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CLASS ENVIRONMENTAL ASSESSMENT UPDATE BATHURST STREET, GREEN LANE WEST TO YONGE STREET

The Transportation and Works Committee recommends deferral of the recommendation contained in the following report dated June 4, 2009, from the Commissioner of Transportation Services to the September 2009 Committee meeting.

1. RECOMMENDATION

It is recommended that:

1. The Regional Clerk circulate this report to advise the Clerks of the Township of King, Towns of East Gwillimbury, Georgina, Bradford West Gwillimbury and Newmarket and Simcoe County that the Region will file the Environmental Study Report for the Class Environmental Assessment of Bathurst Street from Green Lane West to Yonge Street.

2. PURPOSE

This report is to provide an update on issues related to the Class Environmental Assessment (Class EA) Study for Bathurst Street from Green Lane West northerly to Yonge Street project (*Attachment 1*), and to finalize the Environmental Study Report and place the same on the public record for the statutory 30 day review period.

3. BACKGROUND

Bathurst Street between Green Lane West and Yonge Street is a two-lane rural section with substandard horizontal and vertical alignments. The section of Bathurst Street between Graham Sideroad and Morning Sideroad has been closed to traffic since 1995 due to very poor road alignment and a deteriorated and unsafe bridge over a tributary of the Holland River.

A Class Environmental Assessment Study was started in 1998 but was not completed due to the pending changes in transportation, land uses and government regulations. In 2006, a new Class EA study was initiated to comply with new legislation (Greenbelt Plan, Places to Grow, etc.) and the Region's standards/policies and to secure environmental clearance for implementation in 2010.

Significant physical changes in the surrounding area occurred since 1999 such as:

- The completion of the Newmarket Bypass (Green Lane from Hwy 404 to Bathurst to Davis Drive).
- The opening of East Gwillimbury GO station on 2nd Concession/Green Lane.
- The transfer of 2nd Concession Road to the Region.
- Redevelopment of the northwest quadrant of Newmarket and in East Gwillimbury adjacent to the project site.

The need and justification for improvements to this section of Bathurst Street needed to be re-evaluated to reflect these new conditions and incorporated in this study.

The need for the reconnection of Bathurst Street from Green Lane West northerly to Yonge Street has been reaffirmed in the Regional Transportation Master Plan update to service growth in the northern part of the Region

The 2002 Transportation Master Plan (TMP) identified Bathurst Street as an important road link in the Region's network to provide adequate transportation service in the area. The ongoing TMP update reconfirmed the need for this link, due to the growth planned for East Gwillimbury's and the surrounding area, as mandated in the Places to Grow legislation. Ongoing East Gwillimbury Transportation Master Plan work has also identified this reconnection of Bathurst Street as essential in the Town's transportation network to service its planned growth.

Public Consultation has been an integral part of this study

Two Public Consultations Centres (PCC) were held for this study on May 17, 2007 and March 27, 2008. The format for both events included a walk through Open House followed by a presentation and facilitated question and answer period. Excellent input was received from the participants.

In addition to the PCCs, the study team has met with various stakeholders including municipalities, agencies, interested groups and property owners to seek input, understand their concerns and try to resolve/mitigate their issues.

Mr. James Harbell of Stikeman Elliot, representing one of the property owners on Bathurst Street, appeared before the Transportation and Works Committee on October 31, 2007, with regards to this Class EA project. The project team has consulted extensively with Mr. Harbell and the property owner on an ongoing basis to try to resolve their issues.

4. ANALYSIS AND OPTIONS

4.1 NEED AND JUSTIFICATION

The Class EA study has demonstrated the need for reconnecting Bathurst Street. This will increase the north-south transportation capacity in the northern part of York region and provide an alternative route for incident management purposes. The recently adopted Pedestrian and Cycling Master Plan identified this section of Bathurst Street as a key cycling link in this area. In addition, the project is needed to provide the required transportation services in north York region for the implementation of the Places to Grow provincial legislation.

4.2 PROPOSED DESIGN

Bathurst Street study area is within the Greenbelt Planning Area and designated as Protected Countryside. It is characterized by natural areas with mature growth trees and severe terrain – steep grades and curvy road. To limit the environmental and grading impacts, the design speed was reduced to 70 km/h, instead of the normal regional road design speed of 90 km/h. Bathurst Street link will be completed as a two lane rural road. The proposed alignment has been optimized to reduce impact on the adjacent properties and the environment.

Every opportunity to reduce overall impact was identified, assessed and evaluated and incorporated in the design. The team developed enhanced mitigation measures in consultation with stakeholders, conservation authority and other agencies.

4.3 IMPACTS AND MITIGATION

In addition to optimizing the road design to minimize road improvement impacts, the study identified three enhanced mitigation measures to further minimize adverse environmental effects of the project.

Three structures are proposed to provide wildlife crossing and potential pedestrian trail crossing

The study area is identified as a corridor used by a variety of animals ranging from large mammals to amphibians. During the study investigations, three wildlife crossings were identified in areas associated with natural drainage features and riparian vegetation. *Attachment 2* shows a typical wildlife crossing detail and the proposed locations on Bathurst Street.

These wildlife structures are sized to provide corridor function for the largest animal in the study area. The required size will mitigate potential impacts to corridor function, decrease wildlife mortality and comply with the standard Openness Ratio of 1, that is, the area of structure opening is equal to the length of structure. Current literature identified

funnel fencing to direct the species towards the structure, nature of vegetative cover at or near the structure and human activity near the crossing play a vital role whether the structure is used or not. The proposed crossings are supported by LSRCA and MNR.

In addition, the opening will provide an opportunity for pedestrian trail crossing at the southern part of the study area, as requested by the Town of East Gwillimbury to connect Mulock Nature Reserve and Peggy's Woods.

Grading proposals to minimize the road footprint

Reducing the road footprint also reduces the amount of environmental impact – less vegetation, terrestrial and aquatic habitat areas disturbed and property required for the road allowance. Five areas where there is significant fill (about 5m or more) were identified where it would be beneficial to use Retained Soil System (RSS). This allows 1:1 side slope treatment or better compared to the normal 2:1 slope commonly used in road construction. Providing RSS wall will result in additional costs for the placement of the engineered fill. However, the additional costs for the RSS wall will be partially offset by less property and vegetation compensation costs.

Attachment 2 identified the areas considered for implementing the RSS method for grading and the typical section showing the extent of impact between the normal 2:1 grading and RSS grading. Shrubs and other vegetative cover will be utilized to blend the slopes with the adjacent environment as well as for erosion control.

Extensive tree planting to replace the vegetation removed and reinstate existing environment as close to existing as possible

Vegetation removal will be replaced in the ratio of 2:1, that is, for every tree removed, two trees will be planted either within the corridor or adjacent areas such as the Mulock Nature Reserve on the northwest corner of Bathurst Street and Green Lane West. Another area being considered is the old alignment near the old bridge at the north end of the study area. This area could be re-naturalized, as proposed and shown in *Attachment 3*.

Nine Butternut trees, considered endangered species under the Endangered Species Act, were observed within and adjacent to the Bathurst Street corridor. All trees were avoided by the road alignment except one. In this area, a single Butternut tree occurs on both sides of the Bathurst Street and avoiding both is not possible. Using MNR's draft Butternut Guidelines, a permit will be required for the removal of the tree. Mitigation measures such as replacement is required and will be dealt with during detailed design.

4.4 ISSUES RAISED DURING THE PUBLIC AND STAKEHOLDERS CONSULTATION

Public consultation was an integral part of the Class EA study. Aside from the study team meetings with the adjacent property owners and/or their agents, two well attended public meetings were held on April 18, 2007 and March 27, 2008. The study team had met with adjacent municipalities for their input. Issues and concerns raised in these meetings are described below.

Local and Adjacent municipalities, except for King Township, endorsed the project

The Councils of East Gwillimbury, Newmarket, Georgina, Bradford West Gwillimbury and Simcoe County supported the project and had endorsed the study, its scope and process and its recommendation to reconnect Bathurst Street, to provide the much needed capacity for north-south traffic due the existing and planned growth around the study area.

King Township concerns and issues

Prior to 2007, King Township and its staff urged the Region to undertake and complete an EA to reconnect Bathurst Street. Staff believed that “the opening of Bathurst Street will reduce traffic on roads through the Holland Marsh area and reduce the exposure of vehicles driving next to Canal Road.” The Public Safety Committee (April 2001) requested the Region to complete the Class EA on Bathurst Street and advance construction prior to 2007 in order to reduce traffic in Ansnorveldt area.

However, on October 29, 2007, King Township Council adopted a resolution requesting the Region to expand the study area to include lands east to Highway 404 and defer completion of the study until after the Region’s TMP Update. The issue of road jurisdiction and ownership was also raised.

Enlarging the study area was also an issue raised in the first public meeting, with the view that other roads could accommodate the planned growth. The Region’s TMP, which reviewed the needs at a regional level, had identified this project and was confirmed in the study. The study need and justification was based on analysis of current expected growth in the area and the existing and planned regional infrastructure in place, including improvements on 2nd Concession. Without the Bathurst link reconnected, future traffic will put significant pressure on other regional and local roads.

Interested King residents, especially those who attended the public meetings, were provided the information requested by the Township.

The Land Registry Office has recently reflected York Region as the owner of the Bathurst Street road allowance between Green Lane and Yonge Street by virtue of By-law No. R-1107-96-126 of the Council of The Regional Municipality of York. The by-law designates this portion of Bathurst Street as a regional road and accordingly, it vests in York Region. York Region is the owner and the proponent of the project and has the legal right to undertake the work.

Stakeholders and general public questioned the need for the reconnection of Bathurst Street, the environmental impact of the project and costs of the proposed improvements

During the two public consultations, the following themes or issues were raised:

- Overall network consideration or the “Big Picture” and that other corridors could accommodate future traffic.
- Concern with traffic infiltration on local roads.
- Process under TMP, Class EA and Individual EA.
- Environmental impact of Bathurst Street improvement.
- Cost of the project and where the funding would come from.

A Bathurst Street resident, represented by Mr. Harbell, retained consulting services to peer review the Region’s work, specifically on the transportation and ecological issues. These issues and concerns were also expressed by the general public during the consultation process.

There was agreement between the Region’s study team and the resident’s Consultant on the existing and future traffic volumes, that additional capacity or improvements are warranted in the north-south direction and that Yonge Street and Green Lane intersection is operating at capacity. The difference in opinion lies in the Region’s solution to improve Bathurst Street and whether the benefits are greater than the potential impacts of the project.

The analyses completed as part of the EA study clearly demonstrate that improving and reconnecting Bathurst Street will:

- Provide additional capacity in the north-south direction and will reduce traffic volumes on Dufferin Street through the Community of Ansnorveldt and other local roads.
- Improve Yonge/Green Lane intersection resulting in improved transit and Viva operations servicing East Gwillimbury GO station.
- Benefit incident management as Yonge Street is the only continuous north-south corridor in this area. EMS response time will be lowered with Bathurst Street as an alternative route from northern York region, Bradford and Simcoe County to the Regional Southlake Hospital at Davis Drive.

Both the Region's study team and the resident's consultant agree that protecting and enhancing the natural environment is important. The study has demonstrated that the environmental impact could be mitigated by the proposed enhanced mitigation measures developed by the Region's team. The LSRCA and MNR are supportive of the mitigation measures proposed by the study team.

4.5 SCHEDULE AND NEXT STEPS

The Environmental Study Report (ESR) is anticipated to be complete by July 2009 and will be filed for the mandatory 30 day review period. Subject to the results of the filing of the ESR, staff intends to initiate detailed design, property acquisition, utility relocation and permit approvals soon after.

4.6 POTENTIAL FOR PART II ORDER REQUEST

There is a high probability that there will be a Part II Order request after the ESR is filed based on the comments received and the interests generated during the Public consultation. As well, some interested parties had already contacted and written to the Ministry of Environment on their objections to the project.

Based on our discussions and extensive consultation with these stakeholders, further analyses consultation and effort will not alleviate their concerns with the project at this time.

5. FINANCIAL IMPLICATIONS

The recommended design features with enhanced environmental mitigation measures is approximately \$17M. The budgeted construction cost for this project in the 2009 10-year Roads Construction Program is approximately \$9.6M. The revised project costs will be identified in the draft 2010 10-Year Roads Construction Program for consideration and approval by Regional Council.

6. LOCAL MUNICIPAL IMPACT

The project is required to address the transportation needs and accommodate growth in the northern part of the Region and the surrounding local municipalities of East Gwillimbury, Newmarket, Georgina, and King Township. The project will improve traffic safety and operations for the travelling public within the Regional and local road network. The road improvements are required to improve existing operations and to support future growth.

Throughout this project, Regional staff will work closely and cooperatively with staff from the municipalities and approving agencies such as Lake Simcoe Region Conservation Authority (LSRCA), Ministry of Natural Resources (MNR) and Department of Fisheries and Oceans (DFO) in order to accommodate their requirements.

7. CONCLUSION

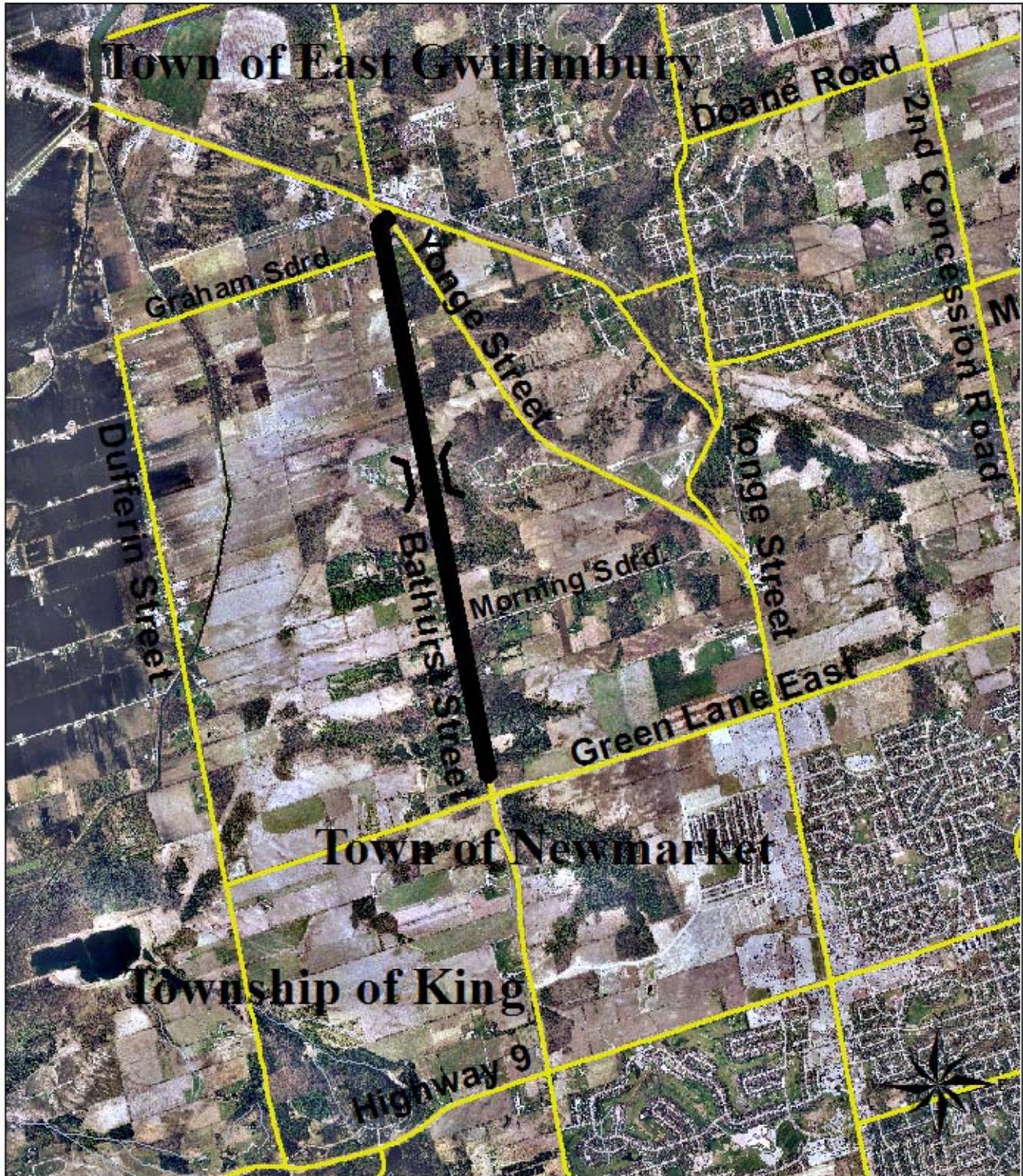
The reconnection of Bathurst Street is needed to complete the missing link in the Regional road system to service the planned growth in the northern part of the Region.

Due to the environmental sensitivities in the corridor and the demand for protecting the environment, enhanced mitigation measures are planned to minimize the effects of the road improvements. The project team is now in a position to file the project Environmental Study Report outlining the recommended road design and enhanced mitigation measures in preparation for initiating detailed design and construction as programmed in the approved 2009 10-year Roads Capital Program.

For more information on this report, please contact Paul Jankowski, General Manager, Roads, at Ext. 5901.

The Senior Management Group has reviewed this report.

(The three attachments referred to in this clause are attached to this report.)



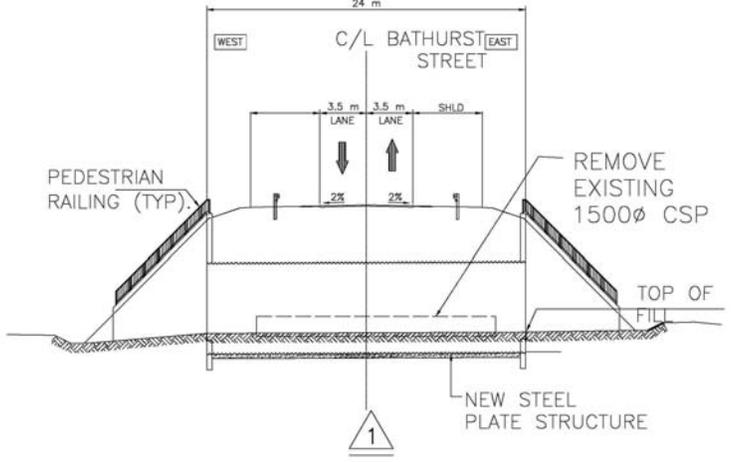
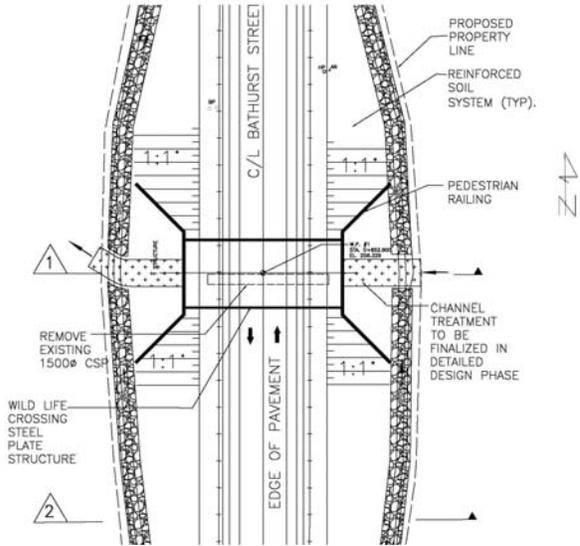
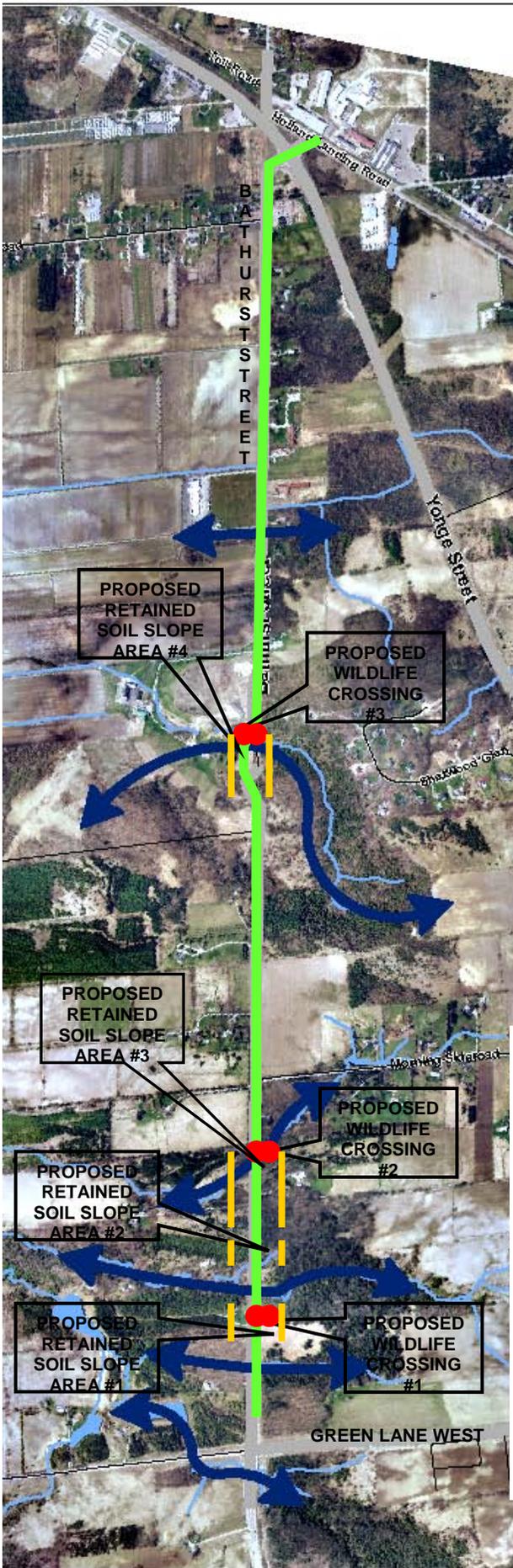
LOCATION PLAN

Green Lane West northerly to Yonge Street
Township of King and Town of East Gwillimbury

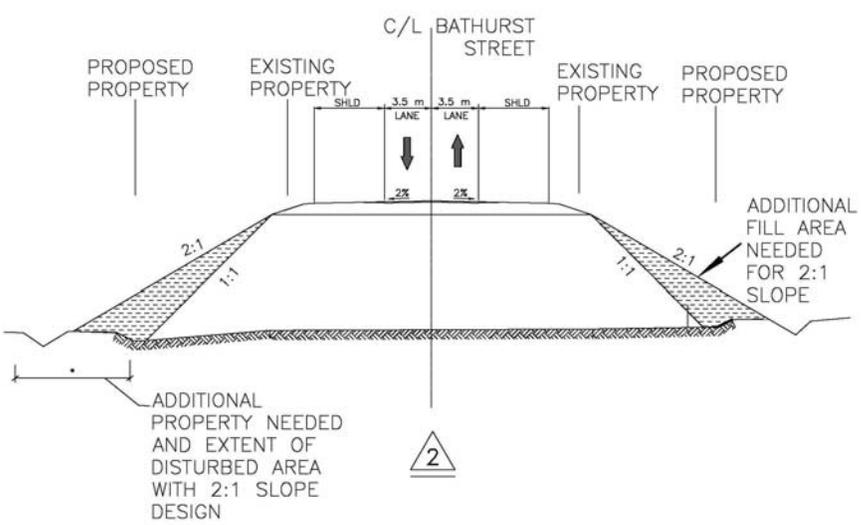


Transportation Services, Roads

LOCATION AND DETAIL OF PROPOSED ENHANCED MITIGATION

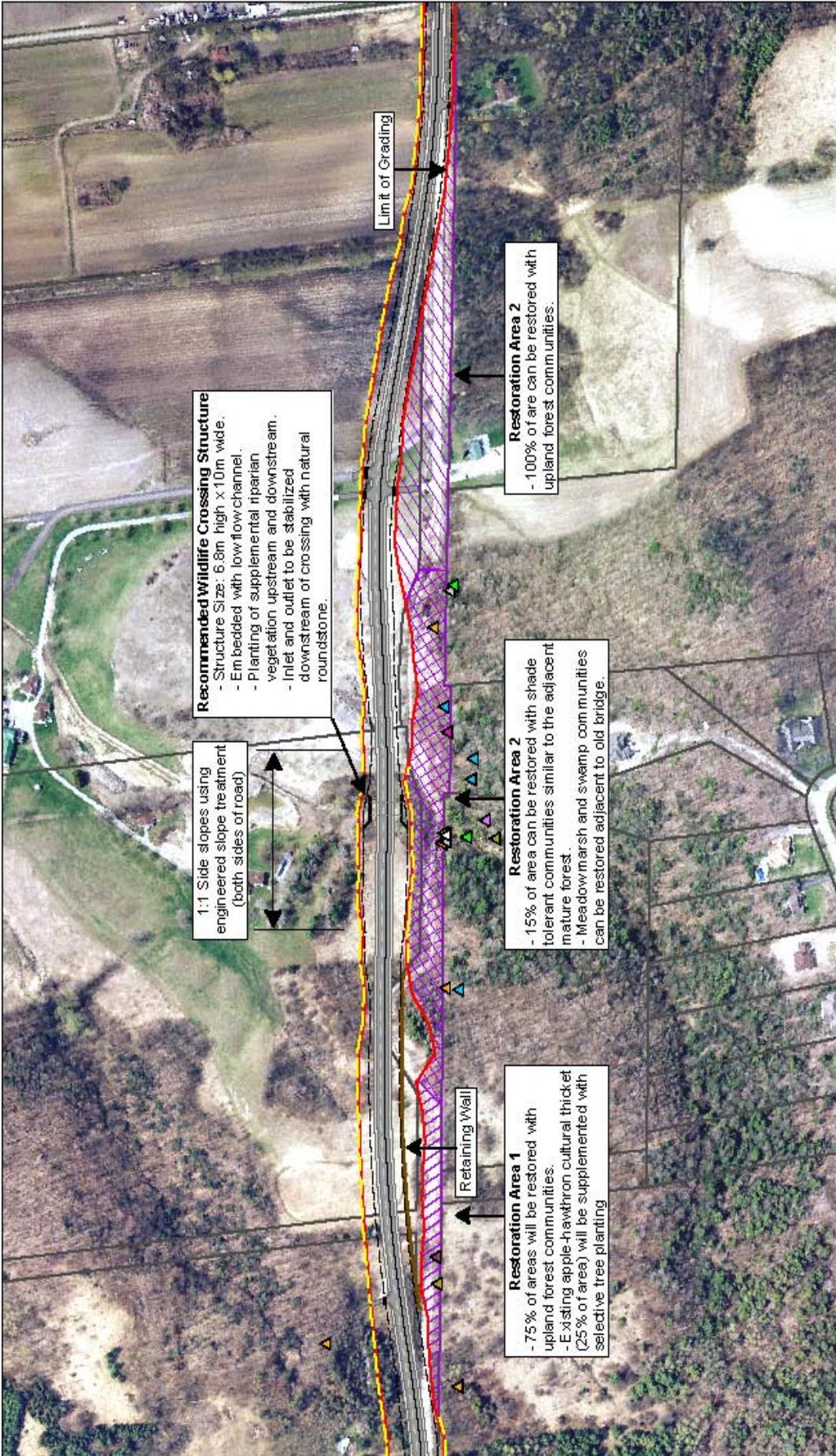


WILD LIFE CROSSING SECTION



RETAINED SOIL SLOPE SECTION

- LEGEND:**
- PROPOSED WILDLIFE CROSSING
 - ▬ PROPOSED RETAINED SOIL SLOPE
 - ↔ POTENTIAL WILDLIFE CORRIDOR



Recommended Wildlife Crossing Structure
 - Structure Size: 6.8m high x 10m wide.
 - Em bedded with low flow channel.
 - Planting of supplemental riparian vegetation upstream and downstream.
 - Inlet and outlet to be stabilized downstream of crossing with natural roundstone.

1:1 Side slopes using engineered slope treatment (both sides of road)

Limit of Grading

Restoration Area 2
 - 100% of area can be restored with upland forest comm unities.

Restoration Area 2
 - 15% of area can be restored with shade tolerant communities similar to the adjacent mature forest.
 - Meadow marsh and swamp communities can be restored adjacent to old bridge.

Restoration Area 1
 - 75% of areas will be restored with upland forest communities.
 - Existing apple-hawthorn cultural thicket (25% of area) will be supplemented with selective tree planting

Figure 6.15 Mitigation Strategy - Old Bridge Area

Legend

- Road Centreline
- Limit of Grading
- New Property Line
- Existing Property Boundary
- - - New Ditch
- Retaining Wall
- Restoration Area 1
- Restoration Area 2
- Restoration Area 3
- Existing Vegetation to be Protected
- American Beech
- Bristle-Leaved Sedge
- Broad-Leaved Sedge
- Butternut
- Eastern Hemlock
- Red Oak
- Sugar Maple
- White Ash
- White Pine



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