



TOWNSHIP OF NORTH HURON

REPORT

Item No.

REPORT TO: Reeve Vincent and Members of Council
PREPARED BY: Kirk Livingston, CBO
DATE: 22/05/2018
SUBJECT: Scott Municipal Drain
ATTACHMENTS:

RECOMMENDATION:

THAT the Council of the Township of North Huron hereby appoint R.J. Burnside & Associates Ltd. to prepare a report to fulfil the requirements under Section 78 of the Drainage Act as requested by two separate Notice of Requests for Drain Improvement.

EXECUTIVE SUMMARY

On March 9, 2018, the Clerk for the Township of North Huron received two Notice of Requests for Drain Improvement to the Scott Drain. North Huron Council received both requests at their regular Council meeting on March 19, 2018, and instructed the Clerk for the Township of North Huron to notify Maitland Valley Conservation Authority, OMAFRA and both parties requesting the improvement in accordance with Section 78 (2) of the Drainage Act.

For reference purposes, below is the excerpt of Section 78 of the Drainage Act.

Improving, upon examination and report of engineer

78(1) If a drainage works has been constructed under a by-law passed under this Act or any predecessor of this Act, and the **council** of the municipality that is responsible for maintaining and repairing the drainage works considers it appropriate to undertake one or more of the projects listed in subsection (1.1) for the better use, maintenance or repair of the drainage works or of lands or roads, the municipality may undertake and complete the project in accordance with the report of an **engineer** appointed by it and without the petition required by section 4.

Projects

78(1.1) The projects referred to in subsection (1) are:

1. Changing the course of the drainage works.
2. Making a new outlet for the whole or any part of the drainage works.
3. Constructing a tile drain under the bed of the whole or any part of the drainage works.
4. Constructing, reconstructing or extending embankments, walls, dykes, dams, reservoirs, bridges, pumping stations or other protective works in connection with the drainage works.
5. Otherwise improving, extending to an outlet or altering the drainage works.
6. Covering all or part of the drainage works.
7. Consolidating two or more drainage works.

Notice to conservation authority

78(2) An **engineer** shall not be appointed under subsection (1) until thirty days after a notice advising of the proposed drainage works has been sent to the **secretary-treasurer** of each **conservation authority** that has jurisdiction over any of the lands that would be affected. R.S.O. 1990, c. D.17, s. 78 (2); 2010, c. 16, Sched. 1, s. 2 (28).

Powers and duties of engineer

78(3) The **engineer** has all the powers and shall perform all the duties of an **engineer** appointed with respect to the construction of a drainage works under this Act.

Proceedings

78(4) All proceedings, including appeals, under this section shall be the same as on a report for the construction of a drainage works. R.S.O. 1990, c. D.17, s. 78.

DISCUSSION

Several land owners in the watershed for the Scott Municipal Drain have been working with MVCA since 2005 on a rural storm water management approach to help address the impacts of climate change, improving drainage, water quality and fish habitat, while also attempting to reduce future maintenance.

The request, as submitted, is to undertake approximately 90 metres of open ditch improvements at the bottom end and incorporate fish habitat. The Section 78 report will also incorporate existing infrastructure into a drainage report that will provide direction for future maintenance provisions.

FINANCIAL IMPACT

In accordance with the Drainage Act, 1/3 grant from OMAFRA will be provided to lands assessed as farm tax class. Geoff King from MVCA has also indicated substantial funding acquired from Bruce Power will assist in the project as well.

FUTURE CONSIDERATIONS

Any further costs to the Scott Drain in this area of work and incorporated into the report, will be completed through Section 74 for future maintenance if required

RELATIONSHIP TO STRATEGIC PLAN

Goal #2 Our residents are engaged and well informed.

Goal #4 Our municipality is fiscally responsible and strives for operational excellence.



Kirk Livingston, Drainage Superintendent



Dwayne Evans, CAO