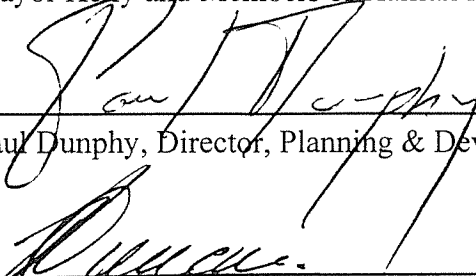
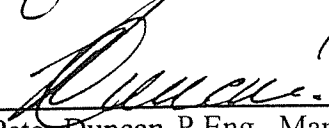

Halifax Regional Council
September 24, 2002

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


Paul Dunphy, Director, Planning & Development Services


Peter Duncan, P.Eng., Manager, Development Engineering

DATE: September 13, 2002

SUBJECT: Erosion and Sediment Control

INFORMATION REPORT

ORIGIN

On August 20, 2002 Regional Council requested a staff report to address the possibility of amending the Halifax County Top Soil Removal By-law. The purpose of the amendment would be regulation of sediment control on all residential lots, similar to the Bedford Grade Alteration (status sheet item #11.2.2).

BACKGROUND

In the spring of 2002, rainfall events resulted in sedimentation of the Sackville River. These events gave rise to concerns regarding erosion and sediment control measures being used during new construction, and in particular to the regulation of such measures on low density residential lots.

DISCUSSION

HRM has numerous by-laws regulating:

- erosion and sediment control;
- top soil removal; and
- lot grading and drainage.

Each of these were adopted prior to amalgamation. The result is that there are inconsistent standards throughout the Region.

Erosion and sediment control can be a significant issue in some areas based upon soil conditions, topography, and the sensitivity of receiving waters. In other areas, based on the same factors it is not a significant issue.

Incorporating Bedford's erosion and sediment control provisions into the County Top Soil By-law would effect all rural and urban residential development in the County regardless of scale or location. While this would produce some benefits, it's scope also has the potential to introduce unforeseen impacts and unnecessary regulations in other areas.

Given the diversity of soil conditions and environmental assets in the Region, drafting such legislation requires a substantial review and investment of staff resources. Furthermore the review should include all the relevant by-laws which apply to other areas in HRM.

The Harmonization of grade alteration by-laws, including provisions for erosion and sediment control, is being considered in the business plan process for 2003/04. A regional by-law would then be drafted which would harmonize all existing legislation, and would provide consistency in application, specifications, and enforcement.

BUDGET IMPLICATIONS

N/A

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

Staff could be directed to undertake the amendments now. This is not recommended because of limited resources, current priorities and the complexity of the project.

ATTACHMENT

Summary of Erosion Control & Lot Grading Legislation

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

Summary of Erosion Control & Lot Grading Legislation

“Erosion Control” means controlling sediments and soil loss which occurs when a site is graded or when top soil is stripped.

“Lot Grading Control” means controlling the final elevations of a developed lot, so there are no steep slopes, unsafe retaining walls, or drainage problems which can adversely effect other lots.

Both erosion and lot grading are currently regulated by the Municipality in the following ways:

Halifax County By-law 70 - Top Soil Removal By-law

Regulates the removal of top soil and erosion control;

Applies to all lots in the former Halifax County Municipality which exceed one (1) acre, when the activity is not related to residential construction.

Town of Bedford By-law 23290 - Grade Alteration By-law

Regulates erosion control as well as lot grading;

Applies to all grading activities in Bedford, regardless of whether or not the activities are related to new development.

Site Plan Approvals

The Land Use By-law for the Sackville Drive Secondary Plan Area regulates removal of top soil and erosion control through a site plan approvals process.

Development Agreements

Development Agreements, which involve site grading activities, typically contain provisions which relate to both erosion control and lot grading.

HRM By-law L-301 - Lot Grading and Drainage

Regulates lot grading and drainage only;

Applies to low density residential construction which is connected to a central sewer, in all areas of HRM except Bedford.