

Municipality of the County of Colchester

Small Flood Damage Reduction Projects Policy

1. Introduction

The Flood Advisory Committee approves and manages small flood damage reduction projects in the County on an annual basis. The Committee has limited resources and as such feels it is important for property owners who benefit from this Policy to cost share in projects. This will allow for the completion of more projects per year. The following Policy outlines the process for applying for a small flood damage reduction project as well as the available cost reduction options available to the various landowners.

2. Definitions

In this Policy:

- a. "Active Farmland" is property which is identified as farmland on the Assessment Roll and is currently being farmed.
- b. "Commercial Property" is property which is identified as commercial on the Assessment Roll and has a business located on the property.
- c. "Flood Advisory Committee" is a Committee of Council (the "Committee").
- d. "Non-Municipal Infrastructure" is infrastructure that is privately owned or publicly owned (by the Province or Federal Government) and which serves the general public, including but not limited to, railway infrastructure and properties, bridges, electric power supply grids, and cable-TV service infrastructure.
- e. "Owner" includes:
 - (i) the person assessed for the property;
 - (ii) a person who holds title to the property including a part owner, joint owner, tenant in common, or joint tenant of the property;
 - (iii) a person having the care or control of the property through adverse possession; and
 - (iv) a person with a life interest in the property.
- f. "Residential Property" is property which is identified as residential on the Assessment Roll and is occupied by the owner as the owner's principal residence.
- g. "Shoreline" is any area which is exposed to the influence of saltwater, including the downstream areas of watercourses which are influenced by the tide.

- h. "Small Flood Damage Reduction Project" is a project which will mitigate or eliminate the negative effects of flooding and erosion on a property and which takes place:
 - (i) Along a watercourse, or
 - (ii) Along a defined stormwater drainage course which carries water from a public road right of way.
- i. "Stormwater" is defined as the runoff generated from precipitation events such as rain and snow melt which flows over land or impervious surfaces and does not soak into the ground.
- j. "Vacant Land" is property which may be identified as residential, commercial or farmland on the Assessment Roll, but which has no principal residence or business located on the property and is not actively being used for farming.
- k. "Watercourse" is the bed and shore of every river, stream, lake, creek, pond, spring, lagoon or any other natural body of water and the water therein, whether it contains water or not. When the presence of a watercourse is unclear, the matter shall be referred to Nova Scotia Environment for a final decision.

3. Budget Amount

On an annual basis, the Municipality will identify an amount to be allocated for Committee projects.

4. Application Process

'Request for Work' forms are available from the Municipal Office, 1 Church Street, Truro, or from the Mayor or Councillors. Completed forms must be returned to the Municipality c/o the Committee, for consideration. Applications received after April 30 may not be considered for inclusion in the list of projects for that year and the applicants may be required to re-apply for consideration in subsequent or future year(s).

- a. Members of the Committee and Municipality staff shall carry out site visits to assess the work to be carried out under each proposed project for valid applications received under this Policy.
- b. Following site visits, staff shall process the applications received and prepare a priority list of all proposed projects for applications received under this Policy and present them to the Committee for approval, and for inclusion in an invitation for bids for the work required for the approved projects. Bids for work for the projects shall be invited in accordance with the Municipality's Policy on Purchasing and Tendering for Goods, Services and Construction Projects and announced through the Municipality's website and/or local print media. Depending upon budgetary constraints, the Committee may or may not include all projects listed in the priority list in the information package for bidders of work for the calendar year. Any projects that could not be included in the tender announcement shall be carried over to the priority list for the succeeding year and re-prioritized with the project

applications received in that year. The Committee may also elect to seek competitive bids on an hourly rate basis, to be applied to all approved projects within a given fiscal year.

- c. Applicants whose applications have been shortlisted for inclusion in the priority list of projects that will be carried out in the current year shall be advised in writing of the total cost of the project and the applicant's share of the cost of the project determined in accordance with Section 7 of this Policy. Applicants will have two weeks from the date of the letter advising of the approval and cost of the project to:
 - (i) Withdraw their application in writing; or
 - (ii) Confirm their acceptance of the project costs in writing, and to execute the "Agreement for Cost Sharing Expenses" and the "License to Enter upon Land and Release from Liability." If the project is not accepted in writing and if the Agreement and the Liability Release documents are not executed by the date stipulated in this Section, the project will be considered to have been withdrawn by the applicant and will be removed from the priority list of projects to be carried out.
- d. Following response from applicants as required by Section 4(c), staff will present the final priority list of projects for the year to the Committee for approval. Construction work will be awarded to successful bidders based on the final approved priority list of projects under the Policy.

5. Criteria

- a. The Committee will not consider, except in emergency situations, the following:
 - (i) Projects on resource or forest land;
 - (ii) Projects that threaten non-municipal infrastructure;
 - (iii) Projects on property owned by another level of government;
 - (iv) Projects whose purpose is to alter a naturally changing watercourse in which no flooding is threatened; or
 - (v) Projects necessitated due to shoreline erosion.
- b. The Committee will have the authority to pay:
 - (i) The full cost of any approved project(s) submitted by not-for-profit organizations for work on their property; and
 - (ii) The full cost of any approved project the Committee deems appropriate.

6. Prioritizing Projects

- a. In order to assist the Committee in the recommendation process, applications will be prioritized as follows:

Type of Property Threatened	Priority
residential property	1
commercial property	2
active farmland	3
vacant land	4

7. Project Cost Reduction

- a. Once projects have been approved by the Committee, the following reductions will be applied to the final project cost, reducing the portion of the cost payable by the applicant:

Property Type Threatened	Available Reduction in Applicant's Costs
residential property	75%
commercial property	50%
active farmland	25%
vacant residential land	10%
vacant commercial land	10%
vacant farmland	10%

- b. Other public funding:

- (i) It is the intent of this Policy that the Municipality will provide funding up to the maximum reduction in costs as set out in this Policy. The Applicant's costs will be those costs not covered by the Municipality's funding ("Applicant's Costs"). Should the Applicant receive funding for the approved work from another public agency(ies), the Applicant may apply that funding to the Applicant's Costs provided the amount of funding does not exceed the total of the Applicant's Costs. If the funding available to the Applicant from another public agency(ies) exceeds the Applicant's Costs, then the Municipality's costs shall be reduced by the full amount of excess funding or if the costs have already been paid the Applicant shall reimburse the Municipality the full amount of excess funding.
- (ii) The Applicant shall immediately advise the Municipality of other sources of public funding available for the approved work, whether the funding is received before or after signing the Cost Sharing Agreement.

- (iii) In all cases, and regardless of the total cost of the project, if the property type threatened is residential property, the property owners will not be required to pay more than \$2,500 for the project.
- c. Applicants will be required to execute an “Agreement for Cost Sharing Expenses” to receive a reduction in accordance with this section.

8. Payment of Costs by Property Owners

- a. Property owners will be notified, in writing, of their actual cost of the project, based on staff estimates or bids received and as calculated in Section 7. Should the property owners accept the costs and agree to sign the “Agreement for Cost Sharing Expenses” and the “License to Enter upon Land and Release from Liability” as per Section 4(c) of the Policy, property owners shall be required to:
 - (i) Pay 50% of their share before any work is carried out on their property,
 - (ii) Pay the remaining 50% of their share of the project cost in a lump-sum amount if they have opted for the single lump-sum payment plan in the “Agreement for Cost Sharing Expenses”, or
 - (iii) Pay the first installment of the remaining 50% of their share of the project cost if they have opted for the one-year repayment plan in the “Agreement for Cost Sharing Expenses.”
 - (iv) If the Applicant(s) receive funding from another public agency(ies) in advance of the approved work being carried out, they will be required to deposit the entire amount of public funding received in lump sum from the third party at the time of signing of the “Agreement for Cost Sharing Expenses.” The applicant(s) will have the option to pay the balance amount of their share of the project cost either in a lump sum amount or in installments as specified in (ii) and (iii) above. The amount deposited against third-party assistance received by the applicant(s) shall not count towards the first installment if the applicant(s) decide to exercise their option as per (iii) above.
- b. Property owners shall be required to pay their share of the costs of the project as per Section 8(a) by March 1 in the fiscal year the project is completed. Should property owners fail to meet this deadline, the outstanding amounts shall be placed as a lien on the property.

9. First Lien

- a. The property owner’s outstanding cost for a project shall constitute a first lien against the property from the time the cost is due on March 1 in the fiscal year the project is completed, and is collectible in the same manner as other taxes, and, at

the option of the Municipal Treasurer may be collected at the same time and in the same proceedings as other taxes. The lien remains in effect until the costs, and any interest thereon, has been paid in full.

- b. In the event of subdivision after a first lien comes into being, the lien shall attach to the lot or parcel bearing the same Property Identification Number as the original property, or to such other property as may be determined or deemed by the Municipality to be the successor property.

10. Payment of Costs over Time and Interest

- a. If the property owner(s) opt to pay their remaining 50% share of the total project costs in installments as permitted by Section 8, the costs may be paid in 1 to 12 monthly installments together with interest on the unpaid balance at 7% per annum or such other interest rate determined by Council by resolution, compounded annually, computed from March 1 in the fiscal year the project is completed, subject to the provisos that:
 - (i) In the event of default of payment of any installment, the entire unpaid balance, including interest, becomes due and payable;
 - (ii) In the event of default of payment of any installment, the interest on the amount of the default shall be computed at the same rate prescribed for the late payment of other real property taxes payable to the Municipality; and
 - (iii) A property owner may pay off their cost of the project and extinguish the lien at any time by paying the entire balance, including interest.

Clerk's Annotation For Official Policy Book

Date of Notice to Council Members of Intent to Consider (7 days minimum): November 8, 2019

Date of Passage of Current Policy: November 28, 2019

I certify that this Policy was adopted by Council as indicated above.

Rob Simonds
Municipal Clerk

December 9, 2019
Dated

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amended January 31, 2019
amended January 29, 2015
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