



Council Report

Report Number: ENG2023-006

Meeting Date: March 21, 2023

Title: Desroches Municipal Drain – Consideration of Engineer’s Report

Description: Recommendations from the Drainage Board after holding a Meeting to Consider the Engineer’s Report pursuant to Section 41 of the Drainage Act.

Author and Title: Richard Monaghan, Drainage Superintendent

Recommendation(s):

That Report **ENG2023-006, Desroches Municipal Drain – Consideration of Engineer’s Report**, be received; and

That pursuant to Section 57 of the Drainage Act, Council refer the Desroches Municipal Drain Engineer’s Report as prepared by M. Gerrits, P.Eng back to the Drainage Engineer to reconsider landowner concerns raised at the Meeting to Consider.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Regular Council Meeting of December 15, 2020, Council adopted the following resolution:

CR2020-435

That Report ENG2020-027, **Recommendations from the November 24, 2020 Drainage Board Meeting (Desroches Petition)**, be received;

That Council proceed with the petition submitted by Janette Desroches for drainage works for Concession 4, South ½ Lot 15 Geographic Township of Mariposa to be known as the “Desroches Municipal Drain” and instruct the City Clerk to proceed with the notices required under Section 5 of the Drainage Act; and

That pursuant to Section 8(1) of the Drainage Act, R.S.O. 1990, Chapter D. 17, Staff recommend to Council Michael Gerrits of M. Gerrits Consulting Inc. for the examination of the area requiring drainage and proceed with the requirements of the proposed Desroches Municipal Drain.

Carried

Since that time, in accordance with Section 9(1) of the Drainage Act, an on-site meeting was held on April 21, 2021. The Drainage Engineer explained the Drainage Act, that the municipality has received a petition for drainage and the goal of the process is to achieve sufficient outlet for the lands involved in the petition. Two additional on-site meetings were held on August 18, 2021 and November 23, 2021 based on new information that was brought to the engineer that was not mentioned at the initial on-site meeting.

At the Drainage Board meeting of February 15, 2023, under Section 42 of the Drainage Act, a Meeting to Consider the Desroches Municipal Drain Engineer’s Report was held. Michael Gerrits presented his Engineer’s Report to the Drainage Board and members of the public. Following the presentation, Michael Gerrits answered questions from the board and some affected landowners of the proposed drain.

M. Whalen raised concerns about the design of the drain with the potential for fast water making sharp turns around and directly in front of his properties as opposed to installing a new major cross culvert on Little Britain Road instead of using an existing cross culvert as proposed in the Engineer’s Report.

G. Little raised concerns about a separate tile system that was installed via a mutual agreement between the Desroches and Little prior to the filing of the petition for drainage and is being proposed by the Engineer’s Report to be incorporated into the municipal drain. The concern is lack of cover due to loss of topsoil and erosion that has occurred since installation. Michael Gerrits commented that the existing cover is less than what is being proposed for the new drain infrastructure, but that it is still generally acceptable.

At the conclusion of the Meeting to Consider, the Drainage Board adopted the following recommendation:

DB2023-003

Moved By R. MacEachern

Seconded By Councillor Joyce

Recommend that the Council refer the Desroches Municipal Drain Engineer's Report as prepared by M. Gerrits P. Eng back to the Drainage Engineer to address the following issues:

- The concerns raised regarding the fill over the tile on the Little property; and
- An alternate alignment of the drain in the area of the Whalen properties to address access and culvert concerns.

Carried

This report addresses that direction.

Rationale:

The City of Kawartha Lakes Drainage Board is established under the authority of the City of Kawartha Lakes Act, 2000. The Act states the following regarding Drainage Matters:

6 (1) The council may by by-law,

(a) establish a drainage board;

(b) delegate to the drainage board any of the council’s powers and duties under the *Drainage Act*, except for its power to make by-laws and resolutions; and

(c) require the drainage board to exercise the council’s powers and duties with respect to any matter under the *Drainage Act* in which the council is required by law to hold hearings or afford an opportunity to be heard. 2000, c. 43, s. 6 (1).

As the Kawartha Lakes Drainage Board does not have authority to make resolutions, or pass by-laws this report is presented to Council to confirm the recommendations made at the most recent Drainage Board meeting.

The recommendations made at the last Drainage Board meeting were made based on the material submitted to the Drainage Board. The material is attached to this report for Council’s review.

Council holds the authority to alter any recommendations made by the Drainage Board prior to adoption.

Other Alternatives Considered:

Where a report is not adopted by Council, a petitioner may appeal to the Drainage Tribunal or where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Drainage Tribunal.

Where a report is adopted by Council, an affected landowner may appeal to the Drainage Tribunal on technical grounds such as those outlined by G. Little and M. Whalen.

There is a possibility of an appeal to the Drainage Tribunal with either option. How the Drainage Tribunal would rule in either case is impossible to know.

Alignment to Strategic Priorities

The Kawartha Lakes Strategic Plan identifies the following two priorities that bolster support for an active and effective Drainage Program in the City of Kawartha Lakes:

- Protect and support agricultural land and businesses
- Offer business development programs to support the agricultural, tourism, cultural, manufacturing and innovation sectors

Financial/Operation Impacts:

By referring the report back to the Engineer, the overall cost of the drainage project will increase to examine and implement changes if required. These costs are shared among all affected landowners, including the City, as outlined in the assessment schedule with the Engineer’s Report.

Consultations:

Manager of Technical Services

Deputy City Clerk

Attachments:

Appendix A – Desroches Municipal Drain Engineer’s Report



Appendix A –
Desroches Municipa

Appendix B – Minutes of the February 15, 2023 Drainage Board Meeting



Appendix B –
Minutes of the Febr

Department Head email: jrojas@kawarthalakes.ca

Department Head: Juan Rojas