

**Report to
Rapport au:**

**Community and Protective Services Committee
Comité des services communautaires et de protection
15 September 2016 / 15 septembre 2016**

**and Council
et au Conseil
28 September 2016 / 28 septembre 2016**

**Submitted on August 19, 2016
Soumis le 19 juillet 2016**

**Submitted by
Soumis par:
Dan Chenier**

**General Manager Parks, Recreation and Cultural Services/directeur général
Services des parcs, des loisirs et de la culture**

**Contact Person
Personne ressource:
Kevin Wherry**

**Manager, Recreation Planning & Facility Development, Parks, Recreation and
Cultural Services/Gestionnaire de planification des loisirs et aménagement des
installations, Services des parcs, des loisirs et de la culture**

**613-580-2424 ext. 24350
kevin.wherry@ottawa.ca**

Ward: RIVER (16) / RIVIÈRE (16)

File Number: ASC2016-PRC-GEN-0003

SUBJECT: Carlington Mountain Bike Park

OBJET: Aire de vélos de montagne du parc Carlington

REPORT RECOMMENDATION

**That the Community and Protective Services Committee recommend Council
approve a partnership with Ottawa Mountain Biking Association for the**

installation of a Mountain Bike pump track and skills area in Carlington Park as outlined in this report.

RECOMMANDATION DU RAPPORT

Que le Comité des services communautaires et de protection recommande au Conseil d'approuver un partenariat avec l'Association Ottawa Mountain Biking pour l'installation d'une piste à rouleaux et d'un parcours d'adresse au parc Carlington, comme l'explique le présent rapport.

BACKGROUND

The Ottawa Mountain Bike Association (OMBA), a volunteer based not-for-profit organization, has proposed the development of a mountain bike pump track and skills area on the plateau at the summit of the hill in Carlington Park.

Over the last ten years OMBA has successfully partnered with the City in the development and management of a twenty kilometre network of multi-use trails in the South March Highlands Conservation Forest. In 2013 OMBA approached the City of Ottawa with the idea of developing a mountain bike park in a City park.

The proposed concept is to create a publicly accessible location where bike riders can develop their offroad riding skills in a safe and progressively challenging environment. The new biking features would be installed in dedicated area offering a variety of off-road features that provide challenge and enjoyment for cyclists of all skill levels. Similar to a skateboard park, the area would include a range of features such as bumps, jumps, and berms created out of compacted earth rather than concrete.

Mountain bike parks originated as unsanctioned dirt jumps built on neglected pieces of land and have evolved into professionally designed features built to established standards. In recent years, many municipalities in Canada have supported their development. The Carlington Mountain Bike Park would be the first of its kind in the City of Ottawa.

The proposal was shared with the Ward Councillor in 2015 and extensive community consultation was undertaken to gather feedback from local residents, biking enthusiasts and the general public.

DISCUSSION

After examining park locations across the City, OMBA identified Carlington Park in Ward 16 as the preferred site based on it's central location, topography and potential to

support a range of bike activities with minimal impact on existing park use. In 2014, OMBA developed a proposal for the park which was refined with input from City staff.

The Department believes that this initiative will:

- Create new recreational opportunities for cyclists of all ages and skill levels
- Leverage the volunteer resources of the OMBA to build and manage the park at limited cost to the City
- Install park features that are compatible with the site and that will not preclude any of the existing uses.

The pump track and skills area are two initial components of a broader plan that could also see a downhill trail, climbing trail and dirt jump components considered in future phases. The limited scope of phase one will be used to evaluate the fit of this activity in the park, and to determine the popularity of the activity and the need for more features.

Figure 1 – Aerial view of proposed Phase 1 Mountain Bike Park



RURAL IMPLICATIONS

There are no specific rural implications.

CONSULTATION

Public consultation has been coordinated by the Carlington Community Association. In March of 2016, OMBA was invited to make a presentation and answer questions at the Community Association's regular meeting. After receiving feedback, the Association pledged to hold a referendum for its members at the annual general meeting to measure support for a mountain bike park in Carlington Park. Leading up to the referendum the Association posted the OMBA presentation and a question and answer document on their website. The Association also responded to numerous inquiries from the public. Some of the concerns raised by members of the community included:

- A mountain bike park would displace both established activities (i.e. tobogganing) and existing informal uses (i.e. dog walking) in Carlington Park
- A mountain bike park would attract people from outside the adjacent neighbourhoods to Carlington park
- A mountain bike park would impact environmentally sensitive forested areas of the park

Based on the input received, OMBA modified its proposal to include development in phases for the mountain bike park. The first phase of development was presented for approval at the referendum with an understanding that future phases would be developed in consultation with the community at a later date. The referendum was promoted through both the Community Association and the Ward Councillor's websites.

On May 25, 2016 the Community Association facilitated a discussion and a vote through secret ballot on the following Motion:

That the Carlington Community Association (CCA) approve, in principal, Phase One of the Carlington Hill Bike Park proposal, with the following conditions:

- that no further phases of the bike park be implemented without approval by Carlington residents, through the CCA;
- that the CCA and Carlington residents, through a dedicated working group, are consulted on Phase 1 design and construction details and have opportunities to inform further planning;
- that any bike park facilities be accessible by residents of all ages and be free of charge;

- that Carlington residents be involved in construction and maintenance of the facilities;
- that appropriate environmental and conservation experts are consulted;
- that concerns expressed by Carlington residents are noted and considered carefully as planning and implementation of Phase 1 progress.

On May 26, 2016 the Community Association announced 70% of the votes had been cast in favour of the Mountain Bike Park proposal.

COMMENTS BY THE WARD COUNCILLOR(S)

I have received and read the draft report from City staff regarding the proposal from the Ottawa Mountain Bike Association (OMBA) to partner with the City of Ottawa to build a mountain bike track and pump course on a portion of the north-facing second plateau of Carlington Hill.

The non-for-profit, volunteer-run, Ottawa Mountain Bike Association (OMBA) met with me over one year ago to share their vision to build a centrally located mountain bike course and track in Ottawa, particularly on Carlington Hill. Although OMBA and the City have partnered for over a decade in the South March Highlands, there is no other location in Ottawa offering this recreational opportunity. I have shared the vision of OMBA with the Carlington Community Association (CCA) at a number of public general meetings, and we have discussed the merits of additional recreational opportunities on the Hill for some time. I have also written about this matter in my Councillor columns of the Ottawa West News, shared stories on my website and this was a front page update in the May 2016 River Ward Community Bulletin, sent to every household in the ward.

In 2016, the Carlington Community Association conducted their own consultation with the community to gauge the support on the OMBA proposal. I would like to applaud the efforts of the Association, particularly President Cameron Ketchum. The CCA posted updates on their website, conducted an on-line survey, hosted public forums and at their May 2016 AGM, made this a major item of discussion on their agenda, including a member vote that resulted in a 70% vote of acceptance.

Some residents, particularly those living in the vicinity of the Hill have expressed concerns about the new intended use of the Hill. Concerns about impact on the environment, additional traffic, noise and the displacement of those who currently use and enjoy the Hill have been raised. A petition, opposing the OMBA proposal was also circulated by local residents, and officially received by City Council in the Spring of 2016.

The Carlington/Caldwell community is ripe and in need of additional outdoor recreational activities. The OMBA proposal could be a good fit for the immediate community and would not, in my opinion, displace current users of the Hill. I believe if the Committee agrees to proceed, that the proposal be a pilot project for two years, 2017 and 2018 and the City, in partnership with OMBA, the CCA and local residents, assess the matter in the autumn of 2018. Although the original proposal contained five phases, I believe, if the Committee concurs, that only Phase 1 be granted and monitored. If issues arise, the City shall not wait two years to address them. Legitimate issues raised by the community need to be dealt with when received.

Free, outdoor, recreational opportunities need to be a priority for our Parks and Recreation Dept to implement in our communities. The Carlington Hill is a much loved city asset enjoyed by many local and non-local residents. I can understand the reluctance by some to see the Hill expand from its current uses to include a structured mountain bike trail/pump course. There is sufficient room and current users, dog-walkers, hikers, outdoor enthusiasts, will continue to enjoy our Hill and I will address any matter that comes to my attention that needs action.

LEGAL IMPLICATIONS

The question of a municipality's legal liability and obligations to users of a publicly-owned mountain biking park was recently canvassed by the Ontario Court of Appeal in a case involving the County of Bruce. In that case, the appellate court upheld the trial judge's finding that the municipality was liable under the *Occupier's Liability Act (OLA)* for the catastrophic injuries sustained by the Plaintiff, who had been paralyzed as a result of a fall off one of the park's features. In finding that the municipality had breached its duty under the *OLA* to take all reasonable care to ensure the safety of users of the park, the trial judge found, and the Court of Appeal agreed, that the following four factors were the cause of the incident and the foundation of the County's liability:

1) Its failure to post proper warning signs.

Though users were advised that they were using the park at their own risk, the extent of the risk of serious injury and the level of skill necessary to navigate certain of the park's features were not adequately set out.

2) Its negligent promotion of the Park.

The County had advertised the Park as a "family-friendly" venue, which had encouraged the Plaintiff to attend the facility with his family and therefore place

himself at risk of serious injury, which might not have happened had the safety risks been properly identified.

3) Its failure to adequately monitor risks and injuries at the Park.

The trial and appellate courts both agreed that, had the municipality maintained *“an effective and complete history of injuries and accidents at the park, they would have been in a better position to determine whether the wooden features posed a danger, and could have taken steps to identify and define the risks of injury or accident by users of the park.”*

4) Its failure to provide an “adequate progression of qualifiers”

The park’s design encouraged users to move from one obstacle to another, without consideration of whether a rider’s ability to navigate one part safely was sufficient to show that they had the skills to successfully navigate the more challenging features that followed.

This recent decision offers an excellent guide to the factors that will need to be considered in the design, operation and maintenance of a mountain biking park in order to limit the City’s potential legal exposure. As long as the scope, promotion and monitoring of the dedicated area for mountain bike skills development is similar to the scope, promotion and monitoring of the outdoor skateboard and BMX parks currently located on City-owned lands, and appropriate signage is posted, inspected, and maintained, there are no legal impediments to the implementation of the report recommendation.

RISK MANAGEMENT IMPLICATIONS

There is an inherent risk associated with mountain bike park riding. Similar to a skateboard park, there will be regular inspections and monitoring of activities. However, the park will be unsupervised and accessible to the public at all times. A number of measures will be put in place to manage risk including professional design of features, signage and inspections.

The risks associated with this particular project include the potential for insufficient funding. The mountain bike park would be developed in partnership with a volunteer based organization. The organization’s funding opportunities may limit the development of the mountain bike park as envisioned. To preclude this, a written agreement between the City and the Ottawa Mountain Bike Association will identify responsibilities of both parties and will include benchmarks and timelines. If the project is not successful the features can be easily removed and the site returned to its existing state.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of the recommendations in this report

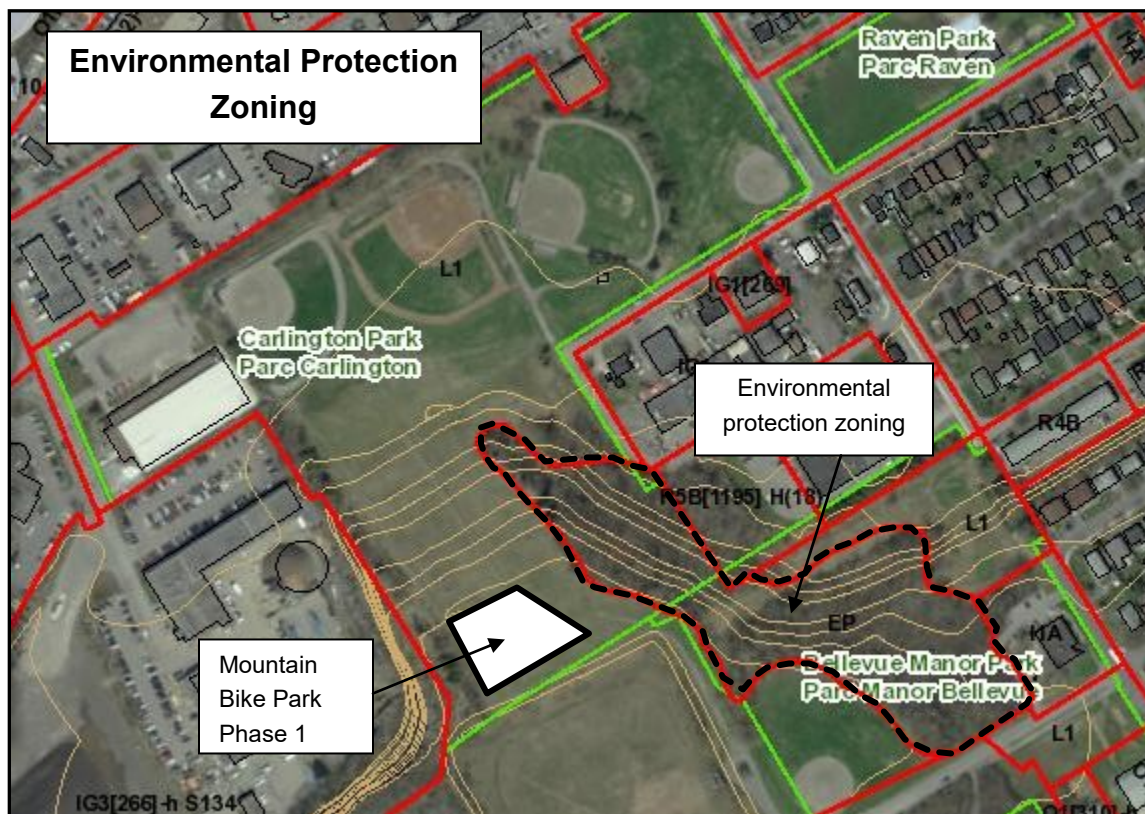
ACCESSIBILITY IMPACTS

Accessibility impacts have been considered.

ENVIRONMENTAL IMPLICATIONS

The first phase of the development of the mountain bike park will occupy approximately 0.32 ha of a total park area of 13.5 ha and will not impact environmentally sensitive areas or require removal of trees. All mountain bike park features will be built to established International Mountain Bike Association standards.

Figure 2 – Aerial View of the Environmental Protection Zone at Carlington Park



TERM OF COUNCIL PRIORITIES

HC2 – Revitalize Recreation Services, Healthy and Caring Communities.

DISPOSITION

Parks Recreation and Cultural Services in partnership with Ottawa Mountain Biking Association will implement phase one, installation of a Mountain Bike Pump Track and skills area, of the Carlington Mountain Bike Park development and as part of the implementation, the General Manager, Parks, Recreation and Cultural Services, subject to the concurrence of the City Clerk and Solicitor, will enter into a partnership agreement with the Ottawa Mountain Biking Association that includes provisions on scope, promotion, monitoring, signage, insurance, indemnification and termination etc., which are satisfactory to the City.