

STAFF REPORT: RECREATION AND ENGINEERING & PUBLIC WORKS DEPARTMENT



REPORT TO: Infrastructure and Recreation Committee
MEETING DATE: September 22, 2009
REPORT NO.: EPW.09.020
SUBJECT: Repeal of Snowmobile Prohibition on 12th Sideroad
PREPARED BY: Jim McCannell, Manager of Roads and Drainage

A. Recommendations

That Council approve that a by-law be passed to repeal the prohibition of snowmobile use on the 12th Sideroad, By-Law 2000-32, as outlined in Report EPW.09.020, "Repeal of Snowmobile Prohibition on 12th Sideroad".

B. Background

The 12th Sideroad had been the historic sanctioned route for many years for snowmobilers to gain access up the escarpment. In 2000 Town Council passed a By-Law to prohibit snowmobile use of the 12th Sideroad after several complaints by local residents of the noise from snowmobiles and dangers posed by the interaction of snowmobilers with motorists, horses and riders, and pedestrians.

For several years there was no sanctioned route yet snowmobilers found their own unofficial route to the trails above the escarpment along several corridors including the 12th Sideroad. Starting several years ago, the County allowed groomed trails to be placed alongside Grey Road 19, however this route was closed in 2007. The County permitted an one year extension for the 2008/09 winter season. Refer to Attachment 1 for a map of this route.

The 12th Sideroad / Grey Road 19 corridor is by no means the only challenge snowmobilers face for trail linkage in the Town. A Snowmobile Trail Committee consisted of representatives from the County of Grey, The Blue Mountains, Ontario Provincial Police, Blue Mountain Snow Drifters Snowmobile Club, Meaford and District Ridge Runners Snowmobile Club, The Blue Mountains Council, The Blue Mountains Roads and Drainage Division and The Blue Mountains Recreation Department was formed to find viable solutions. The Committee reviewed the snowmobile trail linkage throughout the entire Town to ensure long term linkage without relying too much on private land ownership while permitting the full snowmobiling experience.

The use of Town lands, Government agencies lands, and Conservation Authority Lands were considered the best means to achieve the long-term sustainability of the trail infrastructure. The Committee resolved several trail linkage problems in the Town however the linkage in the area of 12th Sideroad / Grey Road 19 remains unresolved.

The Snowmobile Trail Committee held several strategic planning sessions to evaluate possible run routes using aerial mapping and by visiting the sites. Landowners that had previously revoked the use of their lands for historic trail use were contacted to determine if it was possible to re-establish the old trail routes. The major land owners were unwilling to permit the snowmobile trail and again denied access to their lands. The County was also approached to permit the use of GR19. This request was denied since the county road can experience 2500 vehicles per day.

Once the 12th Sideroad was identified as a likely preferred route, the Snowmobile Trail Committee invited the residents of the 12th Sideroad to a meeting in March 2008 to bring forward their concerns about reopening the 12th Sideroad to snowmobile traffic. Several residents attended while written correspondence were received by others. All those commenting noted their concerns with the possibility of the snowmobile ban being removed.

The Committee after reflecting on the alternate solutions recommends that the only viable route to gain access up and down the escarpment is along the 12th Sideroad. Other possible routes were either not permitted by the land owner or involved significantly more travel along road allowances. The 12th Sideroad route can be opened with minimal additional work by the snowmobile club. The Town has already made some basic shouldering improvements that facilitate trail construction by the club. Sections of the road allowance are both open and closed during the winter and easily connect to the existing trail system. The 12th Sideroad is maintained in the winter from County Road 19 to approximately 140m past the Mission Road – a distance of 2,200m. From this point, the 12th Sideroad is not maintained in the winter for another 1,750m east of the 3rd Line. The 12th Sideroad is the only road in the Town that has a ban on snowmobile traffic.

The residents have jointly retained legal Council to argue their disagreement. Baulke, Augaitis and Stahr submitted a letter dated January 20th, 2009 outlining their clients concerns. The main concerns raised by the residents along the 12th Sideroad relate to: i) safety; ii) the lack of independent studies; and, iii) the enjoyment of their homes.

Town Staff concur that there are safety concerns along the 12th Sideroad. There are mitigating steps that can be taken to reduce the possibility of vehicular / pedestrian/ snowmobile conflicts by separating as much as possible the snowmobiles from the travelled portion of the roadway. The 12th Sideroad is a Class 6, low volume side road with an average daily traffic count of 60 or less cars per day (Draft 2009 Roads Needs Study) which is a significant reduction in vehicular traffic over Grey Road 19.

The studies requested by the residents such as route specific economic statements and independent engineering studies are not warranted. It is generally accepted by studies done provincially that snowmobiling has a positive economic benefit to the areas surrounding a sanctioned trail network. With regard to engineering assessment, the Town's Roads and Drainage Division staff are capable of assessing the geometrics of the roadway to determine if its use as a snowmobile trail linkage is appropriate. The 12th Sideroad is not ideal with respect to geometrics and without risk. All steps possible will be taken to mitigate safety risks.

All residents within the Town have the right to enjoy their homes within reason. The Town's road allowances have been created to permit the movement of people and goods. Snowmobile use of the road allowance is permitted except as may be excluded by By-law. Snowmobiles can be a noise nuisance from time to time depending on the nearness of the residents to the trail route and the behaviour of the operator. The Town can take steps to limit the speed and insist on documented enforcement as mitigating measures.

Recommendation

After weighing the options, Staff concurs with the recommendation by the Snowmobile Trail Committee that the 12th Sideroad, although less than ideal, is the best alternative to permit access of snowmobiles from the west side of Collingwood to above the escarpment. The route is all on municipally owned lands. If this linkage along the 12th Sideroad/Grey Rd 19 corridor is not provided as shown in the figure below as link 704, the only alternative for snowmobilers is to travel on unsanctioned roads and trails, and/or to travel along the main B trail to the railway corridor into Collingwood. Staff feels that snowmobilers traveling to and from the west side of Collingwood and Craigleith will find a shorter route including the 12th Sideroad along unsanctioned and un-groomed trails rather than travel the B Trail.



Staff recommends that that the current by-law (By-Law 2000-32) be rescinded for one year to permit operation during the 09/10 winter season. During this time, Roads &


Drainage and Recreation staff will monitor the use of the trail on the roadway and the impact on trail connectivity.

A report will be generated in 2010 to document to findings by Staff. At that time a recommendation will be forthcoming as to whether or not to renew the By-law to prohibit snowmobile use in place on the 12th Sideroad. Staff also recommends that the self monitoring S.T.O.P. and trail patrol program have a documented presence on the 12th Sideroad trail linkage for 6hrs each weekend that the trail is open. The speed of snowmobiles will be limited to 30 km/hr and the area will be signed a Community Safety Zone whereby fines and demerit points are doubled. Since the OFSC Snowmobile Trail Land Use Permission Agreement is executed annually, the Town can prior to the start of a winter season, withdraw permission to use the 12th Sideroad or any other road in the Town. A copy of the Land Use Agreement is appended as Attachment #2.

The overall goal of reopening the 12th Sideroad is be to provide as much of the trail off the travelled portion of the road as possible while still staying within the 20m road allowance. Additional ditching and some road widening already completed by the Roads and Draining Division could achieve the majority of these works. An area of concern is the deviation curve in the road that currently creates a blind spot for motorists, pedestrians, cyclists and horseback riders. It has been suggested the trail be routed along the existing rough trail on the Town owned road allowance thereby making the trail go straight rather than taking the deviation curve. Additional signage will be required to warn all users of upcoming curves and oncoming traffic. The trail would then continue along the 12th Sideroad to connect with the trail on the 4th Line. Along the way, the proposed trail will cross the 2nd Line which will facilitate a new connection along the 2nd Line unopened road allowance south across County Road 19 and continuing along the existing trail. A map of the preferred snowmobile route is provided in Attachment #1.

In conclusion, Staff feels that the 12th Sideroad as an open Town road allowance is not unlike other roads where snowmobile use is permitted and the re-opening of the road allowance to snowmobiles is a reasonable measure in light of the various options available. The reopening of the 12th Side Road to snowmobile use is not without obstacles though, but the obstacles are more easily remedied than other alternate routes considered by the Snowmobile Trail Committee. The use of existing town road allowances allows for a more sustainable trail system.

A draft by-law to rescind By-Law 2000-32 is provided for consideration as Attachment #3.



C. The Blue Mountains' Strategic Plan

The creation of a viable and efficient trail network furthers the Town's Strategic Goal #4 "Supporting the development of social and recreational programs to meet the broad range of needs in the community".

D. Budget Impact

Road shouldering improvements were completed within the 2008/09 Engineering and Public Works operational budget under spot repair.

Any additional works required for the snowmobile trail will be completed by OFSC volunteers. OFSC volunteers are covered by the blanket liability insurance of the OFSC. Prior to any works occurring on Town lands a Municipal Lands Works Permit is required.

E. Environmental Impacts

The temporary lifting of the prohibition of snowmobile use on the 12th Sideroad assists in creating a sustainable network of snowmobile trails while ensuring appropriate use of Town property and environmentally significant lands and watercourses.

F. Attached

1. Snowmobile trail linkage map
2. OFSC Snowmobile Trail Land Use Permission Agreement renewed annually
3. Draft By-Law to rescind By-Law 2000-32 for one year.

Respectfully submitted,

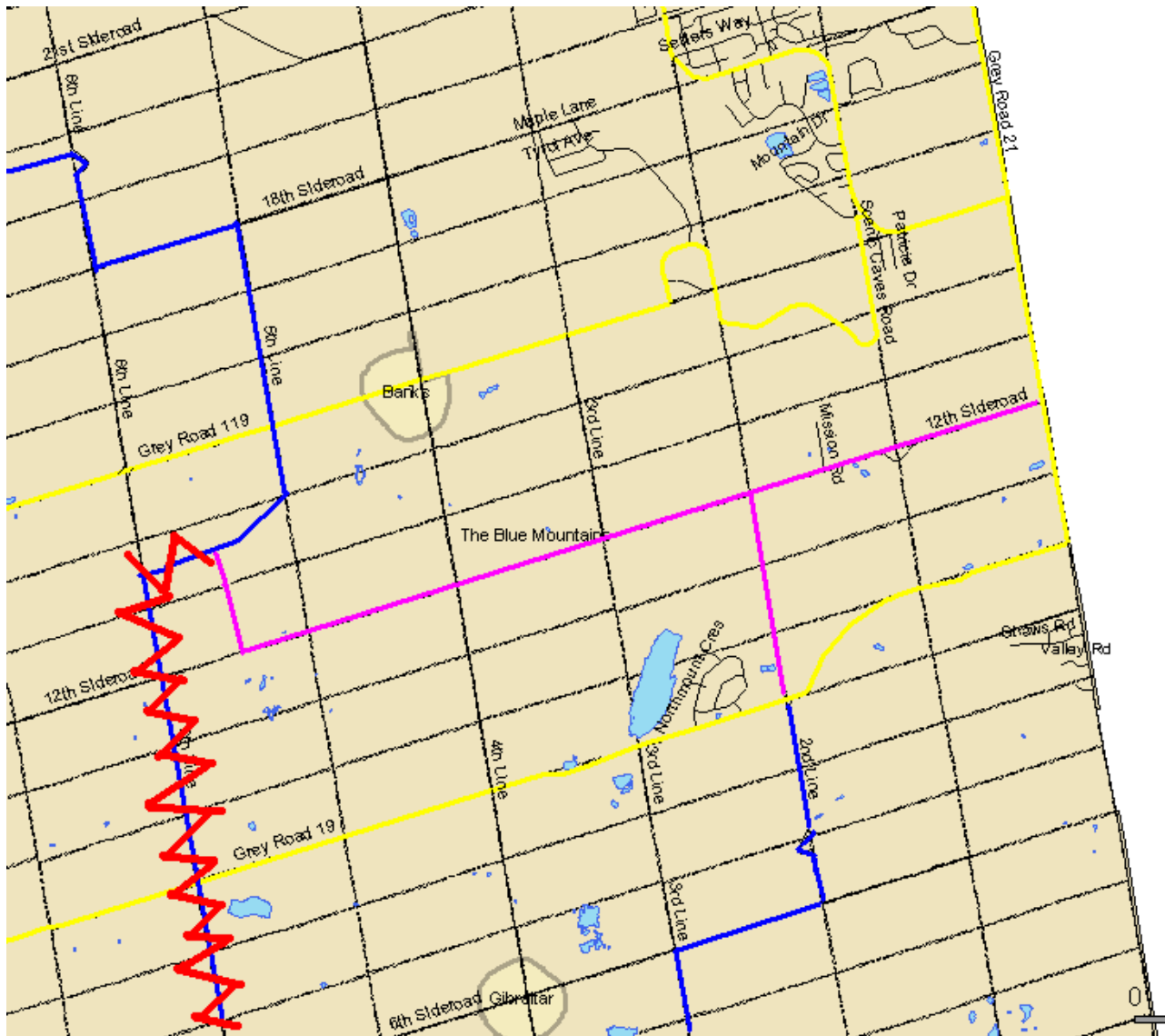
Jim McCannell
Manager of Roads and Drainage Divisions

Reg Russwurm
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Proposed Trail Linkage along 12th Side Road and 2nd Line



- Blue - Existing Trail
- Pink - Proposed Trail Linkage
- Red Hatching - Proposed removal of 6th Line road travel
- Yellow - County Roads



ONTARIO FEDERATION OF SNOWMOBILE CLUBS
 106 Saunders Road, Unit 12, Barrie, Ontario L4N 9A8
 Tel: 705-739-7669 Fax: 705-739-5005

OFSC SNOWMOBILE TRAIL LAND USE PERMISSION

MEMORANDUM OF UNDERSTANDING
 (PLEASE PRESS HARD AND PRINT OR TYPE)

On this _____ day of _____, year _____ I, the undersigned, owner/occupier of the premises that is lot # _____, concession # _____, or other _____ in the Township of _____,

County/District/Region of _____ do hereby give the undersigned named local snowmobile club, as a member in good standing of the Ontario Federation of Snowmobile Clubs, hereinafter referred to as the OFSC, permission to legally enter, establish, groom, maintain, sign and use that portion of the premises herein designated by me for the exclusive purpose of allowing individual trail permit members of the OFSC to use said designated premises for snowmobiling under the following terms and conditions:

1. The local snowmobile club shall at all times remain a member in good standing of the OFSC and be able to verify this to the owner/occupier with a current OFSC membership card or this agreement shall be immediately null and void.
2. By remaining a member in good standing of the OFSC, the local snowmobile club shall be party to the OFSC's third party liability insurance. This coverage is confirmed to the undersigned owner/occupier by signing this memorandum of understanding on the condition no fee has been charged by the owner/occupier for the use of designated premises. The insurance shall have adequate limits to cover land uses specified herein by the local snowmobile club and OFSC individual trail permit members on the designated premises.
3. The designated premises shall be sketched on a separate sheet of paper or shown on an attached map and a copy of each/both shall be initialed by both parties hereto and attached to each copy of this agreement.
4. It is understood that the local snowmobile club, with the owner/occupier's verbal consent on each occasion, shall have access to the designated premises prior to and after the winter months for the purpose of opening and closing, upgrading and maintaining the trail when there is no snow cover.
5. The local snowmobile club shall maintain that portion of the designated premises to be used by individual snowmobile trail permit members in reasonably good condition for snowmobiling purposes only; and undertake to post appropriate signage; remove on an annual basis any litter caused by individual trail permit members; and repair or replace property damaged by individual trail permit members on that portion of the designated property used for snowmobiling.
6. Each party hereto shall give the other sixty (60) days prior written notice to the address below of any changes to, or cancellation of this agreement.
7. The local Snowmobile Club, its wardens and executive are hereby authorized to be the undersigned owner/occupier's agent(s) to supervise and enforce the uses defined hereunder with respect to the designated premises in accordance with the Trespass to Property Act R.S.O. 1990, C.T. 21; the Motorized Snow Vehicles Act R.S.O. 1990, C.M.44; and the Occupiers Liability Act R.S.O. 1990, C.O.I.

LANDOWNER/OCCUPIER		LOCAL SNOWMOBILE CLUB	
NAME		NAME	BLUE MOUNTAIN SNOW DRIFTERS
ADDRESS		ADDRESS	BOX 535
PHONE		PHONE	COLLINGWOOD ON L9Y3K9
SIGNATURE		SIGNATURE	

LOCAL SNOWMOBILE CLUB CONTACT PERSON NAME & PHONE:	OFSC DISTRICT GOVERNOR NAME & PHONE

**DRAFT
THE CORPORATION OF THE TOWN OF
THE BLUE MOUNTAINS**

By-law No. 2009 -

Being a By-law to repeal a By-law to prohibit the operation of motorized snow vehicles on a highway or part thereof under the jurisdiction of the municipality

WHEREAS section 7 (2) of the Motorized Snow Vehicles Act, R.S.O. 1990, chapter M.44, enables the Council of a municipality to pass by-laws prohibiting the operation of motorized snow vehicles within the municipality on highways or parts thereof under the jurisdiction of the municipality;

AND WHEREAS Council of the Corporation of the Town of The Blue Mountains did enact By-law No. 2000 - 32 to prohibit the operation of motorized snow vehicles on a part of a highway under the jurisdiction of the Town being the 12th Sideroad in Concessions 1 and 2 in response to pedestrian and vehicular traffic conflicts and concerns;

AND WHEREAS Council of the Corporation deems it expedient to repeal and rescind By-law No. 2000 - 32 so as to permit the operation of motorized snow vehicles on the 12th Sideroad in Concessions 1 and 2 during the winter season of 2009 - 2010 on a trial basis in a regulated environment;

AND WHEREAS Council of the Corporation reserves the right to reconsider the permission or prohibition following snowmobile travel on the 12th Sideroad in Concessions 1 and 2 during the winter season of 2009 - 2010;

NOW THEREFORE Council of the Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. THAT By-law No. 2000 - 32 is hereby repealed and rescinded in its entirety and the operation of motorized snow vehicles is hereby permitted on and within the bounds of the original road allowance between Lots 12 and 13, being the 12th Sideroad, through the entirety of Concessions 1 and 2 in the Town of The Blue Mountains.

AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this day of , 2009

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Ellen Anderson, Mayor

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Stephen Keast, Clerk