

Lot Grading and Drainage: Unserviced Areas

Planning Advisory Committee

May 21, 2024

Planning & Development Department



EAST HANTS

Background

- At their March 2024 Council meeting, Council passed a motion authorizing staff to write a report regarding extending Bylaw P-1200, Lot Grading and Drainage to property in the un-serviced areas of East Hants and to provide options for Council's consideration.
- 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, except Mount Uniacke.
- When the Bylaw was adopted, Council wanted staff to depend on the design professional Engineers so that there would be minimum staff time involved.
- If the philosophy is going to change, Council would have to give staff the direction to change our approach to administering the Bylaw.
- The Lot Grading and Drainage Bylaw does not apply to lands with on-site services.

Municipal Standards

- Where a lot grading and drainage plan is required in East Hants, the plans must conform with the Municipal standards.
- Section 6.0 Lot Grading, of the Municipal standards states that the objective of lot grading is to provide for the safe and effective drainage of stormwater while minimizing damage to buildings and property and mitigating effects on adjacent properties and Municipal service systems.

Halifax

- Halifax has Bylaw L-400, Respecting Lot Grading. The Bylaw applies to the development of all residential lots located within an area where a sanitary sewage system is provided.
- Halifax, has another grading bylaw, Bylaw G-200, A Bylaw Respecting Grade Alteration, that applies to commercial and industrial lots.
- In 2016, Halifax Council adopted a version of the Lot Grading Bylaw that included residential properties in unserviced areas of the Municipality.
- However, the Bylaw was extremely unpopular and Halifax Council decided to exclude those areas outside the serviceable boundary from the bylaw.
- The reason for the change was that Bylaw L-400 was creating negative repercussions and financial hardship for small developments in the rural regions of Halifax.
- Halifax may revisit Bylaw L-400, Respecting Lot Grading for unserviced areas again because of difficulties with developers clear-cutting lots in as-of-right developments, which results in drainage and grading issues for surrounding property owners.

Discussion

- During their March 2024 Planning Advisory Committee meeting, the Committee expressed interest in extending the Bylaw to other areas of the Municipality.
- Staff do not feel that the Bylaw needs to extend to all properties.
- There are many large lots, especially agricultural properties, where the construction of new buildings would not impact neighbouring property owners.
- Another issue to consider is staff resources required to administer the Bylaw.
- In Halifax, a lot grading plan is required as part of the building permit process the same as it is in East Hants.
- The difference is that in Halifax the Lot Grading Bylaw is managed by the Development Engineers.
- In East Hants, it is currently the Development Officer and Building Officials who ensure a property owner complies with Bylaw P-1200 .

Discussion Continued

- East Hants does not approve lot grading and drainage plans and does not take on the responsibility for the proper grading design.
- Therefore, when issues occur between property owners it is still considered a civil issue, and the costs are borne by the property owners.
- In Halifax the process is very similar, the Municipal Engineers accept the grading plans and may only review the plans if there are known issues in the area.
- Also, during the construction phase, if there are issues between neighbouring property owners, Engineers in Halifax will manage and mitigate issues and may issue a stop work order.
- After construction, if issues arise it becomes a civil issue between property owners. Professional Engineers have insurance to cover liability.

Costs of Lot Grading and Drainage Plans

- The cost of a lot grading and drainage plan for a small lot in a Growth Management Area is approximately \$3,500.
- If the Bylaw is extended to lots outside of the serviced areas it is expected that the cost for completing a lot grading and drainage plan would increase.
- Lots in the unserviced area are much larger than lots in the corridor.
- Larger lots require more work which increases the costs of the plan.
- In some cases, costs may increase to up to \$6,000 depending on the work that has to be completed.

Citizen Engagement

- A public information meeting is not required for amendments to Municipal Bylaws that fall under Part VII of the Municipal Government Act.
- However, if Council decides to move forward with amending Bylaw P-1200, Lot Grading and Drainage, staff can also discuss the proposed changes with the public members who attend the public information meeting for the proposed stormwater management changes to the Subdivision Bylaw.

Alternatives

There are three alternatives for Council to consider:

1. Make no changes to Bylaw P-1200, Lot Grading and Drainage.
2. Proceed with amending Bylaw P-1200, Lot Grading and Drainage to require the submission of a lot grading and drainage plan for all lots up to a maximum of 1 hectare (2.5 acres) where no Municipal services are provided.
3. Proceed with amending Bylaw P-1200, Lot Grading and Drainage to require the submission of a lot grading and drainage plan for all lots up to a maximum of 1 hectare (2.5 acres) where no Municipal services are provided and on larger lots where the proposed structure is to be located within 30 m of a side or rear property line.

Recommendation

- That PAC selects one of the alternatives discussed and if alternative 2 or 3 is selected authorize staff to consult with the public about amending the Lot Grading and Drainage Bylaw.

Alternatives

1. ***Planning Advisory Committee recommends that Council:***
 - ***make no changes to Bylaw P-1200, Lot Grading and Drainage.***
2. ***Planning Advisory Committee recommends that Council:***
 - ***proceed with amending Bylaw P-1200, Lot Grading and Drainage to require the submission of a lot grading and drainage plan for all lots up to a maximum of 1 hectare (2.5 acres) where no Municipal services are provided; and***
 - ***authorize staff to consult with the public on the proposed change.***
3. ***Planning Advisory Committee recommends that Council:***
 - ***Proceed with amending Bylaw P-1200, Lot Grading and Drainage to require the submission of a lot grading and drainage plan for all lots up to a maximum of 1 hectare (2.5 acres) where no Municipal services are provided and on larger lots where the proposed structure is to be located within 30 m of a side or rear property line; and***
 - ***authorize staff to consult with the public on the proposed change.***