

Highway 215, Cheverie Campground Development Agreement

Planning and Heritage Advisory Committee (PAC/HAC)

December 8th, 2022

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Application

- A completed application was received from Kristen, Jeffery, and Cody Ross on September 6th, 2022.
- The application was to permit a campground by development agreement.

A development agreement is a legal contract between the Municipality and a property owner to permit a use that is not permitted in the underlying zone.



Site Plan



Development Agreement permits:

- 10 Serviced Sites (max)
- 15 Unserviced Sites (max)
- 15 Tenting Sites (max)
- Washroom Facilities
- Accessory Buildings





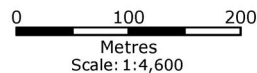
West Hants

Tidal Drive, Cheverie
PID 45178944



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Orthophoto



-  Subject Parcel
-  Communities
-  Parcels
-  Roads

Orthophoto

- The subject lot is primarily cleared field with a forested area and dirt path
- There are a number of residential uses surrounding the subject lot

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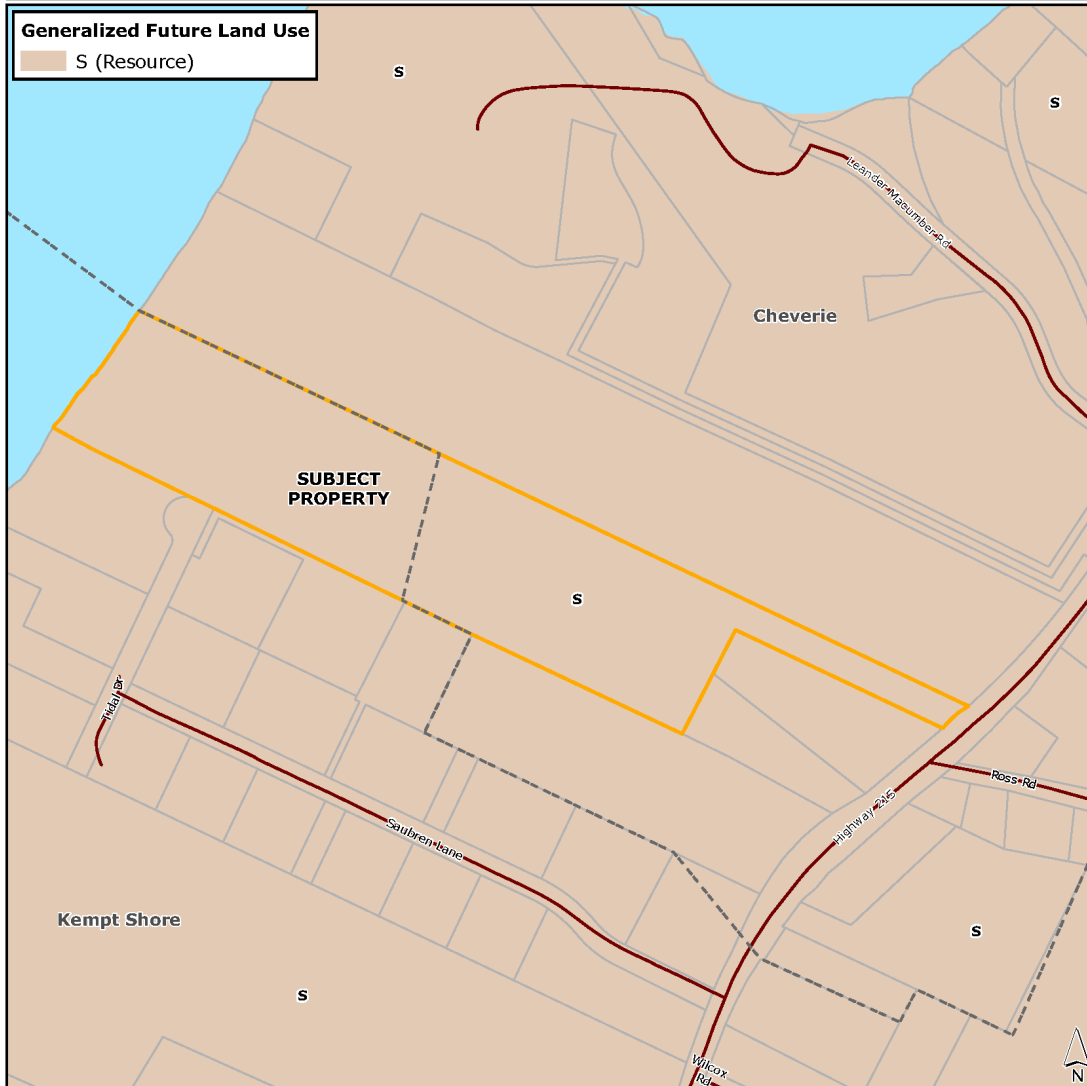


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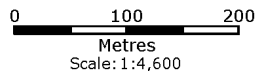
Generalized Future Land Use

S (Resource)



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Generalized Future Land Use



- Subject Parcel
- Communities
- Parcels
- Roads
- Water

GFLUM - Current

Current Designation:

- Resource

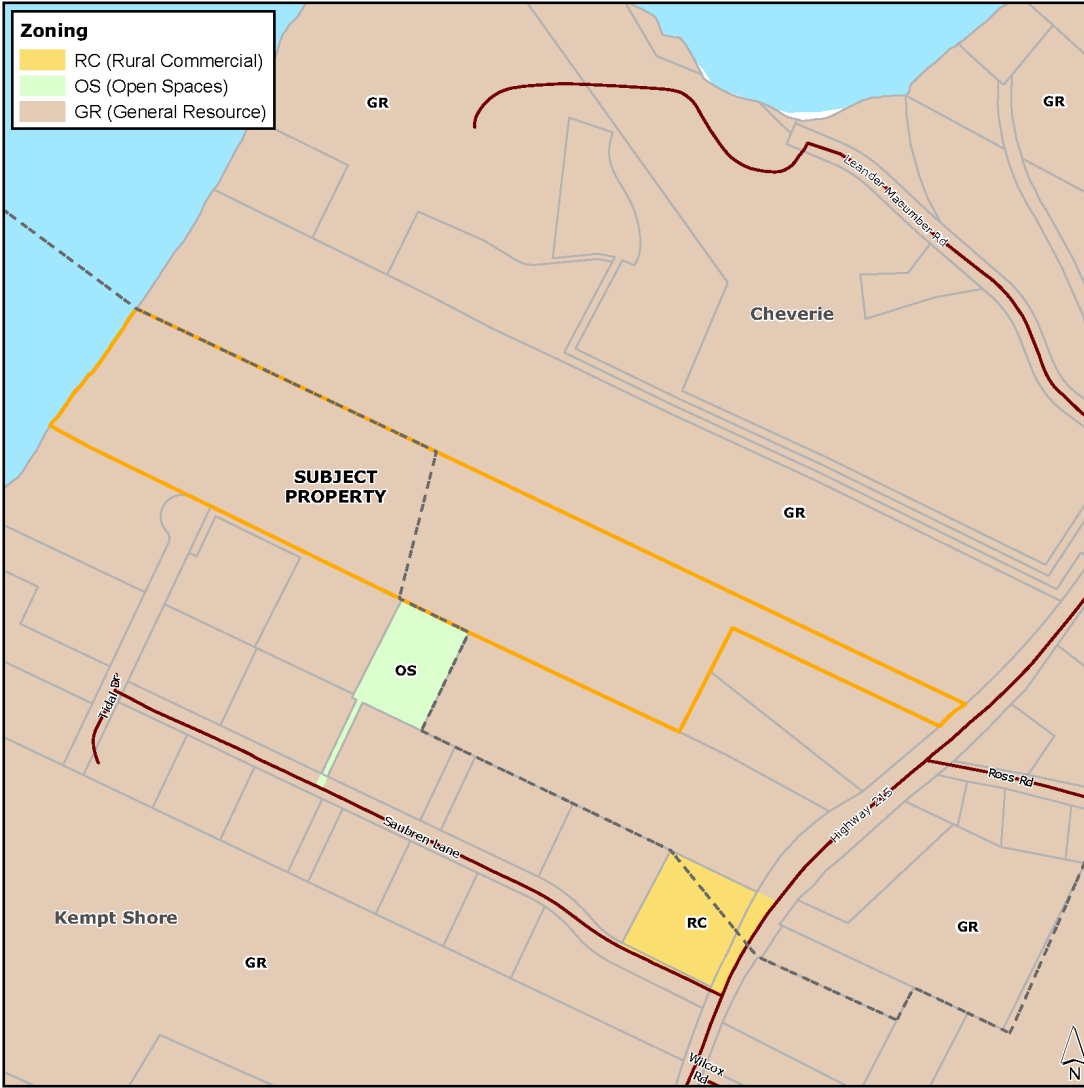
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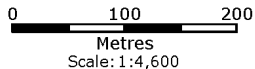
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Zoning



- Subject Parcel
- Communities
- Parcels
- Roads
- Water

Zoning - Current

Current Zone:

- General Resource (GR)

Permitted Uses:

- Agricultural Uses
- Agricultural Support Uses
- Automobile service stations
- Churches, community centres and fire halls
- Farm equipment sales and service
- Forestry and forestry related activities
- Indoor storage facilities accessory to an agricultural use
- Manufactured homes
- Personal service shops
- Restaurants
- Retail stores under 5,000 ft² (139.35 m²) in commercial floor area
- Seasonal dwellings on private roads
- Single and two unit dwellings
- Structures associated with sand and gravel extraction operations

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View from Subject Lot access looking northwest





View of surrounding properties from Subject Lot



West Hants MPS – Enabling Policy

Policy 9.1.7 provides Council with the ability to consider new Recreation Commercial (RecC) zone uses in the General Resource (GR) zone by development agreement. In summary, the criteria are met since:

- there are no existing resource uses near the subject lot; and
- the proposed development is a suitable size for the rural nature of the area.



West Hants MPS – Specific Criteria Policy

Policy 13.3.2 states the criteria for new Recreation Commercial uses to be considered in any designation. In summary, the criteria are met since:

- the proposed campground is intended to be open to the public and privately owned;
- provisions have been made in the draft development agreement to include yard requirements, buffering, lighting, maintenance, and operator presence; and
- the Development Officer and Area Manager of the Nova Scotia Department of Public Works have no concerns which have not been addressed in this report.



West Hants MPS – General Criteria Policy

Policy 16.3.1 states general criteria for development agreements. In summary, the criteria are met since:

- the proposal is not considered premature or inappropriate for the area;
- no municipal costs related to the proposal are anticipated; and
- the Fire Chief, Development Officer, Manager of Building and Fire Inspection Services, Municipal Engineering Technologist, and Area Manager of the Nova Scotia Department of Public Works have no concerns which have not been addressed in this report.



Development Agreement Details

Requirements

- Permits a campground: an area used for a range of short term accommodations, from tenting to serviced trailer sites, including accessory facilities which support the use, such as administration offices and washroom facilities, but not including the use of mobile homes or trailers on a permanent year-round basis
- A maximum of 15 unserviced campsites, 10 serviced campsites, and 15 tenting campsites
- 30-foot yard requirements and 20-foot buffering requirement
- Driveway access from Highway 215
- 1 parking space must be provided for each campsite
- Signage and illumination shall be regulated under Section 5.18 and 7.0 of the Land Use By-law

Development Agreement Details

Substantive Matters

- the uses permitted on the Property; and
- the location of the washroom, accessory buildings, and campsites.

Public Information Meeting Notes

- A Public Information Meeting was held on November 10. The meeting was broadcast live on the Municipal Facebook page.
- Ten (10) members of the public attended the Public Information Meeting.
- The deadline for comments was November 25.
- During the meeting, Mark Peterson spoke to the need for additional places to stay during the Kempt Shore festivals and due to the scale of the proposed campground, there would be no conflict with the existing campground.
- One (1) phone call and eight (8) written comments were received during the comment period.



Public Comment Submissions Notes

Comments received included:

- References to an error in the title/access of the property as well an error with the comment submission date
- Questions regarding number and type of campsites, allowance for music festivals, applicant, buffering, campground need
- Concerns regarding impacts on property values, noise, trespassers, and litter
- Support for new local business
- Additional questions regarding development agreement availability, operator presence, quiet hours, bunk houses, zoning change, parkland use, provisions for development agreements being broken, wider use of the property, and development agreement availability
- Information on the local history of the area and a graveyard abutting the subject lot



Public Comment Submissions Responses

- The Public Information Meeting was postponed at the October 13th meeting until November 10th, to address concerns with the letter to residents
- The development agreement permits a maximum of 15 unserviced campsites, 10 serviced campsites, and 15 tenting campsites (total of 40)
- Music festivals and events are dealt with through the Section 5.44 (Temporary Uses, Building and Structures Permitted) of the West Hants Land Use By-law
- The development agreement requires a 20 ft buffer of trees, hedges, fences, or a combination to form a dense or opaque screen along all lot lines which abut other properties
- The development agreement requires the presence of the Owners, or a representative of the Owners while the campground is in use
- The planning documents do not have a criteria to consider proximity to other campgrounds



Public Comment Submissions Responses Cont.

- The applicants have confirmed that they intend to implement quiet hours (10 pm – 7 am) as part of the operation of the campground
- The application does not include any additional bunk houses
- The development agreement does not change the zoning, it only allows the additional uses listed in the development agreement
- The scale of the campground is appropriate based on the proposed density (maximum density of approximately 2 sites per acre of land, compared to the development standard of four to eight sites per acre)
- The nearby parkland with a historic graveyard on it is on a separate lot from the subject lot, that land was deeded to the Municipality as part of a subdivision process and is considered public
- The development agreement contains a statement regarding the breach of terms or conditions:



Development Agreement Breach of Terms

- *Upon breach of any term or condition of this Agreement, the Municipality may notify the Owners in writing. In the event that the Owners have not cured any such breach or entered into arrangements with the Municipality related to such breach to the Municipality's satisfaction, acting reasonably, within six (6) months of such notice then the Municipality may rely upon the remedies contained in Section 264 of the Municipal Government Act and may enter the land and perform any of the terms contained in the Development Agreement, or take such remedial action as is considered necessary to correct a breach of the Agreement, including the removal or destruction of anything that contravenes the terms of the Agreement and including decommissioning the site. It is agreed that all reasonable expenses, whether arising out of the entry on the land or from the performance of the terms, are a first lien on the land that is the subject of the Development Agreement.*



Staff Review



Public Information Meeting – November 10



**PAC/HAC Review and Recommendation –
December 8**



Regional Council First Reading – January 24*



Public Hearing & Second Reading



Notice Placed in Paper



14 Day Appeal period

Process

* Anticipated Date



Recommendations (1 of 2)

...that PAC/HAC recommends that Council give First Reading and hold a Public Hearing to consider entering into a development agreement to allow a campground at Highway 215, Cheverie (PID 45178944) which is substantively the same as the draft set out in Attachment B of the report File #22-22 to the Planning and Heritage Advisory Committee dated December 8, 2022.



Recommendations (2 of 2)

...that PAC/HAC recommends that Council require that the development agreement with Kristen, Jeffery, and Cody Ross for Highway 215, Cheverie (PID 45178944) 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.





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