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MEMORANDUM

TO: Chair and Members of North West Planning Advisory Committee

FROM: Tyson Simms, Planner III, Planning and Development

DATE: April 25, 2018

SUBJECT: **Case 21648: Coastal Inundation - HRM Initiated request to correct errors to the Land Use by-laws**

Request:

HRM has initiated a request to correct errors in the Land Use By-laws (LUB) for: Bedford; Dartmouth; Downtown Dartmouth; Eastern Passage/Cow Bay; Halifax Mainland; Halifax Peninsula and Planning District 5 (Chebucto Peninsula). The errors pertain to requirements for residential properties located in areas susceptible to coastal inundation. As two of the subject plan areas (Bedford and Halifax Mainland) are located within the North West Planning Advisory Committee (NWPAC) Area, feedback is sought from the Committee.

Background:

In 2014, Regional Council adopted a revised version of the Regional Municipal Planning Strategy (RMPS). As part of this process, Regional Council adopted policy E-22 (See MPS Policy section of memorandum), which provides controls for areas susceptible to coastal inundation. This is achieved by managing development on lands that are lower lying and prohibiting certain uses, such as residential uses, within these lower elevations. Under the original 2006 RMPS, residential uses were prohibited to occur in the lower elevations, except for residential uses located within the Harbour Designation, which were allowed. However, in the 2014 RMPS, the reference to the Harbour Designation was removed, which meant that all residential uses were prohibited within the lower elevations.

Staff have identified errors in the above noted LUB's related to these requirements. Amendments removing the reference exempting residential uses located within the Harbour Designation, were not included as part of the RP+5 amendment package (Attachment E of the January 14, 2014, staff report titled *RP+5: HRM Regional Municipal Planning Strategy*¹). The absence of such amendments represents an error and were intended to be included.

Site/Location:

All properties designated Harbour under the RMPS.

¹ <http://legacycontent.halifax.ca/council/agendasc/documents/140211ca-rp-11.pdf>

MPS Policy:

Policy E-22 of the RMPS provides direction regarding areas susceptible to coastal inundation.

The policy states:

“E-22: HRM shall through the applicable land use by-law, prohibit all residential development on the coast within a 3.8 metre elevation above Canadian Geodetic Vertical Datum (CGVD 28). Provisions shall be made within the by-law to permit residential accessory structures, marine dependant uses, open space uses, parking lots and temporary uses within the 3.8 metre elevation. Consideration may be given to amending the by-law requirements where an updated system of measurement has been adopted or studies have been undertaken which recommend that such amendments are deemed prudent to provide a reasonable level of safety or to conform with guidelines or statements of interest adopted by the Province.”

The previous version of the RMPS (2006) allowed for this exemption, it stated:

“E-16: HRM shall, through the applicable land use by-law, prohibit all residential development on the coast within a 2.5 metre elevation above the ordinary high water mark, except for lands designated Halifax Harbour on the Generalized Future Land Use Map and industrial lands within the port of Sheet Harbour.”

With the adoption of the revised RMPS in October 2014, the above Policy E-16 was deleted and replaced with Policy E-22. A staff report dated January 14, 2014, titled *RP+5: HRM Regional Municipal Planning Strategy*² provides background regarding the intent of the new policy (E-22), it states:

“The current Regional Plan prohibits residential development, apart from those located within the Harbour Designation, from being established along the coast at an elevation of less than 2.5 metres above the ordinary high water mark (OHWM). The revised Regional Plan is proposing to replace the existing system of elevation above the OHWM with a more precise Canadian Geodetic Vertical Datum (CGVD) standard. A CGVD 28 value of 3.8 metres is being proposed. The 3.8 metres CGVD 28 value is nominally higher than the 2.5 metres above OHWM, and it better reflects potential impacts of future sea level rise and storm surge events. The revised Regional Plan expands this control on elevation to residential uses located within the Harbour Designation.”

Input Sought from NWPAC:

Pursuant to the Committee’s Terms of Reference, feedback is sought from the Committee relative to the proposed corrections to the LUB’s for Bedford and Halifax Mainland.

² <http://legacycontent.halifax.ca/council/agendasc/documents/140624ca93iii.pdf>