

Ditch Alteration – 5 April 2022 Public Meeting – As We Heard It Report

A Citywide public meeting was held on April 5, 2022. Thirty-eight (38) participants attended the virtual open house to view the proposed recommendations and provide feedback.

The City of Ottawa has approximately 8,500 km of watermains and sewers, with a further 6,010 km of roadside ditches. The current Ditch Alteration Policy was put in place in 2008 and is being updated to better align with other City of Ottawa policy's related to storm water and sewage systems.

To begin, the City updated the Local Improvement Policy and has initiated the review of the Ditch Alteration Policy. The updated Ditch Alteration Policy will provide direction for ditch alterations and alignment with the City's enforcement activities. Council has directed the City to update the Ditch Alteration Policy to increase consistency and transparency, better educate property owners about the importance of ditches, and increase protection of public and private property.

The current mechanism to alter a ditch is through a Local Improvement or Development Agreement. The Ditch Alteration Policy will focus on lot-by-lot requests and protecting the City of Ottawa's stormwater management system.

The City hosted a public information session to present the proposed recommendations and obtain feedback from residents of Ottawa.

The meeting was hosted by the City's Planning, Real Estate and Economic Development Department with Councillor Kitts, Councillor El-Chantiry, Councillor Brockington, and Councillor Kavanagh. The following outlines comments provided during the meeting including the submission of written comments after the meeting.

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| Issue 1: | Development Infill |
| Comment: | With regards to the enforcement, what happens if it is the builder that fills in the ditch while the house is being built and the new home owner knows nothing about it? Will the city go after the builder? |
| Response: | In this situation the City would address the issue with the builder on record. The City takes a Right-of-way Damage Deposit during construction to address this type of situation. |

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| Issue 2: | Ditch Maintenance / Inspections |
| Comment: | In older neighbourhoods, where there are lots of lot-by-lot new builds, how can we tell if the altered ditch (i.e. ditch is now gone) was done properly and with permission? |
| Response: | If there is a concern with a ditch alteration, the City will investigate to determine if the ditch is functioning properly. The City does complete inspections throughout the year, and will respond when notified. |

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| Issue 3: | Ditch Maintenance / Inspections |
| Comment: | Will the City go around to inspect ditches in areas that have historically had issues with drainage? |
| Response: | The City will inspect ditches if notified by the public. The City does proactively review ditches in areas which have had a history of issues as part of the larger annual maintenance program. |

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| Issue 4: | Ditch Maintenance / Inspections |
| Comment: | The assumption is made that the homeowner has altered the ditch. There has been a lack of City of Ottawa maintenance to our 70-year old ditches where natural evolution has changed ditches, slopes, ditch capacity and ditch failures to manage peak flows -what is the escalation for the City to respond to residents here? |
| Response: | To begin the City encourages residents to contact 3-1-1 and have a service request created. This will trigger City staff to investigate the situation. The inspection will determine if maintenance activities are required or if the system is causing a larger issue and requires a larger system wide study. |

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| Issue 5: | Ditch Maintenance / Inspections |
| Comment: | What if maintenance cannot be conducted safely by a resident without alterations. i.e., if the ditch is too steep/deep for a typical homeowner to maintain the ditch? What safety standards does the City hold itself to for ditches to ensure that they are safe to maintain without alteration? |
| Response: | The maintenance of ditches is the homeowners responsibility in the urban, or rural subdivision setting (Use and Care of Roads bylaw). There are private options for residents to obtain support to maintain their ditch as well. |

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| Issue 6: | Development Infill |
| Comment: | Why are new build infills allowed to fill ditches? |
| Response: | New infill is not able to alter (fill) an existing ditch. When an infill occurs the property owner can apply to widen a driveway under the Private Approach Bylaw, however, they are not allowed to fill the entire ditch. It is important to note that it is possible the municipal services were extended on the roadway to the property and therefore the ditch may not be required. This would be confirmed during the approval processes with the City. |

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| Issue 7: | Development Infill |
| Comment: | We have examples of development which has made the ditch grade worse - where standing water sits in neighbouring ditches. We have not seen development plans that work as systems; they look at the lot only, not the whole street. Are you saying development will look at an engineering study of the whole street's ditch system? |
| Response: | The application will govern the size of the study that is completed in an area. Adding one lot to the system will typically have a smaller review, with the understanding that the system can handle one additional lot. If multiple units are being added, it will trigger a planning application and would go through a planning application process which would include a more extensive study. |

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| Issue 8: | Development Infill |
| Comment: | With the new OP and some of the proposed designs for the "613 Flats", current setbacks on front yards, amount of exposed yards, etc, are |

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| | being reduced or eliminated. With this natural stormwater management system being taken away, how will the city deal with the extra flow into the already over loaded storm sewers? What about neighbourhoods that have combined storm/sanitary sewer systems? |
| Response: | The City does recognize the impacts of infill and intensification on the stormwater system. The City is considering options of how to lessen that impact. There are stormwater management restrictions in place for new developments in areas with combined storm/sanitary. Stormwater and run off is reviewed for new applications to consider and measure with system capacities. |

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| Issue 9: | Ditch Alteration |
| Comment: | I understood that trees cannot be planted in the ditch right-of-way. Is this true? |
| Response: | Trees or gardens are not permitted in a ditch as they can lead to drainage issues and flow. |

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| Issue 10: | Ditch Use |
| Comment: | If someone pumps water from a backyard (flooded) to the front ...does that cause a problem? There are no ditches in the neighbourhood anymore. |
| Response: | City ditches are constructed to handle system capacities and not additional flow over and above anticipated rainfall. If a resident wanted to pump water into a ditch it is recommended that the property owners contact the City to confirm. |

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| Issue 11: | Ditch Maintenance / Inspections |
| Comment: | Why did the city stop cutting ditches like they use to...they at least did a quick comb over with a cutter on a tractor..but they simply stopped doing that. Why? When the did it..it was a quick anyway? |
| Response: | In 2001 the City amalgamated, and a consistent approach was applied to managing ditches within the City of Ottawa. In 2003 the "harmonization of sewer connection by-law" was completed and it outlined what homeowners responsibility with respect to ditches: https://app06.ottawa.ca/calendar/ottawa/citycouncil/esc/2003/09-09/ACS2003-TUP-INF-0015.htm The City still does routine ditch maintenance in the rural area that boarder a road or highway. With urban or rural subdivisions, property owners are responsible to maintain their areas of property. |

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| Issue 12: | Ditch Maintenance / Inspections |
| Comment: | How can culverts be kept clean by the property maintenance individual (ie a family member)? |
| Response: | The City suggests that routine visual inspections and clearing if there is any debris to ensure your culvert is kept clean and function properly. |

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| Issue 13: | Ditch Use |
| Comment: | Are urban ditches expected to hold water until it gets absorbed OR be running into a collection area. |
| Response: | Yes, ditches are designed this way as a preventative measure to avoid downstream flooding. If after 24 hours after the rainfall event water is still in your ditch, the City suggests contacting 3-1-1 to have a Service Request created. |

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| Issue 14: | Ditch Alteration |
| Comment: | Given that many property owners have altered their ditch and the city has done nothing. Should I do the same. I know the theoretical answer. However in practice the city is letting many owners alter their ditches with impunity. |
| Response: | The City has updated this policy to re-affirm that altering a ditch should not be done unless the larger drainage system is considered. Two options to alter a ditch have been provided to ensure the alteration, if approved, is done correctly. If you would like to report an altered ditch the City recommends you contact 3-1-1 or Bylaw Services to address the situation. |

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| Issue 15: | Ditch Alteration |
| Comment: | Can a current homeowner be held responsible for a ditch alteration that was implemented decades ago by a different homeowner? |
| Response: | Pre-amalgamation, some of the municipalities and townships allowed ditches to be altered (filled / piped). If a ditch has been filled for some time the City would investigate if requested. The City is not proactively removing previously altered ditches, unless it is causing a drainage issue. |

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| Issue 16: | Ditch Alteration |
| Comment: | What is the policy around alterations to ‘private’ ditches or drainage in rural areas? |
| Response: | The City encourages residents to contact 3-1-1 and have a service request created. For any alteration that leads to a ditch in the Right-of-way it is always best to ensure it is done properly. Do not alter the grades within 4 feet of the property line. The Site Alteration Bylaw provides regulations on altering your grading. |

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| Issue 17: | Ditch Maintenance / Inspections |
| Comment: | Its (the ditch is) only five feet edge of roadway..in the past they cut the ditch to a point |
| Response: | In 2001 the City amalgamated, and a consistent approach was applied to managing ditches within the City of Ottawa. In 2003 the “harmonization of sewer connection by-law” was completed and it outlined what homeowners responsibility with respect to ditches: https://app06.ottawa.ca/calendar/ottawa/citycouncil/esc/2003/09-09/ACS2003-TUP-INF-0015.htm The City still does routine ditch maintenance in the rural area that border a road or highway. With urban or rural subdivisions, property owners are responsible to maintain their areas of property. |

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| Issue 18: | Taxes |
| Comment: | Why do we pay for storm sewers on our water bills when we don’t have them? |
| Response: | Residents are not paying for current storm sewer infrastructure, the cost is covering storm maintenance and renewal. |

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| Issue 19: | Ditch Safety |
| Comment: | Should deep ditches in urban areas with no sidewalks not be fenced for safety? |
| Response: | The City encourages residents to contact 3-1-1 and have a service request created. The City will inspect your ditch to determine if anything can be done. Ditches are designed per the specification of the time of installation and are not updated as new specifications are implemented. |

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| Issue 20: | Rats |
| Comment: | We have a major rat problem right now. They are said to live in the sewers. We have ditches. Are they living in the culverts? |
| Response: | The City encourages residents to contact 3-1-1 and have a service request created. Wildlife typically does not live in open ditches. |

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| Issue 21: | Ditch Alteration |
| Comment: | Many people have filled in their ditches in our area. What are you going to do about it? None have been authorized. Increasing their property value against ours. Way too many to mention. What do you plan to do about it if we can't |
| Response: | The City has updated this policy to re-affirm that altering a ditch should not be done unless the larger system is considered. Two options to alter the ditch have been provided to ensure the alteration, if approved, is done correctly. If you would like to report an altered ditch the City recommends you contact 3-1-1 or Bylaw Services to address the situation. |

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| Issue 22: | Ditch Alteration |
| Comment: | I am pleased to learn that the City does not allow ditch gardening. What about the ROW between the road and the ditch? Is gardening allowed there, especially on narrow urban streets without sidewalks? |
| Response: | The City encourages residents to contact 3-1-1 and have a service request created. It is not permitted to do anything outside of sod within the right-of-way. Overall, from a safety perspective, please ensure you call Ontario One Call before digging anywhere on your property as there are utilities in the ground, especially in the right-of-way. |

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| Issue 23: | Ditch Maintenance / Inspections |
| Comment: | When snowbanks line the streets the melt, water won't run into the ditches - it just erodes the gravel sides of the roads. |
| Response: | The City encourages residents to contact 3-1-1 and have a service request created. The City will go around and open the catch basins that are blocked with ice and snow. Ditches are more complicated; the water you see is usually the surface melt. |

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| Issue 24: | Ditch Alteration |
| Comment: | I am concerned about safety. I feel the ROW should be maintained in a walkable condition. Could you comment? |
| Response: | The City encourages residents to contact 3-1-1 and have a service request created. Bylaws state the homeowner has to maintain the frontage of their properties. Where ditches are right up against the roadway, the City is only responsible to maintain and clear the road. |

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| Issue 25: | Ditch Safety |
| Comment: | Follow-up question about safety: Does the City of Ottawa feel that a 4-foot deep ditch with a 1:1 slope is safe and appropriate for a busy intersection on an urban street? This ditch was created years ago in a rural environment and not approved by any municipality. It is now in an urban street. Should a homeowner be expected to maintain this ditch? If either a homeowner, contractor or other resident were injured trying to maintain this ditch or otherwise navigate this ditch, could the City of Ottawa find itself with liability for a damaged vehicle or personal injury? |
| Response: | The City encourages residents to contact 3-1-1 and have a service request created. When performing maintenance, the City will reinstate the ditch to the safest condition possible. |

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| Issue 26: | Ditch Design |
| Comment: | Why doesn't the City have written safety standards for urban ditches? |
| Response: | The City has specifications for new roadside ditches. Many of the ditches are much older. The City attempts to ensure all ditch slopes are 3:1 slopes, however utilities, the geographical landscape and existing infrastructure are considered. |

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| Issue 27: | Ditch Alteration |
| Comment: | To be clear my understanding is that we can't fill our ditches in Navan |
| Response: | The City has provided two options to allow property owners to alter their ditch. Property Owners must obtain approval from the City before any alteration of a ditch. |