

Lot Grading and Drainage: Unserviced Areas

Planning Advisory Committee

September 17, 2024

Planning & Development Department



EAST HANTS

Background

- At their March 2024 meeting, Council passed the following motion regarding lot grading and drainage in un-serviced areas of East Hants.
- - Motion C24(89) Council authorize staff to prepare a report for Committee regarding instituting a lot grading plan for un-services areas including both subdivisions and single lots.
- Staff provided background information and options for Planning Advisory Committee to consider regarding lot grading and drainage in un-serviced areas of the Municipality during the May 2024 PAC meeting.
- PAC recommended to Council not to proceed with amendments to Bylaw P-1200, Lot Grading and Drainage but during the May Council meeting, Council decided to direct staff to do additional research and passed the following motion:
 - Motion C24(161) Moved that staff prepare another report on lot grading issues in the unserviced areas including a jurisdictional scan of neighbouring or like-sized municipalities to review their policies.

Bylaw P1200 - Lot Grading and Drainage

- The purpose of the Lot Grading and Drainage Bylaw is to manage the drainage of water on individual lots, so as not to have a negative impact on the subject property or adjoining lands.
- The Bylaw was adopted in 2006 and is only applicable to lands located in the GMAs, except Mount Uniacke.

Municipal Standards

- Where a lot grading and drainage plan is required in East Hants, the plans must conform with the Municipal standards.
- Section 6.0 Lot Grading, of the Municipal standards states that the objective of lot grading is to provide for the safe and effective drainage of stormwater while minimizing damage to buildings and property and mitigating effects on adjacent properties and Municipal service systems.

Jurisdictional Scan

- As per Council motion C24(161), staff have completed a jurisdictional scan of other Municipalities that require lot grading and drainage plans for lots with on-site services.
- Staff were unable to find any Nova Scotia municipalities where this was a requirement.
- However, there are some Municipal units across Canada where there is a requirement for a lot grading and drainage plan for lots with on-site services. The regulations vary greatly.

Jurisdiction	Regulations
City of Summerside, PEI	Requires lot grading and drainage plans for all lots. There is no ability to waive the requirement.
Township of Severn, Ontario	Requires lot grading plans for every new building and it doesn't matter how the lot is serviced. There is no ability to waive the requirement based on the size of the lot or setbacks from the property line.
Township of Oro-Medonte, Ontario	Lot grading and drainage applies to Single Detached, Semi-Detached & Townhouse Dwellings, Detached Accessory Buildings and additions to Existing Buildings. Does not apply to lots greater than 0.20 hectares. A lot grading and drainage plan may also be required where the Chief Building Official / Development Engineer identifies that one is required.
Haldimand County, Ontario	Rural lots are required to have lot grading plans that show proposed locations for building envelopes, private sewage disposal system envelopes (plus alternate bed location) and private water supply systems. The regulations are applicable to all lots with less than 25 m of road frontage.
City of Kawartha Lakes, Ontario	Lot grading and drainage applies to all lots within the Municipality. The only way the requirement is waived is if the structure being constructed is 5 times more than the minimum setback distance. As an example, for a large agricultural property.
Township of Tiny, Ontario	<p>The regulations state that the Chief Building Official "may" request a lot grading and drainage plan for lots with onsite services. The decision to request a lot grading plan is made in consultation with the Sewer System Inspector and Director of Public Works.</p> <p>In addition, the Chief Building Official, in consultation with the Director of Public Works or designate, may waive some or all of the requirements for a Lot Grading Plan, due to lot size, location, characteristics, or the nature of the proposed construction.</p>

Halifax

- Halifax has Bylaw L-400, Respecting Lot Grading. The Bylaw applies to the development of all residential lots located within an area where a sanitary sewage system is provided.
- Halifax, has another grading bylaw, Bylaw G-200, A Bylaw Respecting Grade Alteration, that applies to commercial and industrial lots.
- In 2016, Halifax Council adopted a version of the Lot Grading Bylaw that included residential properties in unserviced areas of the Municipality.
- However, the Bylaw was extremely unpopular and Halifax Council decided to exclude those areas outside the serviceable boundary from the bylaw.
- The reason for the change was that Bylaw L-400 was creating negative repercussions and financial hardship for small developments in the rural regions of Halifax.
- Halifax may revisit Bylaw L-400, Respecting Lot Grading for unserviced areas again because of difficulties with developers clear-cutting lots in as-of-right developments, which results in drainage and grading issues for surrounding property owners.

Discussion

- East Hants does not approve lot grading and drainage plans and does not take on the responsibility for the proper grading design.
- Therefore, when issues occur between property owners it is still considered a civil issue, and the costs are borne by the property owners.
- In Halifax the process is very similar, the Municipal Engineers accept the grading plans and may only review the plans if there are known issues in the area.
- Also, during the construction phase, if there are issues between neighbouring property owners, Engineers in Halifax will manage and mitigate issues and may issue a stop work order.
- After construction, if issues arise it becomes a civil issue between property owners. Professional Engineers have insurance to cover liability.

Costs of Lot Grading and Drainage Plans

- The cost of a lot grading and drainage plan for a small lot in a Growth Management Area is approximately \$3,500.
- If the Bylaw is extended to lots outside of the serviced areas it is expected that the cost for completing a lot grading and drainage plan would increase.
- Lots in the unserviced area are much larger than lots in the corridor.
- Larger lots require more work which increases the costs of the plan.
- In some cases, costs may increase to up to \$6,000 depending on the work that has to be completed.

Citizen Engagement

- A public information meeting is not required for amendments to Municipal Bylaws that fall under Part VII of the Municipal Government Act.
- However, if Council decides to move forward with amending Bylaw P-1200, Lot Grading and Drainage, staff can also discuss the proposed changes with the public members who attend the public information meeting for the proposed stormwater management changes to the Subdivision Bylaw.

Recommendation

- That PAC selects one of the options discussed, and authorize staff to consult with the public about amending the Lot Grading and Drainage Bylaw if option 2 to 5 is selected.

Options

1. **Planning Advisory Committee recommends that Council:**
 - **make no changes to Bylaw P-1200, Lot Grading and Drainage.**
2. **Planning Advisory Committee recommends that Council:**
 - **proceed with amending Bylaw P-1200, Lot Grading and Drainage to require the submission of a lot grading and drainage plan for all lots up to a maximum of 1 hectare (2.5 acres), where no Municipal services are provided; and**
 - **authorize staff to consult with the public on the proposed change.**
3. **Planning Advisory Committee recommends that Council:**
 - **Proceed with amending Bylaw P-1200, Lot Grading and Drainage to require the submission of a lot grading and drainage plan for all lots up to a maximum of 1 hectare (2.5 acres), where no Municipal services are provided and on larger lots where the proposed structure is to be located within 30 m of a property line or condo unit boundary; and**
 - **authorize staff to consult with the public on the proposed change.**
4. **Planning Advisory Committee recommends that Council:**
 - **Proceed with amending Bylaw P-1200, Lot Grading and Drainage to require the submission of a lot grading and drainage plan for all unserviced lots where the proposed structure is to be located within 30 m of a property line or condo unit boundary; and**
 - **authorize staff to consult with the public on the proposed change.**
5. **Planning Advisory Committee recommends that Council:**
 - **Proceed with amending Bylaw P-1200, Lot Grading and Drainage to require a lot grading and drainage plan for all properties in East Hants, no matter the size of the property or location of the structure on the lot; and**
 - **authorize staff to consult with the public on the proposed change.**