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

The Planning and Economic Development Committee recommends the following:

- 1. The following communications be received:**
 - (a) J. Pitman Patterson, Borden Ladner Gervais, April 24, 2006, on behalf of Mary Margaret Shank, property owner;**
 - (b) Patricia A. Foran, Aird & Berlis, May 9, 2006, solicitors for 1463069 Ontario Limited and 1512406 Ontario Limited; and**
 - (c) Ira T. Kagan, Kagan Shastri, May 9, 2006, solicitors for private landowners in the area covered by OPA 140.**
- 2. The recommendations contained in the following report, May 2, 2006, from the Commissioner of Planning and Development Services, be adopted:**

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. BACKGROUND

The Planning and Economic Development Committee, at its meeting on April 5, 2006, referred Planning staff report, with respect to the Town of Markham Official Plan Amendment No. 140, back to staff for a further report regarding the three letters received by the Committee. The Committee's recommendation, being Clause 4, Report 4, were adopted by Regional Council on April 27, 2006.

The correspondence received by the Committee originated from impacted landowners (two letters) and the Rouge Park Alliance (one letter).

The landowner's issues included the request for further discussion with regard to the overall proposed Official Plan Amendment. These same landowners, as well as others, appealed the approval of OPA 116, the predecessor to OPA 140. In the opinion of the landowners, the issues raised in opposition to OPA 116 continue to apply to OPA 140.

Markham Planning staff advised that extensive consultation to avoid the appeals on OPA 116 had taken place. The Town tried to settle the landowner issues by engaging the professional services of a mediator. However, the issues could not be agreed upon nor scoped. With the advent of the Greenbelt Plan, Markham decided to repeal OPA 116 in order to incorporate the Greenbelt Plan boundary into a new amendment, OPA 140.

The letter from the Rouge Park Alliance indicates it has significant issues with the Region's proposed modification to the infrastructure policy (Section 2.16.6 i) of OPA 140. Regional Staff proposed to change the words: "infrastructure *may be* permitted", to "infrastructure *are* permitted [then adding] ***subject to the Rouge North Management Plan***". After consulting with the Alliance's legal counsel and with Markham Planning Staff, the proposed modification is not being pursued as this particular policy has had the benefit of extensive discussions and stakeholder consultations.

The Region has now received confirmation from legal counsel representing the Rouge Park Alliance acknowledging that "Regional and Interregional infrastructure proposals and requirements are to be assessed against Region of York Official Plan policies and the environmental assessment processes established under the Environmental Assessment Act". This gives the Region reasonable assurance that OPA 140 will not be used to delay Regional infrastructure projects.

In the process of preparing this addendum report, the Region received another letter on behalf of a local landowner. Their issues are similar to those addressed by the previous letters submitted by the other landowners.

3. CONCLUSION

The Planning and Economic Development Committee, upon receiving three letters concerning the item dealing with the Town of Markham Official Plan Amendment No. 140: Rouge North Management Area/ Greenbelt, referred the matter back to staff for a further report addressing the issues contained in the correspondence.

There are two central issues: OPA 140 as a whole, and the proposed modification to policy 2.16.6 i), which deals with infrastructure.

Regional Planning staff met with Markham Planning Staff to discuss the appeals to OPA 116 and the recent letters received by the Planning and Economic Development

Committee and concluded that extensive measures had already been taken to resolve or scope the issues, however little progress could be made.

The proposed modification to policy 2.16.6 i), which deals with infrastructure, has been withdrawn. The intent of the infrastructure policy 2.16.6 i), as currently adopted by Markham Council, does not change whether the words “may be” are replaced with “are”, as all municipal infrastructure will be subject to the Planning Act and Environmental Assessment Act review procedures.

The Senior Management Group has reviewed this report.

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