

Barbara Williams

From: Marlene St Pierre
Sent: Sunday, May 09, 2021 8:05 PM
To: Linda Murtha
Subject: Registration Participation Notification

Re: Council Meeting 2021.05.11

Re: Proposed Bylaws, 2021-08-09

Dear Linda,

I apologize for my delay in responding; I was overwhelmed this past while with other issues. In any case, I know we have discussed participating in the council meeting at length however I realize protocol suggests I make you aware of my interest to be connected to this meeting live and express my intention to speak to my concerns.

I also have come to understand that I may participate via phone as I don't have access to equipment necessary via zoom. I have registered my name on the online 'request' to participate, however I am unclear of what further steps are required to do so by cell phone. If I am required to do anything further, please provide instruction at your earliest opportunity prior to the **May 11th** meeting.

I am taking this opportunity to provide written specifics outlining my concerns.

I am wanting more clarity regarding these proposals; specifically how the request to consider passing bylaws to accommodate the property owners of 25 Railway Avenue is a necessary act given current conditions. As things stand, the outlined proposals for the county land naturally incorporate and already lend itself, at the of the private owners' sole discretion and exclusively for their enjoyment. As such I do not understand the need for transfer through sale or lease.

Equally important, the passing of said bylaws will impact future rights, development, and power to exercise intention to change current status and lay of the land, not necessarily in the best interest of the community, should adoption be approved.

To be clear, I am not opposed to the sale/lease for a portion of the land currently publicly owned, were it to remain principally the same. I do have serious concern in the transfer of control to a private party whereby such transfer allows independent decisions to cut trees, vegetation, modify ditch drainage or extend building areas beyond current guidelines.

My worries are not purely speculative as is evidenced by actions and changes executed over recent past years.

A tree grove was clear cut adjacent to Railway Avenue and parallel to the property line on land clearly owned by Parkland County. As I understand it, there were legitimate concerns over the health of certain trees and they were marked for removal by the county. However, as requested by residents of 25 Railway Avenue, it was offered to personally deal with the matter on behalf of the county. At the outset the offering would seem to be advantageous to Parkland, however, the entire grove of trees was clear cut rather than culling only marked trees. Confirmed by Linda Murtha, this was done without prior knowledge, much less permitted by Parkland. Further to this, I was advised by

Linda that the party was going to purchase that portion of the property so it was not all that concerning. According to the paperwork I received by the county, that land is nowhere near the property they are interested in buying. Not to mention, in culling diseased trees, I would think the county would also make provision for replanting the same area. I am aware of others who have breached their authority to clear cut public land: replanting was a mandated restitution and extended in addition to imposed fines.

I am not suggesting that monetary fines be issued regarding this; I am noting the county still has opportunity to restore the tree grove, perhaps with trees more suitable and sustainable than a poplar variety.

On another note, though I cannot speak professionally to the specific implications as I am not an engineer, the landscape has changed in other ways than the Railway Avenue tree grove. I am applying common sense to my rudimentary knowledge.

The previous owner changed the driveway access and in doing so, for reasons unknown, as it seemed illogical as well as hazardous, they removed the culvert that crossed the then driveway linking the ditches adjacent to both sides of the said property. As another issue resulting from this specific action, there was a significant safety concern created. A 'dead drop' of 2-3 feet, which did not exist prior to the culvert being removed. Anyone driving on either the county road or the easement, could be in peril as the intersect between the two was no longer safe. Aside from that, the added issue was the new potential for harmful erosion in the absence of the culvert. The culvert not only facilitated drainage, but I'm quite certain it also provided reinforcement to support the integrity necessary to withstand driveway traffic. The county must have agreed as it was assessed necessary to be modified: they placed large field rock, abutted at the top of the driveway gradually sloping to the ditch basin which addressed both issues providing a proactive solution to erosion and addressing the danger of an abrupt drop off.

Subsequent to the sale of this property, the current owner reestablished the driveway to the original designation. For reasons I do not understand, the rock reinforcing the driveway and the trench, was then removed. I'm to understand this change was also not pre-approved by the county, nor were they aware it had been removed until the concerning issue of the 'clear cut' triggered an on-site inspection. To my understanding, it was personally determined that none of the three issues warranted any further concern or action; I disagree.

Again, I am not a qualified professional, however, I do believe that my concerns have merit and as such I feel this should all be reassess and restorative action should ensue.

To be clear every circumstance I have brought to your attention involved changes made on 100% county owned land. To be further clear, proposed bylaws 2021-08-09 are not changing that fact. In fact, the land outlined in the proposed sale/lease are located adjacent to where these proposals are. Historically every owner, including before the property was even subdivided, has taken personal advantage of the natural extension afforded by the natural flow of the county owned property that surrounds current boundaries of 25 Railway Avenue.

There was also shrubbery removed that had been planted on lakefront by the environmental group whose primary focus is sustainable efforts to maintain healthy habitation near our water. This is evidenced by pictures attached to this proposal.

So again, the proposed bylaws as requested in no way have impact to impede the enjoyment of 25 Railway Avenue. That said, given the numerous breeches that have already happened, I strongly oppose furthering and expanding private control of any portion as outlined in proposed bylaw 2021-08-09.

As said property is currently owned publicly and as such governed by the county, making decisions that are intended to serve the best interests of the greater community, not

privilege a singular party. There exists another tree grove lining the length of the easement. This affords provision of privacy to 29 Railway Avenue, my property and as well as 25 Railway Avenue, not to mention to the public for access to the water on the easement set between the said properties.

On a side note, only recently I became aware these bylaws have been pending and of note in county files since 2018, perhaps earlier, in October 2020 I personally had cause to be present in the county office on another matter. As I had heard neighbourhood rumblings regarding the potential for purchase/lease of the public easement, I took the opportunity to discuss in detail what I had been apprised of and asked county staff if there was a tentative request or pending change to the area status: I was told that under "no circumstance" would the county entertain such a proposal and I need not be concerned as such a proposal would never be adopted. Appreciative of that assurance, I requested they pull up actual records related to the properties, including the easement to be sure; they again confirmed there were no related applications and printed out a map depicting the property lines to support their statements. Having been so specific, I felt I had asked direct questions and received direct answers and as such need not concern myself further.

The summer of 2018, my husband had an identical experience, again following up concerns by neighbours had been brought to his attention. The response from the county office was identical to what I had been told in 2020.

Lastly, my husband and myself have owned our adjacent property since 1986. That year, as well again a few years following, we ourselves enquired if we could propose an offer to purchase a portion of the same easement in question. Almost verbatim, we garnered the exact same response.

Appreciating the answer had been entirely consistent over a 35 year period, when a conversation with a neighbour advised an offer was still pending on the table, I was skeptical there was any need to follow up further based on what I had been told by the county previously. However, for the first time correspondence was shared that clearly verified this, and in fact had been an ongoing exchange for at least three years.

Imagine my surprise in December 2020 when, for the fourth time I followed up yet again. Directly speaking to the sender of this shared correspondence, I was advised, "yes" there was ongoing discussion surrounding this purchase/lease. When asked why, surrounding residents had not been contacted by Parkland through phone, by mail, nor by public forum, I was advised it was not in anyway close to determination, did not necessarily affect my property, and that when it became a more solid submission, all property owners affected would be given a voice. Adding to that, I asked how it was that this had been ongoing since 2018 or earlier and though we had directly enquired on this front many times, we had been told there was no such issues pending and if there ever were to be, Parkland policy would make this an unlikely consideration and further, the answer would be unequivocally "no." My question being, if questions are pending that involve such matters, how are they not tagged so the right hand might have awareness as to what the left hand is doing.

In summary, for the reasons I have stated and the respective reasoning to support the importance and long term impact approving these bylaws may have, I am strongly opposed to the change.

Please carefully review my concerns before following through to the next step in the process. Thank you for your consideration.

Sincerely,

Marlene St Pierre
Brian St Pierre

CC: Parkland County,
Legislative Branch
Barbara Williams