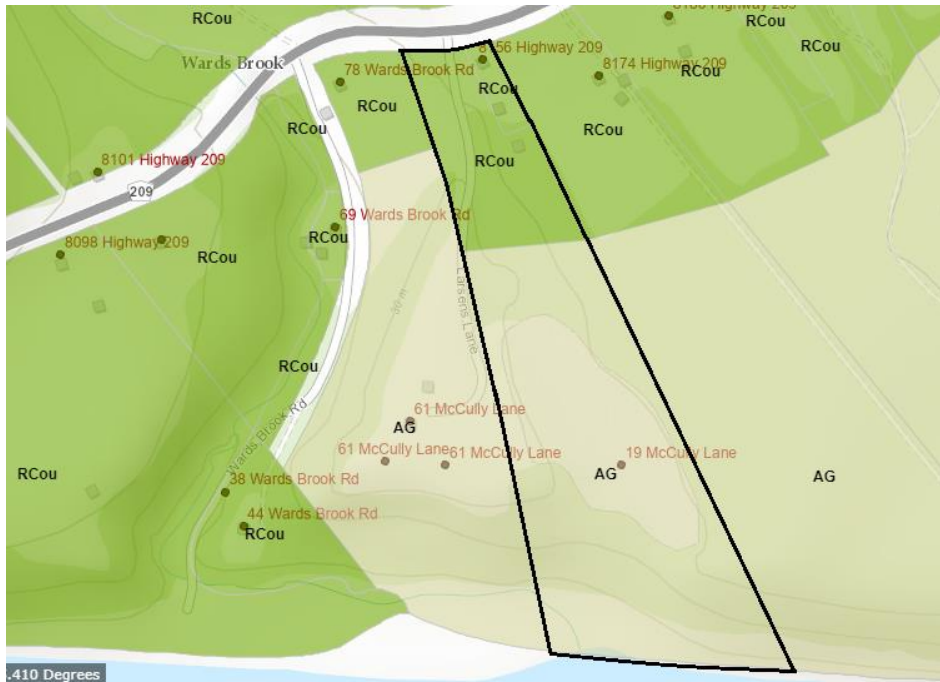
Attachment A: Aerial Image



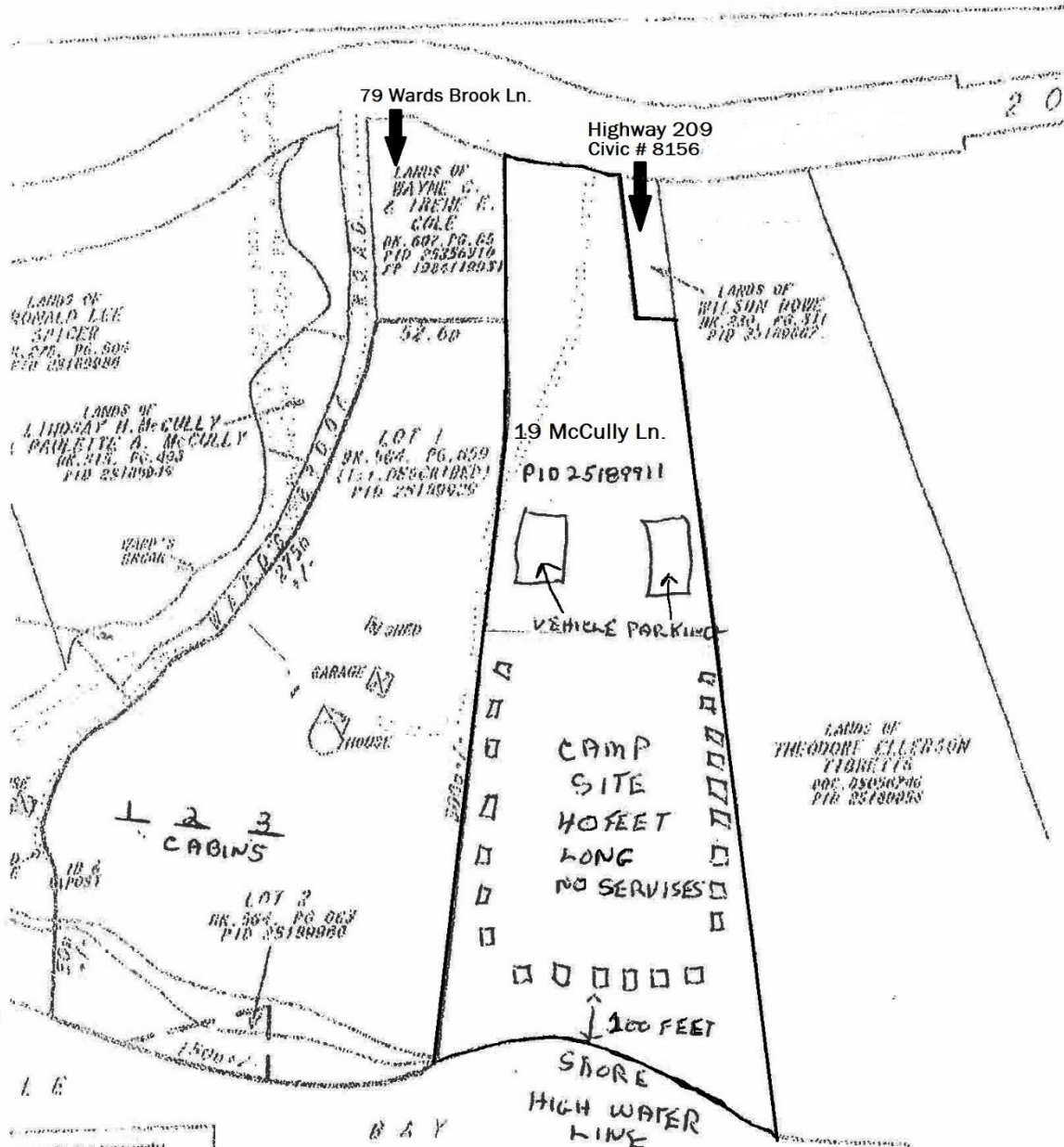
Attachment B: Site Photos



Attachment C: Zoning Map



Attachment D: Conceptual Site Plan



Access to Property	

SCALE

CABINS ARE 221 FEET FROM HIGH WATER
140 FEET FROM PROPERTY LINE CABIN #1 10 X 16 F
40 FEET FROM CABIN #1 CABIN #2, 12 X 20 FEET



COUNCIL MEETING

RFD

Date: December 18, 2024

Attachment E: Policy Review

<p>MPS Policy 5-24 Council shall, on Schedule A, the Future Land Use Map, permit the following in 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 Zone (j) Rural Resource Zone
<p>Comment: With both the proposed zone and the current zone under the Resource Designation, rezoning is permitted.</p>

<p>LUB 12.4.1 The commercial recreation zone is intended to permit commercial recreation activities, such as campgrounds, RV Parks, golf courses, and driving ranges.</p>
<p>Comment The proposed development of campsites aligns with the intention of the zone, as described in the Land Use Bylaw.</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
<p><i>(a) if the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104.</i></p>	Not applicable
<p><i>(b) The proposed change is not prohibited by any other policy in this plan.</i></p>	Not applicable
<p><i>(c) the purpose of the proposed zone is consistent with the location and the characteristics of the lands;</i></p>	See analysis above
<p><i>(cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards</i></p>	No known geohazards or wildlife corridors on the parcel.
<p><i>(d) The Proposal meet the general criteria for amending the Land Use Bylaw, set out in Policy -19</i></p>	See analysis below

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
(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>	No
(i) <i>The ability of the Municipality to absorb the public costs related to the project.</i>	No anticipated public costs related to the project.
(ii) <i>Impacts on existing drinking water supplies, both private and public.</i>	No impacts identified.
(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>	Site suitability for On-site Water and sewage services is determined by Nova Scotia department of environment (DOE). The proposal is subject to approval from DOE.
(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 traffic hazards created by the proposed development.
(v) <i>The adequacy of fire protective services and equipment;</i>	Sufficient fire protective services available, under 5min travel time from the nearest firehall.
(vi) <i>The adequacy and proximity of schools and other community facilities.</i>	Not applicable
(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 known pollution problems related to the project
(viii) <i>The potential to create flooding or serious drainage issues including within the proposal site and in nearby areas</i>	No anticipated flooding or drainage concerns posed by the proposed development.
(ix) <i>Impacts on sensitive environments, as identified on Schedule B</i>	No anticipated impacts
(ixA) <i>Impacts on wildlife corridors</i>	No anticipated impacts
(x) <i>Impacts on known habitat for species at risk</i>	No anticipated impacts
(xA) <i>risks presented by geohazards</i>	No risk for geohazards on the site
(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>	The site is suitable, subject to permitting. Shoreline buffers and setbacks shall be required to be maintained.
(xii) <i>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 to the surrounding community noted.

Due to an error the in PID of the subject property, this application had to cancel the scheduled public hearing and redo the first reading with the corrected PIDs. All Reports above this note are reflective of the corrected PID and are copies of the reports presented to Council.

Notice of Public Hearings

Details

📅 Published: 05 November 2024

A Public Hearing regarding the By-law to Amend the Land Use By-law 24-14, By-law to Amend the Land Use By-law 24-15 and to Schedule A of the LUB for the

Municipality of Cumberland will be held at

1:00 pm, Wednesday, November 20th, 2024 in the Council Chambers of the Upper Nappan Service Centre.

Note that this meeting may be rescheduled or conducted online, visit cumberlandcounty.ns.ca to verify meeting schedule.

By-law to Amend the Land Use By-law 24-14

- **PID 25181911, 19 McCully Lane, Wards Brook** from Agriculture (AG) Zone to Commercial Recreation (CRec) Zone.

By-law to Amend the Land Use By-law 24-15

- **PID 25150665, 11339 HWY 6, South Pugwash** from **Agriculture (AG) Zone** to **Rural Industrial (IRur) Zone**.

Hearing documents can be viewed at 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 or by mail to: Planning Dept, Upper Nappan Service Centre, 1395 Blair Lake Rd, Upper Nappan, NS B4H 3Y4.



COUNCIL MEETING

RFD

Date: November 20, 2024

TO: Mayor and Council

FROM: Glen Boone, Director of Development and Planning

DATE: October 11, 2024

SUBJECT: Public Hearing - Bylaw to Amend the Land Use Bylaw 24-14 to rezone 19 McCully Lane (PID 25181911), Wards Brook NS from Agriculture (AG) Zone to Commercial Recreation (CRec).

ORIGIN: On August 1, 2023, planning staff received an application to rezone 11339 Highway 6 (PID 25150665), South Pugwash (the “subject property”), to permit the development of an “Off-Grid” campground and Recreational Vehicle Park.

PID	Location	Current Zone	Current Use	Proposed Zone	Proposed Use
25181911	Wards Brook	Agriculture (AG)	Vacant	Commercial Recreation (CRec)	Campground

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.*

RECOMMENDATION: No motions to consider at the Public Hearing phase.

BACKGROUND: Currently, the property is assigned two zones, the north portion of the parcel is zoned Country Residential (RCou), while the waterside portion (South) of the parcel is zoned



COUNCIL MEETING

RFD

Date: November 20, 2024

Agriculture. The Property Owners are looking to rezone the portion of the property zoned Agriculture (AG) and maintain the Country Residential (RCou) zoning on the north portion of the parcel as the Country Residential portion of the parcel would not need to be rezoned to permit the proposed development. The current zoning was assigned during the initial zoning assignment during the 2018 Plan Review. The subject property was assigned to the two zones because the size of the lot would permit multiple land uses.

The subject property is approximately 10 acres, while the north portion of the parcel is used for residential purposes, there is an approximate 8.5 acres left to be used for other purposes. Due to soil conditions, the remaining 8.5 acres of land was zoned Agriculture with the intention of using the land as reserve farmlands. The Property Owner does not intend to use the land for agricultural purposes, instead they would like to use this portion of the land to develop a small campground.

DISCUSSION: As the Property Owner does not intend to use the waterside portion of the lot for agricultural purposes, rezoning the lands from Agriculture (AG) Zone to Commercial Recreation would be appropriate. The Commercial Recreation (CRec) zone would permit the development and operation of campsites on the property.

With the parcel zoned two different zones, both uses may exist on the same lot. The north portion of the lot which is zoned Country Residential (RCou) Zone will be required to meet the land use requirements of the RCou zone. The portion of the parcel that is zoned Agriculture (AG) Zone, once rezoned would be required to meet the requirements of the Commercial Recreation Zone. Setbacks are calculated by using the change in zoning boundary as a property line.

FINANCIAL IMPLICATIONS: None have been identified at this time.

ENVIRONMENTAL IMPLICATIONS: While the lot is suitable for agriculture purposes, the owner has expressed they do not intend to use the land as such. The proposed campsite development will require maintaining a watercourse buffer of 30.5 m from the ordinary high-water mark. The proposed development will be serviced by modular washroom facilities, operating on connected sewage disposal system. The proposed development will be subject to approval from the Department of Environment for on-site sewage disposal.

COMMUNITY ENGAGEMENT: This Public Hearing was duly advertised in accordance with the MGA. Notification for this public hearing was provided to the public two weeks prior to the scheduled date, through the Municipal Website. Notification for the public hearing was also provided through an advertisement published in The Chronicle Herald, a locally circulating newspaper.

Within the past 24 months, planning staff have received complaints from the public for this property regarding signage for the proposed campground and appropriateness of the proposal.

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: Aerial Image

Attachment B: Zoning Map with proposed amendments

Attachment C: Concept Site Plan

Attachment D: Policy Review

Report prepared by: Kira Norgren, Municipal Planner

Attachment A: Aerial Image

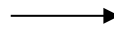
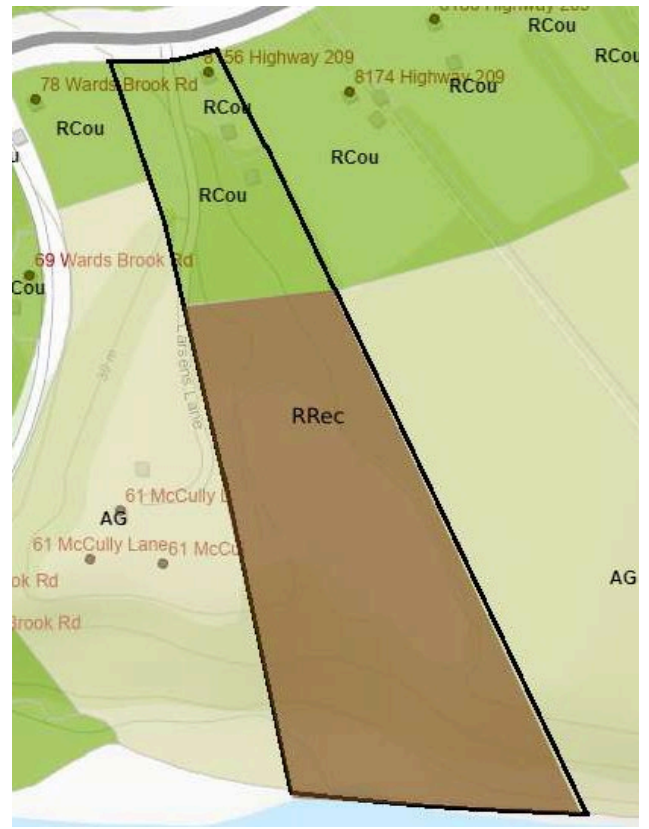


Attachment B: Zoning Map Before and After

Current Zoning Map



Proposed Zoning Map



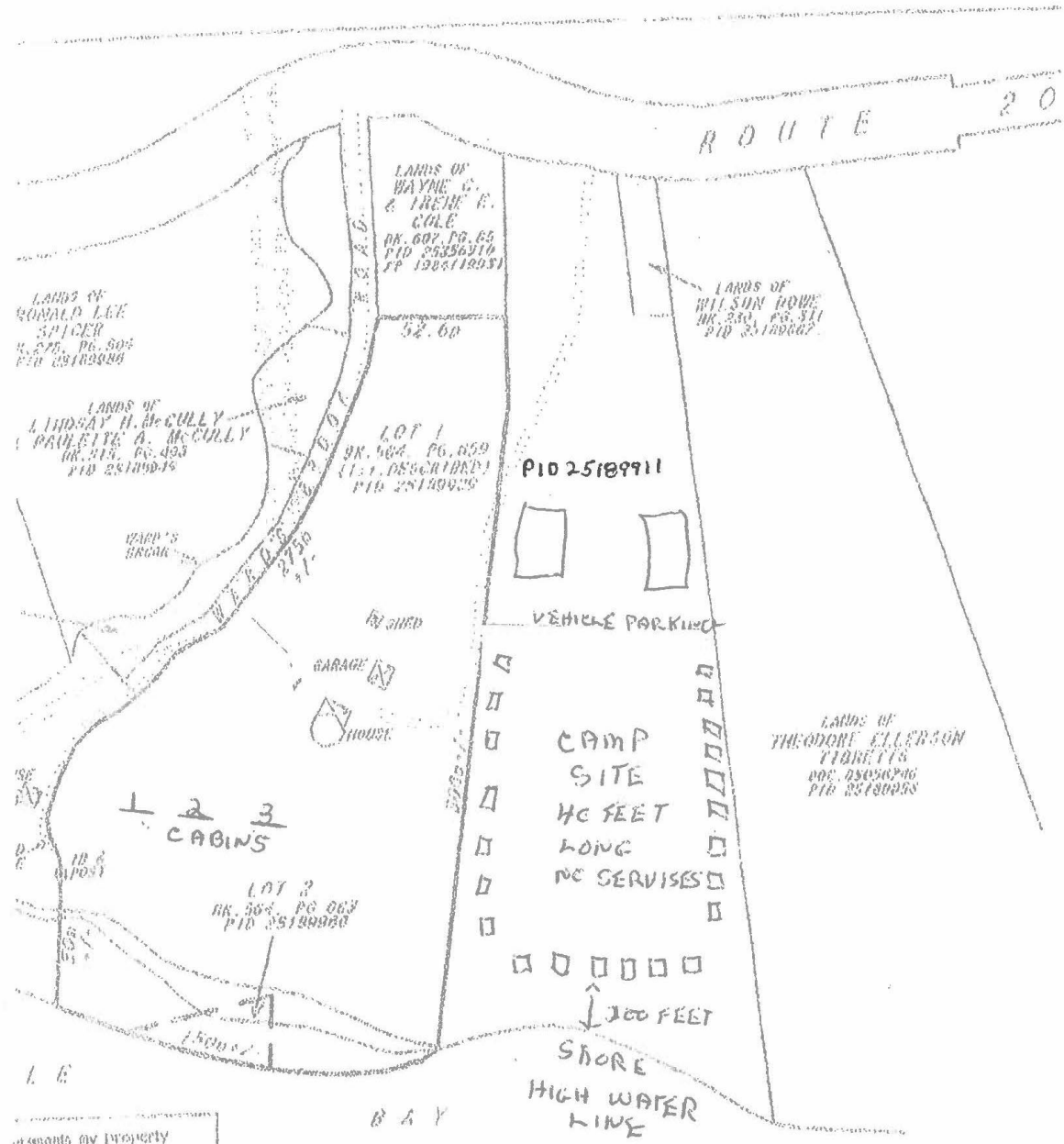


COUNCIL MEETING

RFD

Date: November 20, 2024

Attachment C: Concept Site Plan



represents my property

SCALE:

CABINS ARE 221 FEET FROM HIGH WATER
140 FEET FROM PROPERTY LINE CABIN #1 10 X 16 F
40 FEET FROM CABIN #1 CABIN #2, 12 X 20 FEET



COUNCIL MEETING

RFD

Date: November 20, 2024

Attachment D: Policy Review

<p>MPS Policy 5-24 Council shall, on Schedule A, the Future Land Use Map, permit the following in 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 Zone (j) Rural Resource Zone
<p>Comment: With both the proposed zone and the current zone under the Resource Designation, rezoning is permitted.</p>

<p>LUB 12.4.1 The commercial recreation zone is intended to permit commercial recreation activities, such as campgrounds, RV Parks, golf courses, and driving ranges.</p>
<p>Comment The proposed development of campsites aligns with the intention of the zone, as described in the Land Use Bylaw.</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>	Not applicable
(b) <i>The proposed change is not prohibited by any other policy in this plan.</i>	Not applicable
(c) <i>the purpose of the proposed zone is consistent with the location and the characteristics of the lands;</i>	See analysis above
(cA) <i>the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards</i>	No known geohazards or wildlife corridors on the parcel.
(d) <i>The Proposal meet the general criteria for amending the Land Use Bylaw, set out in Policy -19</i>	See analysis below

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
(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>	No
(i) <i>The ability of the Municipality to absorb the public costs related to the project.</i>	No anticipated public costs related to the project.
(ii) <i>Impacts on existing drinking water supplies, both private and public.</i>	No impacts identified.
(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>	Site meets suitability requirements for On-site Water and sewage services. The proposal is subject to approval from Nova Scotia Environment.
(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 traffic hazards created by the proposed development.
(v) <i>The adequacy of fire protective services and equipment;</i>	Sufficient fire protective services available, under 5min travel time from the nearest firehall.
(vi) <i>The adequacy and proximity of schools and other community facilities.</i>	Not applicable
(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 known pollution problems related to the project
(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 concerns for the site.
(ix) <i>Impacts on sensitive environments, as identified on Schedule B</i>	No anticipated impacts
(ixA) <i>Impacts on wildlife corridors</i>	No anticipated impacts
(x) <i>Impacts on known habitat for species at risk</i>	No anticipated impacts
(xA) <i>risks presented by geohazards</i>	No risk for geohazards on the site
(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>	The site is suitable, subject to permitting.
(xii) <i>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 to the surrounding community noted.



COUNCIL MEETING

RFD

Date: September 18, 2024

TO: Mayor and Council

FROM: Glen Boone, Director of Development and Planning

DATE: September 9, 2024

SUBJECT: First Reading – By-law to Amend the Land Use By-law 24-14 to Rezone PID 25181911, 19 McCully Lane, Wards Brook from Agriculture (AG) Zone to Commercial Recreation (CRec).

ORIGIN: On August 1, 2023, planning staff received an application to rezone 19 McCully Lane (PID 25181911), Wards Brook (the “subject property”), to permit the development of an “Off-Grid” campground and Recreational Vehicle Park.

PID	Location	Current Zone	Current Use	Proposed Zone	Proposed Use
25181911	Wards Brook	Agriculture (AG)	Vacant	Commercial Recreation (CRec)	Campground

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.*



COUNCIL MEETING

RFD

Date: September 18, 2024

RECOMMENDATION: THAT Council approve First Reading of By-law to Amend the Land Use By-law 24-14 to rezone PID 25181911, 19 McCully Lane, Wards Brook from Agriculture (AG) Zone to Commercial Recreation (CRec) Zone AND to schedule a Public Hearing for the proposed amendment.

BACKGROUND: Currently, the property is assigned two zones, the north portion of the parcel is zoned Country Residential (RCou), while the waterside portion (South) of the parcel is zoned Agriculture. The Property Owners are looking to rezone the portion of the property zoned Agriculture (AG) and maintain the Country Residential (RCou) zoning on the north portion of the parcel as the Country Residential portion of the parcel would not need to be rezoned. The current zoning was assigned during the initial zoning assignment during the 2018 Plan Review.

The subject property was assigned to the two zones because the size of the lot would permit multiple land uses. The subject property is approximately 10 acres, while the north portion of the parcel is used for residential purposes, there is an approximate 8.5 acres left to be used for other purposes. Due to soil conditions, the remaining 8.5 acres of land was zoned agriculture with the intention of using the land as reserve farmlands. The Property owners does not intend to use the land for agricultural purposes, instead they would like to use this portion of the land to develop a small campground.

DISCUSSION: As the property owner does not intend to use the waterside portion of the lot for agricultural purposes, rezoning the lands from agriculture (AG) Zone to commercial recreation would be appropriate. The Commercial recreation zone would permit the development and operation of campsites on the property.

With the parcel zoned two different zones, both uses may exist on the same lot. The north portion of the lot which is zoned Country Residential (RCou) Zone will be required to meet the land use requirements of the RCou zone. The portion of the parcel that is zoned Agriculture (AG) Zone, once rezoned would be required to meet the requirements of the Commercial Recreation Zone. Setbacks are calculated by using the change in zoning boundary as a property line.

FINANCIAL IMPLICATIONS: None have been identified at this time.

ENVIRONMENTAL IMPLICATIONS: While the lot is suitable for agriculture purposes, the owner has expressed they do not intend to use the land as such. The proposed campsite development will require maintaining a watercourse buffer of 30.5 m from the ordinary high-water mark. The proposed development will be serviced by modular washroom facilities, operating on connected sewage disposal system. The proposed development will be subject to approval from the Department of Environment for on-site sewage disposal.

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 on the Municipal website and 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:

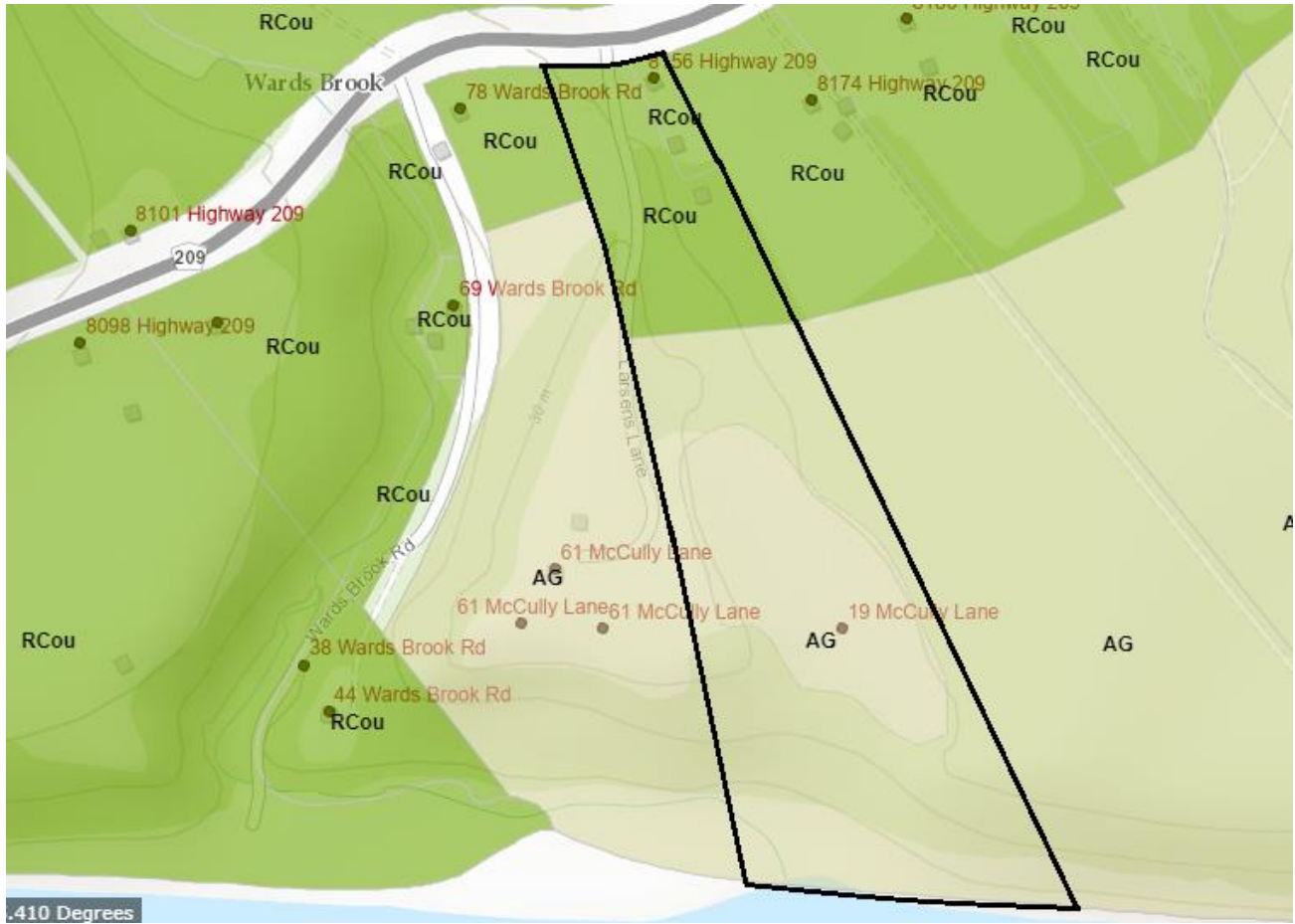
- Attachment A: Aerial Image
- Attachment B: Zoning Map with proposed amendments
- Attachment C: Concept Site Plan
- Attachment D: Policy Review

Report prepared by: Kira Norgren, Municipal Planner

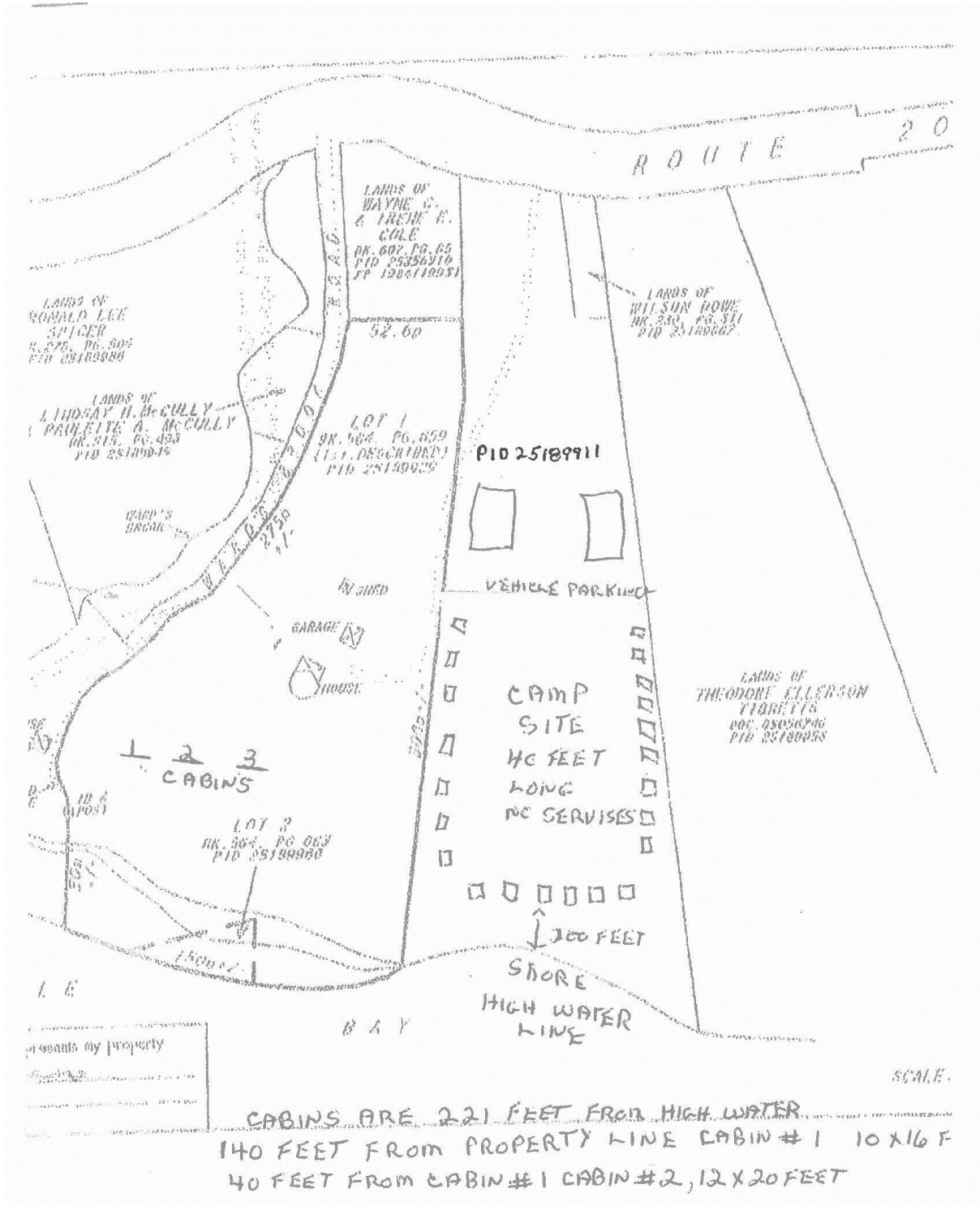
Attachment A: Aerial Image



Attachment B: Zoning Map



Attachment C: Concept Site Plan





COUNCIL MEETING

RFD

Date: September 18, 2024

Attachment D: Policy Review

<p>MPS Policy 5-24 Council shall, on Schedule A, the Future Land Use Map, permit the following in 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 Zone (j) Rural Resource Zone
<p>Comment: With both the proposed zone and the current zone under the Resource Designation, rezoning is permitted.</p>

<p>LUB 12.4.1 The commercial recreation zone is intended to permit commercial recreation activities, such as campgrounds, RV Parks, golf courses, and driving ranges.</p>
<p>Comment The proposed development of campsites aligns with the intention of the zone, as described in the Land Use Bylaw.</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
<p>(a) if the proposed zone is the Highway Commercial Zone, the lands are located at an interchange of Highway 104.</p>	Not applicable
<p>(b) The proposed change is not prohibited by any other policy in this plan.</p>	Not applicable
<p>(c) the purpose of the proposed zone is consistent with the location and the characteristics of the lands;</p>	See analysis above
<p>(cA) the proposal is not premature due to impacts on wildlife corridors or due to the presence of geohazards</p>	No known geohazards or wildlife corridors on the parcel.
<p>(d) The Proposal meet the general criteria for amending the Land Use Bylaw, set out in Policy -19</p>	See analysis below



COUNCIL MEETING

RFD

Date: September 18, 2024

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
(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>	No
(i) <i>The ability of the Municipality to absorb the public costs related to the project.</i>	No anticipated public costs related to the project.
(ii) <i>Impacts on existing drinking water supplies, both private and public.</i>	No impacts identified.
(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>	Site meets suitability requirements for On-site Water and sewage services. The proposal is subject to approval from Nova Scotia Environment.
(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 traffic hazards created by the proposed development.
(v) <i>The adequacy of fire protective services and equipment;</i>	Sufficient fire protective services available, under 5min travel time from the nearest firehall.
(vi) <i>The adequacy and proximity of schools and other community facilities.</i>	Not applicable
(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 known pollution problems related to the project
(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 concerns for the site.
(ix) <i>Impacts on sensitive environments, as identified on Schedule B</i>	No anticipated impacts
(ixA) <i>Impacts on wildlife corridors</i>	No anticipated impacts
(x) <i>Impacts on known habitat for species at risk</i>	No anticipated impacts
(xA) <i>risks presented by geohazards</i>	No risk for geohazards on the site
(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>	The site is suitable, subject to permitting.
(xii) <i>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 to the surrounding community noted.