

**6. HOBBS MUNICIPAL DRAIN – APPOINTMENT OF ENGINEER
DRAIN MUNICIPAL HOBBS – NOMINATION D'UN INGÉNIEUR**

COMMITTEE RECOMMENDATION

That Council appoint Mr. Andy Robinson, P. Eng of Robinson Consultants Inc. as the engineer of record to prepare a report under Subsection 78 (1) of the *Drainage Act* to inform Council on the current status of the Hobbs Municipal Drain and whether one or more of the projects listed under subsection 78 (1.1) is required for the better use, maintenance or repair of the drainage works or lands or roads.

RECOMMANDATION DU COMITÉ

Que le Conseil nomme M. Andy Robinson, ingénieur de la firme Robinson Consultants Inc., comme ingénieur désigné pour rédiger un rapport préliminaire, en vertu de l'article 78 de la *Loi sur le drainage*, afin d'informer le Conseil de la situation actuelle des travaux de drainage et de la nécessité éventuelle d'apporter des modifications ou des améliorations permettant de fournir un écoulement suffisant vers le drain municipal Hobbs.

DOCUMENTATION / DOCUMENTATION

Director, Parks, Forestry & Stormwater Services report dated 24 May 2017 (ACS2017-PWE-GEN-0022).

Rapport du Directrice, Services des parcs, de la foresterie et des eaux pluviales daté le 24 mai 2017 (ACS2017-PWE-GEN-0022).

**AGRICULTURE AND RURAL
AFFAIRS COMMITTEE
REPORT 25
14 JUNE 2017**

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**COMITÉ DE L'AGRICULTURE ET
DES AFFAIRES RURALES
RAPPORT 25
LE 14 JUIN 2017**

**Report to
Rapport au:**

**Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales
1 June 2017 / 1er juin 2017**

**and Council
et au Conseil
14 June 2017 / 14 juin 2017**

**Submitted on May 24, 2017
Soumis le 24 mai 2017**

**Submitted by
Soumis par:**

**Laila Gibbons, Director, Parks, Forestry & Stormwater Services / Directrice,
Services des parcs, de la foresterie et des eaux pluviales**

Contact Person

Personne ressource:

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Ward: RIDEAU-GOULBOURN (21)

File Number: ACS2017-PWE-GEN-0022

SUBJECT: Hobbs Municipal Drain – Appointment of Engineer

OBJET: Drain municipal Hobbs – Nomination d'un ingénieur

REPORT RECOMMENDATIONS

**That the Agriculture and Rural Affairs Committee recommend that Council
appoint Mr. Andy Robinson, P. Eng of Robinson Consultants Inc. as the engineer
of record to prepare a report under Subsection 78 (1) of the *Drainage Act* to**

inform Council on the current status of the Hobbs Municipal Drain and whether one or more of the projects listed under subsection 78 (1.1) is required for the better use, maintenance or repair of the drainage works or lands or roads.

RECOMMANDATIONS DU RAPPORT

Que le Comité de l'agriculture et des affaires rurales recommande au Conseil de nommer M. Andy Robinson, ingénieur de la firme Robinson Consultants Inc., comme ingénieur désigné pour rédiger un rapport préliminaire, en vertu de l'article 78 de la *Loi sur le drainage*, afin d'informer le Conseil de la situation actuelle des travaux de drainage et de la nécessité éventuelle d'apporter des modifications ou des améliorations permettant de fournir un écoulement suffisant vers le drain municipal Hobbs.

BACKGROUND

An assessed landowner within the existing watershed of the Hobbs Municipal Drain has made a request to the City of Ottawa to extend the existing Hobbs Municipal Drain in an effort to improve the drainage on his property. It is the landowner's position that the lack of drainage on his property is due to the Hobbs Municipal Drain having insufficient outlet and that the remedy is to either extend the Hobbs Municipal Drain further downstream or alter the course of the Hobbs Municipal Drain.

Staff therefore recommends that Council appoint an engineer to prepare a report under Subsection 78(1) of the *Drainage Act* to review the Hobbs Municipal Drain to inform Council of the following:

- (i) Whether the lack of drainage the City has been notified about is due to the Hobbs Municipal Drain having insufficient outlet or is otherwise due to the condition of the Hobbs Municipal Drain; and,
- (ii) If the Drainage Engineer determines that the reported lack of drainage is due to the condition of the Hobbs Municipal Drain, determine whether one or more off the projects listed under subsection 78(1.1) is required to address the issue.

DISCUSSION

The Hobbs Municipal Drain is located in Rideau-Goulbourn Ward northwest of the village of Richmond, located in Lots 12 to 17, Concession 4 & 5, Lots 11 and 16, Concession 6 and Lots 12 to 15, Concession 7 former Township of Goulbourn (now Rideau-Goulbourn Ward). This Municipal Drain was originally known as the Lackey Award Drain which was improved in 1972, under a report by A.J. Graham Engineering Consultants Ltd., by the former Township of Goulbourn (now Rideau-Goulbourn Ward) and adopted under By-law # 25-72.

Further to a petition from the landowners in the area the Hobbs Drain Extension was adopted by the Township of Goulbourn in 1988, By-law 74-88. The Hobbs Drain Extension is located in Lot 13 to 15, Concessions 8 Former Township of Goulbourn. The Hobbs Drain Extension outlets into the existing Hobbs Municipal Drain.

A landowner, with property located in Lot 16, Concession 4, has provided a written request that the Hobbs Municipal Drain either be extended downstream or the course of the drainage works altered.

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. Mr. Robinson has also been appointed as the engineer of record for numerous Engineer's Reports under the *Drainage Act*.

This report has no tax or budget implications. All costs associated with the drainage engineer's report will be initially paid by the Parks, Forestry and Stormwater Services Branch of the City but eventually recovered from the owners of land as determined by the Engineer's report that will include an updated assessment for each parcel of land within the existing watershed of the Hobbs Municipal Drain for a proportion of the costs of any drainage works projects that the Engineer determines is required under subsection 78 (1.1).

Under the *Drainage Act*, all lands that will benefit from the drainage works are assigned an assessment by the engineer. "Benefit" is defined under the *Drainage Act* as the advantages to any lands from the construction, improvement, repair or maintenance of

a drainage works such as will result in a higher market value or increased crop production or improved appearance or better control of surface or subsurface water, or any other advantages relating to the betterment of the lands.

As such, the lands that benefit the most from improved drainage as a result of a Subsection 78 (1.1) project will be assessed a greater proportion of the costs of the project.

The estimated cost of the initial review and preparation of a report under the *Drainage Act* is \$80,000. Additional costs are expected if the drainage engineer determines that modifications and improvements to the drainage works are required under a project under subsection 78 (1.1). However, these costs would be assessed back to all benefiting owners of land in accordance with the drainage engineer's report. Until the costs are recovered from the owners of the assessed lands, all costs associated with the preparation of the engineer's report, including all *Fisheries Act* studies, engineering, administration, implementation and regulatory documentation required to complete any improvements recommended by the engineer and approved by Council, will be paid from the 2017 Approved Rate Supported Capital Budget, Municipal Drains Program.

The *Drainage Act* prescribes the process and timelines that must be followed for any modification or construction of a municipal drain.

Schedule for the Hobbs Municipal Drain

Should the Agricultural and Rural Affairs Committee and Council approve the appointment of the engineer, Mr. Andy Robinson P. Eng. of Robinson Consultants Inc., the anticipated schedule will be as follows:

- Council appointment of drainage engineer to prepare a report for Council's consideration – May 2017
- Preparation of drainage engineer's report – May 2017 to April 2018
- Submission of drainage engineer's report and staff report containing staff's recommendation to Council – May 2018
- Consideration of the drainage engineer's report and Council decision under Section 78 based on implications and evaluation in the engineer's report and staff's recommendation to Council – June 2018
- Court of Revision – July 2018

- Drainage Tribunal 40 day appeal period – August/September 2018

RURAL IMPLICATIONS

The Hobbs Municipal Drain is a drainage works with legal status under the provincial Drainage Act, RSO 1990, c.17. The drainage works provide legal outlet for roads and lands within the catchment area, reduce frequent flooding of roads and provide proper outlet for the road bed and improve the overall condition of the road thereby reducing future maintenance requirements.

CONSULTATION

The Ward Councillor is aware of the proposed study.

LEGAL IMPLICATIONS

For the reasons that follow, there are no legal impediments to the implementation of the recommendation in this report.

The City has a legislated duty to maintain and repair all *Drainage Act* works at the expense of all the upstream lands and roads assessed for the construction or improvement of the drainage works in the proportion determined by the most current *Drainage Act* by-law until the maintenance and repair assessment schedules under the most recent drainage engineer's report are varied by a drainage engineer in which case the drainage works will be maintained in the proportion determined by the updated assessment schedules under a drainage engineer's report (*Drainage Act*, Section 74).

As such, if a drainage engineer appointed under Section 78 reports that one or more of the drainage works projects listed in Subsection 78 (1.1) is required to address deficiencies in an existing drainage works, the most recent drainage engineer's report will need to be updated and revised assessment schedules produced for the maintenance and repair of the existing drainage works (*Drainage Act*, Subsections 78 (2) and 78(3)).

Unless a local municipality, conservation authority or the Minister of Natural Resources specifically requests an environmental appraisal under Subsection 6(1) of the *Drainage*

Act, all *Fisheries Act* studies, engineering, administration, implementation and regulatory documentation required to complete any improvements recommended by the Engineer and approved by Council, are fees and expenditures of the engineer that form part of the cost of the drainage works costs under Section 70 of the *Drainage Act*.

The City may be liable for any damages incurred by an owner or owners of land affected by the condition of drainage works that are the subject of a Drainage Act engineer's report if the City fails perform the duties conferred or imposed upon it by the *Drainage Act* as to maintenance and repair of the existing drainage works (*Drainage Act*, Section 79).

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

FINANCIAL IMPLICATIONS

This report has no tax or budget implications. The estimated cost of the initial review by the Drainage Engineer is \$80,000. Additional costs are expected if the Engineer determines that modifications and improvements to the drainage works are required. However, these would be assessed back to all benefiting landowners. Funding is available in the 2017 Approved Rate Supported Capital Budget, Municipal Drains Program. Once approved by Council, a separate new internal order will be created for this specific drain and all necessary funding will be transferred to it.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

ENVIRONMENTAL IMPLICATIONS

The request pertains to a section of drainage works, with legal status under the provincial Drainage Act, RSO 1990, c.17, located in EP3 lands, known locally as the Richmond Fen. The drainage works may affect surfaced water levels in the area and approvals will have to be obtained from various regulatory agencies prior to proceeding with construction. The local conservation authority has been notified, pursuant to Subsection 78(2) of the *Drainage Act*, however they have not requested that an environmental appraisal of the effects of the drainage works be conducted, under Section 6 of the *Act*, but they have expressed, in

writing, concerns with the proposed drainage improvements, a copy of which is attached to this report. Any drainage works will require permit approvals from the Ontario Ministry of Natural Resources and Forestry (MNR), Conservation Authority (CA), and Fisheries and Oceans Canada (DFO) which will necessitate the completion of various environmental studies addressing the effects of any proposed drainage works on flooding, pollution, erosion and conservation of land and fish habitat.

TERM OF COUNCIL PRIORITIES

This is a legislative process under the provincial *Drainage Act*, RSO 1990 c.17.

SUPPORTING DOCUMENTATION

DOCUMENT 1 – Hobbs Municipal Drain, Location Plan

DOCUMENT 2 – RVCA letter dated May 19, 2017 (*Held on file with the City Clerk*)

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 within the Municipal Drains Program

