



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information <input type="checkbox"/>	Recommendation X	Decision Request <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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To: Mayor Zebian and Members of West Hants Regional Municipality Council

Submitted by: _____
Mark Fredericks, Senior Planner

Date: March 26, 2024

Subject: Development Agreement: PID 45180635, Hwy 215, Summerville; File #23-07A

LEGISLATIVE AUTHORITY

Section 230 of the Municipal Government Act.

RECOMMENDATION

Should Council wish to proceed to Public Hearing and Second Reading, the following motions would be in order:

... that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to permit a paintball facility on PID 45180635 on Highway 215 in Summerville, in a manner substantively the same as the draft set out in Attachment B of the report to the Planning and Heritage Advisory Committee regarding File # 23-07 dated March 14, 2024.

...that Council requires that the development agreement with Marlene Hill 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.

BACKGROUND

Property X	Public Opinion <input type="checkbox"/>	Environment <input type="checkbox"/>	Social <input type="checkbox"/>	Economic <input type="checkbox"/>	Councillor Activity <input type="checkbox"/>
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A complete application was received on March 21, 2023, from Patrick Hill. Initially this application came with a letter of authorization from Marlene Hill, who was not the landowner at the time, but through a recent probate court decision in February of 2024, Marlene Hill is now the owner of the land and has appropriate authority to authorize Patrick Hill to apply for a development agreement to be entered into with the Municipality.

The planning application was needed to establish a paintball facility on PID 45180635 on Highway 215 in Summerville. This type of use can be considered by Council through a development agreement, as paintball facilities are not a listed permitted use (as-of-right) in the underlying zone.

A Public Information Meeting was held on June 6, 2023. Several public comments were received at the meeting and during the public comment period that followed. The concerns related to the proximity of the proposed paintball facility to the adjacent cemetery and questions about enforcement, environmental impact of the paintballs, fencing, buffering, parking, and support for bringing an outdoor activity to the community. Many of these issues were able to be addressed in the development agreement by using large setbacks and buffering requirements as well as a development area that constrains the paintball activity to a specific portion of the property.

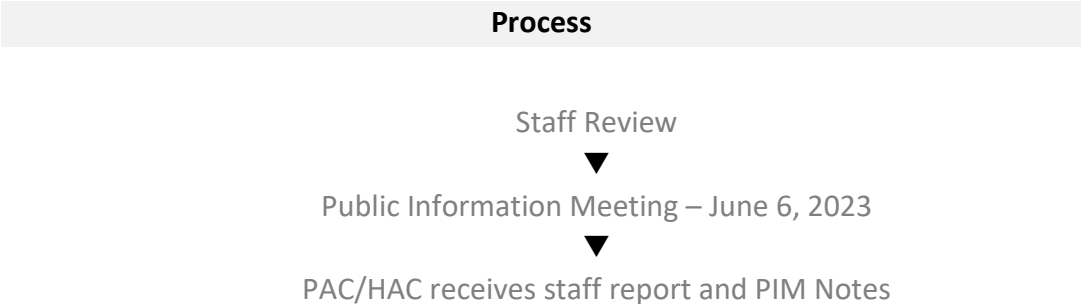
A significant delay occurred between the Public Information Meeting and bringing the application to the Planning and Heritage Advisory Committee (PAC/HAC). The delay was caused by the legal requirement in establishing the family ownership as a Will needed to be processed through the Probate Court to recognize Marlene Hill as the owner of the land.

On February 14, 2024, staff presented a recommendation report to the Planning and Heritage Advisory Committee (PAC/HAC) (Appendix A). The Committee briefly discussed the buffering requirements and planting densities, start/stop sounds, and confirming that the development agreement does require netting for playing courses.

The PAC/HAC recommended in favour of the application at this meeting.

NEXT STEPS

The process for this application is as follows.



PAC/HAC Review and Recommendation – March 14, 2024



Regional Council First Reading – March 26, 2024



Public Hearing & Second Reading – April 23, 2024*



Notice of Approval in Local Paper



14-Day Appeal Period

*anticipated dates; final dates set by Council

FINANCIAL IMPLICATIONS

There are no financial implications to the Municipality or residents with regard to the filing of this report.

ALTERNATIVES

In response to this application, Council may decide to:

- hold First Reading and authorize a Public Hearing to approve the development agreement; or
- provide alternative direction such as requesting further information on a specific topic.

APPENDICIES

Appendix A 2024-03-14 Staff Report – Development Agreement: PID 45180635, Hwy 215, Summerville; File #23-07

CHIEF ADMINISTRATIVE OFFICER REVIEW

I support the recommendation and the application proceed through to the Public Hearing stage. This will allow for an up-to-date presentation of all information pertaining to the application for both Council and residents. Further, it will allow for a thorough review of that information at second reading when Council is asked to make a final decision on this matter.

Report Prepared by: _____
Mark Fredericks, Senior Planner

Report Approved by: _____
Sara Poirier, Director of Planning and Development

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

**Appendix A – 2024-03-14 Staff Report - Development Agreement: PID 45180635, Hwy 215,
Summerville; File #23-07**