

Stormwater Management Fee Recalculation for Town of Cobourg



The Town of Cobourg main areas and quadrants.

Introductions

- Colline Bell and Eric Lins: we have owned our property for 15 years where we have raised our children, we work in Cobourg, our parents live in and own properties in Cobourg; we have deep roots in Cobourg and hope that our overall contribution to the Town is recognized
- Discovered we have been charged almost \$1000/yr for stormwater fees; live outside service area, so are not receiving sewer, water, or stormwater management; but taxes have gone up
- I am representing other adversely affected property owners of various types
- Have connected with a group of skilled and knowledgeable Cobourg property owners; we have become a team of Stormwater management “experts” since the SWM billing for December
- We want to effect change to the calculation formula, but respect the need for a stormwater management system that needs to be funded
- We want a way forward that is respectful, amicable and solution based

Previous steps taken to address inequitable stormwater management fee issue:

1. Submitted request for reassessment to MPAC
2. Attempted to contact Laurie Wills, Director of Public Works by phone and email (response received almost two weeks later and after Delegation presentation)
3. Contacted LUSI directly to obtain stormwater fee totals, in absence of notice of assessment
4. Emailed a letter to Mayor and Council to address high fee issue
5. Addressed Mayor Cleveland at “Year in Review”; successfully encouraged other adversely affected property owners to speak
6. Spoke directly with Councillors Mutton, Burchart, Barber, Bureau, Barber, and Deputy Mayor Beatty
7. Had meeting with Mayor Cleveland
8. Circulated petition to “Stop Storm Water Fee Gouge”
9. Directly visited homes of my neighbours; heard stories of stress and upset over excessive fees
10. Presented delegation on Jan 10 to Public Works Standing Committee to request recalculation of stormwater fees for equitable distribution between all property owners in Cobourg

Motion from Jan 10 Standing Committee:

“That the Delegation be received for information purposes and that the staff be requested to review the suggested residential cap of \$200, and report back on impacts to stormwater revenue.”

CONCERN:

If a cap of \$200 on residential properties is studied alone, the conclusion of the report can only be a rejection, as the Town will not achieve its \$1.6 million/year goal.

Goals of Delegation Jan 10, 2024

1. To present petition “Stop Storm Water Fee Gouge by Town of Cobourg”
2. To show the inequity of the current stormwater fee formula that is based solely on property size
3. To demonstrate that larger rural and agricultural properties are part of green stormwater management
4. To provide examples from other municipalities with more equitable distributions of stormwater calculations;
5. To show that \$200/yr for larger homes is in alignment with other municipalities (based on hard surface area)
6. **To request a correction to the current stormwater fee calculation for all property types**

Equitable Fee Distribution



- Distinguish between TAX and FEE
- Recognize Green Infrastructure
- Use correct Run-off Coefficients
- Study Models from other municipalities (tiered rates, flat rates, differential rates)
- Use GIS/Aerial Photography/Mapping Software

Sample of SW Fee Range adversely affecting larger residential and rural/agricultural property owners

Address	Nov/Dec	Yearly
Corner of Danforth and Greer Rd (MPAC #14 21 000260 02300)	\$5000	\$15,000
Nagle Rd	\$1,800	unknown
986 Elgin St E	\$968.98	unknown
1032 Elgin St E	n/a	\$2,000
995 Elgin St E	\$638.26	unknown
8943 Danforth Rd	\$615	unknown
256 Burnham St	\$390 (Nov), \$310 (Dec)	unknown
9138 Danforth Rd	\$333	\$1,000
1859 Workman Rd	\$321.32	unknown
8817 Danforth Rd	\$318	\$954

Sample of Stormwater Fees of “average” properties

Location	Yearly Fee
214 Perry St	\$120
Ontario St S	\$60
Average Home in Parkview Hills Subdivision	\$35

Fee vs Tax

- “For an Ontario Municipal government, a user fee can only be charge in exchange for specific service offered to the person paying the fee...the City [cannot] charge one person a fee for a service it provides to someone else”

Note:

- Service should be “offered”
- Can’t charge for future homes on land where you might hope to have subdivided (service for someone else)

<https://spacing.ca/toronto/2014/01/14/difference-fee-tax-city-governments/#:~:text=Nor%20can%20the%20City%20charge,can%20spond%20however%20we%20wish.>

- “A tax, by definition, is a payment in return for which no direct and specific *quid pro quo* is rendered to the taxpayer.”
- Taxes are collected for the “common good”

Note:

- Property taxes increase the Trillium Benefit for low- and middle-income earners

<https://www.economicdiscussion.net/difference-between/difference-between-tax-and-fees/17448>

The Difference Matters!

If Cobourg's stormwater charge is a fee, it must be based on usage.

If Cobourg's stormwater charge is a tax, it must be rated equitably.

Either way, the collection of money should not have disproportionate financial impact to any property owners.

While using property size and type may be part of the calculation method, other factors should be included to be fair and equitable.

For example:

- Use hard surfaces to calculate runoff coefficient for all properties
- Recognize that larger properties have a much lower runoff coefficient than is represented in Bylaw 048-2022, and they reduce the town's cost for stormwater management

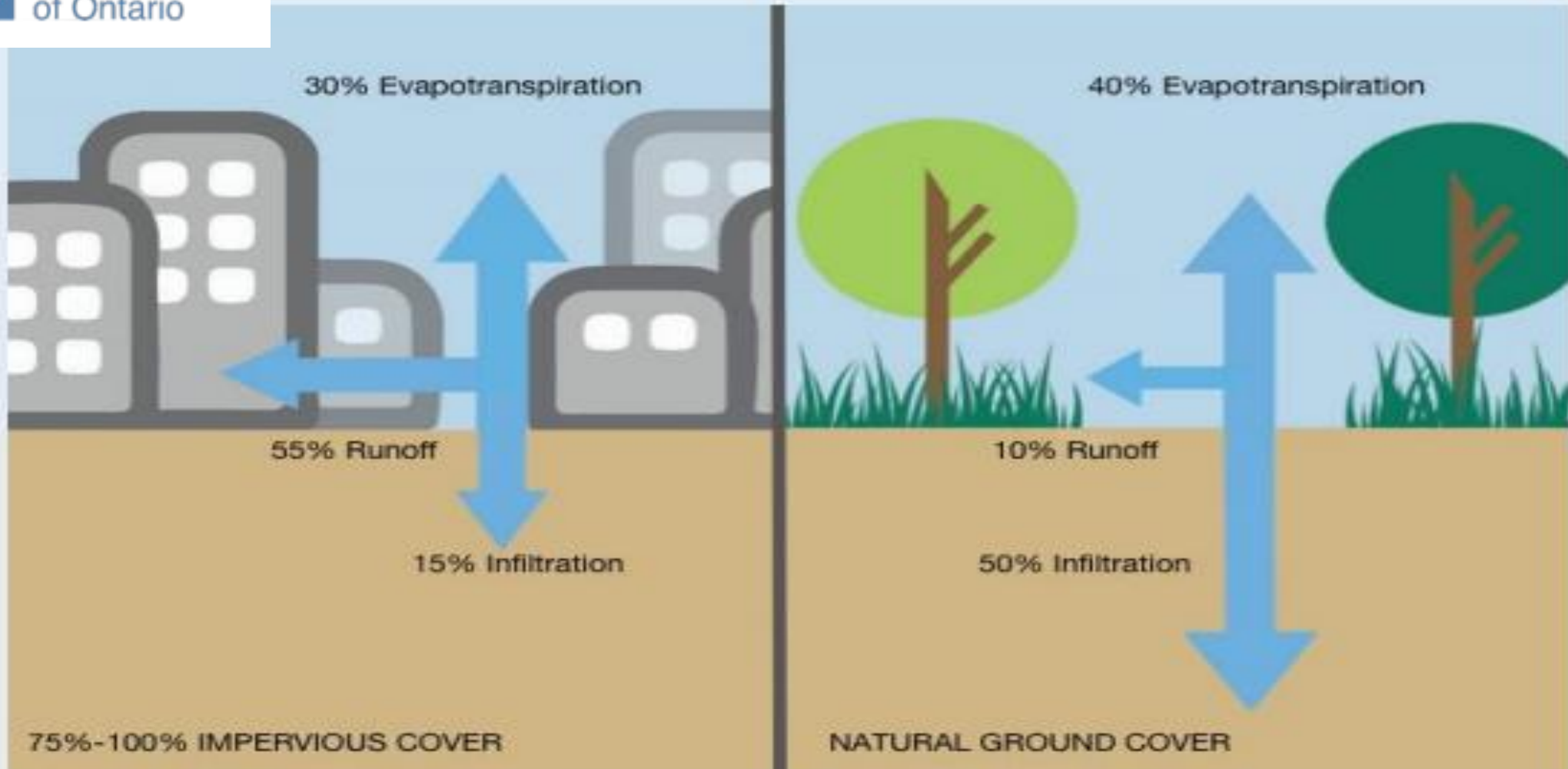


Figure 1: Natural and urban water cycles (Source: Kawartha Conservation).

Grey vs. Green

“...green infrastructure and low impact development practices aim to keep and treat stormwater at its source as a valuable resource. Examples of green infrastructure include **urban forests and wetlands**. Low impact development practices include **rain gardens, rain barrels and permeable pavement**.”

More recently, green infrastructure and low impact development have been recognized as powerful tools to manage stormwater with reduced costs, increased climate resilience, greater biodiversity and other benefits, including:

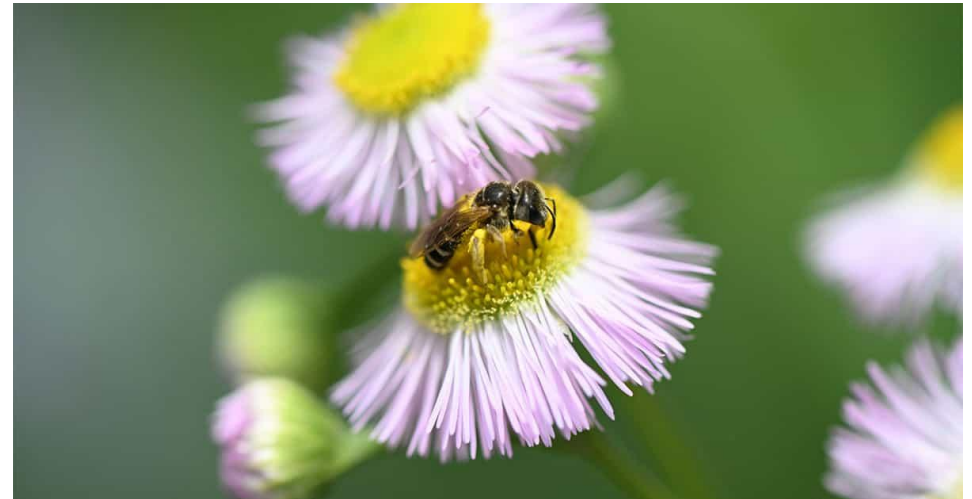
- Reducing combined sewer overflows;
- Lowering pollutant loads;
- Mitigating flood risk;
- Recharging groundwater;
- Providing adequate water for local trees and other vegetation;
 - Reducing water consumption (e.g., rainwater harvesting);
 - Reducing the heat island effect;
- Reducing ozone and particulate pollution levels;
- Improving aquatic and terrestrial habitat;
- Improving habitat connectivity;
- Restoring and enhancing public recreational spaces (e.g., parks);
- Increasing property values.”

Cobourg’s larger properties should be recognized for their contribution to stormwater management (natural assets)

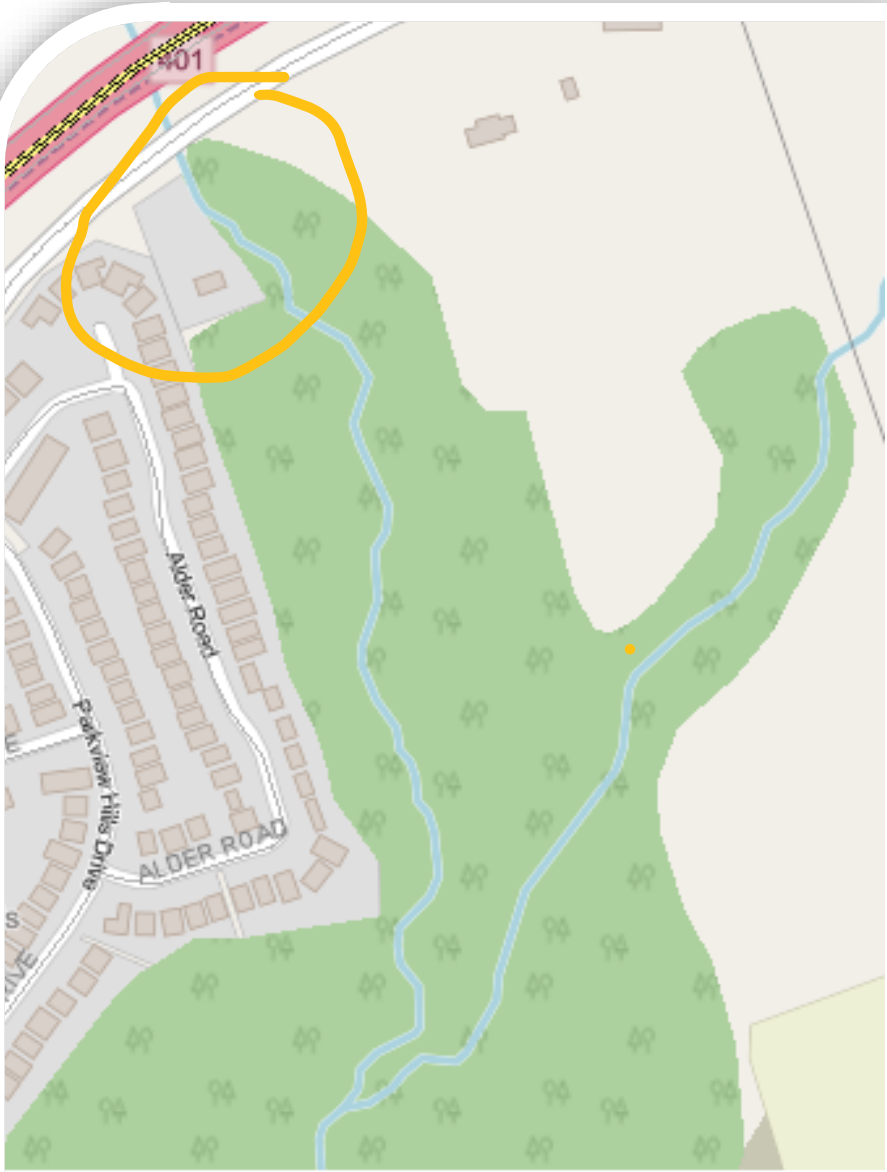
<https://www.auditor.on.ca/en/content/reporttopics/envreports/env16/Urban-Stormwater-Fees.pdf>

Incentivize green stormwater management practices for all properties in Cobourg

Everyone benefits!



8817 Danforth Rd – 2.6 acres; NATURAL STORMWATER MANAGEMENT ASSET



- Much of property has natural ground cover (grass, 18 gardens, woods)
- Property is happily shared with native plants and animals; Nickerson Woods is a Flicker migration zone
- We have planted over 500 native trees purchased from GRCA
- Midtown Creek runs north to south; floodplain/ environmentally sensitive/ natural heritage designation
- Limited ability to develop this land for additional housing due to environmental constraint



Paradigm shift:

- count green infrastructure as part Town's asset management
- reward/recognize properties that maintain green infrastructure

Case Study – Town of Gibbons, BC Integrated Stormwater Management Plan

Partnership in Water Sustainability

An integrated stormwater management plan (ISMP) is a comprehensive study that examines the linkages between drainage servicing, land use planning and environmental protection. Its purpose is to support the growth of a community in a way that maintains or, ideally, enhances the overall health of a watershed.

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How are other municipalities
equitably distributing
Stormwater Management Fees?

Municipality	Fee Formula (using aerial photography, and mapping software)	Highest Residential Rate (single and semi-detached home)	Other Considerations
Ottawa	<ul style="list-style-type: none"> Total estimated hard surface (rooftop, driveways, etc.) Tiered by residential type (apartment/townhouse/detached home) 	\$187.42/yr	Agriculture is exempt
Guelph	<ul style="list-style-type: none"> Average hard surfaces Single flat Fee 	\$84/yr	Agriculture only charged for impervious area
Mississauga	<ul style="list-style-type: none"> Five tiers (smallest to largest) based on rooftop size; flat rate within tier 	\$198.56/yr	Agriculture has subsidy based on MPACE designation
Brampton	<ul style="list-style-type: none"> Five tiers (smallest to largest) based on rooftop size; flat rate within tier 	\$160.20/yr	Has differential rates for agriculture, conservation areas and some institutions
Vaughan	<ul style="list-style-type: none"> Tiered rate based on residential density 	\$231.62/yr	Residence in high density pays more than residence in low density (opposite Cobourg, based on property size) Flat rate for agriculture (\$736/yr)

Many Canadian municipalities to study

Community	Province	Type of Stormwater Fee
Halifax	Nova Scotia	Equivalent Residential Unit (ERU)
London	Ontario	Fee based on Property Size
Aurora	Ontario	Flat Rate (per unit)
St. Thomas	Ontario	Flat Rate
Kitchener	Ontario	Single Family Residential Unit (SFRU)
Markham	Ontario	Residential / Non-residential flat rate*
Mississauga	Ontario	Single Family Residential Unit (SFRU)
Newmarket	Ontario	Development Intensity & Property Size
Waterloo	Ontario	Tiered Flat Rate
Richmond Hill	Ontario	Tiered Flat Rate
Guelph	Ontario	Equivalent Residential Unit (ERU)
Regina	Saskatchewan	Flat Rate (based on property size)
Saskatoon	Saskatchewan	Equivalent Residential Unit (ERU)
Calgary	Alberta	Flat Rate
Edmonton	Alberta	Intensity Factor & Runoff Coefficient
Saint Albert	Alberta	Flat Rate
Strathcona County	Alberta	Flat Rate
Langley	British Columbia	Stormwater Levy*
Pitt Meadows	British Columbia	Flat Rate
Richmond	British Columbia	Flat Rate
Surrey	British Columbia	Flat Rate
Victoria	British Columbia	Impervious Area
West Vancouver	British Columbia	Tiered Flat Rate
White Rock	British Columbia	Runoff Factor & Annual Flat Rate

<https://institute.smartprosperity.ca/canadian-stormwater-user-fees>

CALL FOR ACTION:

Study effects of a \$200 cap for residential properties within a framework of fee recalculation that additionally includes:

- Creating rates that reflect actual usage of Cobourg stormwater management structure (consult other municipalities)
- Recognizing that larger properties reduce stormwater management costs for the Town, so should not be penalized
- Incentivizing green stormwater management practices
- Equitably distributing fees between Cobourg taxpayers to mitigate disproportionate financial harm

Resources (in order of presentation)

1. [Stop Storm Water Fee Gouge by Town of Cobourg Petition](#)
2. <https://spacing.ca/toronto/2014/01/14/difference-fee-tax-city-governments/#:~:text=Nor%20can%20the%20City%20charge,can%20spend%20however%20we%20wish.>
3. <https://www.economicdiscussion.net/difference-between/difference-between-tax-and-fees/17448>
4. <https://www.auditor.on.ca/en/content/reporttopics/envreports/env16/Urban-Stormwater-Fees.pdf>
5. <https://waterbucket.ca/wscblog/2019/02/12/improving-where-we-live-town-of-gibsons-on-bcs-sunshine-coast-is-a-living-lab-for-the-whole-system-water-balance-approach/>
6. <https://ottawa.ca/en/living-ottawa/water-utility-bills/understand-your-water-utility-bill#section-c9857f4e-50f6-4f2f-8f60-187868f06c3b>
7. <https://guelph.ca/living/environment/water/water-rates/>
8. <https://www.mississauga.ca/services-and-programs/home-and-yard/stormwater/stormwater-charge/>
9. <https://www1.brampton.ca/EN/residents/Stormwater/Pages/Stormwater-Charge.aspx>
10. <https://pub-brampton.escribemeetings.com/filestream.ashx?DocumentId=53941#:~:text=In%20accordance%20with%20the%20Stormwater,all%20working%20farms%20in%20Brampton>
11. <https://www.vaughan.ca/residential/water-wastewater-and-stormwater/water-services/water-rates-and-billing-information>
12. [Smart Prosperity Institute](#)