



**Subject: Petition for Drainage for Northland Estates Subdivision
2021-308**

To: Council

From: Public Works Department

Report Number: 2021-308

Meeting Date: December 13, 2021

Recommendation:

That Public Works Department Report 2021-308 be received; and

That Council approve allowing Brandon Widner of Spriet Associates to investigate the validity of the petition and proceed, if valid, under the previous appointment outlined in By-law No. 6736/100/19 for the Eagle Marsh Drain.

Purpose:

This report is being written as a requirement of the *Drainage Act* and all “sections” quoted herein will be a reference to sections of the *Drainage Act*, R.S.O. 1990. Pursuant to Section 5, after the filing of a “Section 4 Petition”, the Council of the municipality shall consider the petition and decide if it shall or shall not proceed.

Background:

Brandon Widner of Spriet Associates Engineers & Architects (Spriet Associates) was appointed through By-law No. 6736/100/19 (attached as Appendix B) under Section 8 and 78 to complete a new engineer’s report for the Eagle Marsh Drain. The report is currently being studied and worked on with the potential of completing this project next year. To date there has been one public consultation for the individuals directly affected by the Eagle Marsh Drain.

A petition has been signed by a property owner who intends to develop land into a subdivision at the west end of Northland Avenue. The current drainage pattern of this parcel is southwest overland flow while utilizing a small existing ditch which drains due south to the Eagle Marsh Municipal Drain.

The timing of the filed petition aligns with works that are already underway.

Discussion:

Approximately in 2003, a petition was signed for the same development. Spriet Associates was appointed to investigate whether the petition was valid and to complete survey work. Being that the petition was valid, a survey of the area was done. During this time however, the original petitioner for this drain extension ceased all communication with the City. Since some work was already completed, an invoice from the engineer was issued and subsequently paid by the municipality. It is recommended that some of the work from that survey be reused, which would then allow the municipality to recuperate the funds previously expended.

Should this report be accepted by Council, the next step would be to present the petition to the Niagara Peninsula Conservation Authority to see if an environmental appraisal is required. Upon receipt of this decision, the report for this petition will begin.

Financial Implications:

All costs associated with this petition shall be assessed through the Engineer's Report and be held by the City until the assessments can be recovered through the billing of the watershed of the Eagle Marsh Drain. As per the Agricultural Drainage Infrastructure Program's Administrative Policies, interest may be accrued on the cost of the project until 120 days after completion of the construction.

Public Engagement:

The *Drainage Act* requires many points of contact with the landowners that are involved in each watershed. Meetings will be held in accordance with the requirements of the *Drainage Act* and on an as-required basis.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
- Attracting Business Investment and Tourists to Port Colborne
- City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
- Governance: Communications, Engagement, and Decision-Making

Conclusion:

The City is bound by the *Drainage Act* to comply and proceed accordingly. Staff have been involved in studies about the area described in the application and this petition will allow for the development of the future Northland Estates. This development would create new revenue for the municipality through residential taxes. Should the petition be valid, this petition can either be a branch drain under the Eagle Marsh Drain or under its own report. If this work is to be considered a branch drain of the Eagle Marsh Drain, a nominal increase in the cost of the original report will be realized. If this petition is considered under its own report, the costs will be recovered through the watershed served by this petition.

Appendices:

- a. Form 1 Petition for Drainage Works by Owner
- b. By-law No. 6736/100/19

Respectfully submitted,

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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.