



Report to Council

Department: Infrastructure Services
Division: Drainage
Date: May 16, 2022
Prepared by: Lindsay Dean, Drainage Superintendent
Report Number: Drainage-2022-05
Subject: 9th Concession Drain Report Reconsideration
Number of Pages: 3

Recommendation(s)

That Drainage-2022-05 entitled 9th Concession Drain Report Consideration prepared by Lindsay Dean, Drainage Superintendent dated May 16, 2022 be received, and

That pursuant to Section 57 of the Drainage Act the report for the 9th Concession Drain dated March 24, 2022 be referred back to Rood Engineering Inc. for reconsideration.

Purpose

To refer the 9th Concession Drain report back to the engineer to make modifications to the report based on new information that has been provided since the Meeting to Consider.

Background and Discussion

On April 21, 2022 the Drainage Board considered a report for the 9th Concession Drain dated March 24, 2022 and put forth a recommendation to Council to adopt the report and prepare a provisional by-law. Following that meeting a landowner from outside of the watershed as

identified in this report noted that the watershed boundary excluded most of the lands on the south side of the road even though they contribute water into the roadside ditch that outlets into the 9th Concession Drain. After a site visit to review all the road crossings and drainage into the roadside ditch, it was clear that the watershed required an adjustment. Since the landowners outside of the watershed identified in the report did not receive an invitation to attend the Meeting to Consider or a copy of the report, the reconsideration of the report will allow the engineer the opportunity to make modifications to the report and for another Meeting to Consider to be held. This will allow the landowners that were not invited to the last meeting the opportunity to participate in the full Drainage Act process.

In addition, an inquiry was submitted to the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) about whether grant funding would be provided for this report and the response was not received until after the Meeting to Consider was held. Based on the response from OMAFRA, a recommendation to modify the report will be made to ensure agricultural grants will be received for this project, since most of the land in this watershed would be eligible and the grant money would help offset the cost to those landowners.

Section 57 of the Drainage Act does provide Council with the authority (for any reason) to refer the report back to the engineer for reconsideration at any time before final passing of the by-law. A reconsideration of the report would then occur and the proceedings would then be the same as the original report, meaning that a subsequent reconsideration meeting and Court of Revision hearing would be convened together with Council's future consideration of the applicable by-law arising from the reconsidered report.

Financial Impact

There will be cost for the engineer to investigate the watershed and make modifications to the report, however, this cost would be incurred regardless of whether this report moved forward to Court of Revision or back for reconsideration. In addition, this reconsideration will ensure that the project meets grant funding eligibility for all landowners that are Farm Tax Class.

Consultations

Robert Auger, Town Solicitor/Clerk

Link to Strategic Priorities

- Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.
- Improve the Town's capacity to meet the ongoing and future service needs of its citizens while ensuring the corporation is resilient in the face of unanticipated changes or disruptions.