



Subject: *Motion C23(346): Stormwater Management Un-serviced Areas*
To: CAO for Planning Advisory Committee, March 19, 2024
Date Prepared: March 7, 2024
Related Motions: C23(346)
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Approved by: John Woodford, Director of Planning and Development

Summary

At their October 2023 meeting, Council passed the following motion regarding stormwater management in un-serviced areas of East Hants.

Motion C23(346) Direct staff to bring forward a report regarding storm water management options in the unserviceable area of the Municipality.

Staff have reviewed Council's request and have provided background information and options for Planning Advisory Committee to consider regarding stormwater management in un-serviced areas of East Hants.

Financial Impact Statement

There is no fiscal impact to the Municipality for the adoption of this report.

Recommendation

Authorize staff to start the process of amending the Subdivision Bylaw to require stormwater management plans for tentative plans of subdivision in all areas of the Municipality and all road types; and authorize staff to hold a public information meeting.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *authorize staff to proceed with amending the Subdivision Bylaw to require stormwater management plans for tentative plans of subdivision for all areas of the Municipality and all road types; and*
- *authorize staff to hold a public information meeting.*

Background

During their October 2023 Council meeting, Council passed a motion directing staff to write a report regarding stormwater management in un-serviced areas of East Hants and provide options for Council's consideration.

A Stormwater System is defined in the Subdivision Bylaw as "any drainage system, whether above or below ground, constructed to collect, control, and transport stormwater from the area of land being subdivided to a point of discharge." Currently, there are a few different land use scenarios that trigger the requirement for a Developer to complete a stormwater management plan.

Subdivision Bylaw

Part 12: Stormwater Management, requires stormwater management plans to be completed for tentative plans of Subdivision in the Growth Management Areas and Growth Reserve Areas, where more than three (3) lots or two (2) lots and a remainder are being created. A tentative plan of subdivision is required where a new road is proposed. Part 12 of the SUB outlines in detail when and what kind of stormwater management system is required.

Part 12.2 of the SUB requires all land that is subdivided and drains into the Nine Mile River to have a stormwater management plan, no matter if a tentative plan of subdivision is required or not. Policy EN36 of the Municipal Planning Strategy further states that the stormwater management plan shall demonstrate that the development will not increase runoff peak flows.

EN36 It shall be the policy of Council to require that any subdivision applications alongside the Nine Mile River be required to include a Stormwater Management Plan which demonstrates that the development will not increase runoff peak flows.

Site Plan Approval

Depending on the zone and the use of the land, stormwater management plans may be required under some site plan approval criteria identified in the Land Use Bylaw. Stormwater management plans in these situations are required to control stormwater at a particular development site and may not take into consideration the greater community. The stormwater management plan would have to be prepared and accepted before the Development Officer approves site plan approval. Not all site plan approvals require a stormwater management plan.

Development Agreement

In some instances, a stormwater management plan or preliminary stormwater management plan may be required during negotiations for a development agreement. For instance, during the development of the Walkable Comprehensive Development District (WCDD) lands, a preliminary stormwater management plan is required from the Developer for the review of I&O staff. However, detailed stormwater management plans are not required until submission of the tentative subdivision plan. It is at this stage that detailed design and surveying can take place.

Other development agreements, for individual development sites, may require detailed stormwater management plans as part of the terms of the development agreement. Therefore, a detailed stormwater management plan would have to be prepared and accepted before the Development officer issues a development permit for the proposed use of the land. A development agreement for land located outside of a GMA or GRA may contain a requirement for a stormwater management plan to be completed.

Municipal Standards

In the above situations, all required stormwater management plans have to be prepared in accordance with the Municipal standards. The Municipal standards require that stormwater management systems are designed by a professional Engineer and major stormwater systems have to be designed to carry the runoff from a 1:100 year storm. Data for a 1:100 year storm event can be updated through updates to the Municipal standards.

Bylaw P1200- Lot Grading and Drainage Bylaw

The purpose of the Lot Grading and Drainage Bylaw is to manage the drainage of water on individual lots, so as not to have a negative impact on the subject property or adjoining lands. The Bylaw was adopted in 2006 and is only applicable to lands located in the GMAs. Staff are not recommending that the Lot Grading and Drainage Bylaw be extended to areas outside of the GMAs at his time. Lots located where there are no Municipal services tend to require a large area of land due to septic system requirements; thereby, reducing the potential impact to neighbouring lands.

Discussion

Staff have outlined when, under the current land use regulations, a stormwater management plan is required. Under the current regulations, any developer constructing a new road outside of a GMA or GRA is not required to submit a stormwater management plan, unless the property being subdivided drains into the Nine Mile River. Nova Scotia Public Works and/or Nova Scotia Environment and Climate Change may require the submission of a plan under their regulations. East Hants cannot request and review stormwater management plans for consistency with Municipal standards for new roads outside of a GMA or GRA, whether the roads are in public or private ownership.

In areas, where no stormwater management plans are required for new road construction, it may be difficult for residents who feel that they are experiencing stormwater-related issues on their properties to prove their concerns. Since there are no stormwater management plans required, the Municipality also has little recourse if an issue arises. Not requiring a stormwater management plan also means that a Developer may not take into consideration how the construction of a new road may impact adjacent lands.

If Council decides to require stormwater management plans for new developments outside of the GMA and GRA, it will be an extra expense for the Developer. However, staff feel the protection of neighbouring property owners outweighs the cost to the Developer.

HALIFAX STORMWATER REGULATIONS

Halifax Regional Municipality uses different language from East Hants in its Subdivision Bylaw to regulate stormwater management; however, a drainage plan and stormwater management system are required for all subdivisions where new streets are created. This includes both public and private streets located anywhere in the Municipality. Below is the text from the Halifax SUB requiring the stormwater plan.

Drainage Plan

- 103** Where a proposed subdivision is to be serviced with primary or secondary services or by a private road, the subdivider shall provide 8 copies of the complete drainage plan, prepared by a Professional Engineer in accordance with the **Engineering Regulations**, showing the following: **(RC-Jun 21/16;E-Jul 30/16)**
- (a) the location of the proposed subdivision within the drainage area;
 - (b) the location and direction of flow of every watercourse;
 - (c) the receiving water of the proposed **stormwater** system; **(RC-Jun 21/16;E-Jul 30/16)**
 - (d) the approximate total area of:
 - (i) the proposed subdivision; and
 - (ii) the land tributary to the proposed subdivision and the appropriate run-off coefficients;
 - (e) contour lines at 2 m intervals or as otherwise required by the Engineer in order to determine site drainage patterns; and
 - (f) any other information required by the Development Officer to determine if the tentative subdivision plan conforms to this by-law.

PROPOSED AMENDMENTS

In order to extend the requirement for stormwater management plans to be undertaken in all areas of East Hants, staff recommend amending the Subdivision Bylaw to include a provision that all new roads in the Municipality, whether public or private will require a stormwater management plan to be submitted with the engineering documents for a tentative plan of subdivision. Staff will draft proposed amendments if Council decides to proceed with these changes.

CITIZEN ENGAGEMENT

Planning staff will comply with the citizen engagement policies of the MPS when processing the proposed amendments. As part of the Subdivision amendment process a public information meeting is required. In addition to the standard newspaper notices, staff will also advertise the meeting on the Municipal website and on social media.

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 is no fiscal impact to the Municipality for the adoption of this report.

Alternatives

There are two alternatives for Council to consider:

1. Make no changes to the Subdivision Bylaw in regards to requiring stormwater management plans.
2. Require stormwater management plans for all tentative plans of subdivision for lands located in the Country Residential (CR) Zone, the Lakeshore Residential (LR) Zone, the Established Residential Neighbourhood (R1) Zone, and Two Unit Dwelling Residential (R2) Zone.

Attachments

There are no attachments to this report.