

ONTARIO MUNICIPAL BOARD

1281216 Ontario Inc (Intracorp) has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 270-2004 of the City of Brampton to rezone lands respecting Part Lot 14 and 15ND, Concession 7 from "Recreational Commercial" and "Flood Plain" to "Executive Residential, Valley Land and Parkette " to permit residential uses
OMB File No. PL081113

1281216 Ontario Inc (Intracorp) has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the City of Brampton to redesignate land at Part Lot 14 and 15ND, Concession 7 from "Recreational Commercial" to "Residential" to permit residential developments
Approval Authority File No. CO7E15.009
OMB File No. PL081175

1281216 Ontario Inc. (Intracorp) has appealed to the Ontario Municipal Board under subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from the failure of the City of Brampton to make a decision respecting a proposed plan of subdivision on lands composed of Part of Lot 14 and 15ND Concession 7 in the Town of Brampton.
Approval Authority File No.: 21T-05014B
OMB File No. PL081174

WITNESS STATEMENT

OF

**RYAN NESS, M.Sc., P.ENG.
TORONTO AND REGION CONSERVATION AUTHORITY**

EXHIBIT _____

March 30, 2009

**WITNESS STATEMENT OF
LAURIAN FARRELL, P.ENG., M.L.A.**

Background

This witness statement has been prepared by:

Ryan Ness, M.Sc., P.Eng.
Manager, Water Resources
Ecology Division
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Witness Qualifications

I am a Manager, Water Resources, in the Ecology Division of the Toronto & Region Conservation Authority (hereinafter the “TRCA”) and have been employed by the TRCA since July 2003. My responsibilities include the review of planning-related documents and development applications received by the TRCA for comments pursuant to the planning act; the review of Ontario Regulation 166/06 permit applications pursuant to the Conservation Authorities Act; the preparation of technical comments related to the water resources engineering aspects of the two, and the supervision of water resources engineers and engineers-in-training conducting all of the above.

Prior to my employment with the TRCA, I was employed for approximately 3 years in the land development and water resources engineering consulting sector where I was responsible for the preparation of water resources and stormwater management plans for land development projects as well as design and modeling of stormwater management facilities, culverts, bridges and channels.

I am a licensed Professional Engineer in the province of Ontario, and was granted my license in March 2003.

My curriculum vitae is attached as Attachment ‘A’ to this witness statement.

I am familiar with the proposed plan of subdivision and the associated proposed Official Plan and Zoning By-law Amendments.

Summary of Opinion

Based on the review of the proposed development and the submitted materials, it is my opinion that the appellant has not demonstrated that the stormwater management, erosion and floodplain issues have been adequately addressed. There are several errors and omissions in the supporting documentation and it has not been demonstrated by the proponent that the relevant objectives have been achieved.

Nature of Evidence

My evidence will provide my engineering opinion on Issues #1-3, #8-11 and #19 from the Consolidated Issues List (date) submitted to the Board. In my opinion, insufficient information has been provided in the following areas:

1. Stormwater Management (relating to Issues #3, 8, 9 and 19)

It has not been demonstrated how the existing drainage patterns will be maintained in the post-development condition, and how flows to Tributary 2 will be maintained at current levels. Details, with respect to channel inverts and the elevations of the outlets of the stormwater management facilities and foundation drain collectors, have not been provided to show the feasibility of the proposed drainage scheme.

This information is required to ensure that the function of the stormwater management ponds north of Countryside Drive is maintained. It is important that flows from the existing ponds continue to be conveyed without restriction through the subject site; if this condition is not maintained the quantity control function of the pond will be impaired and the risk of flooding will be increased.

Also, the existing drainage patterns to the two tributaries (and associated flow regimes) should be maintained to support habitat functions, as well as maintaining the fluvial geomorphological characteristics of the channels. Alteration of the flow regimes may lead to unstable channel systems; the consequence of which is eroding stream banks, potential loss of downstream property and costly channel remediation works.

2. Channel Realignment (relating to Issues #1 and 11)

Supporting documentation to explain the variation in the proposed channel corridor width has not been provided. Therefore, the appropriateness of the proposed channel block sizing based on the calculated meander belt width cannot be assessed at this time. In addition, a fluvial geomorphological assessment that describes the potential impacts to the stability of the channel (i.e., potential for erosion) downstream of the proposed development (north of Tortoise Court) has not been provided for review. It has not been demonstrated that the realignment of the two tributaries in their proposed locations (side-by-side) will allow for the two channels to function independently of one another over time (i.e., flows will remain separate and channel banks will not erode thereby connecting the two blocks).

The realignment of the existing channels may lead to the creation of unstable channel systems if not properly designed. The TRCA cannot support the realignment of channels unless it can be demonstrated that the new channel configuration will be dynamically stable. That is to say, the channel will be self-limiting and self-repairing and will not lead to costly erosion protection works to limit loss of land downstream, or channel rehabilitation works to salvage lost aquatic habitat.

3. Floodplain Management (relating to Issues #1, 2 and 11)

The proponent has not demonstrated that the proposed development will not cause adverse impacts due to flooding on adjacent properties, or that the proposed residential lots will be outside of the Regulatory floodplain. Details regarding the impacts of altered grades at the north end of the site and their impact on external drainage flow from lands north of Countryside Road are outstanding. As well, a report detailing the potential impacts to floodlines on the private properties north of Tortoise Court, and mitigation measures has not been provided to date. The flow used to calculate the Regulatory floodplain should be the greater of the 100 year design storm or the Regional Storm. Confirmation that the base mapping used for the hydraulic mapping meets TRCA standards has not been provided.

The accuracy of the Regulatory floodplain is directly related to the use of the correct design storm. If the lesser of the 100 year design storm or the Regional Storm is used to calculate the floodplain, then the development limit will encroach into floodprone areas and the risk to life and property will be greater than allowed under provincial policy. The determination of the correct floodplain is required to assess whether or not the proposed property limits are outside of the flood hazard.

If external drainage from north of Countryside road is not accommodated in the design, flooding along Countryside Road may be increased and the function of the stormwater management facilities north of Countryside Road may be impaired.

It has not been demonstrated that the proposed development will not cause adverse impacts due to flooding on adjacent properties; therefore impacts to the existing homes along Tortoise Court are unknown at this time.

DISCLAIMER

This witness statement has been prepared based on the information available at the time of its preparation, March 30, 2009. If new information is provided prior to the hearing, modifications to this statement may be necessary.

Dated March 30, 2009