

Council Members,

The Ontario Municipal Act, 2001, allows for stormwater fees but does not address implementation. Nevertheless, the Ministry of Environment's Stormwater Management Planning and Design Manual, 2003, prizes protection of groundwater discharge areas. These reports provide guidance for implementation that relates to taxpayer cost/benefit and particularly target impervious surfaces that exacerbate peak flow. Best practices promote the encouragement of landowner efforts to curb peak flow through a rebate mechanism, which is conspicuously absent from Cobourg's Stormwater Management Bylaw 048-2022.

In contrast to implementations elsewhere, Cobourg ventured *ultra vires* into abuse of the Eurig principle: the nexus between cost of service and amount charged, violating even Bylaw 048-2022's stated intent.

In a public council meeting Mayor Cleveland stated his approval of extortionate fees on the Woodward agricultural property in particular by inexpertly valuing it as having a future development value at \$35M ([escribemeetings-3:51:47, Jan 31, 2024](#)). Mayor Cleveland champions the stormwater charge as an appropriate tax on unrealized gains. A deliberately sale-inducing \$30K fee and a \$100 fee for similar service costs are labeled "equitable". There is also the chilling legal precedent of stormwater fees applied to farmland that demonstrates a money grasping lack of comprehension of priority within modern society. Farmers feed families.

In the case of Blairhill Estates on Elgin St E, the value has been proven to be closer to \$1M before taxes, specifically due to the devaluing effect of the town's proposed Nagle Rd alignment. The considerable floodplain acreage of the Blairhill and Mistral properties is a stormwater catchment area created in part by the Town's past road and bridge civil engineering, as GRCA's GIS shows. This catchment shelters water from all landowners in the drainage area, while the Town of Cobourg charges Blairhill and Mistral a fee and accordingly devalues their properties by land area.

In addition to devaluing properties, the SWM Billing scheme fails to measure the impervious surface area of properties or offer an appeal/rebate mechanism that accommodates specific circumstance or landowner abatement efforts. Confusing the rain saturation of a residential lawn with the water bio-retention of the rural ecosystem is wilful.

The provincially mandated intent of stormwater fee implementation addresses a 10-year average cost of peak stormwater flow. O.Reg.588/17 dictates core municipal infrastructure assets and their management. Specifically excluded from the class of stormwater management assets are roads, bridges and culverts which are separate stand-alone asset classes (O.Reg: "bien d'infrastructure municipale essentiel"). Where is Cobourg's detailed Asset Management Plan for Stormwater Management Assets on which the insisted upon revenue goal is based?

The stormwater fee is, in fact, a [tax](#) on land area at the expense of the few for the votes of the many, as Mayor Cleveland has specifically [stated on YouTube](#). The mayor conflates the cash flowing American multi-nationals Home Depot (US\$380B) and Walmart (US\$488B) with owners of large inert rural property. The perceived ability to pay should be irrelevant to the appropriateness of the charge calculation.

Overlooked is an elderly resident of east Cobourg, who must pay an extortionate \$5674/yr "fee" on a house he cannot sell. He must wait for the Nagle Interchange expropriation to roll over him.

Bylaw 048-2022 should be in alignment with the advantages listed in the Watson Report (p. 5-1). Currently and curiously, it is at odds with the stated benefits.

The raw ingredients for a successful class action lawsuit are obvious.

Sincerely,

Colline Bell, Andrew Fergusson, on behalf of the Stormwater Citizen's Coalition.