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AMENDMENT NO. 28 TO THE YORK REGION OFFICIAL PLAN AND DEFERRAL NO. 1 TO THE WHITCHURCH-STOUFFVILLE OFFICIAL PLAN, TORONTO ARCHDIOCESE ROMAN CATHOLIC CEMETERY

The Planning and Economic Development Committee recommends the adoption of the recommendations contained in the following report, April 14, 2005, from the Commissioner of Planning and Development Services:

1. RECOMMENDATIONS

It is recommended that:

1. The Commissioner of Planning issue Notice to adopt Amendment No. 28 to the York Region Official Plan.
2. The Commissioner of Planning issue Notice to approve Deferral No. 1 to the Official Plan of the Town of Whitchurch-Stouffville (OPA 109), subject to the modifications set out in *Attachment No. 2* to this report.

2. PURPOSE

This report authorizes the Commissioner of Planning to issue the Notice to adopt an amendment to the York Region Official Plan submitted by the Toronto Archdiocese Roman Catholic Cemetery. The amendment is proposing to redesignate approximately 46.54 ha (115 acres) of land located at the southwest corner of Davis Drive and Woodbine Avenue from “Agriculture Policy Area” to “Rural Policy Area” (see *Attachment No. 1*). Approval of the application would facilitate development of a cemetery and related uses that include a prayer garden, columbarium, crematorium and mausoleum.

This report also authorizes the Commissioner to issue the Notice to approve Deferral No. 1 to the Whitchurch-Stouffville Official Plan which would designate the site “Rural Commercial/Industrial/Institutional Area” in the local Official Plan.

3. BACKGROUND

On May 15, 2001 the Town of Whitchurch-Stouffville recommended the lifting of Deferral No. 1 to its new Official Plan (OPA 109) and at the same time requested the Region to approve the application. The Town’s new Official Plan was appealed to the Ontario Municipal Board (OMB) preventing the Region from dealing with the lifting of

the deferral. On June 23, 2004 the OMB approved the Town's new Official Plan (OPA 109).

On April 4, 2001 York Region held a public meeting for the related Regional Official Plan amendment. Subsequent to the Regional public meeting, the Province introduced the Greenbelt Legislation and Plan which prevented municipalities from making decisions on planning applications for urban uses in the "Protected Countryside" area. A decision on the application has been held in abeyance since that time.

3.1 Greenbelt Legislation and Plan

On February 24, 2005 Bill 135 received Royal Assent bringing into force an Act to establish a greenbelt area. On February 28, 2005 the Ministry of Municipal Affairs and Housing issued the Greenbelt Plan which is now in force and effect and retroactive to December 16, 2004. The site is designated "Protected Countryside".

Section 24 of the Greenbelt Act deals with transition and states that applications are only subject to the provisions of the "Protected Countryside" designation of the Greenbelt Plan if they were commenced on or after December 16, 2004. Amendment No. 28 to the York Region Official Plan commenced on November 7, 2000 and is therefore not subject to the provisions of the Greenbelt Plan. Similarly, Deferral No. 1 to the Town of Whitchurch-Stouffville Official Plan commenced prior to December 16, 2004 and is also not subject to the provisions of the Greenbelt Plan.

3.2 Public Meeting and Comments from other Agencies

No one spoke in opposition to the proposed Regional amendment at the Public meeting held on April 4, 2001. The Ministry of Municipal Affairs and Housing, Lake Simcoe Region Conservation Authority, Town of East Gwillimbury and the Ministry of Transportation have each indicated no objection to the proposed amendment.

The Regional Transportation and Works Department has advised that it has no objection to the approval of the Official Plan amendment applications; however conditions relating to the location of access points onto Davis Drive (Y.R.# 31) and Woodbine Avenue (Y.R.# 8), the provision for taper lanes, and potential left turn lanes at no cost to the Region will be required at the related site plan approval stage.

Victoria Carpino and Dana Peart, residents living on the east side of Woodbine Avenue, opposite the south end of the proposed cemetery site, have appealed the related Zoning By-law 2001-78- ZO to the Ontario Municipal Board. The residents are of the opinion that the proposal will impact their property values.

4. ANALYSIS

The proposed Regional Official Plan amendment and the further approval to the Whitchurch-Stouffville Official Plan are considered to have met the tests and policies of

the Regional Official Plan that are required to be addressed prior to permitting non-agricultural uses in the “Agricultural Policy Area”.

4.1 Regional Official Plan

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

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

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

4.1.1 Whether the proposal will reduce or impede surrounding farm operations

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

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

Although ESG International concludes that increased traffic volumes will have no impact on the agricultural community, there is likely to be some impact; however, it should not significantly reduce or impede surrounding farm operations.

4.1.2 The necessity for the proposed land use

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

cemetery located in the vicinity. Regional planning staff concur with the need for the proposed cemetery.

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

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

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

Reasons for selecting the site include:

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

Dale Toombs Agriculture and Rural Land Use Consulting, which is on the Region's list of Agricultural Peer Reviewers and is the Town of Whitchurch-Stouffville's agricultural peer review consultant, has indicated that the proposed location for the cemetery is reasonable.

The configuration and location of the cemetery site retains the land adjacent to Highway 404 for possible future employment uses. Lands adjacent to a 400 series highway are considered strategically located for employment purposes due to their access, and exposure.

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

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

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

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

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

The site is an appropriate choice for a cemetery as there are no suitable alternate sites located within the urban areas to be served by the cemetery, or in the surrounding rural areas that are not located on the Oak Ridges Moraine. A cemetery at the proposed location has minimal impact or conflict with surrounding uses.

4.2. Provincial Policy Statement

The Ministry of Agriculture and Food does not consider the lands adjacent to the east side of the boundary of the Town of Newmarket to be prime agricultural lands as these lands are considered suitable for development in the long term due to their proximity to the Newmarket urban area. Ministry of Municipal Affairs and Housing staff have indicated that they will not be commenting as it is the Region's responsibility to assess the application in light of municipal plan review.

4.3. Deferral No. 1 to Whitchurch-Stouffville Official Plan

On May 15, 2001 the Town of Whitchurch-Stouffville recommended the approval of Deferral No. 1, subject to the modifications. The modifications have the effect of:

- Restricting the use of the site to a cemetery and related uses, churches, places of worship, chapels, and related buildings including service buildings, administrative offices and reception facilities.
- Requiring the height, density, setbacks, parking and landscaping of the proposed development to comply with the provisions of the related zoning by-law.
- Development having regard for environmental, geotechnical, and archaeological matters.

The modifications are generally consistent with the intent of the related amendment to the Regional Official Plan; however, they permit churches and places of worship which are not supported for the following reasons:

- Introduction of churches and places of worship in the “Agricultural Policy Area” raises issues with respect to size and scale, servicing, conflicts between farm vehicles and cars, and retention of the rural character.
- Churches and places of worship are directed to the “Urban Area” by the Regional Official Plan where they can utilize existing infrastructure and contribute to the urban character of a community.
- The background studies submitted by the applicant only refer to cemetery and related uses and do not include churches or places of worship. The background studies do not justify the need for a church or place of worship at the proposed location.

Schedule A set out in *Attachment No. 2* to this report lists the permitted uses and modifications to Deferral No. 1. Churches and places of worship have been deleted from the permitted uses and the size of a chapel is limited to one that is small scale and ancillary to the principle use. The Town and the applicant’s planning consultant have agreed to the changes.

4.4 Relationship to Vision 2026

One of the action areas of Goal 4 of Vision 2026 is “*promoting social and emotional well being*”. Provision for burial and related funeral services is consistent with this action area.

5. FINANCIAL IMPLICATIONS

Cemeteries do not pay municipal property taxes. There will be less tax dollars coming into the municipal revenue stream as a result of the development of a cemetery on lands being farmed.

6. LOCAL MUNICIPAL IMPACT

The recommendations of this report are consistent with the recommendations of the Town of Whitchurch-Stouffville to approve Deferral No. 1 to their new Official Plan.

7. CONCLUSION

The location of the proposed cemetery is appropriate as there are no other suitable alternative locations within urban areas nor are there other suitable parcels of sufficient size for sale within the Town of Whitchurch-Stouffville or East Gwillimbury. The application for amendment to the Regional Official Plan meets the tests for non farm land uses in the “Agricultural Policy Area” set out in Section 5.6.7 of the Regional Official Plan.

It is recommended that the Regional Commissioner of Planning issue the Notice to Adopt Amendment No. 28 to the Regional Official Plan. The Commissioner of Planning should also be authorized to issue Notice to approve Deferral No. 1 to the Official Plan of the Town of Whitchurch-Stouffville (OPA 109), subject to the modifications set out in *Attachment No. 2* to this report.

The Senior Management Group has reviewed this report.

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