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MARKHAM OFFICIAL PLAN AMENDMENT 140

The Planning and Economic Development Committee recommends the adoption of the recommendations contained in the following report dated October 24, 2008, from the Regional Solicitor and Commissioner of Planning and Development Services:

1. RECOMMENDATIONS

It is recommended that:

1. The Regional Solicitor be authorized to settle this matter on the terms set out in this report.
2. The Regional Solicitor be authorized to execute Minutes of Settlement substantially in the form attached as Attachment 1 to this report.
3. Appropriate Regional staff be authorized to attend at the Ontario Municipal Board (“OMB”) hearing on this matter in support of the Regional position.

2. PURPOSE

The purpose of this report is to obtain authorization for the Regional Solicitor to execute Minutes of Settlement settling the appeals of OPA 140 and to further authorize the appropriate Regional staff to appear at the OMB to provide any necessary support to the Minutes of Settlement.

3. BACKGROUND

OPA 140 replaces and updates OPA 116 by incorporating the policies of the Greenbelt Act and Plan

Town of Markham OPA 140 replaces OPA 116 dealing with the Rouge North Management Area (refer to Attachment 2). OPA 116 was adopted by the Town of Markham (“Markham”) on September 30, 2003 and approved by York Region Council on March 25, 2004. OPA 116 was subsequently appealed to the OMB by a number of development interests.

Markham repealed OPA 116 and replaced it with OPA 140.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 identified in the *Greenbelt Act* (2005) and the accompanying Greenbelt Plan (2005). OPA 140 creates new official plan designations for the Rouge watershed area within Markham: “Urban Policy Area”, “Middle Reaches Policy Area” and “Little Rouge Policy Area” and sets out the policies related to each designation. OPA 140 also includes the regulatory boundary of the Greenbelt Plan. The Greenbelt Plan establishes the minimum corridors along the Rouge tributaries. OPA 140 provides for the further enhancement of the corridors through the application of ecological criteria. In addition, OPA 140 contains policies to enable Markham to acquire table land and corridor land along the Rouge tributaries for Rouge Park purposes.

OPA 140 was modified and approved by York Region on May 31, 2006. The major substantive modification was to clarify that the provision of infrastructure may be permitted within the Rouge Park area.

OPA 140 as modified and approved was subsequently appealed to the OMB by numerous development interests, most of whom had also appealed OPA 116.

4. ANALYSIS AND OPTIONS

Subsequent to the approval of OPA 140 and the repeal of OPA 116, most of the appeals of OPA 116 were withdrawn, with the exception of one costs issue.

Since the appeals of OPA 140, there have been numerous and protracted negotiations between the Town, the TRCA and the appellants to settle these appeals. As the majority of the issues were local and/or conservation authority issues, Regional staff have had a lesser role in the negotiations.

As a result of these negotiations, the parties have achieved a version of OPA 140 which all can support. All of the Regional modifications are included in the “settlement” version of OPA 140 and therefore, all Regional objectives have been achieved. It is proposed that the settlement will be implemented by Minutes of Settlement which require the parties to support the approval of the “settlement” version of OPA 140 by the OMB on a no costs basis. In addition, the remaining appeals of OPA 116 are to be withdrawn.

Given that all Regional objectives are achieved by the approval of the “settlement” version of OPA 140, Regional staff recommend that the Regional Solicitor be authorized to execute the Minutes of Settlement and that Regional staff be authorized to attend the OMB to defend the Regional position as required.

5. FINANCIAL IMPLICATIONS

Settlement of this matter without a full hearing will reduce the legal and other staff costs associated with participation in the hearing of this matter.

6. LOCAL MUNICIPAL IMPACT

Settlement of the matter in the manner proposed will bring OPA 140 into full force and effect on terms satisfactory to all parties and will permit the proper and efficient planning of the plan area by Markham.

7. CONCLUSION

Given that all Regional objectives are achieved by the approval of the “settlement” version of OPA 140, Regional staff recommend that the Regional Solicitor be authorized to execute the Minutes of Settlement and that Regional staff be authorized to attend the OMB to defend the Regional position as required.

For more information on this report, please contact Robert G. Miller, Senior Counsel at Ext.1404.

The Senior Management Group has reviewed this report.

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