

1. O'KEEFE MUNICIPAL DRAIN – APPOINTMENT OF ENGINEER  
DRAIN MUNICIPAL O'KEEFE– 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 O'Keefe 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 O'Keefe 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**

1. Director's report, Parks, Forestry & Stormwater Services, dated April 30, 2021 (ACS2021-PWE-PFS-0005)

Rapport de la Directrice, Services des parcs, de la foresterie et des eaux pluviales, daté le 30 juin 2021 (ACS2021-PWE-PFS-0005)

**AGRICULTURE AND RURAL  
AFFAIRS COMMITTEE  
REPORT 22  
JUNE 9, 2021**

**16**

**COMITÉ DE L'AGRICULTURE ET  
DES AFFAIRES RURALES  
RAPPORT 22  
LE 9 JUIN 2021**

**Report to  
Rapport au:**

**Agriculture and Rural Affairs Committee  
Comité de l'agriculture et des affaires rurales  
3 June 2021 / 3 juin 2021**

**and Council  
et au Conseil  
9 June 2021 / 9 juin 2021**

**Submitted on April 30, 2021  
Soumis le 30 avril 2021**

**Submitted by  
Soumis par:**

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

**Contact Person**

**Personne ressource:**

**Dave Ryan, Drainage Superintendent  
613-580-2424, x25106 David.Ryan@ottawa.ca**

**Ward: BARRHAVEN (3)**

**File Number: ACS2021-PWE-PFS-0005**

**SUBJECT: O'Keefe Municipal Drain – Appointment of Engineer**

**OBJET: Drain municipal O'Keefe– 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 (1) of the Drainage Act to inform**

**Council on the current status of the O'Keefe 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 O'Keefe 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**

Development is proposed on multiple parcels of land within the existing watershed of the O'Keefe Municipal Drain which may result in changes in the land use, surface, subsurface and storm water flows from the existing parcels of land. The proposed developments are located in Part of Lots 14 and 15, Concession 4 former Township of Nepean, Barrhaven Ward.

A Drainage Engineer will be required to examine the proposed development within Part of Lots 14 and 15, Concession 4 former Township of Nepean, Barrhaven Ward, to determine the proposed changes to the extent and nature of use within the watershed of the O'Keefe Municipal Drain. An engineer's report will be required in order to address any work required due to the potential improvements required to address the developer's proposed changes.

The original O'Keefe Municipal Drain is located in Part Lots 14 to 20, Concession 4, former Township of Nepean, Barrhaven Ward and was first constructed in 1967 by the former Township of Nepean under the engineer's report prepared by Graham, Berman and Associates Ltd. dated October 10, 1967 By-law 17-68. Modifications to the existing O'Keefe Municipal Drain by Robinson Consultants Inc. were adopted under engineer's reports, the first modification dated March 2006 and By-law No. 2006-389, the second modification dated March 2015 and By-law No. 2016-149 and the third modification dated November 2018 and By-law No. 2019-281.

## **DISCUSSION**

The O'Keefe Municipal Drain is a private communal drainage system which has legal status under the provincial *Drainage Act*, RSO 1990 c.17. As such, any changes to the drainage works requires the approval of Council based on the report of a qualified Drainage Engineer, pursuant to Section 78 of the *Act*. The City's 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 2006, 2015 and 2018 Engineer's Reports on this drainage works.

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 Engineers' Report. The Engineers' Report will include an updated assessment for each parcel of land within the existing watershed of the O'Keefe 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 \$100,000. 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 2021 approved capital budget for the Municipal Drains Program for the cost of the engineer's report.

The *Drainage Act* prescribes the process and timelines to be followed for any variations in assessments within the Engineer's Report of an existing Petition Drain.

This report places the request for an Engineer's Report on the current status of the O'Keefe 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 before the Agriculture and Rural Affairs Committee and Council as required under Section 78(1) of the *Drainage Act*.

### **RURAL IMPLICATIONS**

The proposed development 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.

### **COMMENTS BY THE WARD COUNCILLOR(S)**

The Councillor is aware of this report.

### **LEGAL IMPLICATIONS**

There are no legal impediments to Committee and Council's approval of the recommendation of this report.

### **RISK MANAGEMENT IMPLICATIONS**

There are no risk implications associated with this report.

### **FINANCIAL IMPLICATIONS**

This report has no tax or budget implications. The estimated initial cost of \$100,000 for the Engineer's Report will be initially paid by the City of Ottawa, Parks, Forestry and Stormwater Services of the Public Works and Environmental Services Department and

recovered, as per the assessment schedule included in the final Engineer's Report. Funds are available in the 2021 approved Capital Budget - Municipal Drainage Program.

### **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this report.

### **ENVIRONMENTAL IMPLICATIONS**

The modifications to the O'Keefe Municipal Drain are associated with proposed development. 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 Plan

### **DISPOSITION**

Once approved by Council, a separate new internal order will be created for this specific drain and all necessary funding will be transferred accordingly.

Document 1

