



## **REPORT**

**REPORT TO:** Mayor Bonnette and Members of Council

**REPORT FROM:** Kevin Okimi, Director of Parks and Open Space

**DATE:** November 26, 2020

**REPORT NO.:** RP-2020-0026

**RE:** Upper Canada College Trail: Memorandum of Understanding  
File: L04 UCC

### **RECOMMENDATION:**

THAT Report RP-2020-0026 dated November 26, 2020 regarding Upper Canada College Trail: Memorandum of Understanding be received;

AND FURTHER THAT the Mayor and Clerk be authorized to execute a Memorandum of Understanding with Upper Canada College for a public use trail as outlined in Report RP-2020-0026;

AND FURTHER THAT staff be directed to continue negotiations with Upper Canada College to finalize a formal agreement for a public use trail as outlined in Report RP-2020-0026;

AND FURTHER THAT staff be directed to report back to Council on a final agreement as outlined in Report RP-2020-0026 and in coordination with funding of the trail works as approved as part of the annual Capital Budget and Forecast.

### **BACKGROUND:**

Upper Canada College (UCC) was founded in 1829 and is considered one of North America's foremost boys' schools, offering education from Senior Kindergarten through Grade 12 and boarding for 88 students from outside of Toronto. UCC also has an Outdoor Education Campus located in the village of Norval, just north of the Hamlet Core on Winston Churchill Road. This property encompasses over 175 hectares of open space and valley lands, on both sides of the Credit River, as well as a Learning Centre and other support buildings. UCC's property holdings include a section of the Credit River. The property is known as the Norval Outdoor School. The Norval Outdoor School was established in 1913 and celebrated its 100<sup>th</sup> anniversary in 2013.

The Norval Outdoor School provides programming through day and overnight trips for students from the main Toronto campus, but is also used by local Halton Hills public schools to access programming in this outdoor classroom type setting. It has also been used by Town as a summer camp program destination.

A portion of the UCC lands were sold to Menkes Development company, and the lands were developed as the Enclaves of Upper Canada, a residential subdivision of 149 homes. The subdivision includes Upper Canada Parkette to serve the local residents.

The UCC Property has been previously identified in the Town Trails masterplans and by Credit Valley Conservation (CVC) as part of the Credit Valley Trail.

Prior discussions for a public use trail through the private UCC lands were not successful, and so through the development process, a pathway linkage along Highway 7 for the length of the Enclaves of Upper Canada was constructed, with the intent to create a formal linkage to the core of the Hamlet of Norval at some time in the future. This trail connection is directly adjacent to Highway 7 and not through natural areas.

Through the development process, the Town also acquired lands from the UCC land holdings for the construction of a storm water management pond to address existing drainage concerns (from the Armstrong Ave industrial area, known as drainage Area 10) as well as to partially capture the runoff from the Enclaves of Upper Canada subdivision. This pond has an area of 2.85 hectares, an asphalt roadway around 2/3 of the perimeter and has been identified by Town staff as having potential for recreational/trail access to maximize the public's use of the storm water block.

The Norval Community Association is also interested in further trail connections improving connections to Norval from Georgetown, as well as interpretive trails within Norval in conjunction with the Lucy Maud Montgomery Literary Art Centre Project.

## **COMMENTS:**

The purpose of this report is to seek Council approval to enter into a Memorandum of Understanding with Upper Canada College to outline the basic terms for the development of a public use trail on Upper Canada College lands.

The Town was first approached in late 2016 by UCC – Norval Outdoor School to discuss trails, including a potential partnership to construct a public use trail connecting the Enclaves of Upper Canada subdivision to the Town owned/operated properties at Willow Park and Norval Park in the Hamlet of Norval. UCC was also in discussions with the Norval Community Association to construct a nature trail on the UCC Lands adjacent to Willow Park Ecology Centre. Town staff met with UCC Outdoor School staff in early 2017 to review public trail options.

Since 2017, the following steps have been taken to define the general scope of a joint project between UCC and the Town:

- Town and UCC staff walked and mapped the potential trail alignment;

- Consultation with and endorsement by the Town's Active Transportation Committee;
- Discussions with Norval Community Association and other Norval groups;
- Public Consultation as part of the Norval Community Consultation including Let's Talk Halton Hills;
- Review and Discussion with Bruce Trail Association (Land Management) on potential to partner for trail construction;
- Review of the preliminary design and construction approach preferred by UCC; and
- Review potential agreement types and draft a Memorandum of Understanding.

The preliminary trail map is attached as Appendix A. The route is 1.6 km long and includes scenic views of the Credit River Valley, high quality sections of maple/beech forest, pine plantation forest and linkages to the SWM pond off Armstrong Avenue. The proposed trail route is also part of the Credit Valley Trail (CVC) which is intended to extend the whole length of the Credit River from the Headwaters in Orangeville to Lake Ontario. The proposed trail route is also included in the Town's 2020 Active Transportation Master Plan which was recently approved by Council.

UCC has indicated that they do not have the resources allocated to fund the construction or ongoing management of public use trails so they would look to the Town to construct and operate the trail. UCC's resources are focused on the educational programs provided to visitors and students of the Outdoor School, and not on trail management and operational issues.

Staff in consultation with UCC have prepared a Memorandum of Understanding (MOU) to receive formal endorsement of this project by Council. The MOU outlines the major elements of the proposed joint project, and would be formalized into a long term license/lease agreement prior to construction of the trail. The key points of the MOU are as follows:

- Town is responsible for design, permitting, consultation, construction and operation of the trail;
- Town is responsible for all capital design and construction costs, as well as operating costs which will be incorporated into the Town's 10 year capital forecast;
- UCC will permit the trail to be constructed on their property through a formal agreement, which must be in place prior to construction;
- Trails will be designed similar to Hungry Hollow Trails (1.8m wide limestone screenings with granular base);
- The Town will maintain the trail consistent with existing Town trail maintenance practices;
- Each party will provide insurance and indemnify the other party for any claims due to each party's actions; and
- The Parties agree that a formal legal document (term of at least 20 years) will be executed prior to trail construction.

Staff are recommending that the Mayor and Clerk be authorized to enter into this Memorandum of Understanding. The final legal agreement would be subject to Council approval at a future time.

### **RELATIONSHIP TO STRATEGIC PLAN:**

The recommendations of this report support the following Halton Hills Strategic Plan priorities, focus areas and values:

Transportation: Getting around is safe for residents of all ages through a combination of traffic calming and active transport priority routes and trails.

Climate Change and Environment: The municipality makes its landscape more climate resilient and beautiful through a lush tree canopy and public open space.

Sustainable Development Goals: Ensure healthy lives and promote well-being for all at all ages.

### **FINANCIAL IMPACT:**

There is no direct financial impact related to this report. The financial requirements for this project have been incorporated into the 2022-2032 Capital Budget and Forecast as part of the Active Transportation Master Plan proposed off road trail network.

The Town would fund capital trail construction and provide routine maintenance as if it were a public trail on Town property. The preliminary cost estimate for the construction is \$176,000, with an annual operating cost of approximately \$2,000 per year.

Staff notes that entering into an MOU for the trail does not obligate the Town to build the trail if capital funds are not available, but provides approval in principle subject to other budget priorities as approved by Budget Committee.

### **CONSULTATION:**

The Active Transportation Committee reviewed and endorsed this project. Staff have also consulted with Credit Valley Conservation Authority on the Credit Valley Trail.

### **PUBLIC ENGAGEMENT:**

The UCC Trail was included in the Norval Community Consultation in 2018 which included a public workshop, and consultation on the Let's Talk Halton Hills site. Broad support was received for the trail. Consultation has also occurred with community partners such as Norval Community Association, the Bruce Trail, and Willow Park Ecology Centre. The proposed trail was also identified as part of the Active Transportation Master Plan (2020) which included a comprehensive public consultation program.

**SUSTAINABILITY IMPLICATIONS:**

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The recommendation outlined in this report advances the Strategy's implementation.

This report supports the Social Wellbeing and Environmental Health pillar(s) of Sustainability and in summary the alignment of this report with the Community Sustainability Strategy is Excellent.

**COMMUNICATIONS:**

Staff will advise Upper Canada College of Council's decision. Further public consultation/notification on the design/construction of the trail will occur when the project has been funded through the capital budget process.

**CONCLUSION:**

Staff recommend the execution of a Memorandum of Understanding with Upper Canada College for the construction/operation of a public use trail on Upper Canada College lands, as outlined in Report RP-2020-0026.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "Warren Harris".

Warren Harris, Commissioner of Recreation and Parks

A handwritten signature in black ink, appearing to read "C. Mills".

Chris Mills, Acting Chief Administrative Officer