



# **PUBLIC MEETING**

**SATURDAY, September 9, 2017 - 1:00 p.m.**

**Stonecliffe Community Centre**

## **You are invited!**

**Topic: The Use of the CP Rail Corridor  
as a multi-use all-season Trail!**

The following are issues brought to the attention of municipal staff over the past months to be considered by council.

- **Positive benefits on snowmobiling on the regional economy?**
- **A part of the bigger picture – a link to the Trans-Canada trail?**
  - **Public Consultation?**
  - **Private Property Rights?**
  - **Liability and Municipal Roads?**
  - **Long Term Costs to Ratepayers?**
  - **Is this truly a Community Trail?**
- **Influence on/of the County of Renfrew!**

## The “Algonquin Trail” - Use of the CP Rail Corridor for Recreational Purposes in Head, Clara & Maria

This public meeting is being held to canvas residents to hear from all residents regarding the use of the CP Rail Corridor as a multi-use, all season trail. Ultimately, any decision is that of council however; Council members are here to represent you, the public and are interested in your input.

If you are not able to attend this meeting, you are welcome to forward your comments to Council either directly or via the municipal office to [hcmclerkmreith@gmail.com](mailto:hcmclerkmreith@gmail.com) or 15 Township Hall Road, Stonecliffe, On. K0J 2K0.

This is a multi-faceted question. There are many aspects to this situation which must be considered. The issue cannot simply be broken down to whether or not residents are for or against snowmobiling.

It is recognized that snowmobiling and off road vehicle use are popular sports for residents and visitors to our community alike.

The County of Renfrew has provided documentation of studies which suggest that:

### 2.2 Strong Economies

- Trails attract tourists and create jobs, which puts money into the local economy;
- Trail users spend at local shops, restaurants, and accommodations, and on day trips and tours. This spending stimulates the economy and may lead to businesses expanding and new businesses opening;
- Trail construction and maintenance creates jobs;
- Properties near trails can have higher values and be easier to sell. MLS listings often cite proximity to trail systems as a selling point;
- Trails have potential to increase tax revenues;

The *2016 County Trails Strategy* speaks of the TransCanada Trail and the larger picture...

Today, over 17,000 kilometres of trail has been developed. Once fully connected, the Trail will stretch nearly 24,000 kilometres from the Atlantic to the Pacific to the Arctic oceans, linking Canadians in close to 1,000 communities. To date the Trail is approximately 75% completed. The TransCanada Trail route (from west to east) goes from Sudbury to North Bay, and then dips south towards Parry Sound, Barrie and picks up portions of the Bruce Trail along the Niagara Escarpment before again heading east across the Greater Toronto Area and north shore of Lake Ontario. The Trail continues in a north east direction through Peterborough, passes north of Kingston before heading up to Ottawa and continues through Quebec. There may be opportunities to create a “TransCanada Trail Loop” utilizing the acquisition of the CP corridor providing a connection from Ottawa back west to North Bay. The TransCanada Trail and potential loop is illustrated on Figure 19. Becoming a trail building partner with the TransCanada Trail would allow the County to access TransCanada resources and branding, increase the exposure of the trail system in the County of Renfrew, and ultimately bring more visitors to the region.

Other studies show that motorized trails in proximity to homes cause a decrease in home values and detract from quality of life. Details may be located on the Friends

of the Ottawa Valley Rail Trail website at [www.rail-trail.ca](http://www.rail-trail.ca). They speak to the challenges with motorized vs non-motorized use in detail.

From the Ontario Trans-Canada Trail website... <http://www.tctontario.ca/>  
“The [Trans Canada Trail](#) (TCT) in Ontario connects approximately 150 communities through a collection of linked multi use trails; **giving preference to human-powered trail use**. In Ontario many of the trails are greenway routes reserved for walking, hiking, running, and skiing; with cycling routes, paddling routes, and trail connections making up Ontario’s section of the coast to coast to coast trail network.”

As noted below, in May of 2010 the Council of the Municipality of the United Townships of Head, Clara & Maria did pass a resolution AGAINST the purchase of the rail bed as a trail. The issue has not been debated at Head, Clara & Maria Council since although the purchase is planned to be completed in 2018.

County documents all refer to “municipal” partnership and consultation however, to date, no attempts to consult with Head, Clara & Maria residents or council have been made aside from the stakeholder session open to the general public held in October of 2016 with the closest session being in Chalk River. A response to this question made of the County of Renfrew has been included for your information.

As one component of this question... For the 2016-2017 season, residents of Stonecliffe were surprised by the snowmobile trail running past their homes on the abandoned rail bed, with no notice, no consultation. The Missing Link Snowmobile Club had obtained permission from the County of Renfrew to use the trail. The County made no formal agreements with the municipality, there was no consultation, no notice was given aside from a brief statement and question during the Question and Answer portion of a fall 2016 Council meeting on behalf of the club through then Mayor Gibson.

The County plan is to eventually have the entire rail bed become a multi-use four season trail which will allow for motorized use year round – snow machines in winter, 4 wheelers in summer as well as leisure use – walking, hiking, snowshoeing, cycling etc. In order to use the trail, you would be required to comply with the leasing club’s rules – buy permits etc. How does this affect you? Council wants to know.

#### **Issues:**

1. Sustainability of local businesses and the rail bed.
2. Sustainability of businesses in the larger community and a continuous corridor. Can Council affect decisions of the County of Renfrew?
3. Safety and municipal liability with trails crossing municipal roads.
4. Safety and municipal liability with snow on municipal roads due to the use of municipal roads as trail links.

#### **Head, Clara & Maria Official Position:**

1. In March 2010 the Council of the United Townships of Head, Clara & Maria unanimously voted against the purchase of the rail corridor by the County of Renfrew for trail purposes.

#### **The County of Renfrew:**

2. In 2018, the County will complete the purchase.
3. In 2016 the County of Renfrew leased a section of the trail through Stonecliffe from Pine Valley Road to Yates Road to the local snowmobile club for winter use. They have renewed that lease for 2017-2018 season.

4. In October of 2016 public consultation meetings occurred throughout the county, the closest being in Chalk River. There was never any indication that this would be the only consultation.
5. In July of 2017 the County of Renfrew passed a resolution approving the new Algonquin Trail as a multi-use multi-season trail. They added that if a municipality wished to have an alternate route through any section, each municipality would have to provide it at their own expense.
6. In July of 2017 the municipality was contacted by the County asking that we partner with them *“to improve the trail... That your Public Works department give consideration to assisting us with the work needed on the Trail - whether that assistance is in the form of paid or in-kind, or through the loaning/renting of municipal equipment (brushing heads, graders, etc.).”*
7. Although county trail policy states that municipal consultation will occur; the Council, residents or staff of the municipality of the United Townships of Head, Clara & Maria has not been consulted on this use and development.
  - a. Consultation: the action or process of formally consulting or discussing: synonyms: discussion · dialogue · discourse · debate · negotiation · deliberation.
8. In August of 2017 County support staff were asked for evidence of requests for/attempts at consultation with Head, Clara & Maria, that documentation is included below.
  - a. Information – the council representative of a lower tier municipality on the upper tier council is not required to vote at the upper tier in the manner/ way the lower tier municipal council wishes, desires and/or directs. This does not meet the requirement for “municipal consultation” as the local council was not consulted; the issue was not debated at the local council table.
9. In August of 2017, when asked whether users of the trail would have to purchase permits the response received from County staff was *“At this time, the only lease is/will be to the snowmobile club. Only snowmobiles will be obliged to buy permits. So far, council has been clear that it was paid for by the taxpayers and will be available to the taxpayers. Future is future, especially as we look for revenue, but nothing on the horizon right now.”*
10. In August of 2017, when asked about the use of the property throughout Head, Clara & Maria once it was no longer federal lands, the response received from legal counsel was *“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.”*
  - a. All land in Head, Clara & Maria is zoned “residential” until and unless a zoning by-law amendment has been approved by council.
11. Since 2010 when discussing the proposed use of the trail, those involved at the county level described it as a multi-use, multi-season trail; long before and in spite of public consultation, a seemingly foregone conclusion. Quotes below.

12. Lanark County is in a similar situation and is not giving much credence to input from local municipalities (Mississippi Mills) requesting use of the trail through their community for non-motorized use only.

**Locally:**

13. In 2016 the local snowmobile club (The Missing Link) used Pine Valley and Yates Roads to connect their trail on the rail bed to local businesses (Yates General Store, Pine Valley Campground and Morning Mist Campground).
14. The club moved the trail from the original route crossing the Highway beside the cemetery in Stonecliffe due to the danger imposed to snowmobilers crossing there and instead relocated the crossing to the top of Pine Valley Road; hence the need to use the rail bed to connect with Yates General Store.
15. Due to this move, in 2016 Council granted permission to the club to use Pine Valley Road and Yates Road to link their trails on the rail line to local businesses.
16. In 2017 staff became aware of the danger of the speed with which snowmobiles were crossing and travelling along municipal roads and asked the club to take steps to improve safety for users of municipal roads whether people are walking, or driving vehicles, including the snowmobilers.
17. Staff were advised that the club was not able to use anything other than stop signs to slow machines at road crossings; that trail modifications, speed bumps or bollards were not allowed.
18. In 2017 staff became aware of the danger of the deposits of snow thickening along Pine Valley and Yates Road and concerned for municipal liability in not meeting road maintenance policy asked the club to stop doing so.
19. Observing no change in operations; staff took their concerns to council. The reports to council are included below. At no point in letters to the club or recommendation to council did staff recommend that the rail bed not be used as a trail until letters of complaint were received from ratepayers.
20. Council deferred making a decision on the issue of safety on municipal roads until the club was ready in September 2017 to make a *“recommendation to council, or give Council their decision”*.
21. Despite municipal employee requests, throughout the 2016-2017 season, the club continued to place snow on municipal roads, and flatten snowbanks causing problems for plow operators and danger to users of municipal roads due to speed, a build-up of snow on the travelled portion of the road and no delineation between the trail and municipal roads.
22. In March/April 2017 staff received letters from ratepayers expressing their concern for their own, their grandchildren’s and their children’s safety. They referred to the noise which was taking away from their ability to enjoy their own property, bought in this location specifically for the peace, quiet and solitude. People choose to live in this area for a reason. This issue was taken to council in April, 2017; the letters were received as information and debate was deferred.
23. It has been learned that there are a number of petitions being circulated within the community with one copy at Yates General Store asking for the

signatures of proponents of the use of the rail corridor as a snowmobile trail. The Municipal Act does not recognize petitions; they are generally accepted by Ontario municipalities as information or if desired due to political will, will be referred to staff for further information prior to any discussion. Ultimately any decision made on any issue is a decision of council; they have been elected or appointed to make decisions on behalf of the residents but not at their direction. Petitions which contain signatures of anyone other than electors are invalid.

## History

The above facts and the attached reports to the Council of the United Townships of Head, Clara & Maria depict the history of the trail question at local council over the past year.

It is recognized that off-road vehicles are a part of rural life, that their use provides enjoyment to residents and visitors alike and revenues to local businesses. The question is: should those factors override the right of residents to the peaceful enjoyment of their property. Head, Clara & Maria is 95% crown land. For years, trails have existed allowing passage throughout the municipality. Connector trails allow users to frequent local businesses. The question is: are the trails necessary in such proximity to residences? Past Councils of Head, Clara & Maria have not passed by-laws restricting the use of off-road vehicles, as they might, as they did not wish to limit access to the many local trails from residents' back yards.

Should our ratepayers be paying through the county, through our council and then again through trail permits to use "community trails"? Due to the length of the trail throughout Head, Clara & Maria, will this municipality's contributions in relation to those of the entire county be disproportionate?

Throughout our community, the new Algonquin Trail crosses or runs alongside or across the following municipal roads: Ashport Road, Francoeur Road, Mackey Creek Road, Plantation Way, Kenny Road, Pine Valley Road, Logger's Road, Boat Launch Road, Yates Road, Crossing Road, Adelard Road, Mclsaac Drive, Trapper's Road and Dunlop Crescent. It also affects some private roads.

It should be noted that during the past winter season, two accidents occurred, one with two snow machines colliding on Yates Road near the intersection with Loggers Road and the second, with a machine rolling where the trail meets Boat Launch Road; luckily, no serious injuries resulted.

Based on the current status of joint and several liability and legislation upheld in court, staff have concerns about municipal liability should serious accidents occur on municipal roads. The position taken by staff concerning the use of municipal roads over the 2016-2017 season is due to the following:

- Joint and several liability exists in Ontario. As explained from the Association of Municipalities of Ontario "*in the case of joint and several liability, if other parties are unable to pay, damages can be recovered from any defendant even if they are deemed just one per cent responsible. As a result, municipalities can be forced to pay huge damage awards and are often targeted as "deep pocket" insurers. It's unfair and it's wrong.*"
- Road maintenance and negligence in Ontario. From the Municipal Act Section 44.  
**Maintenance** - (1) *The municipality that has jurisdiction over a highway or bridge shall keep it in a state of repair that is reasonable in the circumstances, including the character and location of the highway or bridge.*  
**Liability** - (2) *A municipality that defaults in complying with subsection (1) is, subject to the Negligence Act, liable for all damages any person sustains because of the default.*  
**Defence** - (3) *Despite subsection (2), a municipality is not liable for failing to keep a highway or bridge in a reasonable state of repair if,*  
*(a) it did not know and could not reasonably have been expected to have known about the state of repair of the highway or bridge;*  
*(b) it took reasonable steps to prevent the default from arising; or*  
*(c) at the time the cause of action arose, minimum standards established under subsection (4) applied to the highway or bridge and to the alleged default and those standards have been met.*

## Current Situation

Council will be back in session after summer break at meetings on September 15<sup>th</sup> and October 20<sup>th</sup> and will make some decisions on these matters. Please take this opportunity to make your position known.

## Council Resolution Concerning the CP Rail Line:

The following is a resolution of Council from 2010. No other resolution or debate concerning the rail line purchase or use has been before Head, Clara & Maria Council since. This is the official direction provided to the County of Renfrew by the Council of the United Townships of Head, Clara & Maria.

- Report #19/03/10/204 - Resolution re: Ownership of CP Rail line  
Resolution #19/03/10/006  
Moved by Councillor Gibson and Seconded by Councillor Foote  
**WHEREAS** the Rail Line from Smith Falls to Sudbury is being offered for sale by the current owners, CP Rail;

**AND WHEREAS** there has been some talk of having a group of municipalities and/or counties take over the operation of the line or purchase the soon to be defunct line for recreational purposes or other such activities;

**THEREFORE BE IT RESOLVED THAT** the Council of the United Townships of Head, Clara & Maria does hereby wish to make the municipal position known that this Council does not wish to have any further involvement with the purchase of the abandoned rail line by the area municipalities or the County.

Carried

The use of the rail line as a multi-use trail is a far reaching issue with many components. There are significant implications for all residents; one being the cost of improvements, long term use and maintenance, the other being the potential for economic growth. There is the enjoyment of residents and visitors vs. the loss of enjoyment of property of others. From a taxpayer perspective will each municipality that the trail runs through be responsible for long term financial input? With 35 km running through Head, Clara & Maria what will our cost be?

### From the County of Renfrew...

February 7, 2017 Development and Property Committee "*Chair Sweet informed Committee that Lanark County is currently completing a series of open houses for the Ottawa Valley Recreation Trail. Chair Sweet intends to attend one of these open houses. Chair Sweet stressed the importance of the Partners (Lanark County, Township of Papineau-Cameron and Renfrew County) to have a management plan that keeps the trail as a continuous multi-trail.*"

Minutes from that meeting may be found here. This link includes comments from people who attended what were thought to be preliminary talks about the trail development. It seems that this was the only opportunity for public consultation on the development of the trails.

<http://www.countyofrenfrew.on.ca/documents/2017/DevProperty/Minutes/February7-17-DP-Minutes.pdf>

Although County documents all refer to municipal consultation in the development of a trial use strategy, Head, Clara & Maria Council, ratepayers and staff have yet to be consulted. Yet approval for use of the trail throughout our municipality has been provided by the County.

From an email from Peter Emon, then Warden of the County of Renfrew dated May 19, 2016..." *I have said from the very first time I spoke on the possible uses for the CP Rail properties that I consider it to be the perfect venue to host a four season multi use trail. I haven't changed my mind on that and will not be.*"

As evidenced on the cover page of this document, there are a number of concerns with this situation. Council needs to review the entire issue and determine steps forward considering the needs, wants and desires of a variety of affected groups and individuals including:

- municipal ratepayers who may be affected by financial implications of on-going improvements and maintenance and potential liability;
- user groups;

- local businesses and the economy of the larger community;
- private property owners adjacent to trails who may be affected by noise, safety and reduced property values;
- the municipal corporation which has had this trail thrust upon it by the County of Renfrew without consent.

### Additional Questions for Consideration

1. Can the trail be used for motorized traffic more safely and quietly? Summer and winter?
2. How can motorized and non-motorized use co-exist? Should it?
3. What methods can be used to slow or calm snowmobile/4 wheeler traffic near municipal and private road crossings?
4. Should a motorized trail run through the area with residences in close proximity?
5. Should the rights of property owners, property values and quality of life be discounted for the economic benefit of local businesses? They are property owners too.
6. Are there alternate routes available for motorized trails which do not have to run adjacent to private property, still provide access to businesses but not detract from the enjoyment of their property for others?
7. Should the municipality face increased liability to facilitate a recreation trail used predominantly by visitors to our area?
8. Should the municipality be responsible for costs of providing an “alternate” route for motorized trail use where one already exists?
9. Should the municipality be responsible for the upgrade, upkeep and long-term maintenance of trails which its residents can only use if they then purchase permits?

Mayor Reid will chair the meeting and after opening the meeting will attempt to ensure that everyone who wishes to speak has the opportunity. Attendees will be encouraged to speak for no more than 5 minutes at a time; a timer will be used to facilitate the meeting.

### Attachments

Where the public are asked to provide input on any issue, it is important that they know the history and the facts; this information package includes supporting documentation.

1. CP Rail Announcement – County of Renfrew – July 5, 2017
2. County of Renfrew email – August 24, 2017
3. Nova Scotians Promoting Active-transportation on Community Trails Document – Feb. 2009
4. Copies of Municipal Reports to Council – March 24, 2017 and April 21, 2017

Note\* Alternate formats and communication supports are available on request.

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HCM Mission: **At your service; working effectively to bring together people, partnerships and potential for a strong, connected community.**

HCM Vision: **Providing a healthy, connected, and sustainable community teeming with possibilities for our citizens now and into the future.**