

May 6, 2021

P. Fay, City Clerk
2 Wellington St. W.,
Brampton, ON L6Y 4R2
cityclerksoffice@brampton.ca

Dear Mayor Brown and Council,

Re: Staff Report 2021-03-12

The Ontario Federation of Agriculture (OFA) is the largest general farm organization in Ontario, proudly representing more than 38,000 farm family members across the province. OFA has a strong voice for our members and the agri-food industry on issues, legislation and regulations governed by all levels of government. We are passionate and dedicated to ensuring the agri-food sector and our rural communities are included, consulted and considered in any new and changing legislation that impacts the sustainability and growth of our farm businesses.

Ontario's diverse and innovative agri-food sector is a powerhouse for the province – growing and producing more than 200 farm and food products, fuelling our rural communities and driving the provincial economy by generating more than 860,000 jobs and contributing over \$47 billion to Ontario's annual GDP. We are the leading agricultural advocate for Ontario farmers, their businesses and their communities.

We are writing this letter to request that council amend By-Law 83-2020 to provide a 100% subsidy to all Farm Business Registrants for Stormwater Charges.

This letter will proceed to illustrate the numerous errors, contradictions, and oversights with respect to the stormwater charges as applied to agricultural properties. These include but are not limited to:

- **Agriculture was not consulted at any time in developing the stormwater charges.**
- **These stormwater charges as applied to agriculture do not meet 2 of the 4 stated core principles: linkage between the amount paid and benefit derived from services; and the users' control over charging mechanism. It is also not an equitable or transparent approach.**
- **Brampton's Stormwater Credit does not appear to apply to agricultural properties based on the by-law definitions. If this credit did apply to agricultural properties with credits up to only 50% of the charge and requires reapplication every 5 years, it is still cost prohibitive to farmers. Therefore, it also fails to meet the core principle of the users' control over charging mechanism.**

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- **Other jurisdictions have provided stormwater charge relief, including Mississauga’s 100% subsidy for working farms.**
 - **From an agricultural application, impervious areas are not directly correlated with the amount of stormwater runoff from a property and therefore this is not an appropriate basis of stormwater charges for agricultural properties.**
 - **Recognition by Brampton staff that “Farm properties have larger amounts of natural areas adjacent to, and surrounding the impervious areas on the property, and these may serve to intercept or otherwise reduce the amount of stormwater runoff from these properties.”**

OFA believes that there were both significant flaws and oversights in the development of the current stormwater charges that negatively impact agricultural operations. First is the fact that agriculture was not included, considered or consulted in any way in development of this charge. It is reasonable to assume that due to the very unique nature of agriculture, that a different approach for evaluating agricultural stormwater would have been developed.

The 2019-05-26 Report to Committee of Council “**Brampton Stormwater Management Charge**” by Mr. Michael Heralall states “A user fee tied to the amount of stormwater runoff produced from a property provides an equitable and transparent means of paying for the stormwater management system. It allows for a shift in cost of stormwater management to those that put the most stress on the system, such as large industrial and commercial properties...” However, agriculture is not an industrial and commercial property and including agriculture as industrial/commercial is not appropriate. This is further supported in the conclusion of the Staff Report “Stormwater Charge for Working Farms” dated 2021-03-12 by Mr. Heralall with the statement “Farm properties have larger amounts of natural areas adjacent to, and surrounding the impervious areas on the property, and these may serve to intercept or otherwise reduce the amount of stormwater runoff from these properties.” The proposed user fee as currently established is not equitable and transparent for agricultural operations as it is charging a fee to a property that staff recognizes does not put the most stress on the system.

The Stormwater Charge By-Law itself does not even refer to agricultural properties. Under definitions of By-Law #82-2020, “Non-Residential and/or Multi-Residential property” means a property that contains more than one residential unit and/or contains or is zoned industrial, commercial, or institutional uses. Agriculturally zoned lands are not referred to at any point in the by-law but are rather captured only by the clause 2, “A Stormwater Charge shall be imposed upon all property owners in the City...”.

The development of the Stormwater Charges was to be guided by four core principles as outlined in the 2019-05-26 Report to Committee of Council “**Brampton Stormwater Management Charge**” by Mr. Michael Heralall. The existing approach to stormwater management only meets two of the four core principles: ease of calculation and cost of administration. This approach fails to meet the primary core principle of linkage between amount paid and benefit derived from services, and the users’ control over charging mechanism. The lack of linkage between the amount paid and benefit derived is acknowledged by Mr. Heralall in his 2021-03-12 Report to Council which states “Farm properties have larger amounts of natural areas adjacent to, and surrounding the impervious areas on the property, and these may serve to intercept or otherwise reduce the amount of stormwater runoff from these properties.”

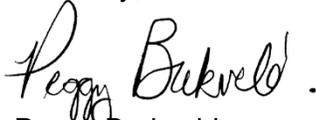
OFA also has considerable concerns specifically with the Staff Report to the Committee of Council “**Stormwater Charge for Working Farms**” dated 2021-03-12 by Mr. Heralall.

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- We believe that the statement “Other municipalities that have implemented stormwater charges in Ontario do not exempt farm properties from stormwater charges” is misleading. It is our understanding that staff was asked to look at “**stormwater charge relief** for working farms” however this report appears to focus on exemptions from this charge. Exemptions are not the only form of stormwater charge relief. For example, Mississauga provides a 100% subsidy to working farms; Richmond Hill applies a single flat rate to residential and farm properties; and in London no stormwater charge is imposed if a property is zoned agriculture, open space or resource extraction.
 - The report points to City of London and Municipality of Middlesex Centre as having a Drainage Superintendent and provisions of the Provincial *Drainage Act*. However, the summary of the application of the *Drainage Act* is incomplete and misleading. First and foremost, the City of London does not impose a stormwater charge to agriculturally zoned properties. Furthermore, a limited number of agricultural properties drain into municipal drains under the Drainage Act, therefore, a majority of agricultural properties in these areas are not paying for stormwater management and it is erroneous to imply that they are.
 - There are contradictory statements within this report. The report states that “Impervious areas are used as the basis for calculation as it is directly correlated with the amount of stormwater runoff from a property.” However, this statement is false from an agricultural perspective, and acknowledged as such by staff in the conclusion of this report with the statement “Farm properties have larger amounts of natural areas adjacent to, and surrounding the impervious areas on the property, and these may serve to intercept or otherwise reduce the amount of stormwater runoff from these properties.” In the case of agricultural properties, impervious area does not directly correlate with the amount of stormwater runoff from a property.
 - While Brampton does have a Stormwater Credit Program, it does not appear to apply to agricultural properties. Clause 5 of the Stormwater Charge By-Law states “The Credit Program provides property owners of Non-Residential and/or Multi-Residential property the opportunity to receive a reduction to their Stormwater Charge for implementing and maintaining stormwater management practices on their property.” However, the definition of Non-Residential and/or Multi-Residential property is “a property that contains more than one residential unit and/or contains or is zoned industrial, commercial, or institutional uses.” Therefore, this Credit Program does not apply to agriculturally zoned properties.
 - Even if the Stormwater Credit Program did apply to agricultural properties, the credit permits a reduction of only 50% of the stormwater charge. The costs associated with applying will be in excess of the credit gained and must be reassessed every 5 years.
 - The author of the report made numerous errors in the paragraph discussing farm property taxes and appears to ignore the fact that farm property taxes, and property taxes in general, are completely irrelevant to stormwater charges. (The 2019-05-26 Report to Council “Brampton Stormwater Management Charges” explicitly states “Property taxes were characterized as being an inequitable approach, based on which property taxes are calculated (market value assessment) bears little connection to the volume of stormwater flowing from the property”).

OFA recommends that the removal of the stormwater charges from agricultural properties is justifiable given the recognition that “Farm properties have larger amounts of natural areas adjacent to, and surrounding the impervious areas on the property, and these may serve to intercept or otherwise reduce the amount of stormwater runoff from these properties.” The current approach to calculating stormwater fees is not defensible on agricultural properties. We recommend that the City remove these stormwater charges from agricultural properties.

Due to the errors, contradictions and inaccuracies that plague Brampton's Stormwater Charge By-law, beginning with the consultants exclusion of agriculture from the very beginning; to the program not meeting 2 of the 4 stated core principles; to a number of substantial errors in application to agricultural properties; and finally errors and incorrect assumptions identified in both Staff Reports presented to the Committee of Council dated 2019-05-23 and 2021-03-12, OFA respectfully requests that you provide a 100% subsidy to Stormwater Charges on agricultural properties.

Sincerely,



Peggy Brekveld
President

cc: Peel Federation of Agriculture