

THE REGIONAL MUNICIPALITY OF YORK

BILL NO. 44

BY-LAW NO. OP-0033-2005-044

A by-law to adopt Amendment No. 28
to the Official Plan for the Region of York

The Council of The Regional Municipality of York under section 17(22) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, HEREBY ENACTS as follows:

1. Official Plan Amendment No. 28 to the Official Plan for The Regional Municipality of York (OPA No. 28) attached hereto as Schedule “A” is hereby adopted.
2. OPA No. 28, by virtue of the Minister’s Order No. 525/97 is exempt from approval by the Minister of Municipal Affairs and Housing.
3. This By-law shall come into force and take effect on the day of the final passing thereof.

ENACTED AND PASSED this 19th day of May, 2005.

Regional Clerk

Regional Chair

Schedule “A”

Amendment No. 28

to the

Official Plan

of the

Regional Municipality

of York

AMENDMENT NO. 28 TO THE YORK REGION OFFICIAL PLAN

PART A – THE PREAMBLE

Purpose of the Amendment

The purpose of the amendment is to redesignate 46 ha (115 acres) of land from “Agricultural Policy Area” to “Rural Policy Area” facilitating approval of a cemetery and related uses.

Location

This Amendment applies to the easterly portion of Lots 34 and 35, Concession 3, Town of Whitchurch Stouffville. The location of the property is shown on Figure A.

Basis

The proposed Regional Official Plan amendment is considered to have met the tests and policies of the Regional Official Plan that are required to be addressed prior to permitting non-agricultural uses in the “Agricultural Policy Area”.

The tests set out in Section 5.6.7 of the Regional Official Plan include:

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

An assessment of each of the above points is noted below.

Whether the proposal will reduce or impede surrounding farm operations.

Regional Planning staff generally concur with the conclusion of the Agricultural Impact Assessment, dated January 2000, and the Addendum Report dated August 2000, prepared by ESG International Inc. which states that there would be no conflicts with surrounding farming operations subject to compliance with the requirements of the Provincial Minimum Distance Separation formula (MDS1). ESG International Inc. provided the following specific conclusions:

- Traffic resulting from the proposed development is not expected to significantly increase volumes and this will have no impact on the agricultural community.

- Agricultural operations adjacent to the proposed cemetery development are unlikely to experience incidences of trespass and/or vandalism.
- The agricultural operations adjacent to the proposed cemetery are not typically sensitive to either noise or dust, and it is unlikely that the proposed cemetery will significantly increase noise or dust levels in the area.
- There are 2 farm operations and a hobby farm in the vicinity of the proposed cemetery. The resulting Minimum Distance Separation (MDS1) for one operation encroaches 60 meters into the cemetery site and requires that no development take place on approximately 1 ha. The MDS for the other farming operations do not extend into the subject lands.

The necessity for the proposed land use.

The applicant's planning consultant has demonstrated need to the satisfaction of Regional planning staff. Augusta National Inc. has prepared an analysis of the need for the proposed cemetery and concluded there is a need based on the projected 2021 population for the five northern area municipalities, the expected number of deaths of Roman Catholics by 2021, and the number of vacant burial plots in the only Roman Catholic cemetery located in the vicinity.

The suitability of the site chosen, the reasons for its choice, and the amount of land needed.

The size and location of the proposed site are appropriate for a new cemetery for the following reasons:

- The site is located close to the population that will be served; in this case the communities of Newmarket, Aurora, Sharon and to a lesser extent Keswick, to minimize the impact of funeral motorcades on local roads.
- The site is located near a Provincial highway and on arterial roads providing convenient and easy access.
- The site is relatively flat to gently rolling and avoids environmental features such as floodplains, wetlands, and water bodies.
- The site is 46 ha (115 acres) allowing phasing, and accommodating a variety of burials including ground, columbarium, and mausoleum. The 46 ha (115 acres) site allows for landscaping, internal roads and tree planting.

Reasons for selecting the site include:

- There is a variety of land uses located in the area, including several non-farm residences and estate lots, institutional, commercial and recreational facilities and a number of hobby farms.
- The Province does not consider these lands to be Provincially significant for agricultural purposes.
- The site is leased to a local farmer and there has been no recent investment in agriculture on the property.

Dale Toombs Agriculture and Rural Land Use Consulting, who is on the Region's list of Agricultural Peer Reviewers and is the Town of Whitchurch-Stouffville's agricultural

peer review consultant, has indicated that the proposed location for the cemetery is reasonable.

Whether suitable alternative locations on lower capability agricultural land or in hamlets towns, villages or urban areas have been considered.

There are no large vacant parcels of land within the “Urban Area” of Newmarket or Aurora that could be used for cemetery purposes and the applicant has demonstrated that there are no other suitable sites within the “Rural” areas of Whitchurch-Stouffville and East Gwillimbury. There are no other sites within the vicinity that have lower agricultural capability that could be used for a 100 acre cemetery.

York Region’s Vacant Employment Land Inventory, 2001 does not identify any large vacant parcels within the employment areas of the Towns of Newmarket and Aurora. All of the vacant employment lands within the Towns of Newmarket and Aurora are required for employment purposes to enable the municipalities to meet their short and medium term employment targets.

Augusta National Inc., on behalf of the applicant, evaluated 6 alternative sites in Whitchurch-Stouffville and 8 alternative sites in East Gwillimbury and concluded that all of the 14 sites were unsuitable for cemetery purposes. Reasons why the alternate sites were considered unsuitable include:

- The sites are not large enough to develop a cemetery.
- Some sites contain steep slopes, valley lands, and watercourses.
- Some sites are located in the Oak Ridges Moraine or the Regional Greenland System.
- An approved estate residential plan of subdivision application is filed on the site.

PART B – THE AMENDMENT

Introduction

All of the Amendment entitled PART B – THE AMENDMENT, consisting of the attached text and Map changes illustrated on the excerpt from Map 6 (Figure 1), constitutes proposed Amendment No. 28 to the Official Plan for the Region of York.

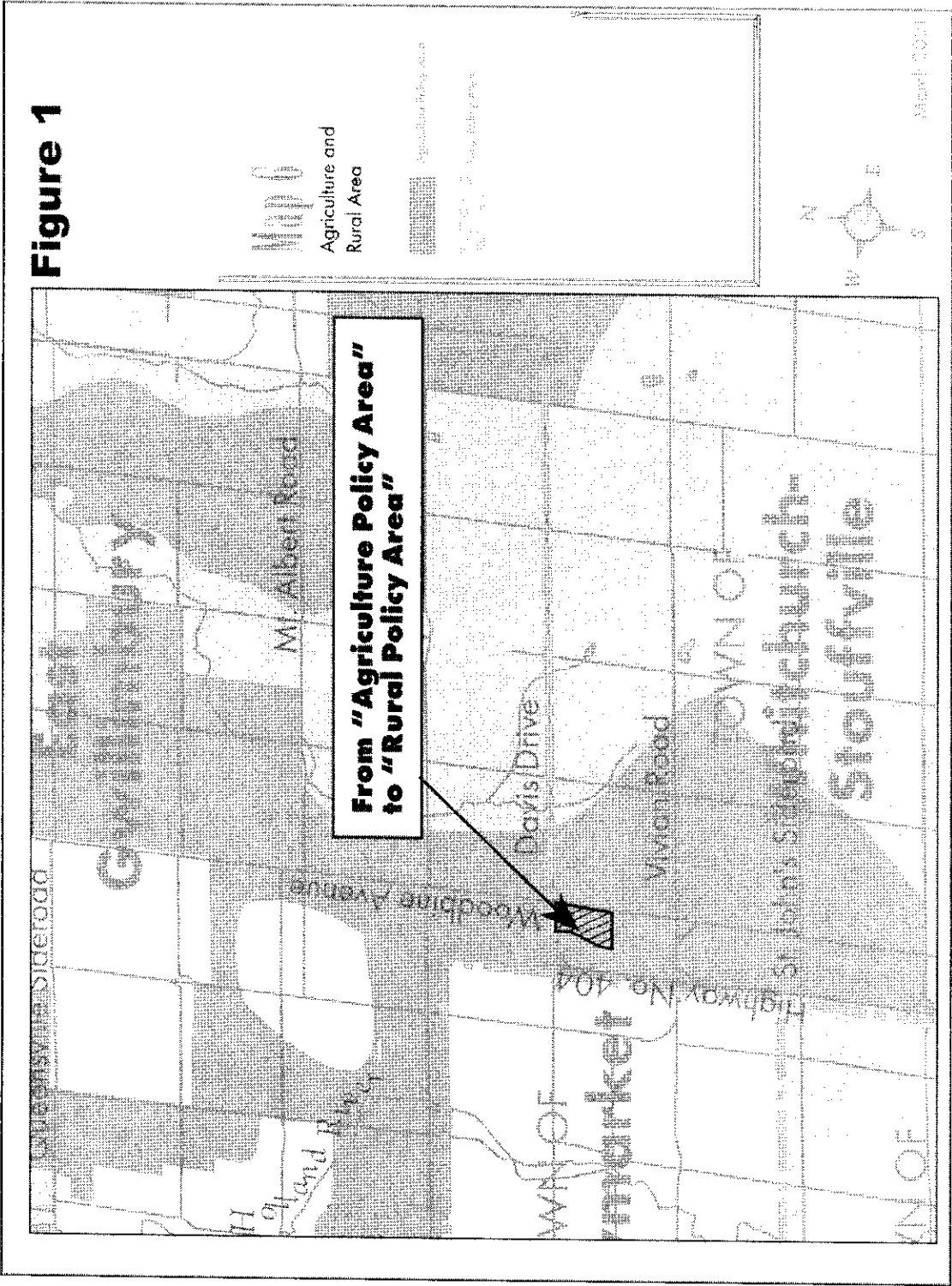
Details Of The Amendment

The Official Plan for the Region of York is hereby amended by:

1. The following Map amendment;

The redesignation of approximately 46 ha (115 acres) of land from “Agricultural Policy Area” to “Rural Policy Area” on Map 6, as shown on the attached Map excerpt - Figure 1.

Figure 1



PART C – LOCATION MAP

(not an operable part of Amendment No. 28)

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FIGURE A

