



**HALIFAX REGIONAL COUNCIL
COMMITTEE OF THE WHOLE MINUTES
October 6, 2015**

PRESENT: Mayor Mike Savage
Deputy Mayor Lorelei Nicoll
Councillors: Barry Dalrymple
David Hendsbee
Bill Karsten
Gloria McCluskey
Waye Mason
Jennifer Watts
Linda Mosher
Russell Walker
Stephen Adams
Reg Rankin
Matt Whitman
Brad Johns
Steve Craig
Tim Outhit

REGRETS: Councillor Darren Fisher

STAFF: Mr. Richard Butts, Chief Administrative Officer
Mr. John Traves, Municipal Solicitor
Ms. Sherryl Murphy, Deputy, Municipal Clerk
Mr. Liam MacSween, Legislative Assistant

The following does not represent a verbatim record of the proceedings of this meeting.

*A video recording of this meeting is available:
http://archive.isiglobal.ca/vod/halifax/archive_2015-10-06_live.mp4.html*

*The agenda, supporting documents, and information items circulated to Council are available online:
<http://www.halifax.ca/council/agendasc/151006cow-agenda.php>*

The meeting was called to order at 10:01 a.m., and adjourned at 11:24 a.m.

1. CALL TO ORDER

Mayor Savage called the meeting to order in Council Chambers, 3rd Floor City Hall, 1841 Argyle Street, Halifax.

2. APPROVAL OF THE MINUTES – NONE

3. Proposed By-Law L-400, A By-law respecting Lot Grading – Lot Grading and Stormwater Management By-laws

The following documentation was before Committee of the Whole

- A staff report dated July 5, 2015
- An extract of Draft Minutes - Regional Council September 8, 2015
- A staff presentation dated October 6, 2015

Mr. Peter Duncan, Manager Operations Support, Planning and Development gave a presentation regarding Proposed By-Law L-400.

Mayor Savage thanked Mr. Duncan for his presentation and requested questions of clarification from Committee of the Whole.

MOVED by Councillor Deputy Mayor Nicoll, seconded by Councillor Whitman

THAT Committee of the Whole recommend that Halifax Regional Council:

- 1. Move first reading and schedule a public hearing to consider the adoption of the proposed By-law L-400-A By-law Respecting Lot Grading, as contained in Attachment A of the staff report dated July 5, 2015, to repeal and replace By-law L-300 – A By-law Respecting Lot Grading and Drainage with the following amendment:**

That clause 4(b) is amended by replacing the word “and” at the end of the clause with the word “or” so it reads: “new building construction where lot grading is regulated by a Development Agreement; or”

- 2. Direct staff to begin consultations with the Development Liaison Group concerning the content of a Stormwater By-law as outlined in the staff report dated July 5, 2015**

Councillor Rankin thanked Mr. Duncan for his presentation and expressed his opinion that proposed By-Law L-400-A is not required for all areas of the municipality. He advised that extending the proposed By-Law to rural areas of the municipality outside the serviceable boundary would not be cost effective.

Councillor Dalrymple disagreed with Councillor Rankin’s assessment and advised that the municipality should not offer differing levels of service for different areas of the municipality. He provided commentary regarding lot grading and drainage issues in rural areas of the municipality which should be addressed by staff to prevent future flooding issues.

Councillor Craig agreed with Councillor Dalrymple’s assessment and noted that the proposed Lot Grading By-Law should be extended to areas of the municipality outside of the serviceable boundary, as there are many instances of flooding issues in suburban and rural areas. He requested further information with respect to permitting fees, deposits and if the objectives listed on page 12 of the staff presentation are used to determine the acceptance or rejection of a lot grading plan.

Mr. Duncan noted that staff is aware that there are flooding issues in areas outside of the serviceable boundary and is not suggesting that nothing should be done in that regard. He advised that staff has difficulty quantifying the causes of flooding in areas outside of the serviceable boundary and cannot fully

satisfy that the Lot-Grading By-Law will lead to the solution of those types of drainage problems. He advised of staff's intention to undertake an outreach program in conjunction with the Nova Scotia Homebuilders Industry to gather information when staff brings forward the Stormwater By-Law for the consideration of Regional Council.

With respect to permitting and deposit fees Mr. Duncan stated that the current \$1,000.00 deposit required from builders for lot grading is a large administrative burden for staff and usually gets absorbed in the sale price of the home. He commented that this can cause confusion on the part of staff as to who the deposit is returned to after the development is completed. He advised that, going forward, staff is confident that the collection of the deposits will no longer be required given the enhanced remedy and lean provisions contained within the proposed By-law. He further commented that most municipalities who have adopted similar provisions do not require a deposit.

Mr. Duncan stated that the specifications noted by Councillor Craig and contained in the staff presentation for granting a permit relate to an attractive living environment. He commented that staff is aware that in some situations concessions will be required and indicated that if all specifications are not fully met it does not necessarily mean that a permit will not be issued.

Councillor Watts expressed her opinion that Council should not consider moving forward on the proposed By-Law until more information on its impact on the areas outside of the municipal service boundary is brought forward. She requested commentary from staff with respect to provisions in the By-law regarding the depth of soil utilized for lot grading.

Mr. Duncan commented that staff's recommendation not to include provisions respecting soil depth in the proposed by-law is based on the amount of work that would be required to verify and monitor the levels. He advised that the Nova Scotia Homebuilders Industry has been consulted in this regard and staff is satisfied that the appropriate three to four inches of top soil are being utilized with respect to lot grading. He further noted that Halifax Water is currently reviewing lot soil depth as part of its ongoing work related to stormwater management. He advised that staff is interested in working with Halifax Water to determine if changes are warranted in this regard. He further advised that this information will be brought forward as part of a proposed Stormwater By-Law which is forthcoming.

In response to a question from Deputy Mayor Nicoll, Mr. Duncan advised that the proposed By-law respecting Lot Grading, if approved, would come in to effect when a building permit is issued.

Councillor McCluskey inquired as to who would monitor the proposed By-Law and whether or not development agreements will contain provisions for lot grading. Mr. Duncan stated that Development Approvals staff would monitor compliance with the By-law. He further noted that staff is moving away from the practice of including lot grading provisions within development agreements which is the basis for the proposed By-law.

Councillor Karsten expressed his opinion that the proposed By-law will be beneficial to all areas of the municipality. He commented that the By-law will not address existing drainage issues and will not be retroactive. He provided commentary with respect to private property drainage policies and noted that drainage issues between private property owners will still remain a civil issue between private property owners if the proposed By-law is approved.

Councillor Outhit encouraged staff to continue to explore soil depths when evaluating lot grading to ensure that the depths are being maintained properly when new development takes place. He commented that the By-law will not necessarily solve all the issues related to drainage and commented that it will likely be difficult to enforce. He requested commentary from staff in this regard.

Mr. Duncan commented that no matter how strong a by-law is perceived to be, there is always a risk that it can and will be violated by some individuals. With respect to topsoil depths he advised that staff will be reviewing this in conjunction with Halifax Water as part of its overall storm water management plan.

Councillor Rankin reiterated an earlier point that the proposed By-law does not need to be extended to entire municipality. He expressed concern that the fee structure for the proposed By-law is still unknown which may have significant financial considerations for perspective homeowners. He further commented that Council should receive more information on the financial impacts of extending the By-law to the entire municipality before making a decision on it.

Councillor Craig commented that the impact of flood damage on a resident within the serviceable boundary as opposed to that of a resident outside the serviceable boundary is equally devastating to the property owner. He noted his opinion that a by-law be put in place to protect all developments in all parts of the municipality.

Councillor Dalrymple proposed the following amendment:

MOVED by Councillor Dalrymple, seconded by Councillor Whitman

That Halifax Regional Council direct staff to prepare a supplementary staff report and draft amendments to Proposed By-Law L-400, A By-law respecting Lot Grading in keeping with the specific direction given by Halifax Regional Council to include the entire municipality.

Councillor Dalrymple agreed with Councillor Craig's assessment and noted that areas outside of the serviceable boundary should be included in the proposed by-law. He advised that staff should consult with stakeholders in the rural and suburban areas of the municipality to assist in developing standards for areas outside of the serviceable boundary.

Deputy Mayor Nicoll inquired as to what impact the proposed amendments to include the entire municipality in the proposed by-law will have on its implementation time line.

Mr. Duncan commented that staff will need to determine a different set of standards within the proposed by-law for areas of the municipality which fall outside of the serviceable boundary. He commented that he could not commit to a time-line until he had a chance to review Council's direction.

Councillor Rankin expressed concern that public consultation should not take place without further information on the implications of extending the proposed by-law to the entire municipality. He suggested that the staff report should provide a detailed assessment of the financial implications as well as more information respecting the population of residents who would be affected by the proposed by-law outside the serviceable boundary.

Councillor Watts expressed her opinion that a timeline for the supplementary staff report can be clearly established by Council and that public consultation in this regard can take place during the scheduled public hearing on the matter.

Councillor Hendsbee joined the meeting at 11:05 a.m.

Councillor Dalrymple advised that additional public consultation beyond the normal process for a By-law is not required. He commented that he does not believe the requested information should take a great deal of time to complete.

In response to a question from Councillor Watts, Mr. Duncan advised it would take approximately two full months of his time to draft the supplementary report, with further reviews required.

Mr. John Traves, Municipal Solicitor, commented that a review of the Sub-Division By-law would also have to take place prior to the requested report returning to Council.

In response to a follow up question from Deputy Mayor Nicoll, Mr. Duncan advised that drafting the amendments to the proposed Lot Grading By-law while carrying out the consultations on the proposed Stormwater By-law would significantly delay the timeline associated with bringing the requested supplementary staff report forward for the consideration of Regional Council.

Mr. Traves advised that it will likely take four to five months to bring the requested supplementary staff report, including the draft amendments and review of the Sub-Division By-law back to Regional Council for its consideration.

MOTION TO AMEND PUT AND PASSED.

Mr. Traves suggested that Committee of the Whole defer the matter pending receipt of the requested supplementary report.

Councillor Hendsbee commented that staff should provide information fact sheets to residents which explain the differences between lot grading and stormwater management.

MOVED by Councillor Hendsbee, seconded by Councillor Outhit

THAT Halifax Regional Council defer further resolution of proposed By-law L-400-A By-law Respecting Lot Grading until the requested supplemental staff report has been received by Halifax Regional Council.

MOTION PUT AND PASSED.

4. ADJOURNMENT

The meeting was adjourned at 11:24 a.m.

Cathy J. Mellett
Municipal Clerk