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**PROPOSED AMENDMENT NO. 68 TO THE
YORK REGION OFFICIAL PLAN (1994, AS AMENDED) 19-OP-1994-068**

The Planning and Economic Development Committee recommends:

- 1. Receipt of the deputation from Michael Larkin of Larkin Associates on behalf of Dickson Hill Memorial Gardens;**
- 2. Receipt of the following communications:**
 - a) D. H. McKennitt of Dickson Hill Hamlet and Neighbourhood Community Association, dated February 1, 2011; and**
 - b) D. Jones of Dickson Hill Hamlet and Neighbourhood Community Association, dated February 1, 2011; and**
- 3. Adoption of the recommendations contained in the following report dated January 11, 2011, from the Commissioner of Planning and Development Services.**

1. RECOMMENDATIONS

It is recommended that:

1. The Commissioner of Planning and Development Services be authorized to give notice of decision to refuse Amendment No. 68 to the York Region Official Plan (1994, as amended).
2. Regional staff be authorized to appear at the Ontario Municipal Board in support of the Regional position, if required.

2. PURPOSE

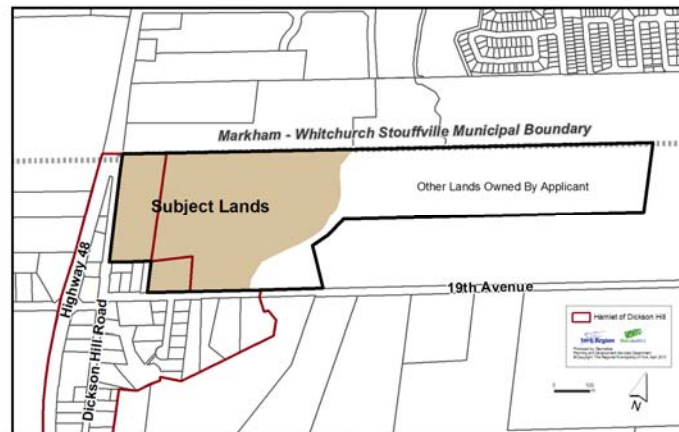
The report recommends refusal of Regional Official Plan Amendment No. 68, which proposes a site specific Amendment to permit a cemetery and accessory uses by way of a notwithstanding clause.

3. BACKGROUND

Regional Official Plan Amendment proposes a cemetery and accessory uses

Figure 1 – Proposed Amendment Area

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”.



The proposed Amendment would facilitate the approval of a local Official Plan Amendment to permit a cemetery, with accessory uses, as an institutional use, on the subject lands.

The concept plan and Cemetery Demand Analysis, submitted with the proposed application, indicates the cemetery will be a large scale operation, accommodating diverse religious affiliations, and drawing from a significant geographic area.

This application has been considered by the Planning and Economic Development Committee on June 19, 2008 and at the May 5, 2010 Statutory Public Meeting (*refer to Attachment 3*).

A Statutory Public Meeting was held at the May 5, 2010 Planning and Economic Development Committee, for the proposed Regional Official Plan Amendment, in accordance with the *Planning Act*

At the May 5th Statutory Public Meeting, Committee received the information report, and directed staff to review comments from the public meeting, 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.

Also, at the May 5th Statutory Public Meeting, Mayor Emmerson inquired whether or not a crematorium was proposed on the subject site, and, if not, what further approvals were necessary to permit a crematorium. The applicants' consultant, Mr. Larkin, verbally advised that a crematorium is not proposed on the property. Planning and Development

Services staff was asked to clarify the land use planning permissions and restrictions in respect to a crematorium on the subject site (*refer to Section 6 Local Municipal Impact*).

The Province requires the Amendment to be consistent with Provincial Legislation and Plans or municipal official plans, whichever are more restrictive

On May 12, 2010 Regional staff received the Province's comments on Regional Official Plan Amendment No. 68 and the associated Local Official Plan Amendment (*refer to Attachment 4*). Through the Province's "one-window" review process, this correspondence included comments from the Ministry of Municipal Affairs and Housing and the Ministry of Agriculture, Food and Rural Affairs. The Ministry's assessment of Provincial Legislation and Plans, in relation to the proposed Amendment, was similar to York Region staffs', as outlined in this report. In summary, the Province requires the Amendment to be consistent with Provincial Legislation and Plans or municipal official plans that may be in greater detail or more restrictive than provincial policies, where permitted.

Statutory Public Meeting was held at the Town of Markham on May 18, 2010

On May 18, 2010 the Town of Markham held a Statutory Public Meeting for the proposed local Official Plan Amendment. The Development Services Committee referred the application back to staff for a report and recommendation. There has been no further activity, at the local level, on this file.

York Region staff agreed that the applicant/owner could discuss the Amendment with Provincial staff prior to Regional staff reporting back to Committee

In August 2010, the applicant and owner requested a meeting with Regional staff to discuss the file and the Region's position. The Region advised that we are bound by Provincial Legislation and Plans, specifically regarding policies within the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan. The outcome of the meeting was the Region agreeing to report back to Committee in January/February 2011 rather than September 2010, to allow the applicant/owner time to discuss the Amendment with Provincial staff. Between September and December 2010, no meetings were held as Provincial staff had confirmed their position, as set out in their letter dated May 12, 2010, and Provincial staff was not prepared to meet or reconsider their position.

4. ANALYSIS

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 (1994, as amended).

Regional staff does not support the application as it is not consistent with or does not conform to:

- the *Provincial Policy Statement, 2005* (PPS), as it has not been demonstrated that the removal of the subject lands from prime agricultural use is consistent with the applicable policies of the PPS
- the *Oak Ridges Moraine Conservation Plan*, which does not permit institutional uses in prime agricultural areas
- the *Greenbelt Plan*, which does not permit cemetery uses on prime agricultural lands within the “Protected Countryside” designation
- the Region’s Oak Ridges Moraine “Countryside Area” policies, which do not permit institutional uses
- the Regional Official Plan’s “Agriculture Policy Area” permissions, as it has not been demonstrated that the removal of the subject lands from prime agricultural use is consistent with criteria set out in Policy 5.8.7 of the York Region Official Plan (1994, as amended).

It is the Province’s goal to ensure that prime agricultural areas are protected for long-term agriculture use

The *Provincial Policy Statement, 2005* (PPS) 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 agriculture use. Section 2.3.5.1 of 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.
4. there are no reasonable alternative locations in prime agricultural area with lower priority agricultural lands.”

On June 19, 2008, Regional Council considered a staff report for this application (*refer to Attachment 3*) and authorized staff to retain a peer review consultant to assess the Agricultural Impact Assessment, prepared by AgPlan Limited, January 2008. In accordance with the Region’s Peer Review process, staff retained Stantec Consulting Ltd. to peer review the Agricultural Impact Assessment.

The scope of the peer review was to determine whether the conclusions of the Agricultural Impact Assessment met the intent of the *Provincial Policy Statement, 2005*, the *Oak Ridges Moraine Conservation Plan*, the *Greenbelt Plan*, the York Region Official Plan (1994, as amended), and any other applicable agricultural policies.

Stantec's peer review concluded that the subject property is located on prime agricultural lands and "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." The peer review addressed Section 2.3.5.1 of the PPS and stated that the applicant did not demonstrate that:

- "there are no reasonable alternative locations which avoid prime agricultural areas" (#3).
- there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands (#4)."

The peer review by Stantec Consulting Ltd. on the Agricultural Impact Assessment concludes that the applicant has not demonstrated that the removal of the subject lands from prime agricultural use is consistent with the applicable policies of the PPS.

The purpose of the "Countryside Area" designation, in the *Oak Ridges Moraine Conservation Plan*, is to encourage agricultural and other rural uses

The majority of the subject lands are designated "Countryside Area" by the *Oak Ridges Moraine Conservation Plan* (refer to Attachment 1). The *Oak Ridges Moraine Conservation Plan* provides land use and resource management planning direction on protecting the Moraine's ecological and hydrological features and functions.

The purpose of the "Countryside Area" designation is to encourage agricultural and other rural land uses. The "Countryside Area" designation in the *Oak Ridges Moraine Conservation Plan* permits small scale commercial, industrial, and institutional uses, except in prime agricultural areas and areas designated primarily for agricultural uses in the applicable Official Plan (Section 13 (3) and (5)).

The proposed cemetery is located in prime agricultural lands and therefore does not conform to the policies of the *Oak Ridges Moraine Conservation Plan*.

Within the "Protected Countryside" designation of the *Greenbelt Plan*, non-agricultural uses within prime agricultural areas are prohibited

A small portion of the subject lands are designated "Protected Countryside" by the *Greenbelt Plan*, and are subject to the special provisions relating to Prime Agriculture Area, Key Natural Heritage Features & Key Hydrologic Features (refer to Attachment 1).

Within the "Protected Countryside" designation, Section 4.1.1 (1) of the *Greenbelt Plan* does not permit non-agricultural uses within prime agricultural areas as designated in municipal official plans, and Section 3.1.3 (2) of the *Greenbelt Plan* prohibits the redesignation of prime agricultural areas (as identified in municipal official plans) for

non-agricultural uses, except for specified uses which does not include institutional (cemetery) uses.

The subject site is located on prime agricultural lands within the “Protected Countryside” designation of the *Greenbelt Plan*, which does not permit cemetery uses, and therefore, the proposed Amendment does not conform to the policies of the *Greenbelt Plan*.

The York Region Official Plan directs institutional uses to Hamlets, Towns and Villages and Urban Areas and the majority of the subject site is outside the Hamlet area

The proposed Amendment is located partially within the Hamlet of Dickson Hill with the majority of the subject lands outside the Hamlet area.

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 of Markham’s Official Plan (approximately 3 ha of the 22 ha). 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. The existing Historic Dickson Hill Cemetery located completely within Hamlet area is approximately 1 ha in size and is an example of the small scale institutional use envisioned by the Hamlet policies. The proposal as submitted is considered to be a large-scale, regional cemetery servicing the diverse cultural and ethnic composition of York Region with the majority of the site falling outside the Hamlet area.

The subject lands are also designated “Oak Ridges Moraine”, “Agriculture Policy Area” and “Greenlands System” in the York Region Official Plan (1994, as amended) (*refer to Attachment 2*). Permitted uses within these land use designations are set out below.

The majority of the land holdings are designated “Countryside Area” in the York Region Official Plan (1994, as amended), in accordance with the Oak Ridges Moraine Conservation Plan

The York Region Official Plan (1994, as amended) 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 institutional uses in “Countryside Areas” of the Region (Section 2.5.2 (c)), compared to just large scale institutional uses by the Provincial ORMC Plan. The York Region Official Plan (1994, as amended) directs new institutional uses to Hamlets, Towns and Villages and Urban Areas.

The proposed Amendment does not conform to the Region's Oak Ridges Moraine "Countryside Area" policies.

The Provincial policies for the Oak Ridges Moraine and Greenbelt, which are reflected in the Regional Official Plan, provide the primary direction for land-use on the subject property and do not permit major institutional uses. The Regional designation as "Agricultural Policy Area" further clarifies the land-use direction for the site with no permissions for institutional uses as outlined below.

The proposed development is located within the Region's "Agriculture Policy Area" designation which does not permit cemetery and accessory uses

The entire site is designated "Agriculture Policy Area", as identified in Map 6 of the York Region Official Plan (1994, as amended). However, as the Town defined the boundaries of the hamlet in accordance with Policy 5.7.2 of the Regional Official Plan (1994, as amended), the Regional Agricultural Area policies are not intended to apply to this portion of the subject lands, but do apply to the area outside the hamlet area.

The primary use permitted in the "Agriculture Policy Area" is farm and accessory uses. An amendment to the Region's Official Plan for a non-farm land use is required, which must be evaluated in accordance with the criteria set out in Policy 5.8.7, of the York Region Official Plan (1994, as amended).

It is the opinion of Regional staff that the applicant has not demonstrated that criteria d) of Policy 5.8.7 has been met. The applicant's material submitted to date does not demonstrate that there are no other suitable alternative locations on lower-capability agricultural land in hamlets towns, villages or urban areas.

Stantec Consulting Ltd.'s Peer Review of the Agricultural Impact Assessment concluded that it did not demonstrate that the removal of the subject lands from prime agricultural use is consistent with the applicable policies of the PPS, and therefore is not supported by the Region's agricultural policy.

A portion of the subject lands is designated "Regional Greenlands System" in the York Region Official Plan

The Regional "Greenlands System" traverses through the subject site, as identified in Map 4 of the York Region Official Plan (1994, as amended). The "Greenlands System" protects York Region's sustainable natural environmental system. An Environmental Impact Study is required to evaluate the impact that proposed development applications will have on the environmental functions, attributes or linkages of the "Greenlands System", which includes details of any mitigative measures that will ensure that the Greenlands units will not be adversely impacted (Section 2.1.6).

Planning and Development Services staff's May 20, 2010 report (*refer to Attachment 3*) indicated that 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 stated 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.

Subsequently, site visits were conducted to stake the top of bank and the wetland in June and July 2010, respectively, which will be further evaluated by Conservation Authority staff. The applicant's consultant has indicated they will be preparing a Natural Heritage Evaluation, accordingly.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report, however should the Region need to attend the Ontario Municipal Board to defend its position, as outlined in this report, costs may be incurred.

6. LOCAL MUNICIPAL IMPACT

On April 14, 2010 York Region received correspondence from Markham staff, on Regional Official Plan Amendment No. 68, advising that in their opinion the proposed institutional uses are contrary to the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan, and therefore cannot be supported.

A local Official Plan Amendment has been submitted to the Town of Markham, proposing a site specific exception to Markham's Official Plan policies to permit a cemetery and accessory uses, as an institutional use.

On May 18, 2010 the Town of Markham held a Statutory Public Meeting for the subject site, and brought forward a Town staff report, dated April 22, 2008. The April 22, 2008 staff report indicates that the application is contrary to the Town's Oak Ridges Moraine and Hamlet policies. The Town's "Oak Ridges Moraine – Countryside Area" designation does not permit cemetery uses. The Town's Hamlet policies permit small scale institutional uses designed to serve the hamlet and the surrounding rural area, however, the proposed Amendment is considered to be a large scale cemetery servicing the diverse cultural and ethnic composition of York Region.

At the Statutory Public Meeting the Development Services Committee referred the application back to staff for a report and recommendation. There has been no further

activity, at the local level, on the local Official Plan Amendment application. The Town of Markham is awaiting the Region's disposition on the Regional Official Plan Amendment application.

A crematorium is not proposed on the subject site

At the May 5th Statutory Public Meeting, Committee directed Planning and Development Services staff to clarify the land use planning controls in respect to whether a crematorium is permitted on the subject site.

The York Region Official Plan (1994, as amended) does not contain a definition for cemetery uses, and as a result, does not provide detail on the more specific crematorium use. The York Region Official Plan (1994, as amended) directs new institutional uses to hamlets, towns and villages and urban areas. This direction was taken by 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 adopted York Region Official Plan (2009) contains a definition of "cemetery" being, "Religious or commercial enterprises that include the in-ground and above-ground interment of human remains." This definition of "cemetery" does not include a crematorium, since "interment" means the permanent disposition of remains, not the process of cremating.

The Town of Markham's Official Plan does permit crematoriums within the "Institutional (Cemetery)" land use designation. If the application is successful and the lands designated "Institutional", Regional staff recommends specific provisions in the Regional and Local Official Plan Amendments, and local zoning by-law, should be included to prohibit a crematorium on the subject site.

7. CONCLUSION

The purpose of the Regional Official Plan Amendment is to permit a cemetery and accessory uses on the subject lands, by way of a notwithstanding clause.

The proposed application does not conform to Provincial, Regional and Town policies for the reasons outlined in Section 4 of this report. Regional Planning staff does not consider the proposed Amendment to represent good planning and therefore recommend refusal.

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.

(The four attachments referred to in this clause are attached to this report.)

2011-02-01

Sent via e-mail

Mr. Bryan Tuckey
Commissioner of Planning and Development Services
York Region Administrative Centre
Box 147, 17250 Yonge Street
Newmarket, Ontario, L3Y 6Z1

Dear Sir:

Re: Proposed Official Plan Amendment - File No.: 005.102.68
(Memorial Gardens Canada Limited, 6278 Nineteenth Avenue, Markham, Ontario)

Further to our deputation made to Planning and Development Services on May 05, 2010

We requested that

"hydrological and hydrogeological data, borehole logs, monitoring reports and data, and soil sample analyses be provided to the board members of the Dickson Hill Hamlet and Neighbourhood Community Association, for review and assessment before this proposed Official Plan amendment be allowed to proceed".

We have received some information on the soil sample analyses, but are missing "hydrological and hydrogeological data, borehole logs, monitoring reports and data".

We support the recommendation that Planning and Development Services be authorized to give notice of decision to refuse Amendment No. 68 to the York Region Official Plan (1994, as amended).

By copy of this submission, we also request that the Regional Clerk continue to notify us of subsequent planning meetings, responses to our concerns, the adoption, changes, or continuance of this request to amend the Official Plan.

Yours Truly



David H McKennitt
5878 Nineteenth Avenue
Markham, ON, L3P 3J3

cc: Mr. Denis Kelly, Regional Clerk, York Region
Ms. Ghislaine Boulianne, Planning and Economic Development Committee Coordinator, York Region
Ms. Maria Leonis, Planner, York Region
Ms. Carolina Moretti, Ward 4 Councillor, Town of Markham
Mr. Colin Campbell, Ward 5 Councillor, Town of Markham
Ms. Mary Brawley, President, Dickson Hill Hamlet and Neighbourhood Community Association

2011-02-01 Sent via e-mail

Mr. Bryan Tuckey
Commissioner of Planning and Development Services
York Region Administrative Centre
Box 147, 17250 Yonge Street
Newmarket, Ontario, L3Y 6Z1

Dear Sir:

Re: Proposed Official Plan Amendment - File No.: 005.102.68
(Memorial Gardens Canada Limited, 6278 Nineteenth Avenue, Markham, Ontario)

The Dickson Hill Hamlet and Community Association remains in opposition to the application to amend the Official Plan to permit a large-scale cemetery in the hamlet.

We support the recommendation that Planning and Development Services be authorized to give notice of decision to refuse Amendment No. 68 to the York Region Official Plan (1994, as amended).

By copy of this submission, we also request that the Regional Clerk continue to notify us of subsequent planning meetings, responses to our concerns, the adoption, changes, or continuance of this request to amend the Official Plan.

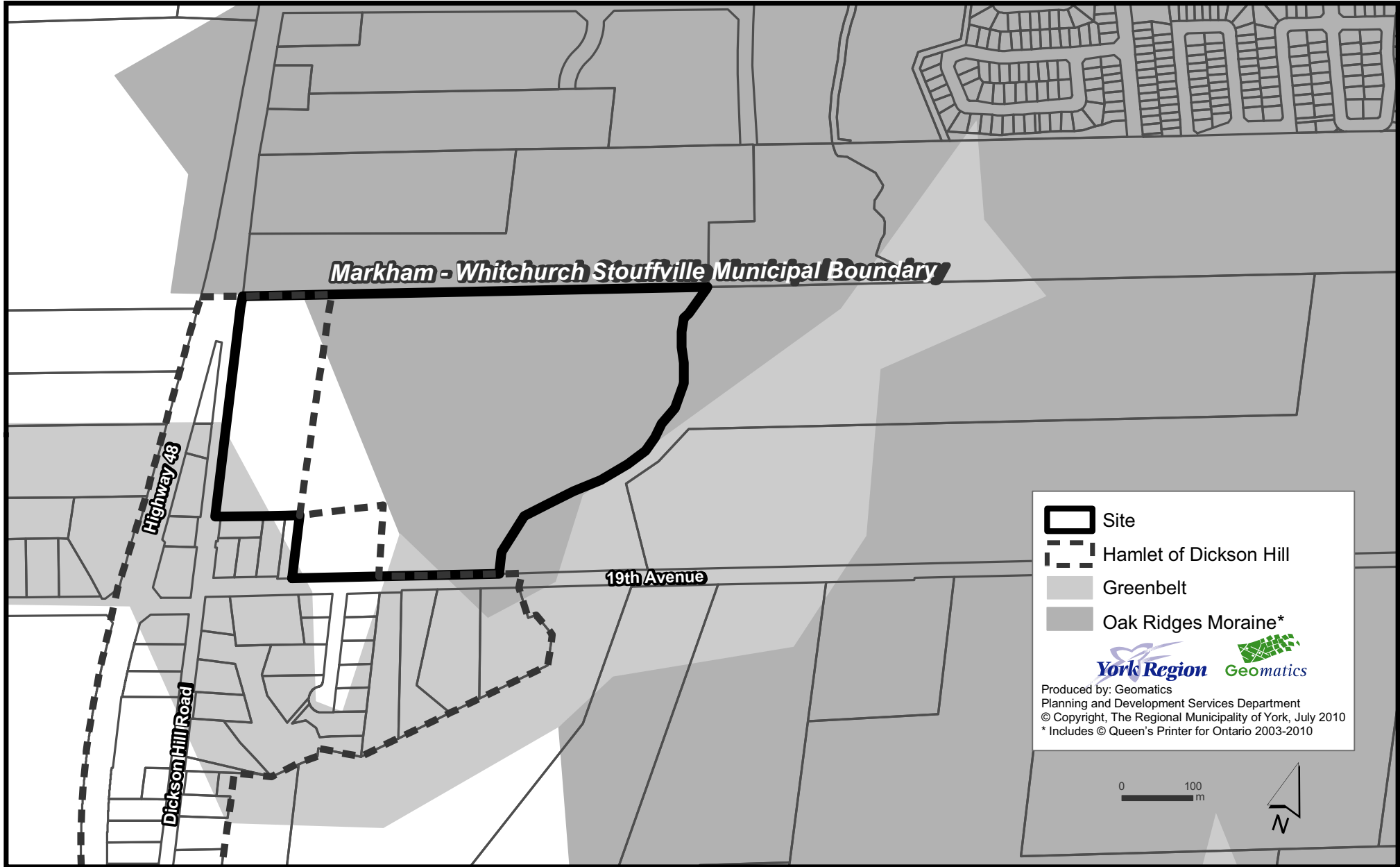
Sincerely
David T Jones
2 Mill Race Court
Markham, ON, L3P 3J3

cc: Mr. Denis Kelly, Regional Clerk, York Region
Ms. Ghislaine Boulianne, Planning and Economic Development Committee Coordinator, York Region
Ms. Maria Leonis, Planner, York Region
Ms. Carolina Moretti, Ward 4 Councillor, Town of Markham
Mr. Colin Campbell, Ward 5 Councillor, Town of Markham
Ms. Mary Brawley, President, Dickson Hill Hamlet and Neighbourhood Community Association

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Map 1 - Provincial Land Uses

Council Attachment 1



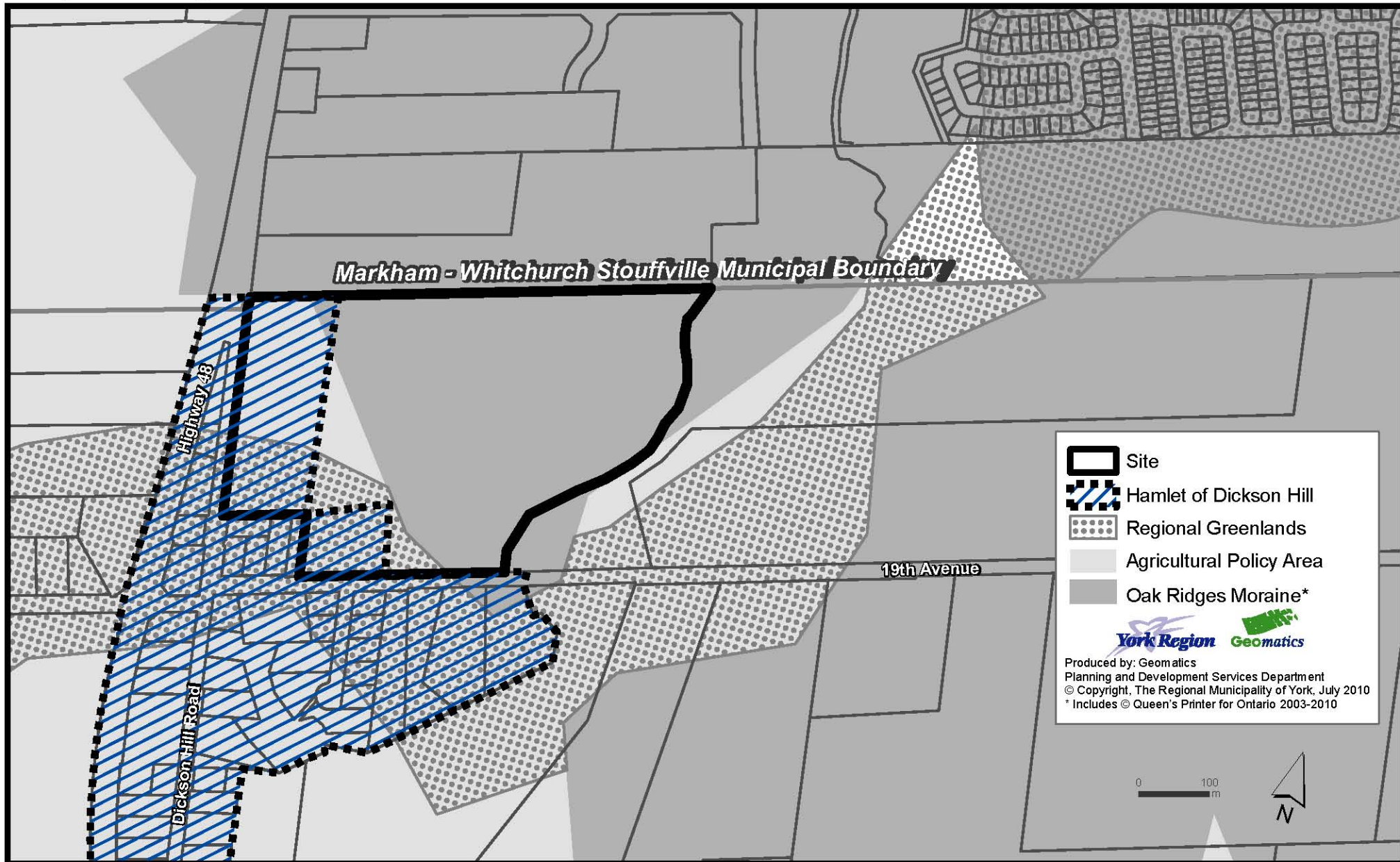
Legend

- Site
- Hamlet of Dickson Hill
- Greenbelt
- Oak Ridges Moraine*

Produced by: Geomatics
Planning and Development Services Department
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* Includes © Queen's Printer for Ontario 2003-2010



Map 2 - Regional Land Uses



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

Pursuant to Section 17(15) of the Planning Act, as amended, the Regional Planning and Economic Development Committee held a Public Meeting to inform the Public and receive comments regarding the Proposed Amendment No. 68 to the York Region Official Plan (1994) 19-OP-1994-068.

The Planning and Economic Development Committee recommends the following:

1. Receipt of presentation by Paul Belton, Manager of Development Review, Community Planning;
2. Receipt of the following communications:
 - (a) David Jones, on behalf of the Hamlet of Dickson Hill Community Association, dated April 29, 2010; and
 - (b) David H. McKennitt, resident of Dickson Hill area, dated April 29, 2010.
3. Receipt of the following deputations:
 - (a) Michael Larkin of Larkin Associates regarding Dickson Hill Memorial Gardens Proposed Cemetery;
 - (b) David Jones, on behalf of the Hamlet of Dickson Hill Community Association; and
 - (c) David H. McKennitt, resident of Dickson Hill.
4. Adoption of the recommendation contained in the following report dated April 8, 2010, from the Commissioner of Planning and Development Services.

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.

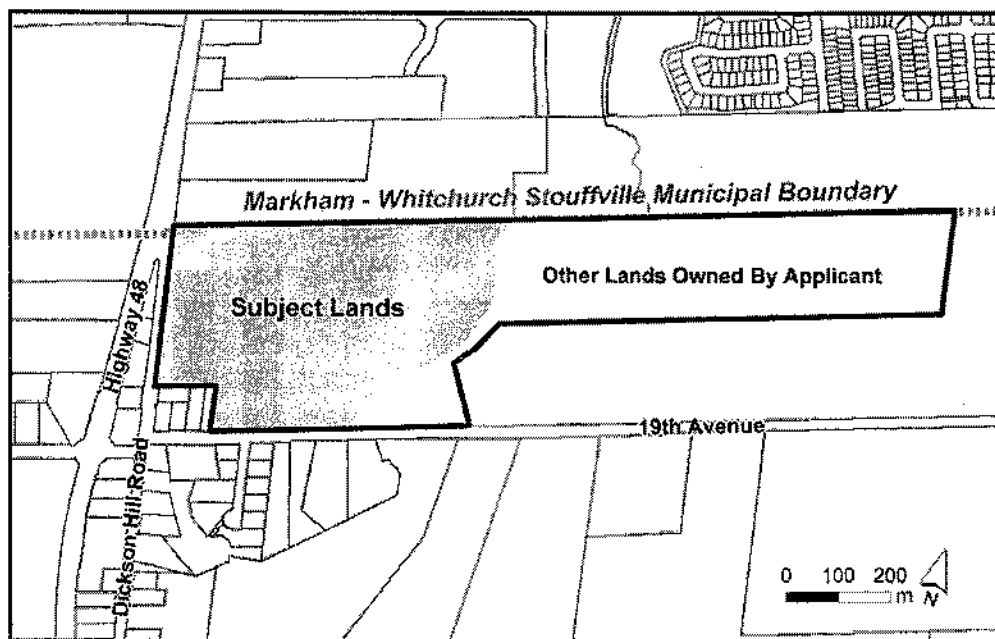
Staff received Council's authorization to retain a peer review consultant to assess the Agricultural Impact Assessment submitted by the applicant, and to hold a Statutory Public Meeting when the application was determined to be complete.

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.

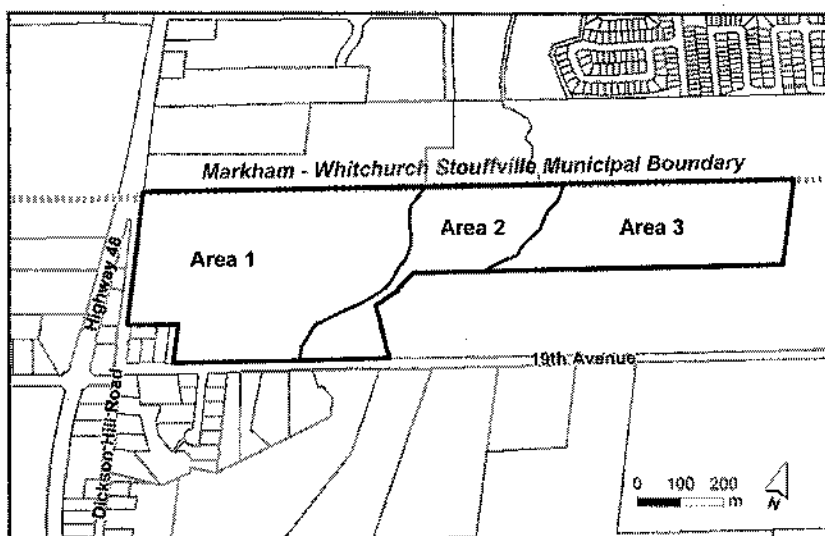
Local Official Plan Amendment proposes a site specific exception to existing land use designations to permit a cemetery and accessory uses

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.

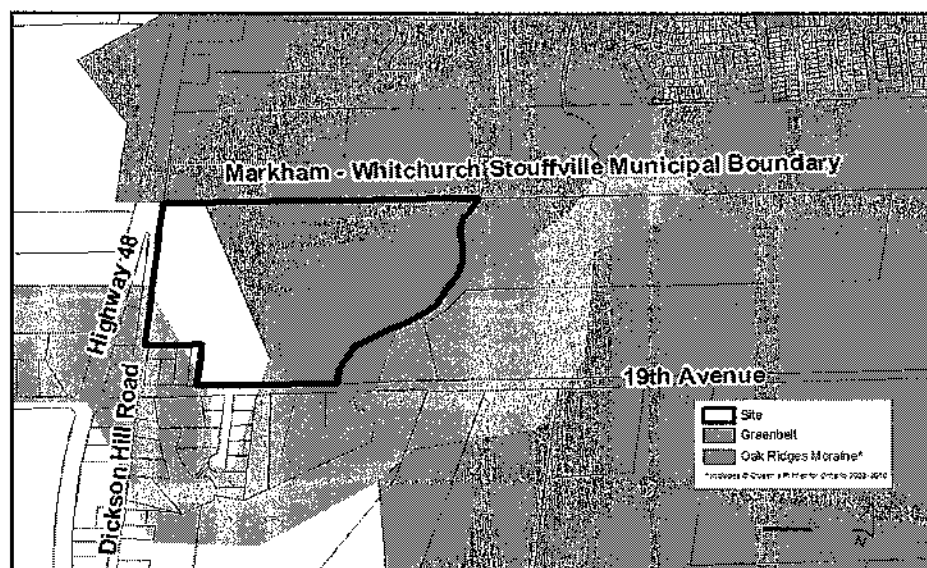
The application is subject to the Province’s *Oak Ridges Moraine Conservation Plan*, *Provincial Policy Statement (2005)*, *Greenbelt Plan* and Regional policies. As noted in staff’s intent report of June 19, 2008, the proposal remains contrary to the *Oak Ridges Moraine Conservation Plan*, York Region 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

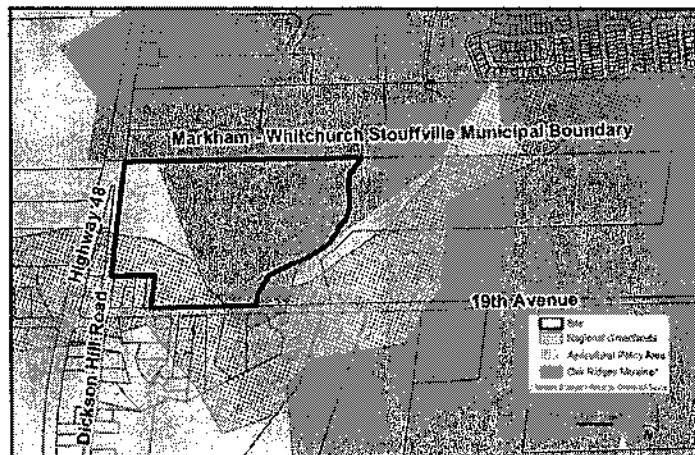
On June 19, 2008, Regional Council considered a staff report for this application (*refer to Attachment 1*) and authorized staff to retain a peer review consultant to assess the Agricultural Impact Assessment submitted by the applicant. In accordance with the Region's Peer Review process, staff retained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

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.

(The attachments referred to in this clause are attached to this report.)

14

**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

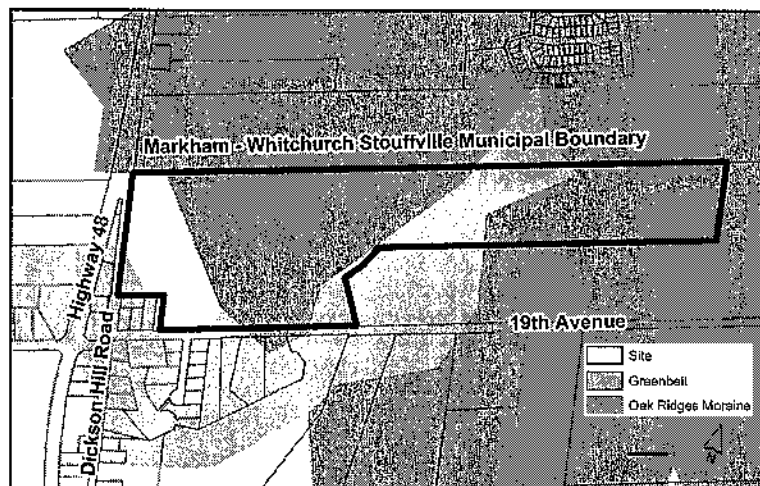
The purpose of the Regional Official Plan Amendment is to permit a cemetery and accessory uses on the subject lands. The 40.47 ha property (Refer to Figure 1) is located northeast of 19th Avenue and Dickson Hill Road abutting the boundary of the hamlet of Dickson Hill.

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 polices that affect the proposed Amendments.

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

Figure1 – Proposed Amendment Area



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).

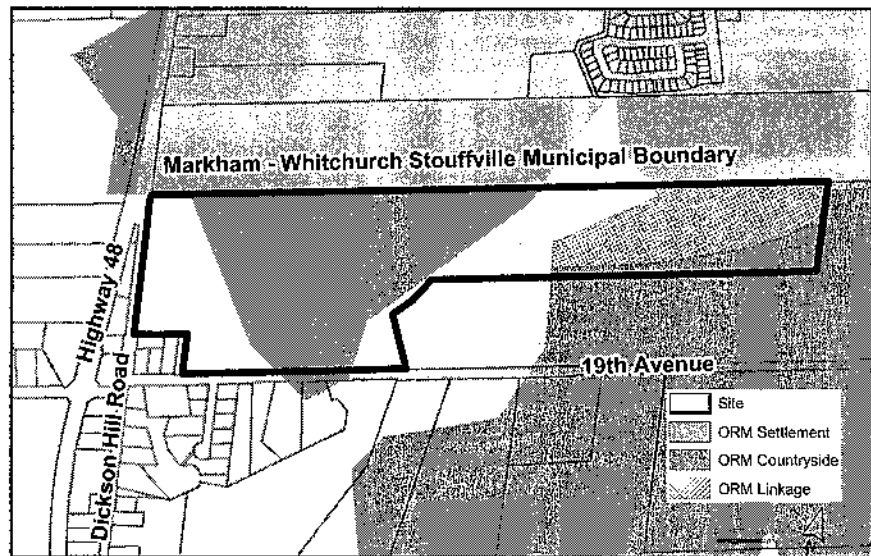
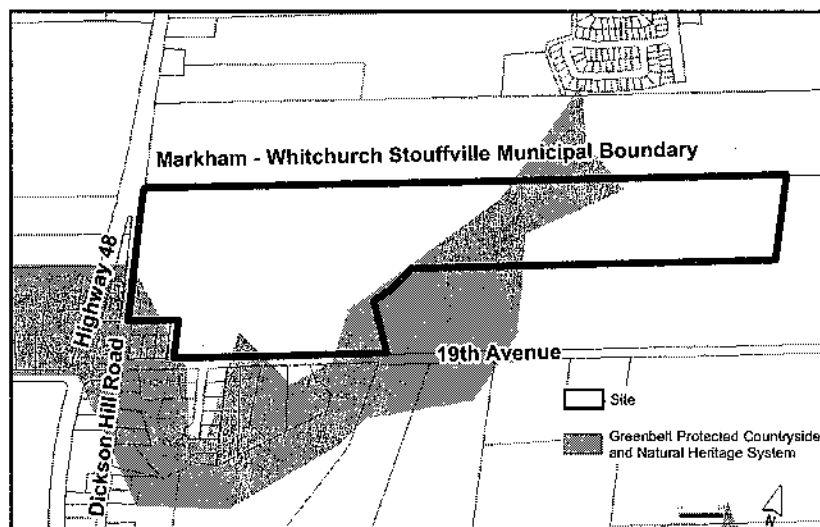


Figure 3 – Greenbelt Plan Delineations
OAK RIDGES MORaine CONSERVATION PLAN (ORMCP)



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:

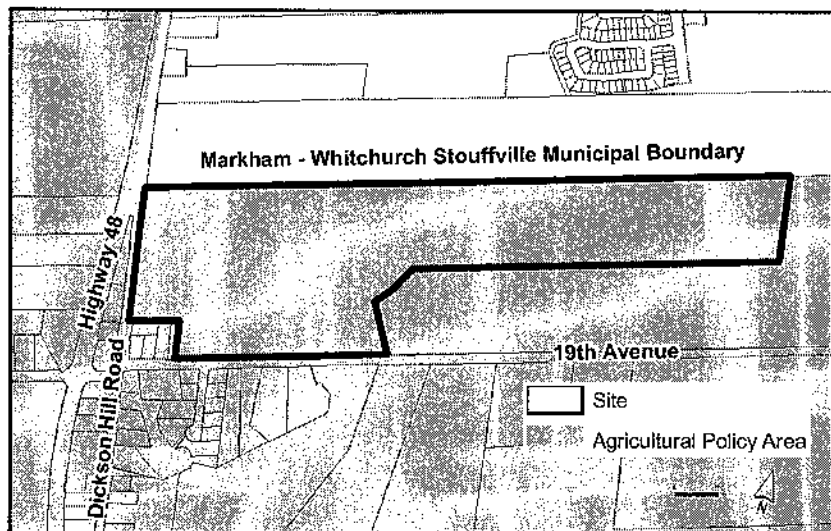
- “1. the land does not comprise a specialty crop area;
2. there is a demonstrated need within the planning horizon for additional land to be designated to accommodate the proposed use;
3. there are no reasonable alternative locations which avoid prime agricultural areas; and
4. there are no reasonable 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 Dicksons 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	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. 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). 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.
2. Regional Environmental Services, Water Resources	Raised issues with the proposed split servicing (municipal water and private septic), which is not permitted under the ORMCP; and the high aquifer vulnerability.
3. Regional Transportation Services, Roads Branch and Planning and Development Services, Infrastructure Planning Branch	The subject site is not located on a Regional road. No comment.

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	TRCA staff suggests the application is premature. Staff has not been out on site, and require the following be provided for a fulsome review: - 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:

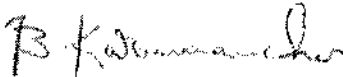
- Agricultural Impact Assessment
- Scoped Environmental Impact Study
- Traffic Impact Study
- Cemetery Demand Analysis
- Environmental Site Assessment
- Soil Investigation for Proposed Future Cemetery Use

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



Proposed Amendment 68 to York Region Official Plan (1994)

Presentation to the Planning
and Economic Development
Committee

(Committee Report No. 1)

May 5, 2010

Proposed Regional Official Plan Amendment No. 68 (ROPA 68)

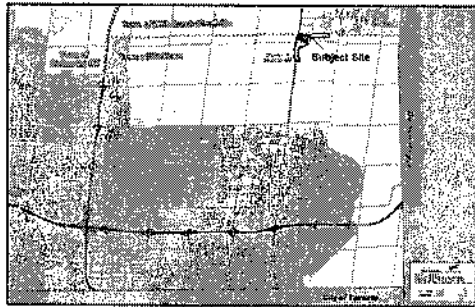
Overview

- ☐ Location
- ☐ Proposal
- ☐ Policy Context
- ☐ Recommendation



Proposed ROPA 68 – Location

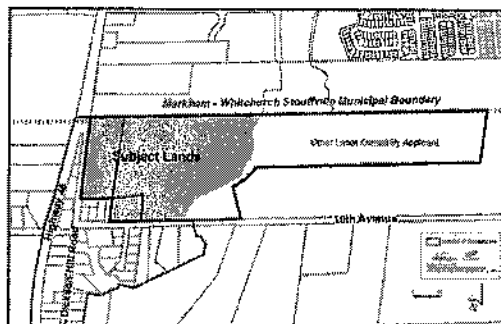
- ☐ Located in the northeast portion of the Town of Markham.
- ☐ The site abuts the Markham/ Whitchurch-Stouffville boundary and is adjacent to the community of Stouffville.
- ☐ The property is partially located within the hamlet boundary of Dixon Hill.



York Region

Proposed ROPA 68 - Proposal

- ☐ Private site specific Amendment to the York Region Official Plan to permit a cemetery and accessory uses.
- ☐ Complete application and Notice of Public meeting advertized.
- ☐ Proposal has been circulated for comments.



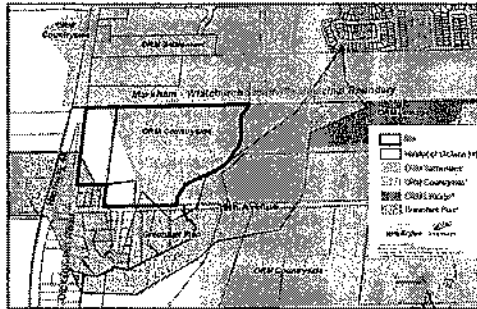
York Region

Planning and Economic Development Committee
May 5, 2010

Slide 4

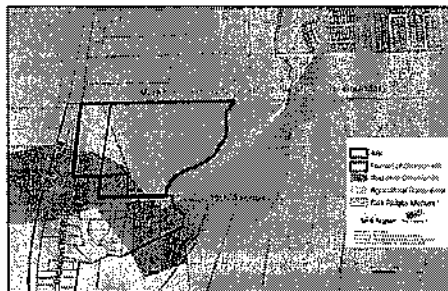
Proposed ROPA 68 Provincial Policy Context

- ❑ Designated “Countryside Area” by the Oak Ridges Moraine Conservation Plan, which does not permit cemeteries on prime agricultural land.
- ❑ Provincial Policy Statement, 2005 requires prime agricultural land be protected.



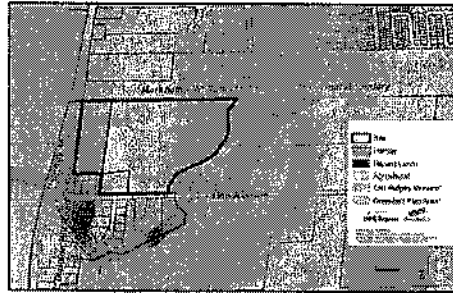
Proposed ROPA 68 Regional Policy Context

- ☐ Subject site is designated "Oak Ridges Moraine", "Agriculture Policy Area" and "Regional Greenlands System" in the York Region Official Plan.
- ☐ Proposal is not consistent with the direction of the Regional Official Plan (1994).



Proposed ROPA 68 Local Policy Context

- ☐ Town of Markham Official Plan designates the lands "Agricultural", "Hamlet", "Hazard Lands" and "Oak Ridges Moraine".
- ☐ Markham staff have advised that they do not support the proposal.



Proposed ROPA 68 Background Studies

- ☐ Proponent has submitted an Agricultural Impact Assessment.
- ☐ Peer Review has been undertaken.
- ☐ Peer Review does not support the conclusions of the proponent's Agricultural Impact Study.
- ☐ Peer Review notes 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 complies with applicable policies of the ORMC Plan and Regional OP."



Proposed ROPA 68

Next Steps and Recommendation

- ❑ Receive comments from public meeting and circulated agencies and report back at a future Planning and Economic Development Committee meeting.
- ❑ No change to staffs initial assessment to not support the application, based on the information to-date.

Copy of e-mail received April 29, 2010

Dear Ms. Boulianne: and Mr. Kelly:

We, the representatives of the Hamlet of Dickson Hill Community Association (a community association registered with the Town of Markham), would like to attend and make representation at the above-captioned meeting. We have been informed by Maria Leonis that we have missed the deadline this Tuesday for written submissions (the "print" deadline).

Therefore, we will submit our written materials on May 5th, and would like to make a brief oral summation of our position and main points.

To clarify, we will be speaking **in opposition** to this application. No amendment to the Official Plan for the Regional Municipality of York should be granted in this instance.

1. we believe that the current use, agricultural, is the best and only appropriate use for the land. The property is prime agricultural land, (which is in short supply in York Region) and is some of the very best agricultural land in Southern Ontario.
2. the subject land is protected by both the "Greenbelt" provisions of Regional Plan, and the Oak Ridges Moraine regulations. Both of these forbid the use requested, or indeed any change in development or zoning.
3. in any case, the materials submitted by the applicant in support of the requested changes are inadequate, incorrect in fact, and do not properly support the request. For example, the survey work done in 2007 re traffic patterns have been used to reach a conclusion that traffic on Highway 48 will not increase in the five years 2008-2012. It is obvious to anyone who looks that the volume of traffic on Highway 48 has already increased noticeably since 2007 and indeed increases steadily. This is partly due to steady growth in Stouffville and Markham, and partly due to the rapid expansion of the regional shopping mall on Highway 48, south of Stouffville Road.
4. in addition, we have concerns about the implementation of the site development proposed, in these areas:
 - a. cemeteries require large amounts of water, which would be withdrawn via wells. The volume needed would very likely impact the residential wells in Dickson Hill
 - b. it is well established that burial vaults crack, and leachates, including poisonous materials, can migrate (especially downhill, in the direction of the majority of residences in Dickson Hill), affecting residential wells and entire aquifers
 - c. the proposed crematorium could affect air quality, with discharged particulates, CO₂, and other harmful substances
 - d. the potential impact on wetlands and the tributary to the Little Rouge River, has not been made clear, or we believe even studied properly
 - e. the impact of traffic congestion caused by funeral corteges has not been made clear. We would expect, if the changes go forward, that restrictions would be placed on corteges to ensure they do not interfere with residential traffic on Dickson Hill Road and 19th Avenue. Further, we would expect the property-owner to construct adequate wide roadways internal to the site to accommodate all vehicles immediately upon their arrival at the main gate, so as not to spill out onto Highway 48.

Please refer also to the submission from Mr. McKennitt, who is tracking the environmental issues for us.

We respectfully request that we be informed in writing of any future changes or actions on this file, and that we be notified of any further meetings, so that we may be represented.

Hamlet of Dickson Hill (Community Association)

Signed:

Mary Brawley--President, Hamlet of Dickson Hill Community Association (905) 640-9471 71 Dickson Hill Road, Markham

David Jones--Secretary, Hamlet of Dickson Hill Community Association (905) 642-5794 2 Mill Race Court, Markham

David McKennitt (905) 640-1121 5878 19th Avenue, Markham

1910825 gb

2010-04-29

Sent via e-mail

Mr. Bryan Tuckey
Commissioner of Planning and Development Services
York Region Administrative Centre
Box 147, 17250 Yonge Street
Newmarket, Ontario, L3Y 6Z1

Dear Sir:

Re: Proposed Official Plan Amendment - File No.: 005.102.68
(Memorial Gardens Canada Limited, 6278 Nineteenth Avenue, Markham, Ontario)

After reviewing the proposed Amendment and the accompanying background material, the residents of the Dickson Hill area have concerns about the short and long-term impacts of the proposed changes to the land use and the associated construction activities. The following are our concerns:

- the impact on water wells in the vicinity of the property,
- the effect of snow melt, storm water runoff and grading on the dug water wells in the runoff pathways,
- the changes to several wetlands locations on the property and on adjacent private properties,
- the use of large volumes of ground water required for irrigation purposes,
- the impact of leachate from the cemetery on the quality of the groundwater,
- the effect on the spring spawning migration of Rainbow Trout in the Little Rouge Creek, and
- the impact of the crematorium on local air quality.

We ask that hydrological and hydrogeological data, borehole logs, monitoring reports and data, and soil sample analyses be provided to the board members of the Dickson Hill Hamlet and Neighbourhood Community Association, for review and assessment before this proposed Official Plan amendment be allowed to proceed.

We ask that our concerns be addressed, to our satisfaction, before this proposed Official Plan amendment be allowed to proceed.

By copy of this submission, we also request that the Regional Clerk notify us of subsequent planning meetings, responses to our concerns, the adoption, changes, or refusal of this request to amend the Official Plan.

Yours Truly



David H McKennitt
5878 Nineteenth Avenue
Markham, ON, L3P 3J3

cc: Mr. Denis Kelly, Regional Clerk, York Region
Ms. Ghislaine Boulianne, Planning and Economic Development Committee Coordinator, York Region
Ms. Maria Leonis, Planner, York Region
Ms. Carolina Moretti, Ward 4 Councillor, Town of Markham
Mr. John Webster, Ward 5 Councillor, Town of Markham
Ms. Mary Brawley, President, Dickson Hill Hamlet and Neighbourhood Community Association

**Ministry of
Municipal Affairs
and Housing**

Municipal Services Office
Central Ontario
777 Bay Street, 2nd Floor
Toronto ON M5G 2E5
Phone: 416-585-6226
Fax: 416-585-6882
Toll-Free: 1-800-668-0230

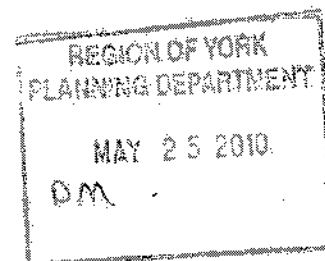
**Ministère des
Affaires municipales
et du Logement**

Bureau des services aux municipalités
Centre de l'Ontario
777, rue Bay, 2nd étage
Toronto ON M5G 2E5
Téléphone: 416-585-6226
Télécopieur: 416-585-6882
Sans frais: 1-800-668-0230



May 12, 2010

Ms. Maria Leonis, MCIP, RPP
Planner, Planning and Development Services Department
Regional Municipality of York
17250 Yonge Street
Newmarket ON, L3Y 6Z1



Dear Ms. Leonis:

**Re: Proposed Cemetery – Dickson Hill Memorial Gardens
Regional Official Plan Amendment No. 68 (ROPA 68)
Local Official Plan Amendment OP 07 134061 (LOPA)
MMAH File No. 19-DP-1994-08007**

Thank you for the opportunity to provide "One-Window" comments on the proposed ROPA 68 and affiliated LOPA, as set out in your cover letter dated March 9, 2010. These applications, commonly referred to as "Dickson Hill Memorial Gardens", propose to amend Regional and Local Official Plans to permit a new cemetery.

As noted in more detail in our attached Ministry Staff Report, a small portion of the cemetery is being proposed within a designated settlement area and the majority of the cemetery is being proposed within a designated prime agricultural area. As per the Provincial Policy Statement 2005, Growth Plan for the Greater Golden Horseshoe, Oak Ridges Moraine Conservation Plan, Greenbelt Plan and Implementation Guideline 36 of the 2006 Minimum Distance Separation, cemetery uses are considered non-agricultural and/or institutional uses.

Generally, provincial policies direct growth and development to settlement areas, while protecting prime agricultural areas. Outside of the Protected Countryside area of the Greenbelt Plan, provincial policies do enable planning authorities to consider the removal of land from prime agricultural areas, subject to specified criteria. Notwithstanding this, within the Countryside area of the Oak Ridges Moraine Conservation Plan only small-scale institutional (cemetery) uses, subject to specified criteria, may be permitted within rural areas (non-prime agricultural areas).

Further, it is noted this proposal is for an agricultural site-specific exception designation to permit the cemetery use. As noted above, a cemetery is considered as a non-agricultural use and permission for a cemetery use would require the removal of land from a prime agricultural area. Recognizing that the Regional Official Plan designates

the overall prime agricultural area comprehensively, permission for a cemetery use should require a stand alone 'institutional' or equivalent designation versus an 'agricultural site-specific exception' designation.

Lastly, municipal decisions must be consistent with the Provincial Policy Statement 2005 and conform to the various provincial plans which set out minimal standards to apply across a broader provincial area, and municipal official plans may set out land use policies that are in greater detail or more restrictive than provincial policies to address local characteristics and needs, so long as such municipal policies are not in conflict with provincial policies. I.e. municipalities may provide more specific policies regarding the direction of growth and development, protection of prime agricultural areas, and treatment of non-agricultural, institutional, and/or cemetery uses within the municipality.

When reviewing the cemetery application, the Region should ensure that the above noted matters are addressed. Should you have any questions or concerns, feel free to contact me at 416-585-6053 or at sybelle.vonkursell@ontario.ca or Mr. Jeremy Fredrickson at 416-585-6105 (Jeremy.fredrickson@ontario.ca).

Yours truly,



Sybelle von Kursell, MCIP, RPP
Acting Manager, Community Planning and Development
Municipal Services Office - Central

cc: Ray Valaitis, OMAFRA
D. Cheng, Town of Markham, Planning Department

MINISTRY STAFF REPORT

Planning System:	Planning Act (Bill 51)
MAH File Number(s):	19-DP-1994-08007
Municipality:	Regional Municipality of York
Applicant:	Dicksons Hill Memorial Gardens
PPS Issues:	Yes – Agriculture
Greenbelt Plan Issues:	Yes – Protected Countryside Area
ORMCP Issues:	Yes – Countryside Area
Growth Plan Issues:	Yes – Growth Management

PROPOSAL:

An application to amend the Official Plan for the Regional Municipality of York and Official Plan for the Town of Markham to permit a new cemetery, Dicksons Hill Memorial Gardens, in the Town of Markham.

BACKGROUND:

The majority of the subject lands are designated as a prime agricultural area under both Regional and Local Official Plans, with a portion of the lands are designated settlement area within the Hamlet of Dickson Hill. Further, the Region has recently completed an update to its official plan, which included a review of its prime agricultural areas, and adopted a new Official Plan in December 2009, retaining the prime agricultural area designation on the subject lands. Also, the AgPlan Agricultural Impact Assessment report for the subject lands indicates that these lands are predominately comprised of Class 1, 2, and 3 agricultural soils which support a prime agricultural area designation.

The subject lands total approximately 40ha, and abut Dickson Hill Road and extend eastward, parallel to 19th Avenue. The subject lands have been categorized into three areas, as follows:

Area 1

It is understood that the cemetery is proposed within Area 1, approximately 22ha, which is the western portion of the overall property. At the western edge of Area 1, approximately 3ha, is designated as a settlement area, in which the principle buildings associated with a cemetery are being proposed. The majority of the proposed cemetery use extends beyond the settlement area designation and into the prime agricultural area designation of remaining lands in Area 1. A majority of these lands are also within the Province's Oak Ridges Moraine Conservation Plan and small portions within the Greenbelt Plan.

Area 2

A river and valley system, including woodlands, bisects the mid section of the subject lands, which comprises approximately 8ha. It is understood that the cemetery is not being proposed in Area 2. These lands are essentially within the Greenbelt Plan.

Area 3

The eastern portion of the subject lands are approximately 10ha, and it is understood a cemetery is not being proposed in Area 3. These lands are essentially within the Oak Ridges Moraine Conservation Plan.

ONE WINDOW REVIEW/CONSULTATION:

This amendment to the Official Plan for the Regional Municipality of York was circulated to the Ministry of Agriculture, Food and Rural Affairs (OMAFRA). Comments were received from OMAFRA and incorporated into this report.

MINISTRY ASSESSMENT:

The following provincial review is in relation to Area 1 of the subject lands, as it pertains to lands outside the settlement area designation. This review includes an assessment of the Provincial Policy Statement 2005 (PPS), Growth Plan for the Greater Golden Horseshoe (Growth Plan), Greenbelt Plan (GB Plan), and Oak Ridges Moraine Conservation Plan (ORMCP).

Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The subject lands are within the Growth Plan which provides direction as to how and where development should occur, as well as aims to curb urban sprawl and protect farmland and green spaces. The Growth Plan is to be read in its entirety and all relevant policies are to be applied to each situation, and the Growth Plan does not replace municipal official plans, but works within the existing planning framework to provide growth management policy direction. For example, the Growth Plan sets out general minimum standards across the entire Greater Golden Horseshoe, and municipal official plans set out further land use policies that provide more detailed policy direction to meet local characteristics and needs in conformity with the Growth Plan.

Policies of the Growth Plan direct development to settlement areas, to establish more compact and complete communities with the right mix of housing, jobs, and community services, and supported by municipal water and wastewater systems. Development outside of settlement areas may be permitted in rural areas where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in settlement areas. Although the identification of prime agricultural areas and establishment of policies for their protection has not been presently set out under

the Growth Plan, the Growth Plan does provide direction for the protection of prime agricultural areas by directing development to settlement areas.

It is recognized that approximately 3ha of the proposed cemetery is designated as a settlement area, however approximately 22ha of the remaining lands for the proposed cemetery are outside of a settlement area designation, and are designated as a prime agricultural area.

Further, the Growth Plan should also be read in conjunction with the PPS, and relevant provincial plans, including the ORMCP and GB Plan. Such provincial policies are commented on in more detail as per below.

Provincial Policy Statement 2005 (PPS)

The intent of the PPS is to provide policy direction for matters of provincial interest, including the preservation of prime agricultural areas and the protection of the environment. The PPS shall be read in its entirety and all relevant policies are to be applied to each situation, as well as the policies of the PPS represent minimum standards. Further, municipal official plans are the most important vehicle to implement the PPS in which municipalities provide clear policies to protect provincial interests and direct development to suitable areas, and municipalities may go beyond the minimum standards set out in the PPS. More specifically, municipal official plans can provide greater detail and policy direction, and be more restrictive, unless doing so would conflict with the PPS.

Regarding growth in general, Section 1 of the PPS states efficient land use and development patterns supports strong, liveable and healthy communities, protects the environment and public health and safety, and facilitates economic growth. Further, *settlement areas* shall be the focus of growth.

More specifically, as noted in the AgPlan Agricultural Impact Assessment report, the subject lands are predominately comprised of Class 1, 2, and 3 and therefore considered to be *prime agricultural land* under the PPS which defines such as "land that includes *specialty crop areas* and/or Canada Land Inventory Classes 1, 2, and 3 soils, in this order of priority for protection."

Further, the subject lands are also part of a larger *prime agricultural area*, defined in the PPS as an area where *specialty crop areas* and/or Canada Land Inventory Classes 1, 2, and 3 soils predominate. This combination of agricultural characteristics forms the basis for the subject lands and surrounding area being designated as a prime agricultural area in the Regional and Local Official Plans.

Section 2.3 of the PPS sets out policies for the protection of *prime agricultural areas*. More specifically, Section 2.3.1 states that "*prime agricultural areas* shall be protected for long-term use for agriculture". Section 2.3.3.1 of the PPS states that "In *prime agricultural areas*, permitted uses and activities are: agricultural

uses, secondary uses and agriculture-related uses". The proposed cemetery use on the subject lands does not qualify as any of those three aforementioned permitted uses.

Section 2.3.5 of the PPS does enable planning authorities to consider the removal of land from a *prime agricultural area*, subject to specified criteria, including for limited non-residential uses. Therefore, consideration of the proposed cemetery on the subject lands would need to be justified as per Section 2.3.5.1 c) of the PPS, which sets out additional criteria. For instance, the proposed cemetery appears to be servicing the lower portion of York Region, as per Section 2.4 of the Planning Justification Report, and the Region would need to be satisfied that there are no reasonable alternative locations which avoid prime agricultural designated areas as per Section 2.3.5.1 c) (3) of the PPS.

As noted earlier, the PPS shall be read in its entirety, and municipal official plans may set out more detailed policies regarding the direction of growth and development, protection of prime agricultural areas, and treatment of non-agricultural, institutional and/or cemetery uses.

Further, for those Area 1 lands of the proposed cemetery within the Oak Ridges Moraine Conservation Plan area, further additional land use restrictions are set out, as noted below.

Oak Ridges Moraine Conservation Plan (ORMCP)

The ORMCP is an ecologically based plan to provide land use and resource management direction on how to protect land and water within the Moraine. To find out how the ORMCP affects a specific area or land use or development proposal on the Moraine, the ORMCP must be read in its entirety. Further, municipal plans and decisions shall conform with the ORMCP, notwithstanding this, nothing in the ORMCP is intended to prevent municipalities from adopting plans or making decisions that are more restrictive than the policies of the ORMCP, except for agricultural uses and mineral aggregate operations.

The subject lands for the proposed cemetery are within the Countryside designation of the ORMCP. Section 13(3) of the ORMCP lists permitted uses within the Countryside designation, which includes small-scale institutional (cemetery) uses subject to specified policies. Notwithstanding this, under Section 13(5) of the ORMCP, such uses are not permitted in prime agricultural areas (as identified in municipal official plans). As noted earlier, the majority of the subject lands are designated as a prime agricultural area under the municipal official plans. Further to this, within the Countryside designation, it is noted that the ORMCP does not prohibit planning authorities from considering the removal of land from prime agricultural areas in accordance with Section 2.3.5 of the PPS (see above comments regarding PPS).

Further to the ORMCP enabling municipalities to permit small-scale institutional (cemetery) uses within municipally designated rural areas of the Countryside area, specific criteria for a variation of small scale uses is set out in Section 40 of the ORMCP. This criteria includes that small-scale institutional (cemetery) uses shall support the uses permitted in the Countryside area and mainly serve the nearby Rural Settlements within the ORMCP, and such uses shall not be approved unless demonstrated it is not feasible to locate in a designated settlement area. It is noted that the proposed cemetery appears to be servicing the lower portion of York Region, as per Section 2.4 of the Planning Justification Report, and that the Hamlet of Dickson Hill is outside of and not considered a Rural Settlement within the ORMCP. Under the *Oak Ridges Moraine Conservation Act, 2001*, municipal plans and decisions are required to conform with the ORMCP.

Greenbelt Plan (GB Plan)

The GB Plan identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological features and functions occurring on this landscape. The GB Plan applies to the designated Protected Countryside area and sets out an Agricultural System, made up of specialty crop, prime agricultural and rural areas, and a Natural System, identifying lands that support both natural heritage and hydrologic features and functions. Both systems maintain connections to the broader agricultural and natural systems of southern Ontario.

The GB Plan must be read in its entirety and applied in each situation, and in conjunction with other applicable land use planning policy, such as the PPS and municipal official plans. Despite the policies in the GB Plan, there is nothing in the GB Plan that limits the ability of decision makers on planning applications to adopt policies that are more stringent than the requirements of the Plan, except for agricultural uses and mineral aggregate resources, unless doing so would conflict with any of the policies or objectives of the Plan.

Within the designated Protected Countryside area of the GB Plan, Section 4.1.1 (1) of the GB Plan does not permit non-agricultural uses within prime agricultural areas (as identified in municipal official plans) and Section 3.1.3 (2) of the GB Plan prohibits the redesignation of prime agricultural areas (as identified in municipal official plans) for non-agricultural uses, except for specified uses which does not include institutional (cemetery) uses. Recognizing that the subject lands are within a major river valley extension of the GB Plan and that environmental designations bisect agricultural, rural, and settlement area designations, it appears this portion of the GB area is within a designated prime agricultural area. In which case, the redesignation of lands to permit a non-agricultural use would not be permitted and therefore the proposed cemetery would not be permitted to extend into the Protected Countryside area of the GB Plan.

Notwithstanding this, naturalized stormwater management ponds may be permitted within the Protected Countryside area of the GB Plan, and may be considered within the vegetation protection zones of abutting features provide it is a minimum 30 metres away from the edge of a stream/river.

Lastly, the GB Plan does not permit a refinement of the Greenbelt boundary, and under the *Greenbelt Act, 2005*, municipal plans and decisions are required to conform with the GB Plan.

Prepared by:



Jeremy Fredrickson
Senior Planner

Approved by:



Sybelle von Kursell, MCIP, RPP
Acting Manager, Community Planning and Development

Date: May 12, 2010