



Municipality of the District of Argyle

Item: Coastal Communities
Protection Act - Consultation

Date: Sept 27, 2021

VISION

We see Argyle as home to a healthy and thriving rural population. Our municipality promotes and supports economic and social opportunities for the region and engages in the active expression of our unique Acadian heritage. We are a place of choice for rural living and are widely recognized for our warm hospitality and joie de vivre. Surrounded by fresh air and cool ocean breezes, we work and play in the great outdoors. People choose to live in Argyle because of our commitment to each other, to our community and to our neighbors. Argyle is a place we are proud to call home.

Background:

The Province of NS has led a consultation on Coastal Communities the Coastal Protection Act (CPA). The purpose of the CPA and the regulations is to protect homeowners and developers from investing in a property that could be at risk for coastal erosion, flooding, or sea level rise. The regulations propose additional restrictions on certain developments if they are within a 100 meter distance from the water line.

The report is attached for your review, and the province is asking for comments on the Regulations. A public forum was held, and attended by your Warden Muise, CAO Muise and Alix d'Entremont. We subsequently discussed the regulations with John Sullivan, Building official.

Certain developments within the 100 M water mark would require additional approval; specifically, a 'certified professional' would have to approve those developments to ensure the development would be at a reasonably safe from coastal risks. These regulations would not apply on existing development, unless there were considerable improvements to them.

As part of assisting Council and staff in understanding these regulations and the impacts to our community, I asked Alix d'Entremont to lead a task. The question asked was: how many vacant properties are in MODA that could fall into these regulations. Alix's results are more detailed than the commentary below, but this is a summary:

In summary, this means that there are 54 privately owned empty lots on the mainland that are large enough to build on and easily accessible that would fall under the Coastal Protection Act regulations if the owner wished to build a dwelling with a well and septic bed. Up to an additional 155 lots might fall under the Act depending on the exact dimensions and features of the lots that would allow some to be able to build outside of the 100 m buffer.

In reviewing the last year's permitting history, Alix also observed the following

2020 BUILDING PERMITS

Of the 65 building permits that allowed me to map them, 12 of the structures were within 100 m of the high water mark, and **6 of those would trigger the requirement for an erosion assessment by a designated professional.** The exceptions above removed 6 permits (e.g. deck, accessory building) from the requirements of the Act.

With recent increases in development in the region, and with the historical data at our fingertips, we can conclude that the Regulations will have an impact on development in our region.

What we are still unsure about is who would be designated as a professional to assess these developments, how long it will take for the work to be completed, and what, if any, enforcement would be required.

MGA considerations:

None noted

CAO's Recommendation:

Based on the presentation and observations subsequent, we would recommend that Council write a response to the request for engagement.

The response would raise concerns and questions about enforcement. We would be concerned that work would fall to our building officials on matters that should fall into other provincial departments. Our building officials, while competent and talented, are not experts in this area, and should be supported by Provincial officials in this matter. There is no issue with our building officials approving development and identifying the fact that the property is subject to a deeper review.

The second concern and question would be about availability of talent. The designated professional qualifications may be challenging to provide in rural areas. Should the talent and qualifications not be readily available, this could significantly affect development. As noted above, 6 permits in 2020 would fall into this designation – that's for Argyle alone. We can certainly see the reasoning for these regulations, but there is a practical matter or availability of talent that raises concerns.

Overall, it should be noted that regulations are necessary to protect homeowner investment on coastal communities. There should be regulatory controls with the increased risk of flooding and erosion.

Suggested motion:

Move that comments and concerns be drafted by staff and delivered to the Province prior to the September 30th deadline, with the points raised by this request for decision.

