



ENGINEER'S REPORT

(Drainage Act, RSO 1990, c. D.17)

PROJECT | **Fulmer Drain Branch and
3rd Concession Road Drain East**
Section 65 Adjustments for Parcel 350-00205
1000293660 Ontario Inc. (Gold Star Farms Inc.)
(Geographic Township of Gosfield South)
Town of Kingsville, County of Essex
Project No. D24-038

October 14, 2025

N.J. Peralta Engineering Ltd.

45 Division Street North

Kingsville, ON N9Y 1E1

519-733-6587

peraltaengineering.com

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(Geographic Township of Gosfield South)
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Mayor and Municipal Council

Corporation of the Town of Kingsville
2021 Division Road North
Kingsville, ON N9Y 2Y9

I. AUTHORIZATION

In accordance with instructions received by email from the Town of Kingsville's Drainage Department, on March 15, 2024, we have made all of the necessary investigations and determinations for the preparation of a report, in accordance with Section 65 of the "Drainage Act, RSO 1990, Chapter D.17, as amended 2021". This report addresses adjustments to the Value of Outlet for Parcel 350-00205, owned by 1000293660 Ontario Inc. (Gold Star Farms Inc.), to reflect their utilization of the Fulmer Drain Branch for the change in land use, together with an adjustment in affected area and total flow volumes from this parcel due to the greenhouse development on the site. This report also addresses the adjustment to the Value of Outlet within the above-mentioned parcel area for the 3rd Concession Road Drain East as a result of the said development.

Our appointment to deal with this request, where "the nature or extent of the use of a drainage works by land assessed for the drainage works is subsequently altered", is in accordance with and pursuant to Section 65 (3) and 65 (4) of the "Drainage Act, RSO 1990, Chapter D.17, as amended 2021". We have inserted herein a copy of Section 65 for reference purposes, labelled **Appendix "A"**. We have therefore performed all of the necessary research, investigations, and review of all pertinent documentation for the carrying out of our study and we report thereon as follows.

II. INTRODUCTION

Within the governing By-law of a Municipal Drain, schedules of assessments are included to assess costs for the initial construction and future maintenance of the drainage system. These assessments are based on the land use and drainage patterns of the lands within the drain's watershed at the time when the by-law was created. When these lands are subsequently altered, or when additional area is added/removed

from the system, these changes are not properly reflected by the Schedule of Assessment contained within the governing By-law. As such, it is necessary to make adjustments to the parcel's assessment as required to fairly distribute future maintenance costs.

With land development, the natural movement of stormwater is disrupted, resulting in increased runoff from the developed site. Stormwater Management (SWM) facilities are implemented to control discharge from areas with increased runoff and to restrict peak flows to pre-development rates. However, the increased impermeable surface area generates a greater total volume of runoff, which is stored in SWM facilities before being slowly released into the receiving drains over an extended period. As a result, SWM facilities contribute higher total volumes of water to the receiving drains. This extended duration of flow increases saturation and direct erosion along the drain bottom, which is considered an "injuring liability" to the Municipal Drain. Over time, this accelerated wear reduces the service life of the drainage system and leads to more frequent maintenance requirements and increased overall maintenance costs.

As a result of the development, the outlet assessment for the affected parcel requires adjustment to reflect the change in land use. Pursuant to Section 23 of the *Drainage Act*, the increased volume of artificial runoff generated by the stormwater management system has been considered and incorporated into the revised outlet assessment applicable to the lands serviced by the system. These adjustments are being prepared and formalized through this Section 65 Report under the *Drainage Act, R.S.O. 1990, Chapter D.17, as amended 2021*.

III. BACKGROUND

Prior to the preparation of this report under Section 65, the Owner (1000293660 Ontario Inc.) submitted a formal application to the Town of Kingsville to consolidate former Parcels 350-03700 and 350-03720, both of which it owned. The consolidation has since been completed. Accordingly, for the purposes of this report, the overall property is referenced as Parcel 350-00205, owned by 1000293660 Ontario Inc.

From work carried out on behalf of the Owner, we have established the area within Parcel 350-00205 that is to be developed and will result in an increased total flow volume to the Fulmer Drain Branch. Furthermore, the proposed work within said parcel is intended to collect runoff within the developed area that was originally assessed to the 3rd Concession Road Drain East and divert this runoff directly to the Fulmer Drain Branch. Therefore, we have established the reduction of the affected area contributing to the 3rd Concession Road Drain East. Work on the parcel has already included the approval of a Site Plan, and a Stormwater Management (SWM) Report, which has been prepared for both the Phase 1 greenhouse (already constructed) and Phase 2 greenhouse (to be constructed), representing the full buildout of the site. This SWM Report has been reviewed and approved by the Town.

Based on the reference information obtained from the Town's Drainage Department related to the associated Municipal Drains, we wish to make reference to the following By-Laws:

- Fulmer Drain Branch - We find that the current governing By-Law No. 451 and Engineer's Report for the "Fulmer Drain Branch" was prepared on January 15th, 1982, by W. Settingington, P.Eng.

- 3rd Concession Road Drain East - We find that the current governing By-Law No. 70A-1990 and Engineer's Report for the "3rd Concession Road Drain East" was prepared on September 14th, 1990, by L. Zarlenga, P.Eng.

IV. EXISTING DRAINAGE CONDITIONS

From our review of the Stormwater Management (SWM) design completed to date and currently being carried out on behalf of 1000293660 Ontario Inc. (Gold Star Farms Inc.), we were able to establish the overall parcel areas affected by this development.

From our review of the latest Engineer's Report on the Fulmer Drain Branch, prepared on January 15th, 1982, by W. Settingington, P.Eng., together with the Engineer's Report on the 3rd Concession Road Drain East prepared on September 14th, 1990, by L. Zarlenga, P.Eng., we were able to determine which areas within the affected parcel are currently assessed to and use each of these drains as an outlet.

The original subject parcel, which is located within Part of Lot 6, Concession 2, was assessed partially to the Fulmer Drain Branch (45.05 ac.), and partially to the 3rd Concession Road Drain East (5.65 ac.).

Based on the SWM Report, all of the areas previously assessed to the 3rd Concession Road Drain East are proposed to be diverted away from that drain and redirected to the existing stormwater management pond located at the south end of the property, where flows will discharge into the enclosed Fulmer Drain Branch.

Based on the above research and investigations, we have prepared plans labelled herein as **Appendix "B"** which show:

1. The boundary of the affected Parcel 350-00205.
2. The proposed greenhouse development and stormwater management pond.

V. ALLOWABLE RELEASE RATES AND STORMWATER MANAGEMENT

General

The SWM Report prepared by our office and submitted to the Town will clearly demonstrate that stormwater management practices are intended to serve the development on this parcel. Under no circumstances should the additional runoff volumes be permitted to enter the receiving drain unless adequate SWM controls are in place. The SWM system for the development site must restrict discharge to the pre-development flow rate or as otherwise governed by applicable SWM regulatory provisions.

The Town should not consider allowing any increase in total flow volumes to the receiving drainage system unless this condition is met. Where proper SWM facilities are implemented to limit flows to the allowable release rate, the resulting discharge will not adversely affect the capacity of the receiving drain.

Stormwater Management Reports shall be prepared for any proposed development, reflecting the allowable release rate, and shall be submitted to the Municipality and the Essex Region Conservation Authority (ERCA) for review and approval prior to the commencement of any works.

Project Site

With respect to the Gold Star Farms Inc. development, all flows from the greenhouse operation will be collected and conveyed to a stormwater management (SWM) pond located along the south limit of the parcel. The development has been designed so that all runoff is contained within the subject lands and directed to this SWM pond. The pond will discharge to the Fulmer Drain Branch at the southwest corner of the property.

The SWM system has been designed to ensure that the allowable release rate into the Fulmer Drain Branch does not exceed this parcel's proportional share of the covered drain capacity, based on its original assessed contribution to the system. As such, the greenhouse development will not impose any adverse impacts on the drainage system.

Based on our review, it is reasonable to allow the increased total flow volumes from the greenhouse parcel, provided that the required SWM controls are in place and maintained. This condition would also apply to any future expansions of the greenhouse facility.

VI. SUBSEQUENT CONNECTION / DISCONNECTION CHARGES

3rd Concession Road Drain East

Our investigations determined that Parcel 350-00205 has a portion of its lands that currently drains to the 3rd Concession Road Drain East. As established through the governing report of the 3rd Concession Road Drain East, the subject property was previously assessed 5.65 acres. Through development, the entire area shall be subsequently disconnected and diverted to the Fulmer Drain Branch. A decrease or removal of parcel area may result in a refund to the affected parcel for the area being removed from the drain, based on the remaining life of any recent maintenance work carried out on the Municipal Drain. Based on the Town's drainage records, there have been no tangible maintenance works performed on the 3rd Concession Road Drain East in quite some time. Therefore, there is no residual value remaining on maintenance or improvement work previously performed on this Municipal Drain, and a refund is not required at this time. However, when maintenance is performed on the 3rd Concession Road Drain East in the future, the Town shall utilize the details outlined in this report to assess the appropriate share of the maintenance costs on this Municipal Drain, based on the decreased affected area, together with the change in land use.

Fulmer Drain Branch

As previously noted, the affected areas from Parcel 350-00205 will be removed from the 3rd Concession Road Drain East and redirected to the Fulmer Drain Branch. Historically, this parcel was assessed for 45.05 acres to the Fulmer Drain Branch. However, with the development of these lands, the entire 50.65 acre parcel will now discharge to the Fulmer Drain Branch.

This increase in assessed area, along with the change in land use, may typically result in buy-in charges for the additional flow volumes entering the Municipal Drain, calculated based on the remaining life of any recent drainage works. Based on the Town's drainage records, no recent maintenance or improvement works have been undertaken on the Fulmer Drain Branch. As such, there is no remaining residual value to recover, and a buy-in charge is not required at this time.

However, when maintenance is performed on the Fulmer Drain Branch in the future, the Town should apply the assessment details and land use adjustments identified in this report to allocate the appropriate share of maintenance costs to this Municipal Drain based on the increased affected area and change in land use.

Summary

Based on the revised areas of the parcel affected by each of the associated Municipal Drains, and considering the remaining lifespan of any maintenance works, the subject property would typically be subject to reconciling previously assessed costs related to its impact on the receiving drains. However, as no tangible maintenance work has been undertaken on either Municipal Drain, no buy-in or credit adjustments are required as part of the connection or disconnection.

VII. ASSESSMENT FOR FLOW VOLUMES

3rd Concession Road Drain East

With the removal of the affected area from the 1000293660 Ontario Inc. (Gold Star Farms Inc.) parcel to the 3rd Concession Road Drain East, the decrease in total flow volume from these parcels would have no adverse effect on the capacity of the 3rd Concession Road Drain East. If the Town of Kingsville is prepared to approve the decrease in total flow volumes from the 1000293660 Ontario Inc. (Gold Star Farms Inc.) development into the 3rd Concession Road Drain East, an update to the assessments is to be established by the Engineer and be charged entirely to the owners of the affected lands. Section 65(4) of the "Drainage Act, RSO 1990, Chapter D.17 as amended 2020" requires that *"If an owner of land that is assessed for a drainage works subsequently disconnects the land from the drainage works, the clerk of the local municipality in which the land is situate shall instruct an engineer in writing to inspect the land and determine the amount by which the assessment of the land should change."*

The decrease in Value of Outlet Liability charge to the owner of the affected parcels should be based on the decrease in total flow volumes from the already assessed portions to the 3rd Concession Road Drain East.

Fulmer Drain Branch

With the implementation of SWM controls limiting the peak outflows into the Fulmer Branch Drain to pre-development affected area, together with its associated flow rates (or less), the increase in total flow volume from the property would have no adverse effect on the capacity of the Fulmer Drain. Therefore, based on the condition, we find that the Fulmer Drain has the ability to accept the additional total flow volumes from within the affected parcel.

If the Town of Kingsville is prepared to approve the increased total flow volumes from the 1000293660 Ontario Inc. (Gold Star Farms Inc.) development into the Fulmer Drain, an update to the assessments is to be established by the Engineer and charged entirely to the Parcel. Section 65(3) of the “Drainage Act, RSO 1990, Chapter D.17 as amended 2020” requires that *“where the nature or extent of the use of a drainage works by land assessed for the drainage works is subsequently altered, an engineer appointed by the Municipality for the purpose shall make an inspection and assess the land for a just proportion of the drainage works”*. From our investigations on the Town’s drainage files, we have determined that the drainage works associated with the subject parcel must be assessed for a just proportion in the Fulmer Branch Drain. The increased Value of Outlet charge to the affected property should be based on the increased total flow volume from the already assessed portion to the Fulmer Branch Drain.

VIII. ASSESSMENT ADJUSTMENTS FOR TOTAL FLOW VOLUMES

We find that the Parcel affected in the January 15th, 1982, Fulmer Drain Branch report and Schedule of Assessment, owned at the time by John Stupavsky, should have its “Value of Outlet” and “Total Value” amounts adjusted to reflect the increased total flow volume from the greenhouse development. The “Value of Benefit” for this parcel will remain unchanged from its portion of the value shown in the 1982 report and assessment schedule.

In addition, we find that the parcel affected in the September 14th, 1990, 3rd Concession Road Drain East report and Schedule of Assessment, owned at the time by John and Susan Stupavsky, should have its “Value of Outlet” and “Total Value” amounts adjusted to reflect the decreased total flow volume that will result from the removal of the affected area on the parcel. The “Value of Benefit” for this parcel will remain unchanged from its portion of the value shown in the 1990 report and assessment schedule.

IX. FUTURE MAINTENANCE CHARGES

Based on the changes to the parcel’s drainage patterns and our review of the proposed areas of the development, we find that the following adjustments should be made to the corresponding assessment schedules for the “Value of Outlet” and “Total Value” within the respective governing By-Law working spreadsheets, under the following sub-heading:

Fulmer Drain Branch - By-Law No. 451

Description	Original Acres Affected	Original Value of Outlet	Original Total Value	Updated Acres Affected	Updated Value of Outlet	Updated Total Value
1000293660 Ontario Inc						
Parcel 350-00205	45.05	\$ 2,548.00	\$ 3,641.00	50.65	\$ 4,108.00	\$ 5,201.00
UPDATED TOTAL ON LANDS					\$ 11,706.00	\$ 22,622.00
UPDATED TOTAL ASSESSMENT					\$ 11,953.00	\$ 23,313.00

3rd Concession Road Drain East - By-Law No. 70A-1990

Description	Original Acres Affected	Original Value of Outlet	Original Total Value	Updated Acres Affected	Updated Value of Outlet	Updated Total Value
1000293660 Ontario Inc						
Parcel 350-00205	5.65	\$ 49.00	\$ 90.00	0.00	\$ 0.00	\$ 41.00
UPDATED TOTAL ON LANDS					\$ 3,706.00	\$ 9,651.00
UPDATED TOTAL ASSESSMENT					\$ 4,231.00	\$ 10,651.00

Based on the above details, we recommend that the values in the governing Schedules of Assessment, as contained within the current By-law, be amended to reflect the updated values noted herein. We further recommend that these updated values be applied by the Town of Kingsville and collected from the affected parcel on a pro-rata basis only at the time of future maintenance or repairs to these Municipal Drains, in accordance with Sections 65(3) and 65(4) of the Drainage Act, RSO 1990, Chapter D.17, as amended 2021.

X. SUMMARY AND RECOMMENDATIONS

As established herein, we have reviewed the affected Municipal Drains and determined the required changes to the drainage assessments for Parcel 350-00205 resulting from its development and the associated connections and disconnections to the Municipal Drains, as outlined in **Appendix "B"**.

We have also established updated Value of Outlet charges to be applied to Parcel 350-00205, representing its proportional contribution to each Municipal Drain for future maintenance purposes. Although lands have been reallocated between the affected drains, no buy-in or credit adjustments are required, as no recent tangible maintenance works have been undertaken on either system.

Based on the foregoing, we recommend that the Town of Kingsville accept the revised drainage assessments for Parcel 350-00205 related to both the Fulmer Drain Branch and the 3rd Concession Road Drain East, subject to adherence to the conditions outlined in this report. We further recommend that 100% of the costs associated with the preparation of this report be assessed to Parcel 350-00205.

Should you or Council have any questions regarding this change in assessment, please do not hesitate to contact our office.

All of which is respectfully submitted,

N.J. PERALTA ENGINEERING LTD.



Antonio B. Peralta, P.Eng.
 ABP/kk

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APPENDIX "A"

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SPECIAL PROVISIONS

Changes in assessment

Subsequent subdivision of land

65 (1) If, after the final revision of an engineer's assessment of land for a drainage works, the land is divided by a change in ownership of any part, the clerk of the local municipality in which the land is situate shall instruct an engineer in writing to apportion the assessment among the parts into which the land was divided, taking into account the part of the land affected by the drainage works. 2010, c. 16, Sched. 1, s. 2 (26).

Agreement on share of assessment

(2) If the owners of the subdivided land mutually agree on the share of the drainage assessment that each should pay, they may enter into a written agreement and file it with the clerk of the local municipality and, if the agreement is approved by the council by resolution, no engineer need be instructed under subsection (1). 2010, c. 16, Sched. 1, s. 2 (26).

Subsequent connection to drainage works, etc.

(3) If an owner of land that is not assessed for a drainage works subsequently connects the land with the drainage works for the purpose of drainage, or if the nature or extent of the use of a drainage works by land assessed for the drainage works is subsequently altered, the clerk of the local municipality in which the land is situate shall instruct an engineer in writing to inspect the land and assess it for a just proportion of the drainage works, taking into account any compensation paid to the owner of the land in respect of the drainage works. 2010, c. 16, Sched. 1, s. 2 (26).

Subsequent disconnection from drainage works

(4) If an owner of land that is assessed for a drainage works subsequently disconnects the land from the drainage works, the clerk of the local municipality in which the land is situate shall instruct an engineer in writing to inspect the land and determine the amount by which the assessment of the land should change. 2010, c. 16, Sched. 1, s. 2 (26).

Restriction on connection or disconnection

(5) No person shall connect to or disconnect from drainage works without the approval of the council of the municipality. 2010, c. 16, Sched. 1, s. 2 (26).

Notice of instructions

(6) The clerk of the local municipality shall send a copy of the instructions mentioned in subsection (1), (3) or (4) to the owners of the affected lands as soon as reasonably possible. 2010, c. 16, Sched. 1, s. 2 (26).

Engineer's assessment

(7) An engineer who prepares an assessment pursuant to instructions received under subsection (1), (3) or (4) shall file the assessment with the clerk of the local municipality. 2010, c. 16, Sched. 1, s. 2 (26).

Notice of assessment

(8) The clerk of the local municipality shall attach the engineer's assessment to the original assessment and send a copy of both to the owners of the affected lands. 2010, c. 16, Sched. 1, s. 2 (26).

Assessment binding

(9) Subject to subsection (11), the engineer's assessment is binding on the assessed land. 2010, c. 16, Sched. 1, s. 2 (26).

Costs

(10) The costs of the assessment, including the fees of the engineer, shall be paid by the owners of the lands in the proportion fixed by the engineer or, on appeal, by the Tribunal, and subsection 61 (4) applies to these costs. 2010, c. 16, Sched. 1, s. 2 (26).

Appeal of assessment

(11) If the engineer's assessment is for an amount greater than \$500, the owner of the land may appeal to the Tribunal within 40 days after the date the clerk sends a copy of the assessment to the owner. 2010, c. 16, Sched. 1, s. 2 (26).

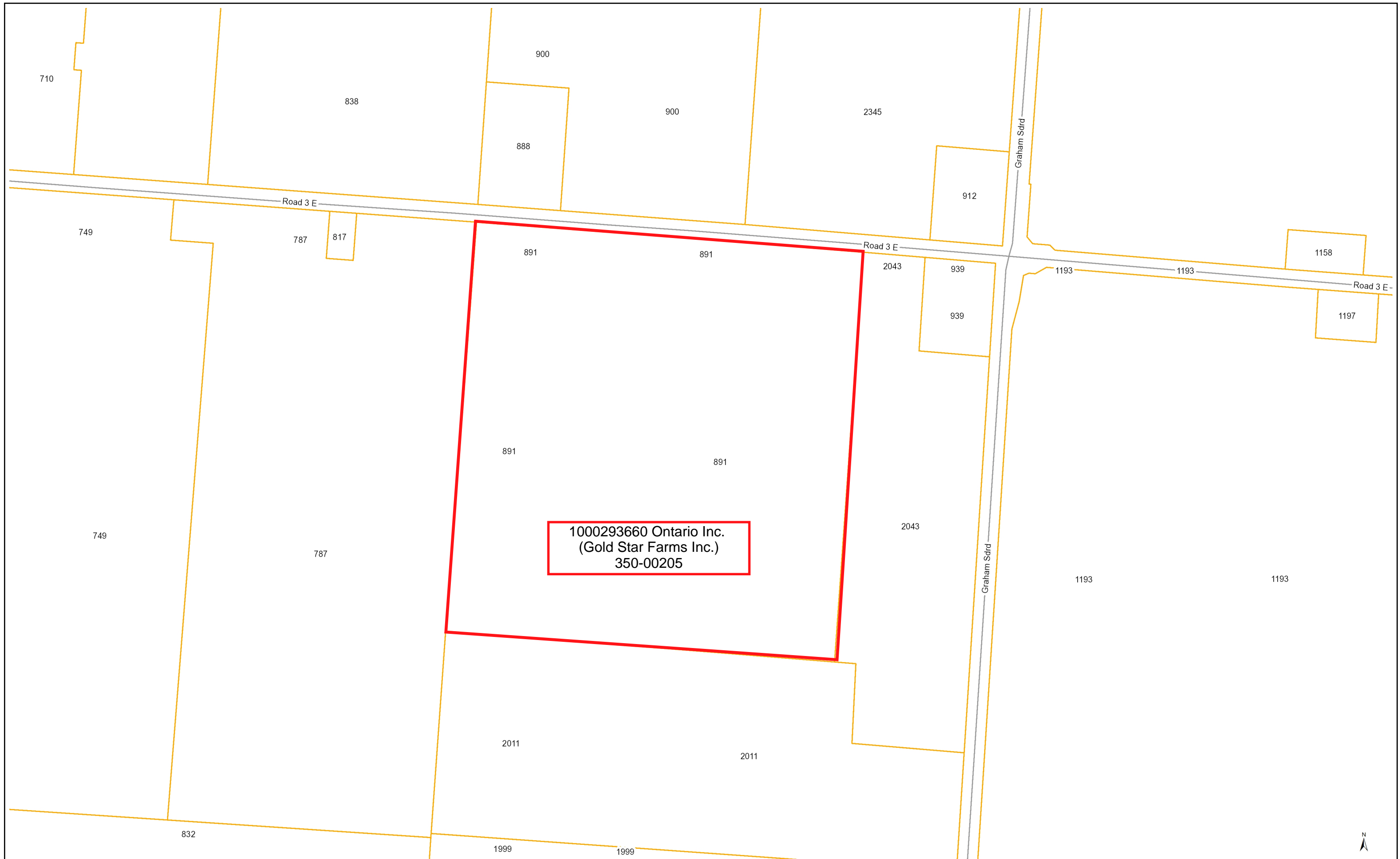
Use of amount collected

(12) Any amount collected under subsection (3) shall be credited to the account of the drainage works and shall be used only for the improvement, maintenance or repair of the whole or any part of the drainage works. 2010, c. 16, Sched. 1, s. 2 (26).

APPENDIX "B"

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Section 65 - Fulmer Drain Branch and 3rd Concession Road Drain East



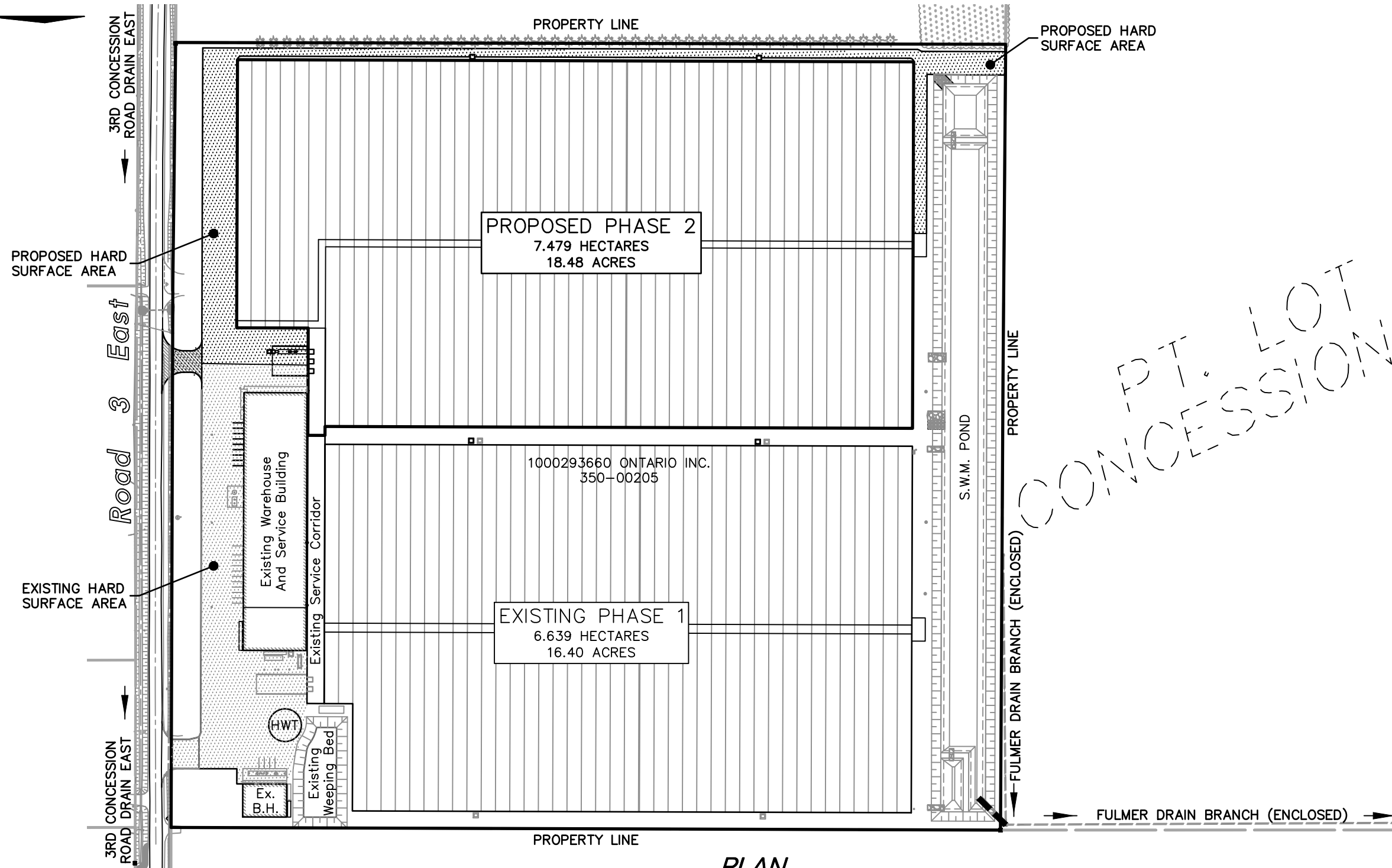
Section 65 - Fulmer Drain Branch and 3rd Concession Road Drain East



1000293660 Ontario Inc.
(Gold Star Farms Inc.)
350-00205



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PLAN
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SITE DETAILS FOR PARCEL 350-00205

GROSS PROPERTY AREA = 20.497 ha. (50.65 ac.)
 EXISTING GREENHOUSE AREA = 6.639 ha. (16.40 ac.)
 PROPOSED GREENHOUSE AREA = 7.479 ha. (18.48 ac.)
 EXISTING BUILDING AREA = 0.697 ha. (1.72 ac.)
 PROPOSED BUILDING AREA = 0.057 ha. (0.14 ac.)
 BUILDING COVERAGE = 72.7%
 EXISTING HARD SURFACE AREA = 0.867 ha. (2.14 ac.)
 PROPOSED HARD SURFACE AREA = 0.743 ha. (1.83 ac.)
 TOTAL HARD SURFACE COVERAGE = 7.8%

**SECTION 65 - FULMER DRAIN BRANCH
& 3RD CONCESSION ROAD DRAIN EAST**
 For 1000293660 Ontario Inc. (350-00205)

IN THE
TOWN OF KINGSVILLE
 (Geographic Township of South Gosfield)
 IN THE
COUNTY OF ESSEX • ONTARIO



N.J. Peralta Engineering Ltd.
 Consulting Engineers

45 Division Street North P: 519-733-6587
 Kingsville, ON F: 519-733-6588
 N9Y 1E1 Canada peraltaengineering.com

FILE No.: D24-038	DRAWN BY: A.S.B. DESIGNED BY: A.B.P. CHECKED BY: A.B.P.	SHEET No.: 1 OF 1
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