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CLASS ENVIRONMENTAL ASSESSMENT UPDATE BATHURST STREET, GREEN LANE WEST TO YONGE STREET TOWN OF EAST Gwillimbury

(Regional Council at its meeting on December 16, 2009 amended this report as follows:

that staff continue to work with the affected land owners.)

The Transportation Services Committee recommends:

- 1. Receipt of the presentation by Steve Collins, Manager, Engineering, Roads, Transportation Services Department;**
- 2. Receipt of the deputation by Brad Rogers, Groundswell Urban Planners Inc.; and**
- 3. Adoption of the recommendation contained in the following report dated November 18, 2009, from the Commissioner of Transportation Services subject to the report title being amended to include the 'Township of King'.**

1. RECOMMENDATION

It is recommended that:

1. The Regional Clerk circulate this report to the Clerks of the Township of King, Towns of East Gwillimbury, Georgina, Bradford West Gwillimbury and Newmarket and Simcoe County advising that the Region will file the Environmental Study Report for the Class Environmental Assessment of Bathurst Street (Y.R. 38) from Green Lane West (Y.R. 19) to Yonge Street (Y.R. 1) early in the new year.

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 Graham Sideroad and Morning Sideroad has been closed to traffic since 1995

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.

Environmental Assessment studies for Bathurst Street were initiated in 1998 and again in 2006 to assess the transportation problems/opportunities in this corridor

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 have occurred since 1999 such as:

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

In light of these and other changes, the need and justification for improvements to this section of Bathurst Street had to be re-evaluated and this was incorporated into this study.

The need for the reconnection of Bathurst Street from Green Lane West northerly to Yonge Street has been reaffirmed in Transportation Master Plan Update

York Region's *2002 Transportation Master Plan* (TMP) identified Bathurst Street as an important road link in the Region's network to provide sufficient transportation service and network continuity in north York Region.

The recently completed TMP Update reaffirmed the need for this link due to the growth planned for East Gwillimbury and the surrounding areas, including Simcoe County as identified in their recently approved growth plan and as mandated in the *Places to Grow*

legislation. Regional Council endorsed in November 2009 the final TMP Update study report, which incorporated the comments received during the review period.

In addition, the *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 formal presentation by the project team and concluded with a facilitated question and answer period. Valuable input was received from the attendees, including the unique perspectives of the residents along the corridor.

In addition to the PCCs, the study team has met with various stakeholders including municipalities, agencies, regulators and property owners to seek input, improve the study team's knowledge of the area, understand residents concerns and collaborate on measures to resolve/mitigate potential impacts.

A resident retained legal counsel to represent and protect their interests

Of note is that Mr. James Harbell of Stikeman Elliot LLP, representing one of the property owners on Bathurst Street, appeared before the Transportation and Works Committee on October 31, 2007, concerning this Class EA project. The project team has consulted extensively with this owner and their counsel, meeting on at least two separate occasions in summer 2007 prior to their engaging legal counsel, and liaised with Mr. Harbell and/or consultants retained by him since winter 2008.

York Region's project team and Infrastructure Planning staff met with Mr. Harbell and/or his consultants on several occasions to exchange information, understand their issues and offer any assistance the project team can provide to facilitate their review work. In September 2008, the Region received consolidated reports from Mr. Harbell's consultants, presenting their findings and opinions on the Region's work. Their analyses were based on the study data provided by the Region and supplemented by their own field investigations and consultations.

The project team met with Mr. Harbell's consultants on October 31, 2008, to ensure full understanding of the information presented in their reports and to ask questions to ensure both parties had no misinterpretation of the issues. Please note that in some cases there was no resolution or agreement on the issues. Specifically, Mr. Harbell's consultants do not agree with the York Region staff's position that:

- Reinstating Bathurst Street will fully address the transportation problems in the area.

- The proposed improvements will benefit operations at the Bathurst Street at Yonge Street intersection
- Intraregional traffic should be accommodated on Regional corridors and not local collector roads
- Removal of Butternut trees can be compensated by planting new Butternut trees.
- The overall ecological impact will be mitigated and compensation will provide a net benefit

4. ANALYSIS AND OPTIONS

The Class EA has confirmed the need and justification for transportation improvements in the study area to accommodate future growth in travel demand

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.

Reasonable opportunities to reduce the impacts of reconnecting Bathurst Street are being considered, including modifying design parameters and engineering solutions

Bathurst Street study area is within the Greenbelt Planning Area, with designations Protected Countryside and Natural Heritage System. It is characterized by natural areas with mature growth trees and severe terrain – steep grades and curvilinear alignment. 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. The 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.

The project team has identified the impacts and developed mitigation strategies in consultation with residents, LSRCA and other stakeholders

The team developed enhanced mitigation measures in consultation with stakeholders, conservation authority and other agencies.

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 can be used in the future for a 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 the wildlife corridor function, decrease wildlife mortality and comply with a 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 LSRC 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 Mullock Nature Reserve and Peggy's Woods.

Unique engineering solutions have been developed to minimize the grading "footprint" thereby reducing the overall impacts to the natural and social environments

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 a Retained Soil System. This allows 1:1 side slope treatment or better compared to the normal 2:1 slope commonly used in road construction. Providing a retained soil system wall will result in additional costs for the placement of the engineered fill. However, the additional costs for this type of wall will be partially offset by less property and vegetation compensation costs.

Attachment 2 identifies the areas considered for implementing the retained soil system method for grading and the typical section showing the extent of impact between the normal 2:1 grading and retained soil system 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 at a rate of two trees planted for every tree removed is planned to replace the vegetation removed and reinstate the corridor to as close to the pre-construction condition 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 on adjacent areas such as the Mulock Nature Reserve on the northwest corner of Bathurst Street and Green Lane West. Other areas being considered are the original road alignment near the old bridge at the north end of the study area and on private property at two locations to minimize impacts to the residential lots. These areas 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, single Butternut trees occur 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 are required and will be dealt with during detailed design.

Public consultation was an integral part of the work under the Class EA

Public consultation was an integral part of the Class EA study. Aside from the study team and one-on-one 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 has met with the local and adjacent municipalities for their input. Issues and concerns raised in these meetings are described below.

Almost all adjacent municipalities have endorsed reconnecting Bathurst Street as the preferred alternative

The Councils of East Gwillimbury, Newmarket, Georgina, Bradford West Gwillimbury and Simcoe County have all passed resolutions supporting the project and, specifically, the scope, process and recommendation to reconnect Bathurst Street. This endorsement was based on their understanding of the much-needed capacity for north-south traffic due the existing and planned growth around the study area.

King Township remains concerned with the recommendations of reconnecting Bathurst Street as the preferred alternative.

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 this 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 residents 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 consultation sessions, the following themes or issues were raised:

- Overall network considerations or the "Big Picture" considerations were needed 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.

Extensive consultation between Mr. Harbell, his team, and the Region's project team have taken place over the past year

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 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.
- Result in a project where the net benefits are significantly greater than the project costs.
- Complete the "missing link" in the Region's road network.

In June 2009, Mr. Harbell and his clients met with Chairman Fisch and senior staff. The outcome of the meeting was that the project team would provide a copy of the draft Environmental Study Report (ESR) for the Bathurst Street EA. Following a review of the draft ESR by Mr. Harbell and his consultants, the project team agreed to meet again to discuss the proposed work in front of his client's property and respond to questions/comments on the draft ESR.

Follow-up meetings were held with Mr. Harbell on August 20, and October 29, 2009 to discuss further, focussing primarily on the property and corridor concerns, and to deal with outstanding issues. These concerns included:

- Grading for a future expansion of Bathurst Street.
- Truck climbing lanes
- Easterly alignment shift and/or grading alternatives to avoid/minimize impact on the rows of trees along the Burns frontage.
- Advantages/disadvantages of reconnecting Bathurst Street based on the enhanced design.
- Groundwater impact.

Staff reassessed incorporating grading for a future expansion and concluded that it is not required within the horizon year 2031. As such, no pre-grading work to accommodate a future expansion of Bathurst Street will be included with this project.

The truck climbing lanes are required for safety reasons. A minimum easterly alignment shift and alternative grading are possible. High water levels are noted in the draft ESR and will be further investigated and dealt with during the detailed design. The project team had re-evaluated the advantages and disadvantages of the enhanced design and confirmed that the advantages of connecting the Bathurst Street link far outweigh the disadvantages.

A benefit/cost analysis was undertaken for the full planning period of 2011 to 2031, in response to concerns expressed by Mr. Harbell. The results of the benefit/cost analysis yielded a ratio of 3.5, which means the benefits of the project are 3.5 times greater in magnitude than the costs of the project. Benefits were quantified as the dollar cost of the reduced travel time through the study area with Bathurst Street reconnected. Intrinsic benefits, such as reduced emissions, reduced "out-of-the-way" travel, network connectivity, etc., will be realized; however, were not included in the analysis. Costs were quantified as the total initial capital cost and the annual maintenance cost over the planning period.

Similar meetings were held with Mr. Bray and his consultant to consider road alignment refinement to further minimize property and vegetation impact along Mr. Bray's property.

It was mutually agreed that protecting and enhancing the natural environment is important

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.

The ESR will be finalized in December 2009 and filed on the public record for the review period in January 2010

The Environmental Study Report (ESR) is anticipated to be complete by December 2009 and will be filed for the mandatory 30 day review period in January 2010. Subject to the results of the filing of the ESR, staff intends to initiate detailed design, property acquisition, utility relocation and permit approvals soon thereafter.

There is a high probability a bump-up will be requested during the public review period

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

Based on our discussions and extensive consultation with these stakeholders, Regional staff firmly believe that further analyses, consultation and effort will not alleviate their concerns with the project.

The project team will continue to engage the various stakeholders and residents in an effort to seek resolution or provide mitigation to their issues.

Benefits of connecting missing links in the Regional network

Reconnecting the Bathurst link will provide the needed capacity for the corridor as well as provide alternative route for incident management. This will negate the need to widen adjacent roads to undesirable widths to provide the capacity or the use of local collector roads for intra-regional traffic.

5. FINANCIAL IMPLICATIONS

The recommended design features with the enhanced environmental mitigation measures and land/property cost estimates have increased the total project estimate significantly. In the approved 2009 10 Year Roads Construction Program the total project budget is approximately \$12.4M, of which approximately \$9.6M is for construction. Staff have prepared the 2010 10 Year Roads Construction Program and have increased the total project budget to approximately \$26.5M, of which approximately \$20.8M is for construction.

Increased costs are due to the property costs and costs for the enhanced mitigations such as wildlife crossings, engineered fill, and extensive plantings. The 2010 10 Year Roads Construction Program was reviewed by senior staff and presented to Regional Council for their consideration and approval.

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.

Township of King staff have suggested that we make a presentation to their Council prior to filing the ESR

At a meeting on August 29, 2009 with Township of King staff, it was suggested that Township of King Council would like the Region to deliver a presentation to them prior to finalizing and submitting the ESR for the public review period.

The project team advised that they would be reporting to York Region Transportation Services Committee in fall 2009. Subject to the decisions made by the Committee and Regional Council, the project team could then deliver a presentation to the Township of King Council in early January 2010.

7. CONCLUSION

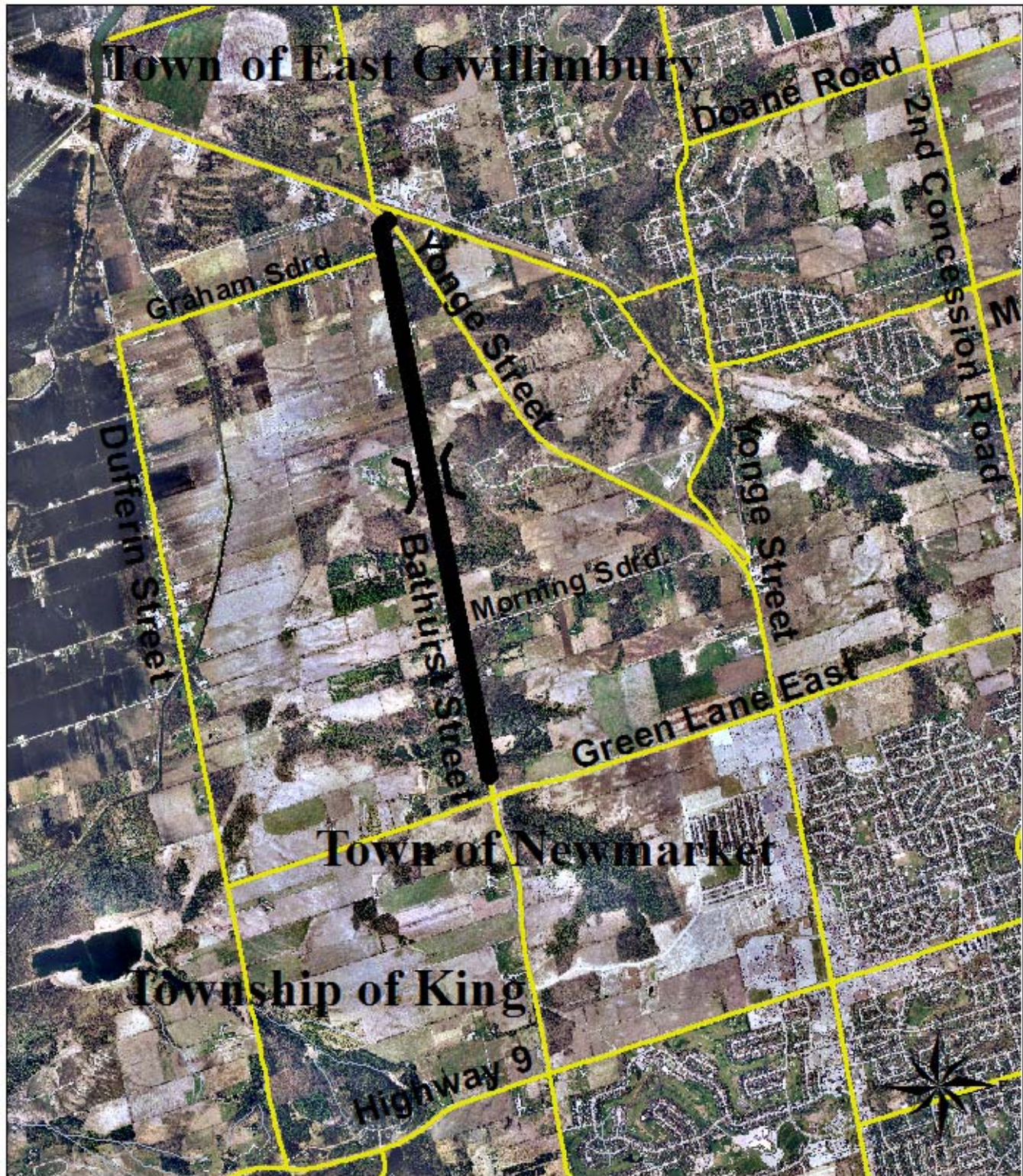
The reconnection of Bathurst Street is needed to complete the missing link in the Regional road system to service the planned growth in the northern part of the Region.

Due to the environmental sensitivities in the corridor and the need to protect 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 then construction.

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

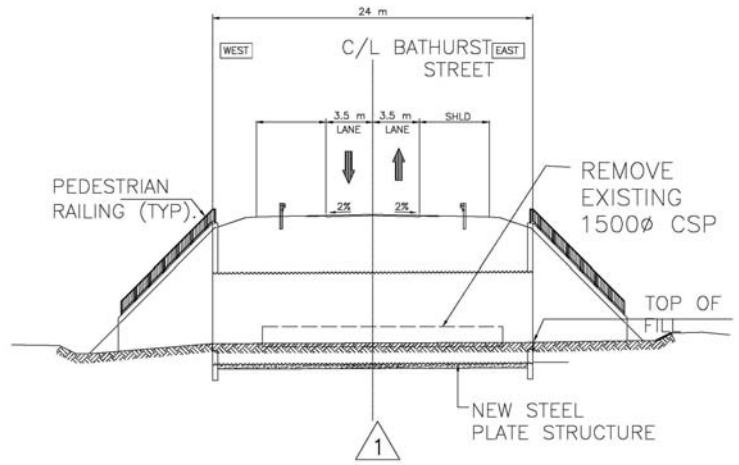
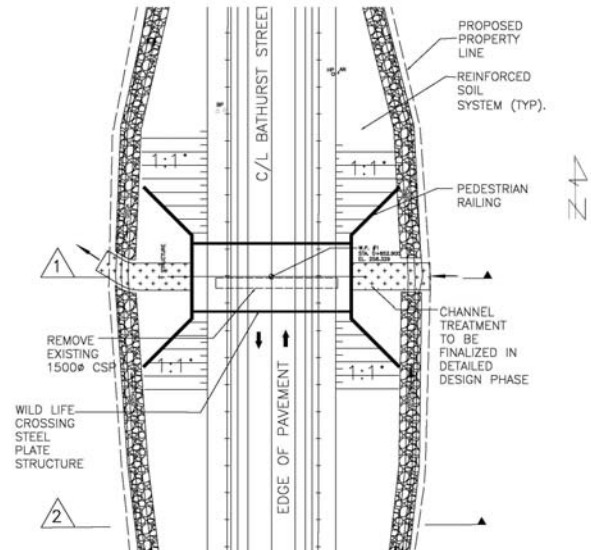
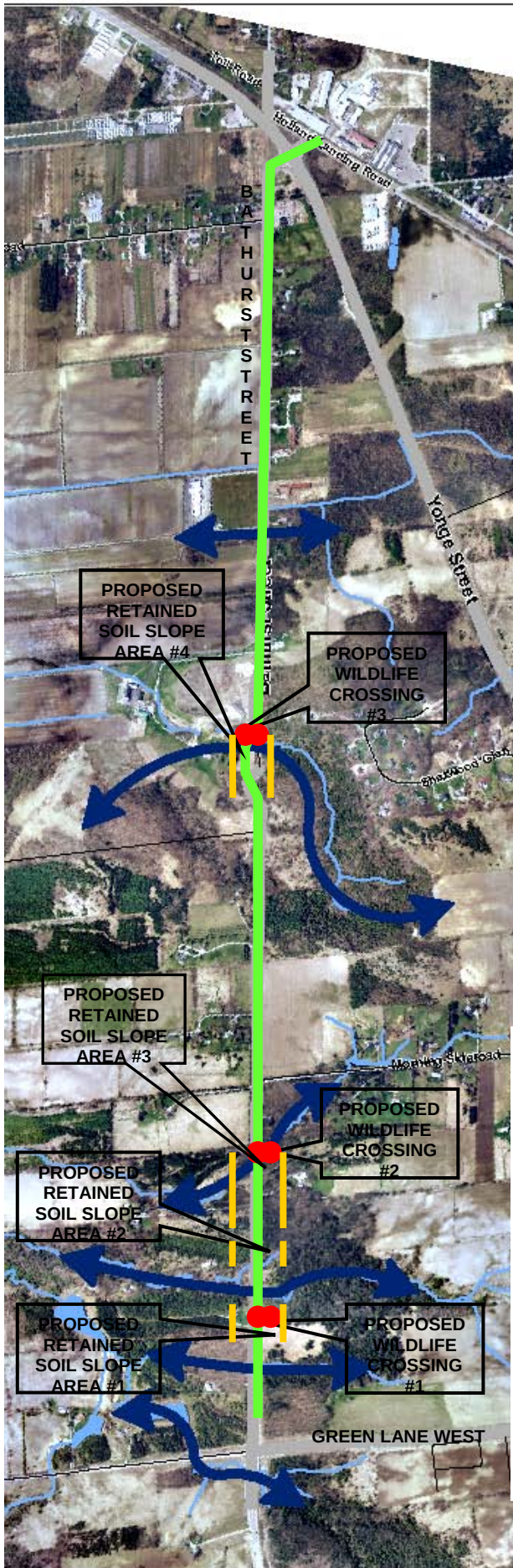
Green Lane West northerly to Yonge Street
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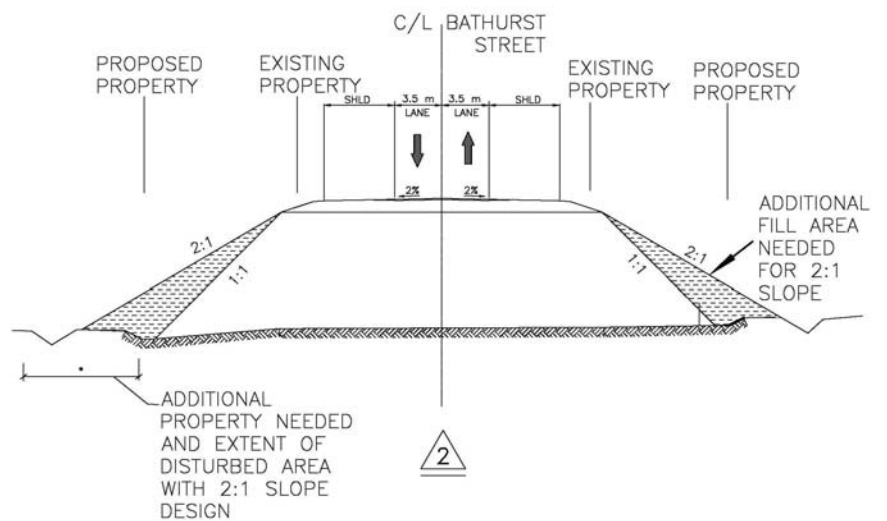


Transportation Services, Roads

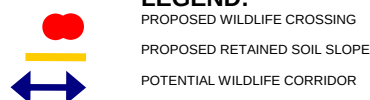
LOCATION AND DETAIL OF PROPOSED ENHANCED MITIGATION



WILD LIFE CROSSING SECTION



RETAINED SOIL SLOPE SECTION



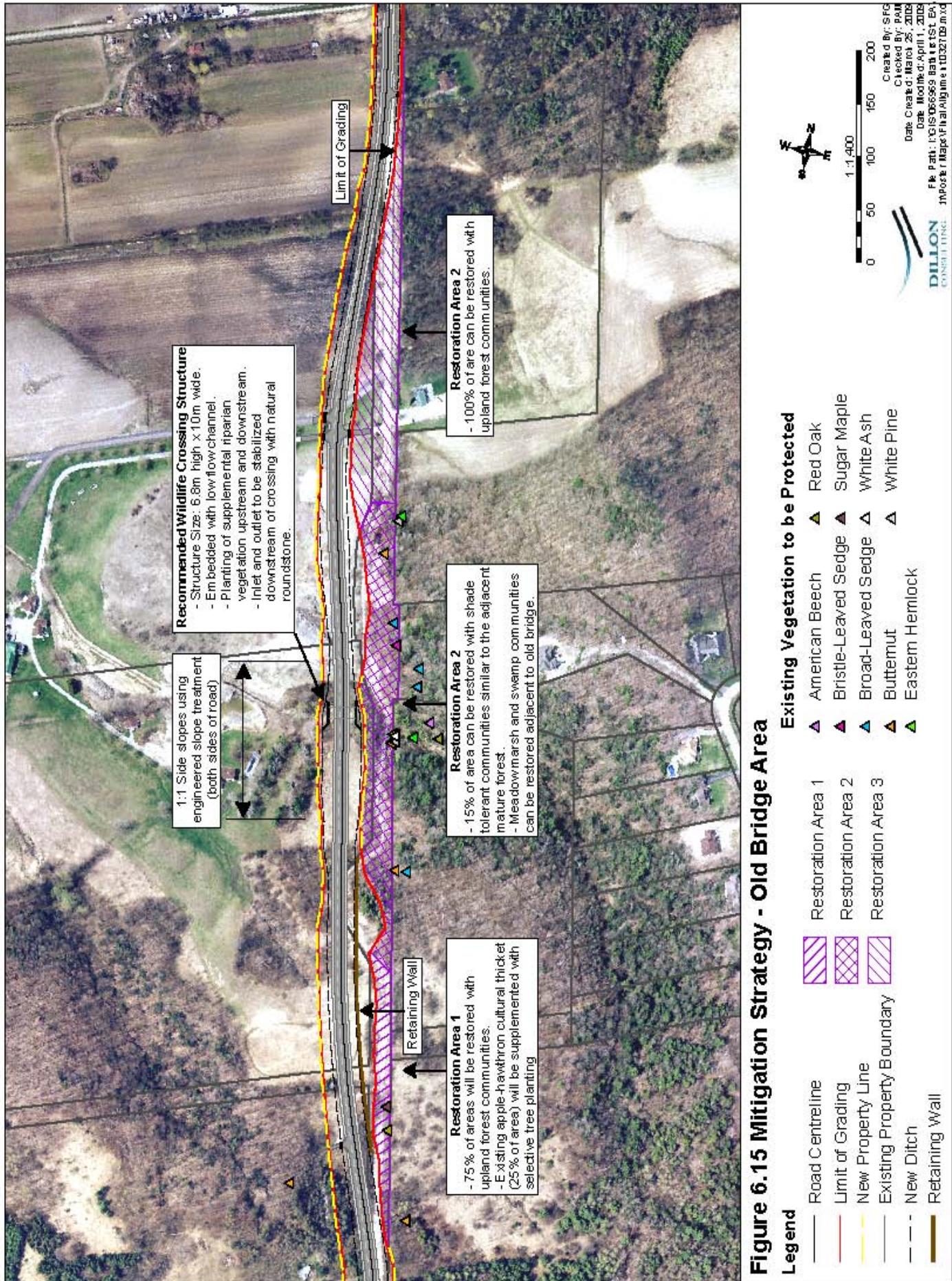


Figure 6.15 Mitigation Strategy - Old Bridge Area