

# THE REGIONAL MUNICIPALITY OF YORK

Committee of the Whole  
Environmental Services  
February 13, 2014  
Report of the  
Commissioner of Environmental Services

## **ROUGE NATIONAL URBAN PARK LAND TRANSFER AGREEMENT**

### **1. RECOMMENDATIONS**

It is recommended that:

1. Council authorize the Chairman to negotiate and execute a Memorandum of Agreement between the Region and Parks Canada, the Toronto and Region Conservation Authority, the City of Toronto, the City of Markham, the City of Pickering and the Regional Municipality of Durham for the transfer of lands required for the establishment of the Rouge National Urban Park and the future acquisition of lands required for Regional infrastructure.
2. The Regional Clerk circulate this report to Parks Canada, the Province of Ontario (Ministry of Infrastructure), the City of Markham, the City of Pickering, the Regional Municipality of Durham, the City of Toronto and the Toronto and Region Conservation Authority.

### **2. PURPOSE**

This report provides an update on the status of the establishment of the Rouge National Urban Park (“Rouge Park”) and seeks Council approval to enter into a Memorandum of Agreement respecting the land assembly for Rouge Park. The agreement includes provisions which respond to the Regional interest in growth management, assets, infrastructure and agriculture.

### **3. BACKGROUND**

#### **1995 Rouge Park Alliance established to guide creation of Rouge Park**

In 1995 the Rouge Park Alliance was created to provide temporary leadership during the establishment of the new Rouge Park. Led by the Toronto and Region Conservation Authority, a partnership with twelve governmental organizations and one not for profit agency was established to oversee the Rouge Park Management Plan.

**Rouge Park Alliance completed a governance review in 2009 that proposed engagement of the Federal government to establish a new Rouge Park structure with stable financing**

By 2009 it was recognized that new governance was needed to establish clear functional relationships and stable funding for the future of the park. Rouge Park Alliance circulated a Governance Report with a request to support engagement of the Federal and Provincial governments to create a federal park. On April 22, 2010 Council endorsed recommendations to advance the establishment of a federal park, contingent upon the protection of Regional interests in growth management, infrastructure and agriculture.

**June 2011 Government of Canada Throne Speech committed to creating Rouge National Urban Park**

In June 2011, a Federal Government Throne Speech committed to development of Rouge National Urban Park. The Federal Government recognized that as this venture would be Canada's first national urban park, and as there was no federal conservation model that supports the unique requirements of Rouge Park, they would need to develop a new establishment process.

**April 2012 Council endorsed a Statement of Intent to work with Parks Canada to address matters of mutual interest and establish the park**

On April 12, 2012 Regional Council adopted the following recommendation:

*Council endorse the Federal government's Statement of Intent – towards cooperation and collaboration with Parks Canada in establishing a national urban park in the Rouge Valley subject to protection of Regional interests in growth management, assets, infrastructure and agriculture.*

Staff have been working collaboratively with Parks Canada and other stakeholders to address matters of mutual interest in establishing the park. Regional staff have been focussing on Regional interests with a particular emphasis on the protection of present and future infrastructure.

**4. ANALYSIS AND OPTIONS**

**Landholders' Table committee was established to guide the development of a land transfer memorandum of agreement to create the land base for the Rouge National Urban Park**

Since the endorsement of the Statement of Intent, a public landholders group with representation from the Province, municipal and conservation authority staff have met regularly at a Landholders' Table to address issues of mutual interest.

The establishment of Rouge Park requires that appropriate lands from within the Study Area (*Attachment 1*) first be transferred to Parks Canada. This will define the park lands base and delineate the boundary of the park. The Province of Ontario and Transport Canada have entered into separate agreements with Parks Canada to transfer lands for the creation of the park.

Parks Canada has indicated that it will exclude existing Regional infrastructure assets (e.g. road allowances). The establishment of the park will also be subject to existing easement rights for subsurface infrastructure (e.g. water wastewater infrastructure and utilities). This will allow the Region to protect its interests, allowing for maintenance and access to present and future infrastructure.

### **Public landholders have reached an agreement about park land and transfer process**

The public landholders have reached an agreement about lands to be included in the park and the process by which the lands will be transferred to Parks Canada. The "Memorandum of Agreement" (hereafter called the Memorandum of Agreement) sets out the process for transferring lands to Parks Canada, and also provides preliminary direction on management, as well as present and future infrastructure protection.

The Memorandum of Agreement will be subject to the provisions of the federal statute establishing the park and also the strategic plan for management which is currently being developed. Details of these documents have not yet been released.

### **Parks Canada agreement provides for public landowners to transfer lands to Parks Canada to create Rouge National Urban Park**

Parks Canada has substantially finalized the Memorandum of Agreement which describes the lands to be included and excluded from the proposed park and the process by which lands will be transferred. Parties to the Memorandum of Agreement are:

- Government of Canada (represented by Parks Canada)
- Toronto and Region Conservation Authority
- City of Toronto
- City of Markham
- City of Pickering
- Regional Municipality of York
- Regional Municipality of Durham

In June 2013, the Government of Canada and the Province of Ontario agreed to a separate Memorandum of Agreement dealing with the transfer of 5,300 hectares of provincial land for creation of Rouge Park. Transport Canada has also confirmed its intention to transfer 5,000 hectares of federal lands, in the north east part of the City of Markham, to Parks Canada.

Lands are being transferred by the City of Toronto, City of Markham, City of Pickering and the Toronto and Region Conservation Authority. Reports to the various Councils include:

- City of Pickering advanced a report to their Council on January 20, 2014,
- City of Toronto advanced a report to their Executive Committee on February 4, 2014, and
- City of Markham is tentatively scheduled to bring a report to Council in February.

Recent media attention is also beginning to capture the momentum of Parks Canada's land assembly efforts, including a January 23, 2014 Scarborough Mirror article entitled "More Land to be Added to Rouge National Urban Park."

The Region does not own any significant parcels of land within the proposed boundaries of the park. The Memorandum of Agreement however allows the Region to transfer any lands if a due diligence exercise identifies any candidate parcels. A review of a few small parcels, including isolated fragments from previous roads or other infrastructure projects is being completed.

All lands will be transferred for nominal value. Parks Canada will reimburse each party for any out of pocket expenses associated with effecting the transfer of its lands to Parks Canada, including the cost of surveys and registration of easements. The Memorandum of Agreement provides that lands which have been transferred and are not designated as part of the Rouge National Urban Park by federal statute within 5 years, will be transferred back to the original owner.

### **Agreement provides for the protection of present and future infrastructure**

The Memorandum of Agreement recognizes that the park, while accommodating visitors and park functions, exists within a large growing urban area with critical present and future infrastructure. Existing infrastructure, such as roads will be excluded from the park. Buried infrastructure will be protected through existing easements which will be reviewed to ensure protection and access for maintenance and repair. The intent is to ensure the easements are appropriate to allow access to Regional assets as necessary for maintenance, upgrades or repairs. The following is a list of the Region's infrastructure, including roads and the potential scope of future construction, and a list of major buried infrastructure.

Roads:

- 14<sup>th</sup> Avenue - 36 m (potential road widening plus jog elimination at Reesor Road. Minor intersection realignment required at 11th Concession).
- 16<sup>th</sup> Avenue - 36 m (potential road widening and jog elimination at Reesor Road).
- Major Mackenzie Drive - 36 m (potential road widening plus jog elimination at 9th Line).
- York Durham Townline\_- 36 m (potential road widening to 4 lanes).
- 9<sup>th</sup> Line - 43-45 m (Potential widening to 4 lanes plus 2 HOV north of Donald Cousens Parkway and 4 lanes plus dedicated transitway south of Donald Cousens

Parkway. Jog elimination at 9th Line intersections with Major Mackenzie Drive, Elgin Mills Road and 19th Avenue.

- Donald Cousens Parkway - 36 m (road widening to 4 lanes, where not already implemented).
- Donald Cousens Parkway - south of 14<sup>th</sup> Avenue to Box Grove Bypass, easement required no planned widening.

Water / wastewater – buried infrastructure:

- Southeast Collector (SEC)
- York Durham Sanitary Sewer (YDSS)
- 9<sup>th</sup> Line Sewer

The Transportation Master Plan Update (2009), Water and Wastewater Master Plan Update (2009), Pedestrian and Cycling Master Plan (2008), Regional Official Plan (2010) and other strategic documents were reviewed to assess and quantify present and future needs. Parks Canada has complete documentation and data representing York Region's interests, infrastructure assets and future needs. A map of the Region's infrastructure, including roads and water wastewater assets and a maximum forecasted footprint to meet projected capital and growth management needs is provided as *Attachment 2*.

The Memorandum of Agreement lays a strong foundation for protecting Regional interests and considers a broad scope of Regional interests, including growth management, agriculture, as well as services, such as transit, emergency services, communications infrastructure and other utilities. Development of the Strategic Management Plan, the enactment of the governing legislation establishing the park with Regional representation on strategic committees and Technical Working groups will ensure open communication and consolidate the protection of Regional assets and interests.

**Parks Canada has identified additional lands – 4 per cent 'cap' – which can be transferred back to landholders to accommodate future infrastructure if necessary**

All existing above-ground infrastructure will be excluded from the park. The Memorandum of Agreement recognizes that future infrastructure needs have been identified in Official Plans and other approved documents. In order to provide flexibility for future infrastructure, Parks Canada will recommend that the legislation for the proposed park provide authority for Parks Canada to grant easements, enter into leases and dispose of land for public infrastructure and transportation needs. Parks Canada will be making a recommendation that the total area of land available for disposition for future infrastructure will be capped at approximately 4 per cent (199 hectares) of the total park area (4,970 hectares).

Staff have reviewed the proposed 4 per cent cap against the Regional maximum forecasted requirements for infrastructure and also taken into consideration growth and infrastructure needs as forecast by the Province, City of Toronto, City of Markham, City

of Pickering, and The Regional Municipality of Durham. The 4 per cent cap was developed through a review which included:

- All existing approved Official Plan road widths, including an additional area as buffer
- All existing infrastructure related to Strategic and Master Plans
- Calculation of maximum footprints for construction requirements (e.g. intersection jogs or grade separations)
- Likely growth management scenarios for the development of Pickering North, including the federal airport

The assessment has concluded that the area of land proposed in the cap, and that the process for allocation, is adequate for present and future needs, and also accounts for a reasonable buffer.

Specific details of the transfer of lands will be set out in a supplemental agreement. Where a public agency has conveyed lands to establish the park, credit will be given against future reconveyances of the same land. However, since the Region has not donated any significant parcels to establish the park, it is anticipated that future acquisitions for Regional infrastructure will be at fair market value, or following reconveyance, negotiated with the original landowner (e.g. City of Markham, Toronto Conservation Authority) for a nominal cost.

### **Transition Advisory Committee and Toronto and Region Conservation Authority resources will assist Parks Canada through the transition to federal ownership and operation**

Toronto and Region Conservation Authority (TRCA) will continue to manage the day to day operations of the park as it did under the previous Rouge Park management regime. Existing maintenance and management agreements between Toronto Region Conservation Authority and City of Toronto will continue to remain in effect until lands have been transferred to Parks Canada or as mutually agreed.

A Transition Advisory Committee chaired by Parks Canada will be established to provide advice and input on the establishment process and provide input on interim management direction until a permanent governance strategy is created. Signatories to the Memorandum of Agreement will be represented on the Committee.

### **Link to key Council – approved Plans**

### **Establishment of the Rouge National Urban Park is consistent with Regional Official Plan and Vision 2051**

A viable Rouge Park, which balances environmental protection with the needs of adjacent communities and critical infrastructure, supports the 2011 to 2015 Strategic Plan priority area to Deliver and Sustain Critical Infrastructure. This particular priority seeks to balance infrastructure delivery and community services. Many aspects of a sustainable

Rouge National Urban Park are compatible with the Regional Official Plan policies to protect and restore a healthy natural environment and Greenlands System.

Vision 2051 goal of a resilient natural environment and agriculture system is consistent with the core objectives of managing Canada's first National Urban Park. The park will support and demonstrate viable agriculture adjacent to a healthy connected and enhanced natural environment. The Memorandum of Agreement between Parks Canada and the Province of Ontario states that Parks Canada will guide the creation, management and administration of the Park that meet or exceed provincial policies set out in the Greenbelt Plan (2005), the Oak Ridges Moraine Conservation Plan (2002), the Growth Plan for the Greater Golden Horseshoe (2006) and the Big Move (2008) regional transportation plan.

## **5. FINANCIAL IMPLICATIONS**

### **A Rouge National Urban Park would be funded by the federal government**

There are no additional direct costs to the Region associated with the advancement of Rouge Park. The Region has already made significant financial investments in the park area through projects, including reforestation, environmental enhancements (\$6,100,000 for Southeast Collector enhancements) and trail construction within the Park.

In May 2012, the Government of Canada announced \$143.7 million in funding over the next 10 years for establishment of the park and a subsequent \$7.5 million annually for ongoing park operation. Over the long term, it is expected that the Region will benefit from establishment of the park due to increased public recreation opportunities, local business opportunities, tourism and natural heritage protection.

Parks Canada is not subject to Payment in Lieu of Taxes. As such it is their intent to compensate municipalities for any required services (e.g. emergency services, garbage collection, animal control etc.) A Service Agreement with Parks Canada may be required to address any municipal services to be provided by the Region, City of Toronto and City of Markham. Going forward, services, and the form and amount of any compensation to be provided by Parks Canada, will be reviewed. It is anticipated that compensation will be negotiated based on reasonable service delivery recovery costs.

## **6. LOCAL MUNICIPAL IMPACT**

### **Rouge National Urban Park will be a significant amenity to residents, create business and tourism opportunities and be a recognized national asset**

Rouge Park will be a significant amenity to Regional residents and provide positive economic development and tourism opportunities. Given its geographic location, it is of particular significance to the City of Markham. The Park will include almost 19 per cent

of the City of Markham's land base and will have significant direct and indirect impacts on the community and residents.

**City of Markham currently negotiating specific interests which may be resolved through bilateral agreements and adoption of principles to be applied in the Strategic Management Plan**

Staff from a variety of Regional departments, including Environmental Services, Transportation and Community Planning and Finance, have been working closely with the City of Markham at the Landholders' Table and through the City of Markham Rouge Park Implementation Task Force, to coordinate comments and harmonize Regional and local municipal interests. The City of Markham identified issues, including park boundary refinement, protection of local community assets, ownership of homes in the park, scope of outdoor recreation interests, provision of municipal services, infrastructure protection, agriculture use and financial stability.

Many of these concerns are still being discussed. Parks Canada proposed that they be addressed through a combination of Supplemental Agreements which are provided for in the Memorandum of Agreement, and through Parks Canada's commitment to principles which will be carried forward in the Strategic Management Plan.

Although not key landowners in Rouge Park, Parks Canada recognizes both the Town of Whitchurch-Stouffville and the Town of Richmond Hill as key stakeholders in moving Rouge Park forward.

## **7. CONCLUSION**

The Memorandum of Agreement is an important step toward the protection of Regional interests and advancement of a sustainable Rouge Park.

Establishment of Rouge Park will further the Sustainable Natural Environment, as well as Agricultural and Rural policies of the Regional Official Plan. Through development of the Strategic Management Plan, commenting on pending federal park legislation, and representation on park committees and Technical Working Groups, staff will ensure that the Federal government's commitments to protecting Regional assets and interests, including growth management, critical infrastructure and agriculture are realized.

A viable Rouge Park furthers the Region's objectives as articulated in the Regional Greenlands System, Greenbelt Natural Heritage System and Agricultural and Rural Areas policies of the Official Plan. Parks Canada's objectives are consistent with the aforementioned Regional Official Plan policies which are designed to identify, protect and enhance a linked Greenlands System as a permanent legacy for the Region within a matrix of urban and rural uses which support a vibrant and viable agricultural community.



For more information on this report, contact Laura McDowell Director, Environmental Protection and Promotion at (905) 830-4444 Ext. 75077, or Ian Buchanan, Manager of Natural Heritage and Forestry at Ext. 75204.

The Senior Management Group has reviewed this report.

Recommended by:

Approved for Submission:

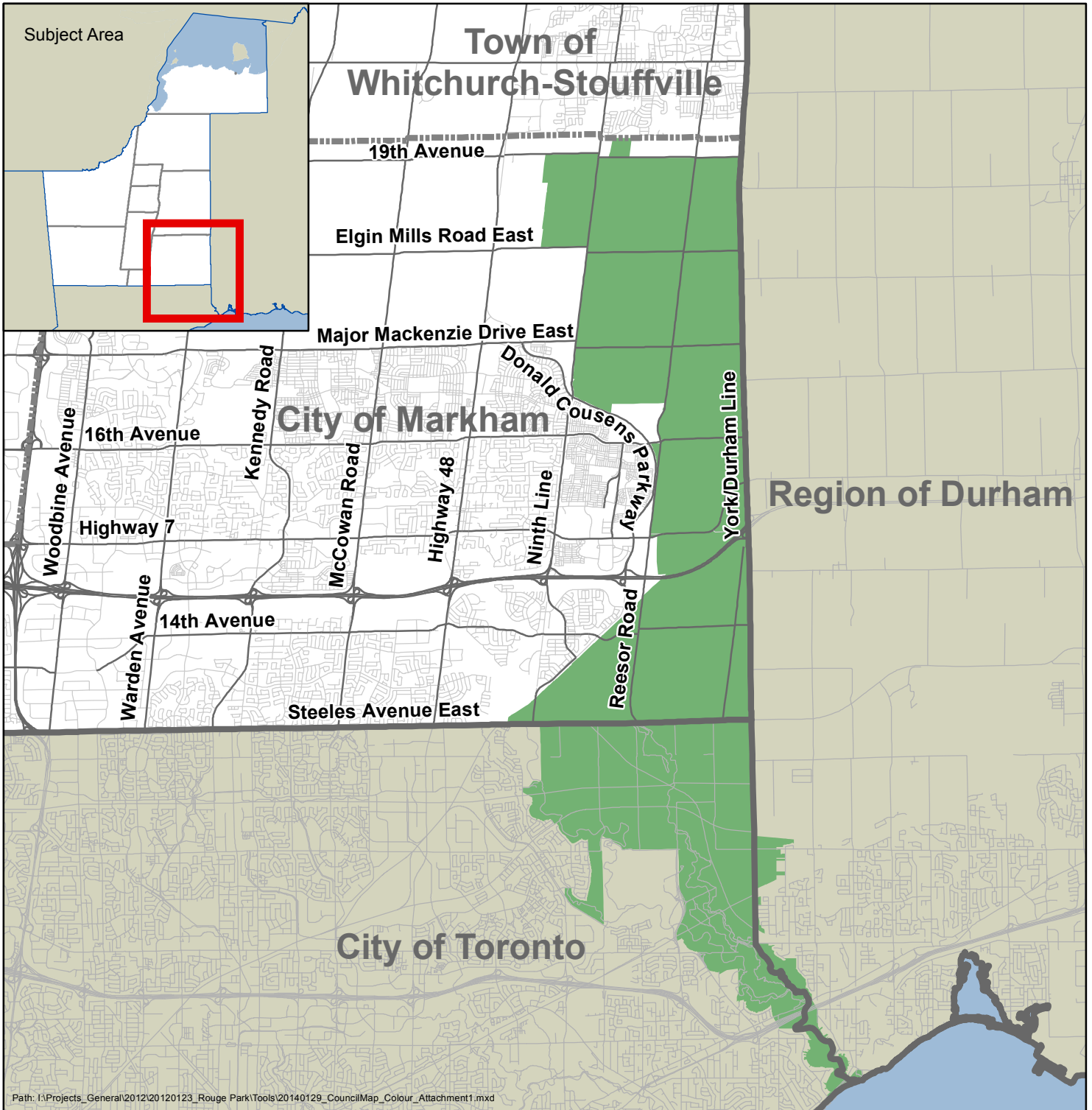
Erin Mahoney, M. Eng.  
Commissioner of Environmental Services

Bruce Macgregor  
Chief Administrative Officer

January 30, 2014

Attachments (2)

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### Rouge National Urban Park-Proposed Area

Rouge National Urban Park Land Transfer Agreement,  
February 13, 2014

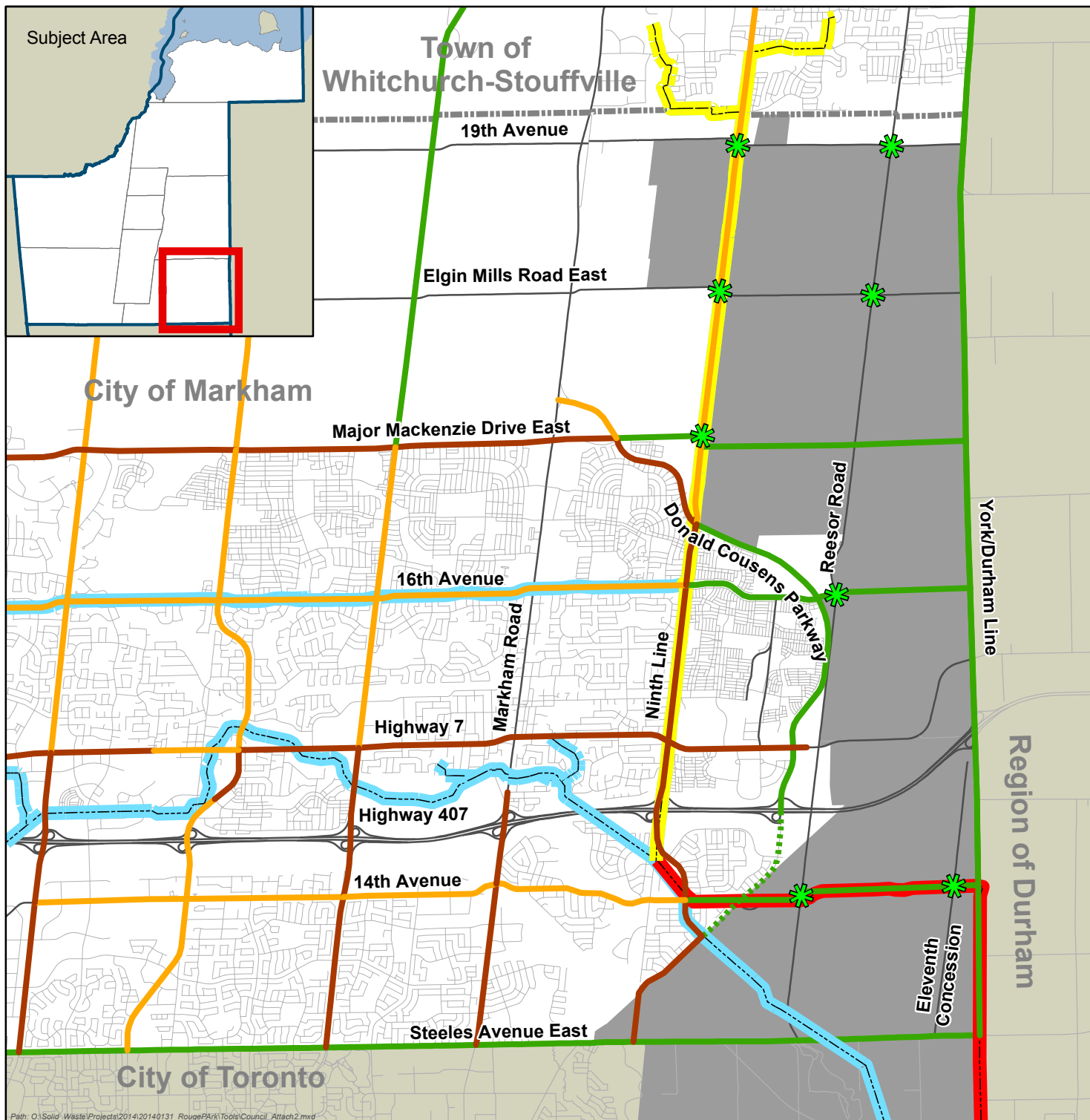


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### Legend

- Municipal Boundary
- Regional Boundary
- Roads
- Proposed Park Area



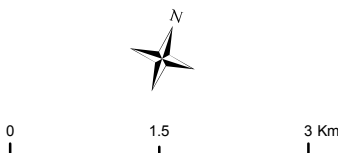
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## York Region Infrastructure, Rouge National Urban Park Study Area

Rouge National Urban Park Land Transfer Agreement,  
February 13, 2014



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### Legend

- Jog Eliminations
- Ninth Line Sewer
- South East Collector
- YDSS
- Regional Planned Basic Road Widths**
- Considered for Transfer to Region
- Up to 36 M
- Up to 43 M
- Up to 45 M
- Municipal Boundary
- Rouge National Urban Park Study Area