

Subject: Mooney's Bay Park Hill

File Number: ACS2024-RCF-GEN-0002

Report to Community Services Committee on 23 April 2024

and Council 1 May 2024

Submitted on April 8, 2024 by Dan Chenier, General Manager

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Ward: Citywide

Objet : Colline du parc Mooney's Bay

Numéro de dossier : ACS2024-RCF-GEN-0002

Rapport présenté au Comité des services communautaires

Rapport soumis le 23 avril 2024

et au Conseil le 1er mai 2024

Soumis le 2024-04-08 par Dan Chenier, Directeur Général

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Quartier : À l'échelle de la ville

REPORT RECOMMENDATION(S)

That the Community Services Committee recommend to City Council:

- 1. To approve up to \$250,000 from City Wide Cash in Lieu of Parkland for external engineering and landscape architecture expertise for a feasibility analysis, site and design requirements, and costing for modifications to the hill and surrounding parkland that would achieve the scope of work and objectives outlined in this report; and**

- 2. That following the completion of the work outlined in recommendation 1, that staff report back to Council with the findings and recommendations for further action and implementation funding if appropriate; and**
- 3. That the seasonal temporary fencing continue to be installed on the hill during the winter months until the safety issues are resolved.**

RECOMMANDATION(S) DU RAPPORT

Que le Comité des services communautaires recommande au Conseil municipal:

- 1. d'approuver un financement de 250 000 \$, provenant du fonds municipal réservé au règlement financier des frais relatifs aux terrains à vocation de parc à l'échelle de la ville, pour des services externes spécialisés en ingénierie et en architecture paysagère visant à réaliser une analyse de faisabilité et un rapport des coûts, des exigences du site et des besoins en conception pour le projet de modification de la colline et du terrain à vocation de parc environnant dans le but de réaliser les travaux et d'atteindre les objectifs établis dans le présent rapport;**
- 2. de demander au personnel, après l'achèvement des travaux décrits dans la recommandation 1, de présenter au Conseil un rapport comprenant les constatations et les recommandations relativement aux prochaines mesures à prendre et au financement de mise en œuvre, s'il y a lieu;**
- 3. de conserver la clôture saisonnière temporaire sur la colline durant les mois d'hiver, et ce, jusqu'à ce que les enjeux de sécurité soient résolus.**

EXECUTIVE SUMMARY

In 2017, following numerous reports of injuries, collisions and near collisions, City staff closed Mooney's Bay hill to sledding and removed it from the list of designated sledding hills. Sadly, on December 27, 2021, a critical incident occurred resulting in the death of a child while sledding on Mooney's Bay Park hill. Since this tragic incident, interim seasonal temporary protective measures have been installed on the unsanctioned hill and will continue to be in place to deter and prevent sledding. At a City Council meeting in December 2022, the Ward Councilor brought forward a motion asking staff to develop options to physically modify the north-facing side of the hill and make the hill sufficiently safe to reopen for sledding.

As comprehensive reviews of the hill have been performed by staff in recent years,

including the hiring of an external consultant, this report recommends the City contract additional professional services to determine what, if any, design solutions may be practicable given the characteristics of the property. It is anticipated that the cost of additional professional services required to complete this study will be up to \$250,000.

RÉSUMÉ

En 2017, après de nombreux signalements de blessures, de collisions et de quasi-collisions, le personnel de la Ville a interdit la glissade sur la colline du parc Mooney's Bay et l'a retirée de la liste des pentes de glissade désignées. Malheureusement, le 27 décembre 2021, un tragique incident a eu lieu : une enfant est décédée en glissant sur cette colline. Depuis cet événement terrible, des mesures de protection saisonnières temporaires sont en place, et le resteront, sur cette colline pour décourager et empêcher les gens d'y glisser. À une réunion du Conseil municipal en décembre 2022, le conseiller du quartier a présenté une motion demandant au personnel de trouver des moyens d'altérer le côté nord de la colline afin qu'elle soit assez sécuritaire pour qu'on y autorise à nouveau la glissade.

Des examens exhaustifs ont été réalisés par le personnel dans les dernières années – un consultant externe a même été embauché –, et il est recommandé dans le rapport que la Ville retienne les services professionnels externes pour trouver, si c'est possible, des solutions réalisables compte tenu des caractéristiques de la propriété. Les coûts prévus pour les services supplémentaires nécessaires aux fins de l'étude sont de 250 000 \$.

BACKGROUND

At its December 7, 2022 meeting, City Council approved [Motion No.2022 – 03/33](#) (as amended), which included the following directions:

BE IT RESOLVED that RCFS develop options to physically modify the north-facing side of the hill that would result in a portion of Mooney's Bay Hill being reinstated as a sanctioned tobogganing site,

BE IT FURTHER RESOLVED that an update with possible recommendations be presented to the appropriate standing committee by Q4 2023.

This report is in response to this motion.

The Mooney's Bay hill is a large human-made park feature, with an extremely steep slope, created using construction debris in the 1970's; it was originally designed to be a

junior ski hill. The hill was approved as an official City of Ottawa sledding hill in 2007 as part of the establishment of a formalized city-wide sledding risk mitigation initiative. There are currently 75 approved sledding hills in the City of Ottawa, and three within five to nine kilometers of Mooney's Bay hill.

Mooney's Bay hill quickly became a destination amenity, widely used by residents and visitors from across the city and beyond. Over time, staff at the Terry Fox Athletic Facility reported regularly occurring accidents and injuries, and observed near-misses between the many cross-country skiers who use the park's groomed trails and sledding enthusiasts.

In response to concerns expressed by staff at the adjacent Terry Fox Athletic Facility, and incidents reported by members of the public, a series of site inspections were initiated in December 2016 to identify hazards at the hill and possible mitigation measures. Site visits by staff concluded that there were no sledding routes that were free from collision hazards. Given winter conditions at the time, staff implemented temporary mitigation measures that included the installation of hay bales along the Terry Fox perimeter fence, in front of trees and any other pre-existing obstacles around the perimeter of the base of the hill.

Following continued reports of injuries, staff assessed that the preventative measures taken were not sufficiently effective. With the absence of a safe sledding pathway, free from hazards, Mooney's Bay sledding hill was closed for sledding in 2017 in the interest of public safety.

- Mooney's Bay was removed from the list of City of Ottawa approved sledding hills
- Original sledding safety signage was removed from the top of the hill
- New regulatory signage was posted at the top and bottom of hill indicating the hill is closed and sledding is prohibited
- Public messaging was provided to staff at the Terry Fox Athletic Facility to assist with educating clients and users

In 2021, the Ward Councillor requested the review of the hill and requested that staff investigate options to make the hill sufficiently safe to reopen for sledding. This request was followed by a motion at City Council on January 27, 2021, directing staff to assess the sledding safety issues at the hill, and to identify mitigation options. During the summer of 2021 staff reviewed the hazards and researched options to mitigate risks and make the hill reasonably safe for sledding. Staff concluded that there were no mitigating measures that could be implemented to make the hill and landing areas

reasonably safe for sledding without undertaking significant costly modifications to the hill and landing areas including undesirable environmental impacts such as tree removal and potentially excavation of encapsulated contaminated soils. The 2021 review indicated that there were no reasonably achievable environmental and personal risk mitigation measures available. The decision was made to continue to keep the hill closed for sledding. Additional signage was added along the Terry Fox Athletic Facility fence line to warn users of the significant collision hazards since this investigation also revealed that additional precautionary measures were deemed necessary since the 2017 review.

On December 27, 2021, there was a tragic fatal sledding accident that took the life of a child when the three-person sled rotated on the way down the west face of the hill and collided with a post. Following this tragic incident, additional measures to prevent illegal sledding were temporarily implemented at the hill. These included enhanced site monitoring by by-law services and further additional protective measures such as additional hay bales and tree padding. An external consultant, Municipal Risk Services Limited, specializing in sledding safety, was hired to review the site and make recommendations.

Document 1, image 1, illustrates the slopes referenced in the recommendations below.

The recommendations made were:

1. Tobogganing on the north side of the hill (Slope A) should continue to be prohibited.
2. Due to the risk of collision with cross country skiers, tobogganing on the northwestern side of the hill (Slope B) should continue to be prohibited.
3. Due to the location of physical hazards (trees, signs, skiers, and the Rideau River) injury risks from tobogganing on Slope C is unacceptably high and therefore recommend that tobogganing here continue to be prohibited.
4. Tobogganing on Slopes D, E and F contain unacceptably high risks of injury. Therefore, recommend that tobogganing here continue to be prohibited.
5. Snow fencing be placed to eliminate the chance of tobogganing at this location.
6. Enforce no sliding rule.

Unfortunately, despite these measures, members of the public continued to use the hill for sledding.

Concurrently, in January 2022, Regional Supervising Coroner, East Region, Dr. Louise McNaughton-Filion investigated the aforementioned critical incident. As part of her

investigation, the coroner submitted five recommendations to the City of Ottawa for consideration. The City continues to comply with all recommendations.

Coroner Recommendation 1:

The City of Ottawa should consider adding to their “No Sledding” signage a link to the site listing the sanctioned tobogganing hills in Ottawa, to offer an alternative, safer site to sled.

Coroner Recommendation 2:

Approved sliding hills could be rated or given descriptors, to give those interested in sledding a choice of the type of hill they can use, possibly decreasing the use of unsanctioned hills.

Coroner Recommendation 3:

In addition to discouraging the use of unapproved sites, such as Mooney’s Bay hill, with signage, barriers and other approaches, efforts at harm reduction in tobogganing should be ongoing, with annual placement of haybales, padding and temporary barricades as needed.

Coroner Recommendation 4:

Pro-active communication regarding sledding safety be ongoing, with media events and PSA’s emphasizing safe tobogganing sites, and safe tobogganing practices (such as those promoted by Parachute). Information that provides context and/or rationale would be useful in communications (e.g., reasons why hills can be dangerous such as icy conditions, steepness of a hill, objects or areas at the bottom of a hill). This communication could explore opportunities to engage audiences, such as parents or other persons sharing their stories of adverse sledding experiences.

Coroner Recommendation 5:

The external consultant’s (Municipal Risk Services Limited) recommendations regarding general tobogganing safety/harm reduction, after review by the City, should be shared amongst other municipalities with a goal of preventing similar deaths.

As a result of the consultant’s and coroner’s recommendations, for the winter 2022/2023 season, temporary interlocking construction style fencing was installed on the hill to prevent sledding. The temporary fencing is an unbudgeted operational cost and effort and is removed in warmer weather so that Mooney’s Bay hill may continue to be used by cross-country sports athletes, other warmer weather sports enthusiasts (such as “boot camps”) and local special events such as Dragon Boat Festival and Hope Beach Volleyball.

DISCUSSION

Physical Conditions of Mooney's Bay Park Hill

Hill Challenges related to Sledding:

Historical data on the use of the site for sledding, reviews by staff, and an external consultant identify the following main contributing critical risk issues:

1. Height and slope of the Hill generating significant speed for winter users
2. Collision hazards around the entire perimeter of the hill with no clear "safer" glide path or landing area
3. Collision hazard between sledders and cross-country skiers (or other non-sledding public) in the park

For ease of reference, an arial photo of Mooney's Bay Hill (Image 1) is included in Document 1, as well as superimposed graphics showing the various sledding routes previously used by enthusiasts at the site. Of note, unlike many City sledding hills that have one or two sledding routes, the Mooney's Bay Park hill is monolithic with significant height and slope in all directions and provides unique challenges unlike any other approved sledding hill.

Height and Slope of the Hill:

The hill ranges from 12 to 18 meters in height and the sledding surfaces of the hill range from 90 to 120 meters depending on the face of the hill with average slopes of 15 to 19 percent.

Overall assessments of all faces of the hill conclude that the combination of height, slope and available landing area are not safe for sledding in the current configuration. Referring to Image 1 in Document 1, it is also believed the north slope (A), the two east slopes (E & F) and the south slope (D) have too short a landing area and obstacles that are considered to be immovable or undesirable to be removed (i.e. mature trees). Notably, the north slope has a permanent metal fence delineating the Athletic Complex that was built after the hill was in place. This fence is a necessary demarcation between the athletic facility and the rest of Mooney's Bay Park, and it has been identified as a source of prior injuries despite mitigations that have included the creation of a berm to slow sledders down and the annual placement of hay bales.

The consultant who reviewed the site noted: "During fast snow or icy conditions, a toboggan could reach a speed of approximately 70 KPH on this hill. The length of the toboggan run added to the slope of the hill and location of the Terry Fox Facility creates

unacceptable risks of injury to tobogganers at this location. We also note that a 2016 Parks Department report indicates that: “Numerous major incidents and injuries occurred when users collided with the fence along the bleachers of the Terry Fox Facility.”

The east face has a very short run with a row of trees and the parking lot access road, and the south face has a short steep run with trees and gates. This has led staff to conclude that any efforts to undertake permanent site modifications to improve sledding safety should focus on the West (B) and Northwest (C) slopes. Document 1, images 2 and 3, illustrate the topography of slopes B (West) and C (Northwest).

Previous discussion on mitigation measures to enhance sledding safety identified the option to reduce the height of the hill, thereby creating a lower launching point and to lessen or smooth out the slope to reduce speeds. However, a review of historical information on the hill reveals that it was created using fill material unsuitable for Residential/Parkland/Institutional property use as identified by: [Rules for Soil Management and Excess Soil Quality Standards \(ontario.ca\)](#).

In 2010, the National Capital Commission, the owners of Mooney’s Bay Park, commissioned Intera Engineering limited to investigate potential risks associated with the contamination for both park users as well as any potential impact on the nearby Rideau River. The Intera report noted the following:

- The volume of the fill mound is estimated at 130,000 m³.
- Soil and groundwater contamination by petroleum hydrocarbons (PHC), metals and polycyclic aromatic hydrocarbons (PAH) within the mound.
- Should off-site disposal of the fill mound be considered, the approximate associated liability cost is \$10 million (in 2010\$).
- Should sub-surface soils within the fill mound be disturbed for any reason, materials should be handled as contaminated soil and disposed of at a licensed landfill as non-hazardous waste.
- Any persons handling the subsurface soils should use personal protective equipment to limit exposure and contact to the soils.
- No risk to human health based on the current land use and configuration of the site was identified. No further action regarding soil quality is recommended. There is no anticipated exposure to sub-surface soils at the site by current receptors, as the mound is above grade, and no known utilities are present within the area of study. However, should the surface soil of the mound be disturbed for landscaping, or removal of the contaminated soil contained within the mound,

human health risks may be posed by exposure to elevated lead in the sub-surface.

Based on information above that confirms that surficial soil on the hill is of acceptable quality and effectively encapsulates the contaminated soils and ground water, staff believe that any hill modifications should avoid disturbing the surface soil and focus on solutions that would add clean soils to the surface to achieve a desired topography for the hill.

Conclusions:

Sledding at Mooney's Bay Park hill cannot be reinstated as a sanctioned sledding hill without modification and interventions to create a reasonably safe sledding environment. Engineering and landscape architectural work is required to determine the feasibility and best approach to providing a reduced height and grade for sledding, including potential volumes of imported clean fill and removal of existing contaminated soil required to achieve the desired results. A professional design that proposes an appropriate modified slope, the location and specific design of a new launching ledge on the hill face, an exact or best location for a sledding area on the hill with the required landing area safety modification (i.e. tree / barrier removal) and recommendations for supplemental permanent and/or temporary site amenities to effectively limit sledding to a designated location on the hill is required. The scope of work will also include consideration for revised ski trail circuits for the park, moving them away from any conflict zone with sledding activities for any comprehensive solution to reopen the hill for sledding, as well as relocating the Ski School to another park should the reopening of the hill for sledding make it challenging to create a viable link between the Terry Fox Athletic Facility and the ski circuit. Detailed information on all aspects of physical changes to the hill are required to seek the approval of the National Capital Commission for such changes by way of a Federal Land Use Design Approval Agreement and potentially Parks Canada and Rideau Valley Conservation Authority approval because of the proximity to the Rideau River.

Document 1, image 4, illustrates a concept for modification of slope C. Due to the steeper slopes and higher vantage points, Mooney's Bay Hill will continue to be an enticement to sledders based on historical user patterns at the site. Any modification aimed at creating a safer sledding area must be accompanied by measures to prevent sledding on the other faces of the hill. Currently, sledding is being discouraged by the installation of temporary metal interlocking construction fencing in 2 concentric rings around the hill as recommended by the Consultant and illustrated in Document 1, image 5.

Staff conclude that a potential approach could be to continue to install the upper fencing ring and to modify the lower ring to allow sledding in only the modified area. This approach has the advantage of only encumbering the hill during the winter months.

Conflicting Site Use:

As shown in Document 1, image 6, the ski trail and the multi-use pathway run through the landing area at the bottom of the hill. This has led to collisions on a regular basis and many reports of near misses. To provide a safe landing area for sledding, solutions are required to eliminate this conflict. Staff have reviewed various options including moving, reducing, and combining groomed trails away from the hill, moving the ski school to a suitable nearby park, as well as discontinuing formal pathway grooming and ending the ski school service in favour of sledding.

The hill in its current configuration has become a popular park amenity for a variety of uses. Notably, with its location next to the Athletic Center, it has become a real attraction for the hosting of cross-country running events since it provides added intensity to the course. It is also used by organized boot camps, cyclists, and participants in other formal and informal fitness activities, in addition to providing a scenic view of the park and river. Staff believe that there is value in maintaining these non-winter uses through careful planning of any new mitigating measures.

The Mooney's Bay Park hill is recreationally used year-round, including for non-snow activities such as cross-country running/terrain training, fitness classes, mountain biking, hiking, etc. In addition to addressing issues relating to topography and site obstruction, any solution proposed is required to resolve the known collision hazard between cross-country skiers and sledders in the winter months. For decades the Terry Fox Athletic Facility has offered very popular groomed cross-country ski trails across Mooney's Bay Park available to the public as well as a very successful ski school with an average of 144 recreation courses and over 1000 participants enrolled annually. This service attracts many residents who find the five plus kilometers of groomed trails in the heart of the City, combined with expert instruction, a valuable service.

In addition, for the past few years, a multi-use groomed path through the park has been extended so that pedestrians, snowshoers and fat bike enthusiasts can benefit from the site. There is an estimate of upwards of 3,500 drop-in passes sold each year and an average of 300 season pass holders using the cross-country pathway. The average annual revenue from the ski school, passes and memberships totals over \$130,000.

The hill is also widely used in the community by many other recreation and sport groups, as well as schools, year-round as it is considered to be one of the best training/conditioning hills in the City. The hill is often used to support programming and training taking place at the adjacent Terry Fox Athletic Facility and is the site of many major provincial, national and international sporting events. Including the Canadian Cross Country Championships, Canadian Track and Field Championships, OFSAA Track and Field Championships, which each bring hundreds and thousands of visitors to the site. The uniqueness of the challenging hill in the context of cross-country events is often celebrated by event organizers. Mooney's Bay Park hill is a feature that is used year-round by residents and visitors, alterations to the hill will impact current programming and operations.

FINANCIAL IMPLICATIONS

As clarified by Legal Services, the capital cost is eligible for funding through Citywide CIL. There are no immediate financial implications. The Citywide CIL contains enough funds to cover the cost of the project.

LEGAL IMPLICATIONS

There are no legal impediments to implementing the recommendations contained in this report.

CONSULTATION

Should the results of the feasibility study result in any projects, the project will be subject to the department's standard public engagement process.

ACCESSIBILITY IMPACTS

As stated in the Accessibility Policy, the City of Ottawa is committed to providing equal treatment to people with disabilities with respect to the use and benefit of City services, programs and facilities in a manner that respects their dignity and that is equitable in relation to the broader public.

As such, all engineering and landscape expertise and analysis provided must adhere to the accessibility legislative framework that includes the *Integrated Accessibility Standards Regulation of the Accessibility for Ontarians with Disabilities Act, 2005* (AODA) and the City of Ottawa's Accessibility Design Standards (ADS) to the greatest extent possible.

The health and safety of all users, including people with disabilities, remains a key priority of this project. Any proposed actions resulting from the analysis and findings will include an accessibility lens, and staff from the Accessibility Office as well as members of the Accessibility Advisory Committee will be consulted on the future of the Mooney's Bay hill, as required.

ASSET MANAGEMENT IMPLICATIONS

The implementation of the Comprehensive Asset Management program supports decision making to maximize benefits, reduce risk, and provide safe and reliable levels of service to community users. The Mooney's Bay Park hill is not a City owned asset. There are no asset management implications associated with the recommendations of this report.

SUPPORTING DOCUMENTATION

Document 1: Images of Mooney's Bay Park Hill

DISPOSITION

If approved by Committee and Council, Recreation, Cultural and Facility Services staff will seek the assistance of Infrastructure and Water Services to engage a consultant to review all existing documentation and reports, provide additional professional analysis and recommendations, and propose potential design solutions and cost estimates where appropriate.