

THE REGIONAL MUNICIPALITY OF YORK

Planning and Economic Development Committee

May 5, 2010

Report of the

Commissioner of Planning and Development Services

INFORMATION REPORT FOR PUBLIC MEETING ON PROPOSED AMENDMENT NO. 68 TO THE YORK REGION OFFICIAL PLAN (1994) (19-OP-1994-068)

1. RECOMMENDATION

It is recommended that:

1. Staff receive and review comments from the public meeting and responses to the circulation regarding the proposed Amendment, and prepare a further report with recommendations for consideration at a future Planning & Economic Development Committee meeting.

2. PURPOSE

This report provides a description of a privately initiated application to amend the York Region Official Plan and identifies Regional interests and issues. The application is for a site specific Amendment to permit a cemetery and accessory uses by way of a notwithstanding clause.

This report is for the purposes of the public meeting which provides an opportunity for further public comment. Regional staff will receive and review comments from the public meeting and responses to the circulation regarding the proposed Amendment, however, based on initial review and analysis, policy context and accompanying studies, staff continue to not support the application. A further report will provide the final decision recommendation considering both the public meeting comments, any additional written comments, and staff analysis and review.

3. BACKGROUND

On February 17, 2010, Regional Planning staff received a complete application requesting a site specific amendment to the York Region Official Plan for a privately initiated application, proposing a cemetery and accessory uses

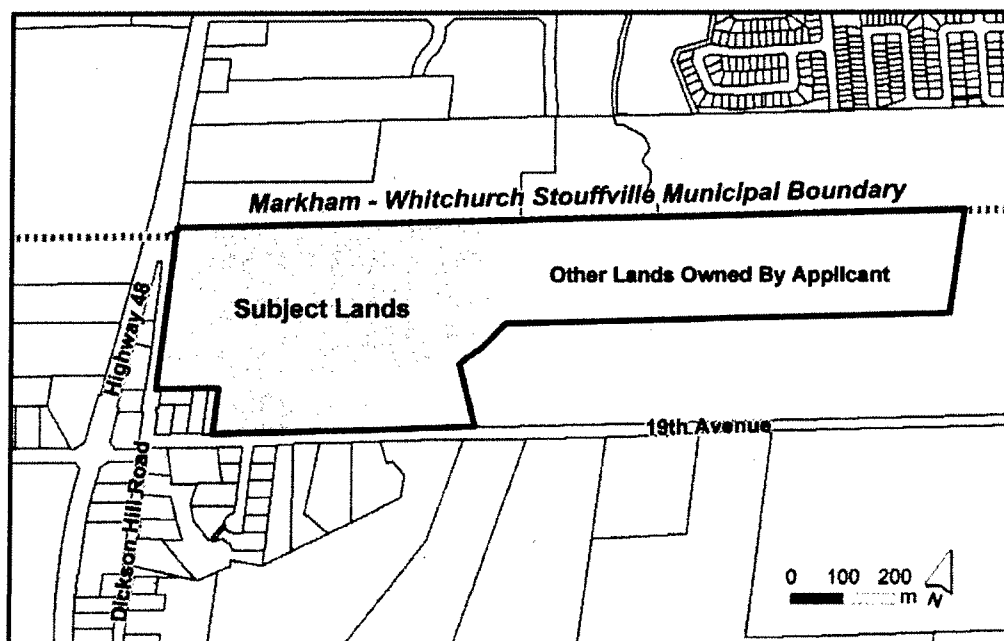
On June 19, 2008, Regional Council considered Report No. 7 of the Planning and Economic Development Committee for the Dickson Hill Memorial Gardens application (*refer to Attachment 1*). Staff recommended the application not be supported, in principle, until a complete application was received which addressed and satisfied Provincial and Regional policies.

Staff received Council's authorization to retain a peer review consultant to assess the Agricultural Impact Assessment submitted by the applicant, and to hold a Statutory Public Meeting when the application was determined to be complete.

On February 17, 2010 Regional Planning staff received a complete application requesting a private site specific amendment to the York Region Official Plan. The submission included a draft Regional Official Plan Amendment, an Agricultural Impact Assessment, a Scoped Environmental Impact Study, a Cemetery Demand Analysis, a Traffic Impact Study and a Planning Justification report. The Amendment is submitted under the current approved York Region Official Plan. The purpose of the Amendment is to permit a cemetery, and accessory uses, on the subject lands, as an exception to the York Region Official Plan (*refer to Attachment 2*).

The property is approximately 22.14 ha (54.7 acres) in size and is located at the northeast corner of 19th Avenue and Dickson Hill Road, in the Town of Markham (*refer to Figure 1*). The York Region Official Plan designates the subject site "Agricultural Policy Area", "Oak Ridges Moraine" and "Regional Greenlands System".

Figure 1 – Proposed Amendment Area



The proposed Amendment would facilitate the approval of a local Official Plan amendment to permit a cemetery, with accessory uses, as an institutional use, at this location.

Notice of Complete Application and Public Meeting advertized in the Toronto Star, Markham Economist & Sun and the Stouffville Sun Tribune

Notice of the statutory Public Meeting was advertized in the Markham Economist & Sun and the Stouffville Sun Tribune on March 27, 2010 and the Toronto Star on March 29, 2010. In accordance with the *Planning Act*, the Amendment was circulated to adjacent municipalities and public agencies on March 9, 2010 and a Notice of the Public Meeting was also circulated on March 24, 2010.

Summary comments received to date are attached, refer to *Attachment 3*. Refer to *Attachment 4* for the Town of Markham's preliminary response to the application.

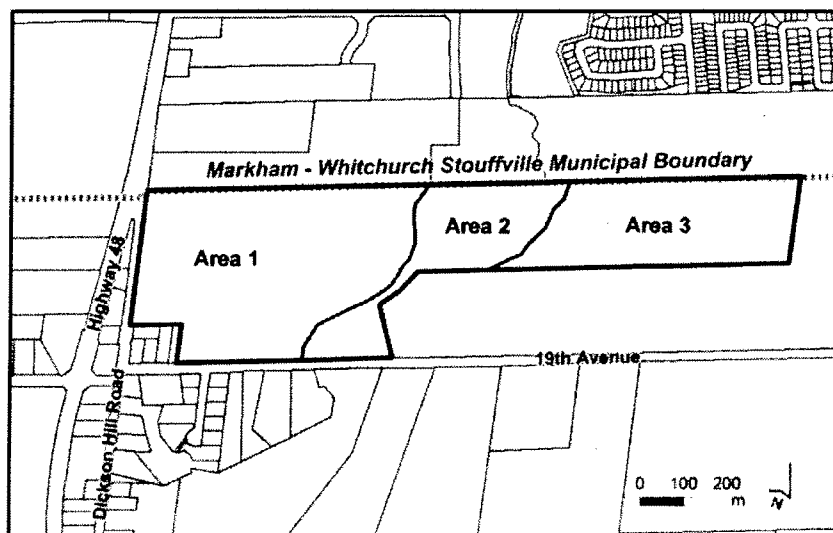
Local Official Plan Amendment proposes a site specific exception to existing land use designations to permit a cemetery and accessory uses

The Town of Markham has scheduled a public meeting for May 18, 2010. Markham Planning staff has advised that a preliminary review of the application indicates that the application is contrary to their Oak Ridges Moraine, Hamlet and the *Greenbelt Plan* policies. It is Markham's intent to report to Town Council in the Fall of 2010.

4. ANALYSIS AND OPTIONS

The applicant is proposing a cemetery and accessory uses on the subject lands as an exception to the policies of the York Region Official Plan. The original, June 2008 application encompassed all of the applicants lands, which included approximately 40.41 ha (*refer to Attachment 1*). The current application divides the property into Area 1, 2 and 3, and the proposed Amendment applies only to Area 1 (*refer to Figure 2*).

Figure 2 – Areas 1, 2 & 3



The Regional Official Plan Amendment applies only to Area 1

Area 1 represents the lands under consideration by this Amendment and consists of approximately 22.14 ha. Of the 22.14 ha, 3.08 ha of the subject lands are located within the Hamlet of Dickson Hill. The majority of the lands are subject to the *Oak Ridges Moraine Conservation Plan* and are designated “Countryside Area”. Policies in the *Oak Ridges Moraine Conservation Plan* permit “small scale institutional uses” on lands designated “Countryside Area”, but prohibit such uses in prime agricultural lands and areas designated primarily for agricultural uses in the applicable Official Plans.

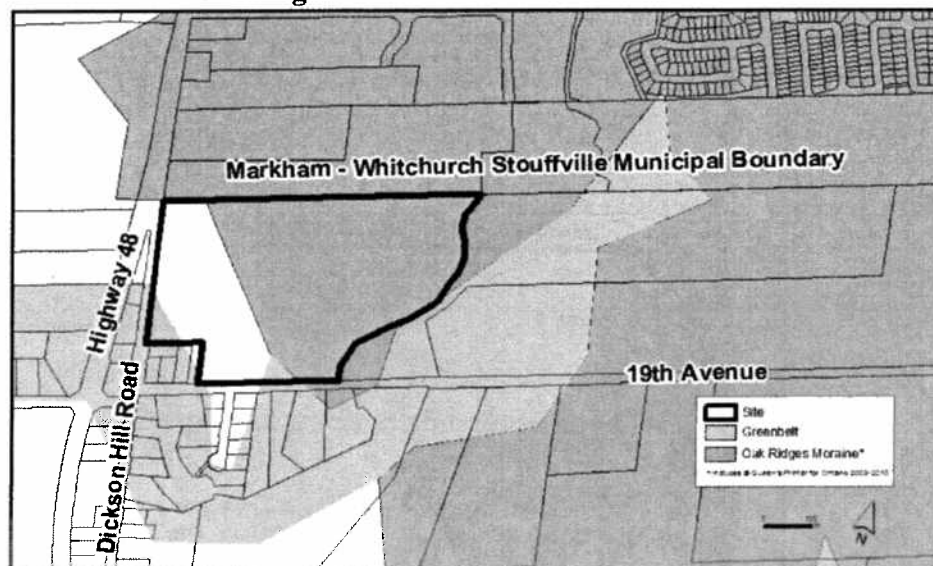
The application is subject to the Province’s *Oak Ridges Moraine Conservation Plan*, *Provincial Policy Statement (2005)*, *Greenbelt Plan* and Regional policies. As noted in staff’s intent report of June 19, 2008, the proposal remains contrary to the *Oak Ridges Moraine Conservation Plan*, York Region Official Plan and the Town of Markham Official Plan. Noted below is a brief summary of Provincial and Regional policies, and how they apply to this application.

The application has been circulated to the Province for consideration under the *Provincial Policy Statement*, *Oak Ridges Moraine Conservation Plan* and the *Greenbelt Plan*, which do not permit a cemetery on prime agricultural lands

A complete application has been circulated, for review and comment, to the Ministry of Municipal Affairs and Housing and the Ministry of Agriculture and Food, a response is anticipated by May 2010.

This application is subject to the *Provincial Policy Statement*, *Oak Ridges Moraine Conservation Plan* and the *Greenbelt Plan* (refer to Figure 3 and Attachment 1 for policy detail), all of which protect agricultural lands for long term use.

Figure 3 – Provincial Land Uses



A Peer Review was completed on the Agricultural Impact Assessment which concluded that the subject property is located on Prime Agricultural lands

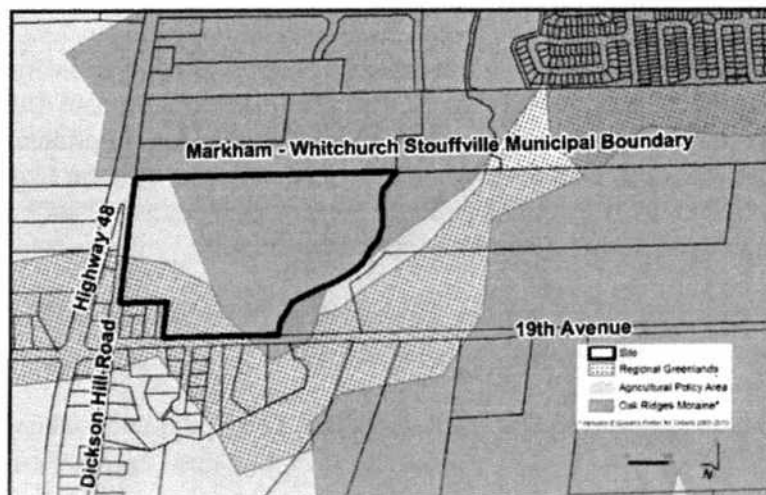
On June 19, 2008, Regional Council considered a staff report for this application (*refer to Attachment 1*) and authorized staff to retain a peer review consultant to assess the Agricultural Impact Assessment submitted by the applicant. In accordance with the Region's Peer Review process, staff retained Stantec Consulting Ltd. to peer review the Agricultural Impact Assessment.

Stantec's peer review concluded that "the Agricultural Impact Assessment completed by AgPlan Limited did not fully demonstrate that the use of the subject lands for cemetery and accessory uses is in agreement with the applicable agricultural policies. In addition, we (Stantec) do not agree with the conclusions stated in Section 6 of the Report." Section 6 of the AgPlan report indicates that the use of the site for a cemetery development has minimal agricultural impacts because it is located on lower capability agricultural land, is located in a Region of relatively lower agricultural performance, and is a logical extension of non agricultural development that should not reduce or impede surrounding farm operations. A copy of the Peer Review has been forwarded to the applicant's consultant and the Town of Markham and is also available to the general public.

The York Region Official Plan directs institutional uses to Hamlets, Towns and Villages and Urban Areas

The property is located within and adjacent to the Hamlet of Dickson Hill and is designated "Agriculture Policy Area", "Greenlands System" and "Oak Ridges Moraine" in the York Region Official Plan (*refer to Figure 4*). Permitted uses within these land use designations are set out below.

Figure 4 – Regional Land Uses



**The majority of the land holdings are designated “Countryside Area” in the
*Oak Ridges Moraine Conservation Plan***

The York Region Official Plan designates the subject lands as “Countryside Area”, in accordance with the *Oak Ridges Moraine Conservation Plan*. The Regional *Oak Ridges Moraine Conservation Plan* conformity exercise approved the Region’s “Countryside Area” policies to be more restrictive than those of the *Oak Ridges Moraine Conservation Plan*, in that they prohibit the establishment of small scale commercial, institutional and industrial uses in “Countryside Areas” of the Region. The Region’s Official Plan directs new industrial, commercial, and institutional uses to Hamlets, Towns and Villages and Urban Areas.

The proposed development is located within the Region’s “Agriculture Policy Area” designation which permits farm and accessory uses

Map 6 of the York Region Official Plan designates the entire site as “Agriculture Policy Area.” The primary use permitted in the “Agriculture Policy Area” is farm and accessory uses. Section 5.8.7 – Agriculture Policy Area, requires an amendment to the Region’s Official Plan for a non-farm land use, which must be evaluated in accordance with the *Provincial Policy Statement*.

A portion of the subject lands are designated “Regional Greenlands System” in the York Region Official Plan

The Greenlands System runs through the subject site, as identified in Map 4 of the York Region Official Plan. Section 2.1.6 – The Regional Greenlands System requires an Environmental Impact Study to evaluate the impact the development will have on the environmental functions, attributes or linkages of the Greenlands System and requires details of any mitigative measures that will ensure that the Greenlands units will not be adversely impacted.

A Scoped Environmental Impact Study was submitted with the application and circulated to the Toronto and Region Conservation Authority for review and comment. Preliminary comments received from the Toronto and Region Conservation Authority (*refer to Attachment 3*) indicate that “the Scoped Environmental Impact Study does not appear to discuss the impacts of the proposed development and appropriate buffers required to mitigate the impacts of development.” In accordance with the *Oak Ridges Moraine Conservation Plan* technical papers, Conservation Authority staff requested a Natural Heritage Evaluation be submitted for further review.

Land Evaluation and Area Review (LEAR) study identifies the subject property as Prime Agricultural lands

The Land Evaluation and Area Review (LEAR) study, undertaken by the Region in 2009, formed background documentation to the Agricultural designation in the adopted York

Region Official Plan – December 2009. The purpose of a LEAR is to identify the long term agricultural potential for York Region through a high level assessment of agricultural land capacity. The LEAR study identified the subject lands as Prime Agricultural.

The adopted York Region Official Plan permits cemetery uses in the existing “Urban Areas”, “Towns and Villages” and “Hamlets”. Where lands are not available in those areas, cemetery uses may be permitted in the “Rural Areas”.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report.

6. LOCAL MUNICIPAL IMPACT

A local Official Plan Amendment has been submitted to the Town of Markham, proposing site specific exception to Markham’s Official Plan policies to permit a cemetery and accessory uses, as an institutional use. The Town of Markham scheduled a public meeting on May 18, 2010 and are anticipating taking a report to Town Council in the Fall 2010. Markham staff has advised that a preliminary review of the application indicates that the application is contrary to their Oak Ridges Moraine, Hamlet and the Greenbelt Plan policies. Regional Planning staff will continue to consult with Markham staff with regards to the progress of the application.

7. CONCLUSION

The purpose of the Regional Official Plan Amendment is to permit a cemetery and accessory uses on the subject lands. The Region has received a complete application which is similar to the application reported on in June 2008 except for smaller land holdings, as identified in this report.

In accordance with the *Planning Act*, the application is being circulated for review and comment. Staff anticipates outstanding comments will be received by May 2010. A preliminary review of the Amendment indicates that the cemetery and accessory uses do not conform to Provincial, Regional and Town policies for the reasons outlined in this report.

Staff should receive and review comments from the public meeting and responses to the circulation regarding the proposed Amendment, and prepare a further report with recommendations for consideration at a future Planning & Economic Development Committee meeting.

**Information Report for Public Meeting on Proposed Amendment No. 68 to the
York Region Official Plan (1994) 19-OP-1994-068**

For more information on this report, please contact Paul Belton, Manager of Development Review, Community Planning at (905) 830-4444, Ext. 1507 or Heather Konefat, Director of Community Planning at Ext. 1502.

The Senior Management Group has reviewed this report.

Recommended by:

Approved for Submission:

Bryan W. Tuckey, M.C.I.P., R.P.P.
Commissioner of Planning and
Development Services

Bruce Macgregor
Chief Administrative Officer

April 8, 2010

Attachments: 1 - Staff Report, June 2008
2 - Private Application Proposal
3 - Regional Staff and Agency Comments
4 - Town of Markham letter dated April 14, 2010

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DICKSON HILL MEMORIAL GARDENS APPLICATIONS TOWN OF MARKHAM

The Planning and Economic Development Committee recommends the adoption of the recommendations contained in the following report dated May 22, 2008, from the Commissioner of Planning and Development Services:

1. RECOMMENDATIONS

It is recommended that:

1. The proposed Regional and Local Official Plan Amendments not be supported in principle, for the reasons outlined in this report.
2. Should the applicant choose to proceed with the application, then a Statutory Public Meeting be scheduled for the proposed Regional Official Plan Amendment in accordance with the *Planning Act*.

2. PURPOSE

This report provides Regional Council with information regarding the proposed Regional Official Plan Amendment (ROPA) and Local Official Plan Amendment to permit a cemetery and accessory uses on the subject lands.

This report outlines the status and description of the application and highlights applicable Provincial, Regional and local policies.

3. BACKGROUND

Incomplete Regional Official Plan Amendment Application

Memorial Gardens is the owner of a 40.47 ha property (*Refer to Figure 1, below*) located northeast of 19th Avenue and Dickson Hill Road, abutting the boundary of the hamlet of Dickson Hill in the Town of Markham.

On December 4, 2007, following a pre-consultation meeting earlier in the year, the Region received an incomplete Regional Official Plan Amendment application to permit a cemetery and accessory uses on the subject lands.

Pursuant to Section 22 (6.1) of the *Planning Act*, Regional Planning staff advised the applicant that the application was incomplete and outlined the requirements for a complete application.

In January 2008, the applicant submitted an application for a Regional Official Plan Amendment which included, application fees, a Traffic Impact Study, a Cemetery Demand Analysis, and an Agricultural Impact Assessment. The following reports, however, remain outstanding; a Planning Justification Report that evaluates conformity to the Greenbelt Plan, Oak Ridges Moraine Conservation Plan (ORMCP), Provincial Policy Statement, 2005 (PPS) and an Environmental Impact Study.

Once the Region has received a complete application, staff will review and circulate to all appropriate agencies in preparation for the required Statutory meeting.

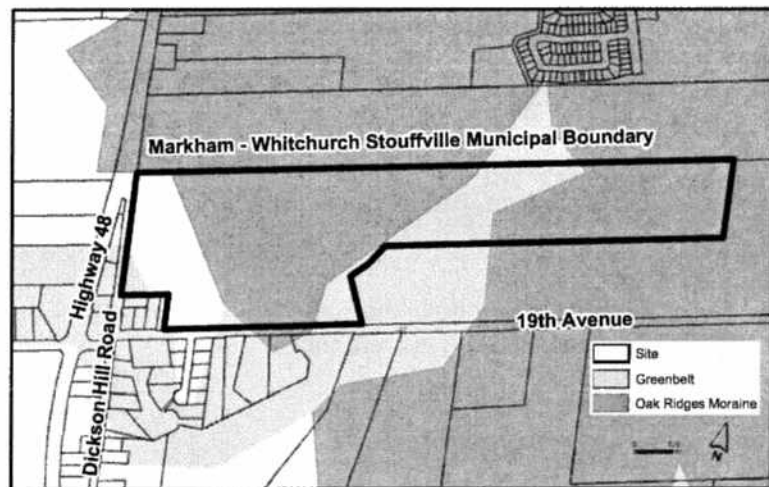
4. ANALYSIS AND OPTIONS

Regional Official Plan Amendment proposes a cemetery and accessory uses

Figure1 – Proposed Amendment Area

The purpose of the Regional Official Plan Amendment is to permit a cemetery and accessory uses on the subject lands. The 40.47 ha property (Refer to Figure 1) is located northeast of 19th Avenue and Dickson Hill Road abutting the boundary of the hamlet of Dickson Hill.

The subject property is traversed by a tributary of the Little Rouge Creek flowing from north to south. There is significant vegetation cover within the valley system as well as extensive hedgerow vegetation along the north property line east of the tributary.



The Regional Official Plan designates the subject property “Oak Ridges Moraine Countryside Area” and “Agricultural Policy Area”, with the valleylands identified as part of the “Regional Greenlands System”. The application is also subject to the Province’s Greenbelt Plan, The Oak Ridges Moraine Conservation Plan and the requirements of the Provincial Policy Statement (2005). Refer to *Attachment 1* for a chart which highlights the designations and policies that affect the proposed Amendments.

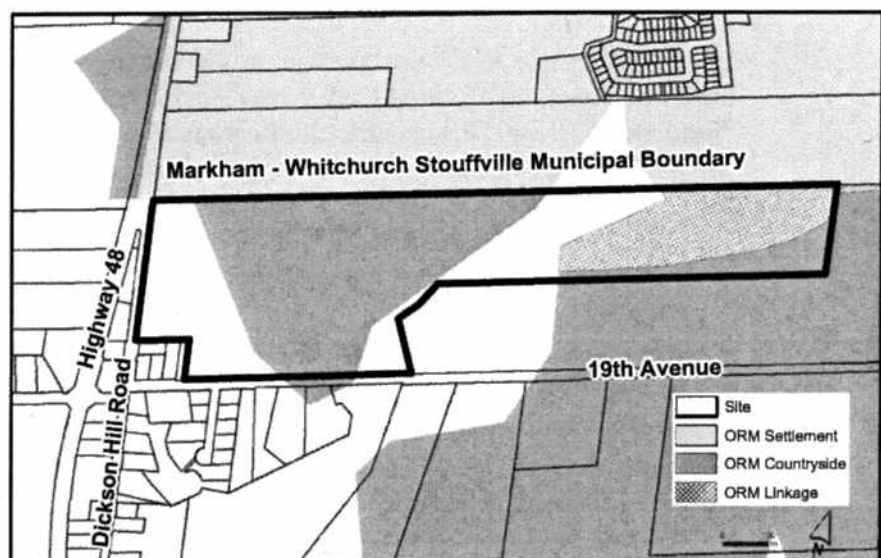
Noted below is a brief summary of Provincial policies and their application to this proposal.

PROVINCIAL POLICY CONTEXT

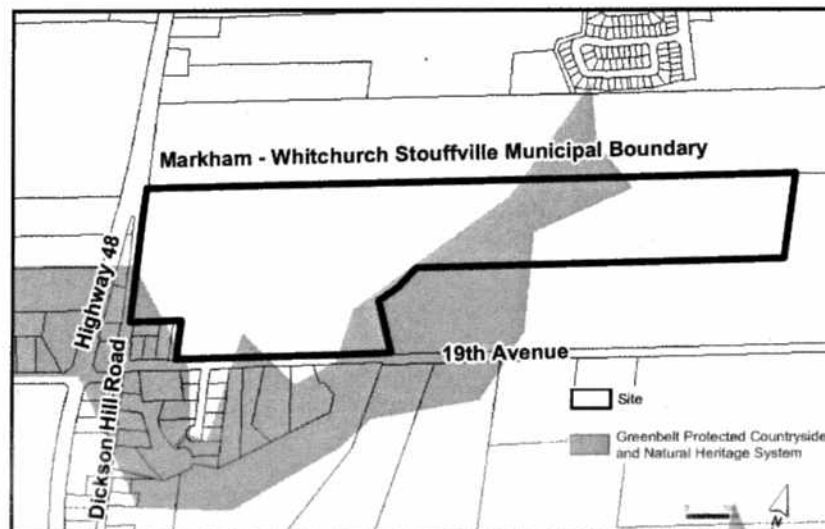
Except for a small portion of the property along the westerly frontage of Dickson Hill Road, the entire property is within the ORMCP portion of the Greenbelt Plan.

Figure 2 –Oak Ridges Moraine Delineations

The majority of the lands are subject to the policies of the ORMCP (*Refer to Figure 2*). The remaining lands are designated “Protected Countryside” within the Greenbelt Plan, and subject to the special provisions relating to Prime Agriculture Area, Key Natural Heritage Features & Key Hydrologic Features of the Greenbelt Plan (*Refer to Figure 3*).



**Figure 3 – Greenbelt Plan Delineations
OAK RIDGES MORaine CONSERVATION PLAN (ORMCP)**



The ORMCP provides land use and resource management planning direction on protecting the Moraine's ecological and hydrological features and functions. The ORMCP designates the subject lands "Countryside Area" and "Natural Linkage Area".

The purpose of Countryside Areas is to encourage agricultural and other rural uses

The "Countryside Area" designation provides an agricultural and rural transition and buffer between the "Natural Core Areas" and "Natural Linkage Areas" and the urbanized "Settlement Areas." Prime agricultural areas as well as natural features are protected. Most of the uses typically allowed in agricultural and other rural areas include such uses as:

- Fish, wildlife and forest management and conservation projects and flood and erosion control projects.
- Agricultural and Agriculture-related uses.
- Transportation, infrastructure, and utilities as described in section 41.
- Home businesses and industries
- Bed and breakfast establishments and farm vacation homes.
- Low-intensity recreational uses and un-serviced parks.
- Mineral aggregate operations and wayside pits.
- Small-scale commercial, industrial, and institutional uses, except in prime agricultural areas and areas designated primarily for agricultural uses in the applicable official plan.

The ORMCP further requires that small scale commercial, industrial and institutional uses be supportive of, complementary to or essential to uses that are permitted in "Countryside Areas". Moreover, while schools, places of worship, community halls, retirement homes, and cemeteries, are contemplated in the "Countryside Area", they must be intended mainly to serve nearby Rural Settlements within the Plan Area and demonstrate that such uses are not feasible to locate in a settlement area. (Policy 40(1) and (2) of the ORMCP)

The applicant has submitted a Cemetery Demand Analysis which states that "the draw of the cemetery is widely dispersed, drawing significantly from surrounding municipalities." Given this statement, and the scale and allocation of areas of the cemetery for diverse religious affiliations, it is Regional staff's view that this cemetery does not conform to the Oak Ridges Moraine Conservation Plan.

Natural Linkage Area

A very small portion of the subject lands, east of the Rouge River tributary, is designated "Natural Linkage Area" within the ORMCP. The purpose of the "Natural Linkage Area" is to maintain and where possible improve or restore, the ecological integrity of the Plan Area.

The cemetery proposal as it currently exists does not contemplate the use of the "Natural Linkage" designated lands for cemetery uses, however, the applicant has not demonstrated that the overall proposal satisfies the policies and objectives of the Oak Ridges Moraine Conservation Plan regarding "Natural Linkage Areas".

Lands within the valleylands of the Rouge River and the Rouge River tributary are also considered to be Significant Valleylands, permanent and intermittent streams and Fish Habitat and as such are a Key Natural Heritage Feature (KNHF) within the terms of the ORMCP. Development is prohibited within features and within 30 metres of the stable top-of bank boundary of the feature. A natural heritage evaluation is required to consider whether the 30 metre buffer is sufficient to protect the features and functions of the KNHF. The proposal currently contemplates storm management ponds within the valleyland system. In the opinion of Regional staff, these alterations are inconsistent with the intent and permissions of the ORMCP and the Regional Official Plan.

GREENBELT PLAN

The Greenbelt Plan designates the Little Rouge Creek and its valley system as part of the "Natural Heritage System" within the "Protected Countryside" designation of the Greenbelt Plan. Within the Natural Heritage System are Key Natural Heritage and Key Hydrologic Features (*Refer to Figure 3*).

The Natural Heritage System of the Greenbelt contains the highest concentration of the most sensitive and/or significant natural features and functions. Key Natural Heritage and Key Hydrologic Features include permanent and intermittent streams, fish habitat and significant valleyland systems.

For lands within the Natural Heritage System, and Key Natural Heritage System and Key Hydrologic Features the Plan prohibits development or site alteration except for forest and fish and wildlife management, conservation and flood control, necessary in the public interest and infrastructure subject to the infrastructure policies of the Plan.

The Greenbelt Plan also contains specific policy context (Section 3.2.6) relating to the Rouge River Watershed. The intent of these is to support the Rouge Management Plan, the policies require that land uses planning comply with the more restrictive of the Greenbelt Plan or Rouge North Management Plan provisions.

The applicant has not demonstrated that the proposal is capable of satisfying the policies and objectives of the Greenbelt Plan.

PROVINCIAL POLICY STATEMENT, 2005 (PPS)

The PPS (2005) provides policy direction on matters of provincial interest related to land use planning and development. It is the Province's goal to ensure that a prime agricultural area is protected for long-term use for agriculture. The PPS provides the following conditions under which the removal of land from a prime agricultural area to limited non-residential use may be considered:

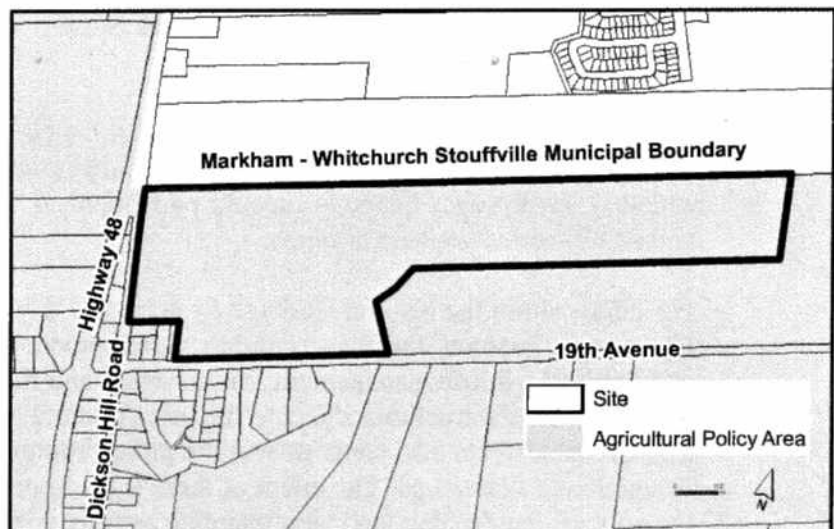
- “1. the land does not comprise a specialty crop area;
2. there is a demonstrated need within the planning horizon for additional land to be designated to accommodate the proposed use;
3. there are no reasonable alternative locations which avoid prime agricultural areas; and
4. there are no reasonable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

The applicant has submitted an Agricultural Impact Assessment. A Peer Review would assist the Region in determining if the applicant has demonstrated that the removal of the subject lands from prime agriculture use satisfies the above-mentioned conditions in the PPS.

REGIONAL OFFICIAL PLAN

Figure 4 – Regional Land Uses

As previously indicated, the majority of the subject lands are located within the Oak Ridges Moraine, they are also subject to underlying Regional Plan designation and policies being “Agriculture Policy Area” and the “Greenlands System” (Refer to Figure 4).



The Oak Ridges

Moraine Conservation Plan was incorporated into the Regional Official Plan through ROPA 41, approved by the Minister in October 2004. The ORMCP permits Regional and local plans to be more restrictive than the Provincial Plan except insofar as agriculture and aggregate uses are concerned.

AGRICULTURE POLICY AREA

The proposed development is located within the Region's Agriculture Policy Area

Map 6 of the Regional Official Plan (ROP) designates the entire site as "Agriculture Policy Area." Policy 5.8.7 requires an amendment to the ROP for a non-farm land use, which must be evaluated in accordance with the PPS. Regardless however, existing Regional Official Plan policies do not support the location of this type of land use in an "Agricultural Policy Area."

Since 1994, the Regional Official Plan directs new commercial, industrial, institutional and recreational uses to hamlets, towns and villages and urban areas and the ORMCP Conformity Amendment maintained that approach

Since its approval in 1994, Regional Official Plan policies for the Agricultural and Rural Policy Areas have directed new commercial, industrial, institutional and recreational uses (regardless of scale) to hamlets, towns and villages and urban areas. (Policy 5.8.4 and Policy 5.9.2).

This direction was a conscious choice in the Region to prevent further fragmentation of the agricultural and rural areas of the Region and ensure that such uses were located in areas that could support their servicing and transportation needs.

The ORMCP permission for such uses, in non-prime agricultural areas of the "Countryside Area" designation represented a less restrictive policy framework than the approved Regional Plan context. Consequently, when the Region proceeded with the Conformity Amendment (ROPA 41) the decision was made to maintain the more restrictive Regional Official Plan approach to such uses and make the ORMCP Conformity Amendment more restrictive than the ORMCP.

No parties objected to these policies and the Amendment was approved, prohibiting these uses in the "Countryside Area" of the ORMCP in York Region, without an Amendment to the ROP.

LEAR evaluation and Peer Review of the Agricultural Impact Assessment to be coordinated, where possible

As part of the Greenbelt Plan conformity exercise, the Region will be undertaking a Land Evaluation and Area Review (LEAR) which will identify the long-term agricultural potential for York Region. The LEAR evaluation is a higher level assessment of agricultural land capacity. The LEAR evaluation is scheduled for completion in 2008, and upon completion a report will be prepared for Regional Council.

Should the Agricultural Impact Assessment Study provided by the applicants be peer reviewed, such a review should take into consideration this larger LEAR project.

GREENLANDS SYSTEM

The Greenlands System runs through the subject site, as identified in Map 4 of the ROP. Policy 2.1.6 – The Regional Greenlands System requires an Environmental Evaluation to consider the impact the development will have on the environmental functions, attributes or linkages of the Greenlands System and requires details of any mitigative measures that will ensure that the Greenlands units will not be adversely impacted. The Regional Greenlands System has been effectively incorporated into the Greenbelt Plan in this area and the Greenbelt Plan policies are more restrictive than the ROP policies, allowing Greenbelt Plan policies to prevail.

LOCAL POLICY CONTEXT

Local Official Plan Amendment proposes a site specific exemption to the existing land use designations to permit a cemetery and related uses

In January 2008, the Region was circulated the related local OPA for the subject lands. The applicant has requested, from the Town of Markham, a site specific exemption to the existing land use designation to permit a cemetery and related uses. In addition to the Provincial and Regional policies addressed above, the applicant will also be required to address the policies of the Town of Markham's Official Plan. The subject site is designated "Agriculture 1", "Hamlet", "Hazard Lands" and "Oak Ridges Moraine".

The Town of Markham's Development Review Committee received a Markham staff information report, on April 22, 2008, recommending a statutory public meeting after the applicant has submitted a planning justification report to the satisfaction of the Director of Planning and Urban Design.

The staff report concluded that "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."

NEXT STEPS

The applicant has yet to provide a complete application for Regional staffs review. However, the policy context and designations relating to the Oak Ridges Moraine designations, the Greenbelt Plan and the Regional and local Official Plans do not support this application.

Should the applicant choose to provide a complete application in the future then a Statutory public meeting will be required before Council can take action on the application.

5. FINANCIAL IMPLICATIONS

There are no identifiable financial implications associated with this application at this time. Should the applicant choose to proceed with the application, then a Statutory meeting will need to be held prior to a Council decision on the Regional and Local Official Plan Amendments.

If the decision is appealed to the Ontario Municipal Board, Regional staff will report back to Committee and Council.

6. LOCAL MUNICIPAL IMPACT

The Town of Markham's Development Review Committee received an information report, on April 22, 2008, recommending a Statutory Public Meeting after the applicant has submitted a planning justification report to the satisfaction of the Director of Planning and Urban Design. Staff will continue work with local staff on their review of the local Official Plan Amendment.

7. CONCLUSION

The purpose of the Regional Official Plan Amendment is to permit a cemetery and accessory uses on the subject lands. The Region's preliminary review of the Regional and Local Official Plan Amendment applications indicates that the cemetery and accessory uses do not conform to Provincial, Regional and Town policies for the reasons outlined in this report. Given the scale of the proposed uses, the pursuit of this application would not meet the intent of the Regional and Local Official Plans.

Should the applicant choose to proceed with the application, then a Statutory meeting will need to be held prior to a Council decision on the Regional and Local Official Plan Amendments, and the application will proceed in accordance with standard Regional procedures for processing Regional Official Plan Amendments. As well, Regional staff will undertake a comprehensive review of Provincial, Regional and Town policies. Forming a large part of the analysis will be the applications conformity to these policies.

Report No. 7 of the Planning and Economic Development Committee
Regional Council Meeting of June 19, 2008

For more information on this report, please contact Maria Leonis, Planner, Community Planning at (905) 830-4444 Ext. 1568, or Heather Konefat, Director of Community Planning at Ext. 1502.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)

Amendment XX
To the
Official Plan
For the
Regional Municipality of York

AMENDMENT XX
TO THE OFFICIAL PLAN
FOR
THE REGIONAL MUNICIPALITY OF YORK

DICKSON HILL MEMORIAL GARDENS
MEMORIAL GARDENS CANADA LIMITED
REGIONAL FILE NO. XXXX

AMENDMENT NO. XX
TO THE
OFFICIAL PLAN OF THE REGIONAL MUNICIPALITY OF YORK

PART A – THE PREAMBLE

1. Purpose of the Amendment:

The purpose of the Amendment XX is to permit a cemetery, as an exception, on part of lands described as Part of Lot 31, Concession 8, Regional Municipality of York, designated Agricultural Policy Area. The Amendment considers Provincial Policy Statement, Oak Ridges Moraine Conservation Plan, the Greenbelt Plan and the Regional Official Plan.

2. Location:

The lands are located in the northeast corner of the Town of Markham and are bounded by 19th Avenue on the south, the Urban Area of the Town of Stouffville on the north, Dickson Hill Road on the west, adjacent land on the east and the Hamlet of Dickson Hill on the southwest. A portion of the property is located within the Hamlet of Dickson Hill. The lands subject to the Regional Official Plan Amendment (ROPA) comprise 22.14 hectares. Figure A is appended to this document.

3. Basis:

In 2001, Memorial Gardens Canada Limited conducted a search for a suitable property to develop as a cemetery. Shortly after purchasing the subject property there was a moratorium on any development on the Oak Ridges Moraine until provincial policy could be in place to guide development in this location.

The Oak Ridges Moraine Conservation Plan and the Greenbelt Plan do not address the provision of cemeteries. Cemeteries are not solely an urban land use. The amount of land required to be feasible is typically more than what could be amassed in an urban setting. There is a demonstrated need for additional cemetery lands in southern York Region.

Memorial Gardens Canada Limited initiated Regional Official Plan Amendment No. XX to address the shortage of cemetery lands in southern York Region with non-denominational requirements.

Section 5.8.7 of the Regional Official Plan establishes four tests for evaluating applications for non-farm uses in the Agriculture Policy Area. The tests are:

- a) whether the proposal will reduce or impede surrounding farm operations;
- b) the necessity for the proposed land use;
- c) the suitability of the site chosen, the reasons for its choice, and the amount of land needed; and
- d) whether suitable alternative locations on lower-capability agricultural land or in hamlets, town, villages or urban areas have been considered.

In support of the application, the owner prepared justification reports that demonstrated that the four tests of the Regional Official Plan are satisfied and a 22.14 ha cemetery on the subject property is satisfactory. The agriculture assessment report demonstrated that the creation of this cemetery would not reduce or impede the surrounding farm operations as there is little traffic generated and the location is surrounded by existing industrial and residential uses, opportunities for locating the proposed use on other lands are limited and that these lands are suitable as they are located on lower-capability lands.

The cemetery use has been reviewed in detail against the Oak Ridges Moraine Conservation Plan and has been found to be in conformity, as required under Regional Official Plan Section 2.5.

The supporting documents to the application demonstrated a need for the additional cemetery lands, no negative impact on the surrounding environment, no negative impact on the surrounding traffic patterns and the suitability of using these lands for a non-farm use.

PART B - THE AMENDMENT

The Official Plan for the Regional Municipality of York is hereby amended as follows:

a) 2.5.2 c) be amended, after "... Area municipal official plans may further refine the location of prime agricultural lands" as follows:

"2.5.2 c) ... Notwithstanding the above permitted uses, a cemetery is permitted, as an accessory use, on 22.14 (54.71 ac.) of a property described as Part of Lot 31, Concession 8, Regional Municipality of York and municipally known as 6278 19th Avenue, Town of Markham"

b) A new policy 5.8.16 is added as follows:

"5.8.16 Notwithstanding the policies of this Section, a cemetery and accessory buildings may be permitted on 22.14 ha (54.71 ac.) of a property described as Part of Lot 31, Concession 8, Regional Municipality of York and municipally known as 6278 19th Avenue, Town of Markham"

PART C - APPENDICES

Figure A: Location Map for Amendment No. XX to the Official Plan of the Regional Municipality of York. (provided by York Region)

Figure B: Site Plan, Dickson Hill Memorial Gardens.

Comments Received from Regional Staff and Agencies

Commenting Agency	Comments
1. Regional Community and Health Services, Public Health Branch	<p>The Scoped Environmental Impact Study identifies that the permanent groundwater level lies at depths of 1.2 to 3.0 m in some areas. The Ministry of Environment Guidelines for Reviewing Proposed Cemetery Sites (for Medical Officers of Health) state that "it is suggested that the bottom of a grave be minimum of 0.5 m above the highest water-table and that a grave be a minimum of 30 m from a well used for drinking water". Since the proposed typical grave depth is between 1.8 and 2.7m there will be areas in the proposal that would not allow the 0.5m buffer between the bottom of the grave and the highest water table.</p> <p>Correspondence from MOE Hydrogeologist Kathryn Baker reiterated the importance of 0.5m allowance. Therefore, we concur with the SEIS and recommend that shallow groundwater monitoring be done to determine which areas of the site can maintain 0.5 m of dry soil between the bottom of the grave and the water table. Consideration should also be made to areas of the proposed cemetery designated in the ORMCP as "areas of high aquifer vulnerability" (see Figure 3 of the SEIS) and by Schollen (2006).</p> <p>We also recommend that the proponent conduct an examination of the site and surrounding area to map and evaluate local wells. Any abandoned onsite or nearby wells should be properly decommissioned.</p>
2. Regional Environmental Services, Water Resources	<p>Raised issues with the proposed split servicing (municipal water and private septic), which is not permitted under the ORMCP; and the high aquifer vulnerability.</p>
3. Regional Transportation Services, Roads Branch and Planning and Development Services, Infrastructure Planning Branch	<p>The subject site is not located on a Regional road. No comment.</p>

Commenting Agency	Comments
4. Town of Markham	Town staff continue to review the studies submitted by the applicant, however, at this time the opinion of staff remains consistent with that outlined in the April 22, 2008 staff report, which is that the proposed uses are contrary to the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan, and therefore cannot be supported
5. Toronto and Region Conservation Authority	<p>TRCA staff suggests the application is premature. Staff has not been out on site, and require the following be provided for a fulsome review:</p> <ul style="list-style-type: none"> - natural features and/or hazard lands to be delineated in the field - Rouge Park boundary delineation study - Survey plan which stakes the limit of the natural feature and the boundary of the Oak Ridges Moraine and Rouge North Plan - Hydrogeological Study to assess groundwater characteristics and verify provincial mapping with respect to areas of High Aquifer Vulnerability - Natural Heritage Evaluation in accordance with the ORMCP technical papers (note: site alteration and development is prohibited within 30 m of Key Natural Heritage Features and/or Key Hydrological Features) - Functional Servicing Report and storm and sewage plans



April 14, 2010

Regional Municipality of York
Attention: Maria Leonis
Planning and Development Services Department
17250 Yonge Street
Newmarket, Ontario L3Y 6Z1

RE: Regional Official Plan Amendment No. 68
Memorial Gardens Canada Limited
6278 19th Avenue
Town of Markham File OP 07-134061

Dear Ms. Leonis:

This is in response to your request for comments on the draft Regional Official Plan Amendment submitted by Memorial Gardens Canada Limited to permit a cemetery and related uses at 6278 19th Avenue. The Town is in receipt of a similar Official Plan Amendment application.

The applicant is requesting site specific exceptions to the existing land use designations in the local and Regional Official Plans to permit the cemetery and related uses.

On April 22, 2008, Town staff brought forward a report to Development Services Committee regarding the application to amend the Town's Official Plan (see attached). The report outlined the Provincial, Regional and Town policies that apply to the subject lands, including the requirements of the Provincial Policy Statement, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan (ORMCP) and the Region of York Official Plan, as well as the policies of the Town's Official Plan as they relate to the 'Agriculture (A1)', 'Hamlet', 'Hazard Lands' and 'Oak Ridges Moraine' designations of the lands. The report also identified heritage buildings on the site which are intended to be preserved.

The majority of the lands are designated 'Oak Ridges Moraine' in the Town's Official Plan, and further identified as 'Oak Ridges Moraine-Countryside Area' in the Oak Ridges Moraine Secondary Plan (OPA 117). The Oak Ridges Moraine Conservation Plan permits small scale institutional uses on lands designated 'Countryside Area' but prohibits these uses in prime agricultural areas and areas designated primarily for agricultural uses in the applicable official plan. All agricultural lands in the Town of Markham are prime agricultural and therefore small scale institutional uses are not provided for in the 'Countryside Area' designation of OPA 117. Portions of the lands that are not subject to the ORMCP are subject to the Greenbelt Plan, which also prohibits institutional uses on prime agricultural lands. The report further identifies staff's view that the proposed use is a large scale regional cemetery facility rather than a small scale institutional use.

The staff report concluded that the proposed large scale regional cemetery was contrary to the ORMCP and the Greenbelt Plan and that the Town could not make planning decisions contrary to these Plans. The report recommended that a statutory public meeting be held once a planning justification report had been submitted by the applicant.

On December 23, 2009, a planning justification report and a number of technical studies were submitted in support of the application. The planning justification report relies on the reclassification of the lands from prime agricultural to lower-capability agricultural lands and the interpretation that the proposed use is 'small scale' within the context of the Oak Ridges Moraine Conservation Act. The technical studies submitted include:

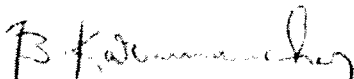
- Agricultural Impact Assessment
- Scoped Environmental Impact Study
- Traffic Impact Study
- Cemetery Demand Analysis
- Environmental Site Assessment
- Soil Investigation for Proposed Future Cemetery Use

Town of Markham staff continue to review the studies submitted by the applicant, however, at this time the opinion of staff remains consistent with that outlined in the April 22, 2008 staff report, which is that the proposed uses are contrary to the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan, and therefore cannot be supported.

Staff intend to proceed with the application in accordance with Town standard procedures for processing an Official Plan Amendment, and will be scheduling a statutory public meeting in May, 2010.

Should you require further information or have any questions with respect to this application, please contact Marg Wouters at ext. 2758.

Sincerely,


Biju Karumanchery, RPP, MOIP
Senior Development Manager
Planning & Urban Design

Attachment

Copy: Lilli Duoba, Senior Project Coordinator, Environmental Planning & Rouge Park