

Subject: Ditch Alteration Policy Update

File Number: ACS2022-PIE-GEN-0001

**Report to Standing Committee on Environmental Protection, Water and Waste
Management and Agriculture and Rural Affairs Committee**

on 27 June 2022

and Council 6 July 2022

**Submitted on June 14, 2022 by Charmaine Forgie, Manager, Business and
Technical Support Services, Planning, Real Estate and Economic Development
Department**

**Contact Person: Stephen Clark, Program Manager, Business and Technical
Support Services**

613-580-2424, 20179, stephen.clark@ottawa.ca

Ward: Citywide

Objet : Mise à jour de la Politique de transformation des fossés

Dossier : ACS2022-PIE-GEN-0001

**Rapport au Comité permanent de la protection de l'environnement, de l'eau et de
la gestion des déchets et Comité de l'agriculture et des affaires rurales**

le 27 juin 2022

et au Conseil le 6 juillet 2022

**Soumis le 14 juin 2022 par Charmaine Forgie, gestionnaire, Services de soutien
techniques et aux activités, Direction générale de la planification, de
l'infrastructure et du développement économique**

**Personne-ressource : Stephen Clark, gestionnaire de programme, Services de
soutien techniques et aux activités**

613-580-2424, poste 20179, stephen.clark@ottawa.ca

Quartier : À l'échelle de la ville

REPORT RECOMMENDATION

That the Standing Committee on Environmental Protection, Water and Waste Management and Agriculture and Rural Affairs Committee recommend Council approve the Ditch Alteration Policy Update, as detailed in Document 1.

RECOMMANDATION DU RAPPORT

Que le Comité permanent de la protection de l'environnement, de l'eau et de la gestion des déchets et le Comité de l'agriculture et des affaires rurales recommandent au Conseil d'approuver la mise à jour de la Politique de transformation des fossés, comme l'expose en détail le document 1.

BACKGROUND

In 2003 the “harmonization of sewer connection by-law” was completed and it outlined homeowners’ responsibility with respect to ditches (ACS2003-TUP-INF-0015). In 2007, City Council passed a Drainage By-law that prohibited the obstruction or alteration of ditches and detailed maintenance responsibilities. Acknowledging circumstances where ditch alterations would be permissible, a [Ditch Alteration Policy](#) was subsequently approved in July 2008. The City has since approved an over-arching Site Alteration By-law that defers to [Ditch Alteration Policy](#) criteria where applicable.

On October 18, 2016 City staff were directed to undertake a review of the City’s [Ditch Alteration Policy](#) and report back to Committee and Council ([ACS2016-CSD-FIN-0008](#)). The City updated the Local Improvement Policy and in November 2021 staff advised that an update to the Ditch Alteration Policy would be brought forward in 2022 ([ACS2021-PIE-GEN-0005](#)).

The purpose of this report is to recommend Council approve the updated Ditch Alteration Policy, as detailed in Document 1.

DISCUSSION

Ditches play a key role in the City’s Stormwater Management Program (SWM). Ditches and swales are critical components of the City’s overall engineered drainage network that serve to manage stormwater from the quality and quantity perspectives.

There are currently 5,650 kilometres of roadside ditches in the City of Ottawa. Roadside ditches create a drainage outlet and collection and conveyance system for boulevards, sidewalks, cycle tracks and roadway drainage. The ditch system provides subbase drainage which preserves the longevity and integrity of the adjacent roadways. Ditch

systems that are well-designed and well-maintained can provide a buffer to the ongoing climate change and associated risk that the City is expected to manage.

Although ditches play an important and vital role in stormwater management, for residents there can be a desire to make changes to ditches found on private and public property. Ditch alterations are typically done for improved aesthetics, safety, or to ease the difficulty of maintenance. The updated Ditch Alteration Policy provides residents two options to alter a ditch without negatively impacting the City's stormwater management and ditch system.

The City of Ottawa, through staff across multiple service areas including Roads, Right of Way, Development Review, Asset Management, By-law Services, and Water and Wastewater receive regular requests from property owners to alter the ditch adjacent to their property to reduce maintenance, increase safety, or for aesthetic purposes. Unapproved ditch alterations by property owners may cause an array of detrimental effects to private/public property or to City infrastructure, both locally and to the extended drainage system.

With the new policy the City will improve consistency, transparency, and provide additional educational material to property owners about the importance of ditch functions, maintenance, and how to reduce/protect against damage and degradation.

The City has also developed clear lines of communication when a reported or investigated ditch alteration is discovered and how to enforce it. The City can utilize the Use and Care of Roads By-law and Property Standards By-law to ensure ditches are maintained and or reinstated to their proper functionality.

Ditch Alteration is recognized as an applicable form of Local Improvement in Ontario Regulation 586/06, the City's Local Improvement Policy and subject to Ministry of Environment Conservation and Parks' (MECP) Environmental Compliance Approval (ECA).

The current legal and procedural framework for the City to administer Local Improvements and Ditch Alterations include:

- The *Municipal Act*
- Ontario Regulation 586/06
- Drainage By-law
- Water By-law

- Sewer Connection By-law
- Zoning By-law
- Site Alteration By-law
- Local Improvement Policy
- Ditch Alteration Policy

The proposed Ditch Alteration policy is an update to the existing policy, approved July 9, 2008.

Financial Considerations

There are no direct financial implications resulting from the recommendations of this report.

Each of the potential financial implications are already captured through existing operations and resources, and/or by other policies and by-laws:

- The current City ditch maintenance and reinstatement operations are not changing through this report.
- Ditch Alteration (after adoption of the Policy): Non-compliant or unauthorized ditch alterations that are installed after adoption of this updated Policy will be enforced in accordance with the existing Use and Care of Roads By-law and/or Site Alteration By-law. There are no changes proposed with respect to the enforcement of the existing by-laws.
- Local Improvement Program: Any resulting works undertaken through the City's Local Improvement Program will be funded through the mechanisms outlined in the existing program. There are no changes proposed to the existing Local Improvement Program.
- Development Agreement process: Costs for infrastructure work undertaken through a Development Agreement are wholly the responsibility of the applicant. There are no changes currently proposed to the existing Development Agreement process and procedures though fees may be established later to cover the costs of Development Review's review and involvement.

Other applicable policies and guidelines

Local Improvement Policy

Site Alteration By-law 2018-164

RURAL IMPLICATIONS

Rural subdivision implications would be similar to those in the urban and suburban settings.

CONSULTATION

Two public consultations were completed as detailed below.

April 5, 2022, Virtual - City Wide:

The meeting was attended by 38 participants, including four Councillors, and one community association (Carleton Heights Area Residents Association). The public reception was positive and had a common understanding of the importance of protecting the ditch systems. Residents' concerns focused on how the City will respond to localized drainage issues in their community. As a result, the City has created an appendix to the updated policy detailing internal City ditch roles and responsibilities for various departments. No recommendations or concerns with respect to the Ditch Alteration Policy update were received at this meeting. An "As We Heard It" report detailing the questions and comments received with the associated responses to each, is attached as Document 7.

April 7, 2022, Virtual – Ward 16 – Councillor Brockington:

The meeting was attended by 18 participants, including Councillor Brockington, residents of the Courtland Park community, and members of the Carleton Heights Area and Residents Association. Public feedback focused on drainage comments and questions in the Courtland Park community. No recommendations with respect to the Ditch Alteration Policy update were received at this meeting. An "As We Heard It" report detailing the questions and comments received with the associated responses to each, is attached as Document 8.

The majority of comments received at the public meetings had to do with ditch maintenance, safety, and enforcement of current and historic ditch alterations. As a result, the City has created an appendix to the updated policy detailing internal City ditch roles and responsibilities for various departments. Residents in the Courtland Park

community also noted their request for their area to be immediately prioritized for a drainage study.

COMMENTS BY THE WARD COUNCILLORS

This is a city-wide report – not applicable.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendation in this report."

RISK MANAGEMENT IMPLICATIONS

There are no risk implications with this report.

ASSET MANAGEMENT IMPLICATIONS

The recommendations documented in this report are consistent with the City's [Comprehensive Asset Management \(CAM\) Program](#) objectives. The implementation of the Comprehensive Asset Management program enables the City to effectively manage existing and new infrastructure to maximize benefits, reduce risk, and provide safe and reliable levels of service to community users. This is done in a socially, culturally, environmentally, and economically conscious manner.

Ditches play a key role in the City's Stormwater Management Program (SWM). Ditches and swales are critical components of the City's overall engineered drainage network that serve to manage stormwater from the quality and quantity perspectives. Ditches also provide road subbase drainage. Ditch systems that are well-designed and well-maintained can provide a buffer to the ongoing climate change and associated risk that the City is expected to manage. Updating the Ditch Alteration Policy provides residents two options to legally alter their ditch without negatively impacting the City's stormwater management and ditch system.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

The City of Ottawa recognizes that property owners can struggle with completing required ditch maintenance activities. Ditch maintenance is a form of property maintenance, similar to snow shoveling and lawn cutting. Residents are encouraged to seek assistance from family, friends, neighbors, companies, etc. The City does not have

the resources or operational budget to maintain all of the City's ditches.

The City will undertake a feasibility review to look at potential options to support residents with ditch maintenance and report back on recommended options including a financial assessment.

CLIMATE IMPLICATIONS

Ditches provide several stormwater management functions and climate protection benefits, including:

- A reduction in downstream peak flow rates
- Improved water quality in surface water bodies
- A contribution to the protection of fish habitat
- The most cost effective and environmentally friendly solution for drainage of surface water

INDIGENOUS, GENDER AND EQUITY IMPLICATIONS

There are no indigenous, gender or equity implications associated with the updated Ditch Alteration Policy. The Ditch Alteration Policy does not deal with Ditch maintenance or safety issues that were raised during the public consultation.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Sustainable Infrastructure
- Environmental Stewardship

SUPPORTING DOCUMENTATION

Document 1 City of Ottawa Ditch Alteration Policy

Document 2 City of Ottawa Ditch Alteration Policy – Appendix A: Roles & Responsibilities

Document 3 Ditch Function and Impacts of Ditch Alterations; Technical Memo #1; December 3, 2021

Document 4 Ditch Alteration Policy Consistency Review; Technical Memo #2; January 10, 2022

Document 5 City of Ottawa Ditch Alteration Business Process Review; Technical Memo #3; March 23, 2022

Document 6 City of Ottawa Ditch Alteration Study Executive Summary; Technical Memo #4; April 8, 2022

Document 7 April 5, 2022 Public Meeting “As We Heard It” document

Document 8 April 7, 2022 Public Meeting “As We Heard It” document

DISPOSITION

Following Council’s approval, Planning, Real Estate and Economic Development Department will incorporate the Ditch Alteration Policy into the Corporate Policy Manual.