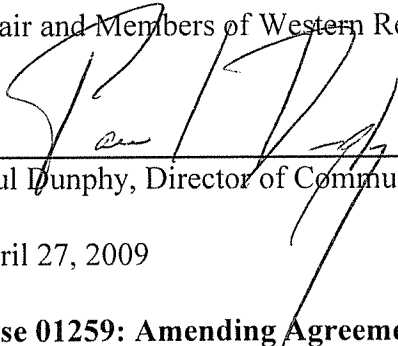




PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Western Region Community Council
May 25, 2009

TO: Chair and Members of Western Region Community Council

SUBMITTED BY: 
Paul Dunphy, Director of Community Development

DATE: April 27, 2009

SUBJECT: Case 01259: Amending Agreement Bayside Camp, Sambro Head

ORIGIN

Application by the Bayside Baptist Youth Camp Association to enter into an amending agreement to allow for additional cabins and accessory buildings at the Bayside Camp and Retreat Centre located off the Ketch Harbour Road, adjacent to Third Pond, Sambro Head.

RECOMMENDATIONS

It is recommended that Western Region Community Council:

1. Give Notice of Motion to consider the proposed amending agreement, as described in Attachment "A", to permit additional cabins at the Bayside Camp and Retreat Centre located off the Ketch Harbour Road, Sambro Head, and schedule a public hearing.
2. Approve the amending agreement, as contained in Attachment "A".
3. Require that the amending agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval by Council and any other bodies as necessary, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

BACKGROUND

On June 25, 2007 Western Region Community Council (WRCC) approved a development agreement to allow a campground to be constructed on a 98-acre parcel of land (PID # 41220401) located north of the Ketch Harbour Road (Hwy 349) in Sambro Head (see Map 1). The existing agreement permits the following on the camp parcel:

- a main lodge;
- a staff accommodation building;
- a maximum of 28 cabins;
- 3 wash house buildings;
- open space amenities including an outdoor chapel and 2 sport fields,
- parking facilities; and,
- a maximum of 6 accessory or craft buildings.

The Bayside Camp is currently under construction and is requesting amendments to the existing development agreement to allow the following:

- 2 additional youth cabins
- 1 Guest Cabin
- 1 Nursing/Sick Bay Cabin
- 1 Canteen Building
- Winterization of summer cabins

In addition, staff are proposing that the existing agreement be modified to allow minor changes to the campground to be approved without the necessity of having to amend the development agreement. These additional amendments relate specifically to the number of cabins and accessory uses (e.g. guest cabins, canteen, sick bay cabin), while retaining provisions relating to their location, buffers, and other requirements.

DISCUSSION

The existing agreement specifies that the winterization of summer cabins is a non-substantive amendment, thereby solely requiring a resolution of Council without a public hearing. However, the other proposed amendments to the existing agreement are substantive changes to the agreement and therefore require a public hearing.

The camp parcel is currently designated Rural "B" and is zoned R-6 (Rural Residential) under the Municipal Planning Strategy (MPS) and Land Use By-law (LUB) for Planning District 5 (Chebucto Peninsula). The designation accommodates rural residential development by-right and commercial uses including commercial recreational uses such as the Bayside Camp through the development agreement process.

The planning objectives and policies for considering the campground are primarily concerned with its impact upon its site and surroundings. The proposal to allow uses accessory to the main campground function and to permit additional cabins has no demonstrable change in the nature of the campground from the existing agreement. It therefore continues to meet the objectives and policies in the MPS for considering campgrounds by development agreement. Staff have prepared an assessment of the proposed amendments (both substantive and non-substantive) and included the analysis in table format as provided in Attachment "B".

Amending Agreement

The proposed amending agreement would facilitate the applicant's request and also anticipates future requests and therefore represents a proactive approach dealing with potential future amendments. The proposed amendments would allow:

- 5 additional cabins, and a campground administrator's residence as permitted uses.
- A nursing/sick bay cabin, canteen, storage and maintenance building, security building and other similar uses as permitted accessory uses.
- Minor changes to the campground site plan, building plans, and the conversion of summer cabins to winterized cabins.

The proposal to increase the number of cabins, accessory uses, structures and buildings including the winterization of summer cabins are acceptable campground uses and therefore does not conflict with plan policy.

Public Information Meeting / Area of Notification

The proposed amendments to the existing agreement for the Bayside campground are minor in nature and therefore the requirement for a Public Information Meeting was waived. However, should Western Region Community Council decide to hold a public hearing, in addition to published newspaper advertisements, property owners in the area shown on Map 1 will be sent written notification.

Conclusion

In staff's view the proposed amendments are minor in nature. The proposed amendments maintain the intent of the existing agreement to ensure the continued maintenance and protection of buffers, setbacks, adequate services, and environmental protection of the natural areas in and surrounding the property. The proposal satisfies the applicable policies (Attachment "B") of the Planning District 5 (Chebucto Peninsula) Municipal Planning Strategy and as such, it is recommended that Western Region Community Council approve the draft amending agreement.

BUDGET IMPLICATIONS

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the Agreement can be carried out within the proposed budget with existing resources.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. Council may approve the proposed amending agreement. This is the recommended course of action.
2. Council may choose to alter the terms of the proposed amending agreement. This may necessitate further negotiations with the applicant, and may require an additional public hearing.
3. Council may refuse the proposed amending agreement. Pursuant to Section 254(6) of the *Halifax Regional Municipality Charter*, Council must provide reasons for this refusal, based on the policies of the MPS.

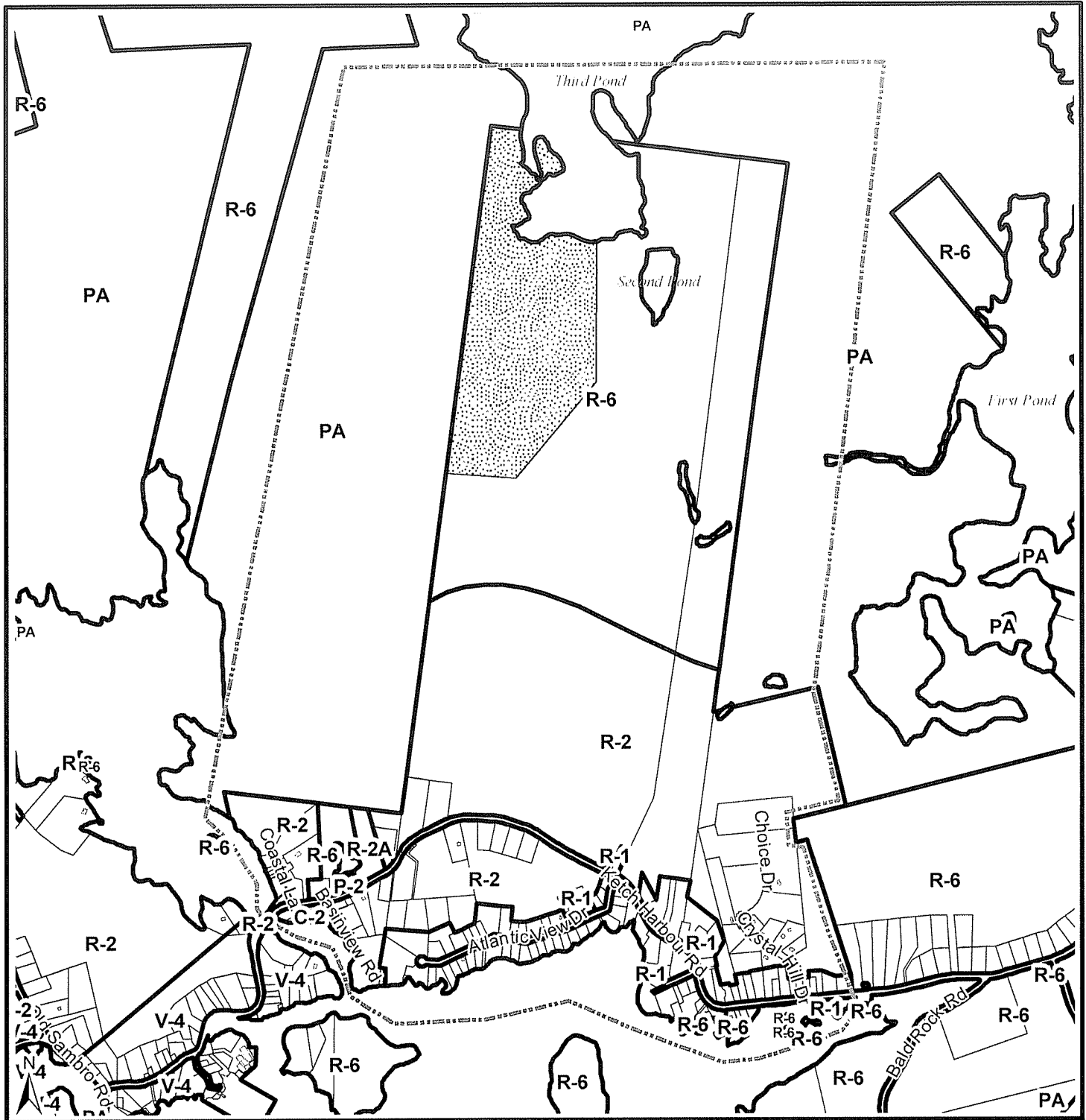
ATTACHMENTS

Map 1	Zoning, Location and Area of Notification
Map 2	Generalized Future Land Use
Attachment "A"	Draft Amending Agreement
Attachment "B"	Review of Relevant Planning District 5 (Chebucto Peninsula) MPS Policies

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.



Report Prepared by : Brian White, Planner I, 490-4793

Report Approved by: 
Austin French, Manager of Planning Services, 490-6717



Map 1 - Location and Zoning

Ketch Harbour Road
Sambro Head

-  Subject area
-  Area of notification

Planning District 5
(Chebucto Peninsula) Plan Area

Zone

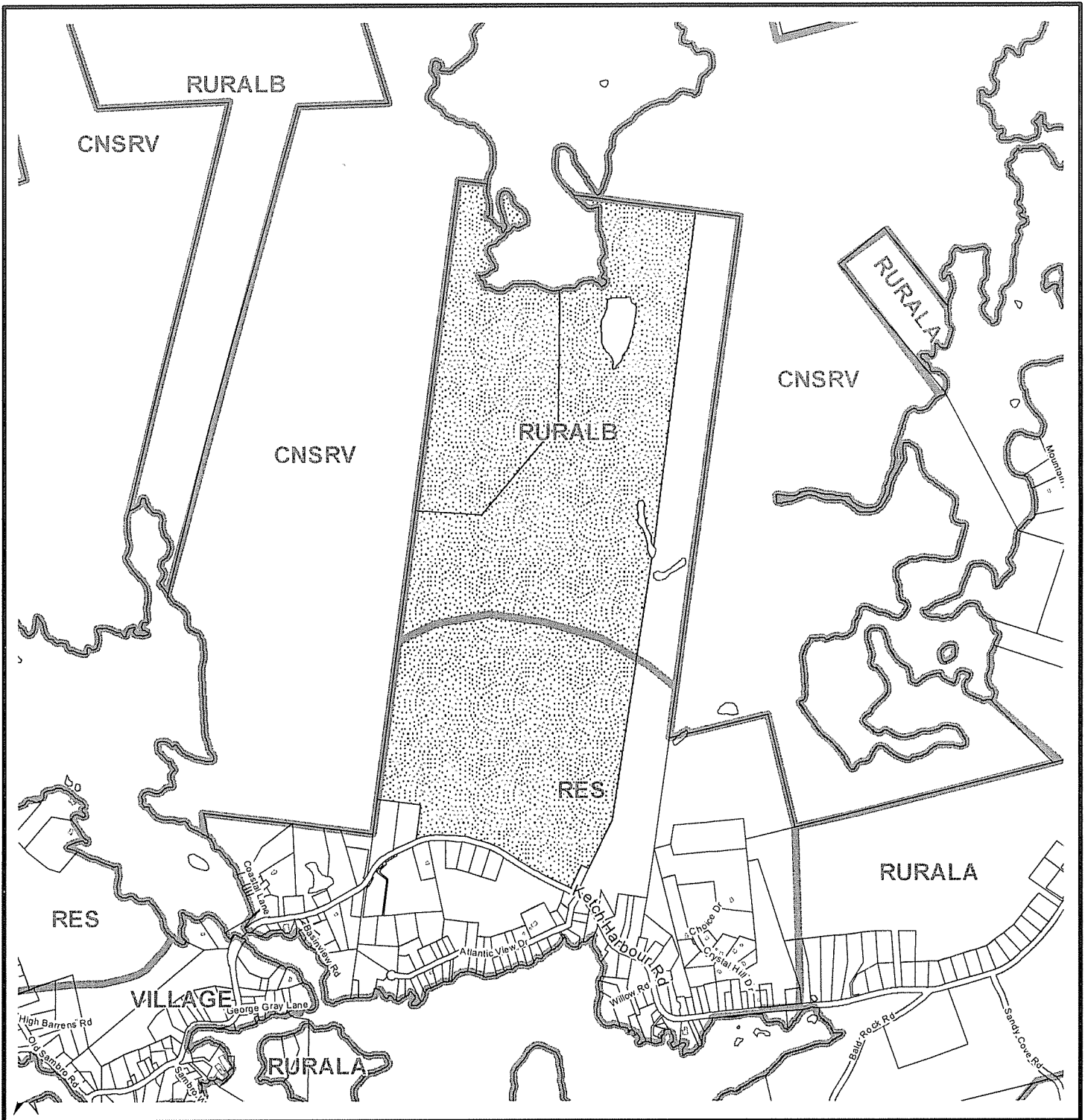
- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- R-2A Residential Home Occupation
- R-6 Rural Residential
- V-4 Sambro General Building
- C-1 Local Business
- C-2 General Business
- PA Protected Area

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the Planning District 5 Plan Area


HRM does not guarantee the accuracy of any representation on this plan



Map 2 - Generalized Future Land Use

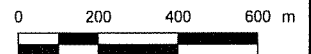
Ketch Harbour Road
Sambro Head

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES

 Subject area

Designation

RES	Residential
VILLAGE	Village Centre
RURALA	Rural "A"
RURALB	Rural "B"
CNSRV	Conservation



Planning District 5
(Chebucto Peninsula) Plan Area

This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the Planning District 5 Plan Area

HRM does not guarantee the accuracy of any representation on this plan

The Existing Agreement shall be amended as follows:

1. By replacing "Section 2.2.1" immediately following "Section 2.2 General Description of Land Use" with the following text:

2.2.1 The Primary Lands shall not be developed or used for any other purpose than a campground, which may include:

33 Cabins

Main Lodge

Campground Staff Accommodations

Campground Administrator's Residence

Accessory uses, buildings or structures including or similar to the following:

Wash House Facilities

Craft Workshop Buildings

Storage and Maintenance Buildings

Security Buildings

1 Guest Cabin

Nursing/Sick Bay Cabin

Canteen Building

Chapel

Sport fields and Recreational Amenities

Parking Facilities

2. By replacing "Section 2.2.2" immediately following "Section 2.2.1" with the following text:

2.2.2 A wind turbine may be permitted as a future use on the Primary Lands through Sections 4.1 and 4.2.

3. By deleting "Section 2.3.3.1" immediately following "Section 2.3.3":

4. By adding "PART 4.1: Approval by Development Officer" immediately following "PART 4: Amendments" as follows:

4.1 Approval by Development Officer

4.1.1 The Development Officer may approve the following modifications provided such changes are in general conformance with and further the intent of this Agreement as follows:

- (a) Minor changes to layout and configuration of buildings on the concept site plan as illustrated on Schedule "D" attached to this agreement;
- (b) Minor changes to the exterior appearance and interior layout of the buildings as shown on Schedules "E", "F", "G", "H", "I", "J";

- (c) Minor changes to the required detailed building provisions as per Section 2.3 of this agreement.
 - (d) Conversion of summer cabins to winterized cabins;
 - (e) Changes to the parking and circulation layout as illustrated on Schedule "D".
5. By renumbering "PART 4.1 Non-Substantive Amendments" to "PART 4.2 Non-Substantive Amendments" and deleting clauses (c), (d), (f), (g) and (h).
 6. By renumbering "Part 4.2 Wind Turbine Criteria" to "Part 4.3 Wind Turbine Criteria";
 7. By renumbering "Part 4.3 Referral to the Halifax Watershed Advisory Board" to "Part 4.4 Referral to the Halifax Watershed Advisory Board"; and
 8. By renumbering "Part 4.4 Substantive Amendments" to "Part 4.5 Substantive Amendments".

WITNESS that this Agreement, made in quadruplicate, was properly executed by the respective Parties on this _____ day of _____, 2009.

SIGNED, SEALED AND DELIVERED)
) BAYSIDE UNITED BAPTIST CAMP
) ASSOCIATION
 in the presence of)
) Per: _____
)
)
 _____)

SEALED, DELIVERED AND)
 ATTESTED to by the proper)
 signing officers of Halifax Regional)
 Municipality duly authorized)
 in that behalf in the presence of) Per: _____
) MAYOR
)
 _____) Per: _____
) MUNICIPAL CLERK
)

Attachment "B"
Review of Relevant Planning District 5 (Chebucto Peninsula) MPS Policies

RB-3 Notwithstanding Policies RB-1 and RB-2, within the Rural "B" Designation, it shall be the intention of Council to consider commercial recreation uses according to the development agreement provisions of the Planning Act. In considering any such development, Council shall have regard to the provisions of Policy RA-6.

RA-6 Within the Rural "A" Designation, it shall be the intention of Council to consider commercial recreation uses according to the development agreement provisions of the Planning Act. In considering any such development agreement, Council shall have regard to the following:

Policy criteria	Staff comments
(a) that the site exhibits characteristics which make the location particularly suitable for the proposed use	The camp's large property size of 98 acres and its location abutting 2,800 hectares of Provincial Crown Lands zoned Protected Area, and frontage on Third Lake the make it a suitable campground location that could accommodate additional cabins and accessory buildings.
(b) the potential for adversely affecting adjacent residential and community facility development by virtue of noise, visual intrusion, traffic generation and littering	The additional cabins and accessory uses represents the only a marginal increase in site capacity and staff during peak season. The campground is located more than 1 km from the nearest residence and staff do not anticipate any significant increase in levels of noise or visual impacts.
(c) the provision of landscaping or buffering from adjacent development and the public road to which it has access in order to reduce the impact of the proposed development	Section 2.9 of the existing agreement specifies the provision of land use buffer areas of a minimum of 6 metres (20 feet) from all property boundaries in order to provide a visual screening and separation buffer for the benefit of the abutting properties. The proposed amendment does not permit alteration or removal of required buffers.
(d) the availability of a site and site design which will entirely contain all aspects of the operation within the boundary of the proposed site	As per the existing agreement all aspects of the camp operation are to occur within the boundary of the camp parcel, this will continue to be required.

Policy criteria	Staff comments
(e) the impact on traffic circulation, pedestrian safety, and in particular sighting distances and entrances and exits to the site	The original agreement adequately addressed traffic and safety concerns. Staff do not anticipate any significant increase in levels of traffic.
(f) the layout and design of the facility	The proposed amendment would permit only minor changes that are in conformance with the general intent of the existing agreement.
(g) general maintenance of the facility	No changes are proposed to the existing agreement.
(h) where any sewage treatment plant is proposed, the location and level of treatment of the sewage treatment plant, based on a report from the appropriate Provincial or Federal government authority	The Province of Nova Scotia provides regulatory authority on water and waste water treatment. The existing agreement requires that the approval from NS Environment of the campgrounds treatment facilities. No changes are proposed to the existing agreement.
(I) that the appearance of all buildings and structures related to the use shall be compatible with the surrounding area in terms of scale, exterior finish and signage	The existing agreement requires all buildings to be clad in natural sidings or coverings and limits the height and footprint of the main lodge and staff housing building. No changes are proposed to the existing agreement regarding scale, exterior appearance or signage.
(j) an assessment of environmental concerns related to the proposed development and in particular, potential effects on watercourses, based on a report from the appropriate Provincial or Federal government authority	The existing agreement adequately addressed environmental concerns by requiring buffers and setbacks from property boundary lines. The proposed increase in cabins represents a minor change to the existing agreement.
(k) the requirement for any applicable provincial approvals	No changes are proposed to the existing agreement.
(l) hours of operation	No changes are proposed to the existing agreement.

Policy criteria	Staff comments
(m) the provisions of Policy IM-10	<p>Policy IM-10 concerns several issues regarding site suitability and the Municipality's ability to accommodate the proposed increase in the number of cabins and accessory buildings. The Municipality will not be absorbing any additional costs related to this development.</p> <p>The proposed amendment is minor in nature and the major issues regarding the campground have been addressed in the existing agreement. Staff have reviewed the proposed increase in the number of cabins and determined that the proposal is in accordance with the general intent of the Municipal Planning Strategy and all other municipal by-laws and regulations.</p>