



Clause No. 4 in Report No. 4 of the Planning and Economic Development Committee was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting on April 27, 2006.

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TOWN OF MARKHAM OFFICIAL PLAN AMENDMENT NO. 140 ROUGE NORTH MANAGEMENT AREA/GREENBELT

The Planning and Economic Development Committee recommends the following:

- 1. The following communications be received:**
 - (a) Papazian Heisey Myers, April 5, 2006, solicitors for Rouge Park Alliance;**
 - (b) Aird & Berlis, April 5, 2006, solicitors for 1463069 Ontario Limited and 1512406 Ontario Limited; and**
 - (c) Kagan Shastri, received April 5, 2006, solicitors for a number of private landowners in the area covered by OPA 140;**
- 2. The following report, March 7, 2006, from the Commissioner of Planning and Development Services be referred to staff for a report to the next meeting of the Planning and Economic Development Committee scheduled for May 10, 2006:**

1. RECOMMENDATIONS

It is recommended that:

1. The Commissioner of Planning and Development Services be authorized to give notice to approve Amendment No. 140 to the Official Plan of the Town of Markham subject to the modifications contained in *Attachment 1* of this report.
2. The Commissioner of Planning and Development Services be authorized to give notice to approve Markham's repeal of Amendment No. 116 to the Official Plan of the Town of Markham.

2. PURPOSE

The purpose of this report is to advise Committee and Council of the adoption of Official Plan Amendment No. 140 for the Town of Markham, review the circulation of the Official Plan Amendment and make recommendations for its disposition.

3. BACKGROUND

Town of Markham Official Plan Amendment 140 replaces OPA 116 dealing with the Rouge North Management Area. OPA 116 was adopted by the Town of Markham on September 30, 2003 and, approved by York Region Council on March 25, 2004. OPA 116 was subsequently appealed to the Ontario Municipal Board by a number of development interests.

The Town of Markham repealed OPA 116, replacing it with OPA 140. OPA 140 was adopted by Markham Council on October 11, 2005. OPA 140 builds on OPA 116 by including Greenbelt Plan references while retaining all the basic policies of OPA 116. OPA 140 now ensures conformity with the policy direction as identified in the Greenbelt Act (2005) and the accompanying Greenbelt Plan (2005). This is the key change between OPA 116 and OPA 140, otherwise the two amendments are similar in content.

The Town of Markham conducted a thorough consultation process for both OPAs. The OPA's are a product of a long and extensive program of public consultation, stakeholder input and integration of Provincial policy.

3.1 Circulation Comments of the Amendment

York Region circulated the proposed amendment to the Toronto and Region Conservation Authority (TRCA), the Ministry of Municipal Affairs and Housing (MMAH), the Towns of Richmond Hill and Whitchurch-Stouffville, the City of Toronto and the Rouge Park Alliance. Comments were received from TRCA and MMAH.

3.1.1 TRCA Comments

TRCA advised that they had extensive involvement with the drafting of OPA 116 and OPA 140. TRCA has no objection to the approval of OPA 140 and commended the Town of Markham for their efforts to include the Provincial Greenbelt Plan (2005).

3.1.2 MMAH Comments

The Region circulated OPA 140 to MMAH because the Province, through the Greenbelt Plan, makes references to the Rouge North Management Plan. MMAH, in consultation with the Ministry of Natural Resources, supports the approval of OPA 140 with a number of recommended modifications. The more substantial recommended modifications can be summarized as follows:

- The Region alone should be involved in discussions with the Province in determining the more restrictive policies, such as corridor widths, as the Region is the approval authority of local Official Plan amendments.
- To recognise that more than one organization identifies endangered species.
- To emphasize that the more restrictive policy applies between the Rouge North Management Plan and the Greenbelt Plan.
- To emphasize that lands that are below the 245m contour, but still within the Oak Ridges Moraine, are deemed to be "Countryside" reflecting the Greenbelt Plan and ensuring all policies of the Greenbelt Plan apply.

4. ANALYSIS AND OPTIONS

4.1 Contents of the Amendment

The Rouge North Management Area/Greenbelt Official Plan Amendment is a policy overlay proposed for the Markham Official Plan (OP). The existing OP designations are maintained and existing categories will be used for the Rouge Park lands. The policy overlay establishes an “Urban Policy Area”, a “Middle Reaches Policy Area”, and a “Little Rouge Policy Area” (refer to attachment #2). The vision, goals and objectives in the Rouge North Management Plan (2001) have been recognised in the Official Plan Amendment. Policies have been developed to permit existing parks, such as Toogood and Tannery Ponds, along the Rouge River and they will be recognised as being part of Rouge Park. The policies also identify the enhanced environmental considerations for planned municipal infrastructure.

The proposed amendment also includes the regulatory boundary of the Provincial Greenbelt Plan (2005), as identified in Ontario Regulation 59/05. The amendment makes references to the application of applicable Greenbelt Plan policies to the subject lands. The Greenbelt Plan establishes the minimum corridors along the Rouge tributaries. These corridors may be further enhanced by the application of the ecological criteria set out in OPA 140. This was one of the key reasons for replacing OPA 116 with OPA 140.

4.1.1 Urban Area

Within the existing Urban Area, the Amendment directs municipal staff to seek out enhancement opportunities, and review and negotiate with landowners to protect and/or convey into public ownership additional lands adjacent the Rouge River tributaries. This policy directs municipal staff to seek opportunities to work with landowners to identify and protect, and/or convey, additional lands for Rouge Park over and above the current approved policy within the urban boundary.

4.1.2 Middle Reaches of the Rouge

Within the Middle Reaches of the Rouge, the policies outline the long-term strategy for defining valley and stream corridors in public ownership using ecological criteria as defined in the proposed Official Plan Amendment.

4.1.3 Little Rouge Creek Area

Within the Little Rouge Creek Area, the policy intent is to secure a continuous corridor of a minimum 600 metres generally centred along the main branch of the Little Rouge Creek. Lands south of Major Mackenzie Drive are mostly held in public ownership for Rouge Park purposes and a 600-metre corridor has been achieved for the most part. North of Major Mackenzie Drive, a 600-metre corridor in public ownership cannot be secured without a multi-faceted strategy which would include the participation of other Rouge Park Alliance partners and a variety of securement tools.

4.2 MMAH Proposed Modifications

Regional staff generally concurs with the recommended modifications, as suggested by the Province, except for their request that since the Region is the approval authority for local Official Plan amendments, the Region alone should consult with the Province. Instead, the Region's suggestion is that the Town should consult with the Province prior to Markham's *adoption* of any further amendments to the area, as opposed to the Region alone consulting with the Province, prior to the Regional *approval* of the amendment. This will ensure good communication amongst all parties, and that there is clarity as early as possible in the process.

4.3 Regional Modification

The infrastructure policy in OPA 140 section 2.16.6 h) currently reads:

"Municipal infrastructure, including stormwater management, transportation and servicing facilities may be permitted in *Rouge Park North* and *Rouge North*, but shall be minimized where possible, having regard for the Community Interface and Infrastructure Guidelines and subject to other applicable planning and environmental review processes including *Planning Act* and *Environmental Assessment Act* review procedures. All new municipal infrastructure shall be planned in a manner which provides opportunities for enhanced environmental benefits which support the goal and objectives for *Rouge Park North*."

By way of background, the Greenbelt Plan permits municipal infrastructure. Section 4.2 of the Greenbelt Plan sets out policies that generally state that the provision of municipal infrastructure should be carried out in an environmentally responsible manner. The Rouge North Management Plan (2001) also permits municipal infrastructure. Section 6.4.2 Community Interface Guidelines – Infrastructure, sets out design considerations that take into consideration the environment and current best practices in the design and construction of infrastructure.

To clarify policy 2.16.6 h) so it is consistent with the Rouge North Management Plan (2001) and the Greenbelt Plan (2005) regarding infrastructure projects, it should be modified as follows (see bolded italics):

"Municipal infrastructure, including stormwater management, transportation and servicing facilities ~~may be~~ **are** permitted, ***subject to the Rouge North Management Plan (2001)***, in Rouge Park North and Rouge North, ..."

4.4 Next Steps

Markham Council has repealed OPA 116 conditional on the approval of OPA 140. When the Region approves OPA 140, a separate notice to approve Markham's repeal of OPA 116 will also be issued.

5. FINANCIAL IMPLICATIONS

There are no financial implications to the Region relating to the approval of the Town of Markham OPA 140.

6. LOCAL MUNICIPAL IMPACT

The Town of Markham has consulted widely on this amendment. TRCA and MMAH have indicated their support in recommending approval of OPA 140, with modifications. The approval of this Amendment will assist in the implementation of the Rouge North Management Plan. Markham Planning staff has indicated their support of the proposed modifications.

7. CONCLUSION

The proposed Official Plan Amendment 140 replaces Amendment 116. OPA 116 had an extensive consultation process with a wide range of stakeholders. OPA 116 was adopted by the Town of Markham on September 30, 2003 and approved by the York Region Council on March 25, 2004. OPA 116 was subsequently appealed to the Ontario Municipal Board by a number of development interests.

In order to ensure conformity with the policy direction as identified in the Greenbelt Act (2005) and the accompanying Greenbelt Plan (2005), the Town of Markham repealed OPA 116 and replaced it with OPA 140. OPA 140 was adopted by Markham Council on October 11, 2005.

The proposed OPA 140 establishes an overlaying policy framework for the Rouge watershed lands within the Town of Markham. The existing Official Plan land use designations still apply. The policy overlay establishes an “Urban Policy Area”, a “Middle Reaches Policy Area”, and a “Little Rouge Policy Area”.

The proposed amendment also includes the regulatory boundary of the Provincial Greenbelt Plan (2005), as identified in Ontario Regulation 59/05, and makes references to the application of applicable Greenbelt Plan policies to the subject lands.

The Senior Management Group has reviewed this report.

(The attachments referred to in this clause are included with this report.)

Council Attachment #1
(Report 4(4), Planning & Economic Development Committee)

1. The Amendment

At the end of the second paragraph of section 1.4, after the words "... on July 10, 2001" the quotation should be removed and placed at the end of the third paragraph after the words, "... the more restrictive policies apply."

2. General Policies

The last sentence in policy 2.16.6d) should be modified to read:

"In the event of a policy conflict, the Town of Markham may consult with the Ministry of Municipal Affairs and Housing before adopting any amendments to this plan in determining the application of the more restrictive policies."

The first sentence in policy 2.16.6 h) should be modified to read:

"Municipal infrastructure, including stormwater management, transportation and servicing facilities are permitted, subject to the Rouge North Management Plan (2001), in Rouge Park North and Rouge North, ..."

The last sentence of section 2.16.6 l) should be modified to read:

"For any proposed updates to the Rouge North Management Plan (2001), the Region of York along with the Town of Markham may consult with the Province of Ontario regarding the proposed revisions as they relate to the Greenbelt Plan (2005) within the Town of Markham."

In section 2.16.6 j). insert a "," between the words "URBAN RESIDENTIAL" and "AGRICULTURAL".

3. Middle Reaches Policy Area

In section 2.16.8 e)i), there is a typo that should be corrected to properly reference the Areas of Natural and Scientific Interest (ANSI). As such, please delete the word "National" and replace with the word "Natural".

In addition, MMAH recommends combining parts iv) and vii) to read as follows:

"Habitats or locations of federally, provincially, or locally rare, threatened, endangered species and species of concern, plant communities or wildlife species."

4. Little Rouge Creek Policy Area

In section 2.16.8 e)iii), the words “whichever is the more restrictive” should be added to the end of the sentence.

5. Oak Ridges Moraine

The last sentence of section 2.16.10 should be replaced with the following:

“The Oak Ridges Moraine Conservation Plan Area forms part of the Greenbelt Plan Area. Although the lands within the Oak Ridges Moraine Conservation Plan Area are generally governed by the Oak Ridges Moraine Conservation Plan policies, section 3.3 of the Greenbelt Plan is also to be applied. Further, where, by the operation of subsection 2(4) of the ORMCP, lands are within the Oak Ridges Moraine Area but are not governed by the policies of the ORMCP, the lands are deemed to be within the Protected Countryside and all the policies of the Greenbelt Plan apply to the lands.”

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