

The Corporation of the City of Kawartha Lakes

AGENDA

DRAINAGE BOARD

DB2017-03

Monday, September 25, 2017

7:30 P.M.

Victoria Room

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

MEMBERS:

Councillor Brian Junkin

Councillor Heather Stauble

Ed Bagshaw

Jim Bedard

Robert Bonis

Matt Hollinger

Jim Oriotis

Accessible formats and communication supports are available upon request.

1.	<u>CALL TO ORDER</u>	
2.	<u>ADMINISTRATIVE BUSINESS</u>	
2.1	Adoption of Agenda	
2.2	Declaration of Pecuniary Interest	
2.3	Adoption of Minutes from Previous Meeting	
2.3.1	Minutes of the August 28, 2017 Drainage Board Meeting	3 - 6
3.	<u>DEPUTATIONS</u>	
3.1	Alan Webster (Relating to Item 4.1 on the Agenda)	
4.	<u>NEW BUSINESS</u>	
4.1	Petition for Drainage Works by Owner(s) - Alan Webster (Victor Webster Farms Ltd.)	7 - 14
	Memorandum, Mike Farquhar Supervisor Technical Services – Engineering & Corporate Assets	
5.	<u>OTHER BUSINESS</u>	
6.	<u>ADJOURNMENT</u>	

The Corporation of the City of Kawartha Lakes
MINUTES
DRAINAGE BOARD

DB2017-02
Monday, August 28, 2017
7:30 P.M.
Victoria Room
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

MEMBERS:
Councillor Brian Junkin
Councillor Heather Stauble
Ed Bagshaw
Jim Bedard
Robert Bonis
Matt Hollinger
Jim Oriotis

Accessible formats and communication supports are available upon request.

1. CALL TO ORDER

Deputy Chair B. Junkin called the meeting to order at 7:32 p.m. Drainage Board Members E. Bagshaw, J. Bedard, M. Hollinger, J. Oriotis and Councillor H. Stauble were in attendance.

Deputy Clerk and Recording Secretary J. Watts, Drainage Superintendent P. Herlihey, and Supervisor Technical Services M. Farquhar were also in attendance.

2. ADMINISTRATIVE BUSINESS

2.1 Adoption of Agenda

Moved By Councillor Stauble

Seconded By J. Bedard

RESOLVED THAT the amended agenda be adopted as circulated and with the following amendments:

Additions

- Item 4.1 Deputations - Joseph Waite
- Item 5.2 Other Business - Drainage Issues Task Force

CARRIED

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest noted.

2.3 Adoption of Minutes from Previous Meeting

2.3.1 Minutes of March 29, 2017 Drainage Board

Moved By Councillor Stauble

Seconded By M. Hollinger

RESOLVED THAT the minutes of the Drainage Board meeting held on March 29, 2017, be adopted as circulated.

CARRIED

3. DEPUTATIONS

3.1 Joseph Waite

Mr. Waite presented his reasoning for a petition for drainage works. He stated that he is looking to tile drain his property at 88 Cameron Road, but noted there is not a sufficient outlet for the water. He said that his property takes on a lot of water from Chambers Road, and that the land is currently too wet to farm effectively. One half of his property would drain towards Highway 35 and the other half towards Cameron Road. He stated that he has looked at other drainage options, including a mutual drainage agreement with neighbouring properties, but felt that an application under the Drainage Act is the best way to go. Mr. Waite responded to questions from the members of the Board.

Moved By J. Oriotis

Seconded By Councillor Stauble

RESOLVED THAT the deputation of Joseph Waite, regarding the Petition for Drainage Works, be received.

CARRIED

4. NEW BUSINESS

4.1 Petition for Drainage Works by Owner(s) - Joseph and Carol Waite

Supervisor of Technical Services M. Farquhar and Drainage Superintendent P. Herlihey provided an overview of the petition for drainage works on the subject land. They answered questions put forth by the members of the Board.

Moved By J. Bedard

Seconded By J. Oriotis

RECOMMEND THAT the memorandum by Supervisor of Technical Services – Engineering and Corporate Assets, Mike Farquhar, dated August 28, 2017, regarding the petition for drainage works by Joseph and Carol Waite owners of Part Lot 10 West Half of Concession 6 Fenelon, be received,

THAT Council proceed with the petition submitted from Joseph and Carol Waite for drainage works for Part Lt 10 West Half of Concession 6 Fenelon to be known as the “Waite Drain” and instruct the City Clerk to proceed with the notices required under Section 5 of the *Drainage Act*; and

THAT Staff concurrently continue to pursue with the petitioner options for a mutual drain agreement as per the City's Agricultural Tile Drain Discharge to Roadside Ditches Policy 114 EPW 007.

CARRIED

Moved By J. Oriotis

Seconded By E. Bagshaw

RECOMMEND THAT pursuant to Section 8(1) of the *Drainage Act, R.S.O. 1990, Chapter D. 17*, that staff recommend to Council a Drainage Engineer for the examination of the area requiring drainage and proceed with the requirements of a petition drain for Part Lt 10 West Half of Concession 6 Fenelon.

CARRIED

5. OTHER BUSINESS

5.1 Update on the Robertson Drain (Verulam) Maintenance Cleanout

Drainage Superintendent P. Herlihey provided an overview of his memo to the board regarding maintenance of the Ops #5 Municipal Drain and the Robertson (Verulam) Drain. He answered questions put forth by the members of the Board.

Moved By M. Hollinger

Seconded By Councillor Stauble

RESOLVED THAT the memorandum by Drainage Superintendent P. Herlihey dated August 28, 2017, regarding the Ops #5 Municipal Drain and the Robertson (Verulam) Drain, be received.

CARRIED

5.2 Update from Council regarding Council Resolution from Agricultural Advisory Board

Supervisor of Technical Services M. Farquhar and Councillor Stauble provided an update from Council regarding the Drainage Issues Task Force as recommended to Council via the Agricultural Development Advisory Board. Councillor Stauble requested that the Council Report ED2017-007, Farm Drainage, be circulated to the members of the Board.

6. ADJOURNMENT

Moved By M. Hollinger

Seconded By E. Bagshaw

RESOLVED THAT the Drainage Board Meeting adjourn at 9:12 p.m.

CARRIED



**THE CORPORATION OF THE
CITY OF KAWARTHA LAKES**

12 Peel Street P.O. Box 9000
LINDSAY, ON K9V 5R8
Phone: 705-324-9411, Ext. 1156
Fax: 705-324-2982

MEMO

Date: September 19, 2017
To: Drainage Board
From: Mike Farquhar, Supervisor Technical Services – Engineering & Corporate Assets
Re: Petition for Municipal Drainage
Webster petition
CC: Juan Rojas Director of Engineering and Corporate Assets
Paul Herlihey, Municipal Drain Superintendent.

Recommendation:

RECOMMEND THAT the Drainage Board receives the memorandum from the Supervisor of Technical Services- Engineering and Corporate Assets dated September 19, 2017, for information in response to the petition for drainage works by owners of:

Concession 5, Part Lot 11, Geographic Township of Eldon

From Alan Webster (Victor Webster Farms Ltd.)

THAT the Drainage Board recommends to Council for consideration this petition for a Municipal Drain as prescribed under the Ontario Drainage Act; and

THAT Staff pursue with the petitioners concurrently an option for a mutual drainage agreement as per the City's Agricultural Tile Discharge to Roadside Ditches Policy.



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Background:

The subject area/ land is bounded by Prospect road to the West, Sandringham road to the East and Glenarm road (CKL 8) to the South (refer to Appendix A). There are no existing Municipal Drains within the vicinity. The area of the land identified as Concession 5 Part lot 11 is approximately 196 acres in size.

The property is within the Simcoe County Conservation Authority jurisdiction as defined under the Ontario Conservation Act and has an identified watercourse on the property (see appendix B). The grade of the lands from the middle of the property contours to the south east.

On September 11, 2017 the City of Kawartha Lakes Clerks department received a petition for Drainage works within the subject area (Appendix C).

Subsequent meetings where held with the applicants representative and City staff on site to review options for a mutual drain. How this was not a viable option because this would have involved alterations to the City's infrastructure that would have increased the amount of water the downstream property owner is currently receiving , and they had already expressed to the applicant that they did not wish to receive any more water. The applicant had pursued and received a permit from the Simcoe County Conservation Authority to tile the lands he could to the existing watercourse on his property, however it did not afford him an adequate out for all of his lands.

Alternatives:

As an option for required drainage the City firstly promotes the use of a Mutual agreement through the City's policy for Agricultural Tile discharge to roadside ditches prior to pursuing a petition for a Municipal drain under the Ontario Drainage Act. At this point in time the Drainage Superintendent has currently presented this option to the petitioners and explained its avenues in comparison to petitioning for a Municipal Drain under the Drainage Act. At this current time the petitioners wish to carry on with the process under the Drainage Act for the petition. Staff will leave the door open for pursuing a mutual agreement up until the prescribed time the petitioner has under the Drainage Act for removing their names and abandoning the petition.

Recommendation for appointment of a Drainage Engineer:

Currently the City has a pool of Drainage Engineers which list in the following.

Burnside Engineering
Tulloch Engineering
K-Smart Engineering
R. D. Dobbin Engineering
DM Wills Engineering.



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Attachments:



Appendix A.pdf



Appendix B.pdf



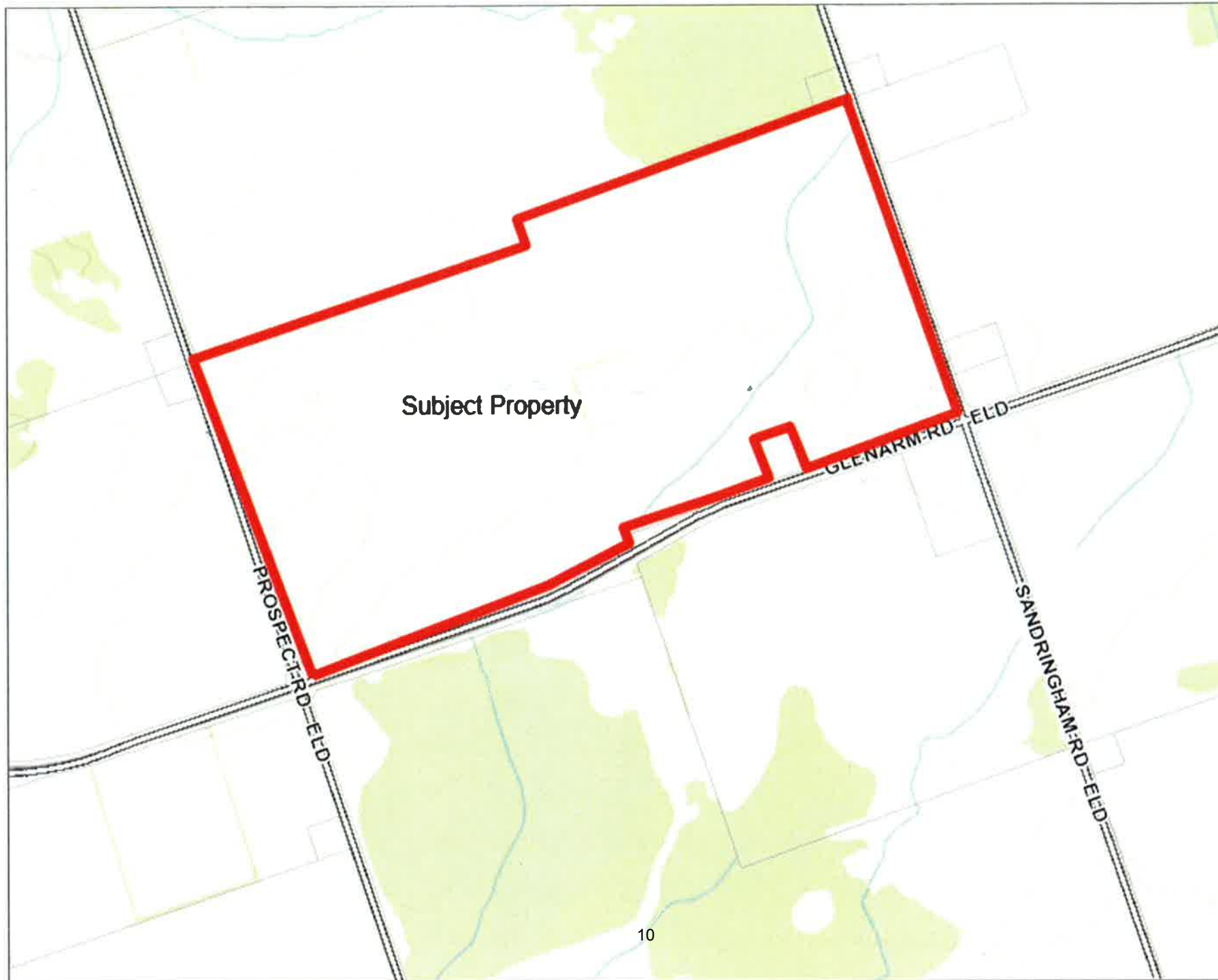
Appendix C.pdf



Petition for Drainage
Works Form 1 - Webs



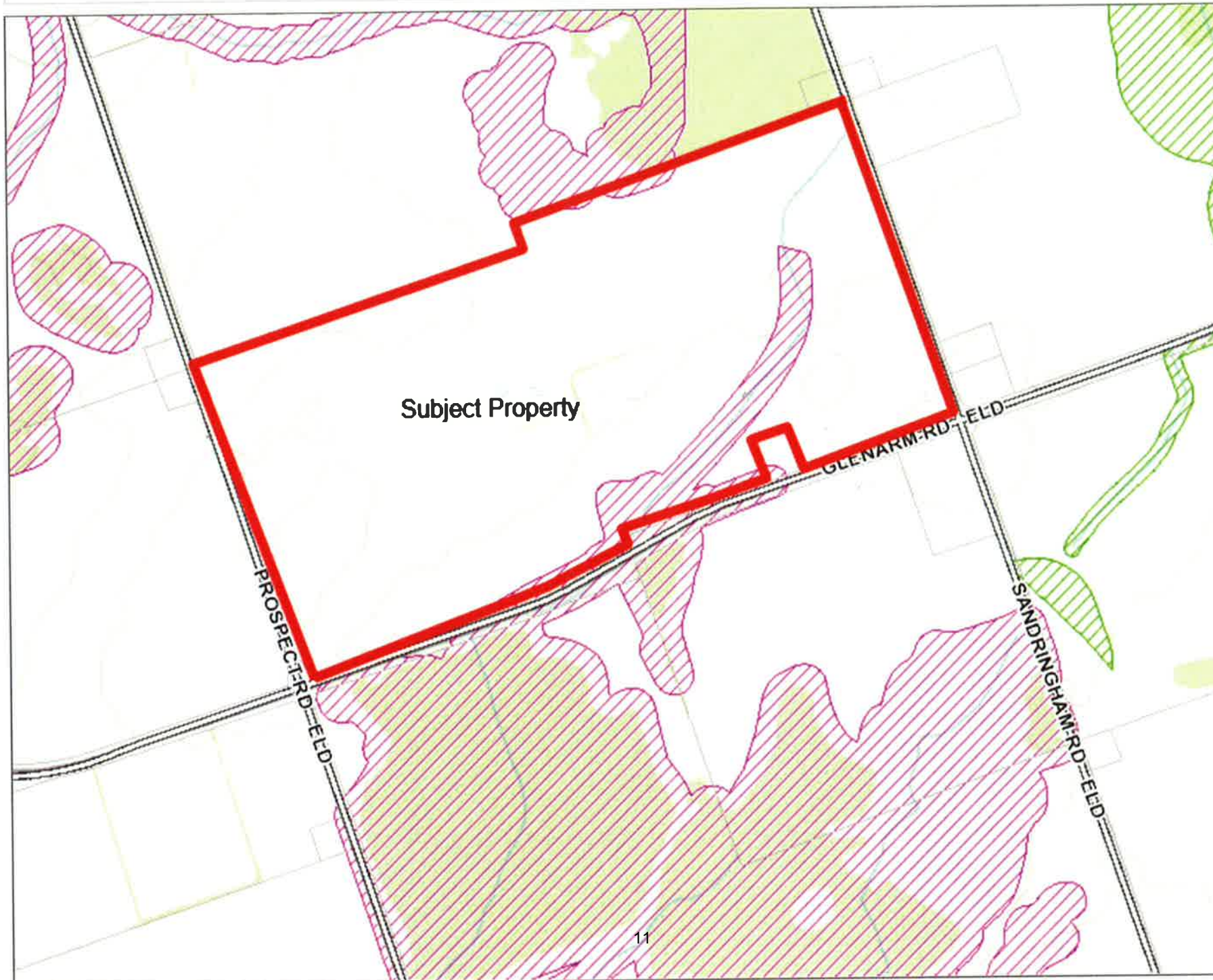
Appendix A



Legend

- == Road Centreline
- Municipal Drains
- Municipal Catchment Areas
- Upper Municipalities
- Lower Tier Municipalities
- ⊙ Populated Places
- Water Labels
- Property ROLL#

Notes



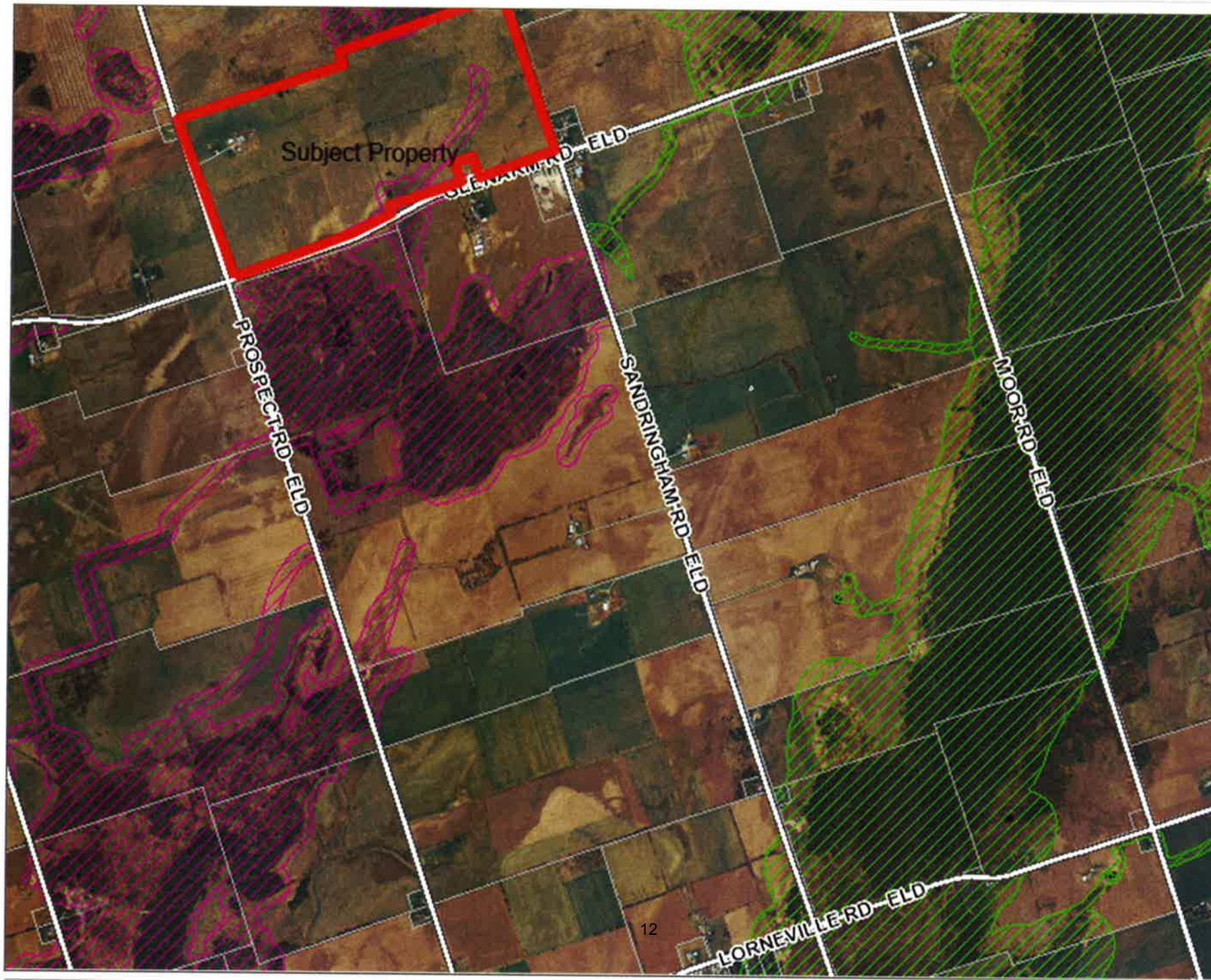
Legend

- == Road Centreline
- == Municipal Drains
- Municipal Catchment Areas
- Upper Municipalities
- Lower Tier Municipalities
- ⊙ Populated Places
- Water Labels
- Property ROLL#
- KRCA Regulated Areas
- LSRCA Regulated Areas
- ORCA Regulated Areas
- Oak Ridges Moraine

Notes

Notes

Appendix C



Legend

- Road Centreline
- Municipal Drains
- Municipal Catchment Areas
- Upper Municipalities
- Lower Tier Municipalities
- Populated Places
- Water Labels
- Property ROLL#
- KRCA Regulated Areas
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Notes

**Petition for Drainage Works by Owners
Form 1**
Drainage Act, R.S.O. 1990, c. D.17, clause 4(1)(a) or (b)

This form is to be used to petition municipal council for a new drainage works under the *Drainage Act*. It is not to be used to request the improvement or modification of an existing drainage works under the *Drainage Act*.

To: The Council of the Corporation of the CITY of KAWARTHA LAKES

The area of land described below requires drainage (provide a description of the properties or the portions of properties that require drainage improvements)

192 acre property known as Lot 11 Concession 5, former Township of Eldon, City of Kawartha Lakes

In accordance with section 9(2) of the *Drainage Act*, the description of the area requiring drainage will be confirmed or modified by an engineer at the on-site meeting.

As owners of land within the above described area requiring drainage, we hereby petition council under subsection 4(1) of the *Drainage Act* for a drainage works. In accordance with sections 10(4), 43 and 59(1) of the *Drainage Act*, if names are withdrawn from the petition to the point that it is no longer a valid petition, we acknowledge responsibility for costs.

Purpose of the Petition (To be completed by one of the petitioners. Please type/print)

Contact Person (Last Name) <u>WEBSTER</u>	(First Name) <u>ALAN</u>	Telephone Number <u>905 761-8200</u> ext.
--	-----------------------------	--

Address	
Road/Street Number <u>648</u>	Road/Street Name <u>PROSPECT ROAD</u>

Location of Project			
Lot <u>11</u>	Concession <u>5</u>	Municipality <u>CITY OF KAWARTHA LAKES</u>	Former Municipality (if applicable) <u>ELDON TOWNSHIP</u>

What work do you require? (Check all appropriate boxes)

- ☐ Construction of new open channel
☐ Construction of new tile drain
☐ Deepening or widening of existing watercourse (not currently a municipal drain)
☐ Enclosure of existing watercourse (not currently a municipal drain)
☒ Other (provide description ▼) REQUIRE SUFFICIENT OUTLET

DESIGNATED AS WHITE'S CREEK through LOT 10 downstream

Name of watercourse (if known)

THREE THOUSAND FEET + ACROSS LOT 10 CONC 5

Estimated length of project

CLAY WITH SHALE ROCK in MOST

General description of soils in the area

IMPROVE DRAINAGE FOR BETTER OPPORTUNITY OF CROP PLANTING

What is the purpose of the proposed work? (Check appropriate box)

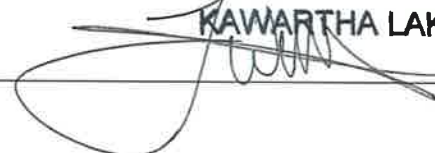
- ☐ Tile drainage only ☐ Surface water drainage only ☒ Both

RECEIVED

Petition filed this 11 day of SEPTEMBER 20 17
SEP 11 2017

Name of Clerk (Last, first name)

WATTS, JOEL DEPUTY CLERK

Signature **OFFICE OF THE CITY CLERK
KAWARTHA LAKES**


Property Owners Signing The Petition

Page 2 of 2

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number if available.
- If you have more than two properties, please take copy(ies) of this page and continue to list them all.

Number	Property Description
648-650	PROSPECT ROAD in LOT 11 CONCESSION 5
Ward or Geographic Township	Parcel Roll Number
ELDON	1651 160 010 20600

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

☐ Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

☐ Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

☒ Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
WEBSTER ALAN	Alan Webster
Name of Corporation	I have the authority to bind the Corporation.
VICTOR WEBSTER FARMS LTD.	Date (yyyy/mm/dd)
Position Title	2017 / 09 / 13
PRESIDENT AND SECRETARY	

Number	Property Description
Ward or Geographic Township	Parcel Roll Number

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

☐ Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

☐ Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

☐ Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
Name of Corporation	I have the authority to bind the Corporation.
	Date (yyyy/mm/dd)
Position Title	

☐ Check here if additional sheets are attached

Clerk initial

Petitioners become financially responsible as soon as they sign a petition.

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 8(1).
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible in equal shares for the costs. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 10(4).
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 43.
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 61.

Notice of Collection of Personal Information

Any personal information collected on this form is collected under the authority of the *Drainage Act*, R.S.O. 1990, c. D.17 and will be used for the purposes of administering the Act. Questions concerning the collection of personal information should be directed to: where the form is addressed to a municipality (*municipality to complete*)

and where the form is addressed to a territory without municipal organization, the Drainage Coordinator, Ministry of Agriculture, Food and Rural Affairs, 1 Stone Rd W, Guelph ON N1G 4Y2, 519 826-3552.