



Subject: *Motion C23(346): Stormwater Management Un-serviced Areas*
To: CAO for Planning Advisory Committee, July 15, 2025
Date Prepared: July 9, 2025
Related Motions: C23(346), PAC24(18), and C24(88)
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Approved by: John Woodford, Director of Planning and Development

Summary

At their October 2023 meeting, Council passed the following motion regarding stormwater management in un-serviced areas of East Hants.

Motion C23(346) Direct staff to bring forward a report regarding storm water management options in the unserviced area of the Municipality.

A staff report and recommendation to hold a public information meeting was presented to Planning Advisory Committee at their March 2024, meeting of PAC. As a result, a PIM was held in May of 2025 to discuss proposed amendments to the East Hants Official Community Plan to require stormwater management plans for all regions of the Municipality.

Financial Impact Statement

There is no fiscal impact to the Municipality for the adoption of this report.

Recommendation

Recommend that first reading be given to the proposed Subdivision Bylaw amendments and authorize staff to schedule a public hearing.

Recommended Motion

Planning Advisory Committee recommends that Council:

- *give first reading to the proposal to amend the Municipal Planning Strategy and Subdivision Bylaw to require stormwater management plans in un-serviced areas of the Municipality, for the purpose of enabling a public hearing; and*
- *authorize staff to schedule a public hearing.*

Background

During their October 2023 Council meeting, Council passed a motion directing staff to write a report regarding stormwater management in un-serviced areas of East Hants and provide options for Council's consideration.

At their March 2024 meeting, Council passed Motion C24(88) “...to proceed with amending the Subdivision Bylaw to require stormwater management plans for tentative plans of subdivision for all areas of the Municipality and all road types; and authorize staff to hold a public information meeting.” Three public information meetings were held in May 2025 to discuss the proposed amendments.

A Stormwater System is defined in the Subdivision Bylaw as “any drainage system, whether above or below ground, constructed to collect, control, and transport stormwater from the area of land being subdivided to a point of discharge.” Currently, there are a few different land use scenarios that trigger the requirement for a Developer to complete a stormwater management plan.

Subdivision Bylaw

Part 12: Stormwater Management requires stormwater management plans to be completed for tentative plans of Subdivision in the Growth Management Areas and Growth Reserve Areas, where more than three (3) lots or two (2) lots and a remainder are being created. A tentative plan of subdivision is required where a new road is proposed. Part 12 of the SUB outlines in detail when and what kind of stormwater management system is required.

Part 12.2 of the SUB requires all land that is subdivided and drains into the Nine Mile River to have a stormwater management plan, no matter if a tentative plan of subdivision is required or not. Policy EN36 of the Municipal Planning Strategy further states that the stormwater management plan shall demonstrate that the development will not increase runoff peak flows.

EN36 It shall be the policy of Council to require that any subdivision applications alongside the Nine Mile River be required to include a Stormwater Management Plan which demonstrates that the development will not increase runoff peak flows.

Site Plan Approval

Depending on the zone and the use of the land, stormwater management plans may be required under some site plan approval criteria identified in the Land Use Bylaw. Stormwater management plans in these situations are required to control stormwater at a particular development site and may not take into consideration the greater community. The stormwater management plan would have to be prepared and accepted before the Development Officer approves site plan approval. Not all site plan approvals require a stormwater management plan.

Development Agreement

In some instances, a stormwater management plan or preliminary stormwater management plan may be required during negotiations for a development agreement. For instance, during the development of the Walkable Comprehensive Development District (WCDD) lands, a preliminary stormwater management plan is required from the Developer for the review of I&O staff. However, detailed stormwater management plans are not required until submission of the tentative subdivision plan. It is at this stage that detailed design and surveying can take place.

Other development agreements, for individual development sites, may require detailed stormwater management plans as part of the terms of the development agreement. Therefore, a detailed stormwater management plan would have to be prepared and accepted before the Development officer issues a

development permit for the proposed use of the land. A development agreement for land located outside of a GMA or GRA may contain a requirement for a stormwater management plan to be completed.

Municipal Standards

In the above situations, all required stormwater management plans have to be prepared in accordance with the Municipal standards. The Municipal standards require that stormwater management systems are designed by a professional Engineer and major stormwater systems have to be designed to carry the runoff from a 1:100 year storm. Data for a 1:100 year storm event can be updated through updates to the Municipal standards.

Bylaw P1200- Lot Grading and Drainage Bylaw

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.

East Hants Council had considered amending the Lot Grading and Drainage Bylaw for lots with onsite services, but at their June 2025 meeting decided not to move forward with amending the Bylaw.

Discussion

Staff have outlined when, under the current land use regulations, a stormwater management plan is required. Under the current regulations, any developer constructing a new road outside of a GMA or GRA is not required to submit a stormwater management plan, unless the property being subdivided drains into the Nine Mile River. Nova Scotia Public Works and/or Nova Scotia Environment and Climate Change may require the submission of a plan under their regulations. East Hants cannot request and review stormwater management plans for consistency with Municipal standards for new roads outside of a GMA or GRA, whether the roads are in public or private ownership.

In areas where no stormwater management plans are required for new road construction, it may be difficult for residents who feel that they are experiencing stormwater-related issues on their properties to prove their concerns. Since there are no stormwater management plans required, the Municipality also has little recourse if an issue arises. Not requiring a stormwater management plan also means that a Developer may not take into consideration how the construction of a new road may impact adjacent lands.

If Council decides to require stormwater management plans for new developments outside of the GMAs and GRAs, it will be an extra expense for the Developer. However, staff feel the protection of neighbouring property owners outweighs the cost to the Developer.

PROPOSED AMENDMENTS

In order to extend the requirement for stormwater management plans to be undertaken in all areas of East Hants, both the Municipal Planning Strategy and Subdivision Bylaw will have to be amended. Text in green, bold and italic identifies text to be added. Text in red with a strikethrough indicates text to be deleted.

Below are proposed amendments to Section C9: Environment of the Municipal Planning Strategy:

EN28. Council shall require an adequate storm drainage system to be in place for all new developments within ~~the Growth Management and Growth Reserve Areas of~~ the Municipality.

EN31. The development, alteration, or influence of any storm drainage system on a specific site shall be presented within a Stormwater Management Plan, which shall be required from the developer during the subdivision or development agreement process. A Stormwater Management Plan shall be required

for subdivisions over 3 lots on an existing area of land. ~~in the Growth Management and Growth Reserve Areas of the Municipality.~~

- EN34. It shall be the policy of Council to require that development agreement applications for WCDD ~~and RCDD~~ land include a Stormwater Management Plan and that stormwater best management practices be given consideration.

Below are proposed amendments to Part 12. Stormwater Management of the Subdivision Bylaw:

- 12.1. Prior to receiving approval of a tentative plan of Subdivision ~~in all Growth Management and Growth Reserve Areas,~~ the Subdivider shall be required to prepare a stormwater management plan based on the following requirements:
- a) the stormwater management plan shall apply to the entire area of land to be subdivided;
 - b) the stormwater management plan shall include a drainage plan to address all drainage patterns within the Subdivision area and shall prescribe a method for the proper drainage and collection of stormwater based on the full development of the site;
 - c) the stormwater management plan shall include a grading plan to address the conveyance of all surface runoff from the developed Subdivision area to a stable outlet or established drainage area in accordance with Municipal standards;
 - d) the stormwater management plan shall meet all specific requirements under Municipal standards;
 - e) the stormwater management plan shall be stamped by a Professional Engineer and shall be subject to review by Nova Scotia Environment and Climate Change and the Municipality;
 - f) this requirement shall only apply where approval is being sought for 3 lots or more (including 2 lots and a remainder) from an existing area of land.
- 12.6. All paved public roads ~~within the Growth Management and Growth Reserve Areas~~ that are not required to have a buried stormwater system shall be designed and constructed with an open-ditch stormwater drainage system in accordance with Municipal standards.

CITIZEN ENGAGEMENT

Planning staff will comply with the citizen engagement policies of the MPS when processing the proposed amendments. As part of the Subdivision amendment process, a public information meeting (PIM) is required. Three PIMs were held in May 2025, one in each region of the Municipality. Notes from the meeting have been attached as Appendix A. The reason for the delay between Motion C24(88) being passed and the date of the PIM was that during this time, Council was considering whether they were going to proceed with amending Bylaw P-1200, Lot Grading and Drainage. Staff were attempting to address both matters at the same time to reduce confusion between the two topics. At their June 25, 2025, meeting Council decided not to proceed with amending Bylaw P-1200.

As part of the current staff report, staff are seeking first reading of the proposed amendments and authorization to schedule a public hearing.

STRATEGIC ALIGNMENT

Amendments to the East Hants Official Community Plan aligns with Council Strategic goal to build strong communities by “Ensure[ing] the East Hants official community plan is effective in managing changes in the community, reducing land use conflict and protecting both natural resources and community character.”

LEGISLATIVE AUTHORITY

The Municipality has Legislative Authority to create land use policies and regulations under Part 8 of the Municipal Government Act.

FINANCIAL CONSIDERATIONS

There is no fiscal impact to the Municipality for the adoption of this report.

Alternatives

PAC may recommend not to proceed with amending the East Hants Official Community Plan.

Attachments

Appendix A - Public Information Meeting Notes