

Summary of Proposed Drainage Bylaw 18093 Amendments

1. Compliance Related Amendments

Action	Proposed Bylaw Amendment
<p>Amend the bylaw so that Administration may apply compliance actions to any person responsible for a contravention.</p>	<p><b>Current:</b> Bylaw 18093 restricts compliance actions to the current property owner.</p> <p><b>Proposed:</b> Add new definitions for <i>person responsible and developer</i> to Section 2 and add to select sections of the bylaw. A <i>person responsible</i> is required to complete grading approvals in cases where the construction of the buildings are complete, where ownership has been transferred or sold or when a builder is no longer in possession of the property.</p> <p><b>Rationale:</b> This amendment supports equity by enabling Administration the flexibility to apply compliance actions to the appropriate and accountable party that is causing a contravention, including but not limited to the current property owner. This aligns with the approach taken in other City bylaws such as Bylaw 14600 - Community Standards Bylaw, Bylaw 20001 - Zoning Bylaw and Bylaw 15894 - Safety Codes Permit Bylaw.</p>
<p>Amend Section 7 - Release of Water to clarify that exceptions approved under this section may include certain terms and conditions that must be followed to remain compliant with this bylaw.</p>	<p><b>Current:</b> Section 7 was amended in 2021 with the intent to eliminate barriers to low impact development by adding a new definition and allowing authority to approve exceptions to lot grading plan proposals that would not otherwise comply with the conventional requirements of Bylaw 18093.</p> <p><b>Proposed:</b> Add a requirement to Section 7 that if an exception is approved, all terms and conditions of that approved exception must be followed.</p> <p><b>Rationale:</b> This regulation is added to clarify requirements and help</p>

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	<p>ensure that alternative design solutions have adequate terms and conditions to support the continued functional surface drainage on a site. Failure to comply with these terms and conditions is a contravention of Bylaw 18093.</p>
<p>Amend Section 8 - Release of Stormwater and Subsurface Water to clarify cross lot drainage requirements and terms and conditions for exceptions.</p>	<p><b>Current:</b> Bylaw 18093 does not explicitly state that cross lot drainage is not permitted, only that grades may not be altered to cause a nuisance (Section 10).</p> <p><b>Proposed:</b> Add a requirement to Section 8 to specify that cross lot drainage is not permitted unless an exception is approved.</p> <p><b>Rationale:</b> Regulations are added to clarify that cross lot drainage is not permitted unless an exception is approved. If an exception is approved, its terms and conditions must be followed and failure to comply is a contravention of Bylaw 18093.</p>
<p>Amend Section 11 - Alterations Within City Right of Way and Compliance with Encumbrances so that Administration may take compliance actions related to drainage easements or other similar documents.</p>	<p><b>Current:</b> Bylaw 18093 does not allow Administration to effectively undertake compliance actions when the terms and conditions of a drainage related easement or other similar documents are contravened.</p> <p><b>Proposed:</b> Add a requirement in Section 11 to require compliance with all terms and conditions of a drainage related easement or other similar document.</p> <p><b>Rationale:</b> This amendment restores a similar regulation that previously existed in Drainage Bylaw 16200 that was inadvertently removed when Drainage Bylaw 18093 came into force. This amendment allows compliance action to be taken if the terms and conditions of drainage related easements or similar documents are not followed. Failure to comply with this regulation is a contravention of Bylaw 18093.</p>
<p>Amend Section 34 - Refusal to Approve Plans to clarify compliance requirements.</p>	<p><b>Current:</b> If an owner is not in compliance with Bylaw 18093, Administration may refuse to approve any plans until compliance is achieved by the owner.</p> <p><b>Proposed:</b> Clarify Section 34 so that the property is required to move</p>

	<p>into compliance with Bylaw 18093.</p> <p><b>Rationale:</b> This regulation is changed as part of the overall proposal to allow compliance actions to apply to persons responsible. The change specifies that for this section, compliance expectations and outcomes are broadly associated with the property and not the specific actions of an owner.</p>
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## 2. Administrative and Interpretive Amendments

Action	Proposed Bylaw Amendment
<p>Replace outdated terminology with more inclusive language and reorder the definitions in alphabetical order.</p>	<p><b>Current:</b> Bylaw 18093 uses outdated terminology when referencing <i>man-made</i> and <i>single family</i> house.</p> <p><b>Proposed:</b> Replace the outdated terms with more inclusive language throughout Bylaw 18093.</p> <p><b>Rationale:</b> Bylaw 18093 is not intended to regulate the status of relationships within a household. <i>Single family</i> is replaced with <i>single detached</i> throughout and <i>man-made</i> is replaced with <i>constructed</i> as more inclusive and accurate alternatives. The letters identifying each definition are removed to simplify future maintenance and reordered alphabetically.</p>
<p>Amend Section 2 - Definitions to clarify lot grading requirements for different types of buildings.</p>	<p><b>Current:</b> Bylaw 18093 establishes grading requirements based on the type of building but these terms are not defined in the bylaw.</p> <p><b>Proposed:</b> Amend Section 2 to add new defined terms in Bylaw 18093 for <i>single detached, semi-detached, duplex, row housing, backyard house</i> and <i>addition</i>.</p> <p><b>Rationale:</b> Adding definitions will create clarity when determining how grading requirements apply to a particular type of development. Where applicable, definitions cross reference Bylaw 20001 - Zoning Bylaw to reduce the need for future maintenance of Bylaw 18093.</p>
<p>Amend Section 4 - Lot Grading Approval to clarify the required time to obtain rough grade or final grade approval in cases of additions to a building.</p>	<p><b>Current:</b> In cases of a proposed addition to a building, Bylaw 18093 does not clearly set out requirements to obtain grading approvals.</p> <p><b>Proposed:</b> Amend Section 4 to clarify that additions to a building follow the same grading requirements as the underlying type of building.</p> <p><b>Rationale:</b> This amendment resolves uncertainty of grading requirements for proposed additions to a building.</p>

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<p>Amend Section 4 - Lot Grading Approval to clarify that when rough grade approvals are required, they must be obtained within 60 days of the rough grade work being completed.</p>	<p><b>Current:</b> Bylaw 18093 does not specify a requirement to obtain rough grade approval within 60 days of completing the work for rough grade.</p> <p><b>Proposed:</b> Amend Section 4 to add a regulation that rough grade approval must be obtained within 60 days of completing the work for rough grade.</p> <p><b>Rationale:</b> The 60 day requirement already exists for final grade approvals. It is carried over to the rough grade stage to be consistent with existing procedures and help ensure the grading process continues in a timely manner.</p>
<p>Amend Section 4 - Lot Grading Approval to clarify that grading approval is still required in cases where no building permit is required.</p>	<p><b>Current:</b> Bylaw 18093 establishes the timeline to obtain grading approval based on the issuance of a building permit. It does not address scenarios where a proposed development does not require building permit.</p> <p><b>Proposed:</b> Amend Section 4 to add a new regulation that clarifies grading requirements for situations where a building permit was not required or not issued.</p> <p><b>Rationale:</b> There are cases where a proposed development may not require a building permit but the site grading is still impacted or altered by construction. Examples may include underground storage tanks and quonset huts (prefabricated structures of corrugated galvanized steel or other soft sided material).</p>
<p>Amend Section 23 - Lot Grading Fee to reduce future maintenance required to this section.</p>	<p><b>Current:</b> Bylaw 18093 references an outdated process for collecting lot grading fees.</p> <p><b>Proposed:</b> Amend Section 23 to simplify the explanation of how lot grading fees are collected.</p> <p><b>Rationale:</b> This change is made to reduce future maintenance of Bylaw 18093. Where a Development Permit is required, lot grading fees are collected at time of application. If a Development Permit is not required, lot grading fees are collected at time of Building Permit application. If</p>

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	neither a Development Permit or Building Permit are required, lot grading fees are collected at the time of application for a lot grading plan approval.
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