

ATTACHMENT "A"

OFFICIAL PLAN

of the

MARKHAM PLANNING AREA

AMENDMENT NO. 140

ROUGE NORTH MANAGEMENT AREA/GREENBELT

*To amend the Official Plan (Revised 1987) as amended, to address the Rouge North
Management Plan*

This Official Plan Amendment was adopted by The Corporation of the Town of Markham by by-law number 2005-290 in accordance with Sections 17 and 21 of the Planning Act, 1990 on the 25th day of October 2005.

SHEILA BIRRELL, TOWN CLERK

DON COUSENS, MAYOR



BY-LAW 2005-290

Being a by-law to adopt Amendment No. 140
to the Official Plan (Revised 1987) as amended.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF MARKHAM, IN
ACCORDANCE WITH THE PROVISIONS OF SECTIONS 17 AND 21 OF THE PLANNING
ACT, R.S.O. 1990 HEREBY ENACTS AS FOLLOWS:

1. THAT Amendment No. 140 to the Official Plan (Revised 1987) as amended, of the Markham Planning Area, attached hereto, is hereby adopted.
2. That this by-law shall come into force and take effect on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 25th OF OCTOBER,
2005.

SHEILA BIRRELL, TOWN CLERK

DON COUSENS, MAYOR

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Part I – INTRODUCTION
(This is not an operative part of Official Plan Amendment No. 140)

PART I – INTRODUCTION BACKGROUND

(This is not an operative part of Official Plan Amendment No. 140)

1.0 GENERAL

PART I – ~~The INTRODUCTION BACKGROUND~~, is included for information purposes and is not an operative part of this Official Plan Amendment.

PART II – THE OFFICIAL PLAN AMENDMENT, including Schedule ‘J’ and *Appendix Map ‘2’* attached thereto, contains the specific amendments to the Official Plan being affected by Official Plan Amendment No. 140 and is an operative part of this Official Plan Amendment.

~~The APPENDIX is included for information purposes only and is not an operative part of this Official Plan Amendment. Appendix I identifies the Greenbelt Plan Area in Markham.~~

2.0 PURPOSE

The purpose of this amendment is to amend certain provisions of the Official Plan by incorporating the vision, goal and objectives of the Rouge North Management Plan (2001), incorporating the boundary delineation criteria for Rouge Park North and incorporating supporting policies to secure Rouge Valley lands and associated tablelands as Rouge Park North lands in Markham. The amendment adds Schedule ‘J’ – ROUGE NORTH MANAGEMENT AREA to the Official Plan, which defines the areas to which the Rouge North Management Area policies apply.

This amendment also includes the regulated boundary of the Provincial Greenbelt Plan (2005), as it applies to the amendment area. Section 3.2.6 of the Greenbelt Plan includes specific policy direction which links the Greenbelt Plan to the Rouge North Management Plan (2001) by requiring that the more restrictive policies apply. This amendment identifies the *Greenbelt Plan Area within the Rouge watershed* as provided for in Ontario Regulation 59/05 and references the application of the applicable Greenbelt Plan policies to the subject lands.

3.0 LOCATION

This amendment applies to the lands within the Rouge Watershed boundary as shown on Schedule ‘J’ – ROUGE NORTH MANAGEMENT AREA. The Amendment includes lands within the Protected Countryside area of the Greenbelt Plan (2005) as defined by Ontario Regulation 59/05, but excludes the Oak Ridges Moraine area of the *Oak Ridges Moraine Conservation Plan (2001) Greenbelt Plan (2005)* as defined by Ontario Regulation 01/02 which are subject to Official Plan Amendment No. 117 (Oak Ridges Moraine).

4.0 BASIS OF THE AMENDMENT

4.1 ROUGE PARK

In 1995, the Province of Ontario released the Rouge Park Management Plan establishing Rouge Park for the lands between Steeles Avenue and Lake Ontario

and created the administrative structure to manage the activities of Rouge Park. Rouge Park south of Steeles Avenue contains over 5,800 acres of forest habitat, lakeshore marsh, the largest nature reserve in southern Ontario and the southern portion of a natural corridor intended to link Lake Ontario to the Oak Ridges Moraine. The long-term intent for Rouge Park, as identified in the Rouge Park Management Plan (1994), is to extend Rouge Park along the tributaries of the Rouge River north of Steeles Avenue to the Oak Ridges Moraine. *A significant portion of the Rouge Park has now been acquired between Steeles Avenue and 16th Avenue in Markham.*

4.2 ROUGE PARK ALLIANCE

The Rouge Park Alliance was created in 1996 to oversee the management and administration of Rouge Park. The Rouge Park Alliance is a voluntary partnership comprised of representatives of all levels of Government, non-government interests and environmental agencies. The Town of Markham has been represented on the Rouge Park Alliance since its creation in 1996. The Alliance is not regulated through statute, but administers its own budget and staff.

4.3 ROUGE NORTH MANAGEMENT PLAN (2001)

i) Local Status

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

The RNMP is a guideline document that outlines the mechanisms for the Rouge Park partners to implement the RNMP to achieve the Rouge Park North vision of a linear natural park system through Whitchurch-Stouffville, Richmond Hill and Markham connecting to the existing Rouge Park south of Steeles Avenue. One of the main components of the RNMP is the introduction of boundary delineation criteria used to delineate the boundary of the Rouge Park North lands through the development approvals process and other land securement measures. The RNMP also includes urban design/interface and infrastructure guidelines, partnership and stewardship strategies on private lands, management plan zoning recommendations for publicly owned lands, strategies for special management sites, trail and public access objectives, community based Rouge Park North programs and programs for cultural heritage, natural heritage and monitoring.

The Rouge North Management Plan is not a statutory planning document approved under any Provincial legislation. The Rouge North Management Plan is a vision document that provides the framework and guidelines for achieving and managing the evolution of Rouge Park North over time. The RNMP is multi-jurisdictional and its implementation relies on the voluntary efforts of all the Rouge Park Alliance partners.

The Rouge North Management Plan Background Report was released in December 1996 followed by the release of the Preliminary Rouge North Management Plan in March 1997. The final draft of the Rouge North Management Plan was released in October 1999. The final Rouge North Management Plan (2001) has been approved by the Rouge Park Alliance and was endorsed in principle as a guideline by the Town of Markham on July 10, 2001. On May 28, 2002 Markham Council initiated the formal amendment process and authorized staff to prepare an Official Plan Amendment to implement the Rouge North Management Plan. This process is intended to incorporate the appropriate portions of the Rouge North Management Plan (2001) with statutory (Official Plan) status, including appeal rights under the *Planning Act, 1990*.

The vision, goal and objectives of the Rouge North Management Plan (2001) are stated as follows:

Rouge Park North Management Plan Vision

Rouge Park will be a special place of outstanding natural features and diverse cultural heritage in an urban-rural setting, protected and flourishing as an ecosystem in perpetuity. Human activities will exist in harmony with the natural values of the park. The park will be a sanctuary for nature and the human spirit.

Rouge North Management Plan Goal

To protect, restore and enhance the natural, scenic and cultural values of the park in an ecosystem context, and to promote public responsibility, understanding, appreciation and enjoyment of this heritage.

Rouge North Management Plan Objectives

Natural Heritage - To protect, restore and enhance the natural ecosystem of the park by ensuring the health and diversity of its native species, habitats, landscapes and ecological processes.

Cultural Heritage - To identify, protect and conserve the cultural heritage features of the park for their inherent value and depiction of the long-term human use and occupancy of the area.

Land Use - To ensure protection of the ecological integrity and cultural values of the park through innovative planning, management and land use in the park and its environs.

Management - To manage the park to ensure the achievement of all the park objectives and to provide for ongoing public involvement in park planning and management.

Interpretation - To promote knowledge and understanding of the natural and cultural values of the park, their protection and management requirements, as well as their significance, sensitivities and interrelationships.

Recreation - To provide opportunities for appropriate recreational enjoyment consistent with all other objectives.

ii) Provincial Status

The Province of Ontario has recognized the Rouge North Management Plan (2001) as the guiding planning and resource management document for the Rouge Watershed lands. Section 3.2.6 of the Greenbelt Plan, 2005 identifies that “for those lands within the Protected Countryside, land use planning and resource management shall comply with the provisions of the Greenbelt Plan and the Rouge North Management Plan”.

The Greenbelt Plan also provides that:

“For those lands within the watershed north of Steeles Avenue, outside of the Protected Countryside, the Rouge North Management Plan (2001) and the Rouge North Implementation Manual, together with any municipal or conservation authority plans or initiatives which build on and/or support the Rouge North Management Plan, should be considered as guiding land planning and resource management documents”.

Section 3.2.5 of the Greenbelt Plan also provides direction for the maintenance and/or enhancement of external connections between the Greenbelt lands and local scale natural heritage systems.

4.4 FEDERAL, PROVINCIAL, TRCA AND TOWN LAND HOLDINGS

Rouge Park North is intended to comprise lands held in public ownership by any of the Government of Canada, Province of Ontario, the TRCA, local and regional municipalities and non-government organizations, trusts and foundations, and other land owners located along the tributaries of the Rouge River Watershed and expressly identified for Rouge Park North purposes. The Government of Canada (Transport Canada) through the Federal Green Space Program has identified for protection an alternate Rouge Park corridor forming a north-south corridor along the western boundary of the Pickering Airport site to form part of Rouge Park North. The Province of Ontario (Ontario Realty Corporation) has conveyed an approximate 600 metre corridor of land along the Little Rouge Creek from the 20th Concession (south of Major Mackenzie Drive) southward to Steeles Avenue within their holdings to the Town of Markham and the TRCA for protection and management for Rouge Park North purposes. The lands forming part of the valley and associated tablelands along the tributaries of the Rouge River owned by the Town and the TRCA are managed as *Rouge Park North*.

4.5 PROVINCIAL POLICY STATEMENT (PPS)

The Provincial Policy Statement (2005) came into effect on March 1, 2005 and replaced the Provincial Policy Statement issued on May 22, 1996 and amended on February 1, 1997. The Provincial Policy Statement (PPS) provides policy guidance on matters of Provincial interest related to land use planning and development. The PPS is intended to complement local policies which may go beyond the minimum standards set out in the Provincial Policy Statement. The Planning Act requires that municipal planning decisions “shall be consistent with” the Provincial Policy Statement. The policies in this Official Plan Amendment are consistent with the Provincial Policy Statement (2005).

4.6 OAK RIDGES MORAINES CONSERVATION ACT AND PLAN

On December 14, 2001 the Province of Ontario passed Bill 122, the *Oak Ridges Moraine Conservation Act, (2001)* and subsequently released the *Oak Ridges Moraine Conservation Plan in April 2002*. The Act provides a framework for the establishment of the Oak Ridges Moraine Conservation Plan, which governs land use in the regulated area of the Moraine. The Oak Ridges Moraine extends into Markham at the northern boundary within the Rouge watershed. Municipalities with moraine lands are obligated under Bill 122, *The Oak Ridges Moraine Conservation Act, 2001*, to adopt an Official Plan and zoning by-law amendments to implement the Oak Ridges Moraine Conservation Plan. The Province is the approval authority for the conformity Official Plan and Zoning By-law amendments. The Ministry of Municipal Affairs and Housing approved the Town's Oak Ridges Moraine Official Plan Amendment No. 117 on October 21, 2004. The boundary of the *Rouge North Management Area* amendment does not include the Oak Ridges Moraine lands as defined by Ontario Regulation 01/02. The Oak Ridges Moraine has been incorporated into the Greenbelt Plan.

4.7 GREENBELT PLAN

On February 24, 2005 the Province of Ontario passed Bill 135 – The Greenbelt Act, 2005. The Act provides a legislative framework to protect a greenbelt area in the Greater Golden Horseshoe Area of southern Ontario. The legislation permits the establishment of a Greenbelt Plan to guide decision-making within greenbelt lands designated by regulation. Greenbelt lands within the Town of Markham must be considered within the context of this Amendment.

The Greenbelt Plan was released by the Province on February 28, 2005 and its vision is to provide permanent protection of agricultural and natural heritage and water resource systems. The Greenbelt Plan Area within Markham includes a significant portion of eastern Markham, the Little Rouge Creek corridor and the major tributaries of the Rouge River, from the Town's urban boundary north to Whitchurch-Stouffville. This Official Plan Amendment incorporates the Greenbelt *Plan Area within the Rouge watershed* as information to ensure that the Greenbelt *Plan Area* lands are identified within the context of the Rouge Watershed until such time as a town-wide conformity amendment is undertaken in accordance with the Greenbelt Act (2005). The Greenbelt *Plan Area* cannot be reduced even if the Rouge Park North boundary is determined to be smaller than Greenbelt *Plan Area* except in accordance with the Greenbelt Act, 2005 and the Greenbelt Plan. The Greenbelt Plan Area defines the lands subject to the Greenbelt Plan (2005).

In addition to this Official Plan Amendment, the Town of Markham will undertake a comprehensive Official Plan Amendment conformity process to implement the Greenbelt Plan in accordance with the timelines established by the Greenbelt Act (2005).

4.8 REGIONAL POLICIES

The Region of York Official Plan (1994) contains policies supporting the protection and enhancement of the natural environment including support for the extension of *Rouge Park North* into the Region of York. The policies of this Official Plan Amendment conform to the Regional policies and directives.

4.9 TORONTO AND REGION CONSERVATION AUTHORITY (TRCA)

The Toronto and Region Conservation Authority develops and implements watershed strategies, plans, policies, programs, regulations and projects to address the natural hazards associated with flooding, erosion and slope instability, as well as green space protection and enhancement. The TRCA is a partner in the Rouge Park Alliance and will be an active participant in the implementation of the policies of this Official Plan Amendment.

4.10 ROUGE NORTH AREA

The “Rouge Park” refers to over ~~11,000~~ 5,000 acres of publicly owned lands between Lake Ontario and ~~Sixteenth Avenue in Markham~~ ~~Steeles Avenue~~ identified by the Province of Ontario for Rouge Park purposes. These lands are in public ownership and comprise tablelands and valleylands. The strategy to extend Rouge Park north of Toronto into Markham, Richmond Hill and Whitchurch-Stouffville was identified in the *Rouge North Management Plan (2001, which identifies by the Rouge Park Alliance and is referred to as “Rouge North” lands as those lands intended to become future Rouge Park.* The distinction relates to the predominant private ownership of land in Markham and the need to develop a planning vocabulary that distinguishes between the public “Rouge Park” and the private “*Rouge North*” lands. Once lands are secured through the development approvals process, acquisition or other methods of securement, the lands north of Steeles Avenue may be referred to as “Rouge Park North” by the public landowner.

4.11 REPEAL AND RE-ADOPT OFFICIAL PLAN AMENDMENT NO. 116

On June 28, 2005, Markham Council directed that a new Official Plan Amendment for the Rouge North Management Area be prepared incorporating the Council adopted policies contained in Official Plan Amendment No 116 adopted on September 30, 2003, and appropriate and relevant policy references from the Provincial Greenbelt Plan (2005) and the Greenbelt Plan Area as established by Ontario Regulation 59/05. This amendment incorporates the wording and intent of Official Plan Amendment No. 116 plus additional policies necessary to reflect the policy requirements of the Greenbelt Plan as they apply to the Amendment area.

Part II – THE OFFICIAL PLAN AMENDMENT
(This is an operative part of Official Plan Amendment No. 140)

PART II – THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. 140)

1.0 THE OFFICIAL PLAN AMENDMENT

1.1 The following text, ~~and~~ Schedule ‘J’ *and Appendix Map 2* attached hereto constitute Amendment No. 140 to the Town of Markham Official Plan (Revised 1987), as amended.

1.2 Schedule ‘J’ – ROUGE NORTH MANAGEMENT AREA is hereby incorporated into the Official Plan.

1.3 *Appendix Map 2 – GREENBELT PLAN AREA, attached hereto, is hereby added to the Appendices section of the Official Plan (Revised 1987), as amended, for information purposes.*

1.4 Part I, Section 1.1 in the second paragraph entitled Part II - THE OFFICIAL PLAN is hereby amended by replacing the word “AND ‘I’” with “‘I’” and by adding “ and ‘J’ – ROUGE NORTH MANAGEMENT AREA” after the words “PROTECTION AREAS”.

1.5 *Part I, Section 2.2.3 in the paragraph entitled Greenbelt Plan is hereby amended by adding the following sentence at the end of the paragraph:*

“The Greenbelt Plan Area is identified on Appendix Map 2 – GREENBELT PLAN AREA which is included for information purposes only.”

1.6 Part I, Section 3.2.2 Rouge Park Management Plan is deleted in its entirety and replaced with the following:

“3.2.2 Rouge North Management Plan (2001)

The Rouge North Management Plan (RNMP) is a document developed by the Rouge Park Alliance and its north partners (Markham, Richmond Hill, Whitchurch-Stouffville, the TRCA and the Region of York) to guide the implementation of *Rouge Park North* along the tributaries of the Rouge River watershed from Steeles Avenue to the southern boundary of the Oak Ridges Moraine. The RNMP outlines the processes and programs for the Rouge Park Alliance partners to implement the common vision in the RNMP of a natural park system along the valley and stream corridors of the Rouge River. The RNMP is multi-jurisdictional and its implementation relies on the cooperative and voluntary efforts of all the Rouge Park Alliance partners.

The final Rouge North Management Plan (2001) has been approved by the Rouge Park Alliance and endorsed in principle as a guideline by the Town of Markham on July 10, 2001.

The Provincial Greenbelt Plan states that land use planning and resource management within the portions of the Rouge River watershed within the

Protected Countryside shall comply with the provisions of both this Plan (~~Greenbelt~~) and the Rouge North Management Plan. The Greenbelt Plan also identifies the Rouge North Management Plan (2001) and Rouge North Implementation Manual as a guiding land planning and resource management document for the Rouge Watershed tributaries located outside of the Greenbelt Plan *Area* boundary together with any municipal or conservation authority plan or initiatives which build on and/or support the Rouge North Management Plan. The Greenbelt Plan identifies that in the event of a conflict between the Greenbelt Plan and the Rouge North Management Plan, the more restrictive policies apply.”

- 1.7 Part II, Section 1.1 a) is hereby amended by replacing the word “and” following CATEGORIES with “,” and adding the words “and ‘J’ – ROUGE NORTH MANAGEMENT AREA” following the words “PROTECTION AREAS”.
- 1.8 Part II, Section 1.1.2 is amended by the addition of the number “140” to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.9 Part II, Section 2.1.1a) is amended by deleting the paragraph beginning with the words “The boundary of the Future... ” and ending with the words “...mid point of the corridor”.
- 1.10 Part II, Section 2.2.2.1 b) is amended by deleting the sentence beginning with the words “The Town shall consider the requirement....” after the heading “Application of Environmental Management Policies”
- 1.11 The following new Section “2.16 Rouge North Management Area” is incorporated into *Part II* of the Official Plan and reads as follows:

“2.16 ROUGE NORTH MANAGEMENT AREA

The Town of Markham supports the following vision, goal and objectives for the Rouge North Management Area in Markham consistent with the Rouge North Management Plan.

2.16.1 Vision

Rouge Park North lands are intended to be a special place of outstanding natural features and diverse cultural heritage, in urban and rural settings protected and flourishing as a diverse and healthy ecosystem. Human activities are intended to exist in harmony with the natural environment. *Rouge Park North* is intended to be a sanctuary for nature and the human spirit.

2.16.2 Goal

The Town of Markham, in partnership with the Rouge Park Alliance, supports the goal of the Rouge North Management Plan (2001) to protect, restore and enhance the natural, scenic and cultural features of *Rouge Park North* in an ecosystem context, and to promote public responsibility, understanding, appreciation and enjoyment of this heritage.

2.16.3 Objectives

The objectives of this Plan with respect to *Rouge Park North* are:

Natural Heritage

- To protect, restore and enhance the natural ecosystem of *Rouge Park North* by ensuring the health and diversity of its native species, habitats, landscapes and ecological processes.

Cultural Heritage

- To identify, protect and conserve the cultural heritage features within *Rouge Park North* for their inherent value and depiction of the historic long-term human use and occupancy of the area.

Land Use

- To ensure protection of the ecological integrity and cultural heritage features within *Rouge Park North* through innovative planning, management and land use in *Rouge Park North* and surrounding area.

Management

- To manage *Rouge Park North* to ensure the achievement of all the objectives for *Rouge Park North* identified in this Plan and provide for ongoing public involvement in park planning and management.

Interpretation

- To promote knowledge and understanding of the natural, ecological and cultural attributes of *Rouge Park North*, their protection and management requirements, as well as their significance, sensitivities and interrelationships.

Recreation

- To provide opportunities for appropriate recreational uses and human enjoyment where consistent with all the other objectives for *Rouge Park North*.

Securement

- To identify and secure and/or protect those lands within the *Rouge North Management Area* identified as *Rouge Park North* through the development approvals process and using other land securement options as opportunities arise.

2.16.4 Definitions

The following definitions apply to Section 2.16 of this Plan:

“*Rouge Park*” and “*Rouge Park North*” refers to lands secured in public ownership and identified by the landowner for *Rouge Park* purposes. The “North” reference refers to *Rouge Park* lands within the municipality of Markham.

“*Rouge North*” refers to lands located on the tributaries of the Rouge River currently in private ownership but which are intended over time to be secured and/or protected for *Rouge Park North* through the development approvals process and/or other land securement options provided for in this Plan.

“*Rouge North Management Area*” refers to lands within the Rouge River watershed boundary in *Markham* and encompasses both “*Rouge Park North*” and the “*Rouge North*” lands.

2.16.5 Planning Approach

- a) To implement the vision, goal and objectives for the *Rouge North Management Area* within the Town of Markham, a series of Policy Area overlays are utilized. Schedule ‘J’ – ROUGE NORTH MANAGEMENT AREA of this Plan identifies the boundary of the Rouge River watershed where the policies of the *Rouge North Management Area* articulated in this Plan shall apply. The *Rouge North Management Area* policies are further articulated by a series of more specific overlays that are intended to provide more detailed policy direction based on the varying circumstances found within the broader *Rouge North Management Area*. The more detailed Policy Areas, which are identified on Schedule ‘J’ – ROUGE NORTH MANAGEMENT AREA of this Plan, include:

- Urban Policy Area;
- Middle Reaches Policy Area; and,
- Little Rouge Creek Policy Area.

Schedule ‘J’ – ROUGE NORTH MANAGEMENT AREA also identifies the Preliminary Rouge North boundary which may be subject to further minor refinement based on field investigations through Secondary Plan level Environmental Master Plans and implementing development approvals.

- b) Within the Policy Areas, identified in subsection a) the Alternate Rouge Park Corridor and Special Management Sites have been identified symbolically on Schedule ‘J’ – ROUGE NORTH MANAGEMENT AREA of this Plan.
- c) *Schedule ‘J’ – ROUGE NORTH MANAGEMENT AREA identifies the lands which are subject to both the protected countryside policies of the Greenbelt Plan Area boundary and the Preliminary Rouge North boundary. The portions of the Rouge North Management Area subject to the provisions of the Greenbelt Plan have been identified on Schedule ‘J’ – ROUGE NORTH MANAGEMENT AREA of this Plan. The Greenbelt Plan Area boundary of these lands is determined by Ontario Regulation 59/05 under the Greenbelt Act (2005), and the Greenbelt Plan Area is subject to the detailed policies contained within the Provincial Greenbelt Plan (2005). In the event of a conflict between this Plan, the Rouge North Management Plan (2001) and the Greenbelt Plan*

(2005) within the Greenbelt *Plan* Area shown on Schedule 'J', the more restrictive policies within the Greenbelt Plan or Rouge North Management Plan apply.

- d) The planning regime for implementing *Rouge Park North* and *Rouge North* is based on the use of Policy Area overlays. The intent of this approach is to augment current planning policy by adding an additional layer of policy to the current land use designations included in this Plan. All existing land use designations and policies continue to apply. *However*, within the Greenbelt Plan Area identified on Schedule 'J' - **ROUGE NORTH MANAGEMENT AREA**, in addition to those uses lawfully existing as of February 27, 2005, new uses shall only be permitted **where identified as a permitted use in the Greenbelt Plan and in accordance with the Greenbelt Act, and uses lawfully existing on February 27, 2005**, notwithstanding any land use permissions in this Plan. ~~and those uses lawfully existing on February 27, 2005.~~
- e) Where there is a conflict between the policies of the land use designations identified on Schedule 'A' – LAND USE of this Plan, and the policies of any of the Policy Areas identified on Schedule 'J' – ROUGE NORTH MANAGEMENT AREA of this Plan outside of the Greenbelt Plan Area boundary, the policies that best support the objectives of *Rouge Park North* shall apply.

2.16.6 General Policies

- a) The *lands subject to the policies of this Official Plan Amendment are ~~Rouge North Management Area~~* identified on Schedule 'J' – ROUGE NORTH MANAGEMENT AREA of this Plan *and* includes all lands within the Town of Markham that are located within the Rouge River watershed including the **Protected Countryside Area** of the Greenbelt *Plan* Area as defined by Ontario Regulation 59/05, but excluding lands within the Oak Ridges Moraine boundary as defined by Ontario Regulation 01/02.
- b) *Rouge Park North* lands shall be comprised of lands ~~in public ownership~~ within and adjacent to the valley and stream corridors of the tributaries of the Rouge River that are identified by the public landowner for *Rouge Park North* purposes. It is the intent of the Town to identify its publicly owned lands as *Rouge Park North* and to acquire new *Rouge Park North* lands through the application of the policies of this Plan. Publicly owned lands adjacent to the Rouge River and its tributaries ~~of the Rouge River~~ may also be considered for *Rouge Park North* purposes subject to agreement by the public landowner without the need for an amendment to this Plan. Lands within the Greenbelt *Plan* Area may also be secured for *Rouge Park* purposes.
- c) Within the *Rouge North Management Area*, a series of manuals, guidelines and maps *have been and* will be prepared that are

intended to assist in the implementation and management of *Rouge Park North* over time. These shall include a Rouge North Implementation Manual, Community Interface and Infrastructure Guidelines and a *Rouge Park North* Lands map. ~~It is the intent of the Town of Markham to establish the boundaries of *Rouge Park North* by application of the boundary delineation criteria identified in the Rouge North Implementation Manual and the policies of this Plan.~~

- d) Land use planning and resource management decisions within the Greenbelt Plan Area shall conform to both the Rouge North Management Plan (2001) and Greenbelt Plan (2005). The Greenbelt Plan also requires that outside of the Greenbelt Plan Area, the Rouge North Management Plan and Rouge North Implementation Manual should be considered as the guiding land planning ~~considered a guiding land use planning~~ and resource management document for Rouge watershed lands. In the event of a policy conflict, the Town may ~~shall~~ 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 before adopting any amendments to this Plan.
- e) *Rouge Park North* lands may include any of the OPEN SPACE, HAZARD LANDS, ENVIRONMENTAL PROTECTION AREA, URBAN RESIDENTIAL, PARKWAY BELT WEST, AGRICULTURE A1, ~~AGRICULTURE A2~~, AGRICULTURE A3 designations, *including and/or* lands identified as Special Policy Area on Schedule 'A' – LAND USE of this Plan.
- f) Notwithstanding the underlying designation on the lands identified as Greenbelt Area on Schedule 'J', the only uses permitted are those identified in the Greenbelt Plan (2005) and those uses lawfully existing on February 27, 2005.
- g) Notwithstanding the land uses provided for on Schedule 'A' – LAND USE, in each designation, publicly owned *Rouge Park North* lands shall generally be used for environmental protection and conservation, passive recreation and compatible agricultural uses, interpretation and education uses and may also include active municipal parkland and compatible active recreation where appropriately integrated with the Rouge River ~~valley~~ in a manner consistent with the management objectives of *Rouge Park North* and the parkland standards of the Town. Structures associated with passive recreational uses shall be permitted ~~where required~~, in *Rouge Park North* subject to approval by the Town in consultation with the Toronto and Region Conservation Authority, ~~where required~~, and having regard for *Rouge Park North* objectives.

- h) Existing and future municipal parkland located on tableland contiguous with or within *Rouge Park North* shall be planned and managed in accordance with the parkland standards and policies of this Plan and having regard for the *Rouge Park North* objectives and Community Interface and Infrastructure Guidelines.
- i) 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*.
- j) Any lands designated OPEN SPACE, HAZARD LANDS, ENVIRONMENTAL PROTECTION AREAS, PARKWAY BELT WEST, URBAN RESIDENTIAL, AGRICULTURE 1, AGRICULTURE 3, and/or lands identified as Special Policy Area on Schedule 'A' - LAND USE of this Plan that are in public ownership and identified for *Rouge Park North* purposes by the public landowner, may be incorporated into *Rouge Park North* at any time, without the need for an amendment to this Plan.
- k) Zoning by-laws passed to implement *Rouge Park North* shall be consistent with *Rouge Park North* objectives and have regard for any Management or Restoration Plans identified in section 2.16.120.
- l) A public process is required to update or revise the Rouge North Management Plan (2001) prior to endorsement of the proposed changes by Markham Council. The Town shall participate, as necessary, with the Rouge Park Alliance and its partners in a process to update or revise the Rouge North Management Plan (2001) from time to time as necessary to reflect the acquisition of lands for *Rouge Park North* purposes and to ensure the management policies remain current and relevant. For any proposed updates to the Rouge North Management Plan (2001), the Region of York along with the Town of Markham shall consult with the Province of Ontario regarding the proposed revisions as they relate to the Greenbelt Plan (2005) within the Town of Markham.
- m) Community Interface and Infrastructure Guidelines shall be prepared to the satisfaction the Town of Markham which shall be generally consistent with the guidelines identified in the Rouge North Management Plan (2001).

The Community Interface and Infrastructure Guidelines shall guide the development of lands adjacent to *Rouge Park North*. The Guidelines will be considered in the preparation of all future Secondary Plans, Community Design Plans, Servicing Plans and in the review of all development applications adjacent to the Rouge River tributaries within the Middle Reaches and Little Rouge Creek Policy Areas identified on Schedule 'J' – ROUGE NORTH MANAGEMENT AREA. The Town shall also have regard for the Community Interface and Infrastructure Guidelines for development applications within the Urban Area Policy Area, where opportunities exist on larger development or redevelopment sites.

- n) The Town, in consultation with the Toronto and Region Conservation Authority, shall implement a monitoring program to record the implementation of *Rouge Park North* in the Town of Markham. Lands secured for *Rouge Park North* purposes shall be identified on a map included within a monitoring report to be prepared by the Town of Markham. A *Rouge Park North* lands map will be updated regularly to identify newly secured *Rouge Park North* lands.

If the monitoring program undertaken by the Town, or ecological monitoring undertaken by the Toronto Region Conservation Authority, identifies conditions or trends that do not support the goal and objectives of this Plan, the Town will work cooperatively with the Rouge Park Alliance and Toronto and Region Conservation Authority to review opportunities for amendments to the implementation measures of the Rouge North Management Plan (2001) to improve the overall success of *Rouge Park North*.

- o) The Toronto and Region Conservation Authority has *completed* ~~initiated~~ the preparation of a comprehensive Watershed Strategy for the Rouge River watershed. ~~The Watershed Strategy will be prepared in consultation with the Town of Markham and other public agencies, and will include a process of public consultation. Future applications initiatives to extend the Urban Service Area as shown on Schedule 'D' - Urban Service Area, with the exception of initiatives requiring extension of the Urban Service Area to incorporate additional lands identified in amendments to this Plan already adopted by Council or the Eastern Markham Strategic Review process, should only be considered by Council following appropriate justification and consultation with the Toronto Region Conservation Authority in regard to technical requirements arising from the Watershed Strategy, including a water budget. The Town of Markham encourages the Toronto Region Conservation Authority to complete the Watershed Strategy by the summer of 2006, in order that any new policies and requirements, to the satisfaction of the Town and Toronto Region Conservation Authority, can be in place to guide and regulate development~~

~~arising from any future expansion of the urban service area of the Town of Markham.~~

- p) ~~Any future expansion of the urban service area shall not encroach into lands identified as Greenbelt on Schedule 'J'.~~

2.16.7 Urban Policy Area

- a) The Urban Policy Area overlay generally includes lands within the Town of Markham that are both within the Urban Service Area identified on Schedule 'D' – URBAN SERVICE AREA of this Plan and also within the Rouge River watershed boundary, identified on Schedule 'J' – ROUGE NORTH MANAGEMENT AREA of this Plan. The extent of the Urban Policy Area overlay is shown on Schedule 'J' – ROUGE NORTH MANAGEMENT AREA of this Plan.
- b) The Urban Policy Area ~~overlay~~ is intended to *identify the lands within the Rouge watershed where a significant portion of lands adjacent to the Rouge River tributaries have already been acquired into public ownership. It is the intent of the Town to ensure that all lands in public ownership* protect and enhance the aquatic resources of the tributaries of the Rouge River *in a manner which supports and recognize and permit uses within Rouge Park North consistent with the Park objectives and policies of this Plan.*
- c) *Rouge Park North* within the Urban Policy Area ~~overlay~~ shall include ~~all~~ lands within and adjoining the Rouge River and its tributaries that are owned by the Region of York, Town of Markham, Toronto and Region Conservation Authority and other senior levels of government, and that are identified for *Rouge Park North* purposes *by the landowner*.
- d) Lands ~~within or adjacent to the tributaries of the Rouge River~~ *tributaries* which come into public ownership through the development approvals process and/or land securement measures, and are identified specifically by Council for *Rouge Park North* purposes shall form part of *Rouge Park North*.
- e) The policies of this Plan, including approved Secondary Plans, plans of subdivision, implementing zoning by-laws, site plan approvals and other planning approvals with respect to delineation of limits of development and associated buffers adjacent to the tributaries of the Rouge River shall continue to apply, as approved.
- f) Where opportunities exist through required planning approvals, the Town shall undertake discussions and negotiations with landowners, the Toronto and Region Conservation Authority and/or other public agencies, as appropriate, in an effort to protect additional natural features which contribute to the significance of ~~the Rouge Park~~, within the land base of *Rouge North* within the Urban Policy Area. The Town shall pursue opportunities to

increase the lands intended for *Rouge Park North* purposes using any or all of the land securement options provided for in *Section 2.16.13* in this Plan.

2.16.8 Middle Reaches Policy Area

- a) The Middle Reaches Policy Area ~~overlay~~ generally includes all lands within the Town of Markham that are outside of the Urban Service Area identified on Schedule 'D' - URBAN SERVICE AREA of this Plan and are within the Rouge River watershed, excluding the sub-watershed area of the Little Rouge Creek. The extent of the Middle Reaches Policy Area and the preliminary Rouge North boundary are ~~overlay~~ is shown on Schedule 'J' - ROUGE NORTH MANAGEMENT AREA of this Official Plan.
- b) The Middle Reaches Policy Area ~~overlay~~ is intended to protect and enhance the natural and cultural heritage resources of the Rouge River on lands encompassed within the Middle Reaches Policy Area; permit uses in *Rouge Park North* consistent with the Park objectives and policies of this Plan; and, ensure that all lands that meet the boundary delineation criteria in the Rouge North Implementation Manual are identified and conveyed in public ownership.
- c) ~~The boundaries of *Rouge Park North* will be determined along the Rouge River tributaries within the Middle Reaches Policy Area by the application of the Study Area Boundary followed by the Boundary Delineation Criteria in the Rouge North Implementation Manual, to the satisfaction of the Town of Markham in cooperation with the Toronto and Region Conservation Authority. The Preliminary Rouge North boundary is delineated and identified on Schedule 'J' - ROUGE NORTH MANAGEMENT AREA.~~
- d) The Greenbelt *Plan* Area includes lands along the major river tributaries within the Middle Reaches Policy Area. Notwithstanding the delineation of the Greenbelt *Plan* Area, the area of ~~the Rouge Park North shall be~~ *has been* determined by the application of the ecological criteria identified in subsections e) and f). The Greenbelt *Plan* Area boundary shall not be altered as a result of the application of the *Rouge Park North* ecological criteria regardless of whether the *Rouge Park North* boundary *is located* ~~resides~~ inside or outside of the Greenbelt *Plan* Area boundary. The Provincial Greenbelt Plan has directed that within the Greenbelt *Plan* Area, the more restrictive policies apply between the Greenbelt Plan (2005) and the Rouge North Management Plan (2001).
- e) Prior to the determination of a *final Rouge Park North* boundary, a *Rouge Park North* Boundary Study Area shall be established in accordance with the Study Area Boundary as outlined in the Rouge North Implementation Manual. The Study Area Boundary shall generally comprise a study area of 130 m from the stable top of

bank, or 130 metres from the centerline of the tributary where there is no defined top of bank along the length of both sides of the tributary, plus an additional study area setback of 100 metres from any significant natural features which intersect with the primary study area boundary as identified in the Rouge North Implementation Manual including:

- i) All wetlands, (~~including provincially and locally significant and other identified wetlands~~), Environmentally Significant areas, Areas of Natural National and Scientific Interest and Locally Significant Areas;
 - ii) Woodland and vegetation communities;
 - iii) Seepage zones and groundwater discharge;
 - iv) Habitats or locations of federally, provincially or locally rare, threatened, endangered species and species of concern, plant communities or wildlife species ~~for endangered or threatened species, species at risk or species of special concern as identified by the Ministry of Natural Resources and Toronto and Region Conservation Authority~~ or locations of rare, species of special concern, threatened, endangered and plant communities, or wildlife species;
 - v) Watercourses as defined by the TRCA;
 - vi) Sites of archaeological or historic importance; and,
 - vii) ~~Habitat for location of species of concern.~~
- f) Within the *Rouge ~~Park~~ North* Boundary Study Area identified in subsection (d) the following boundary delineation criteria as detailed in the Rouge North Implementation Manual, shall be applied to determine a *Rouge ~~Park~~ North* boundary:
- i) Watercourses and Existing Regulatory Floodplain to protect form, function, ecological health and floodplain function of the watercourses;
 - ii) Meander Belt to provide for the natural evolution of stream morphology and minimize long-term risk to life and property;
 - iii) Valley and Stream Corridor Features to preserve the stability and integrity of the valley stream corridors and to preserve and enhance valley and stream corridors consistent with the intent of the TRCA policy;
 - iv) Natural Vegetation Communities and Riparian Vegetation Communities and Interior Forest Conditions to preserve and protect existing natural vegetation, riparian zones, aquatic habitats, woodlands and interior forest condition consistent with TRCA programs;
 - v) All wetlands (including provincially and locally significant and other identified wetlands) to preserve and protect wetlands, ESAs, ANSIs, and LSAs in accordance with Town, TRCA and Provincial policy and regulations;

- vi) Habitat for Threatened and Endangered Species, Species of Concern (TRCA) and Species *at Risk* of ~~Special Concern~~ (MNR) to protect habitats for vulnerable, threatened and endangered species and species of concern as identified by TRCA, provincial and federal governments;
 - vii) Terrestrial Corridor Habitat Function and Woodland Restoration Requirement to provide, maintain and enhance corridors required for species movement, maintain appropriate biodiversity consistent with TRCA policy and programs and to provide for the enhancement of natural vegetation communities and interior forest conditions and to enhance woodland connectivity and reduce fragmentation;
 - viii) Seepage Areas and Areas Exhibiting Groundwater Discharge to ensure maintenance of baseflow for habitat for aquatic and wetland species and maintain and enhance water quality, consistent with TRCA programs;
 - ix) Vegetation Community Maintenance Area to protect riparian zones; to protect vegetation communities, species and habitats from edge effects; to protect from invasive species colonization; to achieve TRCA restoration targets; to protect interior forest habitat; to accommodate access; to protect adjacent properties from damage, and to accommodate recreational uses; and,
 - x) Cultural and Archaeological Resources to identify and protect cultural heritage and archaeological resources and to provide for cultural heritage interpretation.
- g) The Rouge North Implementation Manual (2003), as it applies to Markham, ~~shall~~ outlines and details the application of the boundary delineation criteria identified in subsection e). The Rouge North Implementation Manual (2003) has been prepared by the Rouge Park Alliance to assist with the *Rouge ~~Park~~ North* boundary delineation policies and shall be endorsed by Council. The Rouge North Implementation Manual may be modified from time to time, to reflect emerging policies and programs, however, prior to any endorsement of the Manual by the Town, Council shall consult with all interested stakeholders, the Rouge Park Alliance and TRCA. In the event that changes to the Manual are made and approved by Council any necessary modifications to subsection e) shall require an amendment to the Official Plan. Prior to *the endorsement of* any update of the Rouge North Implementation Manual, the Town shall consult with the Province of Ontario to confirm that proposed revisions to the Rouge North Implementation Manual, as they relate to lands within the Town of Markham, conform to the objectives identified for the Rouge Watershed as identified in the Greenbelt Plan (2005).
- h) The delineation and designation of lands that meet the Boundary Delineation Criteria for inclusion within *Rouge ~~Park~~ North* have been identified on Schedule 'J'- Rouge North Management

Area at a preliminary level and shall be incorporated into any future Official Plan Amendments to expand the urban boundary. The final Rouge North delineation shall address site level considerations and shall be implemented through appropriate Environmental Management Studies required in support of future Secondary Plans, an Official Plan Amendment supported by an Urban Service Area Expansion Study and a Subwatershed Study, or in the case of small-scale development or land severances, justification in accordance with the policies of this Plan. These supporting documents shall be prepared to the satisfaction of the Town of Markham in consultation with the Toronto and Region Conservation Authority. All new Secondary Plans for lands within the Middle Reaches Policy Area shall contain policies implementing the policies of this Plan.

- i) As a condition of approval of development applications, on lands identified Middle Reaches Policy Area on Schedule 'J' – ROUGE NORTH MANAGEMENT AREA, the delineation of the lands that meet the boundary delineation criteria and arrangements made for their dedication into public ownership shall be completed to the satisfaction of the Town in consultation with the Toronto and Region Conservation Authority prior to, or concurrent with, adjacent lands *being approved for urban development* through the development application process. ~~designated for urban development.~~

2.16.9 Little Rouge Creek Policy Area

- a) The Little Rouge Creek Policy Area ~~generally includes all overlay identifies all~~ lands within the Town of Markham that are outside of the Urban Service Area identified on Schedule 'D' – URBAN SERVICES AREA of this Plan, and within the subwatershed area of the Little Rouge Creek. The extent of the Little Rouge Creek Policy Area ~~overlay and the Preliminary Rouge North boundary are~~ is shown on Schedule 'J' – ROUGE NORTH MANAGEMENT AREA.
- b) It is the intent of the Town to establish the Rouge ~~Park~~ North boundary along the Little Rouge Creek including a corridor of a minimum average width of 600 metres generally centred along the main branch of the Little Rouge Creek. Until the lands are secured in public ownership or where privately owned lands are protected for Rouge ~~Park~~ North purposes through easements and/or other agreements, the lands within the 600 metre corridor shall be used in accordance with the HAZARD LANDS, HAMLET, OPEN SPACE and AGRICULTURAL designations of this Plan. Where lands along the Little Rouge Creek are identified as Greenbelt Plan Area, the policies of the Greenbelt Act and Plan apply. Once secured ~~and/or protected~~ for Rouge ~~Park~~ North purposes, the Little Rouge Corridor may be used for Rouge ~~Park~~ North purposes including ecological enhancements, recreation and

interpretation uses, consistent with the objectives of this Plan, the Rouge North Management Plan and the Greenbelt Plan, ~~notwithstanding the AGRICULTURAL, HAMLET, OPEN SPACE and HAZARD LANDS designations.~~

- c) The Greenbelt *Plan* Area includes lands along the Little Rouge Creek which generally reflect a 600 metre corridor. Notwithstanding the delineation of the Greenbelt *Plan* Area, the area of the *Rouge Park North* shall be determined by the application of the ecological criteria identified in subsection d). The Greenbelt *Plan* Area boundary shall not be altered as a result of the application of the *Rouge Park North* ecological criteria regardless of whether the *Rouge Park North* boundary ~~is located~~ resides inside or outside of the Greenbelt *Plan* Area. The Provincial Greenbelt Plan has directed that, within the Protected Countryside Area of the Greenbelt *Plan* Area, in the case of conflict ~~the more~~ restrictive policies apply between the Greenbelt Plan (2005) and the Rouge North Management Plan, the more restrictive policies apply.
- d) ~~The delineation of the tributaries of the Little Rouge Creek comprising the *Rouge Park North* boundary within the Little Rouge Creek Policy Area shall be undertaken using the boundary delineation criteria identified in Section 2.16.8 f), plus the additional requirement for a corridor width of 600 metres to support the interior forest objectives along the main branch of Little Rouge Creek. The Preliminary *Rouge North* boundary is shown~~ The delineation and designation of lands that meet the Boundary Delineation Criteria for inclusion within *Rouge North* have been identified on Schedule 'J' – ROUGE NORTH MANAGEMENT AREA at a preliminary level and shall be incorporated into any future Official Plan Amendments to expand the urban boundary. *The final Rouge North delineation shall address site level considerations and shall be implemented through appropriate Environmental Management Studies required in support of Secondary Plans, or in the case of small-scale development or land severances, justification in accordance with the policies of this Plan. These supporting documents shall be prepared to the satisfaction of the Town of Markham in consultation with the Toronto and Region Conservation Authority. All new Secondary Plans for lands within the Little Rouge Creek Policy Area shall contain policies implementing the policies of this Plan.*
- e) *As a condition of development approval of development applications on lands identified Little Rouge Creek Policy Area on Schedule 'J' – ROUGE NORTH MANAGEMENT AREA, the delineation of the lands that meet the boundary delineation criteria and arrangements made for their dedication into public ownership shall be completed to the satisfaction of the Town in consultation with the Toronto and Region Conservation*

Authority prior to, or concurrent with, adjacent lands being approved for urban development through the development approval process. It is the intent that lands which fall into the Middle Reaches boundary delineation criteria identified in Section 2.16.8f) shall be secured in public ownership to the satisfaction of the Town and Toronto and Region Conservation Authority prior to, or concurrent with, adjacent lands being ~~approved~~ *designated* for urban development. In addition, arrangements shall be made ~~secured~~ for the dedication ~~and/or~~ protection of lands within the remaining 600 metre corridor to the satisfaction of the Town and ~~the~~ Toronto and Region Conservation Authority.

- f) The long-term vision for the *publicly owned* Little Rouge Creek corridor ~~has been~~ ~~will be~~ ~~further~~ articulated through the preparation of a Little Rouge Creek Management Plan, as identified in Section 2.16.12 of this Plan. *As lands along the Little Rouge Creek Corridor identified as Rouge North, are secured in public ownership, revisions to the Little Rouge Creek Management Plan may be undertaken to incorporate the additional lands for Rouge Park purposes.* The Little Rouge Creek Management Plan will reflect the priority to establish a functional and sustainable 600 metre corridor with interior forest habitat conditions and will generally comprise:
 - i) a 400 metre forested area, generally centred on the main branch of the Little Rouge Creek; and,
 - ii) 200 metres inclusive of approximately 100 metres adjacent to each edge of the 400 metre forested corridor where the following uses will be permitted;
 - a) compatible open space uses consistent with the Rouge North Management Plan (2001); and,
 - b) limited parking facilities associated directly with *Rouge Park North* open space uses, including trail heads, interpretive or visitor centers and appropriate recreational uses, consistent with the Rouge North Management Plan (2001); and,
 - iii) within the Greenbelt area, compatible open space uses shall conform to the Rouge North Management Plan (2001) and the Greenbelt Plan (2005). *In the case of conflict between the Greenbelt Plan and the Rouge North Management Plan, the more restrictive policies apply.*
- g) Notwithstanding the policies of Section 2.16.9, the boundary of *Rouge Park North* along the Little Rouge Creek, south of Major Mackenzie Drive, shall be determined in accordance with Section 3.14.3a) iii) of this Plan. The portion of the Little Rouge Creek corridor transferred by the Province of Ontario to the Toronto ~~and~~ Region Conservation Authority and Town for *Rouge Park North* purposes shall not require further delineation of the corridor boundary.

- h) Where lands within the Little Rouge Creek corridor remain in private ownership, severance and plan of subdivision applications shall only be permitted in accordance with the justification policies in the Official Plan for lands designated “AGRICULTURE” and “HAMLET” and where the severance or plan of subdivision application contributes to the long-term vision for a publicly owned and continuous forested Little Rouge *Creek* Corridor.
- i) It is recognized that the successful achievement of the long-term vision may require that the majority of the lands be in public ownership. However, securement of the entire Little Rouge *Creek* Corridor into public ownership may not be possible or appropriate in all circumstances. Where public ownership of lands within the 600 metre corridor is not immediately achievable, the Town, in cooperation with the Rouge Park Alliance and its partners, will work with the landowners to achieve the environmental objectives of *Rouge Park North* using the land securement tools identified in Section 2.16.13. Nothing in this Plan obligates the Town to purchase lands within the 600 metre corridor.
- j) Once the Town has made the appropriate arrangements to secure and/or protect for the long-term vision for the Little Rouge Creek corridor in accordance with the policies of this Plan, an amendment shall not be required to establish the interior forest habitat and compatible open space uses for the lands designated “AGRICULTURE”, “OPEN SPACE”, “HAMLET” or “HAZARD LANDS” within the defined corridor.
- k) The Government of Canada (Transport Canada) has identified a Green Space Strategy to protect Federal Lands identified for *Rouge Park North* purposes and the Oak Ridges Moraine.

It is the intent of the Town to work cooperatively with the Federal Government to establish a comprehensive Master Plan for the Alternate *Rouge Park North* Corridor identified on Schedule ‘J’ – ROUGE NORTH MANAGEMENT AREA and an environmental protection strategy for the remainder of the Federal lands comprising the tributaries of the Rouge River within the Little Rouge Creek Policy Area overlay.

- l) Where lands are owned by the Government of Ontario, the Government of Canada, or any other public agency, and are also within the Little Rouge Creek Policy Area overlay, they shall be encouraged to support the objectives and policies of this Plan.

2.16.10 Oak Ridges Moraine

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 policies, section 3.3 of the Greenbelt Plan is also 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. ~~The southern boundary of the Oak Ridges Moraine as defined by the Oak Ridges Moraine Conservation Act, 2001 is identified on Schedule 'J' – ROUGE NORTH MANAGEMENT AREA/GREENBELT of this Plan. These lands are subject to the Oak Ridges Moraine Conservation Plan and approved Official Plan Amendment No. 117. The Oak Ridges Moraine now forms part of the Greenbelt Plan, but is still subject to the Oak Ridges Moraine Conservation Plan.~~

2.16.11 Greenbelt

The boundary of the Greenbelt *Plan* Area as defined Ontario Regulation 59/05 passed under the Greenbelt Act, 2005, is identified on Schedule 'J' – ROUGE NORTH MANAGEMENT AREA of this Plan. These lands are subject to the provisions of the Greenbelt Act (2005) and detailed policies of the Greenbelt Plan (2005). In the event of conflict with the policies in this Plan, the Greenbelt Plan (2005) or the Rouge North Management Plan (2001), within the Greenbelt *Plan* Area, the more restrictive policies shall prevail.

2.16.12 Policies for Special Management Sites

- a) The Special Management Sites are identified symbolically on Schedule 'J' – ROUGE NORTH MANAGEMENT PLAN. They include:
 - Milne Park Conservation Area;
 - Markham Centre;
 - Little Rouge Creek Corridor including Cedarena and Cedar Grove Community Park;
 - Berczy Creek through historic Unionville and Toogood Pond;
 - Beaver Creek; and,
 - Alternate Rouge Park Corridor (Federal Greenspace Lands Initiative).
- b) Special Management Sites are areas in the Town which are either historically more actively used, require naturalization, restoration and management efforts or are subject to approved Secondary Plans. These areas may require further design and use consideration reflecting their historic context, natural features, existing circumstances, recreational functions and/or planning approvals.
- c) Special Management Sites may be subject to area specific Management Plans or Restoration Plans prepared by the landowners to the satisfaction of the Town of Markham, in collaboration with the Toronto and Region Conservation Authority and Rouge Park Alliance. The purpose of these management plans

or restoration plans is to identify and manage the distinct characteristics of each Special Management Site. It is recognized that Special Management Sites may accommodate more intensive uses and active recreation and/or accommodate intense reforestation or ecological enhancements. Management or Restoration Plans shall comply with the Rouge North Management Plan (2001) and conform to the policies of the Greenbelt Plan where applicable.

2.16.13 Land Securement Strategy

- a) The Town shall work cooperatively with the Rouge Park Alliance, the Toronto and Region Conservation Authority, the Region of York, the Town of Richmond Hill, the Town of Whitchurch-Stouffville, the Province of Ontario and the Government of Canada to establish ongoing financial, policy and legislative support for the implementation of *Rouge Park North* in the Town of Markham.
- b) The Town shall work cooperatively with the Government of Canada, Province of Ontario, Region of York, Toronto and Region Conservation Authority and the Rouge Park Alliance to establish a funding program with sufficient funds and long-term commitment to secure the lands identified by the boundary delineation criteria in Section 2.16.8 f) and for the securement/protection of the 600 metre Little Rouge Creek Corridor.
- c) Notwithstanding any other policy of this Plan, it shall be a requirement of approval of an urban expansion of the Town's Urban Service Area, as identified on Schedule 'D' – URBAN SERVICE AREA of this Plan, that all lands meeting the Boundary Delineation Criteria for inclusion within *Rouge Park North*, be identified for *Rouge Park North*. Arrangements for the conveyance of Rouge Park North lands into public ownership shall be undertaken before or concurrent with the approval of development applications through the development approval process and may include mechanisms identified in Section 2.16.13d). ~~and conveyed into public ownership~~. Where urban expansion is proposed along the Little Rouge Creek arrangements shall be made for the **dedication securement** ~~and/or~~ protection of the 600 m corridor to the satisfaction of the Town and Toronto and Region Conservation Authority.
- d) Mechanisms to secure lands through ~~the~~ development approvals or other processes include:
 - i) land dedications/conveyance;
 - ii) voluntary sale and public purchase through funds allocated in the Town's budget or from funds raised through the cash-in-lieu of parkland dedications, where appropriate;
 - iii) land swaps/exchanges;
 - iv) donations, gifts, bequests from individuals and/or corporations;

- v) density transfers and/or bonuses;
- vi) through any applicable requirement relating to parkland or environmental resource area acquisition in the Town's Development Charges By-law; and/or,
- vii) other appropriate land acquisition methods.

Nothing in this Plan obligates the Town to purchase lands within the 600 metre corridor.

- e) The Town of Markham ~~has in cooperation with its partners, shall established an~~ Environmental Land Securement Fund that may be used to contribute to the costs of acquisitions for specific properties that meet *Rouge Park North* objectives and/or boundary delineation criteria for inclusion within *Rouge Park North*.
- f) Council may ~~consider~~ *provide* an annual budget allocation for the Environmental Land Securement Fund and may authorize staff to pursue funding partners and other funding opportunities to achieve the objectives for *Rouge Park North* identified in this Plan.
- g) The Town of Markham includes substantial land areas that are owned by various public agencies and senior levels of government. The Town shall enter into negotiations with these public agencies to have the lands that meet the *Rouge North* objectives and/or boundary delineation criteria, ~~to~~ remain in public ownership and be managed or conveyed for *Rouge Park North* purposes.
- h) It is recognized that the Town of Markham may not be able to secure in public ownership all of the lands that meet the Boundary Delineation Criterion for inclusion within *Rouge Park North*. Where substantial efforts have been undertaken in accordance with the land securement policies of this Plan, the Town will negotiate with the landowners in an effort to protect the identified natural, environmental and cultural features and functions in private ownership and enhance environmental features and/or functions on private lands. In these instances, the Town shall consider the following stewardship techniques to ensure the appropriate level of protection and, where appropriate, public access to the privately owned lands that would otherwise meet the Boundary Delineation Criteria:
 - i) Municipal land use controls including zoning;
 - ii) Information and education programs;
 - iii) Stewardship agreements;
 - iv) Charitable tax receipts;
 - v) Conservation easements; and/or,
 - vi) Any other appropriate agreements with the landowners.
- i) The Town, in consultation with the *Toronto and Region Conservaton Authority and Rouge Park Alliance* ~~and the TRCA~~, shall support and work cooperatively with private landowners to

meet the objectives of this Plan on privately owned lands within or adjacent to the Rouge River tributaries.”

1.12 Part II, Section 8.1 a) is hereby amended by replacing the word “and” following “CATEGORIES” with “,” and adding the words “and ‘J’ – ROUGE NORTH MANAGEMENT AREA” following the words “PROTECTION AREAS”.

1.13 Part II, Section 8.11 is hereby renumbered to 8.12.

1.14 Part II, Section 8.11 is hereby added as follows:

“8.11 Schedule ‘J’ – ROUGE NORTH MANAGEMENT AREA

- a) Schedule ‘J’ – ROUGE NORTH MANAGEMENT AREA identifies the *Rouge North* policy areas and the preliminary Rouge North boundary.
- b) The policy area boundaries are generally intended to follow the Rouge Watershed boundaries. Where the general intent of the *Rouge North Management Area* policies are maintained, minor adjustments to the policy area boundaries may be made in the context of a Secondary Plan.”

2.0 IMPLEMENTATION AND INTERPRETATION

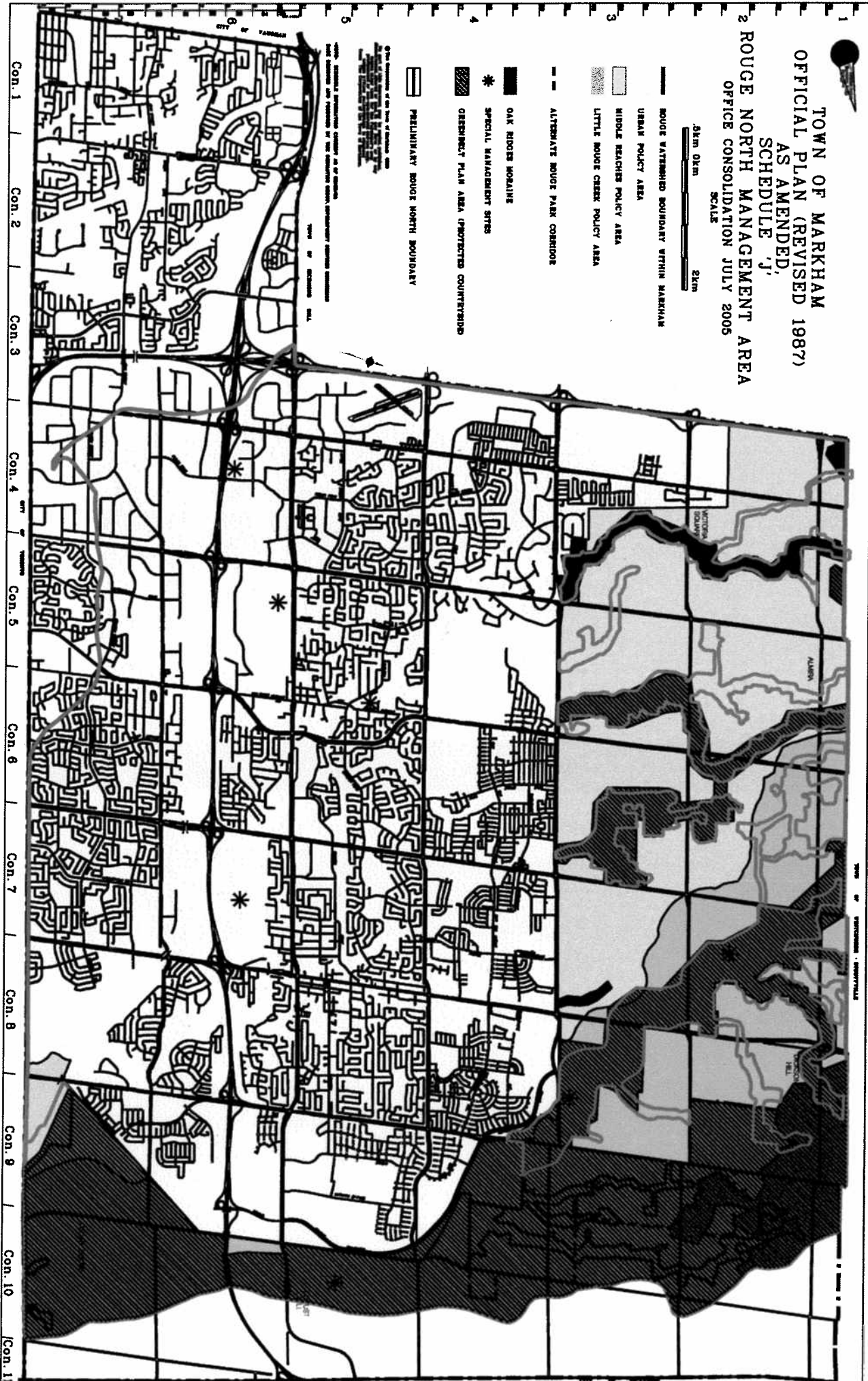
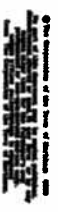
The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to the Amendment, except as specifically provided for in this Amendment.

1

TOWN OF MARKHAM OFFICIAL PLAN (REVISED 1987) AS AMENDED, SCHEDULE 'J' 2 ROUGE NORTH MANAGEMENT AREA OFFICE CONSOLIDATION JULY 2005 SCALE

5km 0km 5km 2km

- ROUGE WATERSHED BOUNDARY WITHIN MARKHAM
- URBAN POLICY AREA
- MIDDLE REACHES POLICY AREA
- LITTLE ROUGE CREEK POLICY AREA
- ALTERNATE ROUGE PARK CORRIDOR
- OAK RIDGES MOSAIC
- SPECIAL MANAGEMENT SITES
- GREENBELT PLAN AREA (PROTECTED COUNTEYSIDE)
- PRELIMINARY ROUGE NORTH BOUNDARY



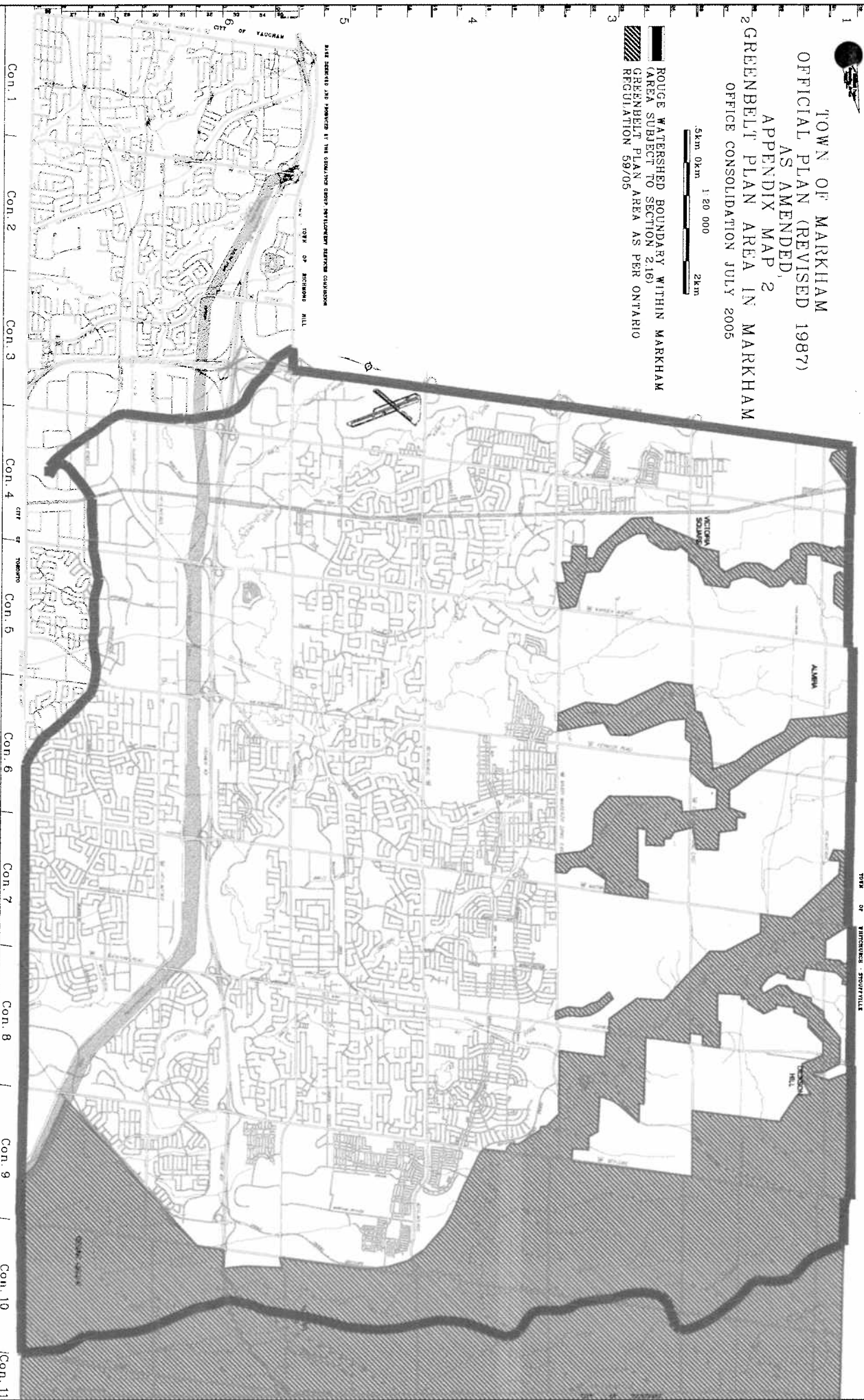


TOWN OF MARKHAM
OFFICIAL PLAN (REVISED 1987)
AS AMENDED,

APPENDIX MAP 2
GREENBELT PLAN AREA IN MARKHAM
OFFICE CONSOLIDATION JULY 2005

Scale 1:20,000
5km 0km 2km

ROUGH WATERSHED BOUNDARY WITHIN MARKHAM
(AREA SUBJECT TO SECTION 2.16)
GREENBELT PLAN AREA AS PER ONTARIO
REGULATION 59/05



ATTACHMENT B

**PL060564
PL040357**

**ONTARIO MUNICIPAL BOARD
Commission des affaires municipales de l'Ontario**

1463069 Ontario Limited, Kennedy Elgin Developments Limited, Colebay Investments Inc. et al have appealed to the Ontario Municipal Board under subsection 17(36) of the *Planning Act*, R.S.O, 1990, c. P. 13, as amended, from a decision of The Regional Municipality of York to modify and approve Proposed Amendment No. 116 to the Official Plan for the Town of Markham for the purpose of implementing the Rouge North Management Plan

Approval Authority File No. D06.54.02.116
O.M.B. File No. 0040068

1463069 Ontario Limited, 1512406 Ontario Limited, Kennedy Elgin Developments Limited, Warden Mills Developments Limited, Major Kennedy Developments Limited, 1212763 Ontario Limited, E.M.K. Construction Ltd., Treelawn Construction Ltd., Mackenzie 48 Investments Limited, Colebay Investments Inc., Summerlane Realty Corp. Firwood Holdings Inc., Highcove Investments Inc., Guscon Enterprises Ltd. and Mary Margaret Shank have appealed to the Ontario Municipal Board under subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, from a decision of the Regional Municipality of York to modify and approve Proposed Amendment No. 140 to the Official Plan for the town of Markham for the purpose of incorporating the vision, goal and objectives of the Rouge North Management Plan (2001), incorporating the boundary delineation criteria for Rouge Park North, incorporating supporting policies to secure Rouge Valley lands and associated tablelands as Rouge park North lands in Markham and the inclusion of the regulated boundary of the Provincial Greenbelt Plan (2005) as it applies to this amendment area.

Approval Authority File No.: D06 02.15.260
OMB File No.: 0060107

MINUTES OF SETTLEMENT

BETWEEN:

THE CORPORATION OF THE TOWN OF MARKHAM

Hereinafter referred to as the "Town"

- and -

**COLEBAY INVESTMENTS INC., SUMMERLANE REALTY CORP.,
FIRWOOD HOLDINGS INC., HIGHCOVE INVESTMENTS INC.,
1463069 ONTARIO LIMITED, 1512406 ONTARIO LIMITED,
GUSCON ENTERPRISES LTD., KENNEDY ELGIN DEVELOPMENTS
LIMITED, WARDEN MILLS DEVELOPMENTS LIMITED,
MAJOR KENNEDY DEVELOPMENTS LIMITED,
1212763 ONTARIO LIMITED, E.M.K. CONSTRUCTION LTD.,
TREELAWN CONSTRUCTION LTD., MACKENZIE 48
INVESTMENTS LIMITED, MARY MARGARET SHANK**

Hereinafter referred to as the “Landowners”

TORONTO AND REGION CONSERVATION AUTHORITY

Hereinafter referred to as the “TRCA”

THE REGIONAL MUNICIPALITY OF YORK

Hereinafter referred to as the “Region”

WHEREAS the Landowners own the lands shown on Maps 1, 2 and 3 of Schedule A to these Minutes of Settlement;

AND WHEREAS some of the Landowners appealed Town of Markham Official Plan Amendment No. 116 (Rouge North Management Area) to the Ontario Municipal Board;

AND WHEREAS the Town of Markham repealed OPA No. 116 (Rouge North Management Area) on October 25, 2005, subject to approval of OPA No. 140 (Rouge North Management Area/Greenbelt) incorporating the Greenbelt Plan Area boundary and appropriate interpretation references;

AND WHEREAS the Landowners identified in these Minutes of Settlement appealed Town of Markham Official Plan Amendment No. 140 (Rouge North Management Area/Greenbelt) to the Ontario Municipal Board;

AND WHEREAS the Town engaged the Landowners and TRCA in a series of field investigations to confirm the Preliminary Rouge Park boundary as identified in OPA No. 140 (Rouge North Management Area/Greenbelt);

AND WHEREAS the Preliminary Rouge Park Boundary for the Landowners lands is depicted on Maps 1, 2 and 3 of Schedule A attached hereto;

AND WHEREAS the Parties hereto accept the Preliminary Rouge Park boundary as depicted on Schedule “J” to OPA 140 as amended, attached as Schedule B hereto in accordance with the policies in Official Plan Amendment No. 140 (Rouge North Management Area/Greenbelt), as proposed to be modified in accordance with these Minutes of Settlement;

D **AND WHEREAS** OPA 140 has been amended to incorporate the modifications to Schedule “J” of the Rouge North Management Plan as shown in more detail on Maps 1, 2 and 3 of Schedule A;

R **AND WHEREAS** the Landowners have agreed to support the modifications to OPA 140 as proposed, at the OMB;

R **AND WHEREAS** the TRCA and the Region support the modifications to OPA 140 as proposed, at the OMB.

A **NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the mutual covenants herein contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto hereby covenant and agree as follows:

- F**
- T**
1. The Town, Landowners, TRCA and the Region consent to an order of the OMB modifying Official Plan 140 in accordance with the Official Plan Amendment attached to these Minutes of Settlement as Schedule B.
 2. Forthwith upon execution of these Minutes of Settlement, the Landowners (save and except Mary Margaret Shank, who did not appeal OPA116) agree to withdraw their appeals of OPA No. 116 (Rouge North Management Area).
 3. The Parties acknowledge and agree that the Preliminary Rouge North boundary as delineated on Schedule ‘J’ – ROUGE NORTH MANAGEMENT AREA and as further detailed on Maps 1, 2 and 3 to Schedule A attached hereto, has been delineated in accordance with the ecological and other criteria identified in OPA No. 140 and “groundtruthed” to the extent possible. Environmental studies required in support of any future urban expansion or development applications may result in some minor variations to the boundary, but will not substantially revise the boundaries of the Rouge North Lands as shown on Maps 1, 2 and 3 to Schedule A attached hereto.
 4. The Parties hereto agree that no party shall seek costs from any other party and no party will support any other party, directly or indirectly, in seeking costs against a signatory to these Minutes in respect of the appeals of OPA 116 and OPA 140.

5. These minutes of settlement shall be governed by the laws of the Province of Ontario and the laws of Canada applicable therein.
6. The parties agree that these Minutes of Settlement shall be filed with the Ontario Municipal Board.
7. The parties hereto agree that it is their intent to bind their successors and assigns;
8. These Minutes of Settlement may be executed in counterpart and may be distributed by facsimile to other parties.
9. These Minutes of Settlement are conditional upon approval of same by the Councils of The Corporation of the Town of Markham and the Region.

LIST OF SCHEDULES

- Schedule A, Maps 1, 2 and 3 - Detailed map of Appellants Lands
- Schedule 'B' - Official Plan Amendment No. 140 as modified

IN WITNESS WHEREOF the parties have affixed their respective corporate seals attested by the hands of their respective officers duly authorized in that behalf.

DATED at Markham, this day of October, 2008.

**THE CORPORATION OF THE TOWN OF
MARKHAM**
By its Solicitor

Per: _____
Catherine M. Conrad
Town Solicitor

PL060564
PL040357

**TORONTO AND REGION CONSERVATION
AUTHORITY**

Per: _____
Name:
Title:

Per: _____
Name:
Title:

**THE REGIONAL MUNICIPALITY OF
YORK**

Per: _____
Name:
Title:

Per: _____
Name:
Title:

COLEBAY INVESTMENTS INC.

Per: _____
Name:
Title:

c/s

Per: _____
Name:
Title:

I/We have authority to bind the Corporation.

D

R

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PL060564
PL040357

SUMMERLANE REALTY CORP.

Per: _____
Name: _____
Title: _____ c/s

Per: _____
Name: _____
Title: _____

I/We have authority to bind the Corporation

FIRWOOD HOLDINGS INC.

Per: _____
Name: _____
Title: _____ c/s

Per: _____
Name: _____
Title: _____

I/We have authority to bind the Corporation

HIGHCOVE INVESTMENTS INC.

Per: _____
Name: _____
Title: _____ c/s

I/We have authority to bind the Corporation

D
R
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PL060564
PL040357

1463069 ONTARIO LIMITED

Per: _____

Name:

Title:

c/s

I/We have authority to bind the Corporation

1512406 ONTARIO LIMITED

Per: _____

Name:

Title:

c/s

I/We have authority to bind the Corporation

GUSCON ENTERPRISES LTD.

Per: _____

Name:

Title:

c/s

I/We have authority to bind the Corporation

**KENNEDY ELGIN DEVELOPMENTS
LIMITED**

Per: _____

Name:

Title:

c/s

Per: _____

Name:

Title:

I/We have authority to bind the Corporation

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**WARDEN MILLS DEVELOPMENTS
LIMITED**

Per: _____
Name:
Title: c/s

Per: _____
Name:
Title:

I/We have authority to bind the Corporation

**MAJOR KENNEDY DEVELOPMENTS
LIMITED**

Per: _____
Name:
Title: c/s

Per: _____
Name:
Title:

I/We have authority to bind the Corporation

121763 ONTARIO LIMITED

Per: _____
Name:
Title: c/s

Per: _____
Name:
Title:

I/We have authority to bind the Corporation

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PL060564
PL040357

E.M.K. CONSTRUCTION LTD.

Per: _____
Name:
Title: _____ c/s

Per: _____
Name:
Title: _____

I/We have authority to bind the Corporation

TREELAWN CONSTRUCTION LTD.

Per: _____
Name:
Title: _____ c/s

Per: _____
Name:
Title: _____

I/We have authority to bind the Corporation

MACKENZIE 48 INVESTMENTS LIMITED

Per: _____
Name:
Title: _____ c/s

Per: _____
Name:
Title: _____

I/We have authority to bind the Corporation

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WITNESS:

MARY MARGARET SHANK

D

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- OPA 140 Appellants
- Preliminary Rouge North Boundary
- Greenbelt Lands

MAP 2



- OPA140 Appellants
- Preliminary Rouge North Boundary
- Greenbelt Lands

MAP 3

