

APPENDIX A

Report to: Development Services Committee

Report Date: April 22, 2008

SUBJECT: PRELIMINARY REPORT
 Dickson Hill Memorial Garden
 Application for Official Plan Amendment to permit a cemetery and related
 uses at 6278 19th Avenue
 Near the northeast corner of Dickson Hill Road and 19th Avenue
 File No. OP 07 134061

PREPARED BY: Nilesht Surti, Senior Planner, ext. 4190

RECOMMENDATION:

THAT the report dated April 22, 2008 entitled "PRELIMINARY REPORT, Dickson Hill Memorial Garden, Application for Official Plan Amendment to permit a cemetery and related uses at 6278 19th Avenue, Near the northeast corner of Dickson Hill Road and 19th Avenue" be received;

AND THAT Staff be authorized to schedule a statutory Public Meeting to consider the Official Plan Amendment after the applicant has submitted a planning justification report for the subject lands to the satisfaction of the Director of Planning and Urban Design.

<u>1. Purpose</u>	<u>2. Background</u>	<u>3. Discussion</u>	<u>4. Financial</u>
<u>5. Others (Environmental, Accessibility, Engage 21st, Affected Units)</u>		<u>6. Attachment(s)</u>	

PURPOSE:

The purpose of this report is to provide preliminary information regarding this application and to recommend that a statutory Public Meeting be held with respect to the Official Plan Amendment application after the applicant has submitted a planning justification report for the subject lands. The proposal is also subject to an amendment application to the Region of York Official Plan and requires consultation with the Province regarding conformity with provincial policies and plans.

BACKGROUND:**Property and Area Context**

The 40.47 hectare (100 acres) property is located near the northeast corner of 19th Avenue and Dickson Hill Road with frontage on both streets (See Figure 1). The subject property is bisected by a tributary for the Little Rouge Creek flowing from north to south. There is significant vegetation cover within the valley system as well as extensive vegetation along the north property line east of the tributary.

The subject property contains existing heritage structures, the John Ramer House and Barn. Both of these heritage structures are in the process of being designated under the Ontario Heritage Act on the basis of their cultural heritage value. Heritage Markham recommended the designation and Council supported the Intention to Designate in April of 2006. The owner filed an objection to the proposed heritage designation, which has resulted in a hearing before the Conservation Review Board. This hearing commenced in the Fall of 2007, and has been adjourned to May 15, 2008.

The subject land is bounded by the Town limit on the north. Across that line, in the Town of Whitchurch-Stouffville, are agricultural lands and a stormwater management pond. Further north is a recently constructed commercial development. Immediately to the east are agricultural lands that have frontage on 9th Line. To the south, across 19th Avenue, are existing rural residential properties and agricultural lands. At the northeast corner of 19th Avenue and Dickson Hill Road are existing rural residential properties. To the west, across Dickson Hill Road, are existing residential and commercial buildings and further west is Highway No. 48 (See Figures 2).

A cemetery and related uses are proposed

Dickson Hill Memorial Garden has submitted an application for Official Plan Amendment requesting a site specific exemption to the existing land use designations to permit a cemetery and related uses including but not limited to administrative offices, chapels, columbarium, crematoriums, mausoleums, reception centres and service buildings on the western portion of the site. The proposal includes a 1,497 m² reception centre building. The applicant is also proposing three stormwater management ponds on the property (See Figure 3).

OPTIONS/ DISCUSSION:

Official Plan Policies

Oak Ridges Moraine Secondary Plan (OPA No. 117)

The majority of the subject lands are designated “Oak Ridges Moraine – Countryside Area” and “Oak Ridge Moraine – Natural Link Area” in the Oak Ridges Moraine Secondary Plan. (See Figure 4). Cemeteries are not a use provided for in these designations. Markham Official Plan policies related to the Oak Ridges Moraine, were put in place by Official Plan Amendment No. 117 (which was approved by the Province), to bring our policies into conformity with the Oak Ridges Moraine Conservation Plan (ORMCP).

The ORMCP is a Provincial regulation under the Oak Ridges Moraine Conservation Act. The Town of Markham cannot make planning decisions contrary to the ORMCP. Policies in the ORMCP permit “small scale institutional uses” on lands designated “Countryside Area”, but prohibits such uses in prime agricultural areas and area designated primarily for agricultural uses in the applicable official plan.

The applicant has described the proposal to be a modern cemetery that must provide a full range of options to their clientele for their burial/interment rituals to respond to the needs associated with the diverse cultural and ethnic composition of York Region. The applicant also notes that modern cemeteries require large amounts of land [28 – 40.5 hectares (69 – 100 acres)] that are typically not available within urban settlements. This description, provided by the applicant, clearly outlines a large scale regional cemetery, not a small scale institutional use, necessitating an Official Plan Amendment if the use is to be permitted.

In the Town of Markham all agricultural lands are “prime agricultural” and therefore, in accordance with the ORMCP, even small scale institutional uses would be prohibited.

The following sections discuss the policies that pertain to the portion of the subject lands that are outside of the Oak Ridges Moraine designation and ORMCP area.

Agriculture Policies

A small portion of the subject lands on the west side of the property is designed Agriculture One (A1) in the Town’s Official Plan (See Figure 4). The predominant uses intended in the Agriculture One designation are farming activity and related uses as well as existing rural residential uses. The Official

Plan policies articulate the Town's intention to preserve a large, continuous area of prime land, to be available for agriculture over the long-term, and within which farming activities can take place with a minimum of disruption from competing or incompatible land uses.

The Official Plan provides that proposals for uses other than farming activities, to be located on lands designated Agriculture (1, 2 or 3), shall be required to be justified to the satisfaction of Council in consultation with the Ministry of Agriculture and Food. The Official Plan requires as follows:

- demonstrate the need for the proposed uses at the proposed location;
- substantiate that the amount of land is necessary for the proposed uses and that the location is suitable in terms of minimal impacts on the surrounding agricultural area compared with alternative, available sites and the locational requirements of the proposed use;
- identify, evaluate and justify potential impacts of the proposed uses on the agricultural land base and on farming activity in the surrounding area that may be affected by the proposed uses; and
- identify, evaluate and justify potential impacts of the proposed use on the affected natural resources.

The applicant has not submitted a justification report addressing the above-mentioned requirements. Staff recommend that a statutory public meeting be held after the applicant has submitted a justification report for the subject lands, to the satisfaction of the Director of Planning and Urban Design.

Hamlet Policies

The entire frontage along Dickson Hill Road and a small portion of the subject property along the 19th Line frontage are designated Hamlet in the Town's Official Plan (See Figure 4). The predominant use permitted on lands designated Hamlet is housing within the confines of small rural settlements. Other permitted uses include small scale institutional and commercial uses designed to serve the hamlet and the surrounding rural area. As discussed above, the proposal as submitted is considered to be a large-scale, regional cemetery servicing the diverse cultural and ethnic composition of York Region.

Hazard Land Policies

The tributary of the Little Rouge Creek and the associated valley system is designated Hazard Lands in the Town's Official Plan (See Figure 4). The intent of this designation is to preserve these lands in their natural state. Cemetery use is not permitted in Hazard Lands.

Rouge North Management Area/Greenbelt (OPA No. 140)

In 2001, the Rouge North Management Plan was approved by the Rouge Park Alliance and was endorsed in principle as a guideline by the Town of Markham in July 2001. On October 25, 2005, Council approved an Official Plan Amendment to implement the vision, goal and objectives of the Rouge North Management Plan (2001), which has been appealed to the OMB.

The property is subject in part to the Little Rouge Creek Policy Area policies contained in OPA No. 140 (under appeal). The tributary of the Little Rouge Creek which traverses the property is part of the Rouge watershed and the applicant will be required to delineate the Rouge Park boundary along the tributary as part of this application. The Town's Official Plan and OPA No. 140 contain policies which require the delineated lands be conveyed into public ownership as condition of any development approval.

Provincial and Regional policies must be addressed

In addition to the Oak Ridges Moraine policies addressed above, the applicant will also be required to address the policies of the Provincial Policy Statement, the Provincial Greenbelt Plan and the Regional Official Plan.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides an overall policy direction on matters of provincial interest that must be reflected in municipal planning decisions. It is the Province's goal to ensure that prime agricultural areas be protected for long-term use for agriculture. The PPS provides the following conditions under which the removal of land from prime agricultural area to limited non-residential use may be considered:

1. the land does not comprise a specialty crop area;
2. there is a demonstrated need within the planning horizon...for additional land to be designated to accommodate the proposed use;
3. there are no reasonable alternative locations which avoid prime agricultural area; and
4. there are no reasonable alternative locations in prime agricultural area with lower priority agricultural lands.

The applicant will need to demonstrate that the removal of the subject lands from prime agriculture use satisfies the above-mentioned conditions in the PPS.

Provincial Greenbelt Plan

The entire property, except for a small portion on the westerly side of the property, is within the Greenbelt Plan (See Figure 4). A large portion of the subject lands that are within the Greenbelt are also subject to the policies of the Oak Ridges Moraine Conservation Act, 2001. The remaining lands that are within the Greenbelt are also subject to the Prime Agriculture Area Policies and the Key Natural Heritage Features and Key Hydrologic Features Policies.

The Prime Agriculture Area policies provide as follows:

1. Within the prime agricultural areas, as identified in municipal official plan, normal farm practices and a full range of agricultural, agriculture-related and secondary uses are supported and permitted.
2. Prime agricultural area shall not be redesignated in municipal official plans for non-agricultural uses except for:
 - a) Refinements to the prime agricultural and rural area designation, subject to the criteria identified in the municipal implementation policies; or
 - b) Settlement area expansions subject to the settlement area policies.

The Key Natural Heritage Features and Key Hydrologic Features Policies apply to the tributary of the Little Rouge Creek and its valley system. These policies are intended to protect areas of natural heritage, hydrologic and/or landform features, which are often functionally inter-related and which collectively support biodiversity and overall ecological integrity.

The applicant will need to demonstrate that the proposal satisfies the objectives of the Greenbelt Plan, to the satisfaction of the Province.

Regional Official Plan

It should be noted that the policy approach in the Regional Official Plan is the same as the Town's with respect to land use in the Oak Ridges Moraine. The applicant has also submitted an application to amend the Region's Official Plan to permit the proposed use. The Region of York will be circulating the application to the Ministry of Municipal Affairs and Housing who will provide further comments on this amendment.

Current Zoning does not permit cemetery use

The majority of the subject lands are presently zoned Agriculture One (A1) and Open Space One (OS1). A small portion of the property along Dickson Hill Road is zoned Rural Residential Housing (RRH). In addition, a large part of the subject lands are subject to the Oak Ridges Moraine (ORM) overlay zones (See Figure 5). The intent of the Oak Ridges Moraine overlay zones is to regulate uses in accordance with the Oak Ridges Moraine Secondary Plan and the Oak Ridges Moraine Conservation Plan. Present zoning does not permit a cemetery or related uses. A Zoning By-law Amendment application has not been submitted at this time.

Potential Benefits of Approval of the Proposal

The applicant has argued that the proposal would provide a necessary and required service for Town of Markham and Region of York residents.

Concerns and Issues

- The requested Official Plan Amendment to permit a cemetery and related uses is not permitted by the Oak Ridges Moraine Conservation Plan. Markham Council cannot make a decision contrary to that Plan;
- The applicant must address the policies of the Provincial Policy Statement, the Greenbelt Plan and the Regional Official Plan.
- The impact of cemetery use on agricultural lands and activities in the surrounding area must be reviewed;
- A justification report (as required by the Official Plan) concluding, to the Town's satisfaction, that the cemetery use is appropriate at the proposed location is required;
- Submission of the following studies/plans, and any other studies deemed appropriate to ensure a complete and informed evaluation of a cemetery proposal:
 - A needs study (Justification report)
 - Soils analysis and a hydrological analysis
 - Traffic Study
 - Tree Inventory and Preservation Plan;
- The applicant shall delineate the Rouge Park boundary along the tributary of the Little Rouge Creek as part of this application. The Rouge Park lands would be required to be conveyed to the Town as a condition of any development approval.

Conclusion

The Town is not able to consider any Official Plan amendment that is contrary to the ORMCP. Lands subject to this application and not subject to the provisions of the ORMCP are limited and would likely not accommodate the uses, as proposed. However, prior to Council deciding the application, Staff recommend that a statutory public meeting be held to consider the Official Plan Amendment application.

FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

None at this time.

ENVIRONMENTAL CONSIDERATIONS:

The application has been circulated to the Toronto and Region Conservation Authority for comments. The application will also be reviewed in the context of the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan, with comments from the Region and the Province.

ACCESSIBILITY CONSIDERATIONS:

Accessibility considerations will be reviewed as part of the site plan approval process.

ENGAGE 21ST CONSIDERATIONS:

Protecting and enhancing Markham's natural features and green spaces is a key goal set out in "Engage

21st Century Markham". The applicant will be required to demonstrate the appropriateness of the proposed use at this location.

BUSINESS UNITS CONSULTED AND AFFECTED:

The application has been circulated to various Town Departments and external agencies including the Toronto and Region Conservation Authority and Region of York, and is currently under review. As noted earlier, the applicant has also submitted an application to amend the Region's Official Plan and the Region will circulate the application to the Ministry of Municipal Affairs and Housing for comments. Requirements of the Town and external agencies will be reflected in the final report.

RECOMMENDED BY:

Valerie Shuttleworth, M.C.I.P., R.P.P. Director of Planning and Urban Design	Jim Baird, M.C.I.P., R.P.P. Commissioner of Development Services
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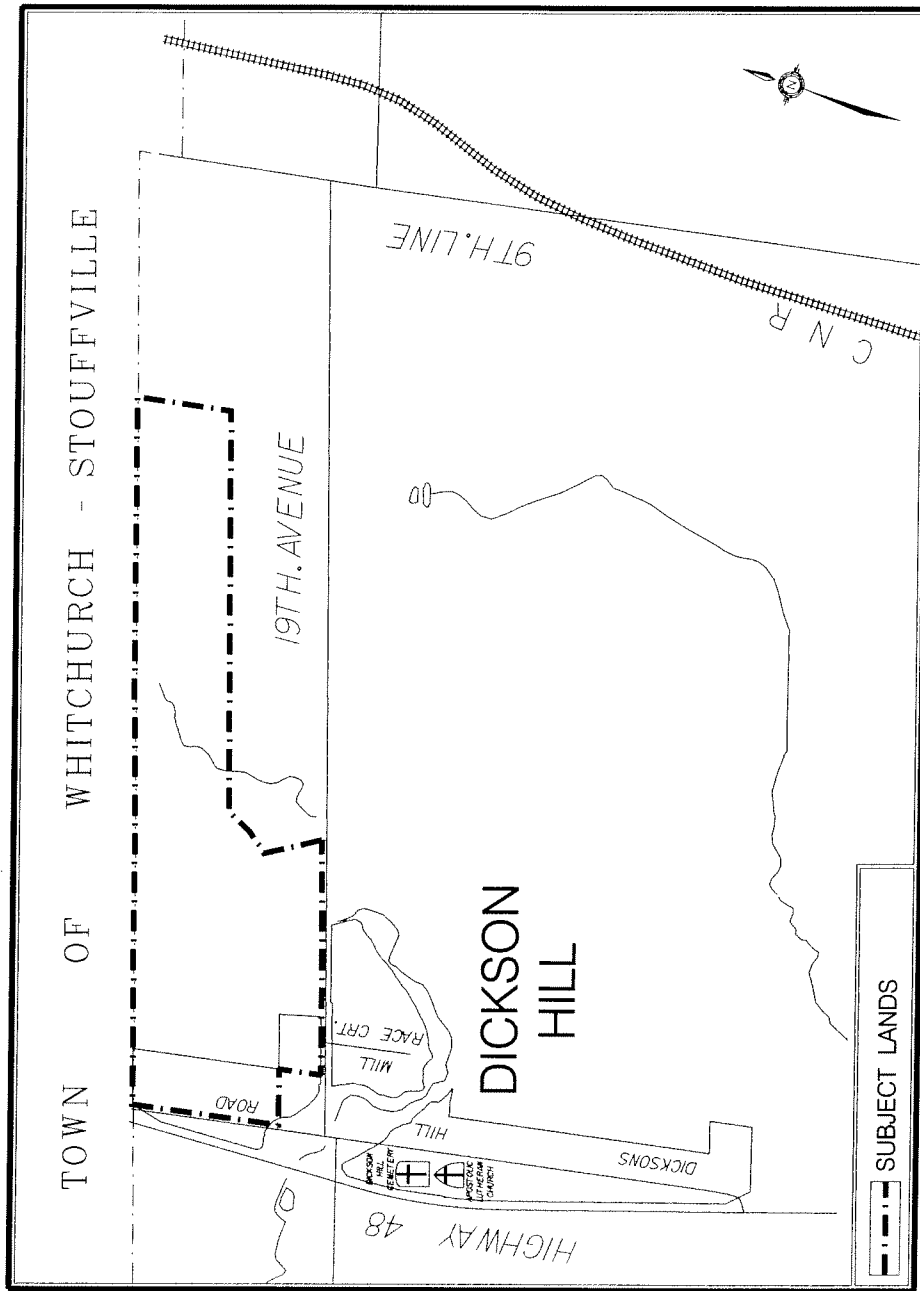
ATTACHMENTS:

Figure 1 – Location Map
 Figure 2 – Air Photo (2007)
 Figure 3 – Conceptual Site Plan
 Figure 4 – Official Plan Designations/Greenbelt
 Figure 5 - Area Context and Zoning

Agent

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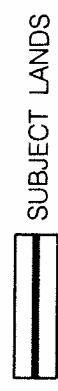
AIR PHOTO 2007

APPLICANT: DICKSON HILL MEMORIAL GARDEN
6278 19th. AVENUE

FILE No: OP07134061(NS)



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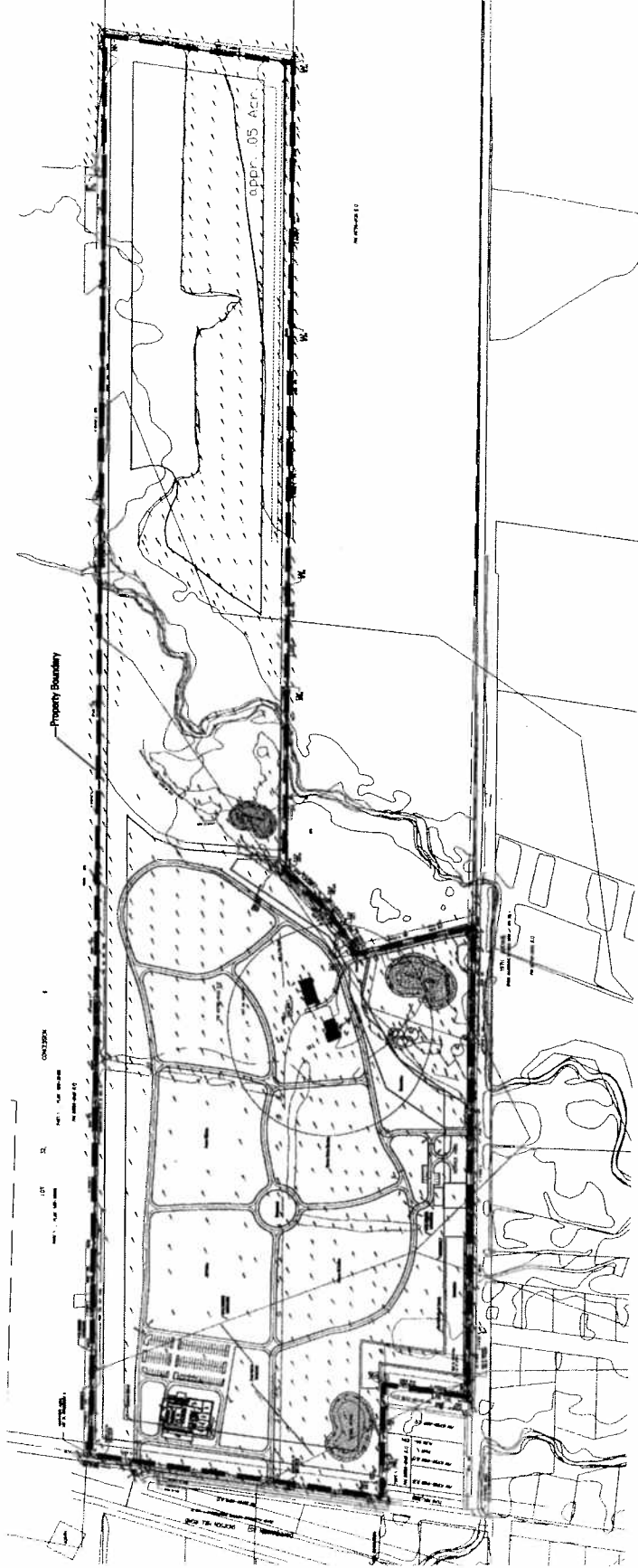


SUBJECT LANDS

DATE: 01/23/08

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FIGURE No.2



CONCEPT SITE PLAN

APPLICANT: DICKSON HILL MEMORIAL GARDEN
6278 19th. AVENUE

FILE No: OP07134061(NS)



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DATE: 03/27/08

FIGURE No.3



OFFICIAL PLAN DESIGNATIONS / GREENBELT

APPLICANT: DICKSON HILL MEMORIAL GARDEN
6278 19th. AVENUE

FILE No: OP07134061(NS)



DEVELOPMENT SERVICES COMMISSION

HAZARD LANDS

HAWLET

OAK RIDGES MORaine

AGRICULTURE (A1, A2, A3)

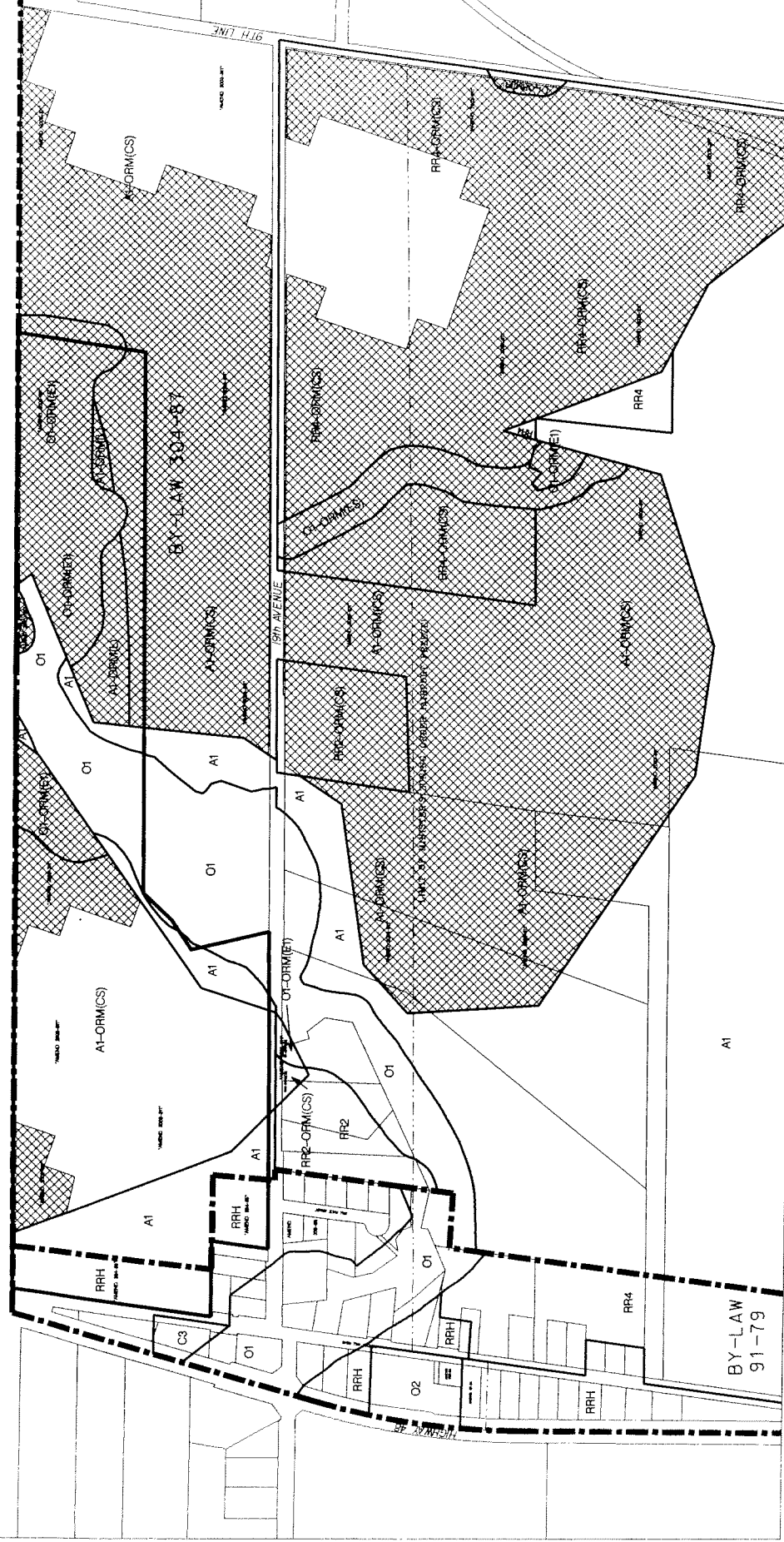
GREENBELT PLAN AREA

SUBJECT LANDS

DATE: 03/25/08

FIGURE No.4

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AREA CONTEXT/ZONING

APPLICANT: DICKSON HILL MEMORIAL GARDEN
6278 19th. AVENUE

FILE No: OP07134061(NS)



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DATE: 01/23/08

FIGURE No.5

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