



THE CORPORATION OF THE TOWN OF AMHERSTBURG
OFFICE OF ENGINEERING & INFRASTRUCTURE SERVICES

Mission Statement: As stewards of the Town of Amherstburg, we strive to improve the quality of life of all residents through the delivery of effective, efficient, and affordable services.

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| Author's Name: Sam Paglia | Report Date: January 3, 2025 |
| Author's Phone: 519 736-3664 ext. 2318 | Date to Council: February 10, 2025 |
| Author's E-mail: spaglia@amherstburg.ca | Resolution #: |

To: Mayor and Members of Town Council

Subject: Ouellette Drain West – Drain Maintenance – Tree removals

1. **RECOMMENDATION:**

It is recommended that:

1. The report from the Drainage Superintendent Engineering Coordinator dated January 3, 2025 titled "Ouellette Drain West – Drain Maintenance – Tree removals" **BE RECEIVED for information.**

2. **BACKGROUND:**

A report to the Drainage Board at their July 9, 2024 meeting recommended that maintenance work be conducted on the Ouellette Drain West (ODW) in order to obtain sufficient outlet. This information was provided to Council.

The ODW is a Municipal Drain and is governed by the Drainage Act (Act). It is the Town's responsibility to administer the provisions of the Act and complete repairs/maintenance or improvements when requested by a landowner, or in this case to obtain sufficient outlet.

There are currently several trees that are planted along the drain within Town owned land known as Scodeller Park, specifically, they are planted within the working corridor of the drain.

The drain maintenance requires a number of these trees be removed because they may affect the conveyance of stormwater within the drain itself, or are being removed because they are within the working corridor of the drain that allows the contractor to perform the necessary maintenance and repairs. Every attempt shall be made to retain trees that do

not interfere with the designed flow of the drain and/or the ability for the contractor to carry out the drainage works.

As a result, there are an estimated 75-85 smaller clustered trees and 7 to 8 larger trees that will need to be removed along the northern top of the drain bank within the working corridor as illustrated in the pictures below and in the topographical map attached.



3. DISCUSSION:

Among many provisions in the Town's Bylaw for trees, Section 10 b) indicates that ditches shall be the greater of three (3) meters or within the drip line of the tree. All of the trees planted along the ODW's working corridor do not meet that requirement.

As a matter of discovery, the Drainage Superintendent is recommending that provisions be placed in the Town's By-Law and Tree policy as it relates to Municipal Drains to

prevent the planting of trees within the municipal drains and working corridors according to the Drainage Act. These provisions will be included in the next Bylaw and Policy review and will be brought to Council for consideration at a later date. Amending the Bylaw and Policy will mitigate against this issue occurring in future tree planting. Public Works and Parks will also work on identifying if there are any other municipal drains which may be in a similar situation to Scodeller Park. This will determine if additional tree removal and replacements by the Town is required in order to be compliant with the Drainage Act.

In the Drainage Act, the Town is no different than any other landowner in that, the responsibilities and liabilities imposed on the lands are based on the basic three (3) liabilities listed below. For ease of understanding, a description of the liability and how they may apply are as follows;

1. Special Benefit – Assessed 100% to landowner.

- Any item that a landowner requires or requests that the drain does not need.
- Decorative block end walls on an enclosure.

2. Benefit Liability – Assessed a percentage of project to all benefiting landowners.

- The land benefits by the existence of the drain.
- A land that is adjacent or abutting to a drain.

3. Outlet Liability – Assessed for artificial water expected to flow.

- The size of land and its land use determine the expected volume of water.
 - 40% of the water received by a residential parcel uses the drain
 - 10-15% of the water received by a farm land uses the drain
 - 90% of the water a road receives uses the drain.

There are variations with the above assessment, but the above examples were given as a guide to show that the Town is assessed no different than any other lands in the Drainage Act and has the same responsibilities under the Drainage Act.

Trees that are planted on any lands and within the working corridor of the drain, can be considered as an obstruction, and the cost to remove those trees could be assessed to that landowner and not to the upstream lands of the watershed. This is not the case in this instance, as the entire drain is being brushed and cleared resulting in the removal of trees on several properties throughout the entire length of the drain. These trees are considered to be present naturally, with the exception of the trees in the park, as the drain has not been maintained in 45 years.

In light of the Town's Tree Planting Program 2018-2023 whereby two trees are planted for every tree removed, it is recommended that Parks and Public Works work together to address the replacement of these trees elsewhere in the Town be it within the right-of-way along roadsides or within parkland owned by the Town.

Scodeller Park was donated to the Town of Anderdon in 1994. The trees within most of the park were planted well over 30 years ago and prior to some of the Towns By-Laws coming into effect. The majority of planted trees are cedars and spruce with mixed native species that have grown up from seed such as tree of heaven, mulberry and or

hawthorns. The required maintenance of the drain unfortunately will remove almost all of the trees along the corridor with the exception of a large oak and a couple other larger spruce trees. There are approximately 80 to 100 trees within the park that will be removed and as previously noted Public Works and Parks will work together to address the 2 to 1 replacements required.

4. RISK ANALYSIS

There are no associated risks involved in receiving this report for information.

5. FINANCIAL MATTERS:

The replacement of trees within the community as a result of this project will be addressed through the 2025 and 2026 Tree Planting budget and the Municipal Drain Budget.

6. ASSET MANAGEMENT IMPACTS:

N/A

7. CONSULTATIONS:

Director of Parks, Facilities and Recreation

8. CORPORATE STRATEGIC ALIGNMENT:

Vision: Preserving our past while forging our future.

| <i>Amherstburg Community Strategic Plan 2022 - 2026</i> | |
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| <p align="center">PILLAR 1 Deliver Trusted & Accountable Local Government</p> <ul style="list-style-type: none"> ✓ Improve trust between council and staff, and residents, by strengthening governance and internal accountability structures. ✓ Deliver transparent and efficient financial management. <input type="checkbox"/> Increase effective communication and engagement with residents. ✓ Develop our staff team, resources, and workplace culture. ✓ Continue to deliver strong core municipal services. <input type="checkbox"/> Ensure Amherstburg is an inclusive accessible and welcoming community committed to reconciliation. | <p align="center">PILLAR 3 Encourage Local Economic Prosperity</p> <ul style="list-style-type: none"> <input type="checkbox"/> Encourage development of commercial and industrial lands. <input type="checkbox"/> Continue to promote local tourism industry, especially overnight accommodation. <input type="checkbox"/> Continue to facilitate downtown development for residents and visitors. <input type="checkbox"/> Continue to leverage partnership opportunities with other provincial, federal, and local governments, agencies, and organizations. |
| PILLAR 2 | PILLAR 4 |

| Invest in Community Amenities and Infrastructure | Shape Growth Aligned with Local Identity |
|---|--|
| <ul style="list-style-type: none"> ✓ Maintain safe, reliable and accessible municipal infrastructure and facilities. ☐ Increase access to recreation opportunities for all ages. ✓ Finalize and execute plans for town-owned lands (e.g. Duffy’s site, Belle Vue) ☐ Create public access to water and waterfront ✓ Prioritize opportunities to reduce environmental impacts of Town operations and increase Town resilience to climate change. | <ul style="list-style-type: none"> ☐ Define and communicate a vision for the Town’s future and identity. ✓ Promote and plan for green and “climate change ready” development. ☐ Review and implement policies that promote greater access to diverse housing. ☐ Protect the Town’s historic sites and heritage. ✓ Preserve the Town’s greenspaces, agricultural lands, and natural environment. |

9. CONCLUSION:

The Information regarding the removal of Trees on the ODW is provided for Council’s information.



Sam Paglia, P.Eng.
Drainage Superintendent Engineering Coordinator

Report Approval Details

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| Document Title: | Ouellette Drain West - Drain Maintenance - Tree removals.docx |
| Attachments: | |
| Final Approval Date: | Jan 30, 2025 |

This report and all of its attachments were approved and signed as outlined below:



Antonietta Giofu



Tracy Prince

**No Signature - Task assigned to Valerie Critchley was completed by assistant
Melissa Osborne**

Valerie Critchley



Kevin Fox