
HALDIMAND COUNTY

Report ENG-14-2024 Engineer's Report for the Construction of the Canfield Municipal Drain



For Consideration by Council in Committee on October 8, 2024

OBJECTIVE:

To seek Council approval to adopt the Engineers Report by Spriet Associates Engineers and Architects for the Construction of the Canfield Municipal Drain and continue the process outlined in the Drainage Act.

RECOMMENDATIONS:

1. THAT Report ENG-14-2024 Engineer's Report for the Construction of the Canfield Municipal Drain be received;
2. AND THAT the draft by-law to adopt the Engineers Report for the Construction of the Canfield Municipal Drain, as attached to Report ENG-14-2024, be given first and second reading at a future Council meeting as per Section 45 (1) of the Drainage Act, R.S.O. 1990 c.D.17;
3. AND THAT the Clerk be directed to schedule a Meeting to consider the report;
4. AND THAT the budget for the Canfield Drain Engineers Report project be amended as outlined in this report.

Prepared by: John Van Rooy, Project Manager, Municipal Drains

Reviewed by: Kristopher R. Franklin, Manager, Engineering Services

Respectfully submitted: Tyson Haedrich, M. Eng., P. Eng., General Manager, Engineering & Capital Works

Approved: Cathy Case, Chief Administrative Officer

EXECUTIVE SUMMARY:

As part of the design process for intersection and drainage improvements at the Highway 3 and Haldimand County Road 56 intersection in Canfield, the Ministry of Transportation (MTO) petitioned for a drain to ensure a legal and adequate stormwater outlet. Under the provisions of the Drainage Act, Haldimand County was required to appoint an engineer to prepare a report for the creation of drainage works and the establishment of a legal outlet.

Spriet Associates Engineers and Architects were appointed as the Drainage Engineer under Section 8(1) of the Drainage Act, RSO 1990, c D.17, to carry out this work as outlined in Report PW ES-01-2018 Appointment of a Drainage Engineer for the Ministry of Transportation Highway 3 and Haldimand Highway 56 Drainage Petition. The Engineer's Report proposes the construction of a new municipal drain designed to provide effective and efficient drainage for the intersection. The report also includes provisions for additional drainage outlets to benefit adjacent petitioning landowners, addresses environmental concerns, incorporates sustainable practices for long-term maintenance, and ensures compliance with the Act.

The proposed Canfield Municipal Drain extends 3,902 meters in length and services a watershed of 420 hectares. The assessment schedule includes seventy-three properties, including those owned by the Ministry of Transportation (MTO).

After reviewing the Canfield Municipal Drain (Section 4) Engineer's Report, staff have confirmed that the report meets the necessary requirements. Council can now proceed with adopting the Engineer's Report to continue with the process outlined in the Drainage Act.

BACKGROUND:

As part of the design process for intersection and drainage improvements at the Highway 3 and Haldimand County Road 56 intersection in Canfield, the Ministry of Transportation (MTO) petitioned for a drain to ensure a legal and adequate outlet for stormwater. In accordance with the provisions of the Drainage Act, Haldimand County was required to appoint an engineer to complete a report to establish the drainage works and ensure a proper stormwater outlet.

Report PW-ES-18-2015 Re: Ministry of Transportation Petition for Municipal Drain - Highway 3 and Haldimand Road 56 Intersection Improvements regarding the MTO's petition for a municipal drain at the Highway 3 and Haldimand Road 56 intersection was included in the October 6, 2015 Council-in-Committee agenda. The staff report recommended accepting the MTO's petition for drainage works and authorizing staff to seek the services of a qualified drainage engineer for subsequent Council appointment. However, following discussions at the Council-in-Committee meeting, the report was deferred to the following Council meeting for additional information. At the October 13, 2015 Council meeting, Council voted to deny the petition for drainage.

Following this decision, the MTO appealed the County's decision to the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) under Section 5(2) of the Drainage Act. Based on this appeal and the information presented in Memorandum PW-ES-M02-2016 Council Representation at Drainage Tribunal Appeal Hearing regarding the appeals process and the likely outcome, motions were introduced at the March 7, 2016 Council meeting to reconsider Council's previous decision to deny the drainage petition. Upon reconsideration, the original resolution to deny the petition was defeated, and the following resolution was passed, accepting the drainage petition and authorizing the appointment of an engineer as required by the petition process:

- 1. THAT Report PW-ES-18-2015 Re: Ministry of Transportation Petition for Municipal Drain - Highway 3 and Haldimand Road 56 Intersection Improvements dated September 18, 2015, be received;*
- 2. AND THAT the Ministry of Transportation (MTO) petition for drainage works be accepted;*
- 3. AND THAT staff be authorized to seek the services of a qualified Drainage Engineer for subsequent Council appointment as required by the petition process.*

As a result of this direction and in accordance with Section 4 of the Drainage Act R.S.O. 1990, Spriet Associates Engineers and Architects were appointed to prepare an engineer's report through Report PW-ES-01-2018.

Since the appointment, the engineer has followed the process outlined in the Drainage Act, holding public meetings to address concerns and requests from landowners, as well as conducting examinations of the drain and its watersheds. This process culminated in the final Canfield Drain (Section 4) Engineer's Report, dated July 31, 2024 (see Attachment 1).

The Canfield Municipal Drain is a proposed new municipal drain located in the former North Cayuga Township in Haldimand County (see Attachment 2). The Canfield Drain is nearly 3.9 km in length and services a watershed area of approximately 420 hectares, extending from Windecker Road to just southeast of Junction Road. The catchment area includes 73 parcels of land, encompassing Ministry of Transportation (MTO) and county-owned roads, as well as other municipally owned properties.

ANALYSIS:

Based on a review of the Canfield Drain Engineers Report, staff confirm that the report is sufficient. Council can now proceed to adopt the Engineer’s Report by giving two readings to the by-law. The adopted by-law will be provisional until sufficient time has been allowed for the conclusion of the required appeal process.

Once the by-law is formally adopted by the third reading and following the appeal period, Council is committed to the adoption of the report. Should Council not proceed with the adoption of the by-law, any landowner within the drain may appeal to the appropriate appeal body.

Within 30 days of the adoption of the report, a copy of the by-law and notice of the time and date of the first sitting of the Court of Revision must be sent to any landowner receiving allowances, compensation or assessments. The date of the first sitting must be between 20 and 30 days from the mailing of the last notice.

The jurisdiction of the Court of Revision is limited to three types of appeals. Any landowner assessed for the drainage works can appeal to the Court on the following grounds:

- That land or road has been assessed too high or too low.
- That land or road should have been assessed, but has not been assessed.
- Due consideration has not been given to the type of use of the land.

The Court of Revision has no authority to change the Engineer’s Report in any way other than to alter the schedule of assessments. If one assessment is reduced, others must be increased but the total overall assessment must remain the same.

Following the adoption of the final Engineer’s Report, the tendering and construction for the work may proceed once all appeals (if any) are resolved.

FINANCIAL/LEGAL IMPLICATIONS:

The Engineers Report outlines the billing schedule for all future construction and maintenance activity on the drain. All lands and roads within the drainage area of the Canfield Municipal Drain will be assessed a portion of the total project costs. The costs are comprised of the Engineer’s fees, construction costs, allowances and other miscellaneous costs (advertising, taxes, etc.).

The following table outlines the total estimated costs for the Canfield Drain as identified in the new Engineers Report:

Drain	Engineer’s Fees <i>(estimate)</i>	Construction Costs <i>(estimate)</i>	Allowances	Total Cost of Report Allowances and Construction <i>(estimate)</i>	Haldimand County Assessment of Total Cost <i>(estimate)</i>	MTO Assessment of Total Cost <i>(estimate)</i>	CN Rail Assessment of Total Cost <i>(estimate)</i>	Total Cost to Landowners <i>(estimate)</i>

Canfield Drain	\$138,810	\$653,380	\$41,310	\$833,500	\$9,437	\$467,460	\$12,660	\$343,943
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An estimated breakdown of the costs of this project and the County's assessed share is shown in the following table. All costs below are exclusive of HST.

Land Use	Total Assessment	Eligible Grant	Allowances	Special Assessments	Net Assessment
Agricultural	\$269,865	\$(85,535)	\$(35,120)		\$149,210
Non-Agricultural	\$73,472		\$(5,970)		\$67,502
Haldimand County Roads	\$1,907			\$7,530	\$9,437
CN Rail	\$606	\$(202)	\$(220)	\$12,660	\$12,844
MTO Roads	\$188,450			\$279,010	\$467,460
Total	\$534,300	\$(85,737)	\$(41,310)	\$299,200	\$706,453

The 2024 Tax-Supported Capital Budget currently has a budget of \$250,000 for the Canfield Drain Engineer's Report project. Construction costs were not included in the original project as the scope of the required work had not yet been determined. The following budget revision is now required based on the Engineer's updated estimate:

Project Expenditures	Current Approved Budget	Change	Proposed Revised Budget
Engineering - External	\$50,000	\$88,800	\$138,800
Construction	\$200,000	\$494,700	\$694,700
Total Capital Expenditures	\$250,000	\$583,500	\$833,500
<u>Financing:</u>			
CRR - Roads Infrastructure	\$50,000	\$(40,500)	\$9,500
Drainage Recoveries	\$200,000	\$624,000	\$824,000
Total Financing	\$250,000	\$ 583,500	\$833,500

Once all costs have been incurred and grants have been received, the total cost is assessed to landowners according to Schedule 'A' of the Engineer's Report. The Schedule of Net Assessment (see

Attachment 3) indicates the estimated actual assessment that landowners will receive once all applicable grants and allowances are accounted for.

Once completed, the Canfield Drain will be maintained as part of the annual Haldimand County Municipal Drain Maintenance Program, where all municipal drains are maintained on a ten year cycle. Costs of future maintenance will be assessed to the watershed according to Schedule 'A' of the Canfield Drain 2024 Engineer's Report.

STAKEHOLDER IMPACTS:

Lands and Roads within the Canfield Drain Watershed

The Drainage Act process is a public process involving all landowners within the Canfield Drain watershed. All lands and roads within the watershed of the Canfield Drain are assessed a portion of the cost of constructing and maintaining the drain and landowner input is key to the effectiveness of the design of the drain.

The Ministry of Transportation was the original petitioner for this drain as the road authority requiring drainage. The drainage works are required for the intersection upgrades and to achieve legal and adequate outlet.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: Yes

Policy: No

REFERENCES:

1. [The Drainage Act, R.S.O 1990, c. D. 17](#)
2. PW-ES-18-2015 Re: Ministry of Transportation Petition for Municipal Drain - Highway 3 and Haldimand Road 56 Intersection Improvements (available upon request)
3. PW-ES-M02-2016 Council Representation at Drainage Tribunal Appeal Hearing (available upon request)
4. [PW-ES-01-2018 Appointment of a Drainage Engineer for the Ministry of Transportation Highway 3 and Haldimand Highway 56 Drainage Petition](#)

ATTACHMENTS:

1. Engineers Report
2. Map of Proposed Canfield Drain
3. Schedule of Net Assessment (including estimated OMAFRA Grant)