

**1. THOMAS BAXTER MUNICIPAL DRAIN – APPOINTMENT OF ENGINEER
DRAIN MUNICIPAL THOMAS BAXTER – 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 of the *Drainage Act* to inform Council on the drainage works project, if any, that is required to address the proposed residential subdivision that will outlet into the Thomas Baxter Municipal Drain.

RECOMMANDATION DU COMITÉ

Que le Conseil nommer M. Andy Robinson, ingénieur de la firme Robinson Consultants Inc., comme ingénieur chargé de rédiger un rapport aux termes de l'article 78 de la *Loi sur le drainage*, afin d'informer le Conseil au sujet du projet de travaux de drainage, le cas échéant, nécessaire pour le lotissement résidentiel proposé dont les eaux pluviales se déverseront dans le drain municipal Thomas Baxter.

DOCUMENTATION / DOCUMENTATION

Susan Jones, Acting Deputy City Manager, City Operations, report dated 25 May 2016 (ACS2016-COS-ESD-0024).

Rapport du directrice municipale adjointe par intérim, Opérations municipales, Susan Jones, daté le 25 mai 2016 (ACS2016-COS-ESD-0024).

**AGRICULTURE AND RURAL
AFFAIRS COMMITTEE
REPORT 18
13 JULY 2016**

3

**COMITÉ DE L'AGRICULTURE ET
DES AFFAIRES RURALES
RAPPORT 18
LE 13 JUILLET 2016**

**Report to
Rapport au:**

**Agriculture and Rural Affairs Committee
Comité de l'agriculture et des affaires rurales
29 June 2016 / 29 juin 2016**

**and Council
et au Conseil
13 July 2016 / 13 juillet 2016**

**Submitted on May 25, 2016
Soumis le 25 mai 2016**

**Submitted by
Soumis par:
Susan Jones, Acting Deputy City Manager / Directrice municipale adjointe par
intérim, City Operations / Opérations municipales**

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**Ward: RIDEAU-GOULBOURN (21)
BARRHAVEN (3)**

File Number: ACS2016-COS-ESD-0024

SUBJECT: Thomas Baxter Municipal Drain – Appointment of Engineer

OBJET: Drain municipal Thomas Baxter – 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 Section 78 of the *Drainage Act* to inform Council on the drainage works project, if any, that is required to address the proposed residential subdivision that will outlet into the Thomas Baxter Municipal Drain.

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 chargé de rédiger un rapport aux termes de l'article 78 de la *Loi sur le drainage*, afin d'informer le Conseil au sujet du projet de travaux de drainage, le cas échéant, nécessaire pour le lotissement résidentiel proposé dont les eaux pluviales se déverseront dans le drain municipal Thomas Baxter.

BACKGROUND

A developer of lands within the existing watershed of the Thomas Baxter Municipal Drain is proposing a new residential subdivision with stormwater management facilities that will outlet into the Dynes Branch of the Thomas Baxter Municipal Drain.

Staff therefore recommends that Council appoint an engineer to prepare a report under Section 78 of the *Drainage Act* to review proposed residential subdivision and the impact of the proposed establishment of stormwater management facilities within the watershed of the Thomas Baxter Municipal Drain, for Council's consideration.

DISCUSSION

Pursuant to Section 78 of the *Drainage Act*, a report of an Engineer, appointed by Council, is required to address land use changes and potential modifications within the watershed of the Thomas Baxter Municipal Drain. The Dynes Branch of the Thomas Baxter Municipal Drain is located in Rideau-Goulbourn Ward South of Barnsdale Road

along Cedarview Road and Brophy Road and Highway 416 and was first constructed in 1967, under a report by Graham, Berman & Associates Ltd., by the former City of Nepean (now Rideau-Goulbourn Ward).

Proposed development within the existing legal watershed of the Thomas Baxter Municipal Drain requires a review and possible update to the 1967 Engineers Report to reflect the proposed land use changes within the watershed of the drainage works, by a Council-appointed Drainage Engineer in accordance with Section 78 of the *Drainage Act*. A report under Section 78 of the *Drainage Act* will also include a review of the outlet for the surface, subsurface and stormwater management facility waters generated by the development lands.

The watershed of the Thomas Baxter Municipal Drain is adjacent to the watershed of the Hawkins Municipal Drain. The proposed development is assessed into both watersheds. The 1975 Engineers' Report for the Hawkins Municipal Drain is being updated under a separate staff report (ACS2016-COS-ESD-0023).

Staff are recommending the appointment of Mr. 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.

This report has no tax or budget implications. All costs associated with the engineer's report will be initially paid by the Surface Water Branch of the City but eventually recovered from the proponents. The estimated cost of the initial review by the Drainage Engineer is \$25,000. 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 2016 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 Thomas Baxter 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 – June 2016
- Preparation of engineer's report – June 2016 to December 2016
- Submission of engineer's report and staff report containing staff's recommendation to Council – December 2016
- Consideration of report and Council decision under Section 78 based on implications and evaluation in the engineer's report and staff's recommendation to Council – December 2016
- Court of Revision – January 2017
- Drainage Tribunal 40 day appeal period – Q1 of 2017

RURAL IMPLICATIONS

The proposed subdivision will benefit from this undertaking through improved drainage, storm water management and reduced risk of flooding.

CONSULTATION

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

COMMENTS BY THE WARD COUNCILLOR(S)

The Ward Councillors are aware of this report.

LEGAL IMPLICATIONS

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

The outlet for the surface, subsurface and stormwater management facility waters generated by the development lands is a drain that is subject to an existing engineer's

report under the Drainage Act and the City has a legislated duty to maintain and repair all drains under Drainage Act (Sections 78 and 79 of the Drainage Act).

The City may be liable for any damages incurred by owners of land within the watershed of the Thomas Baxter Municipal Drain if the City fails to appoint an engineer under Section 78 of the *Drainage Act* to prepare a report evaluating whether the proposed change in use of lands justifies any improvements to the drainage works and/or a variation of the assessments for maintenance and repair of the drainage works under the 1967 Engineer's Report.

If the drainage engineer appointed under Section 78 reports that a drainage works project is required to address the proposed land use changes and establishment of stormwater management facilities within the watershed of the Thomas Baxter Municipal Drain, the existing 1967 drainage engineer's report will need to be updated and new schedules of assessment produced for the following:

- i. the construction of the required improvements, and
- ii. the future maintenance and repair of the drainage works.

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 \$25,000. 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 2016 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 drainage works are 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 drainage works will fulfill the City's Strategic Plan's environment and infrastructure protection priorities.

SUPPORTING DOCUMENTATION

Document 1 – Location Plan

DISPOSITION

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