

Land Drainage Conference 2025

Ctober 16 & 17

Delta Hotels Guelph Conference Centre



Minor Improvement Review

Presented By: George Vereyken, P. Eng. and Josh Warner, P. Eng.



Presentation Overview

- Regulations
- Requirements
- Forms
- Process
- Statistics
- Examples
- Questions and Discussion

Regulations

- June 30, 2021:
 - •Changes were proclaimed in the Drainage Act
 - •Section 78 (5) Minor Improvements
 - •O. Reg 500/21: General
 - Approval Process for Minor Improvement to Drainage Works
 - •Project may be considered a minor improvement provided it meets ALL the criteria listed in Section 7 of O. Reg 500/21

•7. (1) Activities take place on one owner (family) property(ies)

- **7.** (1) An activity that meets the following requirements is prescribed as a minor improvement to a drainage works for the purposes of subsection 78 (5) of the Act:
 - 1. The activity takes place on,
 - i. an individual property, or
 - ii. two or more adjacent properties if those properties,
 - A. are owned by the same person,
 - B. are owned by members of the same family,
 - are owned by corporations where a majority of the directors of each of the corporations are members of the same family, or
 - D. are owned by partnership where the majority of the partners for each partnership are members of the same family.

•7. (2) The owner and/or municipality are the only assessed parties

- 2. The costs and fees associated with the activity, including the fees and expenditures of the engineer and the construction, contingency, incremental future maintenance and eligible municipal administrative costs, are the responsibility, whether the activity proceeds or not, of,
 - i. the person initiating the activity,
 - ii. the Municipality in which the activity is taking place, or
 - iii. both the person initiating the activity and the Municipality in which the activity is taking place.

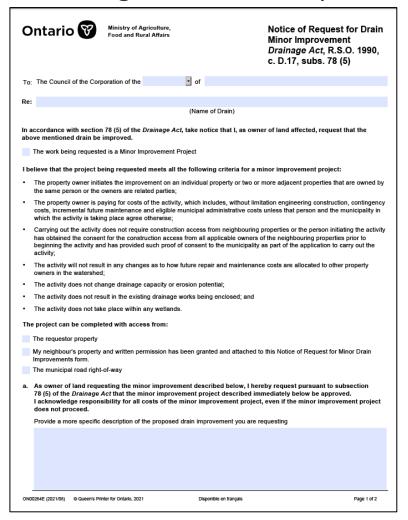
•7. (3) Does not require construction access from others or has sufficient evidence of permission

- 3. The activity,
 - i. does not require construction access from neighbouring properties, or
 - ii. does require construction access from neighbouring properties and the person initiating the activity has,
 - A. obtained the consent for the construction access from all applicable owners of the neighbouring properties prior to beginning the activity, and
 - B. provided such proof of consent to the municipality as part of the application to carry out the activity.

- 7. (4) 7. (7) Maintenance, Capacity, Enclosure, Wetlands
 - 4. The activity will not result in any changes to the way in which future repair and maintenance costs are allocated to other property owners in the watershed.
 - 5. The activity does not change existing drainage capacity or erosion capacity.
 - 6. The activity does not result in the existing drainage works being enclosed.
 - 7. The activity does not take place within any wetlands.

Form 9 – Minor Improvements

Prescribed Form - Regulation 381/12 - (Section 5.1)



Property Owne	ers				
	minor improvement minor improvement		illy responsible as	s soon as they sign a reques	t and it is accepted
-		provide the property des	cription and parc	el roll number.	
•				concession and civic addres	SS.
In urban areas	, the property descri	ption should be in the for	m of street addre	ss and lot and plan number,	if available.
Property Description	on				
Ward or Geograph	ic Township			Parcel Roll Number	
mprovement.				ner of the property may requ	
Select Ownership	Type If yo	u need to provide addit	tional informatio	n, please attach along wit	h this form.
Enter the mailin	a address and pr	imary contact informa	ation of proper	tv owner below:	
Last Name	g uu	and y consider many	First Name	ty 041	Middle Initial
Mailing Address	1	1			i
Unit Number	Street Number	Street Name			PO Box
City/Town			Province		Postal Code
Telephone Numbe	- Call Dh	one Number (Optional)	C-noil Address	/O-Eall	
	r Cen File	ne Number (Optional)	Email Address	(Optional)	
relephone Numbe	v recipient municipa	lity:			
To be completed b					
	day of	▼ 20			
To be completed b	▼ day of	20		ark	
To be completed b	▼ day of	20	Signature of Cle	erk	

Process to approve minor improvement to a drainage works

- •Initiated by property owner to council by submitting Form 9
- •If Council is of the opinion that the works meet the "minor improvement" requirements, they are to:
 - Notify the applicant
 - •Appoint an engineer and provide form 9 and any documentation
 - Notify the appropriate Conservation Authority
- •If Council is of the opinion that the project does not meet the requirements, they are to provide notice to the applicant
- •Site Visit to discuss the project with property owner to review request and site conditions
- •Engineer confirms if project meets all the criteria and notifies the Municipality
- •If the Engineer is of the opinion that it does not meet the criteria, send notice to the municipality and applicant
- •Report prepared and submitted to Municipality within 180 days of appointment

Engineers Report

- Design, including any plans, profiles and specifications
- An estimate of the contract price
- •Confirmation that the drain meets the all requirements for a minor improvement
- •All applicable permits will still need to be obtained prior to construction

Process

- Meeting to Consider the Engineer's Report
- Process at the Meeting to Consider
 - •Input from Property Owner, Conservation Authority, Road Authority, etc.
 - •Council Decision to:
 - Adopt the report by provisional by-law
 - Have Engineer modify the report
 - •Terminate the report if it no longer meets all the criteria and allow the owner to request work to be completed as a major improvement project
 - •Appeal to be submitted within 10 days of receiving notice to the Drainage Referee
 - •After appeals have been heard or time has expired, by-law may be passes

Process

- •No "Court of Revision" for minor improvements, it is helpful to remind Clerk staff not to include this step
- •Tendering occurs with 'pause' if contract price exceeds 133% of Engineer's Estimate
- •Construction and Post Construction activities are identical as construction and major improvement projects.

Timeframe for Minor improvements

- Landowner submits application: begins timeline
- 1. As soon as reasonably possible council to receive request (ie. 30 days)
- 2. Engineer shall provide report within 180 days of appointment
- 3. Within 30 days of receiving report, Council shall have a meeting to consider the report
- 4. Owner has 10-days to appeal to the Referee after receiving the provisional by-law
- 5. Final Reading and contract procurement

No Court of Revision and no 40-day appeal window that would be typical for a S.78 report

This process should take a maximum of 250 days from submission of an application

Please note that 10-day appeal window for the referee is from when the owner receives the provisional by-law so the municipality will need to develop a process to establish this date

OMAFA Fact Sheet for Minor Improvements FS#21-049

Factsheet

#21-049 | SEPTEMBER 2021

Minor Improvement Projects under the *Drainage Act*, 1990

T. Brook, P.Eng.

INTRODUCTION

Drainage systems under the <u>Drainage Act, 1990</u> are designed and constructed to provide a long service life, especially with maintenance and repair activities completed on the drain. However, there are times when it is necessary to make improvements to the drain because of changes in land use, agricultural practices and technology. Drain improvements require the creation of a new engineer's report. Property owners can request their local municipality make improvements to existing drains.

The process to improve a drainage works has been in the *Drainage Act*, 1990, for quite some time and applies to any changes to the drainage works. The process requires extensive consultation with all property owners in the watershed. Recent changes (July 1, 2021) to the *Drainage Act*, 1990, have modified the original improvement process.

The minor improvement project process is new (as of July 1, 2021). It involves changes that are required to address a specific need of one property rather than the entire drainage works. The process is designed to allow projects to be completed in a more timely and cost-effective manner. Examples of minor improvement projects include:

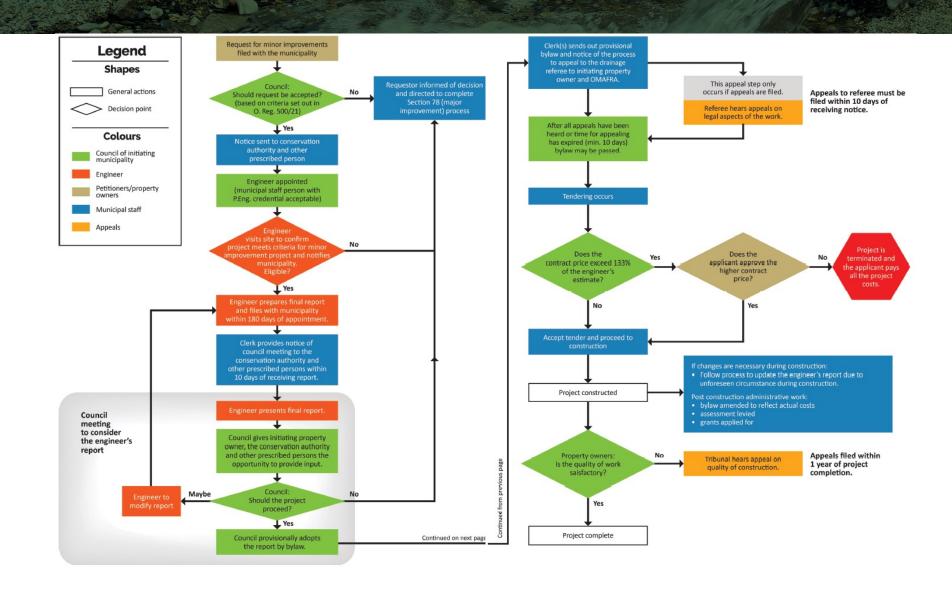
- a farmer requesting a wider crossing to accommodate larger farm equipment
- the addition of a second crossing
- · the relocation of a drain on an individual property
- · the incorporation of a buffer along a drain

DETERMINING IF A PROJECT IS A MINOR IMPROVEMENT

A drain project is considered a minor improvement project provided it meets all of the criteria listed in section 7 of <u>O. Reg. 500/21</u>.

The criteria are:

Flow Chart



OMAFA Statistics

Fiscal Year	Grant Submission Deadline	Total number of projects submitted	# of Minor Improvements	Percentage of Minor Improvements	
2021-22	Feb. 15, 2022	146	0	0	
2022-23	Feb. 15, 2023	187	0	0%	
2023-24	Feb. 15, 2024	138	2	1.4%	
2024-25	Feb. 15, 2025	154	3*	1.9%*	
2025-26	Feb. 15, 2026	Т	o be determined		

Note*: subject to change due to currently 39 improvement projects for the 2024-25 fiscal are not reviewed.

OMAFA Statistics

Reasons for the minor improvement projects:

- 3 drain relocations on a single property (or adjacent properties owned by same owner)
 - 2 due to farming practices (i.e., squaring off a field)
 - 1 due to a new/expanding barn.
- 1 crossing extension
- 1 crossing relocation

4 out of the 5 projects provided some form of allowance.

- From OMAFA: Allowances are not to be provided for minor improvement projects if they are, grant will not be paid on the allowance portion of the project.
- Allowances do not provide any compensation to a property owner because it is the same property owner paying and receiving the allowance.

Minor Improvement Examples

- •Culvert Replacement
- •Tile Drain Move Off
- Channel Relocation
- Urbanizing a Tile
- Erosion Repair
- •Buffer Strips or Natural Heritage Features

Gardiner Drain

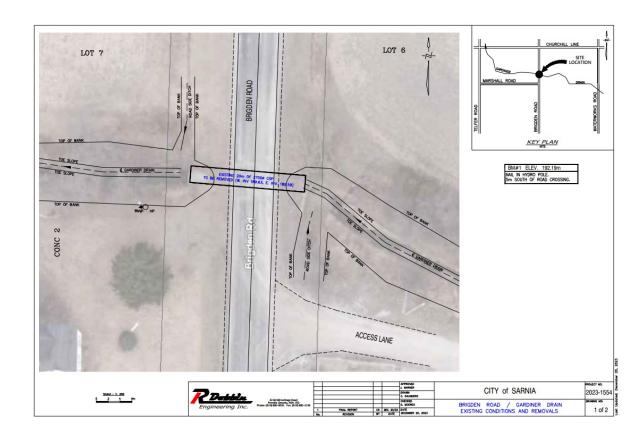
- •Road Crossing in the City of Sarnia with a request submitted by the City in August of 2023.
- Criteria of Minor Improvement Project was Met:
 - •The road authority is paying for all the cost
 - Access within requesting property (road)
 - •No changes in future maintenance and repair costs for other properties
 - No change in drainage capacity or erosion (Engineer's Judgement)
 - Not enclosing a drain or within a wetland

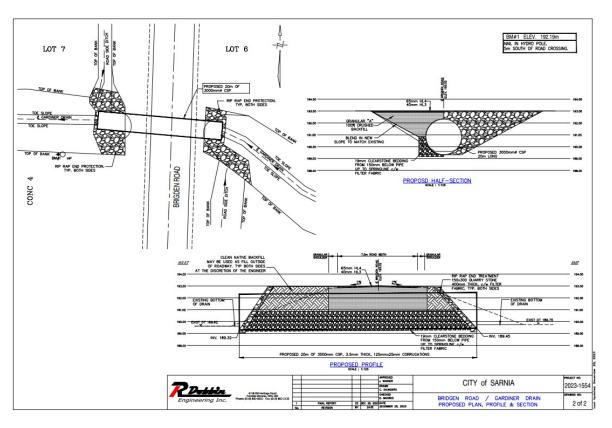
Gardiner Drain

- •Report Contents (December 2023):
 - Authorization
 - Design
 - Estimate
 - Maintenance of Structure
 - Specifications
 - Drawings



Gardiner Drain





Gardiner Drain-Watermain Relocation

- •Watermain Relocation was required after project completion due to cover requirements.
 - •Watermain owned by adjacent Municipality and Relocation was paid for by adjacent Municipality.
- Application of Section 26 under Minor Improvement Projects?

Lucas Drain

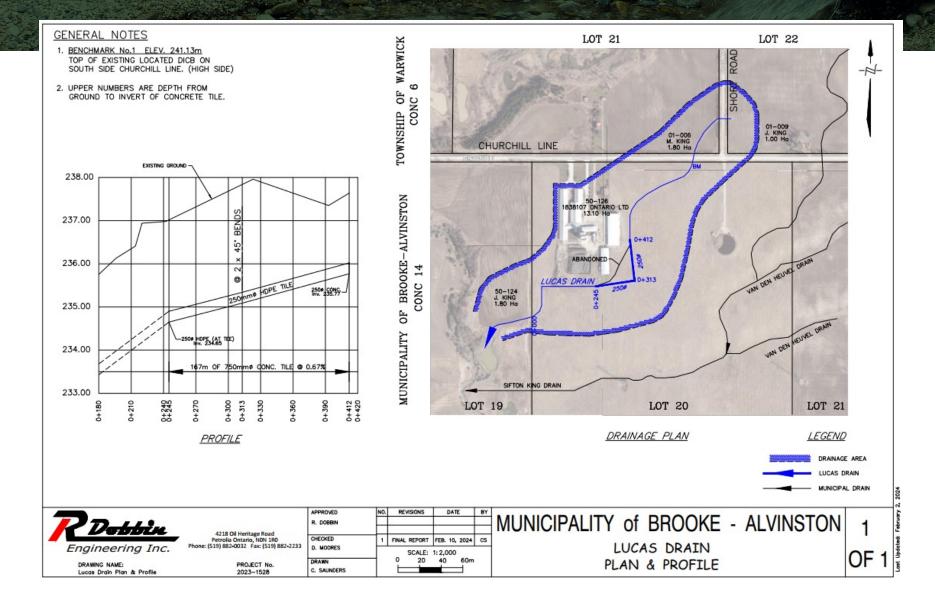
•Request submitted to accommodate Storage Shed



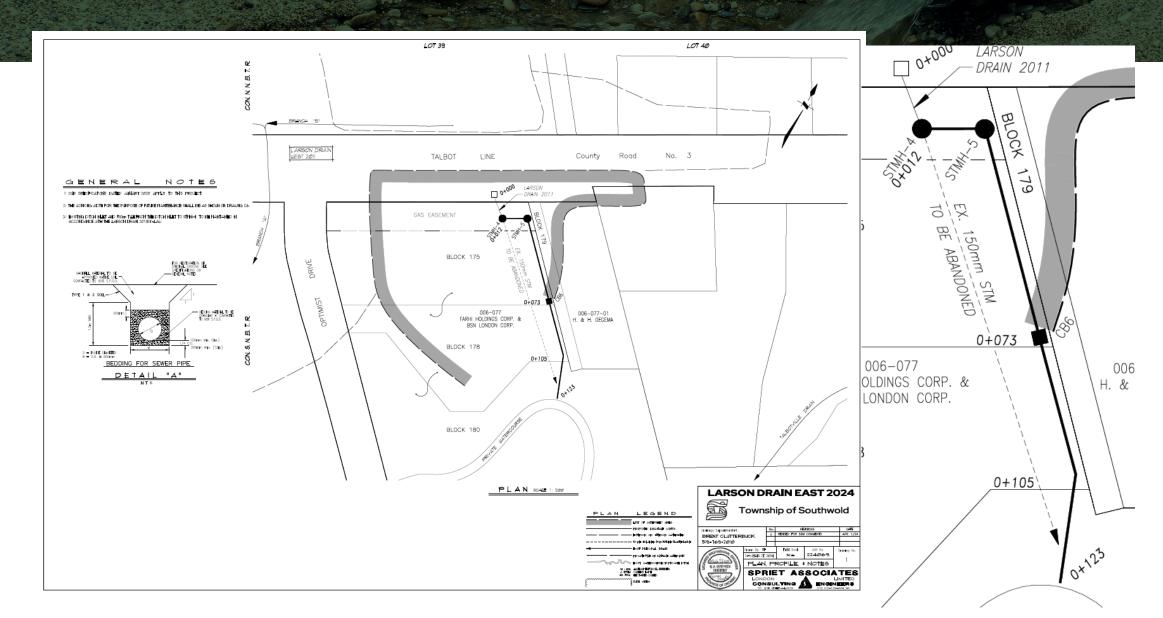
Lucas Drain

- Criteria of Minor Improvement Project was Met:
 - •The Landowner is paying for all the cost
 - Access within requesting property
 - No changes in future maintenance and repair costs (Engineer's Judgement)
 - No change in drainage capacity or erosion (Engineer's Judgement)
 - Not enclosing a drain or within a wetland

Lucas Drain



Larson Drain East



Larson Drain East

Drain relocated to rear of property for development of parcel

Converted from agricultural materials (ag pipe) to standard urban materials (sewer pipe and manholes)

All lands owned by developer/requestor

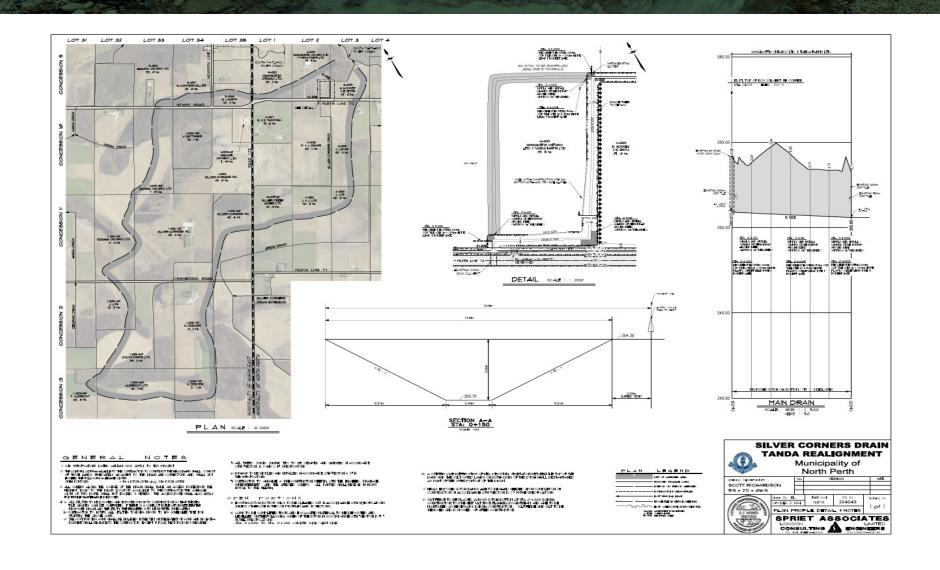
No change in capacity

Application on December 7, 2023

Report issued March 27, 2024

Considered on April 8, 2024 (122 days)

Silver Corners Drain – Tanda Realignment



Silver Corners Drain – Tanda Realignment

Drain relocated to optimize field geometry for farming operation

All lands owned by the farmer

No change in capacity

Application on Sept 09, 2024

Report issued December 12, 2024

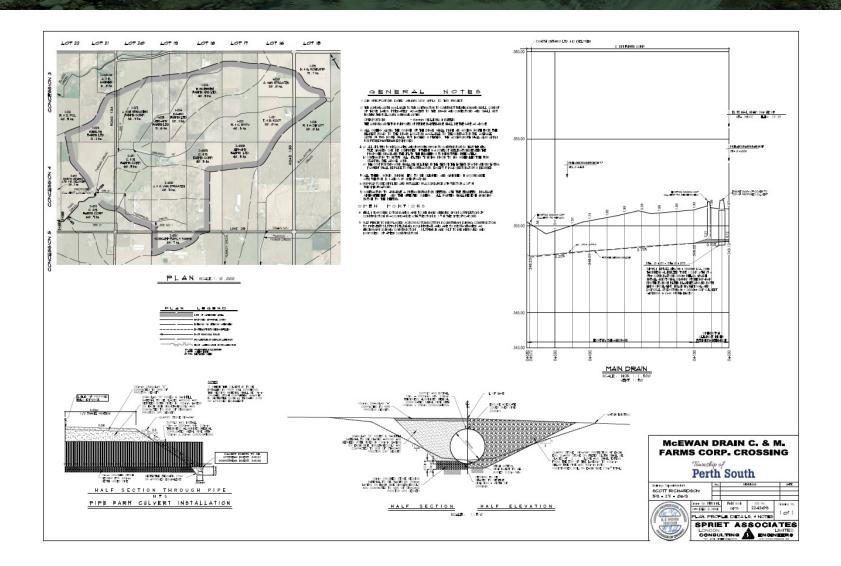
Considered on January 6, 2025 (119 days)

Silver Corners Drain – Tanda Realignment





McEwan Drain - Crossing



McEwan Drain - Crossing

McEWAN DRAIN - C. & M. FARMS CORP CROSSING

Removal and disposal of existing culvert	\$	1,000.00
Supply & delivery of 18m - 2000mm dia, 2.8mm thick, 125mm x 25mm cor. Aluminized C.S.P.	\$	13,700.00
Installation of pipe including supply and installation of bedding and backfill material and disposal of any unacceptable material, and clearing	\$	6,400.00
Supply and installation of quarry stone riprap (Approx. 16m³ Q.S. required)	\$	2,400.00
ADMINISTRATION		
Interest and Net Harmonized Sales Tax	\$	770.00
Survey, Plan and Final Report	\$	4,250.00
Expenses	\$	690.00
Supervision and Final Inspection	\$_	790.00
TOTAL ESTIMATED COST	\$_	30,000.00

McEwan Drain - Crossing

Replacement of existing Steel CSP crossing including relocation

No change in capacity

Appointment on December 03, 2024 Report issued December 13, 2024 Considered on January 14, 2025 (42 days)

Thoughts on Minor Improvement Process

- •Can be restrictive based on the requirements (Capacity and Future Maintenance Costs)
- Definition of Capacity is vague/not well defined
- Not paying allowances may push appointments to major improvement projects
- Unsure about application of Section 26 to Utilities
- Other concerns not addressed on the drain
- Brief Reports, less content
- Less Consultation

Land Drainage Conference 2025

Questions?



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Thank you!

