

To:	Warden Matrosovs and Members of Grey County Council
Committee Date:	February 13, 2025
Subject / Report No:	PDR-CW-15-25
Title:	CP Rail Trail Crossings in Dundalk
Prepared by:	Planning Staff and Legal Services Staff
Reviewed by:	Randy Scherzer
Lower Tier(s) Affected:	Township of Southgate

Recommendation

1. That report PDR-CW-15-25 be received; and
2. That staff be directed to prepare an agreement (or agreements) with the Township of Southgate for the purposes of:
 - a. conveying four (4) road crossings of the CP Rail Trail to the Township of Southgate, where the transfers shall reserve an easement in favour of Grey County to ensure that the County maintains its ability to pursue the potential of such things as installation of utilities and the return of rail service on the rail corridor;
 - b. lowering a section of the trail in the south end of Dundalk to facilitate the Eco Park Way extension, where such works would be completed by the Township of Southgate, or a contractor working on their behalf;
3. That staff be authorized to enter into a temporary access agreement for any of the four (4) crossings, should it be necessary, ahead of the conveyance of the lands to the Township of Southgate; and
4. That staff be authorized to carry out the above prior to County Council approval as per Section 26.6(b) of Procedural By-law 5134-22.

Executive Summary

The County maintains ownership of the 77-kilometre CP Rail Trail as a multi-user trail, infrastructure corridor, and preserving the opportunity for rail, should rail even return to Grey. The County Official Plan limits new crossings of the trail and supports maintaining ownership of the trail corridor lands. In Primary Settlement Areas, there is a need to balance the need for growth, with the County's objectives of maintaining the trail corridor. Currently there are four proposed new road crossings of the trail, for the purposes of facilitating new residential and employment growth, as well as the construction of a new school in Dundalk. This report recommends support for these four proposed trail crossings, as well as outlining a process by which the County can transfer the crossing lands to the Township of Southgate, for the future

roads, while still maintaining the function of the trail and an easement in favour of the County. A small section of trail in the south end of Dundalk will also need to be lowered, to facilitate the construction of the Eco Park Way Extension.

Background and Discussion

The County owns and maintains a 77-kilometre multi-purpose trail running from Dundalk to Owen Sound, on former CP Rail lands. The County maintains the trail both for its current trail users, but also as an infrastructure corridor, and to preserve the lands should there ever be an opportunity to have rail return to the County. In Dundalk, the trail is used by pedestrians, cyclists, all-terrain vehicles (ATVs), and snowmobiles. Based on policies in the County Official Plan, the County limits the number of new crossings of the trail, and does not sell off portions of the trail for private use. There are currently several areas where existing County Roads, municipal roads, and provincial highways cross the trail. In those sections, there are both gates and signage to maintain safety for trail users, and the bisecting automobile traffic.

Southgate has had significant levels of growth in recent years, the majority of which is in the Primary Settlement Area of Dundalk. Based on this growth there are now four proposed trail crossings for new municipal roads; two in the north end of Dundalk primarily for residential and school traffic, and two in the south end of Dundalk primarily serving as an access point from Highway 10 to Southgate's Eco Park (i.e. the Township's industrial park). For the northerly crossings, these have been planned via two draft approved plans of subdivision (known as Glenelg phase 2 and phase 3) on either side of the trail. Within Glenelg phase 3, there is also a proposed new public-school site. For the southerly crossings, these have been planned through a recently completed environmental assessment by the Township to provide an access from Highway 10 to their industrial park. This by-pass road was anticipated by both the Township and County, and was conceptually included in the County Official Plan, as shown on Appendix D to the Plan. There are provisions in the Plan noting that the exact location of the by-pass road can shift without amendment to the Plan.

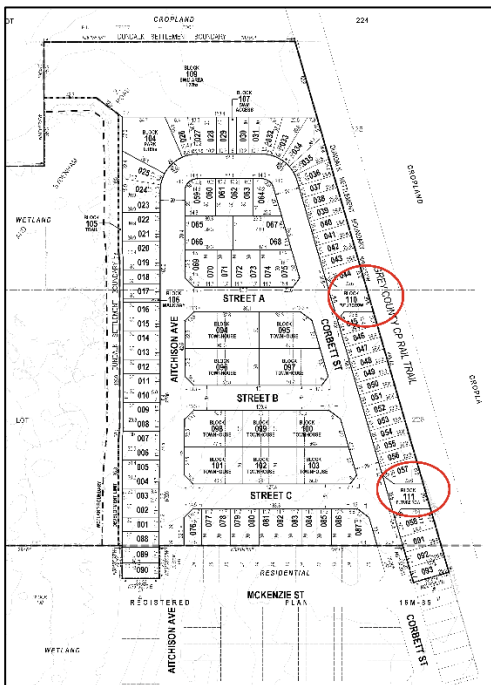
The proposed crossings and draft approved subdivisions are depicted in Maps 1 – 5 below as follows:

- Map 1: airphoto showing the north end of Dundalk and the Glenelg phases 2 and 3 subdivision lands. Glenelg phase 2 lands are outlined in blue, while Glenelg phase 3 lands are outlined in red.
- Map 2: Glenelg phase 2 draft approved plan of subdivision with proposed future trail crossings in the location of the red circles.
- Map 3: Glenelg phase 3 draft approved plan of subdivision and future school site, as well as the proposed trail crossings in the location of the red circles.
- Map 4: airphoto showing the south end of Dundalk and proposed Eco Park Way extension. The Eco Park Extension is approximate and shown in purple, while the CP Rail Trail is the dashed green line.
- Map 5: south end of Dundalk with proposed trail crossings in the location of the red circles.

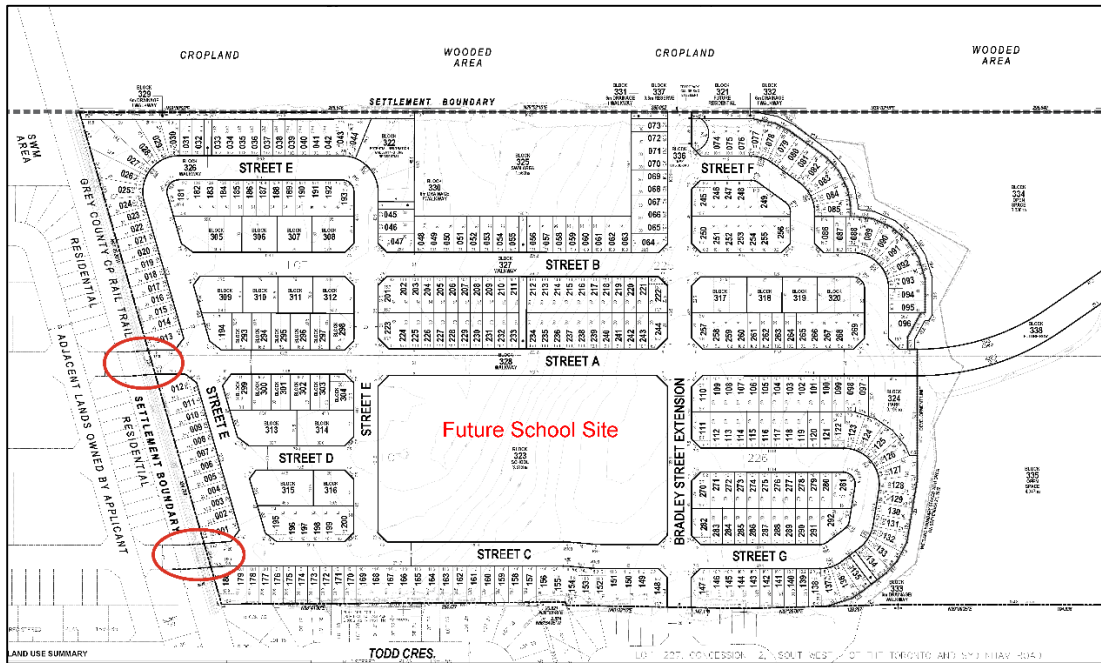
Map 1: Airphoto Showing the North End of Dundalk and the Glenelg Phases 2 and 3 Subdivision Lands



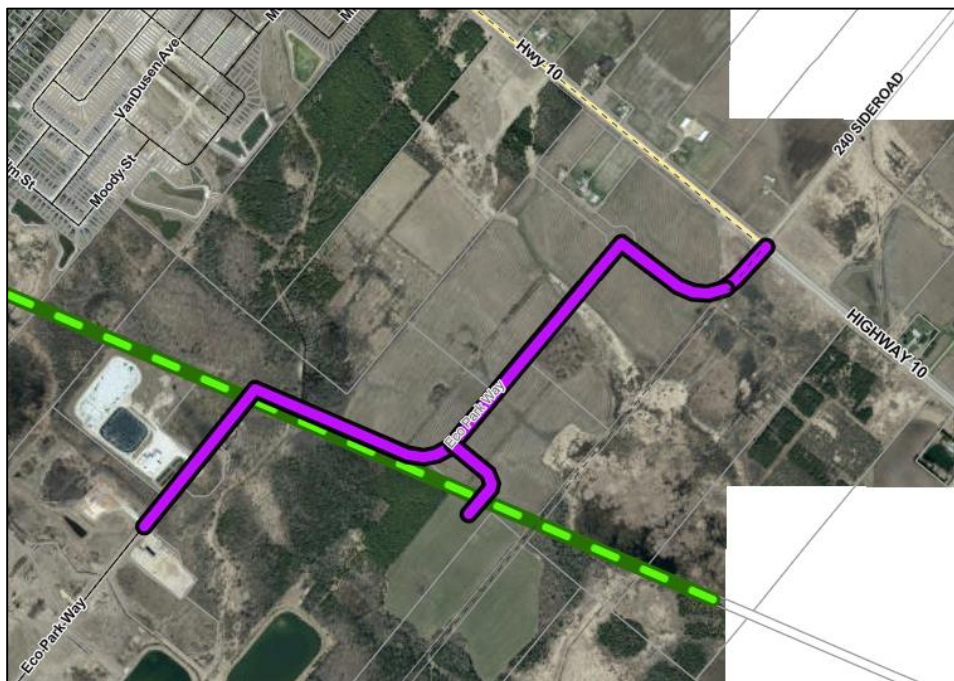
Map 2: Glenelg Phase 2 Draft Approved Plan of Subdivision with Proposed Trail Crossings



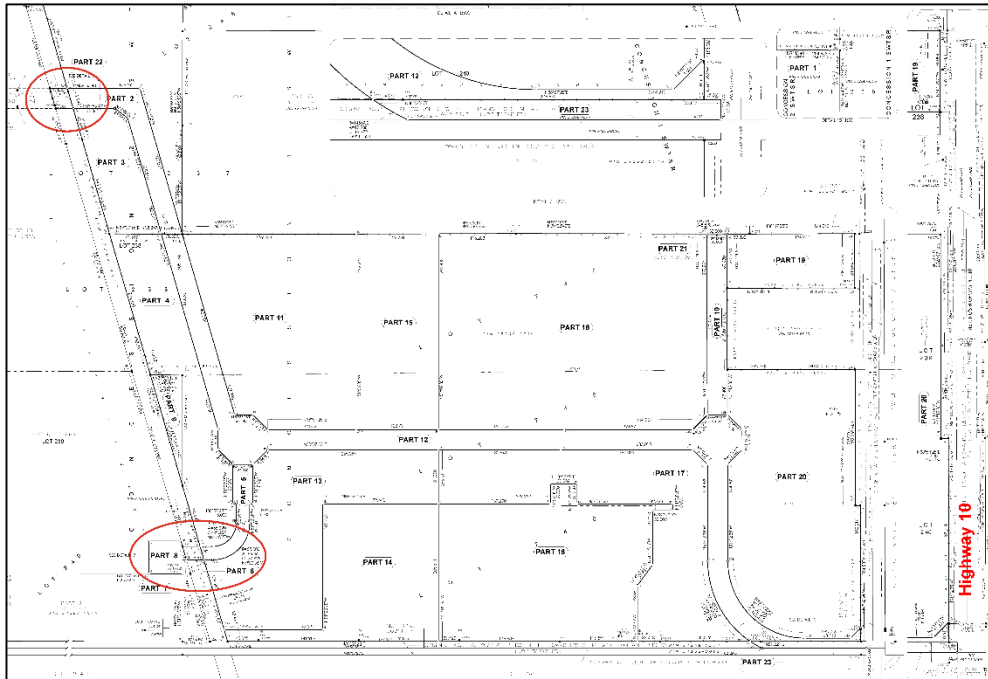
Map 3: Glenelg Phase 3 Draft Approved Plan of Subdivision with Proposed Trail Crossings and Future School Site



Map 4: Airphoto Showing the South End of Dundalk and Proposed Eco Park Way Extension



Map 5: South End of Dundalk with Proposed Trail Crossings



Where existing roads cross the CP Rail Trail, the road authority owns the road, and the County maintains ownership of the trail lands on either side of the road, with the ability for trail users to cross the roads. County staff envision a similar approach for the newly created trail crossings as shown above. To facilitate these crossings, the County will need to convey lands to the Township of Southgate for the construction of these roads. The lands to be conveyed will be the road allowance lands only, and not other sections of the trail.

County staff have recently been working with Township staff on both the northerly and southerly proposed trail crossings. There is some expediency needed for trail crossings based on the following:

1. For the northerly crossings the Bluewater District School Board (BWDSB) is eager to begin construction on the new school starting in spring 2025. In order to access the site, the BWDSB needs to cross the trail with a temporary construction road. While strictly speaking only one crossing is needed to facilitate the school construction, County staff see merit in proceeding with conveying the lands for both northerly crossings at the same time, rather than one crossing conveyance now, and another crossing conveyance a short time later. The crossing needed to facilitate construction of the school, would initially only be open to construction traffic, or access to the Township, but would not be opened as a public road.
2. For the southerly crossings the Township is going to tender the Eco Park Way extension in 2025. To facilitate the construction of this road, it will be easier to have all the lands under the ownership of the Township, rather than portions still owned by the County.

As it pertains to the northerly crossings the Township recently approved consent and minor variance applications to remove the school site and access from the Glenelg phase 3 draft plan

of subdivision, to permit construction of the school site ahead of the subdivision. A site plan control application for the school will be submitted shortly. The conditional approvals on the above-noted applications speak to the need for agreements. By proceeding to convey the lands to the Township, it will simplify this agreement process in that the County will not need to be party to the agreement between the Township, BWDSB, and Flato Developments Inc. (the developer of Glenelg phases 2 and 3).

Specific to the southerly crossings, the Township is also seeking to lower a small section of the CP Rail Trail, to facilitate the road extension. The County would enter into an agreement with the Township to facilitate Southgate completing these works on County lands.

In speaking with Township staff, there is greater urgency for the northerly crossings than the southerly crossings, and as such the conveyances may proceed under one agreement for all four crossings, or via two agreements, one for the north and one for the south. County staff are seeking direction from Council for all four crossings at this time, with discretion to proceed under one or two agreements as needed, in addition to the agreement for lowering the trail.

Staff are recommending transfers for these sections of the trail, as if the County were to keep these sections, and they were to be opened as roads, the County would be responsible for the ongoing maintenance and infrastructure of this particular section of the public roads. The County would also have additional liability in this area if it maintains ownership of Township road sections.

For all the above-noted crossings, the County would be seeking an easement across the new roads, to ensure County maintains its ability to pursue the potential of such things as installation of utilities and the return of rail service on the rail corridor. A return clause is also recommended, such that if the County conveyed the lands and the road was never built, then the lands would revert back to the County. The County would require new gates and signage to be erected in the location of the crossings, similar to other sections of the trail with road crossings. County staff would work with all parties to ensure that the trail remains open and usable to the public, except where closure is absolutely necessary during construction periods. The above-noted agreement(s) would facilitate these trail crossings and lowering of the trail, with the final technical drawings and construction details to follow. The agreement(s) would also address any existing utilities that may be in the current rail trail corridor.

Legal Services staff have reviewed the County's Sale and Disposition of Land Policy. Section 4.h) of the policy pertains to real property sold to any municipality, local board, school board, conservation authority, a corporation that operates a public hospital or the Crown in right of Ontario or Canada and its agencies. A sale of this nature is exempt from requirements of declaring the land surplus, obtaining a valuation of the land, and giving notice to the public. Should Council support the staff recommendation in this report, staff would request reference plans to describe the exact lands to be transferred. Further notification will also be provided to trail users, including notice of any trail closures, prior to the commencement of construction.

County Official Plan and Recreational Trails Master Plan

All four proposed crossings of the CP Rail Trail are in the Primary Settlement Area of Dundalk. Primarily Settlement Areas are the focus of new growth in the County. The school, residential,

and employment growth adjacent to the trail in these locations are all uses encouraged in Primary Settlement Areas.

As noted above, Appendix D to the County Plan currently depicts a new industrial park by-pass road into Dundalk from Highway 10, which crosses the CP Rail Trail.

Section 8.8 of the County Official Plan provides policies on rail corridors. This section of the Plan prioritizes the CP Rail Trail as “a unique and irreplaceable public asset”, and further notes the following:

“The County CP Rail Trail should be preserved for existing and future transportation uses, including the potential re-introduction of rail service to the County. Should rail not return, the County will continue to maintain and improve the County CP Rail Trail as a key trail connection within the overall complete transportation system as well as a key connection within the overall Province-wide cycling network... The County will maintain ownership of the rail corridor right-of-way and will generally not permit any new crossings or encroachments, on the rail right-of way for the private benefit of one or two properties that may compromise the multi-use recreational trail or the return of the property to a rail use, should such an opportunity arise (e.g., water pipeline, gas pipeline, hydro, telecommunications, residential laneway, or other). Utilizing the CP Rail Trail corridor will be considered for extension of broader public based services such as water and sewer services as well as the extension of utilities (e.g., broadband/fibre).”

As per above, the County has been reticent to allow for new crossings of the trail, particularly those that only benefit one or two properties. The County has however permitted crossings for the establishment of new municipal roads and infrastructure. Section 8.8.2 of the Plan provides a list of criteria to determine the feasibility of any new trail crossings. These criteria include investigating alternative locations, the requirement for a survey, an agreement with the County, and the responsibility of the developer for the costs associated with any works or agreements associated with the crossing. Staff are satisfied that these criteria have been satisfactorily addressed by the proposed crossings.

Finally, the County Official Plan also notes:

“New developments proposed adjacent to the County CP Rail Trail corridor will need to be designed to integrate with the CP Rail Trail by establishing connections to the Trail. To mitigate against the potential compatibility of development adjacent to the rail corridor based on current motorized trail users (e.g., snowmobiles and ATV’s), new development may be required to provide buffers/setbacks and/or screening which could include fences, berms, tree plantings, and/or landscaping to the satisfaction of the County.”

In the review of the two draft plans of subdivision, Glenelg phase 2 and 3, the above-quoted section was considered, and conditions were attached to the approvals recognizing the multi-use trail.

The County’s 2019 Recreational Trails Master Plan (RTMP) contains similar direction to the Official Plan, prioritizing the protection of the CP Rail Trail. The RTMP provides for the following as it relates to the trail and infrastructure:

“The CP Rail Trail also serves as an important infrastructure corridor throughout the County. Portions of the CP Rail trail currently have fibre optic cables, hydro lines, sewer

lines, and water lines across or under the trail. The County continues to consider co-location of these or other forms of infrastructure across or under the trail provided it does not compromise the trail's recreational purpose...

When multi-use trails cross roadways and laneways or driveways, safety is paramount concern. Trails should be designed with the appropriate alignments and sightlines and incorporating appropriate signage. Trails should intersect roadways at 90-degrees wherever reasonably possible."

Although the locations of the proposed trail crossings are known at this stage, the final construction details are not yet known. County Planning staff have been working with Grey Sauble Conservation Authority (GSCA) and Transportation Services staff as it pertains to these proposed crossings and trail lowering, to ensure safety, and sound engineering for the long-term future of the trail. The future agreements will speak to the need for final sign-off by the County on the trail lowering and crossing specifications.

County staff are satisfied that the proposed crossings conform to the County Official Plan and align with the vision of the RTMP.

Legislated Requirements

There are numerous pieces of legislation that impact matters covered in this report, including the *Environmental Assessment Act*, *Highway Traffic Act*, *Municipal Act*, *Ontario Trails Act*, and *Planning Act*.

Financial and Resource Implications

The above-noted works will be completed using existing staff resources and the approved 2025 budget. Any improvements to the trail to facilitate the crossings i.e., gates, signage, will be specified in the agreement(s), and will be the responsibility of the Township or the developer. There is one section of the trail in the south that is still in the registry system and needs to be updated to land titles. The County will prioritize this conversion work for this section of trail, as part the CP Rail Trail surveying capital project included in the 2025 County budget. The Township will be responsible for any costs related to lowering the section of trail in the south end of Dundalk. A nominal fee will be required to facilitate the transfers, but as per the County's Sale and Disposition of Land Policy the Township would be exempt from paying fair market value for the lands.

Relevant Consultation

- Internal: Planning, Legal Services, CAO/Deputy CAO, Transportation Services
- AODA Compliance: Although the CP Rail Trail is Grey County's most accessible trail, it is not accessible to an AODA standard. Through the proposed trail crossings County staff will ensure the current level of accessibility remains.
- Contribution to Climate Change Action Plan Targets: Preservation of the CP Rail Trail is crucial to the County retaining the trail as a key active transportation spine throughout the County.

External: Township of Southgate, Bluewater District School Board, Flato Developments Inc., and Grey Sauble Conservation Authority

Appendices and Attachments

None.