



West Hants

Public Hearing Agenda

1. Intro by Mayor
2. Presentation by Planner (Sara Poirier)
3. Presentation by Applicant (Jessica and Allan Hill)
4. Comments or Questions from Public
5. Conclusion of Public Hearing



PID 45166915 and 45148608
Scotch Village Station Road
Development Agreement

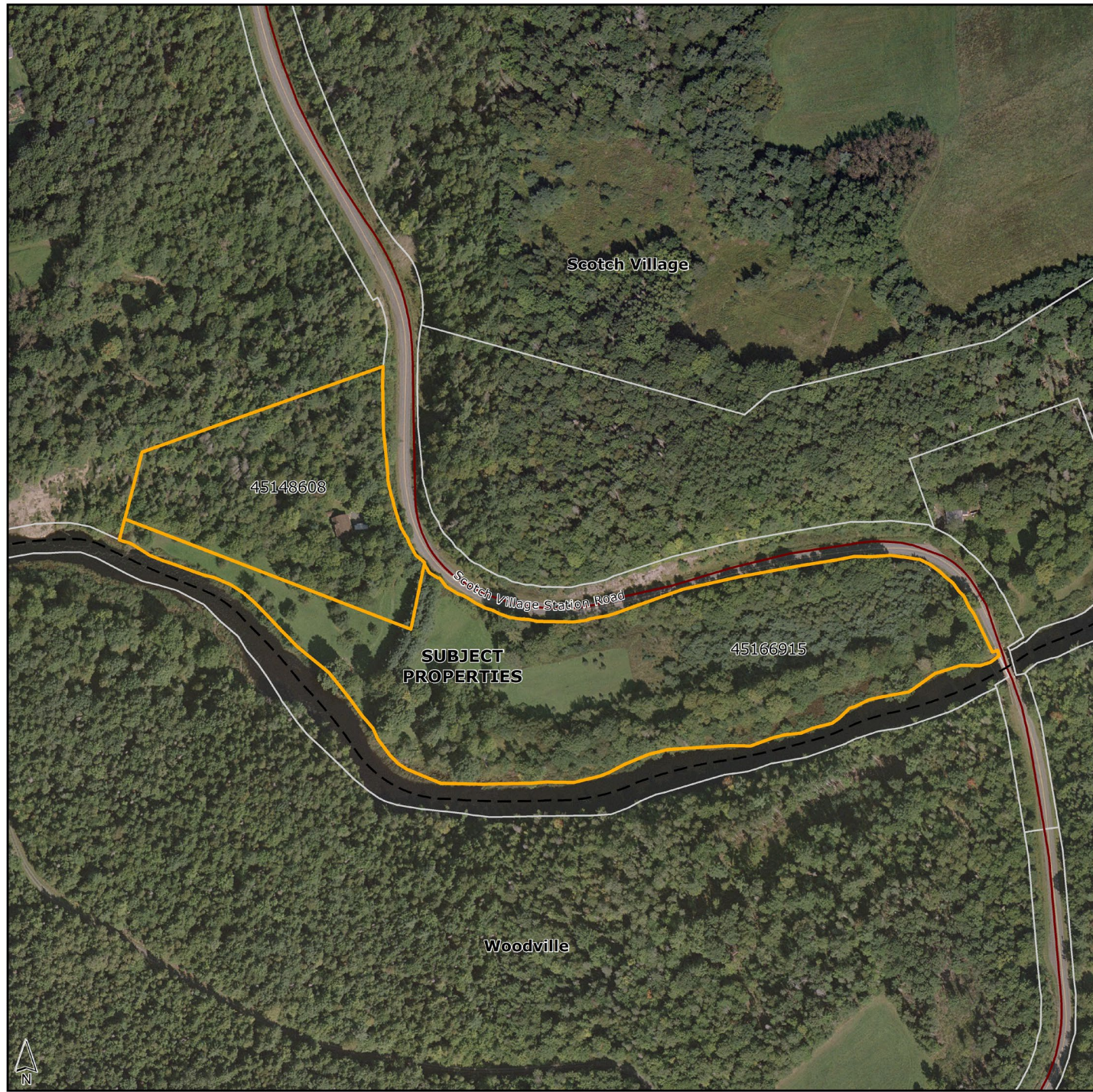
Public Hearing

May 23, 2023

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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



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WELLNESS RESORT



Find us here...

301 Scotch Village Station Rd.
Scotch Village, Nova Scotia
B0N 2A0
(902) 230-4567

 @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 | | |

Original Proposal

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Original 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



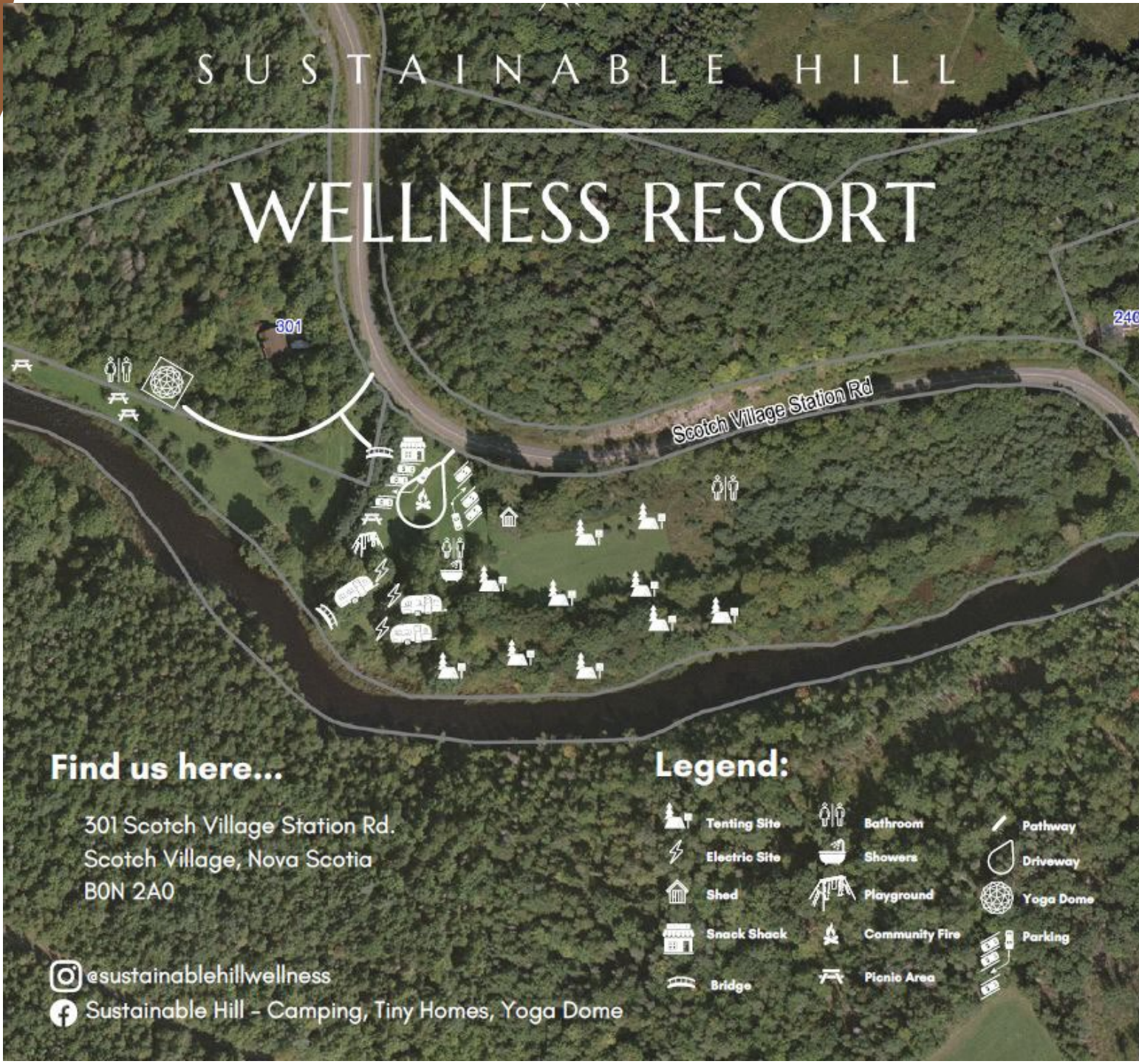
Revised Proposal

- May 11, 2023: The applicant requested to reduce their application based on public feedback received
- This includes:
 - removing cabins and the lodge (Phase 2);
 - removing the request to operate these buildings year-round;
 - relocating tent sites to the field from the forest to give more privacy to neighbouring properties.
- Due to this request, staff have removed all reference to tourist accommodations including one- or two-bedroom rental units and a lodge in the draft development agreement




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Legend:

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|---|--|---|
|  Tenting Site |  Bathroom |  Pathway |
|  Electric Site |  Showers |  Driveway |
|  Shed |  Playground |  Yoga Dome |
|  Snack Shack |  Community Fire |  Parking |
|  Bridge |  Picnic Area | |

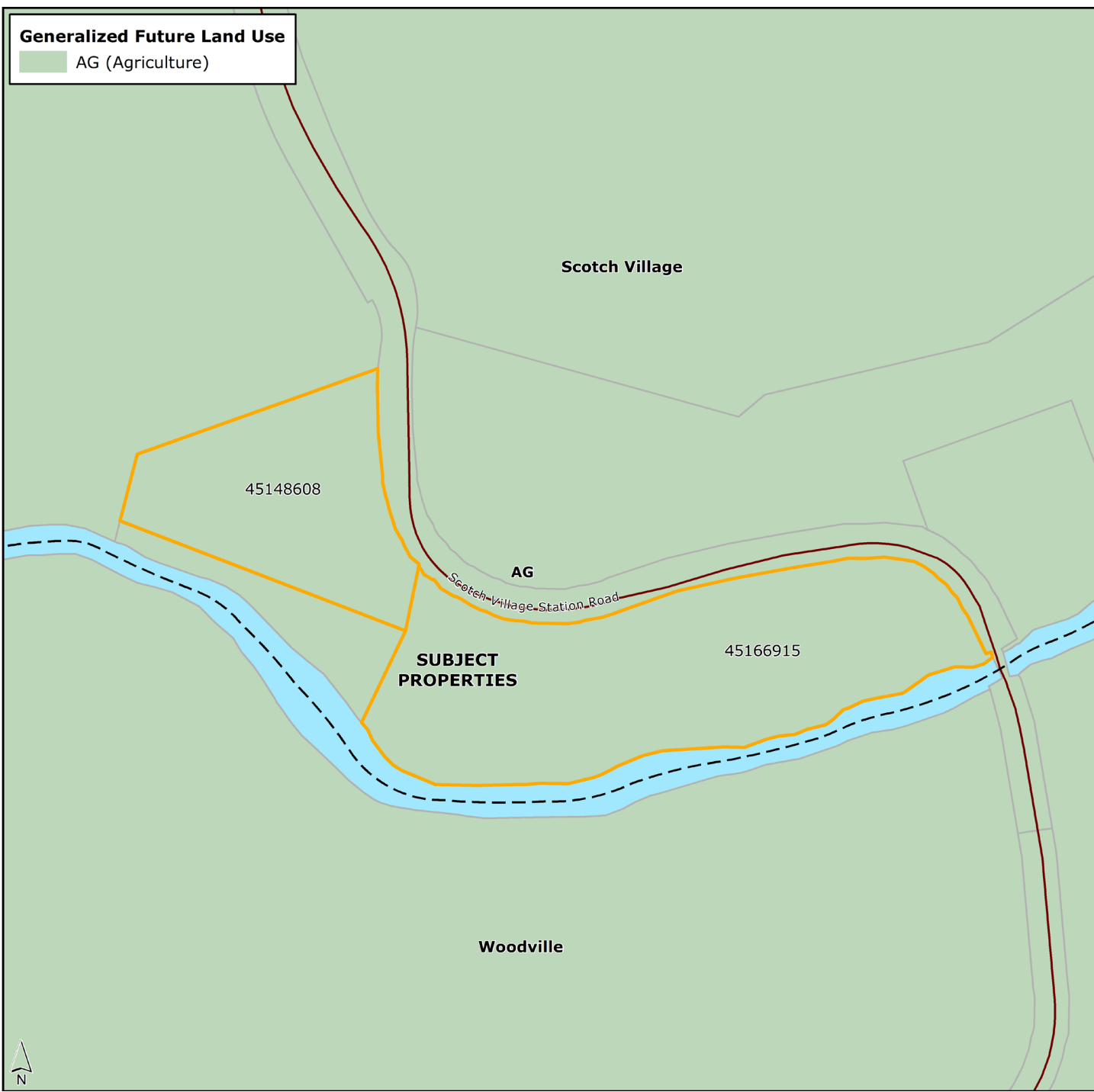
Revised Proposal

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Generalized Future Land Use

AG (Agriculture)



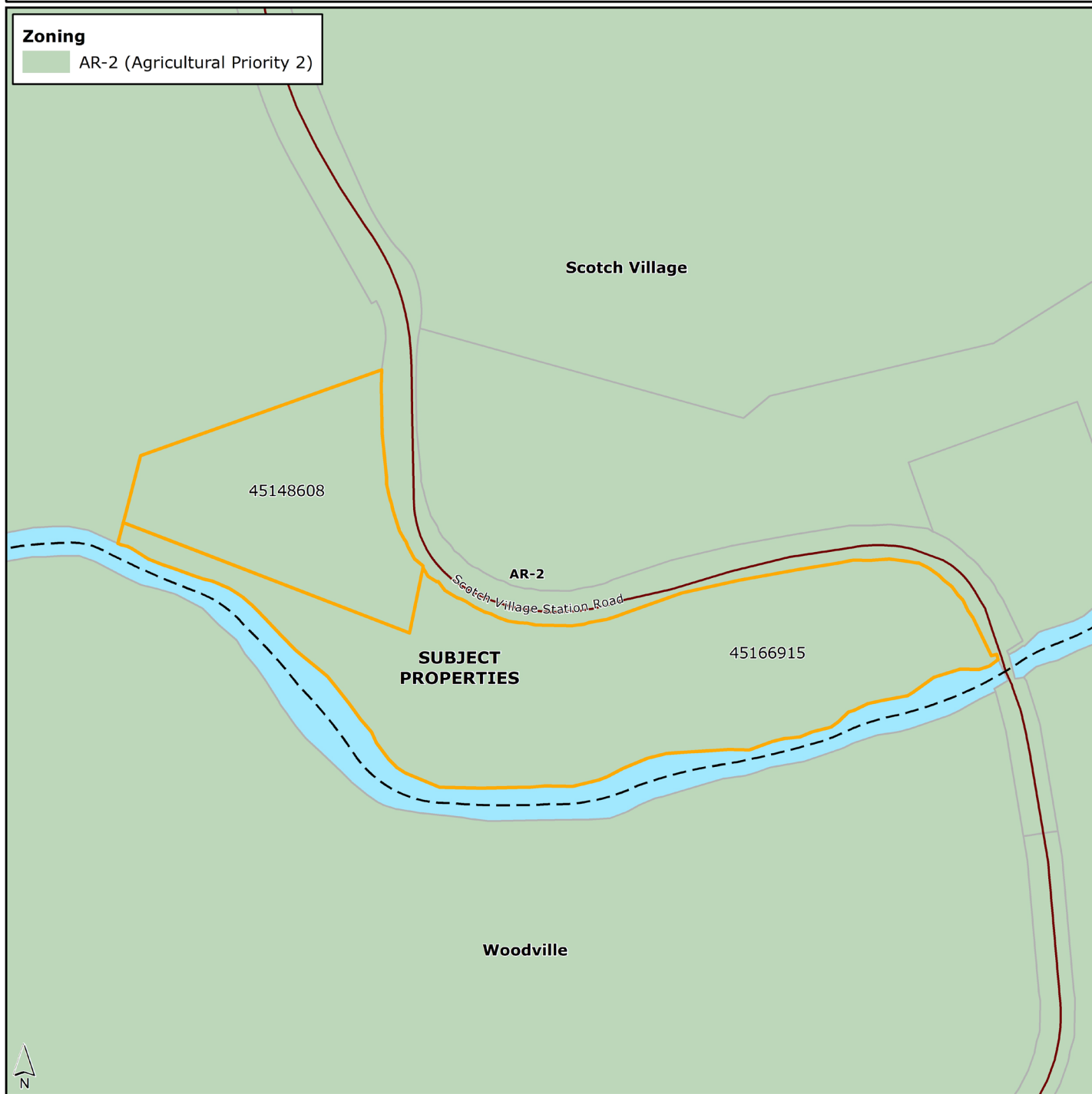
GFLUM

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Zoning

AR-2 (Agricultural Priority 2)



Zoning

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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



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); 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 and RV site; 1 space for every 100 sq. ft. for the yoga studio; outdoor private event parking in addition to these requirements
- Hours of Operation:
 - Yoga Studio: 7 a.m. and 9 p.m. daily
 - 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.
 - Max. 12 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 and recreational vehicle sites
- 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



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 in Paper

14 Day Appeal period



Applicant Presentation



Comments or Questions from Public



Public Hearing Comments / Questions

- The Public Hearing was advertised:
 - in the paper on both May 2 and 9;
 - letters to property owners within 500 ft of the subject lot; and
 - sign placed on site
- Trevor Levy requested to present tonight, and 3 emails were received prior to the meeting from John Fitzgerald, Karen Fitzgerald and Art Ward
 - Clerk Snair will read the correspondence



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Recommendations (1 of 2)

...that Council gives Second Reading to and approves entering into a development agreement to permit a yoga studio, campground 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 Appendix A of the report File #22-29 C to Council dated May 23, 2023.

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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