



**Public Information Meeting
Case 21402**

The following does not represent a verbatim record of the proceedings of this meeting.

Wednesday, August 28, 2024

12:30-4 pm and 6-8:30 pm

Sackville NS Lions Club, (101 Old Beaver Bank rd., Lower Sackville, NS)

STAFF IN

ATTENDANCE:

Maureen Ryan, Planner III, HRM Planning
Jessica Harper, HRM Principal Planner, Rural Policy and Applications
Tara Couvrette, Processing Coordinator - Planning, HRM Planning
Shannon England, Planning Information Analyst, Planning Information Services
Katie Clark, Planner II, Regional Planning
Claire Tusz, Planner III, Suburban Plan
Helen Langille, Program Engineer, Environment Performance
Shannon O'Connell, Senior Program Engineer, Development Engineering
Justin Smith, Planner I, Development Services

ALSO IN

ATTENDANCE:

Paul Russell – Councillor, District 15 (Lower Sackville)
Lisa Blackburn – Councillor, District 14 (Middle/Upper Sackville – Beaver Bank – Hammonds Plains)
Hon. Kelly Regan, Bedford Basin – Liberal MLA
Hon. Steve Craig, Sackville Cobequid – PC MLA

PUBLIC IN

ATTENDANCE:

Approximately: Afternoon meetings = (1st session – 51, 2nd session - 33) = 84
Evening meeting = 80

1. Call to order and Introductions – Maureen Ryan, Planner

Case 21402: Sackville and Little Sackville Rivers Floodplains

Ms. Ryan introduced herself and the rest of the team. Ms. O'Connell provided the land acknowledgment.

2. Presentations

2a) Presentation by HRM Staff – Helen Langille

Ms. Langille's presentation included information on the following:

- (a) Project history review;
- (b) Floodplain Modelling update;
- (c) a brief description of the draft regulations;
- (d) what public engagement has been done.

2b) Presentation by HRM Staff – Maureen Ryan

Ms. Ryan's presentation included information on the following:

- (a) Spoke about the plan areas that amendments are being made for,
- (b) Floodplain zones, permitted uses, conditions, existing residential uses, expansion of the existing residential uses, floodproofing,
- (c) Floodway fringe overlay zone, permitted uses, conditions, floodproofing,
- (d) Key elevations, Areas no longer in the floodplain, Policy review, next steps

3. Questions and Comments

Ms. Ryan welcomed attendees to ask questions to staff and the presenters and provide their feedback, including what they liked and disliked about the proposal.

1st Session 1 – 2 pm

Resident, Bedford:

Are you going to restrict/abolish any new construction of new residential home but allow commercial? When you talk about the floors – are you talking about the basement levels or the habitable floors? For the existing homes, where are you looking at buying people out?

Ms. Ryan – we can't allow any new homes within the floodway zones. You would have to have your habitable floor above the 1-100-year elevation. There were 11 areas recommended but this project is not dealing with the acquisition of homes. Halifax Regional Council has been petitioning the province to look into acquisition of properties within the flood prone areas. The province has acknowledged receipt of that letter of request.

Resident, Seawood Dr.:

Part of the 2020 mitigation study was to investigate Seawood Drive – do you know where Halifax Water or the municipality is at implementing some of that mitigation?

Ms. Langille – explained why they are starting with the development restrictions. The municipality and Halifax Water are aware of those recommendations and that is where it is at right now.

Resident, Sandy Lake:

Buildings on a straightaway is not as prone to washout like it would be on a turn. Would development consider the flow of the river turns and stuff like that.

Ms. Ryan – In the floodway (blue area) we would only allow that for existing development.

Ms. Langille – Within the floodway, 1-20-year zone, we are not permitting new structures. Within the flood fringe overlay, 1-100-year zone, there is the possibility of certain types of new development by development agreement.

Mr. Giles – What is the difference between grade alteration and allowing fill to be brought in? The structure at McCabe Lake – is that the responsibility of HRM or the province?

Ms. Langille – grade alteration could be looked at like moving soil around from your site within your site. Offsite fill means you are bringing in fill from somewhere else. The structure that is place at McCabe Lake right now is mostly natural. Doesn't believe the structure there has been handed over to the municipality.

Resident (46:13):

Noticed on the maps that the commercial lands have been removed from the floodplain designation and noticed new construction work going on, can you explain what is going on. Feels it was a missed opportunity to re-naturalize it and improve that. Because it is above the floodplains none of this protection against bringing in off site fill seems to be in place.

Ms. Ryan – not familiar with all the development applications that are currently being evaluated. Any land that was in a floodplain P3 zone that is no longer within the floodplain areas under the new floodplain mapping are proposed to be rezoned to the adject zone and in this case when pointing to a map on the screen, an R-1 zone. Property owners have the right to apply for a development permit under the current regulations and if they are currently not zoned P-3 or Floodway, the municipality would have to issue the permits if the application complies with those existing regulations. When council adopts the changes, as recommended, that would change.

Resident, Sackville

This plan is 5 years done – we need to get it passed. Can HRM come up with a working policy where all rivers in HRM will be mapped, zoned and protected. Why weren't the sub watersheds, Sandy Lake, Lewis Lake, Tomahawk Lake considered in the calculations. The flow from these rivers is very important and if it isn't part of this plan, you can still build right up to the lake/rivers edge in those areas.

Ms. Langille advised HRM is moving forward with doing floodplain studies and integrated map work into the remainder of the watersheds withing HRM.

Resident, Rankin Dr:

If I want to put my house up for sale, am I legally obligated to disclose that I am in a floodplain? Are they going to do any further work to eliminate the flooding on our street?

Ms. Ryan – I can't advise on legal matters.

Ms. Langille – is aware that it is an area of concern and working towards addressing it. Don't have a specific plan in place at this time though.

Resident, Candlewood Lane:

The talk about the 1-20-year and 1-100-year mapping, the 1980's stuff had to be updated and that is good, but with the frequency these events are happening, what does 100 mean anymore. Why is it 100 and not 1-250 or something? 20174 is out of date, 2019 is out of date and even the 2023 is out of date. Also wanted to know why infrastructure changes were not considered.

Ms. Langille explained the study that was done included projections that are associated with climate change to the year 2100. Also provided more information about the study and why it is a 1-20-year and 1-100-year timeframe. Also explained why development restrictions were considered first before implementing flood protections or infrastructure upgrades.

Ms. O'Connell – we have to stop making it worse and then start making it better.

2nd Session 2:50 – 4:05 pm

Resident, First Lake area:

Good to see these regulations being put in place. Happy to see the prioritization of the cross regional floodplains. I would also ask the staff to consider the prioritization of restoration of wetlands particularly in the floodway area along with conservation especially where there is such of high concentration of development already. Could you talk a little bit more about the allowable resource uses in the floodway. Thinking about the ecological integrity of the red herring zone, certain activities effecting erosion and increasing sedimentation into those aquatic areas.

Ms. Ryan – currently there is a requirement of a 20-metre buffer zone but in the new Regional Plan, phase 4, is requesting an increase to 30 metres. Also spoke to the allowed resources uses within the floodplains.

Resident, Bedford:

Within the flood zone – what changes could you make to your home? Changing windows, doors, and stuff like that? Could you make it larger? The lines – how does it effect your property. Is there an option to appeal this zoning? Thinks the flood lines are overestimated.

Ms. Ryan – yes you can make changes to your home to change windows and doors, provided you do not further exacerbate the required conditions for setbacks from the floodplain. If your house or commercial building is entirely within the floodplain you cannot enlarge the building, except for the construction of a loading dock or accessibility ramp for a commercial development. We kept residential uses as a legal non-conforming use. The only portion of your property that would be affected is the portion that falls within the floodplain. We are taking the science and evidence before us and implementing that so you can contest what we are proposing before Regional Council at the public hearing. Offered to have them make an appointment to come in and review the flood lines with staff.

Ms. Langille also spoke about floodplain modeling and floodplain delineation. There is also a review frequency built into this.

Resident, Rosebank:

There are tires, oil tanks, fallen trees (huge trees) etc. in the river – who is responsible for cleaning that up? This alone will cause more flooding if it is left there.

Ms. Langille – in order to do any in water work you need the approval of province of NS and potentially the Department of Fisheries and Oceans. Encouraged them to get in touch with their MLA or the NS Department of Environment and Climate Change.

Resident, McCabe Lake:

How are water levels from last year compared to what you are predicting for the 100-year mark. 275 mls in a day and it is vastly different so is it based on 500 in 12 hours, 750 in 12 hours – how do we draw the line so far back?

Ms. Langille explained the factors that determine that.

Resident – How does last years flood compare to the last 6 or 7 serious events that you have listed?

Ms. Langille – in some areas of the watershed it lined up really well. Explained why the lines are where they are.

Resident – The amount that you are showing water levels going up – wondering where the numbers are coming from. Seems like a little bit of a stretch to go out 75 years and plan. How far apart are the elevation points that you pick on the map.

Ms. Langille provided an explanation. Design Point set the key elevations based on what was happening within the watershed. Some are closer together and some of them are further apart.

Ms. O'Connell – also explained why the lines are where they are.

Resident, Lower Sackville:

Can you expand upon the McCabe Lake outlet structure. Was there a bridge proposed for that structure at sometime? Improved channel capacity – can you expand on that one too. I think you could add another point which would be to restore and create more wetlands. This start in 2018 and here we are 6 years later – it is time to bring this home. Floodplains are critical for water quality. This is a great start.

Ms. Langille – The mitigation options from Design Point are recommended for implementation in order. When we start with development restrictions and then move into additional things. Went over the recommendation about the McCabe Lake outlet structure. The bridge is not something I am aware of, but Walter Regan said there was. Provided information about expanding the channel capacity and the re-naturalisation of the river where it is possible to do that. Restore and creating wetlands would also be part of the re-naturalisation.

Resident, Apartment in Bedford:

Improve channel capacity and compensation are 2 of the recommendations but that is way down the road. I think something must be done to help us property owners between now and then. It is crucial – we can't get flood insurance and most people can't get their mortgage renewed. We are in a crisis situation. The municipality takes our municipal taxes and has a responsibility to take care of their constituents. They strongly suggest a fund needs to be set up to help the people in the 20-year floodplain. The building they bought 30 years ago wasn't in the floodplain, but it is now. The focus needs to be to help these residents. If the municipality doesn't want to put the millions of dollars into a fund to protect us then they should have some mechanism setup whereby we would be relieved of taxes for the 2 or 3 years calculating what our expenses are. If we spend more than that to repair our facility, then something has got to be done to protect us. Feels we all need some protection. What is the municipality prepared to do?

Ms. Ryan – Spoke to the mitigation study. Also, that it would take multiple levels of government and multiple year to get through.

Resident

If you live in a trailer park – are they exempt from asking the city for things? If they want to move land back, do they have to ask the city first to make sure they are not impeding the waterflow? Who are they accountable to?

Ms. Ryan – They would have to apply for a permit. It would be under the land lease regulations.

Resident

How is first and second Lake through into the floodplain regions? All the water runs into the Sackville Rivers – its it important to consider some restrictions for development on First Lake or this reason? To maintain the buffer so the lake can rise and fall with stormwater. Sackville is going through some crazy development and all indications looks like it is development without planning. More impervious

surfaces cause more water to go into storm drains, water into natural structures, such as the streams, and then more water into the rivers and in the low areas it is going to cause and increase in flooding. The municipality needs to do something so this problem doesn't grow because of the excessive amount of development.

Ms. Langille -they are not part of this watershed. They would be part of a separate watershed study. There are restrictions in place around watercourses. There are also requirements from the province.

3rd Session 7:30 - 8:35 pm

Resident

Based on the fact that your proposal is using a model and not facts with lots of assumptions built in your assumptions, and it will irrevocably affect the evaluation of 100's of homes in the designated areas. How will the city compensate the homeowners? What are you going to do for me even though I have never had a drop of water in my house but now it is being designated as being in a flood zone? There are other impacts from your proposal – an irrevocable impairment to people's home values.

Ms. Ryan – it is a model based on scientific assumptions which appear to be valid. We are proposing a policy that would require us to review, observe and adjust lines as deemed necessary from our assessment of the situation. With respect to compensation the studies have recommended the acquisition of properties that are consistently flooded. It also recommends the acquisition of vacant properties that cannot be developed in a floodway zone. This is currently being investigated.

Resident, Memory Lane, Sackville:

If less than 10% of your property is in the flood zone the existing use on the other 90% still exists?

Ms. Ryan – Yes.

Resident – You say this is not set in stone – there is a process. In 2017 you went through public engagement – they feel that was not public engagement at all. Seven years ago you had the mitigation proposals, why haven't they been started? They should have been started in 2017. Some of these properties are no longer in the flood zone. What happened, how did they get out of the flood zone? They would suggest taking the first thing on the list, destroying the value of people's property, and move it to the bottom of the list and mitigate the problems first. Don't put it on the back of the 900+ people who you are going to affect their property values. CMHC says 8.2% of your property is devalued when it is determined to be in a floodplain. If you alter the use of it further, it further degrades the value of your property between 10-20%. The province is putting in thousands of square metres of hard surface with this new highway, we need the highway, where is all that water going to go that is being displaced? It is going to be forced into the ball field and the gun range. As you stated when you have a bowl with so many marbles in it and you put one to many in it, it overflows. So, adding all that extra water to the floodplain zone could affect somebodies house who has never had water in their basement before. Once you are deemed in a flood zone and you try to renew your mortgage they will ask if you have flood insurance, this is mandatory in a flood zone, and that is an extra 2-3 hundred dollars a month if not more. Some people can't afford that extra cost. Do the first part last, take some of these properties out of the flood zone, we know it can be done. Appreciates all the hard work that is being done but it is people's homes, which are their investments for their retirement, and that is what they worry about.

Ms. Ryan – The proposed floodplain regulations will not change the fact that the area is prone to flooding. The Insurance Bureau of Canada hires its own engineers to do its own floodplain study so they themselves know where the areas of risk are. We had to update our information because the technology is better than what we had back in the 80's.

Ms. Langille – Spoke to the mitigation study and order of implementation.

Ms. O'Connell – Stop making it worse and then we can start making it better. We are looking at some of the other mitigation measures, but this is where it needs to start.

Resident – These are regulations, but this is our homes, our legacy, our money, and I hope that council thinks about that when making their decision. Dismayed that there are people pushing this through because this is a human thing, not a regulation thing.

Resident, Middle Sackville:

Has an approved building lot that is now 90% in the floodplain zone. Doesn't believe they will be

allowed to build on it in the future. Has an assessed value for their property now but that will decrease once this new zoning comes into effect. What will be the compensation process because we can't build on this lot because it is on a floodplain? Their concern is that because of their age this timeline is going to be bad.

Ms. Ryan – stated they do have existing rights and if they get their permits before the notice of this going to council. Provided you building commences within 12 months of the issuance of that permit and constructed withing a reasonable amount of time. There is also the possibility of the acquisition of vacant properties that are consistently flooded being looked into but can make no promises about that as their part of this is to being in/propose regulation.

Resident – Understands but their point is that they were not planning on building on their lot for 5 maybe 10 years and doesn't want to be forced to go and get a permit and start building right away. With the new regulations they will not be able to build on their property at all.

Resident

Thinks this research is overdue. Has a piece of land with a significant portion in the floodplain and they don't have plains to build right away, and it is very troubling not knowing where they stand with that. They have heard that there was potentially going to be a wind farm in up by Tomahawk Lake, as well as other developments going in that area, is there any truth to that? There are a lot of unanswered questions that would seriously impact the floodplain.

Ms. Ryan – stated could only answer the question generally. They do know Lake Tomahawk is within the protected water supply and they only developments going in there would be conservation related uses and protected water supply uses. Several years ago, had heard discussion about that idea of wind energy being generated within out public water supply but can't confirm anything about that.

Public – For someone like myself to get these answer, would I show up at the public hearing because there are a lot of gray areas that we are not privy to right now.

Ms. Ryan suggested they contact her, and they together can look up the information.

Resident, Middle Sackville:

If you are not consistently flooded is there an option for compensation? What is the threshold? In the last flood a lot of the water came up through the basement – through the pipes – would that be a Halifax Water issue?

Ms. Langille stated it is not perfectly defined but are looking at those properties that are flooded more often than the properties within the 1-20-year typical event. Has no specific number at this time to provide. Provided the 11 areas of concern that were identified in the mitigation study. If water is coming into your home through the pipes that would be Halifax Water.

Ms. O'Connell – the acquisition of property is something that we have to partner with the province and potentially the federal government as well. A letter has been submitted to the province through Reginal Council and we know they have provided acknowledgement of receipt of that letter.

Resident

Wants some examples of resource uses. Keeping it naturalized is one of the best ways to prevent and mitigate floodwater. Why are we permitting resource use in the Little Sackville River when we have the perfect opportunity to put as one of your priority measures conservation of the land that is existing in its somewhat natural state. We have an opportunity to preserve and conserve in its natural state to mitigate flooding.

Ms. Ryan – because it is private property, and the Statement of Provincial Interest outlines some alternative uses that may be considered and if appropriate within a community could develop. Spoke to different resource uses.

Resident, Middle Sackville:

You had put the first 8 recommendation in your slide where do you get access to the rest of the recommendations? What about cementing the river all the way down – would that help it? It wouldn't erode the soil.

Ms. Langille explained all the mitigation study recommendation and all reports are available online. The reason we are doing the mitigation measures we are to try to avoid doing infrastructure projects like that because they have devastating environmental consequences.

Resident, McCabe Lake:

Appreciate everything that is being done here but thinks there is some doubt in the actual mapping of the new lines and a question around the prediction model being used. How does the lake rise by over 30 feet? It is subject to a lot of human biases.

Ms. Langille explained the process of setting up a flood delineation model. We need to work with the information we have available to us.

Ms. Ryan – a substantial part of the watershed is in East Hants and one of the recommendations is collaboration with the municipality of East Hants. This will give us the opportunity to look at how to manage the flows in the entirety of the watershed.

Resident

The regulations that you are proposing now – how is that going to change anything for us as far as making things better? Is there anything in the regulation when you speak about mitigation about the removal of all the debris in the river? This could be contributing to the flooding.

Ms. Ryan stated the regulations are proposed to respect the fact that you live there and that you live in a floodplain zone and there are policies under the HRM Charter that protect your existing rights. Also explained what it would do for them.

Ms. Langille spoke to the controls that are being brought in. If the debris in the river is in the coverts under HRM property it should be brought to our attention. If it is happening along provincial roads/coverts, then it needs to be brought to their attention. If we know about it, we can do something about it.