



# Staff Report

## Planning & Development Services – Development Engineering

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**Report To:** COW-Operations, Planning and Development Services  
**Meeting Date:** February 21, 2023  
**Report Number:** PDS.23.120  
**Title:** Regional Stormwater Management Plan Drainage Act Assessment – Next Steps  
**Prepared by:** Adam Smith, Director of Planning Development Services and  
Brian Worsley, Manager of Development Engineering.

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### A. Recommendations

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THAT Council receive Staff Report PDS.23.120, entitled “Regional Stormwater Management Plan Drainage Act Assessment – Next Steps”

AND THAT Council directs staff to circulate the Notice of Court of Revision in accordance with the Drainage Act

### B. Overview

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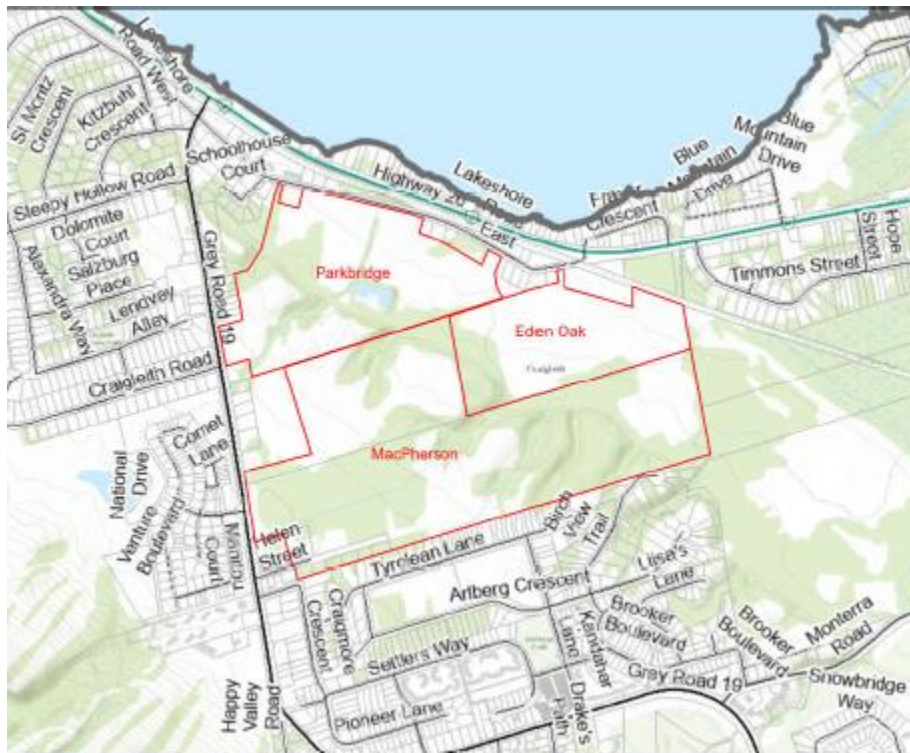
The purpose of this report is to provide Council with background information on the developments planned in proximity to Grey Road 19 and Highway 26. Additionally, the intent is to receive Council direction to circulate the Notice of Court of Revision as required under the Drainage Act assessment triggered in 2021 by a petition from three developers. They have sought to improve existing municipal drains and watercourses that are currently deficient and will need to be improved to support their respective projects.

### C. Background

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#### Drainage Act Assessment and Development Context

Since August 2021, staff have been involved in a Drainage Act assessment triggered by three development projects in the Craighleith area being Parkbridge Craighleith Ridge, McPherson Homefarm and Eden Oak Trailhead. Collectively, these three developments have received (OMB / LPAT) approval for 620 residential dwelling units. Recognizing the size of these developments and their collective impact on stormwater management in the area, they have initiated a petition under the Drainage Act to make improvements to those watercourses principally impacted by the developments being Watercourses 7, 8, 9 as illustrated through Figures 1 and 2.



(Figure 1: Development Areas)



(Figure 2: Relevant Watersheds under the Drainage Act assessment)

As noted in previous reports on this process, the deficiencies in these watercourses were noted in the 1993 Craigleith Camperdown Sub-watershed Study. In 2017, as part of the planning submissions made by the developments in this area, an analysis was undertaken to build off the 1993 Study and explore an approach that not only addresses drainage impacts as a result of these development proceeding but mitigate an existing issue. Consequently, the three developments are seeking to ensure that post development peak flow rates will not exceed the pre-development peak flow rate

In accordance with the requirements of the Drainage Act the Town retained a third-party Drainage Act Engineer, (Mr. Jamie Witherspoon, from WT Infrastructure) to provide an assessment of the drainage solution generated by the Developer's Engineers and prepare a Drainage Act report in accordance with the requirements of the Drainage Act.

### Community Feedback

It should be noted that throughout the Drainage Act Assessment, there have been numerous comments received associated with the works proposed. These comments can largely be categorized through different themes including:

- Lack of public engagement in the Craigleith area on the proposed works
- Concern on the scope of the watercourses identified for improvements
- Current site activities impacting implementation of the proposed drainage solution
- Involvement of other government agencies in the review of the proposed works
- Uncertainty on the relationship between the Townwide Drainage Plan and the Regional Stormwater Management Plan

The Town's webpage for the Parkbridge Craigleith Ridge project has been routinely updated to reflect on not only the questions received on the Drainage Act Assessment for this area but all processes underway at the property. This information can be accessed through the following link:

<https://www.thebluemountains.ca/planning-building-construction/current-projects/planning-development-projects/parkbridge-craigleith>

## **D. Analysis**

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A November 14<sup>th</sup> Council resolution directed staff to broaden the (Drainage Act) consultation to properties within the watershed of watercourses #6, #7, #8, #9 and #10, and report back to Committee of the Whole in January 2023, with comments received. Staff's original intention was to achieve the consultation through the upcoming Public Meeting / Public Information Centre (PIC) planned for the Townwide Master Drainage Plan Environmental Assessment currently being conducted under the Municipal Engineers Association Class Environmental

Assessment (MECEA) process. Unfortunately, the PIC timing in conjunction with a review of the legality of merging two distinct processes prevented this from occurring. Staff have consulted with a recognized Drainage Act expert and former Ministry of Agriculture, Food and Rural Affairs (OMAFRA), Drainage Program Coordinator, to verify that the requested additional consultation is outside the scope of the Drainage Act, and to ensure the subsequent steps in this process are aligned with legislated requirements.

Based on this understanding, the next steps within the Drainage Act process will be as follows:

- March 6<sup>th</sup> Council – Approval to issue notices of the Court of Revision. Attached to this report.
- March 27<sup>th</sup> Council – Court of Revision (3 to 5 members of Council) occurs\* This is considered tentative based on a special meeting being arranged for the Court either before or after the 27<sup>th</sup>.
- April 17<sup>th</sup> Council – Final reading of the provisional by-law

The purpose of the Court of Revision is to hear appeals as to:

- i. assessment on lands being too high or too low;
- ii. lands were not assessed but the land owner feels their land should have been assessed;  
or
- iii. the land owner feels due consideration has not been made as to type of land being assessed.

An appeal may not be made to the Court of Revision as to the technical aspects of the Engineers report and can only be made for the above noted reasons. The notice must be sent not more than 30 and not less than 20 days before the Court of Revision to all landowners assessed (under section 41 of the Act) in the Engineers report.

Sending of the Notices opens a 40 day appeal period for other Municipalities, Conservation Authorities, Owners or Public Utilities as to assessment or specific aspects of the Engineers report. Appeals made on those specific aspects to the Engineers report will be heard by OMAFRA. Following the Court of Revision, assuming all appeals are settled, final reading of the By-Law is to occur 40 days after the notice is sent.

Staff will be seeking to have further orientation on responsibilities for members selected to sit on the Court of Revision.

Importantly, as the Drainage Act assessment continues, the works approved to date, principally being the pre-servicing agreement for Parkbridge Craighleith Ridge ensures these works are continually being monitored and there is no further stress on the capacity constraints of the municipal drains and impacted watercourses identified in the Regional Stormwater Management Plan.

While this assessment process is not commonly utilized in the Town, it is a collaborative approach that offers benefits to the surrounding community that would otherwise not be had if the projects proceeded in isolation of each other. The alternative is all three developments relying heavily on onsite stormwater management controls which results in less efficient use of the land and does not improve drainage conditions in the area.

## **E. Strategic Priorities**

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### **1. Communication and Engagement**

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

### **2. Organizational Excellence**

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

### **3. Community**

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

### **4. Quality of Life**

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

## **F. Environmental Impacts**

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Implementation of the Drainage Act works will reduce a flood risk given the existing state of the watercourses and drains.

## **G. Financial Impacts**

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The Townwide Master Drainage Plan has identified the proposed Drainage Act works as a preferred solution, and, has assessed the probable costs as being approximately \$2.5 Million. Implementation of the Drainage Act works will resolve a pre-existing flood vulnerability at no cost to the taxpayer.

## **H. In Consultation With**

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Senior Management Team.

## **I. Public Engagement**

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The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre within the normal meaning of those terms, however, the on-site meeting required by the Drainage Act was held at 3:00 PM on June 3<sup>rd</sup>, 2022. In addition, this subject has been discussed at Committee of the Whole and Council for PDS.21.082, PDS.22.085, PDS.22.109, and PDS.22.130.

A Public Meeting and/or a Public Information Centre is to be held in March for the Townwide Municipal Engineers Association Class EA Master Drainage Plan, (MCEA) in which the technical analysis being presented supports the proposed Drainage Act works; however, as works under the Drainage Act are not subject to the Provincial EA Act, the proposed Drainage Act works are not subject to MCEA consultation.

Any comments regarding this report should be submitted to Brian Worsley, Manager of Development Engineering, [developmentengineering@thebluemountains.com](mailto:developmentengineering@thebluemountains.com)

Attached

1. Attachment 1 Sample Drainage Act Court of Revision Notice

Respectfully submitted,

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For more information, please contact:  
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### Report Approval Details

Document Title:	PDS.23.120 Regional Stormwater Management Plan Drainage Act Assessment - Next Steps .docx
Attachments:	- Attachment.pdf
Final Approval Date:	Feb 10, 2023

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

**Brian Worsley - Feb 10, 2023 - 1:28 PM**

**Adam Smith - Feb 10, 2023 - 1:59 PM**

**No Signature found**

**Shawn Everitt - Feb 10, 2023 - 4:31 PM**