EAST HANTS

STAFF REPORT

Planning and Development Department

Subject:	***Campground Licensing Bylaw Discussion***
To:	CAO for Planning Advisory Committee, February 15, 2022
Date Prepared:	February 9, 2022
Related Motions:	PAC21(68) and C21(343)
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Approved by:	John Woodford, Director of Planning and Development

Summary

As part of the Plan Update, Planning staff presented a background report on campground development to Planning Advisory Committee (PAC) at their November 16, 2021 meeting, which proposed to regulate campgrounds through site plan approval. As a result, PAC recommended and Council passed the following two motions:

C21(342) *Moved that Council authorize staff to draft proposed amendments to the Official Community Plan in regards to permitting campgrounds by site plan approval, as presented to Executive Committee on November 16, 2021 and outlined in the staff report.*

C21(343) *Moved that Council direct Staff to investigate options by way of policies, licensing, etc. which would allow us to address concerns with pre-existing campgrounds.*

This report outlines options to assist in addressing some of the concerns around existing campgrounds that were discussed at the November 16th meeting of PAC.

Financial Impact Statement

There is no immediate financial impact from the recommendations in this report.

Recommendation

That Planning Advisory Committee recommend that Council authorize staff to conduct an educational campaign with campground owners on East Hants Bylaws that regulate noise, air quality, light control, and solid waste.

Alternative Recommendation

That Planning Advisory Committee recommend that Council authorize staff to proceed with consultation with campground owners and the general public on the development of a proposed Campground Licensing Bylaw.

Recommended Motion

Planning Advisory Committee recommends that Council:

- ***authorize staff to conduct an educational campaign with campground owners on East Hants Bylaws that regulate noise, air quality, light control, and solid waste.***

Background

At their November 2021 meeting, Council passed Motion C21(343) directing Staff to investigate options by way of policies, licensing, etc. which would allow Council to address concerns with pre-existing campgrounds.

Planning staff have reviewed the Municipal Government Act (MGA) and have contacted the Municipal Solicitor and have determined that such a bylaw can be created. However, the new bylaw cannot deal with matters that should be regulated under the Municipal Land Use Bylaw, such as setbacks from property lines, lot area, lot frontage, etc. A new Bylaw can only address issues such as noise, smoke drift, waste, and so on.

At their November meeting, Council also passed motion C21(342), which authorized staff to include provisions in the Land Use Bylaw to regulate new campgrounds by site plan approval as part of the Plan Update. Amendments to the Land Use Bylaw cannot be implemented retroactively; whereas, requirements of a Campground License Bylaw would be applicable to all campgrounds located in the Municipality.

Discussion

As an initial step in the consideration of a new bylaw regarding the licensing of campgrounds, staff have identified all of the campgrounds known to be in operation in East Hants. There are 14 campgrounds operating in East Hants and two potential future campgrounds in development that are not shown on the map. A map of the 14 campgrounds in operation is attached as Appendix A to this staff report.

Previous to 2019, Campgrounds were licensed by the Province under the Tourist Accommodations Act. That Act was repealed in 2019 and replaced with the Tourist Accommodation Registration Act, which only applies to “roofed accommodations” like cabins and cottages. Therefore, Tourism Nova Scotia does not have regulations pertaining to campgrounds. Many of the land use issues pertaining to campgrounds can only be addressed through the Land Use Bylaw, which will be updated as per the direction of Council. However, the new regulations will not be applicable to non-conforming uses unless that use changes or is expanded. The Municipal Solicitor has indicated that many of the items that Council requested staff consider could be addressed by existing Bylaws; for example, the Community Standards and Solid Waste Bylaws.

If Council wants to license campgrounds, then the Municipal Solicitor has indicated that Council has the ability to create a Campground Licensing Bylaw. Prior to developing a new bylaw, Planning staff recommend consulting with current campground owners for their input. In addition, Council may also want to request comments from the general public to help fully understand the challenges with living near a campground.

A Campground Licensing Bylaw would require additional staff time to register all campgrounds and to ensure that the campgrounds were in compliance with the requirements of licensing. It would also take additional time to help get campgrounds that were not in compliance with the Bylaw into compliance or to chase down, or shutdown, campgrounds that do not apply for the license.

Planning staff have reviewed similar types of bylaws from jurisdictions outside of Nova Scotia and have noted some of the more common items that are regulated by the bylaws.

- Time frames for the operation of the campground season.
- Site plan and utility layout.
- Application fee.
- Requirements for washroom, laundry, garbage disposal facilities and recreational areas.
- Requirement for a stormwater management plan.
- Ability to suspend or revoke a campground license.

- Yearly renewal of license.

Below is a list of some of the items that were required to be submitted to the province as part of the now repealed Tourist Accommodations Act.

- A plan showing water and sewage utilities, camp sites, roads, etc.
- Approval for water, sewage, and waste disposal.
- Written approval from the Municipality.
- Minimum size of a campsite.
- Requirements for washrooms and showers if provided.
- Requirements for management of the campground.
- And other items.

Alternative

As an alternative to developing a Campground Licensing Bylaw, Council may instead consider using the existing Municipal bylaws to enforce items such as noise, air quality (smoke), light control, and solid waste. In addition, if staff feel there are issues with septic or gray water disposal, Nova Scotia Environment and Climate Change may be contacted for further investigation. Along with using existing Bylaws and Provincial regulations, Planning staff also recommend conducting a campaign to educate existing campground owners on current East Hants regulations that would be relevant to their operation. The intention would be to have the educational campaign completed before the spring camping season begins in May.

Conclusion

East Hants Council may create a Campground Licencing Bylaw; however, the new Bylaw cannot control items that are regulated by the Land Use Bylaw. Instead, the Bylaw can contain information on application fees, stormwater management, provincial approvals, washrooms, laundry, noise and smoke. As an alternative to moving forward with the development of a Campground Licencing Bylaw, staff recommend proceeding with an educational campaign for current campground owners. The campaign would identify how existing bylaws may be used to control items such as noise, air quality (smoke), light control, and solid waste.

Recommendation

That Planning Advisory Committee recommend that Council authorize staff to conduct an educational campaign with campground owners on East Hants Bylaws that regulate noise, air quality, light control, and solid waste.

Appendix A – Campgrounds Located within East Hants