



Legislation Text

File #: RFD 19-015, **Version:** 1

Mallard Park Subdivision Drainage

Proposed Motions

1. That the Committee of the Whole receive the Mallard Park Drainage Assessment report from Sameng Inc. as information,
2. That the Committee of the Whole direct Administration to engage with land owners in Mallard Park, specifically north of Teal Drive, to coordinate the construction of a drainage channel, as presented.

Administration Recommendation

Administration supports the proposed motions.

Purpose

To provide the Committee of the Whole with an update regarding drainage concerns within the Mallard Park subdivision and to share with the Committee of the Whole the third party drainage review completed by Sameng Inc.

Summary

There is an ongoing concern with the existing drainage patterns in the Mallard Park subdivision. Throughout parts of 2018 there has been engagement with area residents and several persons within County Administration with no defined solution or resolution to matters being presented. At the Council Meeting on October 9, 2018, Mr. Ed Kennedy presented his ongoing concerns and frustration. A commitment was made to complete a third party review of the matter and bring those findings back to Council for consideration and further direction.

Engineering Services has been aware of the recent challenges with subdivision lot drainage in Mallard Park and has been in multiple conversations with land owners in the area. A number of alternatives have been considered internally with no satisfactory outcomes being developed. The issue is complex and has multiple layers.

Lot 9, which is Mr. Kennedy's lot, has been altered from the original subdivision layout. Administration has identified that the elevations of the property have been altered and the natural drainage pattern has been disrupted. The changes have been gradual and have occurred over several years. These changes have had a compounding effect on properties to the south of Teal Drive and to Lot 8, directly east of Lot 9. The changes include filling in a low-lying area in the northeast corner of the property, filling in the east boundary of the property and more recently, constructing a berm on the southern boundary of the property. The latest change occurred in 2018 and has created the greatest concern for area residents. Administration is able to substantiate these claims through a historical review of the property and further evidenced in the third party report submitted by Sameng.

Lot 7, which is owned by another interested party, has a home constructed with a basement. The basement is assumed to have been developed below the normal groundwater level for the area. In order for the home owner to keep the basement dry, a number of sump pumps run in a near continuous operation. Water is pumped from below ground to the surface and into a private pond on Lot 7, which was constructed after the home was developed. We assume, but are not able to confirm, that this was done to address ponding on the property from the operation of the sump pumps. The pond, drains following the natural drainage patterns to the

south towards Mallard Lake. This path flows through the east edge of Lot 9 and west edge of Lot 8 prior to reaching Mallard Lake. This has been supported in the report provided by Sameng.

In 2018, the land owners have suggested there was a notable increase in precipitation and a "wetter" year for the natural environment. As observed during multiple site visits in 2018, there is standing water in the ditches along Teal Drive and within Lot 7, which is the lowest lying property in the area. The owner of Lot 7, who is concentrating efforts to keep his basement dry, continued to pump water via sump pumps at the house, and pumped water from the on-site private pond to the ditch; anticipating the water would follow the ditch and drain towards the lake. It has been identified that the combined efforts of pumping of water from Lot 7 and the historical elevation changes that have occurred on Lot 9 have created an untenable situation for both property owners. This issue is also spreading to adjacent properties as the water is backing up north of Teal Drive and flooding or diverting to adjacent properties.

While the home and basement, with sump pumps, operate for a period of time, the volume of discharge is deemed negligible to the volumes from a storm event or spring melting. These events create far more drainage flow than the sump pumps create. That said, the continuous flow of the sump pumps mean that the ground never fully dries out and remains saturated; with less ability to absorb water during events. The continuously saturated ground has created the greatest concern and seems to be the greatest level of concern for those involved. The Water Act is clear on the diversion of water for naturally occurring events; it is less direct for situations such as the one in Mallard Park.

Administration's sources of information come from Aerial photographs dating back to 1962 and up to current 2018 images. Contour mapping of the area, pre and post development show where the natural drainage patterns existed and we have used updated imaging software to show how they have changed to date. Administration is confident that we can identify the disruption to the natural flow of water on Lot 9 has impeded drainage of the area and directly impacted adjacent properties. As part of our due diligence, we contracted a third party, Sameng, to review on their own merits. Their summary of information aligns with Administration's position on the matter.

In seeking resolution to the matter, Administration has identified a few paths to follow. One or both could be pursued. They are as follows:

1) That the drainage flow path to Mallard Lake be re-established by development of a drainage channel from Teal Drive.

This option requires the County and impacted land owners to work collaboratively. Impacted land owners will be asked to dedicate, or otherwise provide at nominal sum, an easement or public utility lot (PUL) from Lot 8 and Lot 9 (both properties north of Teal Drive). With an area established, a drainage channel with an outlet to Mallard Lake could be constructed. The ditch elevations will be re-established on Teal Drive and along the properties lines where appropriate.

As mentioned, this will require cooperation from both properties north of Teal Drive to achieve. Without participation from land owners, this option will be difficult to successfully complete. The anticipated cost for this work is between \$75,000 and \$100,000.

2) That Administration request Alberta Environment undertake enforcement action through its authority pursuant to the Water Act.

This option includes lengthy discussions with Alberta Environment and extended efforts to build an enforcement position. This may result in fines and penalties to the land owners deemed to have been working outside of regulatory approval processes. Re-establishment of the natural drainage patterns will be pursued by the County through Alberta Environment enforcement actions.

Strategic Plan/Policy/Legal/Staff Implications:

Guiding Principle 3.1: We are a regional leader in setting and achieving high standards of environmental sustainability in both our own practices, and by encouraging and enabling the practices of our partners

Guiding Principle 3.2: We responsibly manage growth to protect our region's biodiversity and that natural environment, while supporting a balance of land uses and strategic development

Financial Impact:

Cost: \$0.00

Source of Funding: n/a