

Drainage Petition – St. Laurent Street

Presented To:	City Council
Meeting Date:	June 15, 2021
Type:	Managers' Reports
Prepared by:	Paul Javor Infrastructure Capital Planning
Recommended by:	General Manager of Growth and Infrastructure

Report Summary

This report provides a recommendation regarding the approval of the petition filed by Mr. Justin Gaudet, to appoint K. Smart Associates Limited, to authorize them to make an examination of the area requiring drainage as described in the petition filed by Mr. Justin Gaudet and to prepare an Engineer's Report in accordance with Section 8(1) of the Drainage Act R.S.O. 2010.

Resolution

THAT the City of Greater Sudbury accepts the petition for drainage works filed by Mr. Justin Gaudet in accordance with Section 4(1) of the Drainage Act R.S.O. 2010;

AND THAT the City of Greater Sudbury appoints K. Smart Associates Limited to make an examination of the area requiring drainage as described in the petition and prepare an Engineer's Report in accordance with Section 8(1) of the Drainage Act R.S.O. 2010, as outlined in the report entitled "Drainage Petition - St. Laurent Street", from the General Manager of Growth and Infrastructure presented at the City Council meeting on June 15, 2021;

AND THAT City of Greater Sudbury approves up to \$100,000 from the Capital Financing Reserve Fund - General towards completion of the Engineer's Report relating to the Drainage Petition on St. Laurent Street.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

This Petition for Drainage Works is in an agricultural area of the community with the purpose to improve the production of the land supporting development in agriculture in Section 2.1 of the Strategic Plan.

The proposed drainage improvement to this agricultural land would improve local food production which would have positive impacts to food transportation.

Financial Implications

The Municipality will be required to front end the costs of this project until completed at which time these costs will be recovered through assessments on lands within the watershed.

These front end costs for the Engineer's Report of up to \$100,000 will be funded from the Capital Finance Reserve Fund – General. Any recommendations of the Engineer's Report including future capital construction costs of the Engineer's Report will be reflected in a future report to Council.

The watershed limits have not yet been determined but there appears to be little municipally owned or controlled land within the watershed, other than a portion of St. Laurent Street.

In accordance with the provisions of Section 85 of the Drainage Act, and OMAFRA's ADIP policies a grant not exceeding 1/3 (33-1/3%) may be available to the benefitting landowners on the assessments against privately owned parcels of land which are used for agricultural purposes and are eligible for the Farm Property Class Tax Rate.

An existing service contract for Municipal Drain Superintendent and Engineering Services was issued for RFP and K. Smart and Associates Limited was the successful proponent. Historically costs for similar Engineer's Reports have ranged from \$50,000 to \$100,000.

Background

Council when in receipt of a Drainage Act Petition must decide whether or not to proceed with the drainage works. If Council decides not to proceed with the drainage works the owners may appeal to the Drainage Tribunal. If Council decides to proceed with the drainage works, Council shall by By-Law or resolution appoint an Engineer.

This petition (Appendix A) is the result of drainage issues on Mr. Gaudet's property and other properties in the St. Laurent Street area, specifically properties north and south of St. Laurent Street east of MR 15 and Montee Rouleau (Appendix B). The proposed works are a new open channel to more effectively drain the agricultural lands and provide outlet for the proposed tile drain system they wish to pursue to improve the production and value of the land in the area of St. Laurent Street.

Most municipal drains have been constructed to improve the drainage of agricultural land by serving as the discharge point for private agricultural drainage systems. However, they also remove excess water collected by roadside ditches, residential lots and any other properties in rural areas.

Municipal drains are created under the authority of the Drainage Act. There are 3 key elements of a municipal drain:

1. Community Project – Landowners who need to solve a drainage problem may submit a prescribed petition under the Drainage Act to their local municipality, requesting the establishment of a municipal drain. If certain criteria are met, the municipality appoints an engineer who prepares a report, identifying the proposed solution to the problem and how the costs will be shared. There are various meetings where landowners in the watershed of the municipal drain can voice their desires and concerns. There are also several appeal stages where they can voice their objections. So, the end result of the process is a "communally accepted" project.
2. Legal Existence – After all appeals have been heard and dealt with, the municipality passes a by-law, adopting the engineer's report. The municipality then has the authority and the responsibility to construct the project. The cost of the work is assessed to the lands in the watershed in the same

ratios as contained within the engineer's report. So for a ditch or a pipe to be a municipal drain, there must be a by-law adopting an Engineer's Report.

3. Municipal Infrastructure – Once a municipal drain has been constructed under the authority of a by-law, it becomes part of that municipality's infrastructure. The local municipality, through its drainage superintendent, is responsible for repairing and maintaining the municipal drain. In certain circumstances, the municipality can be held liable for damages for not maintaining these drains.

Next Steps

If approved K. Smart Associates would begin examination of the lands to determine the area requiring drainage, meet with affected land owners and regulating authorities and prepare the Engineers Report.

Once the Engineers Report is complete and assessments determined a report would be brought back to Council and for the appeals process. After any appeals have been dealt with the municipality passes a by-law, adopting the Engineer's Report. The municipality then has the authority and the responsibility to construct the project.

Resources Cited

Ontario Ministry of Agriculture, Food and Rural Affairs Factsheet - So, What's A Municipal Drain?
<http://www.omafra.gov.on.ca/english/engineer/facts/01-059.htm>