



# Staff Report

## Planning and Development Services – Planning

**Report To:** Committee of The Whole  
**Meeting Date:** February 22, 2017  
**Report Number:** PDS.17.13  
**Subject:** Unopened Road Allowances Bay Street West and Victoria Street North – Tammy Abbotts Proposal for purchase of lands  
**Prepared by:** Denise Whaley, Planner II

### A. Recommendations

THAT Council receive Staff Report PDS.17.13 “Unopened Road Allowances Bay Street West and Victoria Street North – Tammy Abbotts Proposal for purchase of lands”; and

THAT Council authorize staff to initiate the public notification process to consider the Stop Up and Close of the unused portions of Bay Street West and Victoria Street North lands, for future consideration of declaring the lands surplus and potential sale of the lands.

### B. Overview

Council received a request by Kristine Loft, land use planning consultant, on behalf of Tammy Abbotts, to consider selling a portion of unopened road allowances at Bay Street West and Victoria Street North (“subject lands”), shown in Figure 1. The proposal is to purchase the road allowances to add to the rest of the Abbotts’ lands to allow for residential development of the lands. This letter request is attached to this report as Attachment #2.

The purpose of this report is to provide follow up information to Council on this proposal and the staff review of whether there is future need for these road allowance parcels. This information is to assist Council in consideration of whether the property is surplus to the needs of the municipality and if it could be considered for future development. In review of the lands, staff used the “Property Review Tool”; the completed tool is attached as Attachment #2 to this report. Through this report, Staff are seeking direction from Council if there is interest in entering into negotiations on this proposal by authorizing staff to initiate the public process for stopping up and closing a road, deeming lands surplus and sale and other disposition of land procedures.

### C. Background

Planning Services received a letter from Planning Consultant, Kristine Loft, acting on behalf of Tammy Abbotts, owner of Lots 35-39, Northwest of Bay Street in Thornbury. The letter outlines a land development proposal for residential development and asks for consideration of the sale

the unopened road allowances of Bay Street West and Victoria Street North (Figure 1.). Ms. Loft also gave a presentation at the Committee of the Whole meeting June 27, 2016. At that meeting, Council directed Planning staff to review the lands using the Property Review Tool.

**Figure 1: Aerial photo of the subject lands proposed for development**



The Abbotts' lands in red are approximately 1 hectare (2.5 acres). The road allowances of Bay Street and Victoria, shown in green, are approximately 0.7 hectares (1.73 acres).

The letter from Ms. Loft further outlines a proposal for residential development of up to 21 units through a condominium plan, with three potential concepts:

1. Consolidate the three parcels without purchasing the road allowance, using an internal condominium road with a turning "T" (hammerhead).
2. Purchase a portion of the Bay Street Road allowance and consolidate the parcels with an internal condominium road with a turning "T" (hammerhead).
3. Purchase both road allowances and consolidate all of the parcels, with a condominium through-road from Lansdowne Street North to Huron Street West.

All concepts illustrated a 10 metre condominium road, with no new municipal road proposed. Specific residential unit types have not been detailed at this point. However one of the concept drawings included in the consultant's correspondence shows a potential lot layout for 21 lots in the size range of approximately 20 x 30 metres (66 x 98 feet). The letter and concept plans are attached to this report as Attachment 1.

## D. Analysis

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Planning Services circulated the concept proposal internally, and received comments from Community Services and Infrastructure and Public Works. These comments were generally supportive. IPW identified some municipal drainage on a portion of the Bay Street road allowance that would need to be addressed. This could be accomplished either through the development proposal generally, or if the Town sold only half of the Bay Street road allowance. It was noted also that the remainder of Bay Street at the easterly side between Victoria North and Lakeshore Drive could also be considered at the same time.

Planning Services also notes that only the front lot owned by Ms. Abbotts' has frontage on an open and maintained road; the rear is "land locked", meaning does not have access to an open and maintained road at this time. (see Figure 1). The subject lands are designated "**Community Living Area**" in the Town's 2016 Official Plan. This means the area is planned for development and a variety of residential unit types could be considered. Town Staff agree there is merit in Ms. Abbotts' proposal to purchase the lands to consolidate with her adjacent vacant parcels. The proposal allows for the greatest flexibility in development options.

If Council decides to consider the road allowance for potential development, prior to selling the lands, the road would need to be stopped up and closed, and the lands deemed surplus. Formal public consultation would be required and public notice procedures would be initiated as per Town Policies POL.COR.07.03 (Sale and Other Disposition of Land) and POL.COR.07.02 (Provision of Notice and Manner of Giving Notice to the Public). If Planning Applications are submitted, public consultation under the Planning Act would also be required.

As the development proposal for these lands is at a conceptual stage, should Council declare the lands to be surplus, staff suggest that Council could enter into a Memorandum of Understanding (MOU) that would outline:

- That the Developer is authorized to bring forward development applications that incorporate Town Lands (the Developer would act as agent on the applications on the Town's behalf for the portion of lands owned by the Town).
- That the Developer is responsible for all costs associated with surveying, appraising the lands, planning applications and legal costs;
- That the MOU shall not prejudice the future development approvals process or fetter the exercise of any of Council's discretionary powers, duties or authorities with respect to the development applications; and,
- That the MOU reflect that Developer will not obtain any advantageous planning or other considerations or treatment by virtue of it having entered into the MOU, or by virtue of the existence of the MOU.

An MOU gives the developer some assurances they can move forward with more detailed design concepts, but should the project not move forward, the Town would retain the lands.

Other benefits to this approach are that long term use and maintenance of the property is not tied to the development proposal, so that if the matter of drainage required maintenance, Town staff could address it. It also could ensure that no further site alteration of the Road Allowances could take place (i.e. tree removal, regrading etc.) until such time as the project is approved. The details of the memorandum would be provided in a follow up report to Council addressing the public consultation phase on this matter.

Next steps on this proposal could be:

- Public Consultation – for consideration of the Stop up and Close of the road allowances, and consideration of the lands as surplus to the needs of the municipality and the potential sale of the lands
- Follow up Staff Report following the public consultation outline above and options for a potential Memorandum of Understanding with the developer.

## **E. The Blue Mountains Strategic Plan**

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The recommendations in this report support the following strategic goals and objectives:

Goal #3 - Support healthy lifestyles, Objective #1 Promote the Town as a Healthy Community and #3 Manage Growth and Promote Smart Growth.

## **F. Environmental Impacts**

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None.

## **G. Financial Impact**

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None at this time. Any potential survey, legal and appraisal costs could be borne by the purchaser.

## **H. In consultation with**

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Senior Management Team.

## **I. Attached**

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1. Letter from Kristine Loft, Planning Consultant on behalf of Tammy Abbotts
2. Property Review Tool (to help determine if lands are surplus)
3. POL.COR.07.02 Sale and Other Disposition of Land Policy

Respectfully Submitted,

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Denise Whaley, MSc MCIP RPP  
Planner II

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Michael Benner, MCIP RPP  
Director of Planning and Development Services

For more information, please contact:  
Denise Whaley, Planner II  
[dwhaley@thebluemountains.ca](mailto:dwhaley@thebluemountains.ca)  
519-599-3131 extension 262

April 26, 2016

Shawn Postma  
Senior Planner  
Town of The Blue Mountains  
32 Mill Street  
P.O. Box 310  
Thornbury, ON  
N0H 2P0

RECEIVED

MAY - 2 2016

TOWN OF THE BLUE MOUNTAINS  
PLANNING & BUILDING SERVICES  
PER \_\_\_\_\_

Dear Mr. Postma:

**RE: Request for the sale of public land (Bay Street and Victoria Street unopened road allowance)  
Re: Unopened Road Allowances Bay Street West & Victoria Street South, The Blue Mountains  
Town of the Blue Mountains  
Our File: ABB.16415**

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We act as planners for Tammy Abbotts, owner of Lots 35-39, Northwest of Bay Street, in the Town of the Blue Mountains. Please accept this correspondence as a formal request to authorize staff to proceed in considering the sale and disposition of public land known as the Unopened Road Allowances Bay Street West & Victoria Street South.

The legal description for the unopened road allowance is as follows:

**Bay Street Plan Thornbury Between Southeast/South Lansdown Street Plan Thornbury and Northwest/South Victoria Street Plan Thornbury and part of Victoria Street Plan Thornbury between Northeast/South Louisa Street Plan Thornbury and Lot 9 and 10 Plan 533 Thornbury; Part Lot 35 Northeast/South King Street Plan Thornbury; Part Lot 35 Southwest/South Huron Street Plan Thornbury Part 4, 5, 8 16R2003 Subject To R207715; Subject To Interest in R207715, described as Unopen Victoria Street North Road Allowance between (but not including) King Street West Road Allowance and Bay Street West Road Allowance,**

The Bay Street and Victoria Street unopened road allowances are vacant lands that are generally located in the westerly quadrant of the municipality and are an L shape. The Bay Street road allowance traverses generally west and east, while the Victoria Street road allowance travels generally north and south. The lands specifically of interest to our client are two portions of the following PINS 371330234 and 371330245. These properties are considered as one contiguous parcel of land identified as having a lot area of .639 hectares (1.58 acres).

The lands abut or are adjacent to residential lands to the north, west and east, and to the Abbotts lands to the south that are vacant residential lands. The lands to the north and west are single detached residential, the lands to the east are multiple residential (condominium development), and lands to the south are vacant residential.



As part of a public process regarding the consideration of sale or disposition of the lands the options available to Council would be reviewed. This would include consideration of the highest and best use of the land. Our client owns the abutting vacant residential lands to the south. As part of the overall process we would present the options related to the Abbotts lands alongside potential other options.

Both the Abbotts lands and the unopened road allowances are designated Residential and are zoned Residential (R1). The lands are vacant. Based on current Official Plan policies (densities) the lands may provide for 16 to 24 single detached units or 24 to 40 units of semi-detached units. This would introduce a significant infill project within the Town.

It is noted the lands are zoned Residential (R1) and as such single detached units are the only permitted use in addition to accessory structures. As a result, any future development beyond Residential (R1) would require a public process through a zoning by-law amendment.

The current Abbotts land holding would permit a residential subdivision however the additional lands provide a number of benefits to a future development including the following:

- o Allow for the increase in width of the lots to more similarly match adjacent existing development.
- o Permits double lotting of one internal road network, versus single lotting a new road.
- o Avoids single lotting a new road that would then potentially create a road abutting existing residential. This would potentially propose a road much closer and into the backyards of existing residential.
- o Eliminates the potential for the unopened road allowance to be opened as a maintained municipal public road, therefore creating double lot frontage for the existing residential homes along Lakeshore Road.
- o Creates a more viable development, with proper site planning including the ability to double lot a newly proposed road that would not create nuisance situations (like creating a new road in the backyard of existing development), would permit sidewalks and create new residential lots both similar to existing development and an infill situation whereby the lot is surrounded by residential uses.

Attached please find proposed development plans identifying development of the Abbotts lands with and without the additional unopened road allowance lands. The addition of the road allowance lands benefits a future development by:

- Increasing the overall lot area of the development lands thereby permitting greater flexibility in lot sizes and dimensions, daylighting triangles, road standards, stormwater management and parkland.
- Increase the overall width of the Abbotts land holding, therefore providing the ability to increase the depth of proposed lots while providing a required road width.
- Allowing lot depths to be compatible with the visual character of the community.
- Allow sufficient buffering or distance separation via backyards with adjacent uses.
- Provides screening from roadways.
- Creates a more feasible double lotted proposed road.

- Avoid the possibility of a new municipal road along the unopened road allowance (more significantly affecting Lakeshore Drive residences).

We look forward to working with staff. We trust the above is satisfactory and if you should have any questions, please do not hesitate to contact me at the office, 705.446.1168.

Yours truly,  
**LOFT PLANNING INC.**



Kristine A. Loft BES BAA MCIP RPP  
Principal

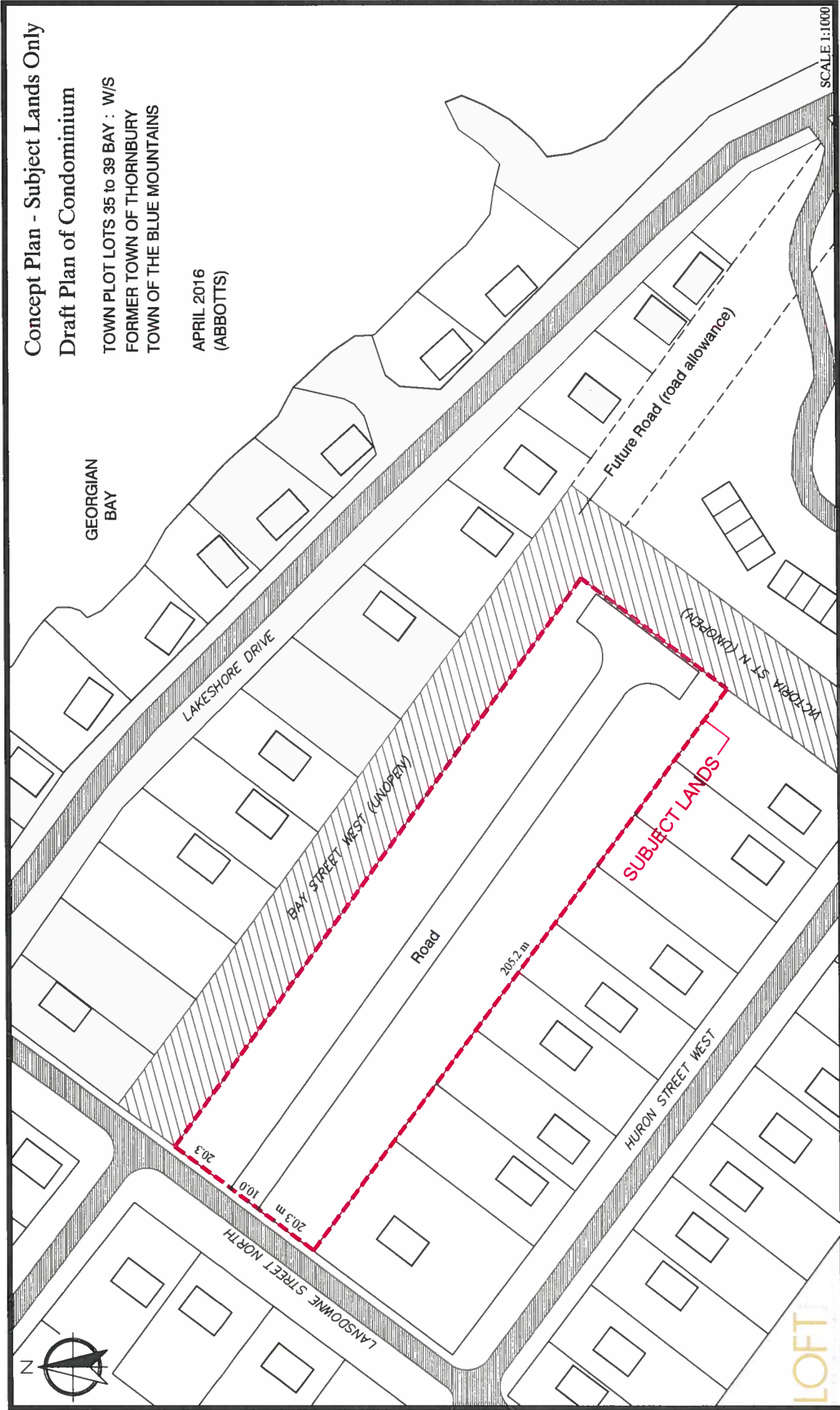


Concept Plan - Subject Lands Only  
Draft Plan of Condominium

TOWN PLOT LOTS 35 to 39 BAY : W/S  
FORMER TOWN OF THORNBURY  
TOWN OF THE BLUE MOUNTAINS

APRIL 2016  
(ABBOTTS)

SCALE 1:1000

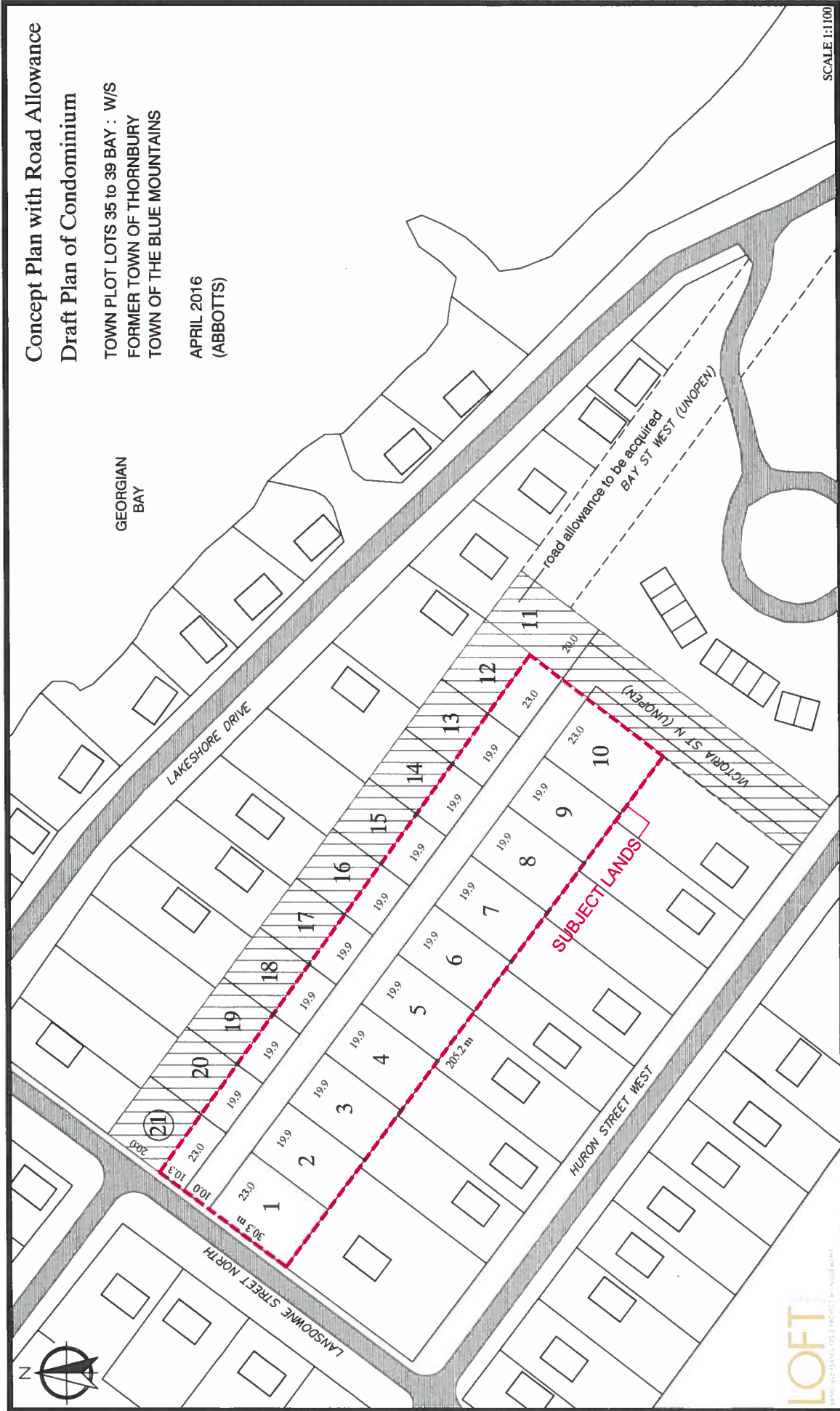


**Concept Plan with Road Allowance  
Draft Plan of Condominium**

TOWN PLOT LOTS 35 to 39 BAY : W/S  
FORMER TOWN OF THORNBURY  
TOWN OF THE BLUE MOUNTAINS

APRIL 2016  
(ABBOTTS)

SCALE 1:1100

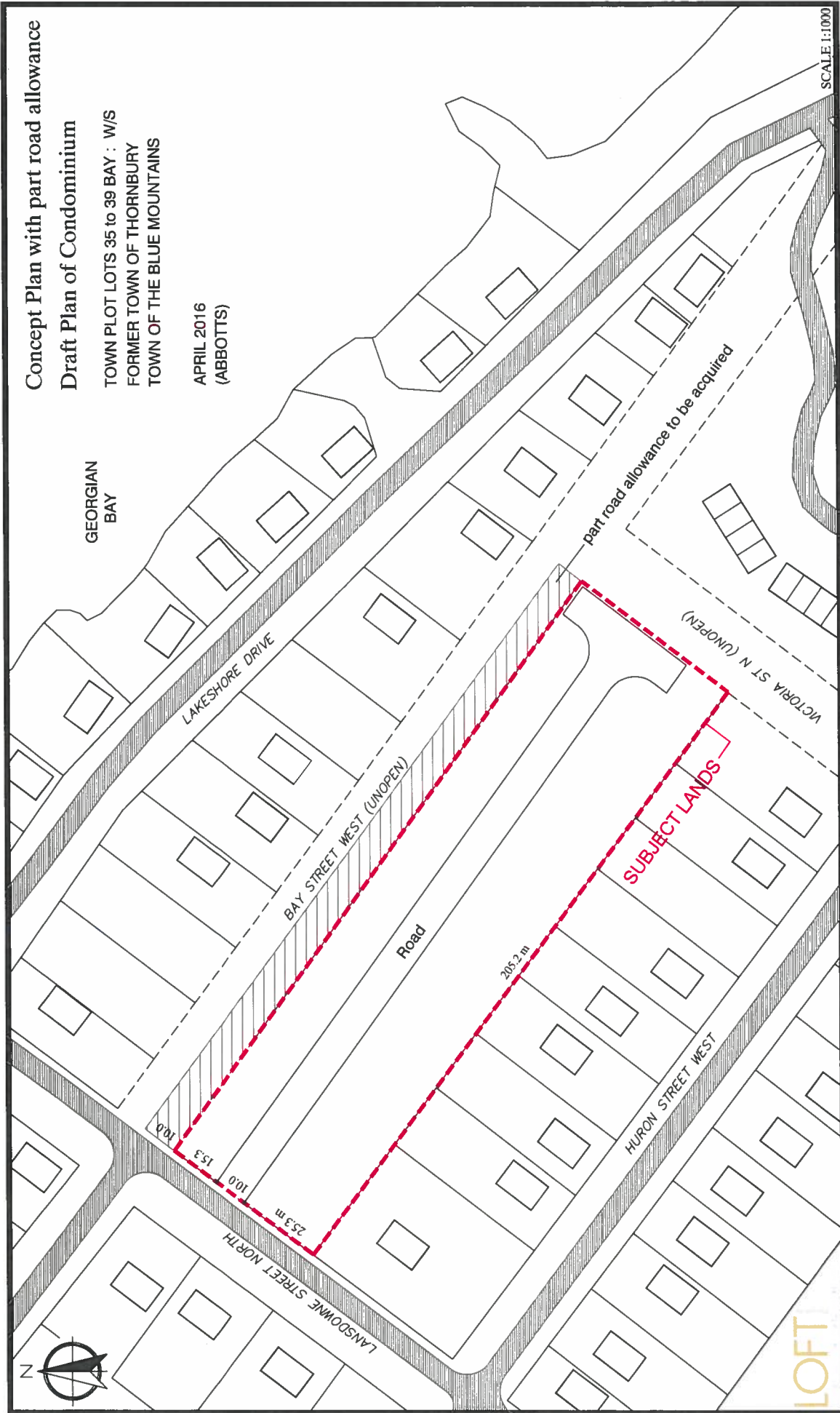


Concept Plan with part road allowance  
Draft Plan of Condominium

TOWN PLOT LOTS 35 to 39 BAY : W/S  
FORMER TOWN OF THORNBURY  
TOWN OF THE BLUE MOUNTAINS

APRIL 2016  
(ABBOTTS)

SCALE: 1:1000



GEORGIAN  
BAY

LAKESHORE DRIVE

BAY STREET WEST (UNOPEN)

Road

205.2 m

SUBJECT LANDS

HURON STREET WEST

VICTORIA ST N (UNOPEN)

LANSOWNE STREET NORTH



LOFT



# Request for the sale of public land (Bay Street and Victoria Street unopened road allowance)



# Request for the sale of public land (Bay Street and Victoria Street unopened road allowance)



<b>Property ID &amp; History</b>	
Address of property	Portions of Bay Street W & Victoria Street N, Town Plot
Roll Number	n/a
Legal description	Long description, see Pins: 371330245, 371330234, 371330246
What is the current zoning of the property	R2
What is the current assessed value "2016"	Not assessed
What is the size of the property	650 square metres (approximately)
Is property currently in use	No
What is the current use	n/a
When was the property obtained	n/a
How was property originally obtained	n/a
What was the original intended use	Road
Does the property have any restrictive covenant	No
Is the property held in trust	No
Does the property provide municipal drainage	Yes
If the property is designated a Road Allowance or Street, is that the current or potential use	Not likely to be used
Does the property contain Water and or Wastewater Infrastructure	No
Does the property contain any other major Town infrastructure or other services	No
Has the property been reviewed by Council before	Yes
If yes, refer to Staff Report	Feb 4, 2008 Planning Report
<b>Site Contamination Section</b>	
Known Contamination:	No
Expected Contamination:	No
History of Contamination:	No
Has an Environmental Screening Assessment Occurred:	No
Location of Environmental Screening Assessment File:	n/a
Existing environmental standards to comply with:	n/a
If contaminated, does it exceed environmental standard:	n/a
Is the Municipality directly responsible for the site?	Yes
If not, has the municipality accepted responsibility?	n/a
Probability that the site would require remediation:	Low
Would this require the Municipality to determine a liability?	No
If yes, what is the estimated cost of remediation?	
<b>Review of Future Town Needs and potential of declaring Surplus</b>	
Does the property have any existing liabilities to the Town	No
Does the property have an existing Road/Street access	Yes
Does the property have Road/Street access potential	Yes
Does the property have any known architectural significance	No
Does the property have any known historical significance	No
Does the property have any archeological significance	No
Are any specific surveys or studies required	No
Are First Nations required to be consulted	No
Are there agencies that require consultation i.e. NEC, GSCA, NVCA, MNRF, DFO	No
Is there an Agency that could retain ownership of property consistent with their own mandate	No
Does the property have any known recreational opportunities	No
Do any ecological or conservation concerns exist on or around the property	No
Do local residents in the immediate area require specific pre-consultation	Yes
Do local residents in the immediate area require specific notification	Yes
Is expert knowledge required to evaluate the property	Yes
Has there been interest from a potential purchaser of the property	Yes
Is there an existing management agreement in place with the Town or other agencies	No
Does the property provide any duplication of use or services in the immediate area	Yes
What is the estimated cost of divesting (i.e. Appraisal/surveying costs)	To be covered by purchaser
Are there any significant potential public concerns of declaring property surplus	concerns should be addressed prior to decision
Does the property have any development potential	Yes – if consolidated with the adjacent parcel
Could the property be severed into multiple lots	No
Have there been other similar properties appraised within 2 years	Yes - King and Arthur Streets
What are the estimated property taxes of the adjacent properties	n/a
Could the property be considered Surplus	Yes
<b>Sign off on Information</b>	
CAO	original signed
Director of Community Services	original signed
Director of Development Services	original signed
Director of Financial Services	original signed
Director of Infrastructure & Public Works	original signed
Manager of Road & Drainage	original signed
Manager of Accounting & Budgets	original signed
Manager of Water & Wastewater	original signed
Manager of Solid Waste & EI	original signed
GIS Coordinator	original signed



**TOWN OF THE BLUE MOUNTAINS**

**POLICY & PROCEDURES**

Subject Title: Sale and Other Disposition of Land

Corporate Policy (Approved by Council)	<input checked="" type="checkbox"/>	Policy Ref. No.:	POL.COR.07.02
Administrative Policy (Approved by CAO)	<input type="checkbox"/>	By-law No.:	2008 - 08
Department Policy: (Approved by Mgr.)	<input type="checkbox"/>	Name of Dept.:	Administration
Date Approved:	January 28, 2008	Staff Report:	A.07.31 (Revised)

**Policy Statement**

Policy direction for Council procedure in considering the sale and other disposition of public land by the municipality.

**Purpose**

Compliance with Section 270 of the *Municipal Act, 2001*.

**Application**

This Policy applies to the actions or decisions to be undertaken or made by the municipality, its Council, its Senior Management Team and Local Boards as defined in subsection 269.1 of the *Municipal Act, 2001*, all collectively called the "municipality", for the purpose of providing accountability and transparency in the municipal decision-making process and its actions.

Council will endeavour in its actions to ensure accountability for its decisions and the manner in which decisions are made will be transparent to the public.

The *Municipal Act, 2001* requires a municipality to adopt a Policy with respect to the sale and other disposition of public land by the municipality..

**Definitions**

Appraisal: shall mean an appraisal of the fair market value of the land to be sold or otherwise disposed of and may include consideration of a public benefit in the case of any land transfer or exchange.

## Procedures

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.
4. The Town and any affected Local Board shall establish and maintain a public register listing and describing the land owned or leased by the Town or Local Board.

## Exclusions

5. Council may, at their sole discretion, determine that Clause 1.b) of this Policy does not apply to the sale of the following classes of land:
  - a) Land 0.3 metres or less in width acquired in connection with an approval or decision under the *Planning Act*.
  - b) Closed highways if sold to an owner of land abutting the closed highways.
  - c) Land formerly used for railway lines if sold to an owner of land abutting the former railway land.
  - d) Land that does not have direct access to a highway if sold to an owner of land abutting the former railway land.
  - e) Land repurchased by an owner in accordance with section 42 of the *Expropriations Act*
  - f) Lands sold under Sections 107, 108 and 109 of the *Municipal Act, 2001* (Economic Development Services).
  - g) Easements granted to public utilities or to telephone companies.

6. Council may, at their sole discretion, determine that Clause 1.b) of this Policy does not apply to the sale of land to the following public bodies:
  - a) A municipality
  - b) A local Board, including a School Board and a Conservation Authority.
  - c) The Crown in right of Ontario or Canada and their Agencies.
7. Council may, at their sole discretion, determine that Clause 1. of this Policy does not apply to the sale of the following classes of land:
  - a) Land sold under Section 110 of the *Municipal Act, 2001* (Municipal Capital Facilities).
  - b) Land to be used for the establishment and carrying on of industries and industrial operations and incidental uses.
8. This Policy does not apply to the sale of land under Part XI of the *Municipal Act, 2001*, Sale of Land for Tax Arrears.

#### **References and Related Policies**

Town Policy POL.COR.07.01 and Town Policies POL.COR.07.03 through POL.COR.07.07 inclusive, as approved, together with this Policy.

#### **Consequences of Non-Compliance**

Non-compliance with the *Municipal Act, 2001* is subject to the remedies prescribed therein.

#### **Review Cycle**

This policy will be reviewed annually by the Senior Management Team for report to Council in open session.