

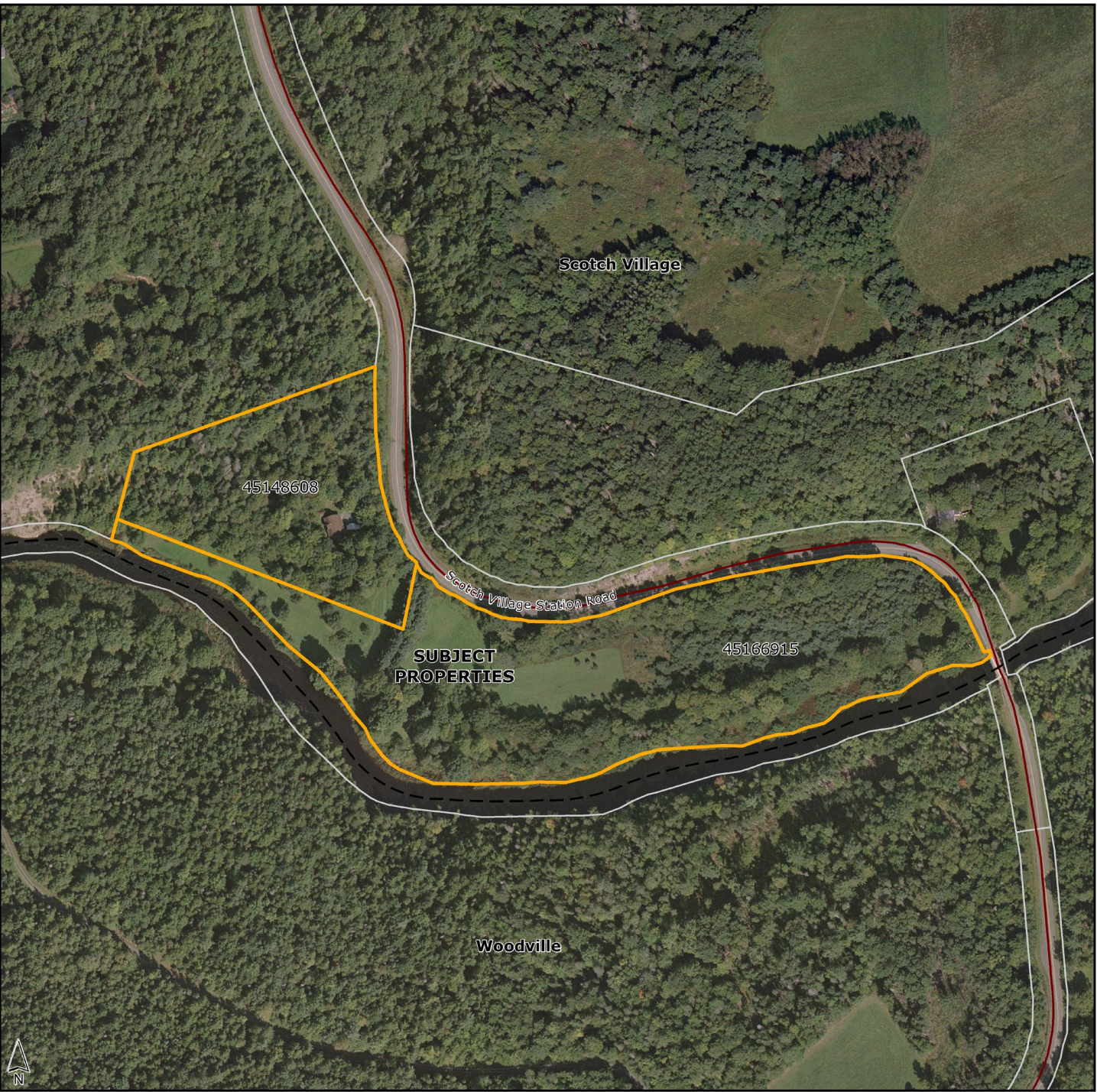
**PID 45166915 and 45148608
Scotch Village Station Road
Development Agreement**

Council First Reading

April 25, 2023



Orthophoto





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Application

- A completed application was received on January 20, 2023 from Jessica Hill
- Request a yoga studio, campground with tourist accommodations and other accessory uses
- Properties are owned by Allan and Jessica Hill



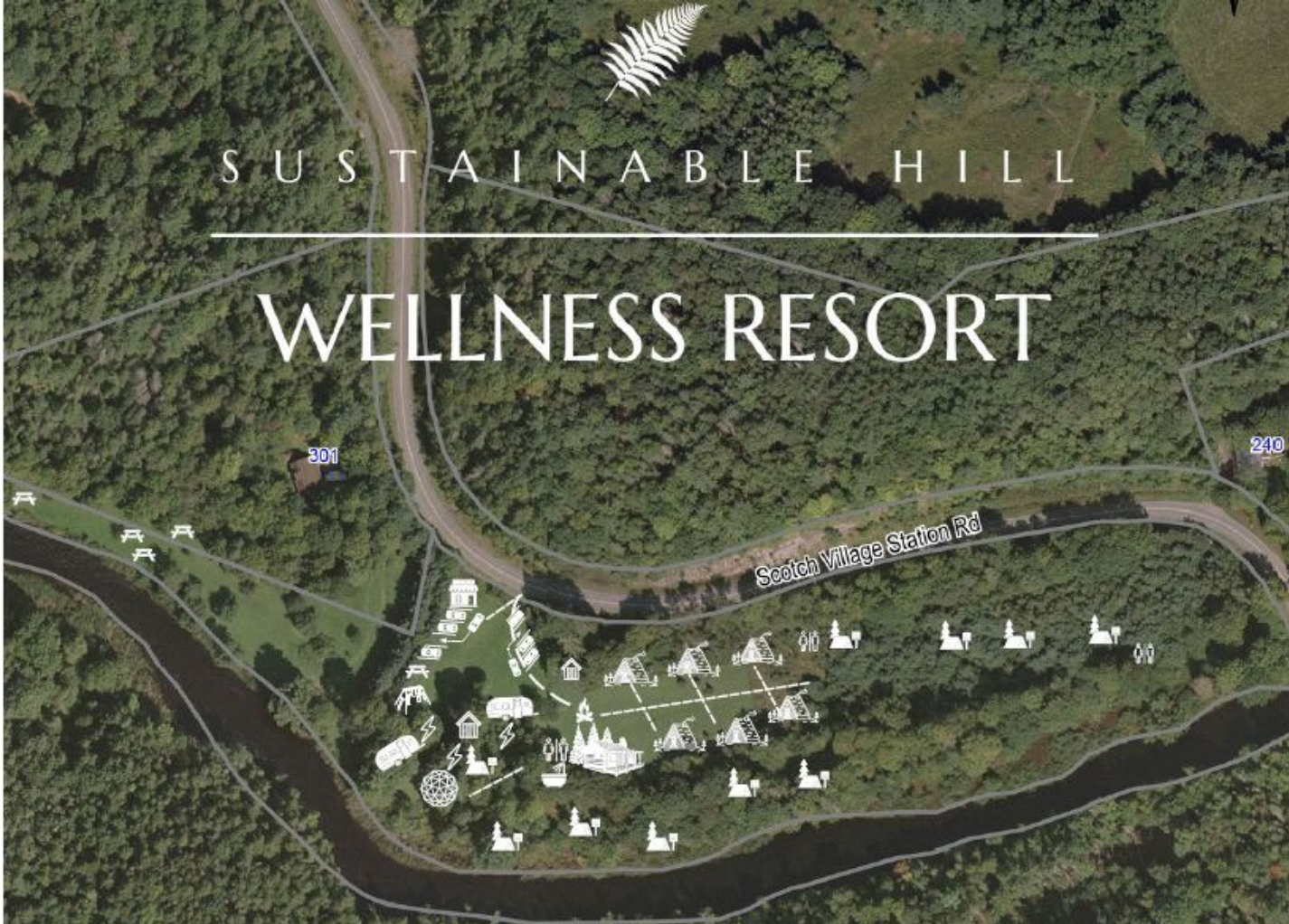
Development Agreements

- A development agreement is a legal contract between the Municipality and a property owner to permit a use that is not usually permitted in the underlying zone
- Rural Commercial (RC) and Recreation Commercial (RecC) uses are considered in the Agricultural Priority Two (AR-2) zone only by development agreement




S U S T A I N A B L E H I L L


WELLNESS RESORT



Find us here...

301 Scotch Village Station Rd.
Scotch Village, Nova Scotia
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 @sustainablehillwellness

 Sustainable Hill - Camping, Tiny Homes, Yoga Dome

Legend:

- | | | |
|---|--|---|
|  Tenting Site |  Bathroom |  Pathway |
|  Electric Site |  Showers |  Road |
|  Cabin |  Playground |  Yoga Dome |
|  Shed |  Community Fire |  Parking |
|  Snack Shack |  Picnic Area | |
|  Wheelchair Accessible | | |

Proposal

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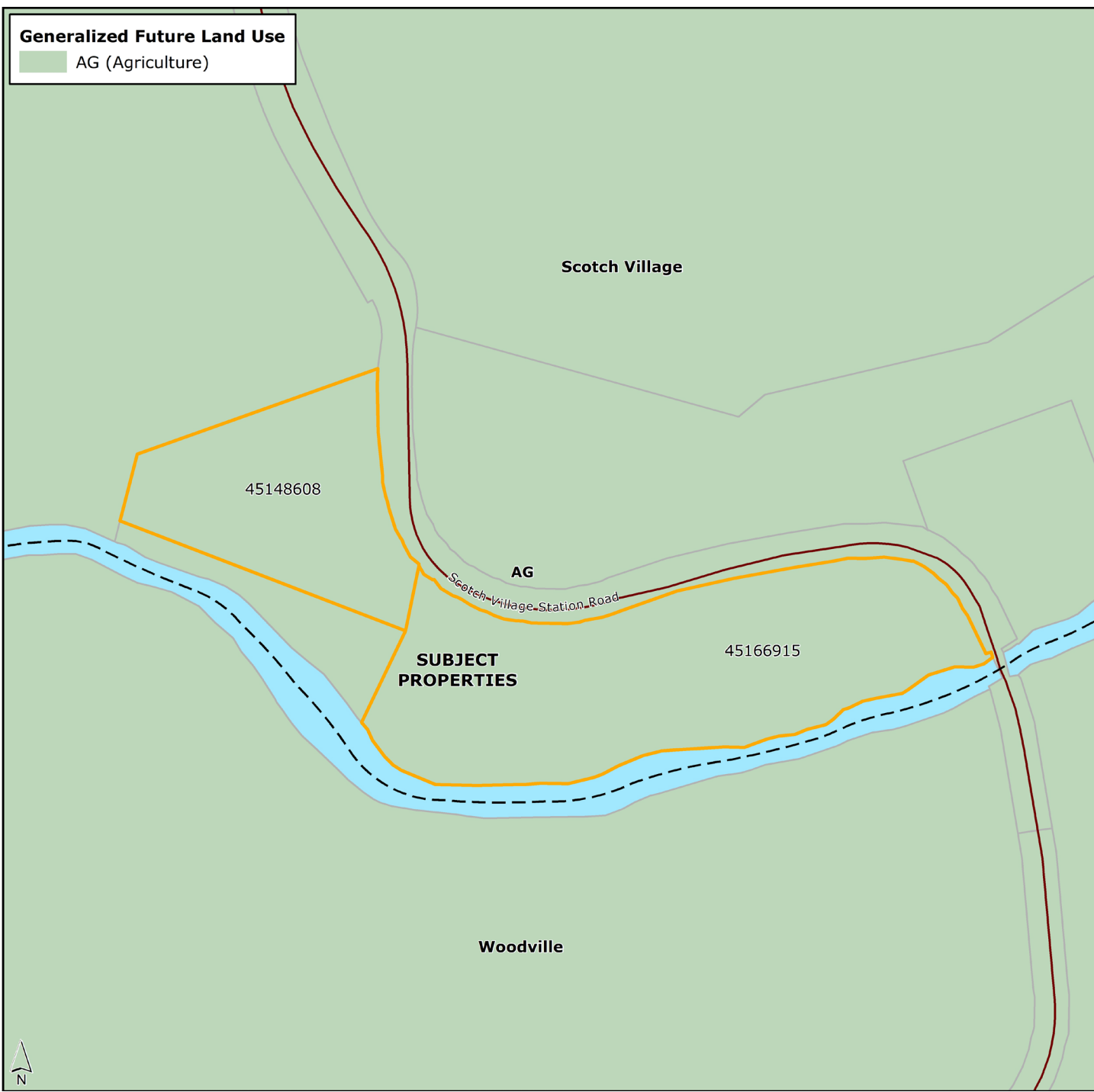
Proposal Cont.

- Accommodations: 10 tent sites, 3 recreational vehicle (RV) sites, 6 cabins, and one 3-bedroom lodge
- A yoga studio within a separate building, open to the general public as well as guests of the accommodations
- Other buildings: an administrative office for guest check-in, washroom facilities and sheds for firewood and utilities.
- Common fire pit area, playground, and picnic areas



Generalized Future Land Use

AG (Agriculture)



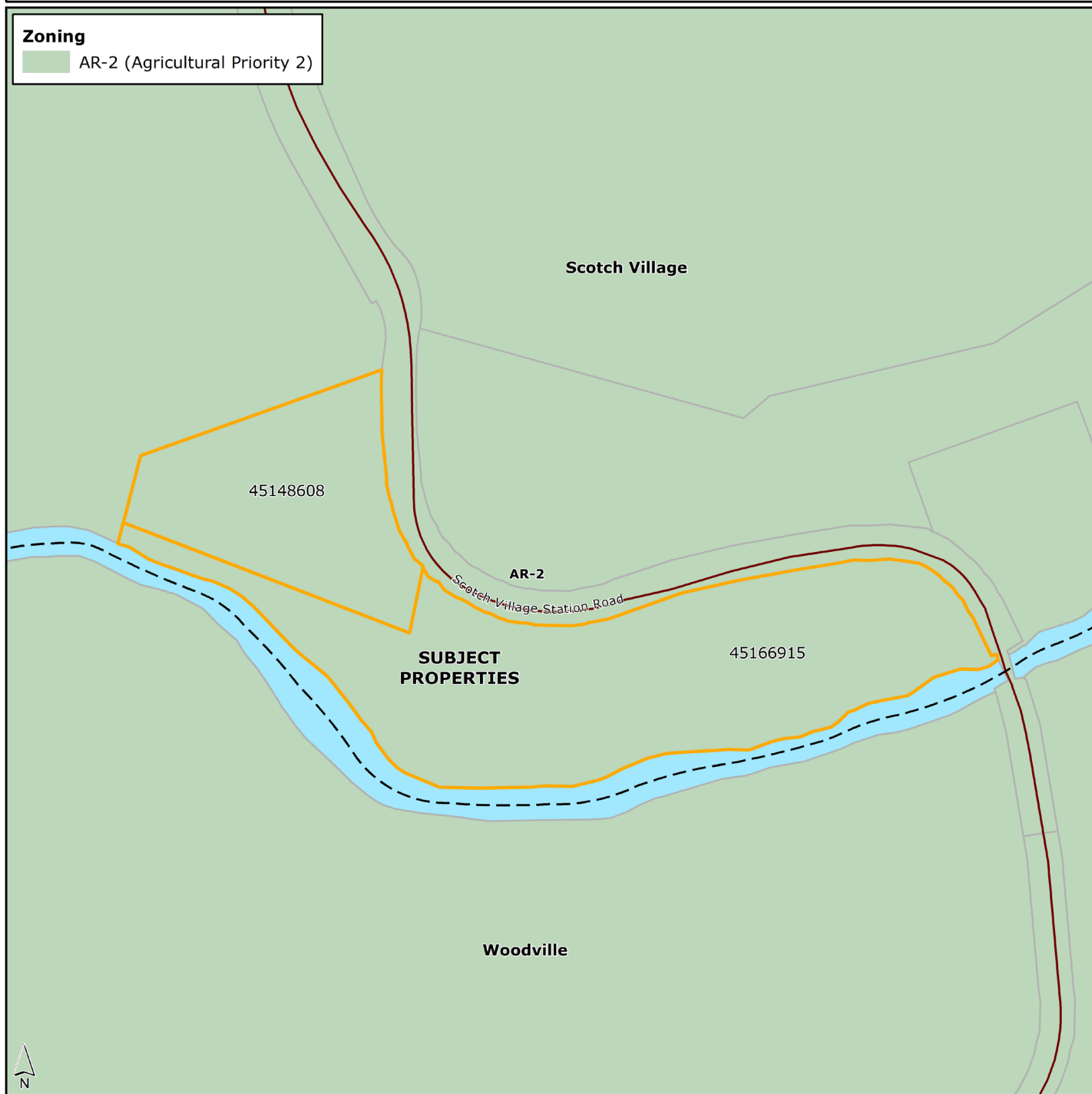
GFLUM

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Zoning

AR-2 (Agricultural Priority 2)



Zoning

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Consideration

- Ability to have a development agreement for a specific purpose must be established in the LUB
- Requests for development agreement are “measured” against the policies of the MPS



West Hants Land Use By-law

- Part 6.0 of the WHLUB, 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;



West Hants Municipal Planning Strategy

- Part 8.0 of the WHMPS contains the overall intention for Agricultural areas in West Hants
- Section 8.9 contains the specific policies for properties zoned Agricultural Priority Two (AR-2)
- ***Policy 8.9.4*** establishes Council's intention to consider Rural Commercial (RC) and Recreation Commercial (RecC) uses in the Agricultural Priority Two (AR-2) zone by development agreement



Development Agreement Details

Permitted Uses

- those uses permitted by the underlying zoning in the Land Use By-law;
- a yoga studio;
- campground accommodations and facilities, including accessory building and structures; (max. 10 tent sites and 3 RV sites)
- tourist accommodations; (max. 6 one or two-bedroom rental units and 1 3-bedroom lodge) and
- private indoor or outdoor events



Development Agreement Details

Requirements

- A 50 ft. wide natural buffer of trees along the Herbert River. Max. of five (5) tent sites permitted within this area, no structures
- Parking: 1 space per tent site, RV site and room in a tourist accommodation; 1 space for every 100 sq. ft. for the yoga studio; outdoor private event parking in addition to these requirements
- Hours of Operation:
 - Campground: mid-May to mid-October each year; administrative office 7 a.m. and 7 p.m. daily; quiet hours 10:30 p.m. and 6 a.m. the following day.
 - Yoga Studio: 7 a.m. and 9 p.m. daily
 - Max. 8 outdoor private events between mid-May to mid-October, between 7 a.m. and 9 p.m. daily, or 7 a.m. and 11 p.m. Thursday through Saturdays, if enclosed in a temporary structure



Development Agreement Details

Requirements Cont.

- Main access to be approved by Nova Scotia Department of Public Works
- Private garbage collection and snow plowing
- Operator presence
- Owners to adhere to the Municipal Outdoor Fires By-law and Nova Scotia Department of Natural Resources burn restrictions



Development Agreement Details

Substantive Matters

- the uses permitted
- the number of tent sites, recreational vehicle sites, and buildings/rooms permitted for tourist accommodations
- the buffering requirements
- the hours of operation



Public Information Meeting Notes

- A Public Information Meeting was held on February 16. The meeting was broadcast live on the Municipal Facebook page.
- 14 members of the public attended the Public Information Meeting
- The deadline for comments was March 1
- 7 members of the public spoke at the PIM and 5 written comments were received



Public Information Meeting Notes Cont.

- Periodic flooding of PID 45166915; potential contamination of river related to septic system overflow and debris
 - Currently no Municipal restrictions on building on the lot; could be issued a permit for single or two-unit dwelling as-of-right
 - Reviewed both Municipal and Provincial mapping and discussed the concerns with the Department of Environment (DoE)
 - DoE outlined options available to the owners to work with a qualified professional to design a system for the proposed uses
 - Draft development agreement requires a 50 ft. buffer along the river (no structures) and limits the campground to mid-May to mid-October



Public Information Meeting Notes Cont.

- Potential for forest fire
 - draft development agreement requires the owners or a representative to be present on-site while the campground is in use
 - must follow all requirements of the Municipal Outdoors Fires By-law and the Nova Scotia Department of Natural Resources burn restrictions
- Access and parking
 - DPW comment that the anticipated traffic can be accommodated with minimal impact; the owner will apply for permits for driveway access to the proposed uses
 - Parking for all uses must be provided on-site



Public Information Meeting Notes Cont.

- Trespassing, vandalism, garbage
 - Potential trespassing and vandalism not a land use item that can be regulated in a development agreement; the owners have noted that they will include signage on-site and provide maps to users of the site
 - Owners will be required to collect and store garbage



Specific Criteria for DA

- Policy 8.9.4 establishes specific criteria to be considered by Council
- In summary, the criteria are met since:
 - ✓ an agrologist report was provided in accordance with Policy 8.6.1 and has determined that the development site has constraints which limit the use of land for agricultural purposes;
 - ✓ the proposed uses will not compromise or adversely affect the operation or integrity of existing agricultural operations; and
 - ✓ the development is compatible with adjacent land uses with respect to traffic generation and traffic safety and hours of operation



General Criteria for DA

- Policy 16.3.1 states the general criteria to be considered by Council
- In summary, the criteria are met since:
 - ✓ the proposal is not premature or inappropriate for the area;
 - ✓ no municipal costs related to the proposal are anticipated; and
 - ✓ the Fire Chief, development control staff, Manager of Building and Fire Inspection Services, Manager of Public Works Operations and Nova Scotia Department of Public Works have no concerns which have not been addressed in the development agreement.



Planning Advisory Committee

- April 13 Committee discussion:
 - application and policy, including the agrologist report;
 - soil quality of the lot;
 - the Statements of Provincial Interest regarding agricultural land;
 - the buffer from the river;
 - periodic flooding of the lot;
 - potential conflict with adjacent land uses; and
 - the number of outdoor events permitted in the draft development agreement.



Planning Advisory Committee Cont.

- PAC/HAC passed the motion to recommend in favour of the application, with the addition of allowing up to twelve (12) outdoor events per camping season
- Following the discussion for this application, PAC/HAC also recommended that staff review current agricultural policies within the Municipality and the Statements of Provincial Interest regarding agricultural land and bring the information back to the Committee



Comments from Applicant

- For consideration (received April 19 and April 21):
 - Concerns with seasonality of the entire campground, mainly the one and two-bedroom rental units and the lodge: Staff did not consider permitting any accommodations outside the camping season (mid-October to mid-May) due to flooding concerns of PID 45166915
 - Would like to move the tiny homes on trailers to PID 45148608 (lot with dwelling on it) during November to April to continue to be used as accommodations: Staff did not consider this as it was not initially requested; not anticipated to be a substantial change to the draft development agreement.



Process

Public Information Meeting – February 16

Staff Review

PAC/HAC Review and Recommendation – April 13

Council First Reading – April 25

Public Hearing & Second Reading – May 23*

Notice of Approval in Paper

14 Day Appeal period

*anticipated dates;
final dates set by
Council



Recommendations (1 of 2)

...that Council gives First Reading and will hold a Public Hearing to consider entering into a development agreement to allow a yoga studio and campground with a variety of tourist accommodations and other accessory uses on PID 45166915 and PID 45148608 on Scotch Village Station Road in a manner substantively the same as the draft set out in Attachment C of the report File #22-29 to the Planning and Heritage Advisory Committee report dated April 13, 2023, and to add that the number of private events in this development agreement be increased from a maximum of eight (8) to twelve (12) for the timeframe of mid-May to mid-October.



Recommendations (2 of 2)

...that Council requires that the development agreement with Jessica and Allan 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.



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