Questions regarding the recent process change in File #21-25 from a Rezoning Application from to a Development Agreement Application:

1. Is the YouTube video regarding File #21-25 as a rezoning application still applicable now that the application has changed to a development agreement process?

   Yes – the nature of the proposal is consistent with what was applied for as a rezoning (ie. A campground), so yes, the PIM presentation is still valid and applicable.

   a. In what procedural ways does the application process change exactly?

      Procedurally-speaking the process is identical in terms of the public participation in the process. This process is outlined in our policy PLAN-09-001 which can be reviewed here: https://www.countyofkings.ca/upload/All_Uploads/Council/policies/Planning/PLAN-09-001%20Planning%20Policies.pdf

   b. Will there be robust community engagement in the new Development Agreement process or is the previously recorded Public Meeting announcing the rezoning application all the information anyone will receive?

      Staff are looking into making changes to the website in order to share more information to the public. We will be making available application materials as well as information on the policy that will be used. Until that time, members of the public are welcome to continue to email and I will do my best to provide accurate information in a timely manner.

2. Who made this process change - staff or the applicant?

   Staff and the applicant had a discussion and agreed to convert the application from a rezoning to a development agreement.

3. Which reason (of those listed below) is it that this rezoning application has been changed to a Development Agreement Process? The LUB 8.4.5 states that Development Agreements in the A2 Zone are considered for:
   a. Recreation uses that cannot meet the Commercial Recreation (P1) Zone requirements or
   b. High-Impact Recreation uses which are not permitted in the Commercial Recreation Zone or
   c. Visitor-Oriented Development which is not currently permitted in the zone

   Staff are processing this application as a visitor-oriented development that is not currently permitted in the zone.

4. Are there other reasons beyond those listed above for which this application process change was made? What are those reasons?

   If you are referring to question 3 – these are enabling policies, not necessarily 'reasons'. They are avenues that Council can use to contemplate a development agreement. A development agreement was selected because it enables Staff to fine tune how the use is operated on the property in negotiation with the applicant and in accordance with the policies of the Municipal Planning Strategy. Whereas a rezoning would simply change the potential uses of the property, and apply a set of already-established restrictions, a development agreement enables Staff to develop restrictions specific to the proposal on the subject property including identifying specific areas of development or non-development, total number/type of camp sites, specify the locations of amenities and things like garbage storage. With a rezoning, the use would only be subject to the requirements of sections 11.3.3 and 11.4.1 (below), along with the general regulations contained in section 14 of the by-law. A development agreement enables staff to go beyond the zone requirements if that is warranted to ensure that the proposal is consistent with the policies of the Municipal Planning Strategy.

11.3.3 Zone Requirements

The following requirements shall apply to all development located in the Commercial Recreation (P1)Zone.

	Requirement	Campgrounds, Fixed Roof Overnight Accommodations & Non-profit Camps	All Other Uses
(a)	Minimum Lot Area:	200,000 sq ft.	100,000 sq ft.
(b)	Minimum Lot Frontage:	200 ft.	200 ft.
(c)	Minimum Front/Flankage Setback: (main and accessory buildings)	40 ft.	40 ft.
(d)	Minimum Side Setback: (i) Main Buildings (ii) Accessory Buildings	 40 ft. 40 ft.	 40 ft. 20 ft.
(e)	Minimum Rear Setback: (i) Main Buildings (ii) Accessory Buildings	 40 ft. 40 ft.	 40 ft. 20 ft.
(f)	Maximum Building Height: (i) Main Buildings (ii) Accessory Buildings	 45 ft. 20 ft.	 45 ft. 20 ft.

11.3.4 Additional Requirements

11.3.4.1 Campgrounds

Campgrounds shall be subject to requirements below:

(a) A one unit dwelling shall be permitted as an accessory use for the residence of the owner or operator of the campground.

(b) All developments, including parking areas, camp sites, public gathering areas, loading areas, and outdoor storage shall be set back 40 feet from side and rear lot boundaries.

(c) Recreational cabins shall have a maximum building footprint of 500 square feet.

(d) Campgrounds that existed on the date of adoption of this By-law and that do not meet the above requirements shall be permitted provided any expansions do not further encroach on the side or rear setbacks.

(e) All new or expansions of existing campgrounds shall maintain a natural wooded area at least 40 feet in width along all side and rear lot lines. If the 40 foot wide area is already wooded, it shall be maintained as such. If the 40 foot wide area is cleared, then trees and shrubs that would naturally spread in the area shall be grown.

5. Will community input (letters of support, letters of dissent, petitions, phone call logs, email correspondences, etc.) already made regarding File #21-25 remain with the file and the sentiments expressed extended to the new development agreement application OR will these previous inputs now be null and void with the change from rezoning to a development agreement?

Yes, all of the letters received to date have been reviewed and will be appended to the Staff Report going forward to Planning Advisory Committee.

a. Will they remain in hard copy with the current file?

   They are currently saved to our digital file as pdfs as part of our commitment to reduce our impact on the environment.

b. Do input letters need to be resubmitted with "development agreement" instead of "rezoning" in the wording?

   No.

c. Will the sentiments expressed thus far be considered in the overall picture of community input or does everyone need to start over with this new application process?

   Yes, they are taken into consideration when drafting a development agreement in order to ensure that the policies of the Municipal Planning Strategy are met.

Additional Questions

6. Who is the final decision-maker on a Development Agreement? *LUB 16.2 Decisions of a Development Officer* indicate that a Development Officer grants an Agreement. Is this granting of an Agreement dependent upon approval from Council or is it a staff decision? Ms. Mosher indicated a draft agreement would go to the PAC for approval or refusal recommendation to Council and Council would be the decision-maker. Where the decision is made remains unclear.

   Section 16 of the Land Use By-law pertains to development *permits,* which are separate and different from a development *agreement.* A development permit, which is processed and approved by the Development Officer, simply indicates that a proposed use of a property is permitted under the Land Use By-law or applicable development agreement and that it meets all of the associated requirements. All development within the municipality is required to apply for a development permit. Any use enabled through this development agreement process will also need to apply for development permits once the agreement is approved and registered on title.

   The approval authority for a development agreement is Municipal Council. Staff will make a recommendation to Planning Advisory Committee who will then make a recommendation to Council. Council will ultimately make a decision after hearing from the public during a Public Hearing which is held for all planning applications.
   For more information on how applications are processed, I would invite you to review our policy: PLAN-09-001 which can be found here (the chart on page 9 of the pdf is particularly useful):

https://www.countyofkings.ca/upload/All_Uploads/Council/policies/Planning/PLAN-09-001%20Planning%20Policies.pdf

7. The original File# 21-25 rezoning application only included PID 55014534. Since that time additional properties have been purchased by the developer. Are adjacent PIDs 5500066, 55014559, 55000574 and 55014567 now also included in the Development Agreement Application?

   I believe that PID 5500066 was included in error since this PID is located on the opposite side of Highway 358 and is not otherwise related to the subject property. I suspect that you intended to include PID 55000566 instead. All of these PIDs are located within the interior of the subject property. Due to the inability for these lots to be developed under our current Land Use By-law regulations, Staff have asked the applicant to consolidate these parcels with the larger property, if currently vacant. At this time, the proposal does not include the extension of the proposed campground onto these parcels.

8. What IS the current proposal for a Development Agreement? At the Community Meeting, the developer indicated the Development proposed with the rezoning application filed last year is NOT the same development project that exists today. What is the current proposed development?

   The application continues to be for a campground. The specifics of the campground (such as number of sites/layout/phasing) may have changed slightly, but the proposal continues to be to establish a campground. It is not unusual for the specifics of an application to be modified, especially in the case of development agreements, as Staff process the application as a result of the Staff review, consultation with internal and external departments and agencies, as well as discussions with the applicant.

9. Can a community member request certain tests be conducted before a Development Agreement is even drafted or is this the sole discretion of the Planning Department (or even a Provincial Department)?

   It is the jurisdiction having responsibility over a specific subject matter area that would request any reports or studies that they need to assist in their understanding of the impacts of a proposal and how best to minimize and mitigate negative impacts.

10. Can the public obtain a copy of the Development Agreement application? This has been requested previously by members of the public and this request has been denied. Why is this not publicly available information?

    Staff are looking into changes to the municipal website to be able to make this available to everyone.

11. How are PAC community member applications assessed/appointed? Who does this assessment/appointing? How long are the community member terms?

    The process used to appoint citizen members to Planning Advisory Committee is outlined in policy PLAN-09-003 which can be reviewed here: https://www.countyofkings.ca/upload/All_Uploads/Council/policies/Planning/PLAN-09-003%20Planning%20Advisory%20Committee.pdf

12. Can more than one "aggrieved person" appeal to the NS UARB on a planning decision made by council, given all time restrictions and procedural rules and regulations as listed in the NS Municipal Government Act?

    I'm not sure I understand the highlighted portion of your question, but, yes Council's decision can be appealed by any number of aggrieved persons. The Nova Scotia Utility and Review Board reviews decisions of Council on the basis of whether the proposal is consistent with the Municipality's policies contained within the Municipal Planning Strategy.

    If I have misunderstood, please provide clarification on the highlighted portion of the question and I will be happy to provide more information.