

Type of Decision									
Meeting Date	Tuesday, October 17, 2017				Report Date	Thursday, October 12, 2017			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed

## Use of the Rail Corridor as Trail - Report #17/10/17/1102 Deferred from April 2017 - AMENDED

**Subject:**

Use of the Rail Corridor as Trail.

**RECOMMENDATION:**

**WHEREAS** Council has received formal complaints concerning the use of the rail bed as a snowmobile trail through the community this past winter season;

**AND WHEREAS** staff have previously identified significant safety challenges with trail operations as they occurred over 2016/2017;

**AND WHEREAS** the use of the rail corridor as a trail will ultimately lead to the use by other off road vehicles affecting the quiet enjoyment of private property owners for a large part of the year;

**AND WHEREAS** the OPP have limited resources to increase its presence along recreation trails to enforce any type of signage;

**THEREFORE BE IT RESOLVED THAT** the Council of the United Townships of Head, Clara & Maria does hereby:

1. Request that the Missing Link Snowmobile Club reroute their "A" trail to the south side of Highway 17 avoiding travel through the centre of the community of Stonecliffe making use of connector trails; **or**
2. Return to the decades old "legacy" trail along Logger's Road as has been adequate for access to businesses in the past;
3. Refrain from using the Rail Corridor through the hamlet of Stonecliffe as there are other viable options;
4. Allow trail crossing of municipal roads including Pine Valley and Yates Roads at 90 degree angles to provide trail access to accommodation along Pine Valley Road and services at Yates General Store;
5. Prohibit the use of municipal roads, snowbanks and ditches as trails except in areas as specifically authorized by municipal employees and according to land use permits;

6. Direct staff to enter into a Land Use Agreement with the club transferring liability to the club for any municipal road crossings or shoulder use as to be determined;
7. Request formal consultation with the County of Renfrew to initiate talks concerning the long term use of the rail corridor within this municipality prior to its leasing sections to any user without prior local council consultation and input;

**AND FURTHER THAT** a copy of this resolution and supporting documentation is forwarded to the Missing Link Snowmobile Club and the Snow Country Snowmobile Association - OFSC District 6 executive and the County of Renfrew Council members for their information and dissemination to association membership and permit holders.

### **BACKGROUND/EXECUTIVE SUMMARY:**

This issue was presented to Council in March and April out of a concern for the increased liability for the municipality. Since the issue was deferred to this meeting it has grown; Council is to debate and vote on the resolution determining its position on the use of the rail corridor through the hamlet of Stonecliffe for the upcoming snowmobile season.

Council still has the larger discussion with the County of Renfrew and use of the trail throughout this municipality and future trail uses, liability and costs. Other municipalities are facing the same challenges with clubs, businesses, County Councils and private property owner's throughout the valley.

Council has received numerous pieces of correspondence, has heard from residents and non-residents at the public meeting, and has received a deputation from the Missing Link Snowmobile Club and local residents. Various documents have been included in this support package depicting consultation which has occurred in other jurisdictions about these same issues.

Council's job is to remove the spin and hyperbole from comments and statements made by those lobbying for and/or against this change and simply look at the facts.

Tempers have flared, untruths have been circulated, exaggerations made, lobbying has ensued. Any decision made is going to upset one group of people or another. This decision will not be easy for Council. Council does need to consider the long term ramifications of its decision. Are those speaking loudly truly representative of the entire community or simply a focused vocal group? Too many assumptions are being made.

Council has yet to consult with the County of Renfrew in respect to this trail. What will be ongoing financial obligations for the municipality? What about transfer of liability? Can the County force the trail through the municipality?

For consideration:

1. This issue has become one of residents vs. businesses and recreational clubs. By their own admission, the recreation trails mainly cater to visitors, not local residents. All users will be required to purchase a trail permit, whether a resident or visitor.
2. Local businesses offer support for each other and members of our community, visitors and residents alike. The viability of Yates General Store is important for all

residents. It has operated successfully for many decades long before any talk of moving the trail to the abandoned rail corridor and will likely continue to do so.

3. Head, Clara & Maria has always been open to recreational travel and has a vast network of trails, abandoned logging roads and the pipeline connected to municipal roads. This has not changed. Council has never considered limiting the use of municipal roads to facilitate these connections.
4. Contrary to comments heard at the public meeting and in emails received, Council is not and has not ever been considering the removal of snowmobiling or ATV use in the community.
5. The issue is about protecting the private property rights of individuals who live along what may be a new trail along the CP rail corridor, ensuring safety of all travellers and limiting municipal liability.
6. Despite County resolutions and decisions to date, no formal consultation has occurred with Head, Clara & Maria Council or staff to determine zoning or use of the land within HCM borders.
7. The rail corridor use as dictated by the County throughout Head, Clara & Maria is not a foregone conclusion.
8. The County does not have the authority to impose any use of property on any municipality. From the municipal solicitor on August 15, 2017:
  - a. *“Once the County owns the lands you are correct that the lands are subject to local zoning controls. If the Township elects to zone the lands to prohibit a trail, the County could appeal that decision to the OMB (depending on when the appeal is filed and what the appeal rules look like at that point in time). County ownership is not superior to zoning – they must comply with your zoning. As with all matters of land use, PPS, OP and what is good land use planning are what governs.”*
9. All land in HCM is zoned residential until and unless a zoning by-law amendment has been processed by Council. This has yet to occur.
10. From Bob Sweet in a November 2016 public meeting in Arnprior *“If at the end of the day a local council has made a decision – it will be honoured,”* Sweet said. *“We are not going to tell municipalities what can happen in their jurisdiction”*.
11. Some members of Council have concerns with the ability of the county to decide what types of use exist for the lands, the use of public funds to improve trails, and then the need for users to purchase permits to use what was advertised as a “community trail”. There is still concern about the long term cost and liability issues.
12. During a discussion with municipal employees in June of 2017, we have been informed by the branch detachment of the local Ontario Provincial Police that they limit the time their employees spend in our area due to the lack of auto extrication services and workplace hazards. Based on their current policy, there will be no increased police presence in HCM to police trails.

13. Morning Mist Campground and Pine Valley Campground have asked Council to consider their businesses. This represents 3 local families and their properties. These seasonal businesses have operated successfully for the past decades with the legacy trails running where they have always been.
14. Disallowing the rail corridor to be used as the "A" trail will not cause these businesses to fail. It will likely limit their ability to expand during the 3 months of snowmobiling season but these are not the same things.
15. Any comments contributed to Raj Patel at Yates General Store are simply hearsay. Raj has not expressed any concerns with the viability of his business formally to Council or staff. He has had personal conversations with the Clerk where he expressed that he only wants to see the community work together. That he has no challenge with the trail staying where it was along Logger's Road.
16. Council members and staff have never said that the location of the trail has no impact on local businesses. What staff, council members and ratepayers have said is that these businesses have existed for decades by using the legacy trail without infringing on private property rights; they won't close up simply because they cannot move the trail to the rail corridor. These are not the same things.
17. The point is, the "legacy trail" has performed adequately and successfully for decades without major incident either on the highway crossing or on the existing trail through Stonecliffe. We have heard at the MLSC deputation in September that it will be easier for the club to move to the rail corridor, less work, easier to groom etc. but there are other options.
18. What of the rights of the private property owners who live along the trail? Some people don't mind it. Other's do. What of their quiet enjoyment?
19. Due to the increased speed along the straight away of the rail corridor and on municipal roads, in the 2016-2017 winter season, there were two sled accidents which involved the police and paramedics.
20. Jan and Bob Elder, Jim and Gayle Watters, Crystal and Paul Fischer, Lisa and Jim Longfield, Betsy Pichette, Calvin Chartrand and Hope Ezerins have each expressed the negative impacts on the enjoyment of their properties. This represents 6 families and their properties.
21. Moving the snowmobile trail to the rail corridor will open the path for use by other off road vehicles and then nearly year round interruption of the quality and enjoyment of life for these 6 families for nearly the entire year. Many others will be affected if and when the trail travels through Mackey, Bissett Creek and Deux Rivieres.
22. The local snowmobile club obviously wishes the trail to be moved. They have described the many benefits to them, ease of grooming, reduced need to contract with private property owners, safety for users, consistency and long term commitment.

23. Many people have allegedly signed a petition in support of the trail. Council determined at its meeting in September that all petitions submitted would be accepted as information. It is to have no weight in this discussion.

Employee recommendations:

1. That equal consideration is given to those who represent their businesses and those who represent their enjoyment of life and private property.
2. Since members of Council have expressed on more than one occasion that “well, this issue doesn’t really affect me” you have to consider “how would you feel if it did”?
3. Are there other options for a trail to run through Stonecliffe besides the rail corridor? Yes.
4. Are these trails the easiest solution for the club? No.
5. Will the use of alternate trails resolve the issue of noise and reduced enjoyment of private property? Yes.
6. Will the use of alternate trails (the legacy trail) still provide access to local businesses? Yes.

**Financial Considerations/Budget Impact: Unknown due to lack of consultation with the County of Renfrew**

**Policy Impact: Significant**

**Others Consulted:**

Municipal Solicitor  
Municipal Insurer  
Various residents  
The Missing Link Snowmobile Club

Approved and Recommended by the Clerk

Melinda Reith, Municipal Clerk

*Melinda Reith*