



WEST HANTS
NOVA SCOTIA

**MUNICIPALITY OF THE DISTRICT OF WEST HANTS
Public Hearing
April 9, 2019**

50 Lynch Road, Newport Corner – Development Agreement to Permit a Campground

| | | |
|----------|-------------|--------------------------------------|
| Present: | A. Zebian | Warden |
| | P. Morton | Deputy Warden |
| | R. Jannasch | Councillor District 1 |
| | K. Monroe | Councillor District 2 |
| | D. Keith | Councillor District 3 |
| | T. Leopold | Councillor District 4 |
| | D. Francis | Councillor District 5 |
| | R. Hussey | Councillor District 6 |
| | J. Daniels | Councillor District 7 |
| | R. Zwicker | Councillor District 10 |
| | M. Laycock | Chief Administrative Officer |
| | C. Rochon | Director of Finance |
| | M. Lemay | Director of Planning and Development |
| | S. Shah | Municipal Planner |
| | S. Poirer | Municipal Planner |
| | R. Brown | Municipal Clerk |
| | J. Woodman | Administrative Assistant |

There were 22 members of the public in attendance.

Warden Zebian advised that the Public Hearing for amendments to planning documents and development agreements are required by Part VIII of the *Municipal Government Act*. This session is hosted by Council and provides members of the public with an opportunity to bring up any concerns and ask the applicant and Planning staff questions regarding the proposal. When the Public Hearing is complete, the Council meeting will resume, and members of the Council may then ask questions and make comments.

Warden Zebian called on Planner, Sara Poirer, to speak on the development agreement. The Municipal Planner reviewed the presentation (attached).

Warden Zebian asked if there were any questions or comments from the public. There were none.

Warden Zebian declared the Public Hearing adjourned at 7:37 p.m.

Abraham Zebian, Warden

Rhonda Brown, Municipal Clerk



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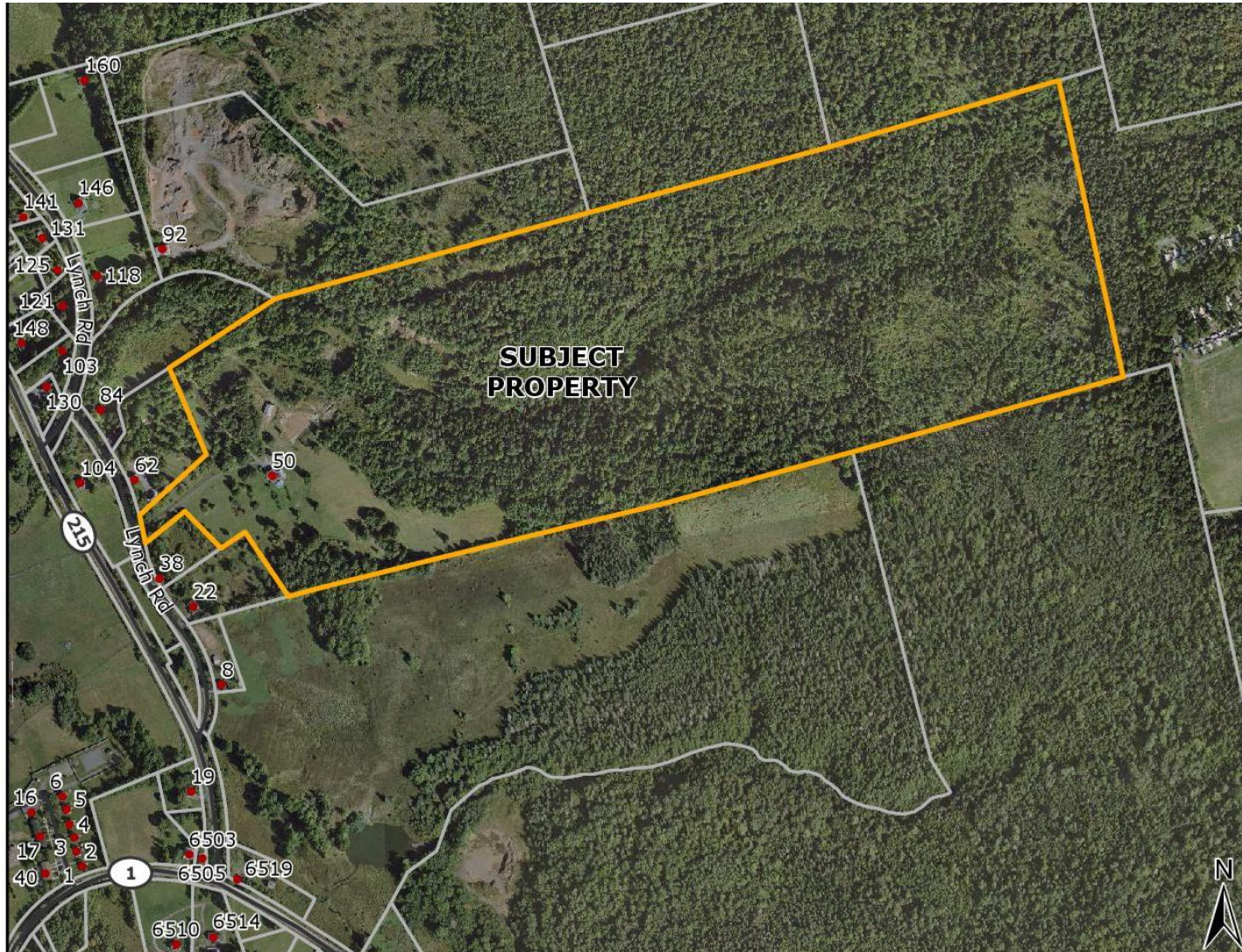
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**Development Agreement:
50 Lynch Road, Newport Corner; PID 45021391
Public Hearing
April 9, 2019**

Background

- ▶ Received an application from David Martin and Tiffany Wild to permit an 8-tent site campground
- ▶ A previous owner registered a development agreement on this property in June 2016 to permit a commercial kennel and trail facility
- ▶ Mr. Martin and Ms. Wild wish to discharge that agreement as part of this application

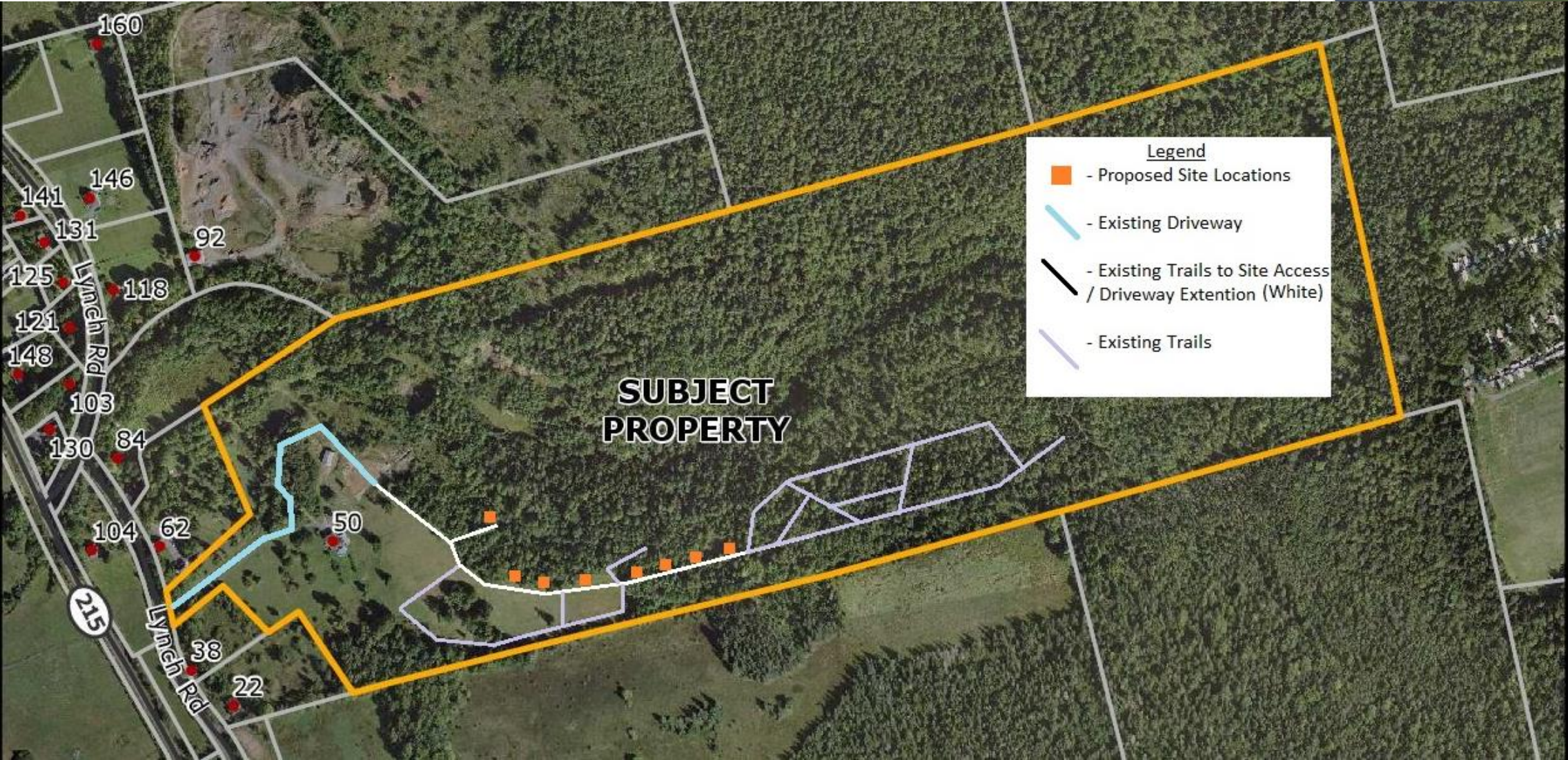
50 Lynch Road – Orthographic Photo



NATURA Wilderness Resort Proposal



NATURA Wilderness Resort Proposal Cont.



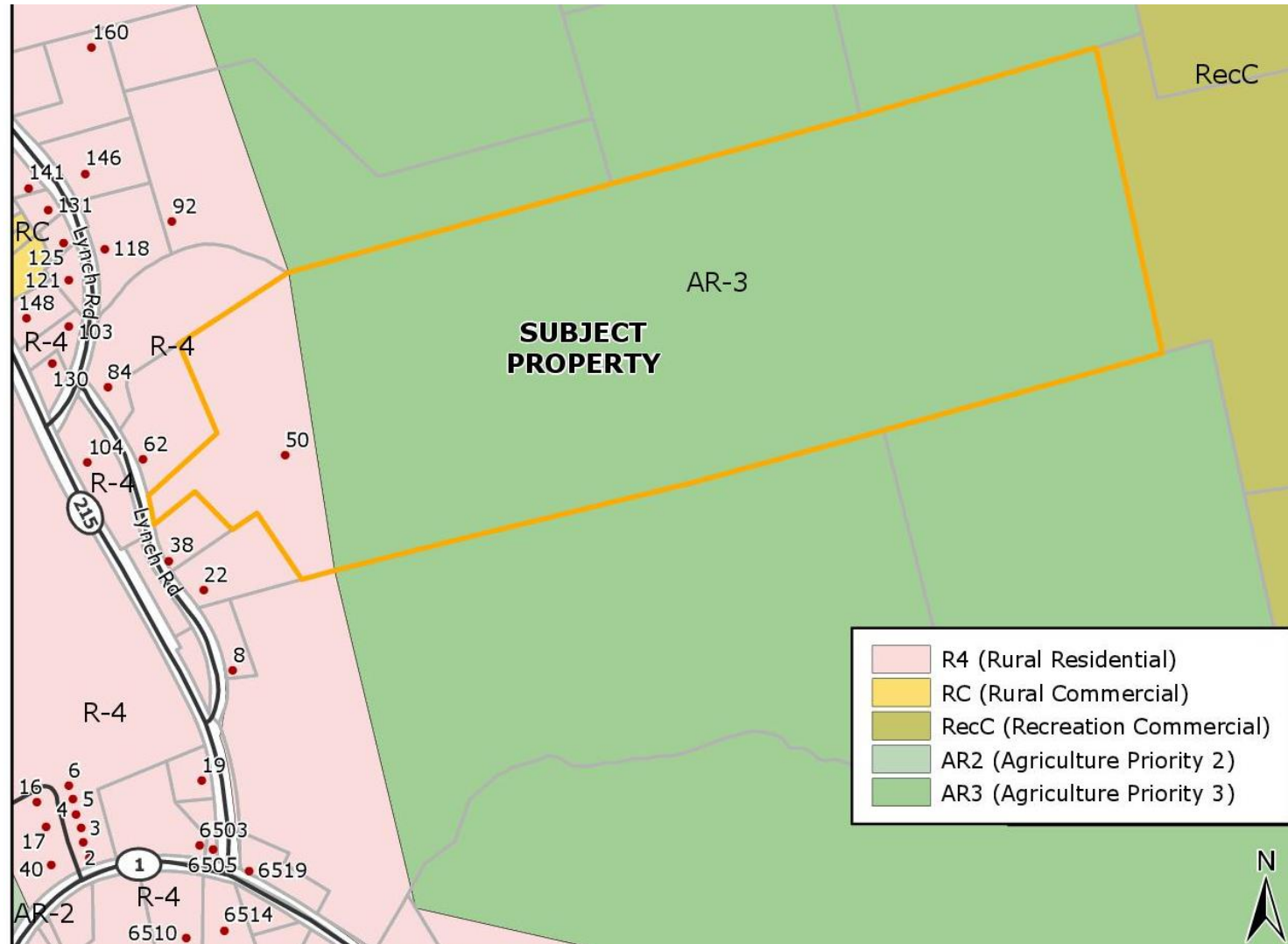
NATURA Wilderness Resort Proposal Cont.



NATURA Wilderness Resort Proposal Cont.



Zoning



Generalized Future Land Use



Document Review

- ▶ Part 7 of the Municipal Planning Strategy (MPS) contains the overall intention for Hamlets; Section 7.2 indicates that new Recreation Commercial uses may be considered by development agreement.
- ▶ Part 8 of the MPS contains the overall intention for the Agriculture areas; Section 8.10 indicates the intention to consider Recreation Commercial uses in the Agriculture Priority Three zone outside the Growth Centres, Villages and Hamlet designations by development agreement.

Document Review Cont.

- ▶ **Policy 7.2.4** of the MPS states that *"Notwithstanding Policy 7.2.3, existing Recreation Commercial uses in Hamlets shall be zoned in. New Recreation Commercial uses may be considered by development agreement subject to Policy 13.3.2, provided the Hamlet development objectives are maintained."*
- ▶ **Policy 13.3.2** states that *"It shall be the policy of Council to consider the establishment of new Recreation Commercial uses by development agreement in any designation except the Village Core"*

Document Review Cont.

- ▶ Additionally, **Policy 8.10.5** states that ***"it shall be the intention of Council to consider new non-resource Rural Commercial (RC), Recreation Commercial (RecC), Resource Industrial (M-1) or Open Space (OS) uses in AR 3 zones outside the Growth Centre, Village and Hamlet designations by development agreement"***

Document Review Cont.

- ▶ Section 6.1 of the Land Use By-law (LUB), *Development Agreements*, states that
- ▶ *"The following developments may be considered only by development agreement in accordance with the Municipal Government Act and the Municipal Planning Strategy: ...*
 - ▶ *(s) Rural Commercial (RC), **Recreation Commercial (RecC)**, Resource Industrial (M-1) or Open Space (OS) uses in the Agricultural Priority Two (AR-2) zone and the **Agricultural Priority Three (AR-3) zone outside the Growth Centre, Village and Hamlet designations in accordance with Policies 8.9.4 and 8.10.5 respectively of the Municipal Planning Strategy;***

Document Review Cont.

- ▶ ...
- ▶ *(y) Recreation Commercial uses in any designation, except the Village Core, in accordance with Policy 13.3.2 of the Municipal Planning Strategy;*
- ▶ A campground is listed as a permitted Recreation Commercial use

Specific Criteria

- ▶ **Policy 7.2.4** and **Policy 8.10.5** of the MPS establish Councils intention to consider new Recreation Commercial uses by development agreement
- ▶ In summary, the criteria are met since:
 - ✓ the proposed use is a campground which will be privately owned and open to the public;
 - ✓ the DTIR has advised that there is adequate roadway access for the campground;
 - ✓ the lot dimensions are adequate for the proposed use;
 - ✓ the development will not adversely affect adjacent land uses; and
 - ✓ adequate separation distances will be provided.

General Criteria

- ▶ **Policy 16.3.1** states general criteria for any development agreements considered in West Hants
- ▶ In summary:
 - ✓ the proposal is not premature or inappropriate for the area;
 - ✓ no municipal costs related to the proposal are anticipated; and
 - ✓ the Fire Chief, Senior Building Official, Director of Public Works and DTIR have no major concerns.

Request for Discharge

- ▶ The Municipality entered into a development agreement with Jonathan Lucas
- ▶ The development agreement was to allow a commercial kennel, trails facility, and accessory structures
- ▶ The lot was subsequently sold to the current owners, David Martin and Tiffany Wild
- ▶ Mr. Martin and Ms. Wild have no intention of continuing the uses permitted by the 2016 development agreement and have requested it be discharged from their property

Request for Discharge Cont.

- ▶ Section 13 (c) of the Development Agreement states that the
- ▶ *“Notice of Intent to Discharge this Agreement may be given by the MUNICIPALITY to the DEVELOPER following a resolution of Council to give such Notice: ...*
 - ▶ *(c) at any time upon the written request of the DEVELOPER, provided the use of the Property is in accordance with the Land Use By-law or a new Agreement has been entered into.”*

Conclusion

- ▶ Proposed development agreement is considered within the context of both specific and general MPS policies
- ▶ Consistent with the intent, objectives and policies of MPS
- ▶ A campground is permitted as a Recreation Commercial use
- ▶ Reasonable to enter into a development agreement for this use

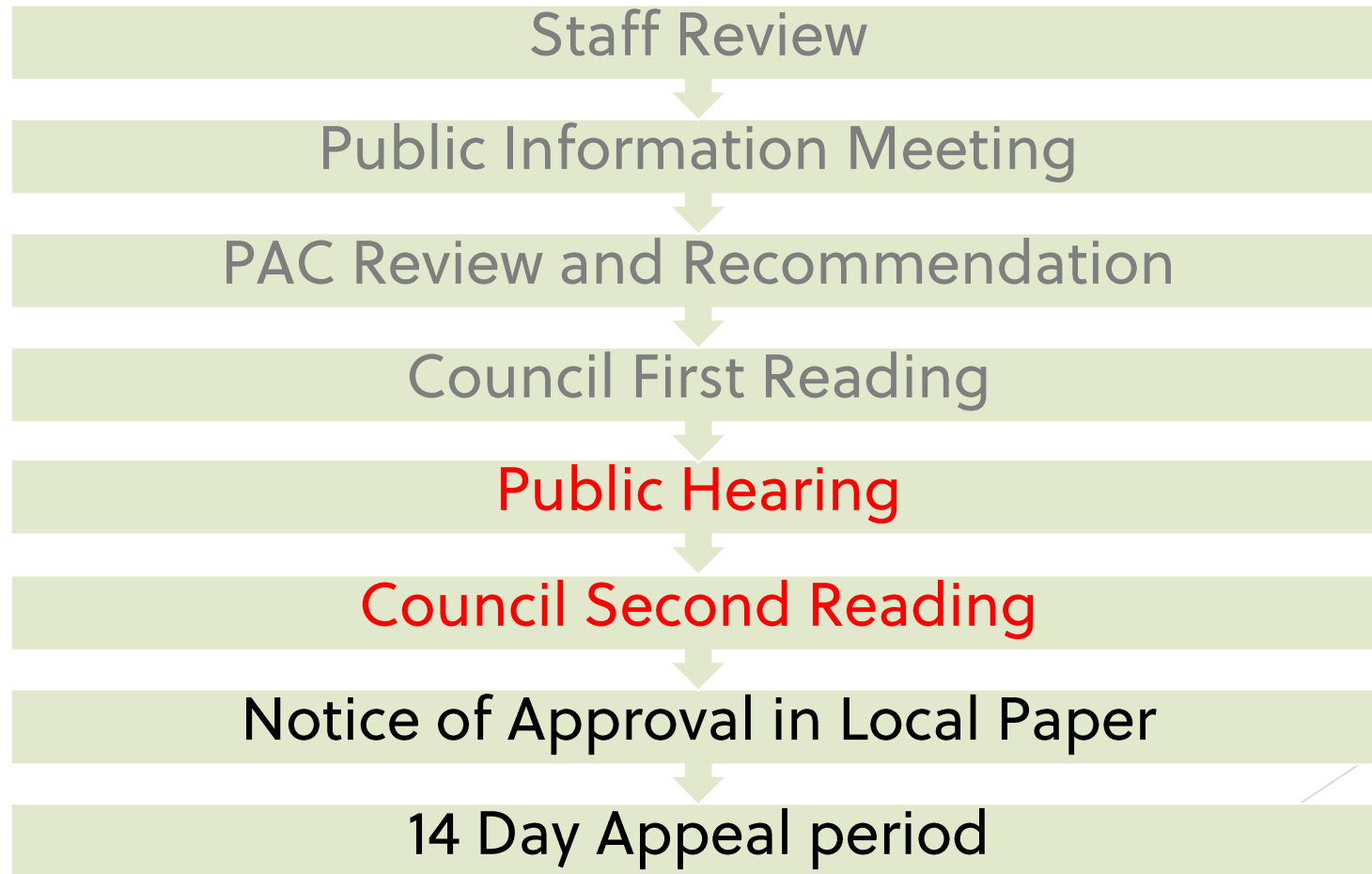
Process

Two notices were placed in the local paper & properties within 300' were notified of the Public Hearing

1 comment was received in person; 10 comments were received on Facebook

Site visit March 29

All statutory requirements have been met





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Recommendation

- ▶ **that Council gives Second Reading to and approves entering into a development agreement to allow a campground at 50 Lynch Road, Newport Corner, PID 45021391, which is substantively the same as the draft set out in Appendix C of the report to the Planning Advisory Committee dated February 21, 2019, taking note that this development agreement will discharge and replace the development agreement recorded at the Registry of Deeds on June 8, 2016 as document 109062563.**

Recommendation

- ▶ **that Council require that the Development Agreement for 50 Lynch Road, Newport Corner (PID 45021391) be signed within 120 days from the date of final approval by Council or the date that any appeals have been disposed of; otherwise, this approval will be void and obligations arising hereunder shall be at an end.**