

Subject: Hewitt Branch of the Faulkner Municipal Drain – Appointment of Engineer

File Number: ACS2022-IWS-WS-0003

**Report to Agriculture and Rural Affairs Committee on 2 June 2022
and Council 8 June 2022**

Submitted on April 28, 2022 by Tammy Rose, General Manager, Infrastructure and Water Services

Contact Person: Dave Ryan, Drainage Superintendent, Infrastructure and Water Services

613-580-2424, 25106, David.Ryan@ottawa.ca

Ward: Rideau-Goulbourn (21)

**Objet : Drain secondaire Hewitt Branch du drain municipal Faulkner –
Nomination d'un ingénieur**

Dossier : ACS2022-IWS-WS-0003

**Rapport au Comité de l'agriculture et des affaires rurales
le 2 juin 2022**

et au Conseil le 8 juin 2022

Soumis le 28 avril 2022 par Tammy Rose, directrice générale, Services d'infrastructure et d'eau

Personne ressource : Dave Ryan, directeur des installations de drainage, Services d'infrastructure et d'eau

613-580-2424, 25106, David.Ryan@ottawa.ca

Quartier : Rideau-Goulbourn (21)

REPORT RECOMMENDATIONS

That the Agriculture and Rural Affairs Committee recommend Council appoint Mr. Andy Robinson, P. Eng of Robinson Consultants Inc. as the Engineer of record to prepare a report that addresses the subsequent connection to the Hewitt Branch

of the Faulkner Municipal Drain, including whether the Faulkner Municipal Drain downstream has the existing capacity to accommodate the additional volume and rate of water from land not assessed for benefit that is proposed to be connected, for Council's consideration prior to Council approving or disapproving the connection, under Subsection 65(5) of the Drainage Act.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales recommande au Conseil de nommer M. Andy Robinson, ing., de la firme Robinson Consultants Inc., comme ingénieur chargé de rédiger un rapport sur le raccordement ultérieur au drain secondaire Hewitt du drain municipal Faulkner, y compris sur la capacité actuelle du drain municipal Faulkner en aval d'absorber le volume et le débit d'eau supplémentaires en provenance des terrains non évalués que l'on projette de raccorder; ce rapport sera présenté au Conseil pour qu'il l'examine et qu'il approuve ou rejette le raccordement, en vertu du paragraphe 65 (5) de la *Loi sur le drainage*.

BACKGROUND

The City of Ottawa owns property within the existing watershed of the Hewitt Branch of the Faulkner Municipal Drain and is proposing the construction of a new salt shed which will result in changes in the land use, surface, subsurface and storm water flows from the existing parcel of land. The proposed salt shed is located at 2121 Huntley Road, in Part of Lot 22, Concession 8 former Goulbourn Township, Rideau-Goulbourn Ward.

The addition of a new salt shed at 2121 Huntley Road, an existing public works facility for the City of Ottawa location will require the investigation of a possible extension of the existing Hewitt Branch of the Faulkner Municipal Drain by means of a mutual agreement drain through the West ½ of Lot 23, Concession 8. The current Hewitt Branch of the Faulkner Municipal Drain ends at the half lot line between the East and West halves of Lot 23, Concession 8 to the subject property in Lot 22, Concession 8. These changes in land use will need to be examined by a drainage engineer to determine any potential deficiencies and the extent of the impact of those changes on the functioning of the Hewitt Branch of the Faulkner Municipal Drain. An engineer's report will be required in order to address any work required as a result of the proposed changes within the existing watershed and the potential improvements required to address the proposed changes.

The Faulkner Municipal Drain and its various branches are located in Rideau-Goulbourn Ward southeast of the village of Stittsville near the intersection of Shea Rd. and Flewellyn Rd. and was first constructed in 1975, under a report by A.J. Graham, by the former Township of Goulbourn (now Rideau-Goulbourn Ward). The Faulkner Municipal Drain is located in Rideau-Goulbourn Ward.

Description of site and surroundings

The City of Ottawa owns property within the existing watershed of the Hewitt Branch of the Faulkner Municipal Drain and is proposing the construction of a new salt shed at which will result in changes in the land use, surface, subsurface and storm water flows from the existing parcel of land. The proposed salt shed is located at 2121 Huntley Road, in Part of Lot 22, Concession 8 former Goulbourn, Rideau-Goulbourn Ward.

DISCUSSION

Staff are recommending that Council appoint a qualified drainage engineer to provide Council with information on the implications of extending the existing Hewitt Branch of the Faulkner Municipal Drain in order that Council may exercise due diligence prior to making a decision under Subsection 65(5) of the Drainage Act, either approving or disapproving the proposed connection to the drainage works.

In order to satisfy the requirements of Section 65(3) and avoid a second site visit the engineer will be asked to include the assessment for just proportion of the drainage works for the land not assessed for benefit in his report in the event that Council does approve the connection under Section 65(5).

Examination by a qualified Drainage Engineer is required in order to examine the proposed changes in the extent and nature of use within the watershed of the Hewitt Branch of the Faulkner Municipal Drain. An Engineers Report will be required in order to address any work required in the existing drainage works due to the potential improvements required to address the City's proposed changes.

Staff are recommending the appointment of Andy Robinson, P.Eng. of Robinson Consultants Inc., as the engineer of record as he has over 40 years experience with similar *Drainage Act* projects, a specialized field of engineering in Ontario.

This report has no tax or budget implications. All costs associated with the engineer's report will be initially paid by the Water Services Branch of the Infrastructure and Water Services Department but eventually recovered from the Design and Construction Facilities Branch of the Infrastructure and Water Services Department. The estimated

cost of the report is \$25,000. Funding is available in capital internal order 910515 Municipal Drains Improvements for the cost of the engineer's report. A separate new internal order will be created for this specific drain and all necessary funding will be transferred to it from internal order 910515.

If Council approves the connection and if the assessment is for an amount greater than \$500, the owner of the land that is assessed may appeal the engineer's assessment to the Tribunal within 40 days after the City Clerk and Solicitor sends a copy of the assessment to the owner of the assessed land (Subsection 65(11) of the Drainage Act).

The *Drainage Act* prescribes the process and timelines to be followed for any modification or construction of a municipal drain however this timing is directly tied to the comprehensive development approval process and other related legislative requirements.

This report places the request for a engineers report regarding the consideration of a request to connect to drainage works before the Agriculture and Rural Affairs Committee and Council as required under Section 5 of the *Drainage Act*.

RURAL IMPLICATIONS

The existing lands and roads will benefit from this undertaking through improved drainage, storm water management, watercourse management reduced risk of flooding and the provision of a legal and sufficient outlet.

CONSULTATION

Consultation with the Ward Councillor and City staff is ongoing.

COMMENTS BY THE WARD COUNCILLORS

The Councillor is aware of this report.

LEGAL IMPLICATIONS

The Drainage Act stipulates that no person shall connect to or disconnect from drainage works without the approval of the council of the municipality (Subsection 65(5)) but the Drainage Act does not set out any process that Council must follow or documentation that Council must consider prior to making its decision. However, if Council were to approve a connection to a drainage works without first considering a drainage engineer's report on the implications of the connection, the decision would likely be set aside if appealed.

If Council approves the connection of the land to the drainage works, the clerk of the municipality shall instruct an engineer to inspect the land that is to be connected and assess it for a just proportion of the drainage works (Subsection 65(3) of the Drainage Act)

Rights of Appeal:

If the engineer's assessment is for an amount greater than \$500, the owner of the land may appeal the assessment to the Tribunal pursuant to Subsection 65(11).

Additionally, any person may appeal to the Drainage Referee under s. 106 of the Drainage Act the following:

1. Council's appointment of the engineer to prepare the engineer's report recommended by staff under this staff report, and
2. Council's decision under Subsection 65(5) approving or disapproving the connection.

As long as Council uses its best efforts to make an informed decision on the approval or disapproval of the connection the land unassessed for benefit to the existing drainage works, there are no legal impediments to the implementation of the recommendation in this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with this report.

FINANCIAL IMPLICATIONS

All costs associated with the engineer's report will be initially paid by the Water Services Branch of the Infrastructure and Water Services Department but eventually recovered from the Design and Construction Facilities Branch of the Infrastructure and Water Services Department. The estimated cost of the report is \$25,000. Funds are available in the 2022 approved Capital Budget - Municipal Drainage Program.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

ENVIRONMENTAL IMPLICATIONS

Any proposed works will require compliance with City, provincial and federal policies, standards, regulations and legislation.

TERM OF COUNCIL PRIORITIES

The recommendations of this report align with the current Strategic Priority as part of the sustainable environmental services strategic priority by supporting an environmentally sustainable Ottawa.

SUPPORTING DOCUMENTATION

Document 1 Location Map

DISPOSITION

The Drainage Superintendent shall notify all affected landowners and the local conservation authority of the decision of Council. Once this report is approved by Council, a separate new internal order will be created for this specific drain and all necessary funding will be transferred to it from internal order 910515.

Document 1 – Location Map

