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AMENDMENT 116 TO THE OFFICIAL PLAN FOR THE TOWN OF MARKHAM ROUGE NORTH MANAGEMENT PLAN AMENDMENT

The Planning and Economic Development Committee recommends the following:

- 1. The deputation by Tom Hilditch, Principal, Environment Management, Stantech Consulting Ltd., and communication dated March 1, 2004, representing UDI and a number of landowners, be received;**
- 2. The communication from Jim Baird, Commissioner of Development Services, Town of Markham, March 2, 2004, be received;**
- 3. The communication from Kai Yew, Manager, Plan Implementation, Durham Region, March 2, 2004, be received; and**
- 4. The recommendations contained in the following report, February 9, 2004, from the Commissioner of Planning and Development Services, be adopted:**

1. RECOMMENDATIONS

It is recommended that:

1. The Region give Notice of the Decision to Approve OPA 116, subject to the modifications contained in Section 4.2 of this Report.
2. The Town of Markham and other interested parties be advised of the Decision to Approve the Amendment.
3. It be recognized that Municipal Infrastructure be permitted in the Rouge Park North but that it be minimized where possible. Further the policy recognizes that such public uses are subject to other planning and review procedures including the *Planning Act* and the *Environmental Assessment Act*.

2. PURPOSE

The purpose of this report to advise Committee and Council of the adoption of Official Plan Amendment 116 to the Official Plan for the Town of Markham, review the circulation of Official Plan Amendment and make recommendations for its disposition.

3. BACKGROUND

Amendment 116 to the Official Plan of Markham implements the Rouge North Management Plan by:

- Incorporating the Vision, Goals and Objectives of the RNMP into the Official for the Town of Markham.
- Incorporating the boundary delineation criteria for the Rouge Park North into the Official Plan.
- Incorporating supporting policies into the Official Plan to secure Rouge Valley lands and associated tablelands as *Rouge Park North* lands in Markham.

OPA 116 was adopted by the Town on September 30, 2003 after a lengthy formulation and pre-adoption consultation period. At the date of this report there have been no objections to the Amendment.

Policy 7.2.7 of the Regional Official Plan allows certain area municipal official plans and amendments to be exempt from Regional approval however, where amendments deal with applications within the Regional Greenlands system (among other things) then the approval of such documents shall be given by Regional Council. This is one of these latter cases.

Policy 2.1.17 of the Regional Official Plan provides for the Region to partner in the preparation and implementation of a Management Plan for Rouge Park north of Steeles Avenue and identifies that the Region will consider an amendment to the ROP once the RNMP is approved by the Province. As such, this amendment is in compliance with the intent of the Regional Official Plan.

4. ANALYSIS AND OPTIONS

4.1 Contents of the Amendment

In 1995, the Province of Ontario approved the Rouge Park Management Plan (RPP) establishing the Rouge Park between Steeles Avenue and Lake Ontario. The long-term intent of the RPP is to extend the Rouge Park along the tributaries of the Rouge River from Steeles Avenue to the Oak Ridges Moraine.

In 1996, the Rouge Park Alliance a partnership of all levels of government, non-government interests and environmental agencies, was formed. The Town of Markham and York Region are two of the represented partners within the Alliance.

The Rouge North Management Plan (2001) (RNMP) is the strategy developed by the Rouge Alliance and partners to guide the establishment and management of Rouge Park lands along the tributaries within York Region through Markham, Richmond Hill, and Whitchurch-Stouffville to the Oak Ridges Moraine.

The RNMP has no statutory approval and is expected to be implemented by the Partners through their on-going planning and operational activities. The Town of Markham is the first area municipality to proceed with an amendment to incorporate the policies.

The Rouge Park North Official Plan Amendment is a policy overlay. Existing OP land use designations are maintained and existing categories will be used for the future designation of Rouge Park lands. The policy overlay establishes an “Urban Policy Area”, a “Middle Reaches Policy Area” and a “Little Rouge Policy Area”. The policies establish the “Rouge Park” as lands in public ownership and “Rouge North” as privately held lands along the Rouge River tributaries. The vision, goal and objectives in the Rouge North Management Plan have been recognized in the Official Plan Amendment. Policies have been developed to permit existing parks (such as Toogood Pond and Tannery Pond) along the Rouge River to be recognized as Rouge Park, notwithstanding their more active community use. Policies are also provided in the OPA to identify the enhanced environmental considerations for planned municipal infrastructure.

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 obligates municipal staff to seek out 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.

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 draft Official Plan Amendment.

Within the Little Rouge Creek area, the policy intent is to secure a continuous 600-metre corridor 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 where a 600-metre corridor is 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.

The Rouge Park Official Plan Amendment also includes policies intended to:

- Identify the Oak Ridges Moraine boundary.
- Support the Federal Rouge Park corridor.
- Support and recognize the unique attributes of Special Management Sites (Little Rouge Creek, Markham Centre, Milne Park Conservation Area, Beaver Creek, Historic Unionville).

The amendment also includes policies that encourage and address land securement options and tools. These Markham options will compliment those developed at the Regional level through the Greening Strategy.

Policy 2.16.6 h) of the amendment also provides for Municipal Infrastructure indicating that it may be permitted in the Rouge Park North and Rouge North but that it be minimized where possible. Further the policy recognizes that such public uses are subject

to other planning and review procedures including the *Planning Act* and the *Environmental Assessment Act*.

The Amendment policies and its applicability are intended to stop at the Oak Ridges Moraine Conservation Plan boundary.

4.2 Circulation of the Amendment

As previously indicated, the Town of Markham conducted a comprehensive consultation program and circulation of the Amendment prior to its adoption. There are no letters of objection to the Amendment adoption.

The Region undertook a limited circulation to the City of Toronto, the Toronto and Region Conservation Authority, Ministry of Municipal Affairs and Housing and the Towns of Richmond Hill and Whitchurch-Stouffville. Neither the Town of Whitchurch-Stouffville nor the Ministry responded to the circulation. The Town of Richmond Hill and the City of Toronto had no comments on the adopted amendment. The Toronto and Region Conservation Authority supports the Amendment and recommends its approval.

The Town of Markham, in an Email message dated December 16, 2003 requested a modification to adopted Policy 1.7 dealing with the Little Rouge Creek. Policy 1.7 deletes a paragraph dealing with the interpretation of the Future Urban Area boundary in relation to the Rouge Park. The boundary of OPA 20, the Cornell Secondary Plan, extends to the Little Rouge Creek, whereas the Urban Service Area boundary extends only as far east as the urban development within the Cornell Community. The area between the urban service boundary and OPA 20 is designated as “Open Space Reserve” pending finalization of the RNMP process. This modification makes the necessary text references to permit a review of the Cornell Secondary in future by deleting and replacing Policy 1.7 as follows:

- 1.7 Part II, Section 2.1.1. a) is amended by deleting the portion of the second paragraph beginning with the words “Consistent with the Rouge North Management Plan, the Rouge Park corridor”....and ending with the words”mid point of the corridor”.

This modification is included in the Draft Certificate page for the Amendment.

Regional staff has also identified the need for an additional modification, to ensure the application of the Rouge Park Policies in the area within the Oak Ridges Moraine Conservation Plan (ORMCP) Area along the southern boundary of the ORMCP if the lands prove to be below the 245 m ASL elevation. This modification is as follows, adding a second paragraph to Policy 2.16.9:

“Should the lands within the Moraine boundary as indicated on Schedule ‘J’ be determined through survey to be below the 245 m ASL contour line, then such lands, while remaining within the boundary of the Oak Ridges Moraine

Conservation Plan Area shall be subject to the policies of the Middle Reaches Policy Area or the Little Rouge Creek Policy Area whichever is applicable.”

4.4 Impact of Bill 27

Bill 27 - *The Greenbelt Protection Act, 2003*, was introduced in the Legislature on December 16, 2003. Under the terms of the *GPA*, outside of the Oak Ridges Moraine, the Niagara Escarpment, the Markham Airport lands and *urban settlement areas* designated in upper tier plans, municipalities are prohibited from adopting official plans and amendments, enacting zoning, holding, bonusing, interim control and temporary use by-laws and approving draft or final subdivision approvals, for *urban uses*.

Urban uses are defined as uses that are non-agricultural commercial or industrial, multi-residential, Institutional, mixed use commercial/residential and golf courses or as otherwise prescribed by regulation.

As such, Bill 27 does not prevent the Region from giving Notice of Approval of this Amendment.

5. FINANCIAL IMPLICATIONS

There is no direct financial impact to the Region relating to the approval of Town of Markham OPA 116.

6. LOCAL MUNICIPAL IMPACT

The Town of Markham has consulted widely on this amendment and no objections to its approval have been filed. Circulation by the Region resulted in no area municipal objections to its approval. The approval of this Amendment will assist in the implementation of the Rouge North Management Plan and represents the first of the area municipal amendments incorporating the RNMP into municipal planning documents.

7. CONCLUSION

Town of Markham Official Plan Amendment 116 incorporates the goals, objectives and policies of the Rouge North Management Plan into the Town of Markham Official Plan.

The amendment provides that Municipal Infrastructure be permitted in the Rouge Park North and Rouge North but indicates that it should be minimized where possible. Further the policy recognizes that such public uses are subject to other planning and review procedures including the *Planning Act* and the *Environmental Assessment Act*.

The Town of Markham has requested one modification to Policy and the Region has identified one additional modification. There have been no objections filed regarding this amendment at this time.

It is recommended that the Region give Notice of its Decision to Approve the Amendment subject to the two modifications and that the Town of Markham and other stakeholders be advised of this decision.

The Senior Management Group has reviewed this report.

(A copy of the attachments referred to in the foregoing is included with this report and is also on file in the Office of the Regional Clerk.)