

**North West Community Council
October 20, 2011**

TO: Chairperson and Members of North West Community Council

SUBMITTED BY:



Phil Townsend, Director, Planning and Infrastructure

DATE: October 12, 2011

**SUBJECT: Central Water and Sewer Issues:
Lively Subdivision, Springfield Estates Mobile Home Park and
Springfield Lake Subdivision, Middle Sackville**

ORIGIN

1. Motion of NWCC September 24, 2009:
11.2 Water Service Expansion, Springfield Lake, Middle Sackville
“MOVED BY Councillor Johns, seconded by Councillor Outhit, that North West Community Council request staff to prepare a report to initiate the process to amend the water service area to include the areas of and up to Fenerty Road and Springfield Estates Mobile Home Park consistent with the sewer boundary. MOTION PUT AND PASSED.”
2. Correspondence and Petition from the owner and residents of Springfield Estates Mobile Home Park, dated June 7, 2011, to representatives of HRM and the Provincial and Federal Governments, requesting the extension of central services.
3. Correspondence and inquiries from residents of the Lively Subdivision regarding the provision of central sanitary and water services, and a solution to on-going drainage issues.
4. Petition to Halifax Regional Council, tabled May 24, 2011, from residents of the Springfield Lake Subdivision, requesting that a permanent solution be found to the ongoing problems with the Springfield Lake wastewater facility and infrastructure which is currently affecting the local environment in a negative way; and to hold in abeyance any water bills for those residents on wells and hooked into the treatment plant, until such time as they are able to observe a noticeable improvement in the services provided by the Halifax Water Commission.

RECOMMENDATION

It is recommended that the North West Community Council recommend that Halifax Regional Council:

1. Initiate the process to consider the approval of a Local Improvement Charge (LIC) By-Law for the provision of central sewer and water systems and stormwater improvements for the Lively Road area;
2. Initiate the process to consider an amendment to the Regional Subdivision By-Law and the Beaver Bank, Hammonds Plains and Upper Sackville MPS, to extend the Water Service Area Boundary along Highway #1 to Springfield Avenue (Springfield Estates Mobile Home Park);
3. Initiate the process to consider the approval of a Local Improvement Charge (LIC) By-Law for the extension of central water services along Highway # 1, to and including the Springfield Estates Mobile Home Park;
4. Request staff to submit a request for a financial contribution from the Province, through the Provincial Capital Assistance Program (PCAP), toward the provision of central water services to the Springfield Estates Mobile Home Park; and
5. Request that Halifax Water continue to address short term solutions to the servicing issues in the Springfield Lake subdivision, with the intent that this area will be considered for connection to the Bedford-Sackville trunk servicing system, pending downstream capacity improvements.

BACKGROUND

Representatives of Lively Road subdivision, Springfield Estates Mobile Home Park and the Springfield Lake subdivision in Middle Sackville (Map 1), have approached the District Councillor, staff of HRM, Halifax Water, and other agencies, with requests to address piped servicing and drainage issues in their communities.

1. Lively Road (Map 1, Area 1):

Lively Road is located off of Sackville Drive in Middle Sackville. It is situated within the Urban Service Area Boundary of the Regional Subdivision By-Law (Map 2).

Commencing in 2007, central water and sewer infrastructure was extended approximately 2.5 km along Sackville Drive to the Lively Road subdivision (as far as Hamilton Drive). This project allowed the decommissioning of an out-dated water treatment facility and a wastewater treatment facility. Most residences within the subdivision were connected to the new systems. However, there remains a relatively small section of Lively Road where residences are not on central services or are experiencing problems related to water supply, sewage disposal or drainage issues.

2. Springfield Estates Mobile Home Park (Springfield Avenue) (Map 1, Area 2):

Springfield Estates Mobile Home Park (Springfield Avenue) is situated off of Sackville Drive, approximately 1 km from the end of the existing services at Hamilton Drive. The park contains 169 mobile home sites. The potable water supply for the park is through a privately owned water treatment plant fed by Little Springfield Lake. Sewage disposal is by means of a wastewater treatment plant maintained by the park owner. Since last year, the mobile home park has been on a boil-only water order as a result of water quality issues. A petition requesting a service extension was submitted to the three levels of government on June 7, 2011 (Attachment A).

3. Springfield Lake Subdivision (Map 1, Area 3):

The subdivision encircling Springfield Lake contains approximately 450 lots that discharge to the Springfield Lake wastewater system and wastewater treatment facility operated by the Halifax Water. The Potable water supply is via private on-site wells. The subdivision serviced by the treatment plant is included in a Service Area Boundary (sewer only) of the Regional Subdivision By-Law.

For quite some time, residents have expressed concerns that during periods of wet weather, the system overflows, resulting in impacts to the environment and in particular, Springfield and Lisle Lakes. In May of this year, a petition was presented to Regional Council requesting that a permanent solution be found to address this issue (see Origin section of this report).

Halifax Water reports that the existing system and treatment facility works generally well; however, the system is impacted by significant wet weather events due to substantial stormwater inflow and infiltration. It further indicates that the design of the 2007 service extension project along Sackville Drive, was sized to accommodate a certain amount of future development in the area, including Springfield Lake subdivision. However, because of downstream capacity issues in the Bedford-Sackville trunk sewer system, the subdivision cannot be connected in the near term.

Relevant Plan Policies Applying to the Subject Areas (Attachment B):

The subject areas of this report are split between two MPS Plan areas – the Sackville MPS and the Beaver Bank, Hammonds Plains and Upper Sackville MPS. The Lively subdivision lies with the former, while the Springfield Lake Estates mobile home park and Springfield Lake subdivision are located in the latter.

Under the Regional Plan, the Lively Road area lies within the Urban Settlement Designation, while the mobile home park and Springfield Lake subdivision are situated within the Rural Commuter Designation.

Lively Road:

Since the Lively Road area is located within the Urban Service Area Boundary, there are no requirements to amend the Regional Subdivision By-Law or the MPS, to extend central services to the subject properties. Accordingly, this process is considered a straight LIC By-Law process.

Springfield Estates Mobile Home Park:

The requirements of Policies P-86 of the Beaver Bank, Hammonds Plains, Upper Sackville MPS, and Policy SU-14 of the Regional Plan (Attachment B), must be addressed in order to extend the Water Service Area Boundary of the Regional Subdivision By-Law along Sackville Drive to the mobile home park. All properties to be serviced with the new central water system will be subject to an LIC By-Law process.

DISCUSSION

Should Regional Council approve the recommendations of this report, staff will commence two processes, one for the servicing of Lively Road and one for the extension of water services along Sackville Drive, to and including the Springfield Estates mobile home park. Both processes entail the creation of a LIC By-Law.

The LIC By-Law process involves a technical component and a property owner consultation component. The technical component entails the preparation of the engineering design for the servicing system and the costs of its installation. The cost is then allocated among the properties receiving the new service. Typically, this is achieved by way of a frontage charge, an area rate charge or a combination of both. It has been Council's policy that, unless cost-sharing is received from senior level(s) of government for the project, property owners pay the total amount of the cost of the system. An LIC forms a lien on a property and can be amortized over a twenty-year period at an interest rate of Prime plus 2%.

Through the LIC By-Law process, considerable consultation is conducted with affected property owners. This entails public information meetings and formal surveys to determine the percentage of property owners that are in agreement with the proposed LIC charges. The results of this engagement process will be reported to Regional Council for direction. Ultimately, a decision whether to approve or not approve LIC charges will be made by Regional Council following a public hearing.

More specific information regarding the three subject areas is provided below:

1. Lively Road:

The extension of wastewater and/or water services to existing residents without current service could be accommodated through the HRM LIC process. The extension of wastewater services would, by Halifax Water standards, also require the installation of a storm sewer within the same limits. The extension of new services within Lively Road may create opportunities for other HRM and Halifax Water infrastructure improvement projects. Halifax Water has expressed interest in installing new water and wastewater pipes to replace existing pipes located in off street easements, while HRM has expressed interest in street reconstruction and street drainage along Lively Road. These opportunities would be subject to capital funding availability and project prioritization. In addition, there may be benefits to abutting properties from a new storm sewer in this area.

A potential for cost sharing is possible, which would include the property owners, Halifax Water and HRM. However, while existing customers would continue to receive services, any new customers for sanitary, storm and/or water services would be subject to the charges created under the LIC By-Law.

Staff recommends that Regional Council initiate an LIC By-Law process to determine the necessary infrastructure improvements and costs, and to consult with affected property owners.

2. Springfield Estates Mobile Home Park:

This process would entail the extension of a water main from the end of the existing service at Hamilton Drive along Sackville Drive to the mobile home park (Springfield Ave.). The number and extent of properties to be serviced along Sackville Drive, would be determined as part of the process and in consultation with property owners.

The water system would be sized to accommodate the potential future servicing of certain additional lands in the immediate area, including the Springfield Lake subdivision.

Staff of HRM and Halifax Water will undertake consultation with the mobile home park owners to determine how the costs for the new system will be allocated to mobile home sites within the park. Consultation will also occur with the park owner and the provincial Environment Department, in order to address Policy SU-14 (b) of the Regional Plan. Staff is recommending that Council authorize staff to submit a request for consideration of provincial PCAP funding in this regard.

Should the LIC process for this extension be positive, staff will proceed to Regional Council with concurrent public hearings: the LIC By-Law, amendments to both the Regional Subdivision By-Law and the Beaver Bank, Hammonds Plains and Upper Sackville MPS, to extend the Water Service Area Boundary.

Staff recommends that Regional Council initiate an LIC process for the potential extension of central water services along Sackville Drive to Springfield Avenue.

3. Springfield Lake Subdivision:

As mentioned previously in this report, the issue with the Springfield Lake subdivision concerns the wastewater (sanitary sewer) system rather than concerns over potable water. It also explained that until such time as infrastructure upgrades to the downstream system (Bedford-Sackville Trunk Sewer [BSTS]) are implemented, the Springfield Lake system should not be considered for connection. The extent of the upgrades to the BSTS, its costs and its priority, will be determined as part of the Regional Wastewater Management Functional Plan currently in progress.

With respect to the supply of central water service to Springfield Lake subdivision, staff does not recommend this be considered at this time. Given the existing constraints with the wastewater system, a new central water supply would likely result in increased water usage by residents, thereby potentially exacerbating wastewater overflow issues.

However, as mentioned above, the central water system extending to the mobile home park at Springfield Avenue, will be sized to accommodate the Springfield Lake subdivision. When the time comes to extend the BSTS system to enable the connection of the subdivision's wastewater system, consideration could be given to concurrently supplying the subdivision with central water.

In the interim, Halifax Water will work with the residents of the Springfield Lake subdivision to mitigate impacts associated with system overflow during wet weather. More specifically, this will entail an investigation of infiltration and inflow (I&I) into the wastewater system, in part likely caused by the connection of stormwater runoff into the wastewater pipes. Correcting this problem may significantly improve the function of the system and significantly reduce overflows.

In response to that part of the residents' petition regarding the abeyance of water bills (refer to Origin section), Halifax Water advises Council that this is not considered an appropriate action in accordance with the existing Halifax Water Rules and Regulations.

Staff recommends that Halifax Water continue to proactively address short term solutions to the existing wastewater system in the Springfield Lake subdivision, and that until the downstream constraints in the BSTS are rectified, no central service extensions be initiated.

BUDGET IMPLICATIONS

The costs associated with the community engagement process can be accommodated within the approved operating budget for C310.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

Amendments to the Regional Subdivision By-Law, the Beaver Bank, Hammonds Plains, Upper Sackville MPS, and the creation of an LIC By-Law, involve extensive community engagement. The engagement process will be consistent with the intent of the HRM Community Engagement Strategy and the Halifax Regional Municipality Charter.

ALTERNATIVES

1. Council could choose to initiate the formal process to consider an LIC By-Law for the provision of central services to the Lively Subdivision, and the process to consider an LIC By-Law and amendments to the Regional Subdivision By-Law and MPS for the extension of central water services along Sackville Drive to the Springfield Estates mobile home park. This is the staff recommendation.
2. Council could choose to not proceed with the processes described in No. 1 above, or could choose to direct staff to undertake alternate courses of action with respect to the provision of central services to the three subject areas. This is not recommended for reasons described in the report.

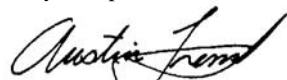
ATTACHMENTS

Map 1:	Study Areas
Map 2:	Lively Road Subdivision and Surrounding Lands
Map 3:	Service Boundary (Sewer Only), Springfield Lake Subdivision
Attachment A:	Petition submitted on behalf of Residents of Springfield Lake Estates Mobile Home Park (Page #1)
Attachment B:	Policies Regarding Water Service Areas: Beaver Bank, Hammonds Plains, Upper Sackville, MPS, Sackville MPS and Regional MPS

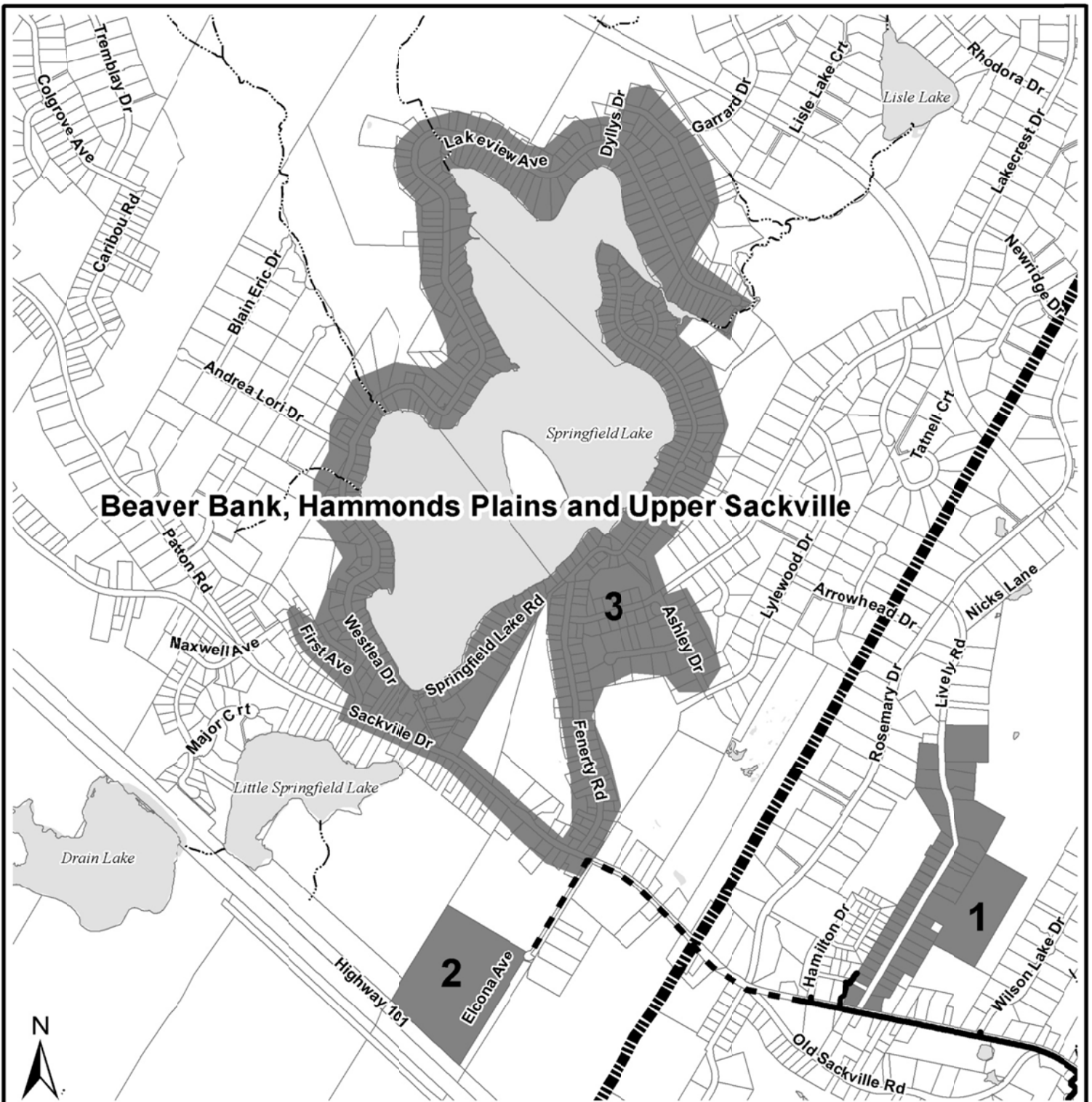
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Shayne Vipond, Senior Planner, 490 – 4335

Report Approved by:



Austin French, Manager of Planning Services, 490-6717



Map 1: Study Areas



Plan Area Boundaries

Property Boundaries

Streams

Central Water Servicing

Proposed Central Water Service Extension (illustrative purposes only)



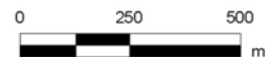
Subject Properties

1 - Lively Road

2 - Springfield Lake Estates

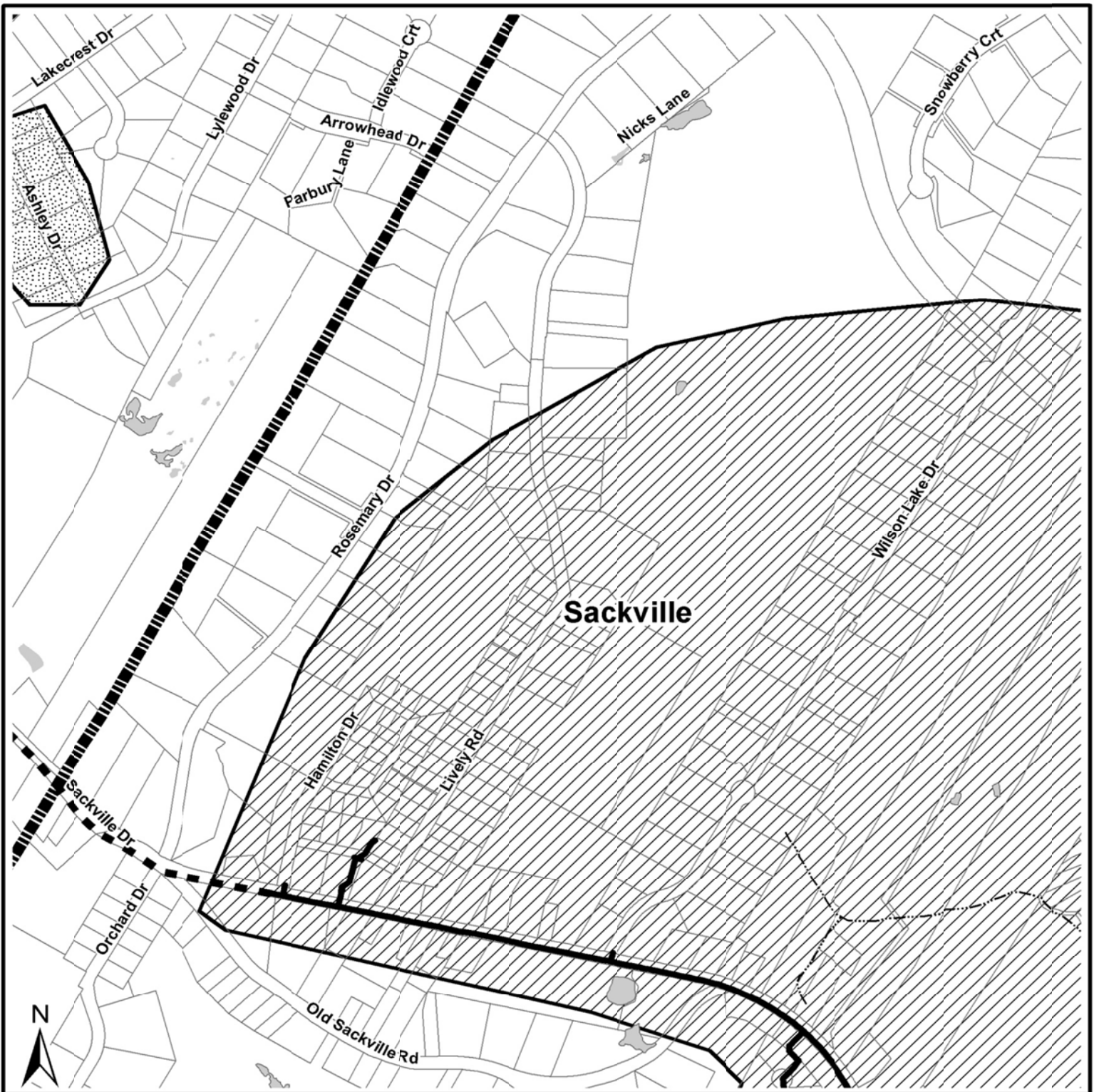
3 - Springfield Lake Subdivision

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Beaver Bank, Hammonds Plains and Upper Sackville 'Sackville Plan Areas

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Map 2:
Lively Road Subdivision and Surrounding Lands

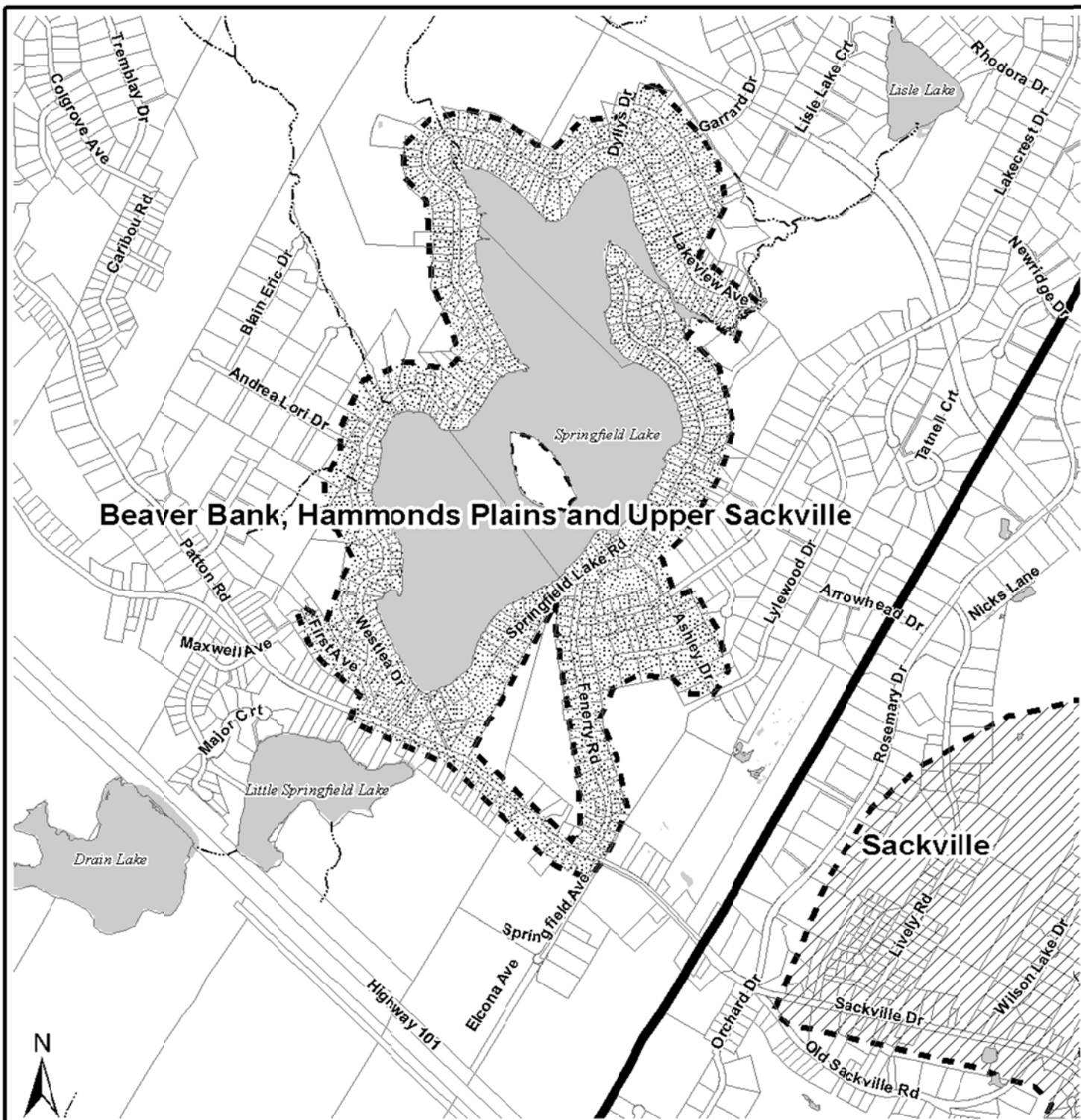
- | | |
|--|---|
|  Plan Area Boundaries |  Served (Sewer Only) |
|  Property Boundaries |  Urban Service Area |
|  Streams |  Water Service Area |
|  Central Water Servicing | |
|  Proposed Central Water Service Extension (illustrative purposes only) | |

Sackville Plan Area

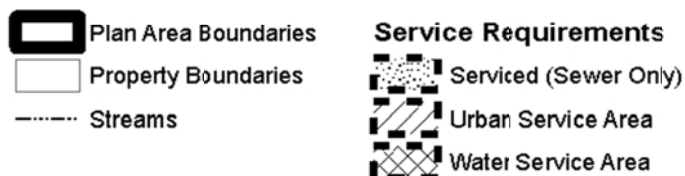
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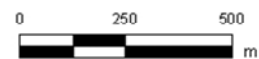


Map 3:
Springfield Avenue (Springfield Estates), Springfield Lake Road
Subdivisions and Surrounding Lands



Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

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Attachment A:
Petition Submitted on behalf of Residents of Springfield Estates Mobile Home Park (Page #1)

Petition

The community of **Springfield Estates Mobile Home Park**, Middle Sackville must secure a supply of sustainable clean potable water. The 169 families at Springfield Estates currently use Little Springfield Lake as their water source. This lake is not a protected body of water and residents have experienced numerous boil orders. The most recent lasting more than five months. This is no longer acceptable.

Residents are in support of, and request the extension of services to include **Springfield Estates Mobile Home Park**.

The residents of **Springfield Estates Mobile Home Park** make the following requests and fully support the resolution of the following items:

1. The Halifax Regional Municipality include Springfield Estates on any future infrastructure priority lists in an effort to obtain provincial and/or federal funding.
2. The Province of Nova Scotia take leadership position and identify other sources of funding to offset the costs of this burden and work with other levels of government to find a funding resolution for the residents of Springfield Estates and
3. The Federal Government assist in funding support to offset the costs through any means they have at their disposal.

Seeking support from: (listed without prejudice)

Peter Stoffer, House of Commons, 2900 Highway 2, Fall River, NS, B2T 1W4	861-2311	stoffer.P@parl.gc.ca
Councillor Brad Johns, PO Box 203, Sackville, NS, B4C 2S9	476-1234	brad.johns@halifax.ca
MLA Mat Whynott, 1651 Sackville Drive, Mid. Sackville, NS B3E 3A9	864-5310	mat.mla@ns.symphatico.ca
Major Peter Kelly, PO Box 231, Lwr Sackville, NS, B4C 2S9	490-4010	majorhnm@gmail.com
Premier Darrell Dexter, PO Box 726, Halifax, NS, B3J 2T3	424-6600	premier@gov.ns.ca
Halifax Water, 450 Cowie Hill Rd., PO Box 8388, RPO CSC, Halifax, NS B3K 5M1	490-4820	

ATTACHMENT B
MPS and RMPS Policies Pertaining to
Springfield Lake Estates (Springfield Avenue)

Beaver Bank, Hammonds Plains and Upper Sackville MPS

- P-85 It shall be the intention of Council to establish Water Service Districts for those areas to which central municipal water services only have or may be extended in the future, as shown on the Water Service District Maps (Maps 4 and 5). It shall be the policy of Council that the extension of central municipal water services shall not be permitted outside of designated Water Service Districts. It shall further be the policy of Council that within the Water Service Districts, central municipal water services shall be provided to all subdivisions adjacent to existing municipal water services and which propose to provide a new or extended public street or highway.
- P-86 Notwithstanding Policy P-85, Council may consider amending this planning strategy and the Municipal Subdivision By-law to permit the expansion of existing or the establishment of new Water Service Districts. When considering new or expanded Water Service Districts, priority shall be given to:
- (1) areas identified as experiencing problems related to insufficient quality and/or poor quality of existing sources of water supply;
 - (2) existing communities within a reasonable distance of the central water supply system where there is a demonstrated need and conditional upon the availability of water supply capacity; and
 - (3) areas which would provide looping of existing infrastructure thereby enhancing reliability of the water system in the local area.

In addition to the priority criteria outlined above, it shall also be the policy of Council when considering the establishment of new or expanded Water Service Districts, to have regard to the following:

- (a) the engineering and financial implications of such extensions as identified by the Master Infrastructure Plan, Implementation Plan, and Financial Plan carried out pursuant to Municipal Services General Specifications;
- (b) the potential scale of such development and the effects which this may have on existing and future levels of services, as well as the development pattern which is desired and deemed appropriate within this plan area as well as the larger Municipality; and
- (c) environmental considerations related to the long term integrity of on-site sewage disposal systems as well as natural water drainage systems.

Regional Municipal Planning Strategy (Regional Plan)

7.3.1 Water Service Areas

Although this Plan encourages a more compact urban form in which development is serviced with wastewater and water distribution systems, this Plan recognizes that there are already in existence some developments serviced with a water distribution system and on-site sewage disposal systems.

Prior to amalgamation in 1996, the former Halifax County Municipality was allocated a portion of the Pockwock and Lake Major water supplies. HRM intends to recognize the existing Water Service Districts and refer to them as Water Service Areas under the Subdivision By-law. While the establishment of new Water Service Areas is important in supporting the settlement form established in this Plan, HRM should also endeavour to complete the installation of water services within the previously established Water Service Districts.

Water service boundaries were established to limit where water services would be permitted. The boundaries also served to respond to concerns that extending water distribution systems to rural areas would increase the pace of development thereby straining limited community services and possibly reducing the performance of the water distribution system to unsatisfactory levels. These concerns remain and HRM will therefore only allow for further extensions in accordance with the policies which follow.

SU-12 In recognition of the existing Water Service Districts under the Halifax County Municipality Subdivision By-law, HRM shall, through the Subdivision By-law, establish Water Service Areas within which development shall be permitted which is serviced by a public water distribution system but without a municipal wastewater system. Within these areas, a water distribution system shall be required to service all new subdivisions located adjacent to an existing water distribution system where a new or extended public street or highway is proposed. Further, no water distribution system shall be permitted to extend outside of a Water Service Area.

SU-14 HRM may consider expanding existing Water Service Areas to existing communities, subject to the financial ability of HRM to absorb any costs related to the expansion, if:

- (a) the lands are in proximity to a trunk water main planned or constructed by the Water Commission to improve the performance of the water distribution system;
- (b) a study has been prepared by a qualified person verifying that there is a water quality or quantity problem that cannot reasonably be rectified by an alternative means; or
- (c) there are environmental concerns related to the long-term integrity of on-site sewage disposal systems and a wastewater management plan is also considered in accordance with Policy SU-20.