

Drainage Master Plan & 302 Grey Road 21

David Finbow

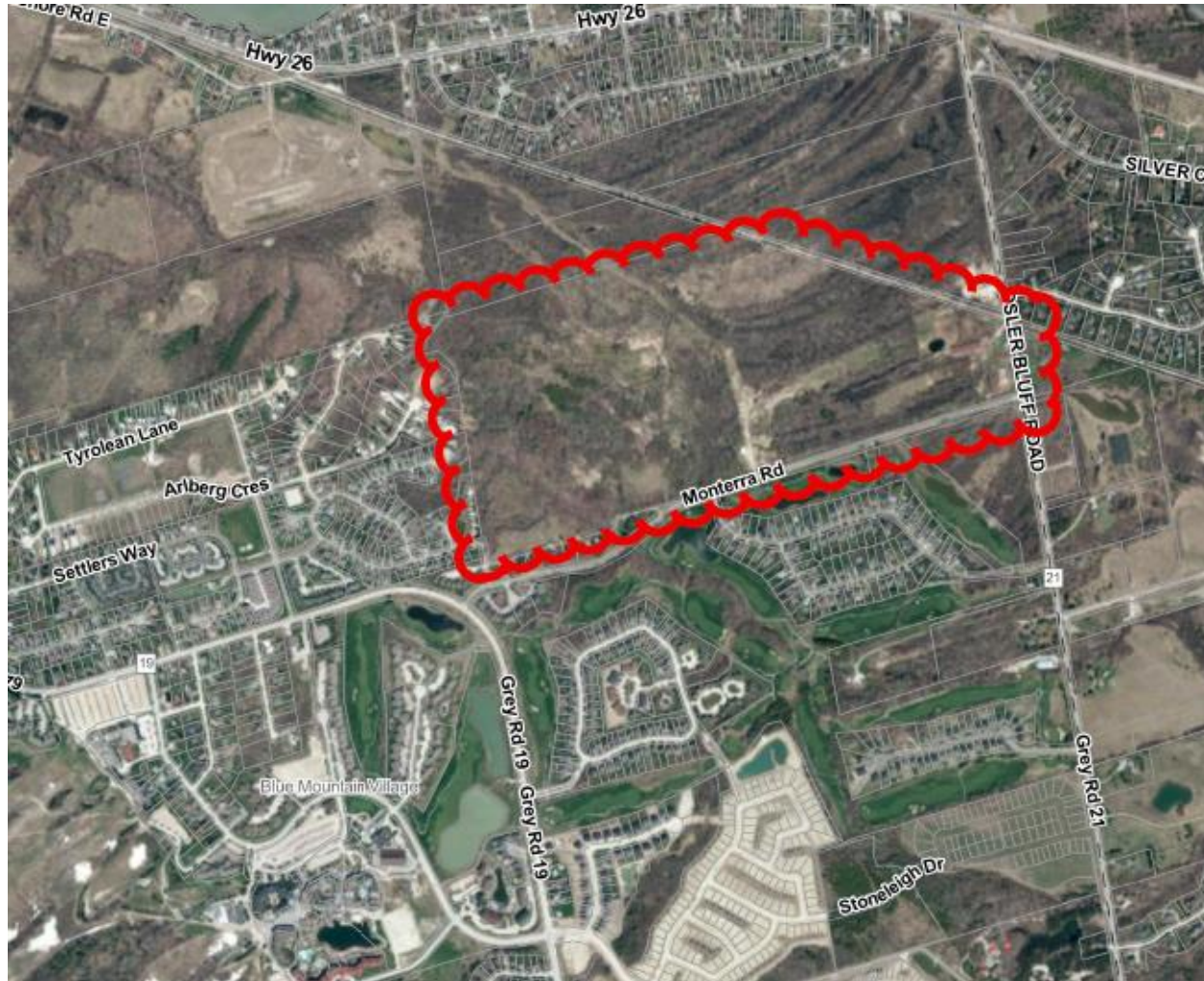
On behalf of Tyrolean Village Resorts 2021 Limited

October 28, 2025

Drainage Master Plan & 302 Grey Road 21

- David Finbow on behalf of Tyrolean Village Resorts 2021 Limited (Tyrolean), the owner of 302 Grey Road 21
- Here to speak to Staff Report OPS.25.003 and the related recommendation for Council to approve the issuance of the 'Notice of Completion' of the Drainage Master Plan (DMP).

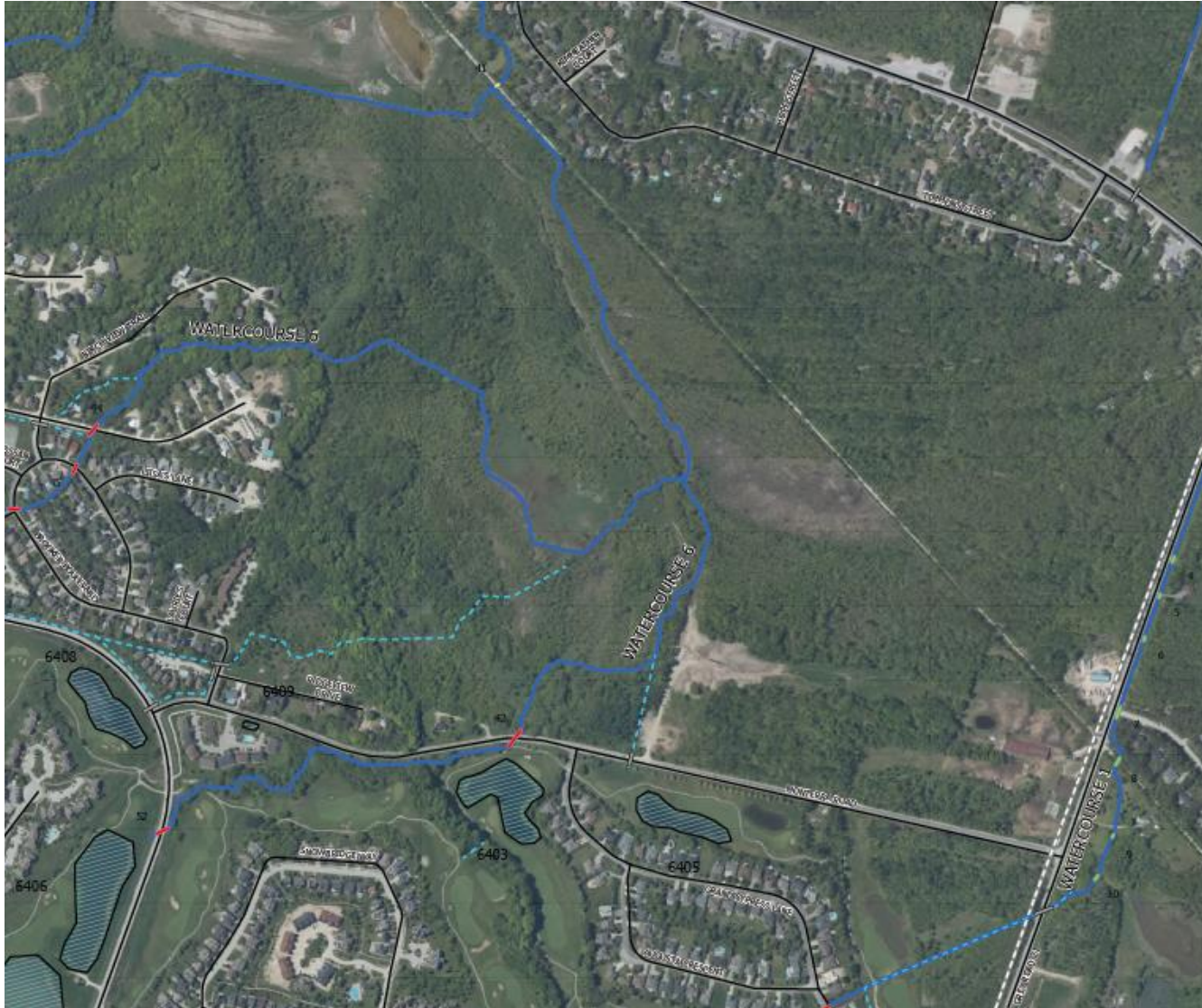
Drainage Master Plan & 302 Grey Road 21



302 Grey Road 21

- Contains 2 branches of W/C 6 with these branches utilized to capture riparian and non-riparian storm water drainage from a very broad area (see next slide).
- Also contains the Town's sanitary trunk sewer, which Tyrolean willingly permitted the Town to construct over 35 years ago. We note that the construction of the sanitary main corrupted natural drainage patterns on the lands.
- Currently receives non-riparian storm water from W/C 1
- A portion of Tyrolean's lands were previously farmed and contained horse trails. Today, due to flooding, both uses are not possible today.
- Prior to enhanced snowmaking at Blue Mountain Resorts, the development of Monterra Golf Course and the development of The Village at Blue, W/C 1 on Tyrolean's lands was effectively a singular overland drainage route for upstream riparian storm flows.

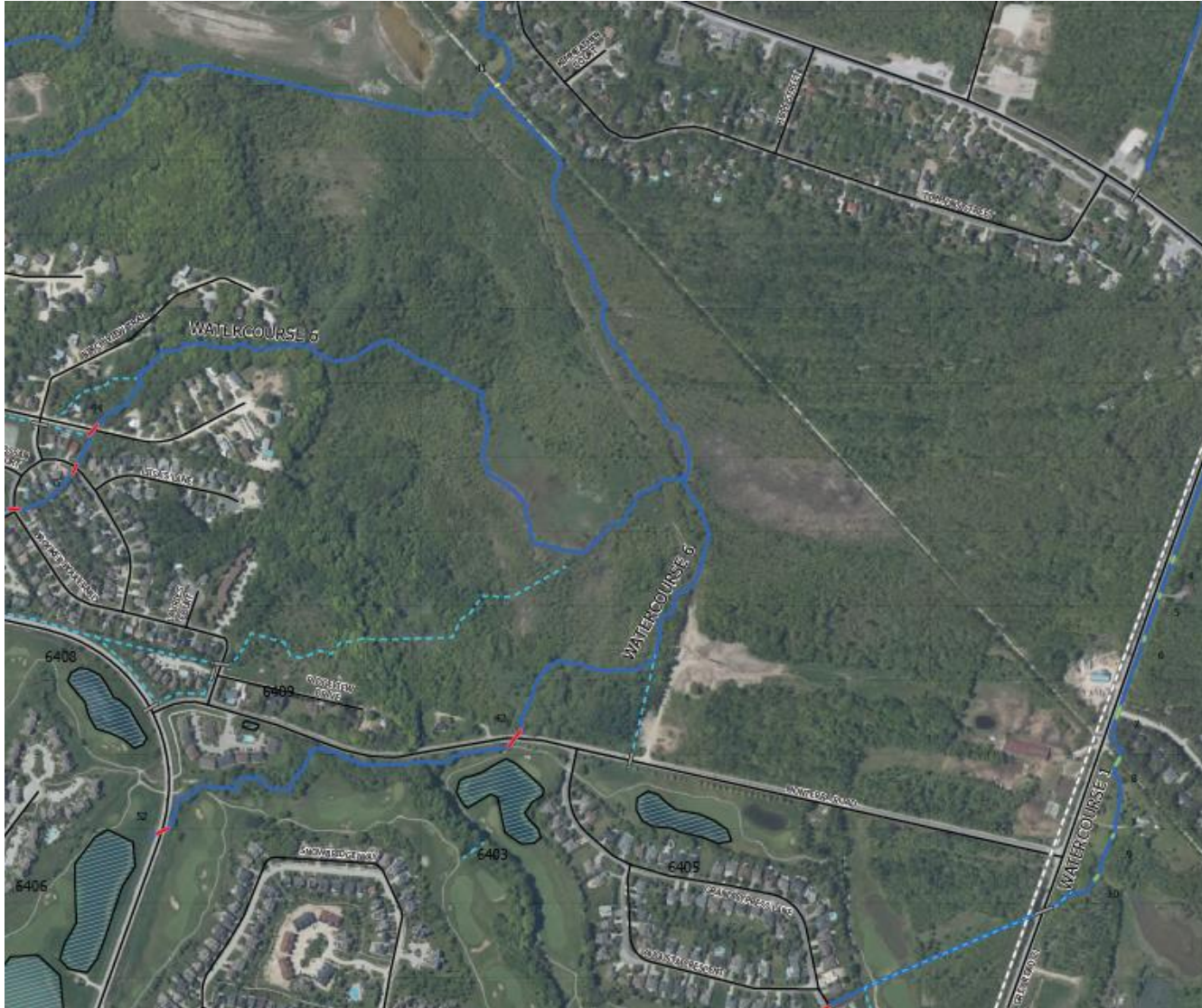
Drainage Master Plan & 302 Grey Road 21



W/C 1

- W/C 1 captures drainage from areas to the south, including the south ski hills at Blue Mountain, the Carmichael and Campbell Crescent areas, the upper Crosswinds Blvd area and Monterra Golf.
- W/C 1 has experienced multiple flooding events over the past number of years where the drainage channel on Hole #7 on the Monterra Golf Course is overwhelmed by storm water and the storm water flows northerly to Monterra Road, overtopping the road and ultimately flooding Tyrolean's lands.
- The cause of the flooding of W/C 1 is attributable in whole or part to water taking and the related snowmaking and Town and County authorized development.
- The DMP preferred solution for this flooding is not to improve the conveyance system of W/C 1, which Tyrolean has been advised is not possible, but to formally divert the storm water onto Tyrolean's lands.
- To convey this storm water onto Tyrolean lands, the DMP proposes the creation of an overland drainage route partially to the north of Monterra Road and related berming. Town staff has advised that the DMP EA would facilitate the expropriation of a portion of Tyrolean's lands.
- It is noted that the DMP does not propose a solution for the full conveyance of storm water through Tyrolean's lands - it proposes to dump the water onto Tyrolean's lands without a formal outlet.

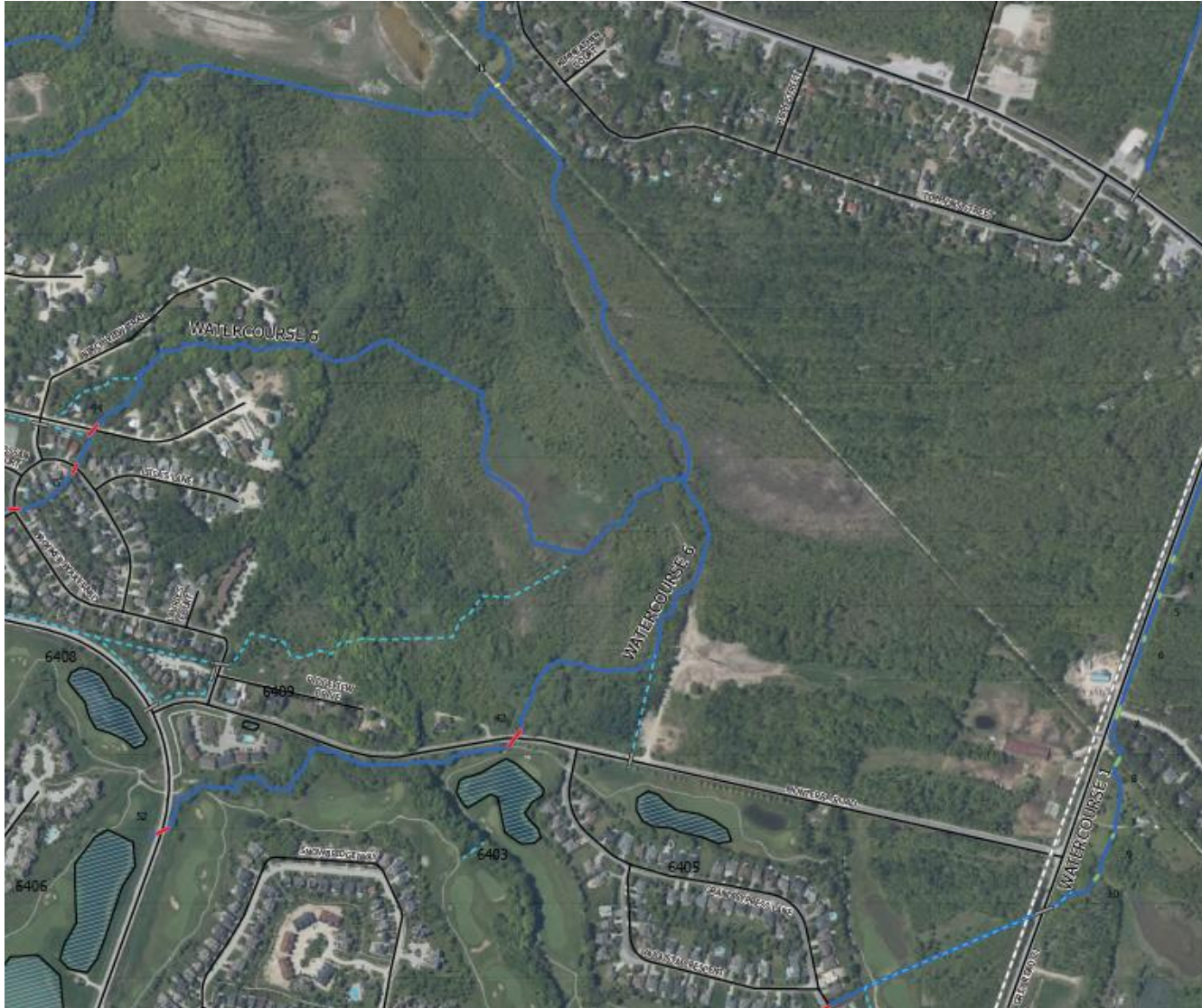
Drainage Master Plan & 302 Grey Road 21



W/C 6

- W/C 6 captures drainage from The Village, The Mill Pond, The Village Area, central ski hills at Blue Mountain, Monterra Golf and Heritage Corners.
- W/C 6 has experienced multiple flooding events over the past number of years where the drainage system on the Monterra Golf Course (Holes 5, 6 and 7) is overwhelmed by storm water with this storm water ultimately being conveyed to Tyrolean's lands by way of Town infrastructure and causing flooding of Tyrolean's lands.
- The cause of flooding of W/C 6 must be attributable in whole or part to water taking and the related snowmaking and development.
- The DMP does not propose a solution to this flooding but does propose enhancements to the Town's drainage system which will address flooding in other areas which, in turn, will facilitate the storm water to flow to Tyrolean's lands in an expedited fashion.
- Town staff have advised Tyrolean that the DMP does not propose a solution for the flooding of Tyrolean's lands from W/C 6, notwithstanding explicit direction from Council and commitments from the Town's lawyer.
- In effect, Tyrolean's lands have become an unimproved regional storm facility for the Town's main economic driver – The Village at Blue and surrounding area and Blue Mountain.

Drainage Master Plan & 302 Grey Road 21



- Most of the drainage now being received by Tyrolean's lands at 302 Grey Road 21 is non-riparian contrary to law.
- Not only have the flows increased but the frequency and duration of storm flows has increased.
- Tyrolean has endeavored to work with Town staff in terms of a solution to the flooding including requesting that the DMP include a project for a formal drainage system to be constructed by others within an easement in favour of the Town on Tyrolean's lands.

Drainage Master Plan & 302 Grey Road 21

- Tyrolean has made numerous submissions to the Town over the past 25 years regarding the flooding of 302 Grey Road 21 from upstream development and water taking and the related snowmaking - all approved/authorized by the Province, County and Town.
- The Province previously recognized the correlation between Blue Mountain's water taking and the flooding of Tyrolean's lands with the Province subsequently imposing conditions on a Water Taking Permit.
- In response to Tyrolean's submissions, the Town (Council, Town staff and the Town's lawyer) has made commitments to resolve the flooding issues on Tyrolean's lands.
- Tyrolean has also met with Town staff and Tatham Engineering on a number of occasions over the past 4 years, attended the 3 PIC's and made numerous submissions to the Town, including volumes of historical documents and photographs demonstrating the commitments made by the Town and the damages suffered due to the flooding of its lands.

Drainage Master Plan & 302 Grey Road 21

- These representations and commitments include:

A commitment from the Town's lawyer to Tyrolean's lawyer dated June 27, 2019, in order to advert litigation related to the Town's role related to the flooding experienced at 302 Grey Road 21 advising that:

"The Town is working on identifying solutions to resolve the drainage issues that have been noted to be associated with your client's subject lands."

"...our plan is that Brian Worsley, the Town's Manager of Development Engineering (who is an experienced Drainage / Stormwater Management Professional Engineer), will be managing a Master Drainage Plan under the Municipal Engineers Association Class EA process. This Master Drainage Plan will define the problem, identify alternative solutions, and select a preferred alternative solution to the identified (flooding) issues."

Drainage Master Plan & 302 Grey Road 21

A commitment made in Staff Report CSOPS.21.075 dated October 19, 2021, indicating that:

Staff recognize the concerns raised by TVR. The drainage area of Watercourse 1 and Watercourse 6 is a complex issue and in response, Staff included in the scope of work for the DMP the requirement to prioritize analysis and recommendations to address stormwater and drainage issues associated with Watercourse 1 and Watercourse 6. A number of alternatives to address localized flooding in this area will be assessed and options will be discussed with TVR, residents and other stakeholders.

Drainage Master Plan & 302 Grey Road 21

Comments made by the Director of Operations at the October 19, 2021, COW Meeting to Council re Items B.8.1 and B.9.1 (starting @ 4:37)

Recognized the concerns raised by Tyrolean, especially those related to W/C's 1 & 6.

Recognized that the issues are well documented

Spoke to DMP EA process and spoke to the concerns raised and that the process would arrive at solutions

Advised the area identified was a priority in the scope of work for the consultant

Indicated that there are solutions that are there and we are looking at them.

Drainage Master Plan & 302 Grey Road 21

In short, in good faith Tyrolean has deferred more serious action for years related to the flooding damages caused by upstream development, water taking and the related snowmaking.

The DMP does NOT propose a solution to the flooding experienced by Tyrolean from W/C 6 notwithstanding commitments made by the Town that the DMP would propose a solution to this flooding.

The DMP proposes a solution to the flooding associated with W/C 1 that involves extensive works on Tyrolean's lands by formally diverting the flows from W/C 1 to W/C 6. This may entail the Town expropriating a portion of Tyrolean's lands.

Town staff have advised that Tyrolean should find comfort in the Town's proposed Development Framework found at page 206 of the DMP however the Development Framework does not address current flooding causes, just future development, and Tyrolean has been advised that it will likely not "stand up" to scrutiny (either before the Ontario Land Tribunal or legally).

Given the commitments made by the Town, Tyrolean has requested that Town and County staff consult with their respective legal counsels in advance of the finalization of the DMP.

Drainage Master Plan & 302 Grey Road 21

Tyrolean respectfully requests that Council:

- Defer consideration of the DMP
- Direct Town staff to report back to Council with recommended solutions to the flooding of Tyrolean's lands at 302 Grey Road 21 from W/C's 1 and 6, including identifying these solutions as a project within the DMP, with it being noted that the solution was previously committed to and directed by Council, Town staff and the Town's lawyer prior to presenting a finalized DMP to Council for consideration.