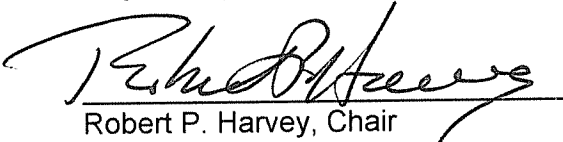

HALIFAX REGIONAL COUNCIL
August 20, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

FROM: 
Robert P. Harvey, Chair
North West Community Council

DATE: August 6, 2002

SUBJECT: Grade Alteration By-law

ORIGIN:

North West Community Council meeting held on July 11, 2002.

RECOMMENDATION:

It is recommended that Regional Council consider changing the application for Grade Alteration for the former Halifax County to include all residential development.

ATTACHMENT:

Excerpt from North West Community Council Minutes July 11, 2002.
Information Report dated June 27, 2002 - Regulation and By-laws with Respect to Erosion and Sediment Control

4.1.8 Silt in Little Sackville River

An Information Report dated June 27, 2002 entitled "Regulation and By-laws with Respect to Erosion and Sediment Control" was before Community Council.

Councillor Goucher acknowledged that staff was in the process of developing a Grade Alteration By-law that would be broader and more encompassing for Halifax/Dartmouth at this time. He was concerned that lots over one acre are exempt from the Grade Alteration By-law presently in existence. It is a gaping hole and where a lot of the problem is coming from now.

Deputy Mayor Harvey pointed out that the Information Report indicates that the Topsoil Removal By-law applies to all lots greater than one acre.

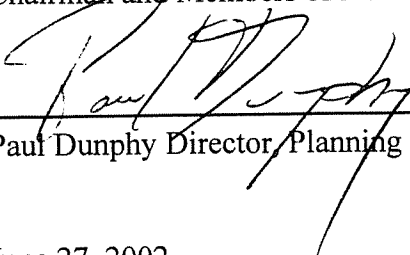
Councillor Goucher suggested that, because the Bedford Grade Alteration By-law does achieve that, the other two Councillors might be interested in trying to achieve the same with the Grade Alteration By-law presently in effect in the former County.

MOVED by Councillor Johns, seconded by Councillor Goucher to recommend that Regional Council consider changing the application for Grade Alteration for the former Halifax County to include all residential development. MOTION PUT AND PASSED.

North West Community Council
July 11, 2002

TO: Chairman and Members of North West Community Council

SUBMITTED BY:


Paul Dunphy Director, Planning & Development Services

DATE: June 27, 2002

SUBJECT: Regulation and By-Laws with Respect to Erosion & Sediment Control

INFORMATION REPORT

ORIGIN

At the April 25, 2002 North West Community Council Meeting there was an inquiry as to what by-laws are in place to address ground being cleared and not covered. There was a specific concern with silt entering the Little Sackville River during the heavy rainfall event of April 14, 2002. Development in the vicinity of Larrigan Drive in the Millwood Subdivision was identified as an area of particular concern.

BACKGROUND

Watercourses are an area of Provincial jurisdiction, and as such are governed by Nova Scotia Department of Environment & Labour. The most relevant Provincial legislation is the Nova Scotia Environment Act. Discharge to a watercourse that has significant adverse affect would be subject to the Nova Scotia Environment Act, and regulations made pursuant to the Act. In addition, there are several municipal by-laws that regulate sediment and erosion control, particularly in relation to new development.

Siltation and runoff in the vicinity of Larrigan Drive and Tenon Drive, during the rainfall on April 14th, was mostly due to the large amount of exposed soil from construction on individual lots. At the time of the rainfall there was construction activity on most of the 19 lots on which building permits had been issued. There are a total of 43 lots within the subdivision.

Complaints were received by the Municipality from area residents regarding sedimentation following the rainfall. The Nova Scotia Department of Community Services, Housing Services was contacted and arrangements were made for street cleaning and additional sediment control at catch basin inlets and ground cover.

DISCUSSION

Erosion and sediment control requirements are regulated by the municipality, in one of the following manners:

- Development Agreements - A development agreement will typically contain provisions with respect to lot grading and drainage, erosion control, and other environmental matters.
- Land Use By-Laws - A municipality may regulate erosion and sediment control in a land use by-law. To date, the only land use by-law which contains such provisions is the Land Use By-Law for the Sackville Drive Secondary Plan Area.
- By-Law 40 - Topsoil Removal By-Law - This by-law regulates the removal of topsoil, the alteration of the grade of land, and erosion and sediment control, in the former Halifax County Municipality. The by-law applies to all lots greater than one acre, and does not apply to residential construction on an individual lot.
- By-Law 23290 - Grade Alteration By-Law - This by-law regulates all grading activities in the Former Town of Bedford, including erosion and sediment, regardless of whether or not the activities are related new development. The only exemptions apply to home gardening and the installation of sewer laterals.

Development in Millwood Subdivision

The recent development in Millwood, Tenon Drive, off Larrigan Drive is a by-right development of the Nova Scotia Department of Community Services, Housing Services and is not subject to a development agreement.

Construction activities during the construction of roads and services were subject to the Top Soil Removal By-Law.

Erosion and sediment control on individual lots, after the roads and services are complete, is not regulated by the Municipality.

There are two key initiatives which are currently underway relating to this matter:

- Development of Regional Lot Grading By-Law - Staff will be developing a draft Regional Lot Grading Policy, and subsequent draft by-law for consideration by Regional Council. The extent to which the Municipality needs to regulate erosion and sediment control on new developments will be a key consideration of this policy. The schedule for development of this policy will be considered during the business plan process for 2003.

- Education and Industry “Self-Regulation” - The development industry is aware of the need for builders on low density, residential sites to be more aware of the environmental impacts of their activities. To this end, the Centre for Water Resources Studies at Dalhousie University, in collaboration with the Nova Scotia Home Builders Association and Halifax Regional Municipality, are planning a workshop for the building industry. The workshop, entitled “Small Site Erosion Control”, will educate home builders on best management practices for controlling erosion and sediment during construction.

BUDGET IMPLICATIONS

None.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality’s Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

None

ATTACHMENTS

None

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Peter Duncan, P.Eng., Manager - Development Engineering, 490-6252