

Saltair Bylaw 4427 – Questions and Answers from the Public Information Meetings (and Subsequent)

Name (if available)	Question	Response
	Stantec	See separate letter posted on webpage
	Ministry of Transportation	
Q1	Who is responsible for drainage, particularly during rain events when natural drainage generated upland travels onto other private properties?	<p>This has been previously discussed with the landowners.</p> <p>Though common law, the “natural drainage principle” has been developed and applies to surface water. The natural drainage principle does allow higher land to drain on to lower land naturally (higher landowner [MOTI] has no obligation to prevent this). At the same time, the lower landowner has no duty to accept the surface water, and may erect a barrier against it (under the “common enemy rule”) but not to the detriment of any other property.</p> <p>The Ministry’s ditches are intended for road drainage.</p>
Q2 Q3	<p>Will the Ministry of Transportation address the stormwater system?</p> <p>Will this bylaw be tabled until drainage problems are addressed?</p>	<p>The Ministry’s ditches are intended to convey water off of the road and are for road drainage only.</p> <p>Ministry of Transportation and Infrastructure plans and improves transportation networks, builds new infrastructure, provides transportation services, and implements transportation policies to allow for safe and efficient movement of people and goods. The Ministry is not responsible for the creation and implementation of community Storm Water Management Plans.</p> <p>MOTI’s maintenance contractor, Mainroad, is responsible to ensure that the drainage</p>

		inventory is functioning as designed. Any blockages, defects, etc. can be reported directly to Mainroad via its 24/7 hotline: 1-877-215-6006.
Q4	Who is responsible for maintaining the stormwater/drainage system?	Mainroad, is responsible to ensure that the drainage inventory is functioning as designed. Any blockages, defects, etc. can be reported directly to Mainroad via its 24/7 hotline: 1-877-215-6006.
Q5	How do proactive stormwater management measures on individual properties affect this bylaw?	
Q6	Who is responsible to maintain the trail next to my property?	MOTI does not maintain trails. Under permit or licence, this responsibility belongs to the Regional District. Please call 250-751-3246 to speak to a representative with MOTI who can further assist with your inquiry.
Q7	Does this bylaw require a specific drainage system on private property?	This appears to be a question directed to the CVRD regarding the proposed slope bylaw. MOTI has no comment.
Q8	Farmland removing trees and filling in creek caused flooding.	This appears to be a question directed to the CVRD/FLNRORD regarding property development/works within a stream. MOTI has no comment.
Q9	Who is responsible when roadside drainage is directed at private properties?	Though common law, the “natural drainage principle” has been developed and applies to surface water. The natural drainage principle does allow higher land to drain on to lower land naturally (higher landowner [MOTI] has no obligation to prevent this). At the same time, the lower landowner has no duty to accept the surface water and may erect a barrier against it (under the “common enemy

		rule”) but not to the detriment of any other property
Q11	Stormwater run-off as a result of the deforestation of Bazan Rd.	Perhaps this is in regard to the “deforestation” of properties adjacent to Bazan Rd.? In that case, this appears to be a question directed to the CVRD regarding the property development. Any noted maintenance issues of Bazan Rd. can be reported directly to Mainroad via their 24/7 hotline: 1-877-215-6006.
Q12	What responsibility does the Ministry of Transportation have to manage drainage?	Surface Water Though common law, the “natural drainage principle” has been developed and applies to surface water. The natural drainage principle does allow higher land to drain on to lower land naturally (higher landowner [MOTI] has no obligation to prevent this). At the same time, the lower landowner has no duty to accept the surface water, and may erect a barrier against it (under the “common enemy rule”) but not to the detriment of any other property. Ditches are constructed to bring the surface water that lands on MOTI roads back to the nearest natural watercourse (creeks, rivers, oceans, etc.) Subsurface Water It is ambiguous as to where this water goes once it disappears underground.
Q13	MOTI needs to meet in person with Saltair taxpayers regarding what solution they have. Not just taxpayers in Saltairs’ role.	MOTI and Mainroad consistently meet members of the community in person or via any mode of communication desired by the community member.

		Please refer to previous comments regarding storm water and drainage.
Q14	Will the Ministry of Transportation implement a stormwater drainage system?	<p>Though common law, the “natural drainage principle” has been developed and applies to surface water. The natural drainage principle does allow higher land to drain on to lower land naturally (higher landowner [MOTI] has no obligation to prevent this). At the same time, the lower landowner has no duty to accept the surface water and may erect a barrier against it (under the “common enemy rule”) but not to the detriment of any other property. No regrading/repaving of the road will occur.</p> <p>Ditching Mainroad has incorporated the ditching works of Stuart Rd to the cross culvert under Shannon Drive. This work is to occur in the summer of 2022. Given the generally flat slope of this ditch, it is unknown as to how effective the ditching will be. Surface water may still be stored in the ditches after the ditching has occurred.</p>
Q15	What will the CVRD be doing to minimize the effect of infrastructure on slope stability?	
Q16	Will the map locations showing storm sewers be checked for the actual location of storm sewers?	