

Report to / Rapport au:**Agriculture and Rural Affairs Committee /
Comité de l'agriculture et des questions rurales****and Council / et au Conseil****19 August 2009 / le 19 août 2009****Submitted by / Soumis par: Nancy Schepers,
Deputy City Manager / Directrice municipale adjointe
Infrastructure Services and Community Sustainability /
Services d'infrastructure et Viabilité des collectivités**

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Rideau-Goulbourn (21)**Ref N°: ACS2009-ICS-WWS-0018**

SUBJECT: PETITION FOR DRAINAGE WORKS – HAZELDEAN ROAD**OBJET : INSTALLATIONS MUNICIPALES DE DRAINAGE RUE HAZELDEAN****REPORT RECOMMENDATION**

That the Agriculture and Rural Affairs Committee recommend that Council consider the Preliminary Engineer's Report for the Hazeldean Road 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 RAPPORT

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

EXECUTIVE SUMMARY

In January 2008, the City of Ottawa received a petition for new drainage works under Section 4 of the *Drainage Act* from a group of landowners abutting Hazeldean Road, west of Stittsville, in Rideau-Goulbourn Ward in response to ongoing property flooding issues.

Under Section 5(1) of the *Drainage Act*, Council considered the petition and chose to appoint an Engineer to prepare a preliminary report to determine an approximate cost estimate of the drainage works, in accordance with Section 10 of the *Drainage Act*.

In consultation with the MVCA, the Council-appointed Drainage Engineer is proposing to restore the functionality of the existing ditch through the replacement of the non-functioning culvert under the former railway with one of equal size, diameter and elevation, now the Trans Canada Trail. In addition,

the Drainage Engineer is proposing the removal of several beaver dams within the ditch itself which have caused the overall condition of the ditch to deteriorate considerably, resulting in significant impacts on surrounding lands. There may also be some minor channel cleaning and channel reshaping, but no deepening.

With the designation as a Municipal Drain, under the *Drainage Act*, it will provide the Drainage Superintendent access to the watercourse in the future to remove obstructions, and manage beaver dams, all in conformance with best management practices.

This approach has been agreed to by the Mississippi Valley Conservation Authority, petitioning landowners and City staff. Several meetings confirm that the MVCA is in support, in principle, of the proposed design and related mitigation measures. The intent of the drainage works is to relieve the area of nuisance flooding and obstructions in the existing ditch while minimizing impacts on the provincially-significant wetlands in the area.

RÉSUMÉ

En janvier 2008, un groupe de propriétaires fonciers établis le long du chemin Hazeldean, dans le quartier Rideau-Goulbourn à l'ouest de Stittsville, a présenté à la Ville d'Ottawa, en vertu de l'article 4 de la *Loi sur le drainage*, une pétition réclamant de nouveaux travaux de drainage dans l'espoir de trouver une solution à d'incessants problèmes d'inondation sur leur propriété.

En vertu du paragraphe 5(1) de la *Loi sur le drainage*, le Conseil a examiné la pétition et décidé de confier à un ingénieur en drainage le soin de préparer un rapport préliminaire afin d'estimer les coûts de ces travaux, conformément aux dispositions de l'article 10 de la *Loi*.

L'ingénieur désigné par le Conseil, qui agit en consultation avec l'Office de protection de la nature de la vallée de la rivière Mississippi, propose de rendre sa fonctionnalité au fossé existant en remplaçant le ponceau non fonctionnel sous l'ancienne voie ferrée devenue le Sentier transcanadien. De plus, l'ingénieur propose de libérer le fossé lui-même en y retirant plusieurs digues de castor, lesquelles ont entraîné une nette détérioration du fossé, ce qui a causé d'importants problèmes sur les terrains avoisinants. Quelques travaux mineurs de nettoyage et de reconfiguration du ruisseau pourraient s'avérer nécessaires, mais il n'y aura pas de travaux d'approfondissement.

Grâce à la désignation de drain municipal, en vertu de la *Loi sur le drainage*, le surintendant du drainage aura accès à l'avenir au cours d'eau afin d'enlever toute obstruction et de gérer les digues de castor, le tout conformément aux meilleures pratiques de gestion.

Ce plan a reçu l'aval de l'Office de protection de la nature de la vallée de la rivière Mississippi, des propriétaires pétitionnaires et des agents de la Ville. Plusieurs rencontres confirment que l'Office appuie le plan proposé et les mesures d'atténuation afférentes. Ces travaux ont pour but de régler les problèmes d'inondation sur les terrains du quartier et de désobstruer le fossé existant, tout en réduisant au minimum les répercussions sur les terres humides importantes pour la province qui sont situées à proximité.

BACKGROUND

An existing ditch in an unopened municipal road allowance running south from Hazeldean Road has historically provided outlet for local surface water, as well as a portion of the newly constructed Highway 407. However, obstructions and insufficient outlet within the existing ditch is affecting drainage of local lands and roads and has resulted in flooding of surrounding lands and road maintenance issues for the City. A similar petition for drainage works was submitted by a smaller group of landowners in 2003.

In early 2004, Council, on the recommendation of the Drainage Superintendent and in consultation with the petitioners, decided not to proceed with the establishment of drainage works due to the sensitive environmental nature of the area and in the hope that maintenance of the unopened road allowance would be sufficient. Some of the lands south of Hazeldean Road along the unopened road allowance are designated as Provincially-Significant Wetland and Rural Natural Feature under the Official Plan. Another wetland evaluated as provincially-significant, but not designated in the 2003 Plan, is located north of Hazeldean Road. City staff were instructed to remove obstructions from and maintain the aforementioned road allowance. Since 2004, City staff and provincially licenced trappers have undertaken regular maintenance of this road allowance. However, there still remains insufficient outlet downstream to the Trans Canada Trail, and beyond, prompting area landowners to seek permanent legal and sufficient outlet for excess surface water through the *Drainage Act*.

In January 2008, the City of Ottawa received a petition for new drainage works under Section 4 of the *Drainage Act* from a group of landowners abutting Hazeldean Road, west of Stittsville, in Rideau-Goulbourn Ward in response to ongoing property flooding issues.

Under Section 5(1) of the *Drainage Act*, Council considered the petition and chose to appoint an Engineer to prepare a preliminary report to determine an approximate cost estimate of the drainage works, in accordance with Section 10 of the *Drainage Act*.

DISCUSSION

The *Drainage Act* prescribes the process and timelines that must be followed in response to a petition for drainage works. (The “E” below indicates the current step in the process for the Hazeldean Road Municipal Drain.) In brief, the steps taken to date include:

- ... Council appointment of the Drainage Engineer to prepare a Preliminary Engineer’s Report (28 May 2008);
- ... Conduct an On-site Meeting with affected landowners to review the proposed modifications, (13 August 2008);
- ... Submission of the Preliminary Engineer's Report to Clerk (19 June 2009);
- E Conduct a Meeting to Consider – (The meeting of the Agriculture and Rural Affairs Committee to consider the Preliminary Engineer’s Report).

Should Council approve of the Committee recommendation to proceed with final Engineer’s Report the following steps will be undertaken:

- ... Preparation of the Engineer’s Report;
- ... Submission of the final Engineer's Report to Clerk;
- ... Conduct a Meeting to Consider – (The meeting of the Agriculture and Rural Affairs Committee to consider the Engineer’s Report);
- ... Council approval of the Committee recommendation and first and second reading of the By-law (subject to the outcome of the Meeting to Consider and associated appeals process);
- ... Convene a Court of Revision – (A meeting of the Agriculture and Rural Affairs Committee where landowners may appeal their assessment). Committee may direct the Engineer to revise the assessment contained in the report. All affected landowners must then be advised of any revisions and the *Drainage Act* contains provisions for further appeal by landowners of their assessment;
- ... Third reading of the By-law at Council;
- ... Only following the recommended works proceeding through the approval process would construction activity occur. At this time, we anticipate that the necessary construction work of the

drainage works would begin in late 2009; and

... Assessment of the costs to benefiting landowners and road authorities (2009).

This report places the Engineer's Report before the Agriculture and Rural Affairs Committee as the Meeting to Consider a preliminary report as required by the *Drainage Act*. The time for filing the Engineer's Report was extended until December 31, 2009, under Section 39(1) of the *Drainage Act* by Council resolution on 10 December 2008. As such, the submission and consideration of this report is in conformance with this timeline.

Should Council decide to proceed with a final Engineer's Report, the Drainage Engineer will have six months in which to file his final report with the City Clerk.

In consultation with the MVCA, the Council-appointed Drainage Engineer is proposing to restore the functionality of the existing ditch through the replacement of the non-functioning culvert under the former railway, now the Trans Canada Trail. In addition, the Drainage Engineer is proposing the removal of several beaver dams within the ditch itself which have caused the overall condition of the ditch to deteriorate considerably, resulting in significant impacts on surrounding lands. There may also be some minor channel cleaning and channel reshaping, but no deepening.

While the timing of the contemplated capital works is extremely dependent upon the submission and approval of the Final Engineer's Report, we suggest that the capital works could be carried out in Winter and Spring of 2010.

This approach has been agreed to by the Mississippi Valley Conservation Authority, petitioning landowners and City staff. Several meetings confirm that the MVCA is in support of the proposed design and related mitigation measures. The intent of the drainage works is to relieve the area of nuisance flooding and obstructions in the existing ditch while minimizing impacts on the provincially-significant wetlands in the area.

ENVIRONMENTAL IMPLICATIONS

The Mississippi Valley Conservation Authority has been consulted on the project from the outset and has been provided with a draft copy of the Engineer's Report by the Council-appointed Engineer. In a letter dated 4 May 2009, the MVCA has indicated their approval in principle of the proposed design alternative. MVCA concerns relate primarily to potential impact on provincially-significant wetlands and fish habitat. They have requested additional information in order to assess permit/regulatory requirements with regard to any minor channel cleaning or reshaping and this information will be provided in the final Engineer's Report. The MVCA letter is provided in Document 2.

The estimated area requiring drainage is upstream of Poole Creek and the unopened road allowance running south from Hazeldean Road passes through the Goulbourn Wetland Complex for much of its length. A 32-ha significant wetland north of Hazeldean Road and east of Highway 407 is a swamp forest and forms part of the provincially significant Goulbourn Wetland Complex. The wetland was evaluated following public concerns about an Environmental Assessment completed for the re-alignment of Rothbourne Road in 2002. A member of the public submitted a Part II Order request to the Ministry of the Environment, under the Environmental Assessment Act, because of concerns about the potential presence of significant wetlands in the area. The City contracted an evaluation of the wetland in 2003 for review by the Ministry of Natural Resources (MNR) and MNR confirmed the area was provincially-significant. The City committed to designating this wetland in the Official Plan as part of its response to the Ministry of the Environment on the Part II order request in 2005. In accordance with the Class EA, the City will fulfill and implement any commitments made to affected agencies or members of the public

as part of the proposed Project.

In 2008, the Ministry of Natural Resources reaffirmed that the wetland is provincially-significant, and the wetland has been designated in the amendment to update the Official Plan adopted by Council on 10 June 2009.

RURAL IMPLICATIONS

The Hazeldean Road Municipal Drain will provide outlet for surrounding rural roads and lands. Potentially affected landowners have been consulted on several occasions and provided with a copy of the draft preliminary Engineer's Report and notified of the date, time and location of the Meeting to Consider.

A portion of the land north of Hazeldean Road is used as pasture for livestock. The drainage works will also provide legal and sufficient outlet for area roads, including Hazeldean Road, Rothbourne Road and the new Highway 407.

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CONSULTATION

A meeting with the Mississippi Valley Conservation Authority (MVCA) and key petitioners was held on 2 April 2008 and it was agreed by all parties that a preliminary report, under the *Drainage Act*, was the preferred approach to this petition.

The on-site meeting, as required under the *Drainage Act*, was held on 13 August 2008. Affected landowners, agencies and utilities in the watershed were notified in advance of the meeting.

A second meeting with the MVCA was held on 23 March 2009 and a third on-site meeting with the MVCA was held on 29 May 2009.

A second landowner meeting was held on 5 June 2009.

All assessed landowners have been notified of the meeting to consider the report and provided with a copy of the Preliminary Engineer's Report.

The Mississippi Valley Conservation Authority has been consulted on the project and provided with a copy of the Engineer's Report and have provided a letter, dated 4 May 2009 stating their approval in principle of the proposed design alternative (Document 2).

LEGAL/RISK MANAGEMENT IMPLICATIONS

There are no legal/risk management impediments to implementing the recommendation in this report.

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FINANCIAL IMPLICATIONS

The estimated cost of the drainage works, including the costs of the Preliminary Engineer's Report and final Engineer's Report is \$167,500.

Project costs have and will be paid initially by the City of Ottawa and will be recovered through

assessments/recoveries to the benefiting landowners. Funds are available in the 2009 Approved Capital Budget in internal order 902960 Municipal Drains Improvements.

SUPPORTING DOCUMENTATION

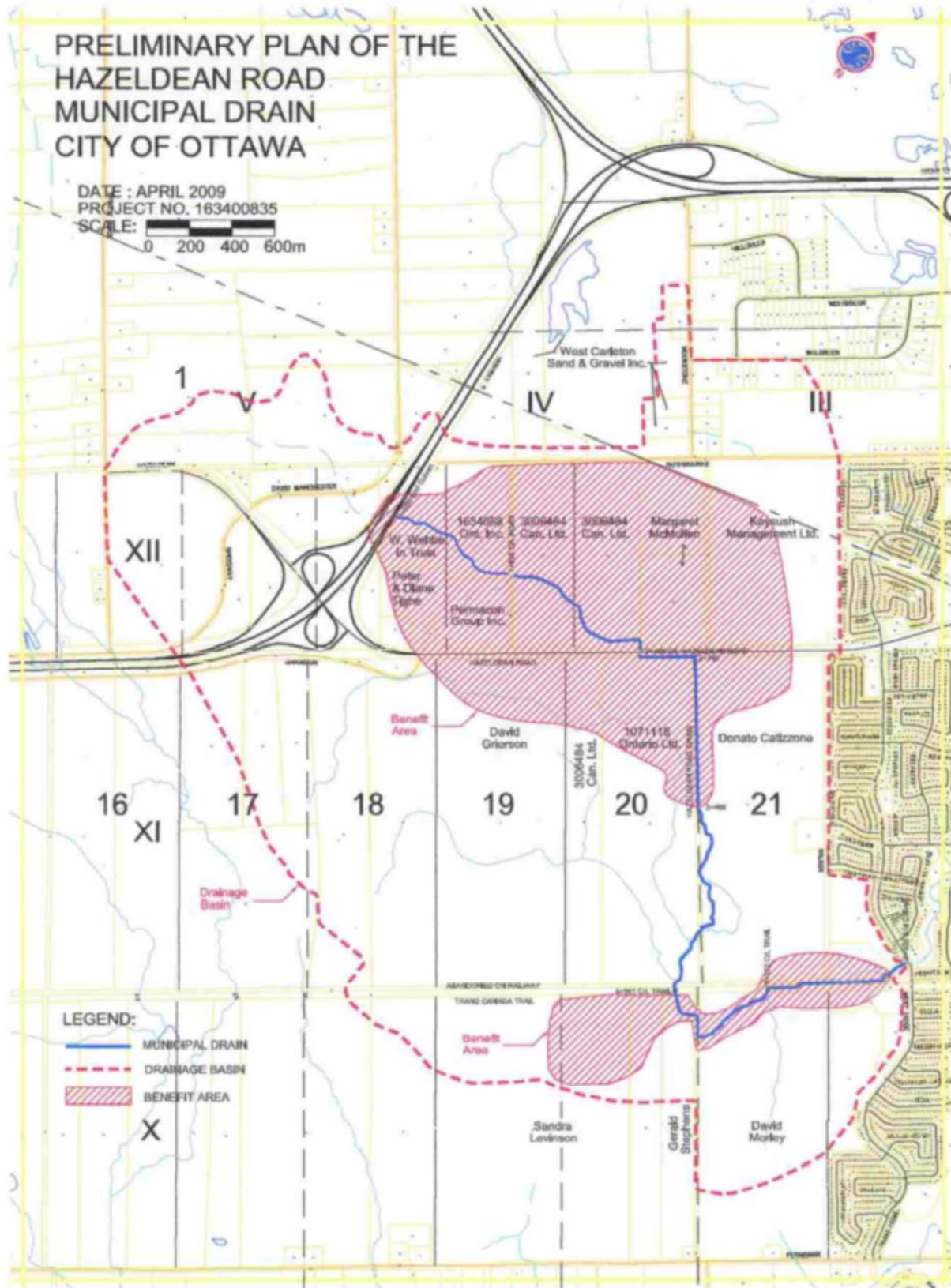
Document 1 – Preliminary Plan of the Hazeldean Road Municipal Drain

Document 2 - MVCA letter

A copy of the Engineer's Report has been provided to all Agriculture and Rural Affairs Committee Members.

DISPOSITION

Upon approval by Council, the City Drainage Superintendent will notify all assessed landowners of the decision of Council.





File: W01-03

May 4, 2009

Mr. John VanGaal, P.Eng.
Stantec Consulting Ltd.
1505 Laperriere Avenue
Ottawa, ON K1Z 7T1

Dear Mr. VanGaal:

**Re: Engineers Preliminary Report
Hazeldean Road Municipal Drain
City of Ottawa (Goulbourn)**

Staff of Mississippi Valley Conservation (MVC) have reviewed the above noted Engineers Preliminary Report for the proposed Hazeldean Road Municipal Drain. As you are aware the watercourse that is proposed to received status under the *Drainage Act* conveys flow through two Provincially Significant Wetlands (PSW) and as such MVC main concerns relate to potential impact on these wetlands and fish habitat.

From information found in the Engineers Preliminary Report we note:

- The fall of the existing channel between Highway 7 and Hazeldean Road is approximately 6 metres and the top of road elevation of Hazeldean Road is approximately 2 metres above the existing watercourse invert.
- The fall of the existing channel between Hazeldean Road and the first TransCanada Trail crossing is approximately 1.5 metres.
- The fall of the existing channel between the first TransCanada Trail crossing and the West Ridge Drive culvert is approximately 4.5 metres.
- Two minor beaver dams (height approximately 0.5 metres) were found downstream of Hazeldean Road and two more major beaver dams (height approximately 1.5 metres) were found downstream of the first TransCanada Trail crossing.
- Poole Creek at West Ridge Drive was considered "good and sufficient" outlet.
- All existing culverts along the drainage system were found to be of sufficient size and depth.

.../2

Member of Conservation Ontario

4175 Highway 511, RR#2, Lanark, ON K0G 1K0 (613) 259-2421 Fax: (613) 259-3468 www.mvc.on.ca

Mr. John VanGaal, P.Eng.
May 4, 2009

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Several alternatives were considered and the preferred alternative is Alternative 5 which is to give legal status to the existing watercourse to enable the removal of beaver dams and obstructions to maintain the flow of water. Alternative 5 is based on lowering standing water by removal of beaver dams, some minor channel cleaning and the repair of culverts. This alternative includes:

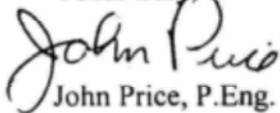
- Reshaping of the channel but no channel deepening
- No lowering of any culvert
- Replacement of the culvert at the first TransCanada Trail crossing (Station 4+501) with a culvert of equivalent size at the same invert.
- Potentially cleanout of culverts, but, except as noted above, no replacement or construction of new culverts.
- No construction of any new channels.

MVC can support this preferred alternative in principle. The replacement of the culvert under the TransCanada Trail will require a permit from MVC under Ontario Regulation 153/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) prior to the start of construction. MVC will require additional information to assess permit/regulatory requirements for any of the other work. This additional information should include specific locations of any removal of debris or beaver dams or channel shaping, including proposed location for the disposal of excavated materials (to ensure that wetland areas are not being disturbed). Proposed methods and works required to obtain access must also be included. With respect to disposal of excavated material, we believe any material removed would have an abundance of seed stock and additional seeding would introduce non-native species in to the wetland.

Although not determined to be the preferred options in the report, Alternatives 1, 2 and 3 cannot be considered or reviewed by MVC without a full fish habitat assessment and documentation addressing the impact on the form and function of the PSW. There is little opportunity that the detrimental environmental impacts of these alternatives can be satisfactorily mitigated.

If you require any questions, please contact the undersigned.

Yours truly,



John Price, P.Eng.

Watershed Management Coordinator

cc: Dave Ryan, City of Ottawa