



Development Services Staff Report

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Report Title: Drainage By-law
Author: Lori Fox – Manager of Development Services
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Reviewed By: Deanne Friess – Director of Development Services
Final Review: Senior Management Team

Recommendation:

That the Council of the Township of Woolwich, considering Report DS39-2024 respecting Drainage By-law, direct staff to develop a Drainage By-law to be presented to Council for review and acceptance.

Background:

Development Engineering and customer service staff receive several complaints per week regarding drainage on private property. Most drainage complaints involve changes to lot surfaces which affect neighbouring properties. To date staff recommend that property owners deal with these complaints through civil procedures, however changes in Township processes have caused the Township to have legal responsibility in ensuring drainage remains as it was accepted, specifically in new subdivision developments which include Lot and Block Agreements.

Comments:

Lot and Block Agreements

Lot and Block Agreements are legally binding agreements registered on the title of all lots within new subdivision. These agreements include accepted grading, drainage and stormwater designs intended to ensure stormwater is managed in the way that it was intended for the life of the development. Under Lot and Block Agreements, property owners are not permitted to change their property surface treatment or grading and stormwater drainage without permission from the Township. This requirement is to

ensure drainage designs, Township standards and By-laws and stormwater management designs are considered with projects. In addition, consideration is given to ensuring neighbouring properties are protected from adverse impacts of increasing storm runoff.

Lots developed prior to the Township implementing Lot and Block Agreements are identified as Existing Lots of Record.

Existing Lots of Record

Staff also receive requests for service involving grading on existing lots of record and subdivision properties that predate our Lot and Block Agreement process. These complaints are similar in nature to complaints within newer subdivisions. To date, staff recommend property owners deal with these matters through civil proceedings, however this response is often met with disapproval by the complainant.

Drainage By-law

Many municipalities have opted to deal with drainage complaints through the implementation of a Drainage By-law which aims to provide direction to property owners on what can be done within the confines of the accepted drainage plans for their development and standard drainage design. The drainage by-law also considers existing drainage patterns of older areas to ensure Township infrastructure isn't overburdened by changes to private property. The By-law would provide minimum clearance setbacks for grading works to ensure existing drainage features such as swales and drains are protected.

Projects such as retaining walls, surface treatments to yards and driveway widenings would need to follow the requirements of the Drainage By-law along with other Township policies and documents such as the Zoning By-law, Site Alteration By-law and Property Standards By-law.

The Drainage By-law will clarify responsibilities of property owners to protect neighbouring properties and public areas when considering projects such as the installation of patios, walkways, driveway widenings, etc. The By-law will provide information on drainage and grading requirements related to other Township documents and encourage "good neighbour" drainage practices.

The By-law will include penalties enforceable through the AMPS program for property owners who contravene the By-law and refuse to remove the contravention. In some cases, revision works may be scheduled by the Township and the cost assessed to the property owner through their property taxes.

Any damage caused to a neighbouring property due to revisions to drainage will remain a civil matter to be decided through a court process. The Township has no involvement with civil damage proceedings.

Community Engagement

Development Engineering will notify the public and stakeholders of the intention of the Township to create this by-law and post a request for comments through Township social media resources and the EngageWR web page. Comments received through this engagement will assist staff in creating the draft document for presentation to Council by spring 2025.

Interdepartmental Impacts:

It is expected that the creation of this by-law will assist Infrastructure Services, Planning and By-law Enforcement staff in responding to grading and drainage complaints. Input from Township departments will be solicited through the engagement process.

Financial Impacts:

The implementation of a Drainage By-law is not expected to have an impact on department budgets. It is expected that the By-law will provide assistance to other departments which will provide efficiencies and clarification.

Community Strategic Plan Impacts:

The Drainage By-law will provide effective and open leadership by providing information and education to residents with consistent response from staff to drainage complaints and grading changes. This will help the Township be transparent and will help foster a culture of trust and collaboration with our community. The by-law will also meet the strategic plan intent of maintaining and innovative customer focus creating new innovative ways to serve the public.

Conclusion:

It is recommended that Council for the Township of Woolwich directs staff to develop a Drainage By-law.