



Staff Report

Planning & Building Services – Planning Division

Report To: COW - Operations, Planning and Building Services
Meeting Date: October 28, 2025
Report Number: PBS.25.062
Title: Report in response of deputation of Sarah Waggott of the Beaver River Trail Working Group
Prepared by: Shawn Postma, Manager of Community Planning

A. Recommendations

THAT Council receive Staff Report PBS.25.062, entitled “Report in response of deputation of Sarah Waggott of the Beaver River Trail Working Group”;

AND THAT Council direct Staff to proceed with Option 2 to receive a proclamation of Council to support the long term protection of the Trail as outlined in Staff Report PBS.25.062.

B. Overview

The purpose of this report is to provide a follow up to the May 20, 2025 deputation by the Beaver River Trail Work Group who requested that Council consider the stop-up-and-close of a portion of the Alice Street East and Russell Street road allowances where the Beaver River Trail is located. The intent of their request is for the long term preservation of the trail and natural vegetation that exists along these corridors.

Planning Staff have examined a number of options for the Road Allowance lands including:

- 1- Retain the Lands as an unopened Road Allowance (do nothing)
- 2- Receive a proclamation of Council to support the long term protection of the Trail
- 3- Stop up and close the road allowances and convert to a Public Park
- 4- Register a restrictive covenant over the lands
- 5- Enter into a Conservation Agreement with an external organization
- 6- Designate the Road Allowances under the Ontario Heritage Act

C. Background

The Beaver River Trail was constructed in sections over a number of years, with the present day trail being 10.7km length completed in 2011 with support from Federal and Provincial grants. The Beaver River Trail connects the communities of Thornbury and Clarksburg from the Georgian Trail to the Clendenan Dam Conservation Area.

The Beaver River Trail Working Group is comprised of area residents who came together in response to a previous application for consent that proposed the creation of a new vacant residential lot just beyond the terminus of Alice Street East. The new lot creation required the extension of Alice Street East which would have converted a portion of the Beaver River Trail access trail from a natural path to a sidewalk and resulted in the removal of both young and mature trees and other vegetation. After a deputation to Council in December 2024 on this application by area residents, a Council Resolution was passed directing that the extension of Alice Street was not supported. With this resolution, the Committee of Adjustment who was considering the Consent file issued their decision to refuse the application.

The Beaver River Trail Working Group began discussions on how to better preserve these sections of the Beaver River Trail and they then formed the working group and presented their deputation to Council in May 2025. The deputation identified the sections of the Beaver River Trail (shown in green) that were identified for long term protection (See Figure 1).



Figure 1: Beaver River Trail at Alice Street and Russell Street Road Allowances (green)

Following the meeting, Town Staff met with members of the Working Group to discuss options, and it was left with the Working Group to come back to Town Staff with a summary of their research to understand what kind of trail protections they were seeking. Ideas and suggestions were shared again with Town Staff and ultimately resulted in the following 6 options:

- 1- Retain the Lands as an unopened Road Allowance (do nothing)
- 2- Receive a proclamation of Council to support the long term protection of the Trail
- 3- Stop up and close the road allowances and convert to a Public Park
- 4- Register a restrictive covenant over the lands
- 5- Enter into a Conservation Agreement with an external organization

6- Designate the Road Allowances under the Ontario Heritage Act

This report provides a preliminary overview of each of the Options and requests further direction from Council on which option(s) should be researched further.

D. Analysis

Option 1: Retain the Lands as an unopened Road Allowance (do nothing)

The main Beaver River Trail in this area is located on the Russell Street and Arthur Street Road Allowance with a trail access point at Alice Street and Grey Street. The Town has owned the Road Allowance lands since the original land survey was completed for the former Township of Collingwood and Town of Thornbury. These Road Allowances were originally set aside in the 1830's through the original Crown Survey in an organized grid pattern for access and future roads along with the parcels of land for future growth and development. Some of these Road Allowances were eventually opened up as new Municipal Roads, and others remain unopened and are presently used as vacant land, alternative public uses such as public trails or utility corridors. These Road Allowances are generally available for future growth and development when additional lands are needed.

The Municipality (as the owner) has jurisdiction over all road allowances within the Town and controls the uses that exist on them. No work (including tree removal, or construction of a new road) can occur on these lands without first obtaining a Municipal Land Use Permit which authorizes works on municipal lands and may set out limits and/or conditions to those works.

Generally the Town protects all Road Allowance lands for long term consideration as the grid layout of the Road Allowances allow for their efficient use for future roads, and also for trails and/or utility corridors. Requests to remove Road Allowance lands from the Town require detailed review and analysis to determine long term impacts that may arise from removing portions from Town ownership.

It is noted that the Alice and Russell Street Road Allowance Lands do not warrant the construction of a new road at this time as development potential and traffic warrants are not yet triggered to require additional roads in the area. It is noted that there are a number of vacant or oversized parcels that could be used for future growth within the Thornbury Settlement Area. These lands generally require a rezoning to permit new development, and as part of an application for Zoning By-law Amendment development plans and proposed uses of Town Road Allowance lands must be considered by Council and through a public process. The Unopened Road Allowances and Development Lands are shown in Figure 2 below:



Figure 2: Development Parcels (Grey) and Unopened Road Allowances (Red)

At this time, there are no proposed plans for development in this area. It is noted that there are area constraints including infrastructure servicing, setbacks from the Thornbury Sewage Treatment Plant, and others that must be addressed prior to considering a development proposal.

With the potential for additional development in the area, it is the opinion of Planning Staff that Road Allowances should remain available to accommodate future development and to provide the future direct access and frontage onto a Municipal Road. This opinion is consistent with other requests on Town Road Allowance lands in that the maximum amount of flexibility should remain on these lands so that when future development is considered, Council may evaluate as many options as possible as to how that development may take place. Should a development proposal come forward that identifies a need for a municipal road in an alternative location or one that does not require the use of the Road Allowance, further consideration may be given at that time on the future use of those specific Road Allowance lands.

It is noted that there is nothing preventing the continued use of the Beaver River Trail on the Road Allowance lands. Future development will need to consider the preservation and/or relocation of the trail section onto new lands provided that a continuous trail connection and appropriate trail experience is provided.

Option 2: Receive a proclamation of Council to support the long term protection of the Trail

A proclamation of Council is a formal declaration of Council that raises public awareness of the importance of the Beaver River Trail. A proclamation has no legal status and is not a By-law.

Instead it is a way for Council to formally recognize and support the continued use of the Road Allowance lands for the Beaver River Trail. As a proclamation, The Beaver River Trail will be recognized as an important community asset and that if adjustments are made to the trail location or trail experience, the proclamation of Council will need to be considered prior to those modifications. A proclamation also provides awareness to future developers that that the Beaver River Trail shall be held to a higher level of protection compared to other Road Allowances in the area.

Similar to Option 1, flexibility will remain for the future should these Road Allowances be required for a new road or other corridor, and provides an awareness on the significance of this trail section.

Option 2 is recommended by Staff as the proclamation is aligned with goals from the deputation presentation, provides the acknowledgement of community significance of the trail section, and results in a higher level of protection and priority on potential future trail impacts.

A draft Proclamation is proposed below and may be modified by Council:

WHEREAS the Beaver River Trail along Alice, Russell, and Arthur Streets provides an essential recreational and scenic resource for the residents and visitors of the Town of The Blue Mountains; and

WHEREAS the trail's current location offers unique access to the natural beauty and biodiversity of the area and offers opportunities for community engagement with the natural environment; and

WHEREAS the existing vegetation and mature trees adjacent to the trail play a critical role in maintaining a naturalized area, offering habitat for wildlife, and contributing to the aesthetic value and experience of the trail; and

WHEREAS preserving the trail in its current location aligns with the Town's objectives to provide a corridor park, promote public access to recreation, and connect neighbourhoods, business and community services; and

WHEREAS community feedback has consistently affirmed the value placed on this natural asset;

THEREFORE, BE IT RESOLVED that the Town of The Blue Mountains Council formally recognizes the significance of the Beaver River Trail along Alice, Russell, and Arthur Streets as well as its surrounding natural features; and

AND THAT the Town of The Blue Mountains is committed to protecting the trail in its current location, ensuring that development and land use planning activities do not adversely compromise the integrity of the trail and its adjacent mature trees; and

AND THAT the Council will continue to support initiatives that promote the ecological health of the Beaver River corridor and enhance the recreational experience of the trail for current and future generations.

Option 3: Stop up and close the road allowances and convert to a Public Park

The Town has an existing Corporate Policy POL.COR.07.02 for the Sale and Other Disposition of Town Owned Lands. The policy outlines the process to consider the sale of Town Owned Lands (including Road Allowances) that requires first obtaining a resolution of Council in support of proceeding through the Sale and Disposition of Lands process which then includes requirements for public notice, a public meeting, staff report and then a decision of Council.

The Alice and Russell Street Road Allowance can be considered through this policy to remove the Road Allowance and to convey the lands to either a third party or for the Town to continue to hold ownership. This new Parcel of Land can then be identified and added to the existing public parkland inventory. The use of these lands for a future new road or utility corridor would become more difficult to achieve, as the lands would need to be transferred to a developer should they require those lands for a future road access.

At this time, it may be considered premature to consider a permanent Beaver River Trail at this location absent of any development proposals or understanding of development potential on the adjacent lands. It is recommended that the maximum amount of flexibility be retained on the Road Allowance Lands so that the trail can continue to exist and that when a development proposal comes forward in the future, a more detailed analysis and review of the development proposal and the Beaver River Trail can be completed. Should Council consider this option a legal opinion on removing road access to development parcels should be obtained.

Option 4: Register a restrictive covenant over the lands

The Alice and Russell Street Road Allowances have PIN (parcel identification number) associated with them and it appears possible that a restrictive covenant can be registered on title. A restrictive covenant is generally a private agreement that is registered on title of a property setting out specific conditions on what can or cannot be done on a parcel of land. Restrictive covenants are most common in new subdivisions where a developer may establish restrictive covenants on home size, style, colour, materials, and placement of other buildings/structures. Covenants can also prohibit certain things like satellite dishes or parking of boats/RV's in the front yard.

Town Staff would recommend that Council obtain a legal opinion first to understand the ability and limitations to a restrictive covenant on the Road Allowance lands, and the complexities of the Town essentially entering into an agreement with itself on how the Road Allowance lands are to be used in the future.

Option 5: Enter into a Conservation Agreement with an external organization

Similar to Option 4 above, the Town could enter into a Conservation Agreement with an external organization. Conservation Agreements are most common on privately owned lands

and there are a number of external agencies that encourage Conservation Agreements. One such agency is the Escarpment Biosphere Reserve Conservancy who notes that a Conservation Agreement:

“allows a landowner to agree (and compel future landowners to agree) to restrict development like severances, additional houses, gravel extraction, excessive tree cutting and even the use of yard lights which obliterate the stars. Every landowner creates a personalized list of restrictions and receives an income tax receipt for a significant fraction of the land (not the buildings). It will then be EBC’s responsibility to ensure future owners follow your rules.”

In this arrangement, the landowner continues to own the land, and the external agency monitors and enforces the conservation authority agreement. These types of agreements are common for privately held lands and used in estate planning or for those individuals interested in long term preservation of some or all of their lands.

Option 6: Designate the Road Allowances under the Ontario Heritage Act

The Ontario Heritage Act provides a legal framework for identifying, protecting, and conserving properties and places of cultural heritage value across the province. It grants municipalities the power to designate properties through bylaws to ensure long term preservation. Designation under the Act provides one of the strongest forms of long term preservation. The Act under Section 27(3)(b) establishes a very specific list minimum criteria that property must meet in order to be considered for designation:

“if the property meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.
3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.
4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.
5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.

6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.
8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.
9. The property has contextual value because it is a landmark.”

Criteria 1-6 appears to focus on the built form on a property, while criteria 7-9 includes a focus on the use and function of the property. In order to satisfy criteria 7-9 the property should serve as a focal point or landmark that anchors the community identity. There should be unique characteristics to this trail section that stand out well beyond other trail sections. The existing mature trees are identified as a significant component to the trail experience, and trees have been considered under the Ontario Heritage Act most commonly where they were planted in commemoration of a certain event or time, contribute to the sightlines/views of a heritage property or similar. Should Council wish to explore this option further, Planning Staff can undertake a more detailed review and analysis of the Ontario Heritage Act and consult with Provincial Staff on the designation process.

It is noted that the Beaver River Trail and trail experience are an important asset to the Town, however inappropriate uses of the Ontario Heritage Act such as imposing overly restrictive controls on properties without clear heritage value, impeding necessary development or upgrades, or designating properties for political reasons or as a reaction to community pressure rather than merit-based assessments have been tested in the past with challenges and previous case studies available.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

There are no anticipated short term Environmental impacts as a result of this report. Long term impacts associated with future development and use of the Road Allowance lands are evaluated at time of a development application.

G. Financial Impacts

Financial Impacts may differ based on the option(s) preferred by Council. The financial impacts can be provided in a follow up staff report.

H. In Consultation With

Tim Murawsky, Acting Director of Planning and Building Services

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Shawn Postma, planning@thebluemountains.ca

J. Attached

1. Nil

Respectfully submitted,

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Report Approval Details

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This report and all of its attachments were approved and signed as outlined below:

Tim Murawsky - Oct 15, 2025 - 1:11 PM

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This report and all of its attachments were approved and signed as outlined below:

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