

5. **WILSON-COWAN MUNICIPAL DRAIN – APPOINTMENT OF ENGINEER**  
**DRAIN MUNICIPAL WILSON-COWAN – 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 Section 78 (1) of the *Drainage Act* to inform Council on the current status of the Wilson-Cowan Municipal Drain and whether one or more of the projects listed under Section 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, ing., de la firme Robinson Consultants Inc., comme ingénieur chargé de rédiger un rapport aux termes du paragraphe 78(1) de la *Loi sur le drainage* afin de renseigner le Conseil sur l'état actuel du drain municipal Wilson-Cowan et de lui indiquer si un ou plusieurs des projets énumérés au paragraphe 78(1.1) sont nécessaires pour faciliter l'utilisation, l'entretien ou la remise en état des installations de drainage, des terrains ou des routes.

**DOCUMENTATION / DOCUMENTATION**

Director, Parks, Forestry & Stormwater Services, report dated 25 June 2017  
(ACS2017-PWE-GEN-0032 )

Rapport du Directrice, Services des parcs, de la foresterie et des eaux pluviales  
daté le 25 juin 2017 (ACS2017-PWE-GEN-0032 ).

**AGRICULTURE AND RURAL  
AFFAIRS COMMITTEE  
REPORT 27  
13 SEPTEMBER 2017**

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**COMITÉ DE L'AGRICULTURE ET  
DES AFFAIRES RURALES  
RAPPORT 27  
LE 13 SEPTEMBRE 2017**

**Report to  
Rapport au:**

**Agriculture and Rural Affairs Committee  
Comité de l'agriculture et des affaires rurales  
7 September 2017 / 7 septembre 2017**

**and Council  
et au Conseil  
13 September 2017 / 13 septembre 2017**

**Submitted on June 27, 2017  
Soumis le 27 juin 2017**

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

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**Ward: RIDEAU-GOULBOURN (21)**

**File Number: ACS2017-PWE-GEN-0032**

**SUBJECT: Wilson-Cowan Municipal Drain – Appointment of Engineer**

**OBJET: Drain municipal Wilson-Cowan – Nomination d'un ingénieur**

## **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 under Section 78 (1) of the Drainage Act to inform Council on the current status of the Wilson-Cowan Municipal Drain and whether one or more of the projects listed under Section 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, ing., de la firme Robinson Consultants Inc., comme ingénieur chargé de rédiger un rapport aux termes du paragraphe 78(1) de la Loi sur le drainage afin de renseigner le Conseil sur l'état actuel du drain municipal Wilson-Cowan et de lui indiquer si un ou plusieurs des projets énumérés au paragraphe 78(1.1) sont nécessaires pour faciliter l'utilisation, l'entretien ou la remise en état des installations de drainage, des terrains ou des routes.**

## **BACKGROUND**

The Clerk of the City of Ottawa has received a request from a developer to address changes in the surface, subsurface and storm water generated by the proposed development of lands within the watershed of the to the Wilson-Cowan Municipal Drain pursuant to Section 78 of the Drainage Act. The proposed development is located within the official village boundary for the Village of Manotick in Part of Lots 4 and 5, Concession A former North Gower/Rideau, Rideau Goulbourn Ward.

The subject land is currently assessed under the original Wilson-Cowan Municipal Drain engineer's report dated July 1983 and By-law No.73/83. The Wilson-Cowan Municipal Drain is located in Rideau-Goulbourn Ward partially within the village of Manotick and southwards on rural agricultural lands. The Wilson-Cowan Municipal Drain was first constructed in 1983 by the former Township of Rideau under the engineer's report entitled Wilson-Cowan Municipal Drain, July 1983.

## DISCUSSION

The Drainage Superintendent is recommending the appointment of Andy Robinson, P.Eng., a qualified Drainage Engineer from Robinson Consultants Inc., as the engineer of record as he has experience with similar *Drainage Act* projects, a specialized field of engineering in Ontario. He was also involved in the 1983 Engineer's Report on this Municipal Drain.

This report has no tax or budget implications. All costs associated with the engineer's report will be initially paid by the Parks, Forestry and Stormwater Services Branch of the Public Works and Environmental Services Department but eventually recovered from the owners of land as determined by the Engineer's Report. The Engineers' Report will include an updated assessment for each parcel of land within the existing watershed of the Wilson-Cowan Municipal Drain for a proportion of the costs of any drainage works projects that the Drainage 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 initial engineering cost of the report is \$75,000. Until the costs are recovered from the owners of the assessed lands, all costs associated with the preparation of the engineer's report, 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 developer of the land will be required to provide environmental studies, reports and regulatory requirements of relevant agencies (i.e. Conservation Authorities, Ministry of Natural Resources, and Department of Fisheries and Oceans) through the development process, to the Drainage Engineer.

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

### **Schedule for the proposed connection to the Wilson-Cowan 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 Engineer to prepare a report for Council's consideration of the proposed connection drainage works – September 2017
- Preparation of engineer's report – September 2017 to August 2018
- Submission of engineer's report and staff report containing staff's recommendation to Council on whether to approve the connection based on the implications set out in the engineer's report – September 2018
- Consideration of report and Council decision under 78 based on implications and evaluation in the engineer's report and staff's recommendation to Council – Sept. 2018

### **RURAL IMPLICATIONS**

The proposed rural subdivision will benefit from this undertaking through the provision of legal and sufficient outlet, improved drainage and reduced risk of flooding.

### **CONSULTATION**

Consultation with the Ward Councillor, and City staff is ongoing.

## **LEGAL IMPLICATIONS**

For the reasons set out below, 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 such time as the maintenance and repair assessment schedules under the most recent engineer's report are varied by an engineer appointed under the *Drainage Act*, in which case the drainage works will be maintained in the proportion determined by the updated assessment schedules under the most recent engineer's report (*Drainage Act*, Section 74).

As such, if an engineer appointed under Subsection 78(1) 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 (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 to 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 costs of \$75,000 for the engineer's report will be initially paid by the City of Ottawa, Parks, Forestry and Stormwater Services Branch, Public Works and Environment Services Department, and recovered from the owner of the proposed development (Pt Lots 4 and 5 Concession A former North Gower/Rideau, Rideau-Goulbourn Ward). Funds are available in the 2017 approved Municipal Drainage Capital Program. This cost estimate does not include the cost of any required construction or construction related work. Once approved by Council, a separate new internal order will be created for this specific drain and all necessary funding will be transferred accordingly.

### **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this report.

### **ENVIRONMENTAL IMPLICATIONS**

The modifications to the Wilson-Cowan Municipal Drain is associated with final approval of the subdivision. Any proposed works will require compliance with City, provincial and federal policies, standards, regulations and legislation.

### **TERM OF COUNCIL PRIORITIES**

The proposed works to the Wilson-Cowan Municipal Drain is a legislative requirement under the provincial Drainage Act, RSO 1990 and will fulfill the City's Strategic Plan's environment and infrastructure protection priorities.

### **SUPPORTING DOCUMENTATION**

DOCUMENT 1 – Wilson-Cowan Municipal Drain, Location Plan

### **DISPOSITION**

The Drainage Superintendent shall notify all affected landowners and the local conservation authority of the decision of Council. If 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.



Document 1

Wilson-Cowan Municipal Drain, Location plan

