

**2. PRELIMINARY ENGINEER'S REPORT FOR KIZELL CREEK MUNICIPAL  
DRAIN**

**RAPPORT PRÉLIMINAIRE DE L'INGÉNIEUR CONCERNANT LES  
INSTALLATIONS MUNICIPALES DE DRAINAGE KIZELL CREEK**

**COMMITTEE RECOMMENDATION**

**That Council approve the Preliminary Engineer's Report for the Kizell Creek Municipal Drain and instruct the Engineer to prepare a full Engineer's Report in accordance with Section 10(5) of the *Drainage Act of Ontario*.**

**RECOMMANDATION DU COMITÉ**

**Que le Conseil approuve le rapport préliminaire de l'ingénieur concernant les installations municipales de drainage Kizell Creek et préparer un rapport, conformément aux articles 10(5) de la *Loi sur le drainage de l'Ontario*.**

**Documentation/Documentation**

1. Director's report, Parks, Forestry & Stormwater Services, dated October 27, 2021 (ACS2021-PWE-PFS-0008)

Rapport de la Directrice, Services des parcs, de la foresterie et des eaux pluviales, daté le 27 octobre 2021 (ACS2021-PWE-PFS-0008)

2. Extract of draft Minutes, Agriculture and Rural Affairs Committee, December 2, 2021

Extrait de l'ébauche du procès-verbal, Comité de l'agriculture et des affaires rurales, le 2 décembre 2021

**AGRICULTURE AND RURAL  
AFFAIRS COMMITTEE  
REPORT 27  
DECEMBER 8, 2021**

**6**

**COMITÉ DE L'AGRICULTURE ET  
DES AFFAIRES RURALES  
RAPPORT 27  
LE 8 DÉCEMBRE 2021**

**Report to  
Rapport au:**

**Agriculture and Rural Affairs Committee  
Comité de l'agriculture et des affaires rurales  
2 December 2021 / 2 décembre 2021**

**and Council  
et au Conseil  
8 December 2021 / 8 décembre 2021**

**Submitted on October 27, 2021  
Soumis le 27 octobre 2021**

**Submitted by  
Soumis par:**

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

**Contact Person  
Personne ressource:**

**Dave Ryan, Drainage Superintendent  
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**Ward: KANATA NORTH (4) / KANATA  
NORD (4)**

**File Number: ACS2021-PWE-PFS-0008**

**SUBJECT: Preliminary Engineer's Report for Kizell Creek Municipal Drain**

**OBJET: Rapport préliminaire de l'ingénieur concernant les installations  
municipales de drainage Kizell Creek**

## **REPORT RECOMMENDATIONS**

**That the Agriculture and Rural Affairs Committee recommend that Council approve the Preliminary Engineer's Report for the Kizell Creek Municipal Drain and instruct the Engineer to prepare a full Engineer's Report in accordance with Section 10(5) of the Drainage Act of Ontario.**

## **RECOMMANDATIONS DU RAPPORT**

**Que le Comité de l'agriculture et des affaires rurales recommande au Conseil d'approuver le rapport préliminaire de l'ingénieur concernant les installations municipales de drainage Kizell Creek et préparer un rapport, conformément aux articles 10(5) de la Loi sur le drainage de l'Ontario.**

## **BACKGROUND**

On June 12, 2019 the Council of the City of Ottawa appointed Andy Robinson, P.Eng. of Robinson Consultants Inc., as the Engineer of record to prepare an Engineer's Report under Section 4 of the *Drainage Act* to extend the limit of the existing Kizell Municipal Drain to the outlet of the Beaver Pond Storm Water Management Facility.

A Preliminary Engineer' Report for the proposed Municipal Drain was initiated by the City of Ottawa to ensure that the landowners in the watershed are informed of the costs, impacts of any required improvements (widening, deepening, additional land required, etc.) and any environmental concerns associated with the project prior to proceeding to a full Engineer' report.

A scoping meeting was held on October 15, 2019 to receive information from the petitioner and to provide an opportunity for reviewing agencies to provide input on advance of proceeding to complete the Preliminary Engineer's Report. Pursuant to Section 9 of the Drainage Act, the on-site meeting was held on November 13, 2019. All affected landowners were notified of the meeting

The Preliminary Engineer's Report entitled Preliminary Engineer's Report for Kizell Creek Municipal Drain dated October 2021 prepared by Robinson Consultants Inc. has been submitted for consideration under Section 10(2) of the Drainage Act R.S.O. 1990.

## **DISCUSSION**

The Preliminary Engineer's report was initiated in response to a petition on behalf of KNL Developments Inc., a property owner in Lot 7 to Lot 9 Concession 3, Kanata North Ward, former Township of March. The petition described the work required as legal and sufficient outlet for the development of Stages 7 and 8 of the Kanata Lakes Development. The proposed Stages 7 and 8 of the Kanata Lakes Development presently is tributary to Shirley's Brook.

The total estimated costs of \$1,550,474 plus applicable taxes associated with the finalization of this Engineer's Report include Preliminary and Final Engineer's Reports, allowances for land and crops, inspection, administration, and construction. Once a Final Engineers Report is completed if the work proceeds to construction, it is estimated that the construction costs to the City of Ottawa Road Authority for the replacement of the Leggett Drive culvert will be \$109,164. The remainder of the cost will be assessed to the property owners of Kanata North Development lands identified as Stage 7 and Stage 8 in part of Lots 7, 8, and 9, Concession 2 and part of Lots 8 and 9, Concession 3, Kanata North Ward, Former Township of March. It is estimated that the cost to the Kanata North Development Lands will be \$1,441,310.

To date \$43,630.62 has been paid for the preparation of the Preliminary Engineers Report by the City of Ottawa Parks, Forestry and Stormwater Services Branch of the Public Works and Environmental Services Department from capital internal order 909626 KNL Municipal Drain.

If the petitioners and Council decide to proceed with the preparation of a Final Engineer's Report for Kizell Creek Municipal Drain the estimated engineering costs of \$292,000 will be required.

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

There are three (3) main options when proceeding with a meeting to consider a Preliminary Engineer's Report.

Option 1: Petitioners and Council both accept the preliminary Engineer's Report. Council instructs the Engineer to proceed with the Final Engineer's Report.

Option 2: Petitioners withdraw their names. If the petition does not have sufficient numbers to remain valid, Council instructs the Engineer to not to proceed with the Final Engineer's Report. All costs are assessed to the original petitioners.

Option 3: Petitioners accept the preliminary Engineer's Report, but Council decides not to proceed. The Council instructs the Engineer to not to proceed with the Final Engineer's Report. Petitioners have the ability to appeal this decision to the Agriculture, Food and Rural Affairs Tribunal. All costs are assessed to the original petitioners unless otherwise determined by the Agriculture, Food and Rural Affairs Tribunal upon appeal.

This report places the Preliminary Engineer's Report before the Agriculture and Rural Affairs Committee as the Meeting to Consider the preliminary report as required by section 10(2) of the *Drainage Act R.S.O. 1990*.

If the petitioners choose to move forward with the preparation of a Final Engineer's Report staff recommends that the Agricultural and Rural Affairs Committee and Council accept the Preliminary Engineer's Report dated October 2021 and instruct the Drainage Engineer to prepare a Final Engineer's Report under the section 10(5) Drainage Act R.S.O. 1990.

## **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**

As part of the development planning process consultation between the developer, their representatives, City approvals and drainage staff, the Council-appointed Drainage Engineer and regulatory agencies is ongoing. The required on-site meeting with the affected landowners was held on November 13, 2019 and a scoping meeting was held on October 15, 2019.

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

The office of the Councillor for Kanata North Ward is aware of this report and the proposed drainage works.

### **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 2021 budget implications. Funding exists in the 2021 Approved Capital Budget – Municipal Drains Program for the Final Engineer's Report.

### **ACCESSIBILITY IMPACTS**

There are no accessibility impacts associated with this report.

### **ENVIRONMENTAL IMPLICATIONS**

The creation of Kizell Creek Municipal Drain is associated with approval of the 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

DOCUMENT 2 – Preliminary Engineer's Report for Kizell Creek Municipal Drain dated October 2021 prepared by Robinson Consultants Inc.

**DISPOSITION**

Upon approval by Council, the Office of the Drainage Superintendent will instruct the Drainage Engineer to prepare a Final Engineer's Report under Section 10(5) of the Drainage Act R.S.O. 1990.

Document 1

