

From:

To:

Subject:

KOMOKA DRAINAGE WORKS UNION AVE BRANCH COURT OF REVISION APPEAL

Date:

Monday, August 30, 2021 12:19:00 PM

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Hello Everyone,

As requested, I am submitting remarks for the September 8, 2021 Court of Revision for the Union Ave Branch of the Komoka Drain.

I am appealing the assessment on my personal property, roll no. 020-231-02, as well as Campbell Hillview Farm Corporation, roll no. 020-231-01.

We have paid far too much already with respect to this drainage issue. Particularly, for Councillor Cates' benefit, I shall give a short chronological description of this thorn in our sides.

September 20, 2006 attended on-site meeting
November 8, 2006 engineer's report
November 8, 2006 My Mom, sister Lenora and

I sign request not to build on these lots

February 12, 2007 My Mom, sister Lenora and I sent a MXC letter to the OMAFRA tribunal citing Best Management Practices to object to development of these lots.

February 14, 2007 My sister Lenora attended the Tribunal as a witness for former Ward 4 Councillor Ritchie

May 9, 2019 Former Ward 4 Councillor Derek Silva sent me an email to inform me that a petition for drainage works was approved. He also wrote, "There's some debate currently as to whether or not fees may be imposed on upstream landowners, like yourself, but both Mayor DeViet and myself raised concerns over that during yesterday's meeting, noting there's a possibility the prior engineer may be at fault for undersizing the drain and other factors". I delivered a copy of this email to MXC on August 30th.

July 4, 2019 On site meeting for current situation. I sent an email to Council members giving a synopsis of the meeting and indicated

that we told you not to build there and we wanted nothing to do with it.

July 16, 2019 Councillor Aerts drops in and spends two hours reviewing Komoka drainage works.

December 2019 I informed Dan Anderson that the two CPR culverts have been blocked with brush and cement. Guess what - they are still blocked causing backflow erosion on our farm. Perhaps Sections 79 and 80 of the Drainage Act might be enforced.

January 30, 2020 Mr. Bunke's surveyors spook our cattle, causing them to run back into the barn, spook the horses and climb over our fences.

January 31, 2020 Councillor Aerts drops in to discuss the aforementioned incident.

March 7, 2021 Councillor Aerts upsets my thoroughbred in trying to check out the drain.

March 8, 2021 Councillor Aerts telephones at night and wakes me up to discuss the drain.

March 10, 2021 Mr. Bunke provides Council an update on this project. No problem if SWM fees pay for it, but, no, he is going back to the 2006 engineer report and assessing upstream landowners.

March 12, 2021 My sister Lenora has to call an ambulance for me; 3 paramedics advise me to go to hospital because of an abnormal ECG.

March 15, 2021 Make peace with Councillor Aerts and he walks our farm to assess the drainage situation.

August 11, 2021 Provide public comment at reading of engineer's report.

So our animals, our land, and my personal health have paid a great price already for a decision on land we advised you not to

develop.

Just to let you know By-Law Number 2021-076 that you mailed out with the Notice of Sitting of Court of Revision has an error in it. Number 10 refers to the Carpenter Municipal Drain. I believe this is a carryover from your July 14, 2021 meeting.

Today is just not about this project; you have to look at the future. Option 2 of five was selected in this instance, but option 5 costing one half a million dollars was brought to the table. Who knows what will happen down the road.

I do not think it is fair to use a 15-year old schedule of assessment. Mr Bunke completed a new survey of the watershed. Why wasn't the schedule of assessment updated? Since 2006, our Farm has changed in its characteristics: we have planted trees with UTRCA. This now bush land should not be rated with an ag factor of one; it should be less. We also have

wetlands which should not be rated with an ag factor of one as well. One cannot tell from the 2006 report what factors were used for any of the assessments. At least Mr. Bunke explained how he assessed the roads. I do not agree with this assessment as I thought gravel roads (Melrose) got a different assessment than paved (Komoka). The 2006 report did assess Union Ave. 0.001% whereas nothing is assessed in the current report. I suggest you assign our three property assessments to Melrose Drive and Komoka Road. It is worth noting that the soil changes a lot from the highest elevation (278 m) on Melrose to the lowest (246 m) on Union Ave, so I do not think it is fair to use only one runoff coefficient. Why did Mr. Bunke explain the road factor but not the other factors: what did he use for residential use? It appears as if some of the original 2006 assessments were kept the same but not others.

This drain work is the type of problem municipalities encounter when you mix rural

ag drains with urban residential drains. Even the MXC 2020 Stormwater Master Plan for Komoka Drain No. 3 states that "the municipal drains within the settlement area should be abandoned in accordance with the provisions of the Drainage Act. Future drain maintenance should be funded through the stormwater levy". Council approved this plan; it should not be our problem that they do not yet have measures in place to deal with what they passed.

This project should have nothing to do with OMAFRA. We know agricultural lands can apply for a grant, but, this is a special benefit improvement for seven residential houses in the urban area, and gives no benefit to upstream lands; it is not the responsibility of agricultural municipal drainage.

The seven benefitting properties just continue to pay their monthly SWM fees and maybe the cost will be paid off in 50 years. However, what happens the next time? This may not be

just a one time fix as pointed out to Councillor Cates in March.

I have no intention of supporting urban growth in Komoka especially given our history with this development. We shouldn't be expected to pay one cent towards this fiasco.

If the Court of Revision makes a decision today, I hope the members can go to bed tonight with a clear conscience.

Thank you for your time.

Jane Campbell