

# DECISION/DIRECTION NOTE

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**Title:** Driveways in Floodplains  
**Date Prepared:** March 17, 2021  
**Report To:** Committee of the Whole  
**Councillor and Role:** Councillor Maggie Burton, Planning & Development  
**Ward:** N/A

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## **Decision/Direction Required:**

That Council consider an amendment to the St. John's Development Regulations that would allow the development of driveways in a floodplain under certain conditions, where the grade of the land would not be changed.

## **Discussion – Background and Current Status:**

The City has received an application to develop a Single Detached Dwelling at 42-44 Fourth Pond Road. The property contains a house and would be subdivided to create a second lot for the new house. Much of the new lot is in the floodplain and the floodplain buffer of Fourth Pond. While the new house would be located outside the floodplain and buffer, the driveway would have to cross the floodplain and floodplain buffer to reach the new house.

This application has prompted review of Section 11.2.4 of the St. John's Development Regulations, which sets out conditions for development within lands adjoining bodies of water and flood hazard areas. Under the current regulations, a driveway is not be permitted within a floodplain. The City will also review the draft Envision St. John's Development Regulations.

The application raised concerns about allowing a driveway in a floodplain; this could change the flow of flood waters and cause flooding on properties that might not flood otherwise. Allowing a driveway might change the floodplain. The greater the change in the landscape, the greater potential change in flooding. As well, allowing the development of a driveway in a floodplain may pose a risk to life and safety for people using the driveway, depending on the flood conditions.

While these concerns still exist, we recognize that there are some situations where a driveway could be considered. Development Engineering staff support an amendment to add driveways as a discretionary use in a floodplain (each application would be subject to Council approval) only if the grade of the property is not changed for the driveway. If those conditions could be met, then staff would recommend approval of the driveway in a particular application. The final decision would rest with Council. Given the staff review that is required for such applications, staff recommend that driveways would not need to be reviewed by the City's Environment and Sustainability Experts Panel, however this can be adjusted if Council decides otherwise.

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Under the current Development Regulations, this could be permitted by amending Section 11.2.4 to include a section on developments permitted within the floodplain and amending Section 11.2.4(2) to add driveways as a development that could be considered by Council. Staff also propose to add material from the draft Envision Development Regulations. This includes adding “wharves and stages”, removing “public road”, replacing “practical and recreational travel” with “trails”, and removing “recreational and educational pursuits”.

In the case of 42-44 Fourth Pond Road, should Council proceed with the proposed amendment, the applicant would have to provide grading information showing that the installation of a driveway and culvert would not alter the existing grade. If those conditions can be met, the application would be brought to Council at the development stage for decision.

Should Council consider the amendment, it is recommended to advertise it for public comment and refer it to the Environment and Sustainability Experts Panel. The Panel’s recommendation would be brought back to Council along with public comments. The proposed amendment is City-wide, but where it was prompted by an application at 42-44 Fourth Pond Road, staff recommend sending notices to properties within 150 metres of that site.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicant.
2. Partners or Other Stakeholders: Neighbouring residents and property owners of 42-44 Fourth Pond Road.
3. Alignment with Strategic Directions/Adopted Plans:  
*St. John’s Strategic Plan 2019-2029 – A Sustainable City – Plan for land use and preserve and enhance the natural and built environment where we live.*
4. Legal or Policy Implications: An amendment to the St. John’s Development Regulations would be required.
5. Privacy Implications: Not applicable.
6. Engagement and Communications Considerations: The proposed amendment would be advertised in *The Telegram* and through the City’s social media.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable.

**Recommendation:**

That Council consider the attached amendment to the St. John's Development Regulations which would allow driveways, wharves and stages in a floodplain at the discretion of Council and advertise the amendment for public review and comment.

Further, that Council refer the proposed amendment to the City's Environment and Sustainability Experts Panel for review.

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**Approved by: Ken O'Brien, MCIP, Chief Municipal Planner**

**Report Approval Details**

Document Title:	Residential Driveways in Floodplains.docx
Attachments:	- Residential Driveways in Floodplains - Attachment.pdf
Final Approval Date:	Mar 18, 2021

This report and all of its attachments were approved and signed as outlined below:

**Ken O'Brien - Mar 17, 2021 - 4:44 PM**

**Jason Sinyard - Mar 18, 2021 - 12:21 PM**