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March 15, 2024

Urban Planning Committee
City of Edmonton
1 Sir Winston Churchill Square
Edmonton, AB T5J 4R7

**Re: March 19, 2024, Urban Planning Committee - Item 7.9 – Bylaw 20743
- Omnibus Amendment to Drainage Bylaw 1809**

Dear Members of the Urban Planning Committee and Edmonton City Council,

The Urban Development Institute – Edmonton Metro (UDI-EM) represents 180+ member companies that are instrumental in developing commercial, industrial, residential, and institutional projects in both greenfield and infill contexts and have been successfully building communities to house 1 million residents across Edmonton's diverse neighbourhoods for the last 100 years.

In advance of the upcoming Urban Planning Committee on March 19, 2024, we are writing with feedback regarding, Agenda Item 7.9 – Bylaw 20743 - Omnibus Amendment to Drainage Bylaw 18093 report.

Section 4

The use of the word "notwithstanding" in Item 4(2) plus items 4(2b) & 4(2c) places the Developer in a situation where they are responsible indefinitely or conditioned to correct a situation where they are no longer in control of the land and do not have the legal right to enter onto the property to rectify a problem, which then places a potentially undue burden on the Developer.

The Developer works with the Builder or Owner until titles are changed over. However, once a Developer sells and registers a parcel to another party, the responsibility should fall to the Builder or Owner, respectively. The Developer prepares a grading plan and will grade the land to a rough grade state which is certified by a consultant in order to get the Construction Completion Certificate (CCC)/Final Acceptance Certificate (FAC).

Additionally, while we agree with the premise set out in Sections 4(3a) & 4(3b), flexibility should be provided to include considerations for situations where the weather would prohibit the completion of rough or final grading.

Section 8

Section 8, in particular Section 8(2). Section 8(1) targets “release of stormwater and subsurface water” whereas Section 8(2) targets “stormwater storage areas.” The “Summary of Proposed Drainage Bylaw 18093 Amendments” document provides that this revision is proposed to “add a requirement to Section 8 to specify that cross lot drainage is not permitted unless an exception is approved.”

There is concern that since exceptions are not required where existing policy and standards allow for cross lot drainage pending zoning compliance and engineering drawing approval. Planning and engineering approvals may be considered the approval of an exception indicated by the bylaw, but this should be clarified. In addition, it is not clear whether the intent of Section 8(2) is to also include stormwater and subsurface drainage, not only stormwater storage areas. Greater clarity in these areas would allow us to fully understand how it may impact current and future planning and development.

Therefore, to ensure clarity, we are suggesting the following revision: “The person responsible, owner, or developer of a premises shall not allow stormwater storage areas, stormwater, and / or subsurface water to cross onto or flow to adjacent premises unless otherwise acceptable by City policy and standards, or unless a required exception is approved by the City Manager.”

These issues are of the outmost importance to industry and community alike. We are committed to working with Council and Administration on the next steps of Bylaw 20743 - Omnibus Amendment to Drainage Bylaw 1809.

Sincerely,



Kalen Anderson, RPP/MCIP
Chief Executive Officer, UDI-EM



Sherry Baik,
Chair, UDI-EM Infrastructure
Working Group

Copy: Office of the City Clerk
Andre Corbould, City Manager, City of Edmonton
Kim Petrin, Deputy City Manager, Urban Planning and Economy
Travis Pawlyk, a/ Branch Manager, Development Services
Sherry Baik, Chair of UDI-EM Developer Technical Committee