

Report PDR-PCD-10-14

To: Chair Wright and Members of the Planning and Community Development Committee
From: Sarah Morrison, Intermediate Planner
Meeting Date: April 15, 2014
Subject: Request from Dufferin Grey ATV Club
Status: Recommendation Adopted as Presented per *PCD45-14*; Endorsed by Council per *CC59-14* May 6, 2014

Recommendation(s)

WHEREAS a request has been received from the Dufferin Grey All-Terrain Vehicle (ATV) Club for a change in the Memorandum of Understanding for the use of ATV's in the Harkaway Forest Tract from May 1st to November 30th;

AND WHEREAS Staff have considered that request and recommended an alternative proposal allowing the club to use the trails as early as the Saturday of the May long weekend, to no later than October 31st with the condition that the County has the ability to close the trails if conditions are not suitable;

NOW THEREFORE BE IT RESOLVED THAT Report PDR-PCD-10-14 be received;

AND THAT staff be directed to amend the Memorandum of Understanding with the Club for the Harkaway Tract;

AND THAT Grey County Council permit the Dufferin Grey ATV Club to use the Harkaway Tract with approval remaining in place, subject to the requirements in the Memorandum of Understanding being adhered to.

Background

A request has been received from the Dufferin Grey All-Terrain Vehicle (DGATV) Club for permission to extend the time in which they are currently permitted to use the Harkaway Forest Tract from May 1 to November 30, the current Memorandum of Understanding (MoU) allows for usage from June 1 to October 15.

Grey Sauble Conservation Authority (GSCA) staff have indicated that they would be comfortable with allowing the Club to use the trails as early as the Saturday of the May long weekend, with the caveat that the County has the ability to close the trails if conditions are not suitable. They also indicate that they would be comfortable extending

the closing date to no later than October 31, as this would limit any conflict that could arise during hunting season.

Discussions with the DGATV Club have determined that they would be content with the extension to these dates even though this is less than what was requested.

In addition to this, the current MoU indicates that there is a 7 day period prior to and after the season (May 25-May 31 and October 16-October 21) in which the club is permitted into the forest to open the trails and put up signage. This window would no longer be included with the proposed extended dates.

A copy of the revised MoU can be found here: [Harkaway Agreement 2014](#)

Financial / Staffing / Legal / Information Technology Considerations

The Club currently maintains a five million dollar liability insurance policy under the Ontario federation of All Terrain Vehicles (OFATV) umbrella. This is an aggregate amount and not a per occurrence amount. The trail is maintained by the DGATV Club and there is no anticipated cost to the County should the extension be approved.

Staff would recommend that the current MoU for usage in the Harkaway Forest Tract (separate to the MoU for other County trails used by the Club) be updated to reflect the proposed change of dates, as well as a clause that would allow for County staff to close the trail if conditions are not suitable for ATV usage.

Under the delegation of duties By-law 4824-13 the Clerk/Director of Council Services has the authority to sign these types of agreements without the need to bring it forward to Council. Section 2.2 of the Delegation of Duties By-law indicates that new agreements/MoU's are required to be approved by Council. The Clerks Department has confirmed that this update will not require a by-law.

Additional staff time may be required to inspect the trail on a more regular basis to review for damage or environmental concerns.

There are no Information Technology Considerations with respect to this report.

Link to Strategic Goals / Priorities

This request falls in line with Strategic Goal 3.7 to continue implementing the County's Recreational Trails Strategy and seek opportunities to expand the County-wide trails network. It also supports Goal 3.4 to encourage economic and tourism initiatives that support the sustainability, protection and enhancement of the natural environment.

Respectfully submitted by,

Sarah Morrison, Hons. BA, MCIP, RPP
Intermediate Planner

Director Sign Off: *Randy Scherzer*