

February 16, 2023

To: The Committee of the Whole, Town of Blue Mountains

Hello. My name is Bernard Oegema. My wife Alison Kay and I are the owners of [REDACTED]. This property is intersected by two watercourses, #7 and #8. We are very happy to have these on our property and enjoy hearing the sound of water flowing and even seeing fish spawning in the Spring. We enjoy the country feel of our neighborhood and seeing people walk and cycle along the road. We believe that by taking the appropriate actions, asking the tough questions by Counsel, they are able to better service the residents of The Blue Mountains. I do not believe that short cuts and lack of transparency will work to help us all resolve the problems facing us.

My wife and I started coming to The Blue Mountains (TBM) in 1987- 36 years ago. We worked at Alpine Ski Club for the kids racing program for 13 years - Fun times, early to rise but it was wonderful. We became members at Alpine Ski Club that period. I also am a member of the Collingwood Cycling Club. It is a club of passionate cyclists increasing the growth of Collingwood and TBM. I am very proud to be a resident in this great community. My wife and I often walk down Lakeshore Rd. E., where we live and pick up garbage along the road.

We realize that there is a lot happening and we very much appreciate the efforts of the Council of the Whole, Council, our mayor and the planning committee to make The Town of Blue Mountains the very best it can be. It is a lot of work, I am sure there is a lot of pressure to take short cuts, but all be of this is for the betterment of our community. Thank you as well for the Town Clerk helping us with this process.

We realize that the area across the road and up the ridge is to be developed. What we don't want is to have an undesirable modification to the watercourses that would negatively impact safety and aesthetics of the area. This would also negatively impact the value of the properties, including ours. We request that the COW do not approve Bylaw 2022-74 and include watercourse 7-10 in the Drainage Master Plan.

Here are a few points that we would like to have considered by Council.

1. Does The Drainage Act Apply?

The Drainage Act states it is to be used for areas requiring drainage. This is not the case here as the excess flow can be addressed by increasing the storm water retention capacity upstream. Certainly, it would be preferred to reduce the flow to previous levels than to create diversion ditches and large culverts to address the excessive flow caused by increases in flow upstream of Lakeshore Road East.

In the [COW documents for the Feb. 21 meeting](#), it is clearly stated on page 5 of 7.

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.

The above confirms there are options. Why would increasing stormwater management not improve drainage conditions? This statement does not seem accurate. Less real estate for new homes is likely a result of increased stormwater management.

In addition, using the Drainage Act's 60% land hectarage clause to force a solution on minority property owners is not in line with Priority #1 - Communications and Engagement.

The Drainage Act intent is for resolution of disputes regarding betterment of the land for areas requiring drainage. There are options that are better for the community and the environment, so The Drainage Act should not be used.

2. Why are Developers invoking the Drainage Act?

The developers are willing to pay for the increased capacity via Watercourse #8 even though it is a pre-existing condition. The flooding is downstream from them, so shouldn't this be the purview of the Municipality and MTO? Since they are willing to pay for it, does this give them the right to take over our watercourse and land with transparent review?

3. Riparian Rights

Watercourse #8 is currently a natural watercourse, so the riparian landowners are not required to accept water from non-riparian landowners of this watercourse.

4. Safety

Adding ditches adjacent to Lakeshore Road East will create an increased danger for vehicles and vulnerable pedestrians and cyclists. There will be increased traffic of all kinds on Lakeshore Road East. If a large EMS vehicle, such as ambulance or firetruck meets another large vehicle, they need to make room, they will encounter a ditch, with potentially disastrous consequences. If we add a pedestrian or cyclist into the scenario, risks are even greater to human life.

My wife and I are grateful for the Road and Maintenance staff at TBM. There is a bend to the east of our property and it is really very difficult for snow removal and maintaining Lakeshore Rd. E. to be a safe space for drivers and also pedestrians. It is

a very narrow road and people often have to step off the asphalt due to vehicular traffic. They do a great job, but adding more hazards is not ideal

Adding diversion drains is not consistent with Priority #4 – Quality of Life

5. Community

Adding large ditches/open drains and culverts will not enhance the neighborhood. Current culverts blend well into the environment. An option of reducing flow, rather than accommodating it would restore nature, in line with The Town's Priority #3. Safe use of roadways is also consistent with priority #4 – Quality of Life.

6. Transparency I

Staff Report [PDS.22.085](#) attachment 3, the Draft Report Regional Stormwater Management Plan, states that options were considered to reduce the existing flooding conditions. There was no mention of an option to reduce the flow, only of diverting the current flow during a flood condition. In the report there are 4 Options considered. Why not Option 5, Reduce the Flow Conditions to within the existing capacity of Watercourses 7 and 9? In addition to leaving the existing infrastructure intact, reduced stormwater flows would improve the quality of water discharged into Nottawasaga Bay. Why was this not explored?

7. Transparency II

[Feb. 21 COW](#) Section D indicates that this initiative was intended to be included in the Public Information Centre (PIC) re the overall Drainage Master Plan but "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." How does this justify deviating from the Council's resolution? Again, this appears to be using the Act to bypass public consultation.

The Problem Statement of the Drainage Master Plan is to. "Identify drainage deficiencies and recommend solutions to improve the storm drainage systems across the Town of Blue Mountains in consideration of impacts to the natural, social, physical, cultural and economic environments"

The public meetings for the Town of The Blue Mountains Drainage Master Plan is Virtual Q & A Wednesday March 29, 2023, In person Q & A Thursday, March 30, 2023. Part of the report from the Town of The Blue Mountains Drainage Master Plan on page pg. 36 is the Drainage Act Assessment – Current Status & Next Steps.

Why are we considering the Drainage Act prior to these meetings and feed back?

8. Transparency III

[Staff Report June 6, 2022](#) shows the projected hydrologic flows post development in the range of -4 to -7%, indicating once again that the development is not adding to the flooding problem. In the COW document for Feb. 21, Section G, Financial Impacts, the statement is that the probable cost is approximately \$2.5M. Why the change in values? The probable costs for the Drainage Act Works changes in the Staff Reports:

- June 21, 2022 - \$1.4 Million,
- Sept. 27, 2022 \$1.25 Million,
- Feb. 10, 2023 - \$2.5 Million.

As the number increases, wouldn't it make sense to look at other options?

From the Feb. 10 Staff Report:

F. Environmental Impacts

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

G. Financial Impacts

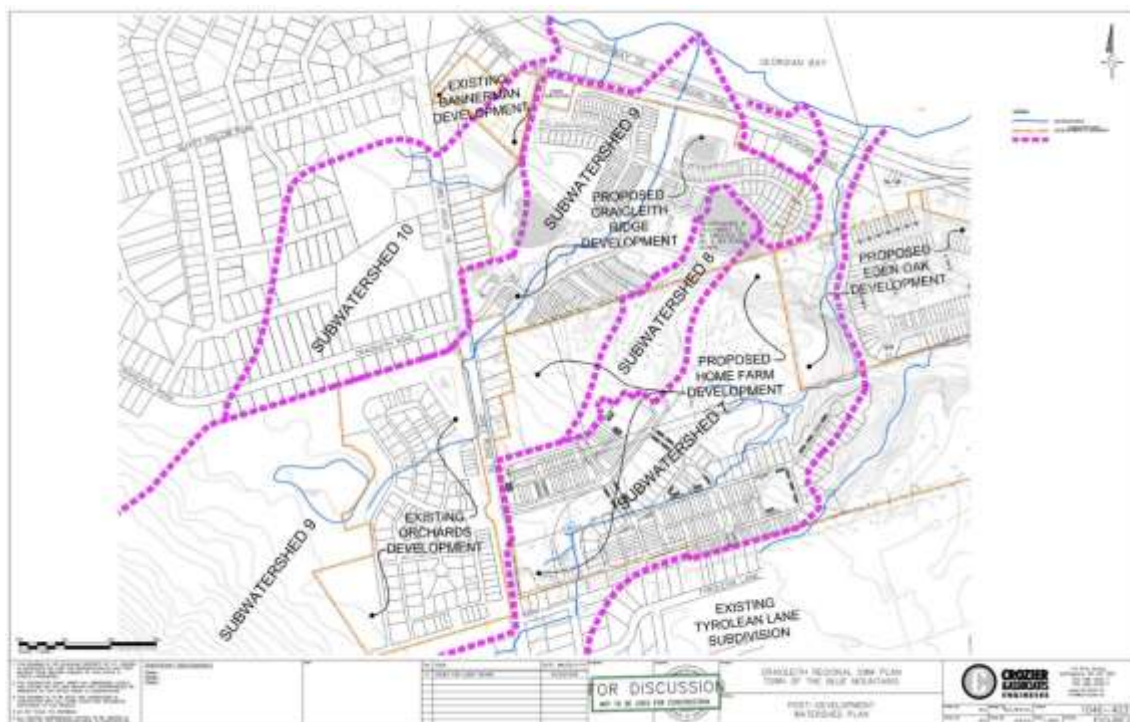
The Townwide Master Drainage Plan has identified the proposed Drainage Act works as a preferred solution, and, has assessed the probable costs as being approximately \$2.5 Million. Implementation of the Drainage Act works will resolve a pre-existing flood vulnerability at no cost to the taxpayer.

9. Transparency IV

The on-site meeting on June 3, 2022 at 3 pm, required by the Drainage Act, was not for public input, but for engineering. The attendees were told that there would be minimal impact to the area and it was effectively a done deal. There were no visual representations of the end result of the proposed Works. Transparency would require a true representation of the end result with the impact on all property, public and private, including the developers', TBM's, MTO's and ours. From the 159 page Draft Report dated March 7, 2022 from WTI, we have sketches like these showing dotted lines of proposed diversions. This does not accurately show how much land will be used for ditches and is "Draft".



This sketch in the draft shows some modification of the watersheds, burying watercourse #8 under new lots.



On November 1, 2022 Meeting of the Committee of the Whole - B.14.3 it was recommended that the discussion regarding the Drainage Act should be deferred until January 2023 and the scope of this issue be widened to include people that are affected. Excerpt:

"B.14.3 Regional Stormwater Management Plan Drainage Act Assessment – Follow up to Provisional By-Law 2022-74, PDS.22.130 THAT Council receive Staff Report

PDS.22.130, entitled "Regional Stormwater Management Plan Drainage Act Assessment – Follow up to Provisional By-Law 2022-74"; AND THAT Council directs staff to broaden the 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, Carried.

This is clearly not what is proposed in the current Staff Report.

Conclusion

The Planning committee does not have to answer the questions posed by Council in regards to watercourses 6, 7, 8, 9 and 10 and they have not been addressed, which is what this meeting was supposed to be about. The residents and council deserve to have the answers. Use of The Drainage Act allows the bypassing of normal and fair review with the assumption that drainage is required for the benefit of the Province of Ontario, which is not the case.

We ask that TBM Council does not adopt Bylaw 2022-74 and includes Watercourses 7, 8, 9 & 10 in the overall planning, consistent with the Town's Priorities. This issue should be included in the overall Drainage Master Plan as per the directive agreed at the Nov. 1 COW meeting. This would allow a better solution for all stakeholders consistent with the Town's Priorities.

Thank you for allowing us to provide our input.

Bernard Oegema & Alison Kay