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STAFF REPORT: Planning & Building Services Department



REPORT TO: Council
MEETING DATE: May 27, 2013
REPORT NO.: PL.13.68
SUBJECT: Beaver Street South Road Allowance, between Victoria Street South and Louisa Street West, Thornbury
PREPARED BY: D. Finbow, Director, Planning & Building Services

A. Recommendations

1. **THAT** Council receive Staff Report PL.13.68 with respect to “Beaver Street South Road Allowance between Victoria Street South and Louisa Street West, Thornbury”;
2. **THAT** Council determine that the Beaver Street South Road Allowance between Victoria Street South and Louisa Street West (the “subject lands”) is surplus to the needs of the Town;
3. **THAT** Town staff be directed to advertise the proposed sale of the subject lands by way of alternative method, being a direct sale to the adjacent landowner, Sobeys, in accordance with Town policy; and,
4. **THAT** Council direct that a Municipal Class Environmental Assessment (MCEA) be completed for the proposed alterations to the Beaver Street South/Louisa Street West/Victoria Street South intersection as part of the planning approval process related to the proposed development of the lands bounded by Arthur Street West, Victoria Street South, Louisa Street West and Lansdowne Street South.

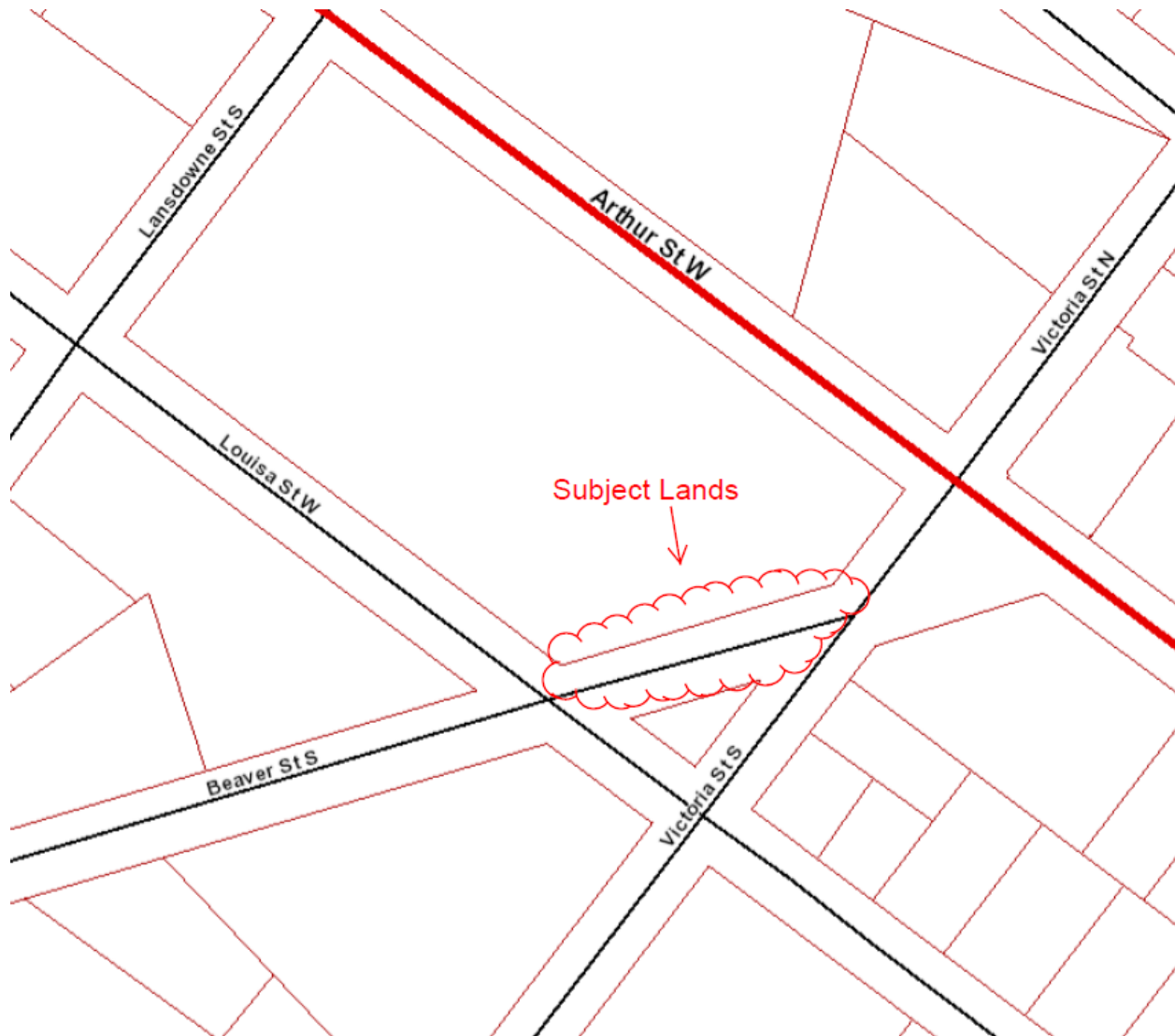
B. Background

Purpose:

The purpose of this Report is to seek Council’s direction with respect to declaring the Beaver Street South Road Allowance between Victoria Street South and Louisa Street West as being surplus to the Town’s needs and to proceed with the sale of same in accordance with Town policy.

Subject Lands:

The subject lands are the Beaver Street South Road Allowance, between Victoria Street South and Louisa Street West, as shown on the sketch below.



Town Policy:

Town Policy POL.COR.07.02 respecting Sale and Other Disposition of Land indicates the following:

1. Subject to any other provisions contained in the *Municipal Act, 2001*, prior to the sale of land Council shall:
 - a) at a regularly scheduled Council meeting deem that any land to be sold or conveyed is surplus to the needs of the Corporation;

- b) obtain at least one appraisal of the fair market value of the land to be sold or conveyed and this appraisal may include consideration of a public benefit in the case of any land transfer or exchange;
 - c) give notice to the public of the proposed sale of land by publication of notice of the proposed sale for two successive weeks in a local newspaper having general circulation in the area and by posting on the Town website and by e-mail message to any person who requests provision of Town notices.
2. Council may, at their sole discretion and acting in good faith, upon compliance with clause 1. of this Policy, advertise to request sealed tenders or bids for the sale of land or to engage a real estate firm or broker for the sale of land or utilize an alternative method of sale or disposal of land to be determined by Council.
 3. Council may, at their sole discretion, add or delete any costs incurred by the municipality with regard to the sale of land to or from the sale price of the land.

As Council will note, should Council determine that the subject lands are surplus to the Town's needs, the Town will require an appraisal of the fair market value of the subject lands. In this regard, the Town will require that the proponent obtain the appraisal and subsequently the Town will have same peer reviewed.

Current Use of the Subject Lands & Presence of Infrastructure:

The current use of the subject lands is that of a municipal road connecting lands to the south to Victoria Street South and is a rural cross section (open ditches). Water and sanitary mains/services are not located within the road section. The presence of other services, such as gas, bell, hydro, etc., has not been explored and the relocation of these services would be the responsibility of the future owner of the land.



Town staff note that the subject lands are not seen to be necessary for any future infrastructure works, including trails, roads, sewer or water.

Proposed Sale of Land by Alternate Method:

The adjacent landowner, Sobeys, approached the Town with respect to the acquisition of the subject lands. The purpose of this acquisition is to allow for better programming of their development parcel (being the lands bounded by Arthur Street West, Victoria Street South, Louisa Street West and Lansdowne Street South). It is noted that Sobeys has also made arrangements for the acquisition of the triangular parcel bounded by Victoria Street South, Beaver Street South and Louisa Street West so as to effectively “square-off” their development site.

The subject lands are located in a Highway Commercial (C2) Zone and Open Space (OS) Zone while the triangular parcel of land is located in the Open Space (OS) Zone. Both the subject lands and the triangular parcel have a land use designation of Commercial under the Town’s Official Plan.

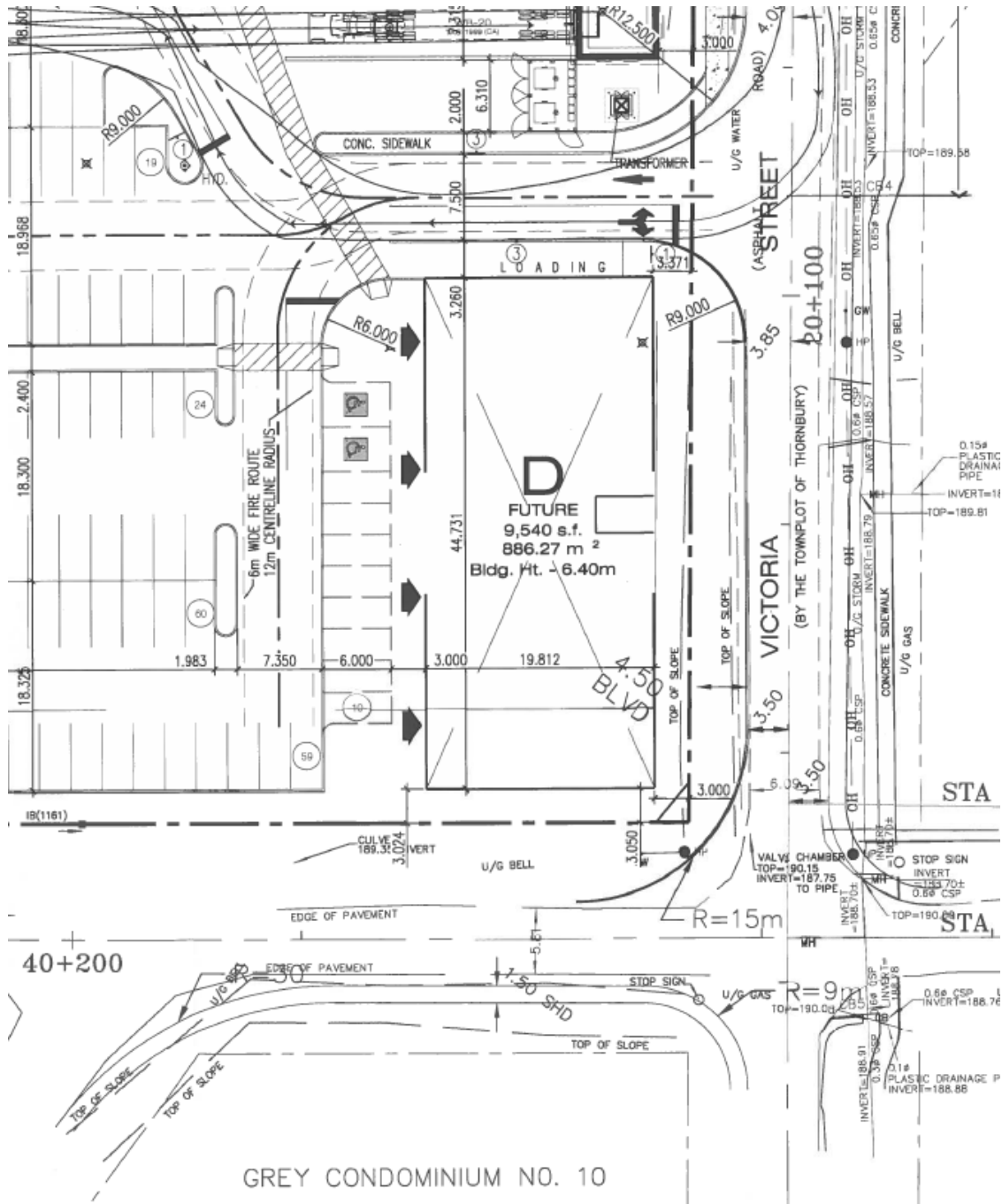
Town POL.COR.07.02 authorizes an alternative method of sale or disposal of land as determined by Council. In this regard, Town staff recommends that should Council determine the subject lands are surplus to the Town’s needs that the Town precede with the sale of land to the adjacent landowner, Sobeys, by way of an alternative method (direct sale, subject to arriving at the fair market value of the land).

Transportation:

The subject lands provide uninterrupted connectivity from Beaver Street South, south of Louisa Street West, through to Victoria Street South. To ensure appropriate traffic, cyclist and pedestrian flow, it is appropriate that alterations to Louisa Street West from Beaver Street South to Victoria Street South be considered by way of a Municipal Class Environmental Assessment (MCEA). This consideration can be addressed by way of the planning process for the proposed development of the lands bounded by Arthur Street West, Victoria Street South, Louisa Street West and Lansdowne Street South.

Adjacent Development Proposal:

As noted previously, the Planning Services Division has received applications for a Zoning By-law Amendment and Site Plan Approval related to the lands bounded by Arthur Street West, Victoria Street South, Louisa Street West and Lansdowne Street South. The drawings in support of these applications depict a proposed building and vehicular access to the development parcel. The merits and appropriateness of these matters will be further reviewed during the processing and public participation processes associated with the proposed Zoning By-law Amendment.



Municipal Class Environmental Assessment Process:

Should Council determine to proceed with deeming the subject lands surplus and determine to sell the lands by alternative method, alterations to Beaver Street South may be required so as to ensure continuous traffic, cyclist and pedestrian movement southerly towards the intersection of Victoria Street South and Louisa Street West. The Director, Engineering & Public Works has advised that this should be explored by way of a Municipal Class Environmental Assessment Process.

What is the Municipal Class Environmental Assessment Process?

The Municipal Class Environmental Assessment (Class EA) is an approved planning document that describes the process that proponents must follow in order to meet the requirements of the *Environmental Assessment Act* (EA Act).

This process allows for the evaluation of the potential environmental effects of the proposed alternatives to a project and alternative methods of carrying out a project and includes the mandatory requirements for public input, while expediting the environmental assessment of smaller recurring projects.

Class EA's are a method of dealing with projects, that commonly re-occur, are similar in nature and present a limited scale of predictable and ranges of environmental effects.

Common Class EA projects include:

- Operational and maintenance improvements for roads, watermains, sewers and related infrastructure.
- Construction of new roads, watermains, sewers and related infrastructure.
- Construction of stormwater management and related erosion and sediment control, flood control and water quality control facilities.

Project Schedules

Projects are categorized according to their environmental significance and the effects on the surrounding environment.

Schedule A	<p>Schedule A: Projects are limited in scale, have minimal adverse environmental effects and include a number of municipal maintenance and operational activities.</p> <p>These projects are pre-approved and may proceed to implementation without following the full Class EA planning process.</p> <p>Schedule A projects generally include normal or emergency operational and maintenance activities.</p> <p>Schedule A +: The purpose of Schedule A + is to ensure some type of public notification for certain projects that are pre-approved under the Municipal Class EA, it is appropriate to inform the public of municipal</p>
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	<p>infrastructure project(s) being constructed or implemented in their area. There, however, would be no ability for the public to request a Part 2 Order. If the public has any comments, they should be directed to the municipal council where they would be more appropriately addressed.</p>
Schedule B	<p>These projects have the potential for some adverse environmental effects. The proponent is required to undertake a screening process, involving mandatory contact with directly affected public and with relevant government agencies to ensure that they are aware of the project and that their concerns are addressed.</p> <p>If there are no outstanding concerns, then the proponent may proceed to implementation. If there are no outstanding concerns, then the proponent may proceed to implementation.</p> <p>Schedule B projects generally include improvements and minor expansions to existing facilities. However, if the screening process raises a concern which cannot be resolved, a Part II Order may be invoked; alternatively, the proponent may elect voluntarily to plan the project as a Schedule C undertaking.</p>
Schedule C	<p>Such projects have the potential for significant environmental effects and must proceed under the full planning and documentation procedures specified in this Class EA document.</p> <p>Schedule C projects require that an Environmental Study Report (ESR) be prepared and filed for review by the public and review agencies.</p> <p>Schedule C projects generally include the construction of new facilities and major expansions to existing facilities. If concerns are raised that cannot be resolved, a Part II Order may be invoked.</p>

Planning Process

The planning process provides an alternative for municipalities conducting road, water and wastewater projects. The five key principals of planning as outlined in the EA Act are:

1. Consultation with affected parties early in and throughout the process, such that the planning process is a co-operative venture.
2. Consideration of a reasonable range of alternatives, both the functionally different alternatives to the project (known as alternative solutions) and the alternative methods of implementing the preferred solution.
3. Identification and consideration of the affects of each alternative on all aspects of the environment.
4. Systematic evaluation of alternatives in terms of their advantages and disadvantages, to determine their net environmental effects.
5. Provision of clear and complete documentation of the planning process followed, to allow 'traceability' of decision-making with respect to the project.

Phases of the Process

Phase 1	Problem or Opportunity: Identify the problem or opportunity.
Phase 2	Alternative Solutions: Identify alternative solutions to the problem, by taking into consideration the existing environment, and establish the preferred solution taking into account public and agency review and input. At this point determine the appropriate Schedule for the undertaking, and/or identify the approval requirements; proceed through the following Phases for Schedule C projects.
Phase 3	Alternative Design Concepts for Preferred Solution: Examine alternative methods of implementing the preferred solution, based upon the existing environment, public and government agency input, anticipated environmental effects and methods of minimizing negative effects and maximizing positive effects.
Phase 4	Environmental Study Report: Document, in an Environmental Study Report a summary of the rationale, and planning, design and consultation process of the project as established through the above Phases and make such documentation available for scrutiny by review agencies and the public.
Phase 5	Implementation: Complete contract drawings and documents, and proceed to construction and operation; monitor construction for adherence to environmental provisions and commitments. Where special conditions dictate, also monitor the operation of the complete facilities.

Summary:

Town staff are of the opinion that the subject lands could be deemed by Council as being surplus to the needs of the Town. Further, Town staff are of the opinion that the sale of the subject lands to the adjacent land owner, Sobeys, is sensible and will enhance the proposed development from a programming and public realm perspective without compromising Town infrastructure or traffic/transportation matters and would not impact neighbouring residents. Should Council determine that the lands are surplus, it would be appropriate that Council adopt the following recommendations:

THAT Council determine that the Beaver Street South Road Allowance between Victoria Street South and Louisa Street West (the “subject lands”) is surplus to the needs of the Town;

THAT Town staff be directed to advertise the proposed sale of the subject lands by way of alternative method, being a direct sale to the adjacent landowner, Sobeys, in accordance with Town Policy; and,

THAT Council direct that a Municipal Class Environmental Assessment (MCEA) be completed for the proposed alterations to the Beaver Street South/Louisa Street

West/Victoria Street South intersection as part of the planning approval process related to the proposed development of the lands bounded by Arthur Street West, Victoria Street South, Louisa Street West and Lansdowne Street South.

C. The Blue Mountains' Strategic Plan

Providing a strong, well managed municipal government.

D. Environmental Impacts

N/A

E. Financial Impact

TBD

F. In Consultation With

N/A

G. Attached

Nil

Respectfully submitted,

D. Finbow
Director, Planning & Building Services