



December 4, 2024

To: The Mayor and Members of Council,

Copy to: Corrina Giles, Town Clerk and Kyra Dunlop, Deputy Clerk

Copy to: Adam Smith, Director of Planning and Development Services

Copy to: Shawn Postma, Manager of Community Planning

Re: Request for Council Motion to Protect a section of the Beaver River Trail

I am writing to follow up on a discussion at December 2nd Council meeting regarding Council participation in a Municipal Land Use (MLU) Agreement on the Alice Street East Road Allowance that has for years been used and considered by the community as part of the Beaver River Trail. As per numerous deputations to Council by Tree Trust, CANN, Sarah Waggott and other concerned residents, and a petition with over 800 signatures, the potential destruction of this section of the BR Trail is of great concern to TBM residents.

During the December 2nd Council meeting, there was considerable discussion and confusion about the ability of Council to decide regarding a MLU agreement that would be required to fulfil a condition of a severance application currently being considered by the Committee of Adjustment. Below you will find direct quotations from the video record from the relevant August 21, 2024 Cof A meeting that clarify two important misunderstandings that are currently wrongly restricting Council from engaging on this issue, on behalf of a wide group of concerned residents:

1. Can the Town “weigh in” on the MLU without interfering with the CofA mandate: (**YES** – see below)

Chair Waind: “The issues that are raised are not wrt planning related to the land itself. **It is on the road allowance and the municipality has complete jurisdiction over what happens in that road allowance –if they want to allow services to be extended.We as the Committee have no jurisdiction to force the opening up of that road allowance. That is not part of our mandate.”**

2. Does Council have the ability to direct staff wrt the negotiation of the MLU? (**YES** – see below).

Member McKinlay: A review of condition 5 and 6 says “as deemed appropriate by the town to the satisfaction of the town:” My question is: Who will decide this? Will this be town council or a designate or a delegate of town council or in a matter like this when there is a lot of community concern, will it be sent up to town council by municipal staff?



Chair Waind: *I think you will find that Council will probably get involved but it is a staff decision at the end of the day but **staff will take direction from Council at the end of the day.***

Director Smith: ***MLU Agreement is with administration but certainly, as the chair has indicated, Council can direct otherwise.***

In summary, Council CAN engage with this issue without interfering with the CofA mandate and in fact, CofA members, in recognition of the deep community concerns, are **expecting** Council to engage.

I would like to remind Council of the considerable opposition to the issuance of the requested severance which would then require destruction of an established naturalized area with 18 mature trees on the Alice Street Road allowance which the applicant's landscape plan indicates will be removed. Tree Trust has specialized expertise in the assessment and management of older trees and we have assessed that 16 of the 18 trees are in good condition (contrary to what the Applicant study suggests) with many more decades of healthy life ahead.

The Beaver River Trail is identified in a Council approved Leisure Plan and the access is not only a long-established access point for the trail but also a naturalized asset that is highly valued and enjoyed by the local and broader TBM community versus a single individual. In addition, there is an alternative entrance available for the applicant.

My request of Council is to engage with this issue by clearly directing staff that a MLU Agreement that would result in any tree removals or destruction of the naturalized area on the Alice Street East Road allowance must not be issued. It is time to show regard for fair and equitable consideration of the community's priorities and needs by clearly declining a MLU agreement on the Alice Street Road Allowance versus unfairly privileging a single resident.

Going beyond the above suggested motion/direction to staff, we would like Council to consider initiating a stop and close process for the Alice Street East Road Allowance to ensure even further and watertight protection of this highly valued community asset.

Regards

Betty Muise

Tree Trust TBM

Co-submitted by Sally Leppard, CANN and Sarah Waggott, Alice Street East Resident



- TBM Residents really care about our local environment and want trees and our canopy preserved
- Strong volunteer efforts including the support of CANN, Rotary and residents groups like one in Thornbury East have supported tree planting and tree care events along the Georgian Trail, in Nipissing Ridge Park, Heritage Park, Hillcrest Park, Delphi Point Park.
- This represents thousands of hours of volunteer time dedicated to tree planting and tree care
- And it demonstrates how strong residents feel about our trees and our tree canopy





TBM Residents have repeatedly expressed their support for preservation of our natural spaces:

- Continued and extensive support of Tree Trust TBM programs and events
- 73 % support tree protection (Public Survey, related to proposed Tree Preservation By Law)

Policy documents: The Blue Mountains Sustainable Path ,The Blue Mountains Future Story, The Natural Heritage Study and Natural Asset Inventory, The Town Vision from 2010:

*“We are a connected and caring community that blends our heritage with a thriving diverse economy **based on the continual preservation and protection of nature....The Blue Mountains is a community that...supports the protection of our natural and rural resources”***

- **Revised Official Plan Process:** There has been extensive public input requesting/recommending enhanced language and polices addressing tree and tree canopy measures in the Revised Official Plan



I have come before Council many times to advocate for tree protection because established, mature trees provide tremendous ecological, recreational and esthetic value to TBM residents.

Established ecosystems provide habitat for wildlife, sequester carbon, filter particulates, filter and regulate rain and storm water and provide much needed shade in a warming climate.

Established trees cannot be replaced unless you have a time machine



Tree Trust TBM, CANN and Sarah Waggott and other residents came before the December 2 Council meeting to advocate for protection of a section of the Beaver River Trail that has for years existed on the Alice Street Road Allowance.

This section is under threat if a potential MLU Agreement for the road allowance is issued as a condition of a pending severance application

Time is running out! Confusion about authority is disrupting the ability of Council to act on Residents' behalf in this situation. The quotes in the following slides are a direct transcription from the August 21, 2024 CofA meeting....



1. Can the Town “weigh in” on the MLU agreement without interfering with the CofA mandate --- YES

Chair Waind: *“The issues that are raised are not wrt planning related to the land itself. **It is on the road allowance and the municipality has complete jurisdiction over what happens in that road allowance.....We as the Committee have no jurisdiction to force the opening up of that road allowance. That is not part of our mandate.”***



2. Does Council have the ability to direct staff wrt the negotiation of the MLU agreement? YES

*Member McKinlay: A review of condition 5 and 6 says “as deemed appropriate by the town to the satisfaction of the town:” My question is: Who will decide this? Will this be town council or a designate or a delegate of town council or in **a matter like this when there is a lot of community concern, will it be sent up to town council by municipal staff?***

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TOWN TRAILS AND AMENITIES

The Town of The Blue Mountains trail and amenities inventory was updated in 2020. The total distance of trails in The Blue Mountains including Crown, agency, developer and unassumed trail is 313.50 km. The Total distance of Town owned, and managed trail is 44.17 km.

Trail addresses identified are the closest civic address or are the actual civic address near the trail crossing or head of the trail.

Distance was calculated in two ways: walking the trail with a pedometer to track the distance travelled and driving the “road” sections, while tracking KM. The road sections don’t have approximate steps taken.



WEST REGION TRAILS

BEAVER RIVER TRAIL (9 parts) - Grey St. S – Arthur Taylor Ln
(Access from Alice St. E)

0.6 Km & approximately 825 steps

AMENITIES:

- Stationary table
- 2 Interpretive signs
- Poop & Scoop Bags
- Bird boxes
- Limestone Pathway
- Wheelchair Accessible
- Bird watching



Tree Trust Inventory -- Alice Street Road Allowance Removals

#	Species	DBH in cm	Condition	Tree Age (Years)
1	Sugar Maple	11.2	Good	24.25
2	Basswood	10.2	Good	12.05
3	American Elm	19.1	Good	30.10
4	American Elm	14.9	Good	23.50
5	American Elm	17.8	Good	28.03
6	Basswood	25.1	Good	29.64
7	Red oak	73.1	Good	115.12
8	Sugar Maple	42.1	Good	91.16
9	Red oak	54.2	Good	85.35
10	Sugar Maple	17	Good	36.81
11	Ironwood	22.2	Good	61.20
12	Sugar Maple	32.8	Fair	71.02
13	Sugar Maple	28.9	Good	62.57
14	Sugar Maple	21.9	Fair	47.42
15	Sugar Maple	27.9	Good	60.41
16	Sugar Maple	21.9	Good	47.42
17	Sugar Maple	22	Good	47.63
18	Sugar Maple	27.8	Good	60.20



My request of Council is to engage with this issue by clearly directing staff that a MLU Agreement on the Alice Street East Road Allowance must not be issued.



In order to protect this naturalized access trail in the long term: Tree Trust recommends that Council initiate the stop-up-and-close//permanent closure of the Alice Street East Road allowance and formally declare this as part of the Town's trail network.





THANK YOU