

Subject: Osgoode Gardens Cedar Acres Municipal Drain – Appointment of Engineer

File Number: ACS2022-IWS-WS-0007

**Report to Agriculture and Rural Affairs Committee on 1 September 2022
and Council 21 September 2022**

Submitted on July 13, 2022 by Tammy Rose, General Manager, Infrastructure and Water Services

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Ward: Osgoode (20)

Objet : Drain municipal Osgoode Gardens Cedar Acres – Nomination d'un ingénieur

Dossier : ACS2022-IWS-WS-0007

Rapport au Comité de l'agriculture et des affaires rurales

le 1er septembre 2022

et au Conseil le 21 septembre 2022

Soumis le 13 juillet 2022 par Tammy Rose, directrice générale, Services d'infrastructure et d'eau

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Quartier : Osgoode (20)

REPORT RECOMMENDATIONS

That the Agriculture and Rural Affairs Committee recommend Council appoint McIntosh Perry Consulting Engineers Ltd. as the Engineer of record to prepare a report that addresses the subsequent disconnection to the Osgoode Gardens

Cedar Acres Municipal Drain, for Council's consideration prior to Council approving or disapproving the disconnection, under Subsection 65(4) of the Drainage Act.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales recommande au Conseil de nommer la firme McIntosh Perry Consulting Ltd., comme ingénieur chargé de rédiger un rapport sur le débranchement ultérieur du drain municipal Osgoode Gardens Cedar Acres aux fins d'examen par le Conseil avant que celui-ci n'approuve ou ne rejette le débranchement, en vertu du paragraphe 65 (4) de la *Loi sur le drainage*.

BACKGROUND

A developer of lands within the existing watershed of the Osgoode Gardens Cedar Acres Municipal Drain is proposing a residential development. A portion of the residential development is proposed to outlet outside of the existing watershed for the Osgoode Gardens Cedar Acres Municipal Drain. The proposed residential development is located on Jack Pine Crescent, in Part of Lot 4, Concession 3 former Osgoode Township, Osgoode Ward.

These changes in watershed boundary will need to be examined by a drainage engineer to determine the amount by which the assessment of the land should change. An update to the engineer's report for the Osgoode Gardens Cedar Acres Municipal Drain will be required in order to update the watershed boundary and associated assessment schedule for the municipal drain.

The Osgoode Gardens Cedar Acres Municipal Drain is located in Osgoode Ward, near the intersection of Stagecoach Road and Parkway Road and was first constructed in 1972, under a report by A.J. Graham, by the former Township of Osgoode (now Osgoode Ward) and was updated in 2001 under a report by Stantec Consulting Ltd. The Osgoode Gardens Cedar Acres Municipal Drain is located in Osgoode Ward.

Description of site and surroundings

The proposed residential development is located on Jack Pine Crescent, in Part of Lot 4, Concession 3 former Osgoode Township, Osgoode Ward.

DISCUSSION

Staff are recommending that Council appoint a qualified drainage engineer to provide Council with information on the implications of updating the watershed boundary of the Osgoode Gardens Cedar Acres 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 disconnection to the drainage works.

Examination by a qualified Drainage Engineer is required in order to determine any potential impacts of the changes in the watershed boundary on the functioning of the Osgoode Gardens Cedar Acres Municipal Drain. An engineer's report will be required in order to update the watershed boundary and associated assessment schedule for the municipal drain.

Staff are recommending the appointment of McIntosh Perry Consulting Engineer's Ltd., as the engineer of record. The firm has experience with similar *Drainage Act* projects, which is 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 developer of Part of Lot 4, Concession 3 former Osgoode Township, Osgoode Ward. 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.

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 disconnect to drainage works before the Agriculture and Rural Affairs Committee and Council as required under Section 65(5) of the *Drainage Act*.

RURAL IMPLICATIONS

The existing lands and roads will benefit from this undertaking through the update to the assessment schedule for the Osgoode Gardens Cedar Acres Municipal Drain. This update in conjunction with update to the Thompkins Diversion to Grey's Creek Municipal

Drain will assist the City of Ottawa and its landowners by keeping its surface drainage records up to date.

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 disconnection to a drainage works without first considering a drainage engineer's report on the implications of the disconnection, the decision would likely be set aside if appealed.

If Council approves the disconnection of the land to the drainage works, the clerk of the municipality shall instruct an engineer to inspect the land that is to be disconnected and determine the amount by which the assessment of the land should change (Subsection 65(4) of the Drainage Act).

Rights of Appeal:

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(4) approving or disapproving the disconnection.

As long as Council uses its best efforts to make an informed decision on the approval or disapproval of the disconnection the land assessed for 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 developer. 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

