



Subject: *Second Access Options Report*
To: CAO for Planning Advisory Committee, July 16, 2024
Date Prepared: July 10, 2024
Related Motions: C23(210), C23(237), PAC24(5) and C24(15)
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Summary

In January of 2024, a staff report identifying single accesses with over 50 dwelling units located on the access was presented to Planning Advisory Committee. As a result of that report, Council passed the following motion:

Authorize staff to take the Secondary Access Report dated December 20, 2023, to EMO Planning Committee for prioritization of communities for the Fire Smart Assessment; and that Council authorize staff to review planning and subdivision regulations to aid in the implementation of Fire Smart principles.

The report was presented to the March meeting of the EMO Committee. The list of communities has been submitted to the Nova Scotia Department of Natural Resources for consideration.

In addition, during the June 2023 meeting of Council, Motion C23(210) was passed which directed staff to *discontinue allowing developments to exceed the 100 unit minimum before requiring a second entrance/exit when negotiating development agreements prior to coming to Council.*

This current report will provide options to Council on the number of lots and/or dwelling units that may be permitted on a single access.

Financial Impact Statement

There are no immediate financial impacts with the adoption of this report.

Recommendation

Authorize staff to create lot access regulations based on the length of road, number of lots, and number of dwelling units.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *Authorize staff to create lot access regulations based on the length of road, number of lots, and number of dwelling units.*

Background

East Hants Council has expressed concerns regarding the number of lots and/or dwelling units that access a single access road during an emergency event since the wildfires in the spring of 2023. As a result, Council has passed the following motions:

- Motion C23(210) *Direct staff to discontinue allowing developments to exceed the 100 unit minimum before requiring a second entrance/exit when negotiating development agreements prior to coming to Council.*
- Motion C23(237) *Direct staff to create a report highlighting the single way in and single way-out subdivisions in the Municipality (over 50 homes, or what is deemed appropriate) to send to EMO and explore lands available to provide the possibility of second exits within those subdivision.*
- Motion C24(15) *Authorize staff to take the Secondary Access Report dated December 20, 2023, to EMO Planning Committee for prioritization of communities for the Fire Smart Assessment; and that Council authorize staff to review planning and subdivision regulations to aid in the implementation of Fire Smart principles.*

An initial second access report was presented to Planning Advisory Committee in January 2024, which identified areas where over 50 dwelling units are serviced by a single access road. As a result of that report Motion C24(15) was passed and the staff report was presented to the March 2024 meeting of the EMO Committee for prioritization of communities for the Fire Smart Assessment. After the EMO Committee meeting the list of communities was forwarded to the Nova Scotia Department of Natural Resources.

Planning staff had hoped that at least one of the Fire Smart Assessments would be complete before considering amendments to the East Hants Official Community Plan based on Fire Smart Principles. Therefore, staff will only be addressing emergency access and lot provisions as part of this report. A future report will discuss other fire smart principles once staff have had an opportunity to discuss these principles with Natural Resources as they apply to development in East Hants.

Discussion

Prior to changes to the East Hants Official Community Plan regarding when a second access is required, a variety of land use issues need to be considered.

CURRENT METHOD OF DETERMINING LOCATION OF A SECOND ACCESS

During a recent PAC meeting, staff were asked how a second access location was determined to be appropriate or not. Section 10.16 of the SUB states:

10.16 No more than 100 lots and a remainder shall be serviced by a single road access to a collector or arterial street.

Notwithstanding 10.16, the Municipality may permit more than 100 lots with a single road street to a collector or arterial street if the development is subject to a development agreement, master plan, Comprehensive Development District, or phased Subdivision application which requires that a second road access to a collector or arterial street will be built in a future phase of development, in a manner and timeframe acceptable to the Municipality.

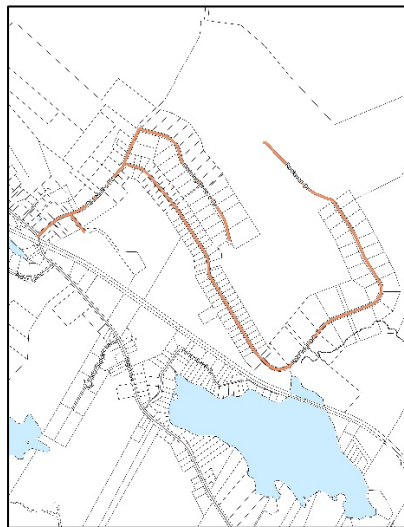
Other than the distance required between intersections as outlined in the Municipal standards, which can range from 75 m to 300 m depending on road ownership and type of road, the SUB does not identify where a second access road shall be located. Therefore, the location of the second access road is not reviewed as part of the subdivision plan review. If a different interpretation of the regulations is required, then staff recommend that direction be given to amend the SUB or Municipal standards.

EXISTING SINGLE ACCESS DEVELOPMENTS

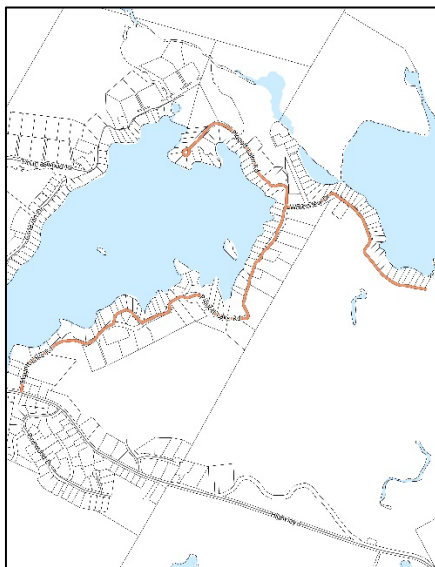
As part of the staff report dated January 2024, staff identified accesses with more than 50 dwelling units. In addition, several locations were identified where there were over 100 lots with a single access to a collector or arterial street. Most of the areas in question are accessed by streets that are provincially owned. The areas shown on the maps below do not meet the requirements of Section 10.16 of the SUB and in accordance with our regulations cannot be further developed. If Council would like to have development continue in some of these areas without the requirement for a second access then it is recommended that the Subdivision Bylaw is amended.



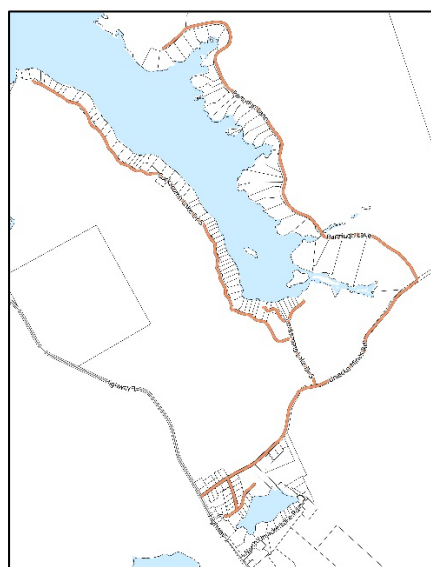
Renfrew Road and adjoining streets = 267



Uniacke Mines Road and adjoining streets = 138 lots



Old Mines Road and adjoining streets = 169 lots



Piggot Lake Road and adjoining streets = 143 lots

CONSIDERATIONS

The length of a street that 100 lots are located on varies depending on how the land is zoned. For example, in the Country Residential (CR) Zone, every lot is required to have a minimum of 30 m of lot frontage, requiring the road to be at a minimum 1.5 km for a double-loaded street. For the serviced Established Residential Neighbourhood (R1) Zone, every lot is required to have a minimum of 16 m of lot frontage, requiring the road to be at a minimum 800 m for a double loaded street. A zone with smaller frontages in the serviced area would have shorter road requirements than roads in unserviced areas.

A road can also be made longer if a developer only subdivides and sells lots on one side of a road. For example, Cockscomb Lake Drive has the majority of lots located on the lake side of the road, which limits future development. Due to the road being single loaded the length of the road is much longer than a double loaded road, requiring more time spent driving along the road in case of emergency.

Another issue to consider is access to water for fire services. In the serviced areas, the Municipal Standards require that the maximum spacing for fire hydrants not exceed 180 m in single family and semi-detached residential areas and 90 m in multi-unit residential, mixed use, commercial, institutional and industrial areas. The majority of East Hants does not have access to Municipal services; therefore, in these locations access to water is dependent on tanker trucks, dry hydrants and/or access to other water supplies (lake, watercourse, etc). Having access to a fast and reliable water supply allows fire fighters to safely control and extinguish a fire.

In the serviced area of East Hants, there is also a potential for a relatively short road to have higher-density development that could easily exceed 100 dwelling units. For example, the minimum road length identified for takeover by East Hants in the Municipal standards is 150 m. On this relatively short stretch of road, there could be 15 Multiple Unit Residential (R3) Zoned lots created allowing for a potential of 15 large multiplexes, at a maximum of 24 dwelling units for each multiplex, for a total of 360 dwelling units. For visualization purposes, Trevor's Lane in Lantz is nearly 150 m in length. The Municipal standards also stipulate intersection spacing, which can range from 75 m to 300 m depending on road ownership and type of road. Therefore, in this scenario, it would be challenging to have a second access with such a short road and with the required intersection spacing.

Based on land use regulations and Municipal standards, requiring new roads solely based on the number of dwelling units permitted on a road is challenging in a serviced area. With access to fire hydrants and the potential density in serviced areas, staff feel the 100 lot rule is adequate for single and two-unit developments. A more nuanced method of regulating development served by one access could include the length of road, type of land use, forest fire vulnerability, and availability of Municipal services.

ACCESSORY DWELLING UNITS

Planning staff do not recommend including accessory dwelling units to the number count in any future changes Council may consider to the number of dwelling units located on a single access. Accessory dwelling units are permitted with nearly every existing single unit dwelling. However, there is only a limited number of property owners who decide to construct an accessory dwelling unit every year, which makes it extremely difficult to predict how many dwelling units may be constructed on a single access road. Therefore, staff recommend not including accessory dwelling units in any future amendments Council may consider.

JURISDICTIONAL SCAN

East Hants is one of the few municipalities in Nova Scotia that limit the number of lots created on a single access. Some of these municipalities have limits on the length of a new street but some developers get around the street length requirement by showing a phased subdivision but not building all of the roads shown on the Subdivision Plan. East Hants also requires a road reserve at a maximum of every 475 m where there are Municipal services and every 800 m where there are no Municipal services.

Community	Regulations
West Hants	No limits on the number of lots on a single access - For large-scale developments, the municipality would rely on the results of a traffic study.
Colchester	No limits on the number of lots located on a single access.
District of Lunenburg	No limits on the number of lots located on a single access.
Halifax	<p>The Halifax Municipal Design Guidelines stipulate that where a second access is impractical up to 100 lots containing a maximum of 100 dwelling units may be approved with a single access.</p> <p>Further to the 100 lots, in Halifax where there is an approved phasing plan and subdivision agreement in place confirming that a second street access will be provided within a specified time approved by the Municipal Engineer, up to 300 lots containing a maximum of 300 dwelling units may be approved prior to the second access being provided.</p>

After speaking with HRM development staff, it does not appear that the number of dwelling units permitted on a single access is always adhered to. For example, accessory dwelling units are not controlled for in the calculations for a new development.

STRATEGIC ALIGNMENT

Amendments to the East Hants Official Community Plan aligns with Council Strategic goal to build strong communities by “Ensure[ing] the East Hants official community plan is effective in managing changes in the community, reducing land use conflict and protecting both natural resources and community character.”

LEGISLATIVE AUTHORITY

The Municipality has Legislative Authority to create land use policies and regulations under Part 8 of the Municipal Government Act.

FINANCIAL CONSIDERATIONS

There are no immediate financial impacts from the adoption of this report.

Options

Below is a list of options for the consideration of Planning Advisory Committee:

1. Maintain the current regulations.
2. Create new regulations based on the length of road, number of lots, and number of dwelling units. Consultation, further research, and mapping is required prior to creating a comprehensive table of scenarios.
3. Amend the Subdivision Bylaw to permit more than 100 lots to be created on a single access.

Staff are recommending Option 2 to create regulations that would take into consideration the community, infrastructure, forest cover, and other issues.

Attachments

There are no attachments associated with this report.