

Item No. 11.3.2
Halifax Regional Council
September 25, 2012

TO: Mayor Kelly and Members of Halifax Regional Council

Original Signed

SUBMITTED BY: _____
Councillor Tim Outhit, Chair, North West Community Council

DATE: September 17, 2012

SUBJECT: Planning Amendment – Floodplain Mapping for Little Sackville River

ORIGIN

The North West Community Council August 9, 2012 meeting.

RECOMMENDATION

It is recommended that Halifax Regional Council direct staff to initiate the process of amending the appropriate planning documents to use the most recent floodplain mapping for Little Sackville River.

BACKGROUND

The Sackville Drive Business Association Board wrote to the North West Community Council on July 4, 2008 in regard to Case 01118: Sackville Drive LUB Watercourse Setbacks, requesting that the setback be reduced to 20 metres, consistent with the Regional Plan and the vast majority of the other watercourses' setbacks in HRM. As well, requesting that the 1998 flood plain plan be updated to reflect the more accurate 1998 report. A copy of the Associations' July 4th letter is attached to this report for Council's information.

A public hearing was held on July 10, 2008 for Case 01118: Sackville Drive LUB Watercourse Setbacks and a motion was passed by North West Community Council approving the proposed amendments to the Sackville Drive Land Use By-Law to identify situations where the 30 metre (100 foot) setback from watercourses may be reduced as set out in Attachment "A" of the staff report dated May 20, 2008.

Further, North West Community Council passed a motion requesting staff pursue the implementation of the most recent data (1998) in regard to floodplain information along the Little Sackville River (watercourse setbacks) and that the issues be dealt with on a case by case basis so that property owners may have their issues addressed as they come forward.

An extract of the North West Community Council July 10, 2008 minutes is attached to this report for Council's reference.

In response to North West Community Council's motion of July 10, 2008, a staff information report dated September 10, 2008 entitled: Floodplains, Sackville and Little Sackville Rivers, outlining the floodplain history, was prepared and before the Community Council at their September 25, 2008 meeting (Information Item 3). The discussion section of the September 10th information report indicates that: *Staff are reviewing the identified issue and will be providing a detailed report analysis on the issue to Council at a later date.* A copy of the September 10th information report is attached to this report.

Correspondence from Michelle Champniss, Executive Director of Sackville Business Association dated July 27, 2012, requesting that the necessary plan amendments be made to implement the 1998 floodplain mapping for the Little Sackville River was submitted to the North West Community Council for their August 9, 2012 meeting. A copy of the correspondence is attached to this report.

DISCUSSION

The North West Community Council reviewed Ms. Champniss' correspondence and passed a motion recommending that Halifax Regional Council direct staff to initiate the process of amending the appropriate planning documents to use the most recent floodplain mapping for Little Sackville River.

BUDGET IMPLICATIONS

This planning project is not budgeted or resourced in the 2012/2013 Operating or Project Budget. This work will be incorporated in future budgets and departmental work plans.

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

The North West Community Council meetings are open to the public.

ENVIRONMENTAL IMPLICATIONS

The intent of this action is to mitigate the impacts of local flooding.

ALTERNATIVES

No alternatives were provided by the Community Council.

ATTACHMENTS

1. Correspondence from Tara Hill, Chairperson of Sackville Drive Business Association dated July 4, 2008 re: Case 01118: Sackville Drive LUB Watercourse Setbacks
2. Extract of North West Community Council Minutes – July 10, 2008
3. Information Report dated September 10, 2008 entitled: Floodplains, Sackville and Little Sackville Rivers
4. Correspondence from Michelle Champliss, Executive Director of Sackville Business Association dated July 27, 2012 re: Little Sackville River Floodplain

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.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: Krista Vining, Legislative Assistant, Office of the Municipal Clerk, 490-6519

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July 4, 2008

Councillor Brad Johns, Chair
North West Community Council
P.O. Box 1749
Halifax, NS B3J 3A5

Dear Councillor Johns,

The Sackville Drive Business Association Board of Director's has reviewed the HRM Staff Report, Case 01118: Sackville Drive LUB- Watercourse Setbacks.

After a lengthy discussion around the table, taking into consideration positions outlined in the report, it is the opinion of the Board that the setback be reduced to a strait 20m consistent with the regional plan and the vast majority of the other watercourses setbacks in Halifax Regional Municipality (HRM). The Board understands that, in addition to changes to Sackville Drive Land Use By-Laws, this may also mean changes to the Sackville Drive MPS Policies.

The Board also took the position that the 1988 flood plain plan be updated to reflect the more accurate 1998 report.

A watercourse setback of 20m would make the Sackville business district more competitive with other commercial districts in HRM while the flood plain would protect the integrity of the Little Sackville River.

We thank you in advance for your consideration.

Sincerely,

Tara Hill
Chairperson

Extract of North West Community Council Minutes – July 10, 2008

8. HEARINGS

8.1 Public Hearings

8.1.1 Case 01118: Sackville Drive LUB Watercourse Setbacks

- A report from the North West Planning Advisory Committee dated June 13, 2008 was before the Community Council.
- An email dated July 4, 2008 from Ms. Tara Hill, Chairperson, Sackville Drive Business Association was before the Community Council.

Councillor Bob Harvey, Chair, introduced Ms. Karen MacDonald, Municipal Solicitor, and Ms. Chris Newson, Legislative Assistant. He then called upon Mr. Andrew Bone, Planner, who presented the information.

Following staff's presentation, Councillor Harvey called for questions of clarification from members of the Community Council. Hearing none, Councillor Harvey explained the Rules of Procedure for a public hearing then opened the public hearing.

Speakers:

Kevin Kingston, Sackville: expressed concern that many people are affected by the policies and if there are changes made there is a cost involved to change back. He referenced the mobile sign Bylaw and height restrictions that were put in and then subsequently changed. He suggested that the setback should be 66' or left at 50'.

Terry Panoeseotakos, Sackville: commented that it was difficult to digest the flood plains data of 1988 and then see nothing done for 10 years. He expressed concern that if the setback was brought back to 66' he would still not be able to anything because of the 1988 flood plain line.

Paulette Shore, Sackville: advised that she is the owner of a business at 466 Sackville Drive whose property is over 20% affected by the setback and that is quite a bit of property to be taken from a business owner trying to make a living. 100' takes almost half the open space property. She commented that the setback should be reduced to 50' in some areas where the grade is higher. The property owner loses more land due to the way the measurements are done; measurements are taken straight down from the top of the hill.

She added that it is time the 1998 data was used as the 1988 data is quite a ways behind.

Nick Antoft, Lucasville: inquired whether an existing conforming structure, such as an

accessory building, would have to adhere to the new watercourse setbacks. Mr. Andrew Bone responded that under the current proposal, an accessory building could go in the setback of 20 metres but there would be no obligation to change an existing situation as it would be grandfathered. He clarified that anything legally established will remain. In some circumstances, outlined in the plan, there would be limited ability to be from 066' from the river permitted the building was no closer than an existing building.

John Gianopos, Sackville Drive: inquired if the 66' requirement was for all watercourses in HRM. He commented that if, approved, they would be on the same level as all of HRM.

Councillor Harvey clarified that the setback requirement would be the same for the four categories outlined in the report. A setback reduction was possible in the legislation but the criteria was vague and required some discretion by the development officer. The proposal clearly sets out four (4) cases when a setback reduction could occur.

Mr. Gianopos suggested that the North West Community Council approve the recommendation as presented and then in future drop the setback requirement down to 50' or less.

Don Burton, Sackville Drive: commented that it is critical that the floodplains be considered in conjunction with this proposal and suggested perhaps two separate applications. He explained that a person may be eligible for one, or, all four of the proposed exemptions.

Hector Johnson, Sackville: inquired if the proposal will affect the area of Contessa Court as the Sackville River was approximately 10' from his property. Mr. Bone responded that the proposed changes would only affect commercial properties on Sackville Drive and not residential properties on Contessa Court. The existing buildings on Contessa Court are under the Sackville Drive Plan with a required (20 meter) 66' setback. He further responded to Mr. Johnson that any existing structures would be grandfathered but these changes would not affect his property directly.

Peter Foye: Sackville Realtor: commented that he was baffled by the 1988 and 1998 (data) situation considering that it is now 2008, twenty years later, and he would like to recommend that the Community Council take a stand and put the issue forward properly. He explained that he has properties that he cannot sell due to the 1988 floodplain regulations. He added that Sackville as a whole seems to be taking a step backward.

Councillor Harvey concurred that the current data needs to be taken into account and that consideration was clearly being addressed during this meeting.

Ms. Michelle Champais, Chair, Sackville Drive Business Association: Read the letter from the Sackville Drive Business Association into the record. She also requested

more accurate information than the 1998 flood plain data and inquired if the 1998 data could be implemented and then updated when more information became available.

The Chair gave the third and final call for speakers, hearing none, it was **MOVED BY Councillor Outhit, seconded by Councillor Johns that the public hearing be closed. MOTION PUT AND PASSED.**

In response to Councillor Johns, Mr. Bone explained that the recommendation before Community Council only reduces the setback to 66' in the four situations/conditions outlined in the report. The flood plains issue would not be resolved by this motion but could be addressed by a separate planning process as they are separate issues.

MOVED BY Councillor Johns, seconded by Councillor Outhit that the North West Community Council approve the proposed amendments to the Sackville Drive Land Use By-Law to identify situations where the 30 metre (100 foot) setback from watercourses may be reduced as set out in Attachment "A" of the staff report dated May 20, 2008.

Councillor Harvey advised that the Halifax Watershed Advisory Board had recommended no change to the watercourse setbacks. Through discussions with the Sackville Drive Business Association and business owners it became evident that there was a degree of vagueness in how water setbacks could be reduced. North West Community Council initiated the process that resulted in the report/motion under consideration. He explained that the four categories for reduction are broad enough that most issues could be addressed through one of the four categories. Once the motion has been considered, any outstanding issues would be reviewed. The most current data available was the information that should be used.

Councillor Johns added that Community Council tries to represent the residents who elect them. A few years ago, there was no one to speak on behalf of the business community and now the Sackville Drive Business Association has been representing businesses along Sackville Drive very well and is a very appreciated voice.

MOTION PUT AND PASSED.

MOVED BY Councillor Johns, seconded by Councillor Outhit that the North West Community Council request that staff pursue the implementation of the most recent data (1998) in regard to floodplain information along the Little Sackville River (watercourse setbacks) and that the issues be dealt with on a case by case basis so that property owners may have their issues addressed as they come forward. MOTION PUT AND PASSED.



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North West Community Council
September 25, 2008

TO: Chair and Members of North West Community Council

Original Signed

SUBMITTED BY: Paul Dunphy, Director of Community Development

DATE: September 10, 2008

SUBJECT: Floodplains, Sackville and Little Sackville Rivers

INFORMATION REPORT

ORIGIN

July 10, 2008 motion of North West Community Council (Attachment A).

BACKGROUND

Floodplain History:

The Sackville Municipal Planning Strategy (MPS) and Land Use By-law (LUB) and the Sackville Drive Land Secondary Planning Strategy (SPS) and LUB currently implement floodplain controls along the Little Sackville River. These controls regulate and, in some cases, prohibit development within areas identified as floodplain to protect individuals and their property from flooding. These controls originate from floodplain calculations performed in 1988 under the Canada-Nova Scotia Flood Damage Reduction Program. Due to concerns with the accuracy of the floodplains, the floodplains were re-evaluated in 1998. The resulting floodplains are considered to be more accurate, but were never incorporated into the planning documents for the Sackville area.

During a recent review of watercourse setbacks within the Sackville Drive SPS and LUB (Case 01118), staff identified that the current floodplain regulations did not reflect the latest available data. It was further identified there were specific instances where the differences between 1988 and 1998 floodplains were having a negative impact on several commercial land owners on the northern side of the Sackville River.

At the July 10, 2008 North West Community Council meeting, Council requested staff pursue the implementation of the more recent 1998 floodplains.

DISCUSSION

Staff are reviewing the identified issue and will be providing a detailed report analysing the issue to Council at a later date.

BUDGET IMPLICATIONS

None. The costs to process this planning application will be covered under the C310 operating budget.

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.

ATTACHMENTS

Attachment A North West Community Council Motion

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 : Andrew Bone, Senior Planner, 869-4226

Original Signed

Report Approved by: 
Austin French, Manager, Planning Services, 490-6717

**Attachment A
Motion of North West Community Council**

MOVED BY Councillor Johns, seconded by Councillor Outhit that the North West Community Council request that staff pursue the implementation of the most recent data (1998) in regard to floodplain information along the Little Sackville River (watercourse setbacks) and that the issues be dealt with on a case by case basis so that property owners may have their issues addressed as they come forward.

MOTION PUT AND PASSED.



Councillor Tim Outhit, Chair
North West Community Council
email: outhitt@halifax.ca

Dear Councillor Outhit,

On July 4, 2008, the Sackville Business Association wrote a letter to North West Community Council (NWCC) requesting that the new flood plain mapping, completed by Dylan Consulting Ltd. in 1998, be implemented. This mapping was never put in place and, to this day, proposed developments on properties abutting the Little Sackville River are still evaluated using the 1988 mapping. In some cases, using the less accurate flood plain mapping results in unnecessary development restrictions; limiting the economic growth of the district.

Although the Board of Directors appreciates the necessity of having set-backs in place, both to protect the integrity of the river as well as to protect developments from flooding, they believe it's vital to use the most accurate and current data.

We respectfully ask that NWCC make a motion requesting Regional Council to make the necessary plan amendments needed to implement the 1998 mapping.

Sincerely,

Michelle Champriss
Executive Director

cc: Krista Vining, Legislative Assistant
email: tidgwek@halifax.ca