

Drainage and Lot Grading Regulations MN19-10 - Supplemental Report

Date	February 17, 2021
To	Operations and Community Services Committee
From	City Planning & Community Development
Service Area	Planning & Development Services
Item No.	OCS21-5

RECOMMENDATION

That the Operations and Community Services Committee receive and file this report.

ISSUE

At its January 20, 2021 meeting, the Operations and Community Services Committee considered report OSC21-4 recommending that the committee:

1. Approve Option 2: Enhanced Status Quo.
2. Remove items MN19-10 and MN20-15 from the Public Works and Infrastructure Committee outstanding items list.
3. Instruct the City Solicitor to prepare the bylaw required to give effect to the recommendations, to be brought forward to the meeting of City Council following approval of the recommendations by Council.
4. Approve these recommendations at its meeting on January 27, 2021.

As part of the deliberation, the Committee requested a supplemental report outlining the Saskatoon enforcement model, including a breakdown of costs for one officer and legal or other supports.

IMPACTS

None with respect to this supplemental report.

OTHER OPTIONS

In consideration of the information provided, Council can consider an additional option for OSC21-4.

Option 3.1: Enforcement of Existing Rear Lot Grades by adopting the Saskatoon Enforcement Model and Enhance Status Quo

This option includes the recommendations from OSC21-4 Option 2 and the enforcement of rear lot grades per the Saskatoon Enforcement model. The City would not enforce side yard grades. The service would provide enforcement of existing rear lot grades within the City of Regina. The services provided would be to investigate lot drainage complaints, homeowner education, onsite property elevation troubleshooting, regulation of rear lot drainage, issuance of orders to remedy and prosecution when required. This option would provide Council an update to determine if adjustments are required to supporting costs two years from implementation.

COMMUNICATIONS

The interested parties will be made aware of the new timelines of the report to City Council.

DISCUSSION

Saskatoon developed their Enforcement Model for Lot Grading in 2005. In 2005 they adopted *Bylaw No. 8379 The Drainage Bylaw, 2005*. This Bylaw houses the provisions for regulating stormwater drainage between private properties to protect property and abate nuisances. The enforcement model only regulates the rear lot grading on private property. It does not regulate side yard grading. Side yard grading is considered a civil matter between property owners. When considering options for enforcement for Regina, Side yard drainage was considered enforceable in the original costing of Option 3. Saskatoon also does not regulate infill lot grades at the time of development.

In the initial two years of the program, the uptake of drainage complaints was numerous. These initial complaints were typically the most difficult to address, and they required issuance of enforcement orders under the Bylaw. After these initial years, compliance has been achieved voluntarily by utilizing a more informal notification process. These initial years of legal support are reflected in the costing within this supplemental report. These legal support costs are expected to decline to 0.2 FTE for each the Solicitor II and the Legal Assistant after initial implementation.

When a drainage complaint is received by the City of Saskatoon, it is first determined if *Bylaw No. 8379 The Drainage Bylaw, 2005* regulates it. Once confirmed as a drainage complaint, it is sent to the drainage inspector to determine the drainage complaint's extent. The inspector will resolve simple drainage matters over the phone by providing educational material and encouraging the property owners to discuss a solution between themselves.

If the drainage inspector cannot resolve the issue, the inspector will book and perform a site inspection. The initial site inspection is to determine if a survey is required. If surveying is needed, a letter is sent out to all the property owners that are affected. This letter includes the approved grades, the general location of the drainage issues, and a date that the survey will be conducted.

If the approved grades do not exist, the City of Saskatoon will work with the landowners concerning best drainage practices and obtain a reasonable solution. Most of the lots in Saskatoon that do not have approved grades are lots that have alleys. The existence of the alleys helps to achieve good lot grading on the properties without approved lot grades.

Once the survey is conducted, the survey data is reviewed. Properties that are not in compliance with the approved lot grades are contacted individually. These properties are issued a letter indicating that they are required to make some grading changes on their lot to bring it back in compliance.

The property owner is given one month for voluntary compliance and is encouraged to contact the City of Saskatoon to meet onsite if they require additional time or support. This process concludes the “soft” approach and methodologies used by the City of Saskatoon.

If compliance is still not achieved, beyond the previous section’s efforts, the City will issue an order to remedy the contravention. Two weeks is given to remedy and comply with the Bylaw. The City may extend this process during the winter months. The property is re-inspected for compliance. If compliance is still not achieved, the City begins the prosecution process. The prosecution process allows for an appeals period. Only after the appeal period has expired would the City conduct any remedy work.

To deliver this compliance model, the City of Saskatoon relies on the direct support of two positions and indirect support of their legal department. The two positions are the Drainage Inspector and the Environmental & Infrastructure Compliance Manager. A breakdown of costs is provided below:

<u>Estimated Annual Operating Costs</u>	<u>Initial Startup Cost</u>	<u>Ongoing Cost</u>
Salary & Benefits Drainage Inspector	\$81,190 (1.0 FTE)	\$81,190 (1.0 FTE)
Salary & Benefits Environment & Compliance Manager	\$48,400 (0.5 FTE)	\$16,410 (0.2 FTE)
Education and Training	\$1,000	\$1000
Telephone Charges	\$540	\$540
Safety Equipment	\$240	\$240
Clothing Allowance	\$300	\$300
Vehicle Allowance	\$7,200	\$7,200
Subtotal	\$138,870	\$106,880

<u>Estimated Annual Supporting Costs</u>	<u>Cost</u>	<u>Cost</u>
Salary & Benefits Solicitor II	\$59,550 (0.5 FTE)	\$23,820 (0.2 FTE)
Salary & Benefits Legal Assistant	\$37,645 (0.5 FTE)	\$15,060 (0.2 FTE)
Subtotal	\$97,195	\$38,880
Total Estimated Ongoing Costs	\$236,068	\$145,760
<u>Capital Costs</u>	<u>Cost</u>	<u>Cost</u>
Furniture, Fixtures and Office Supply	\$6,840	\$0
Survey Equipment	\$44,710	\$0
Subtotal	\$51,550	\$0
Estimate Total Program Cost	<u>\$287,618</u>	<u>\$145,760</u>

These costs were compiled from the City of Saskatoon 2019 Public Accounts and by interviewing City of Saskatoon staff.

DECISION HISTORY

At its January 20, 2021 meeting, the Operations and Community Services Committee considered report OSC21-4. As part of the deliberation, the Committee requested a supplemental report outlining the Saskatoon enforcement model, including a breakdown of costs for one officer and legal or other supports.

Respectfully Submitted,



Dustin McCall, Manager, City Projects 2/4/2021

Respectfully Submitted,



Diana Hawryluk, Executive Director, City Planning & Community Dev.

2/11/2021

Prepared by: Dustin McCall, Manager, City Projects