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June 10, 2014

Mr. Denis Kelly  
Regional Clerk  
Corporate Services Department  
Regional Municipality of York  
17250 Yonge Street  
Newmarket, ON L3Y 6Z1

Re: Comments on City of Markham Official Plan

Dear Sir,

We represent Arbor Memorial Inc ("AMI", formerly Memorial Gardens Canada Limited) regarding land use planning matters which may impact their cemetery properties. AMI owns and operates cemeteries across Canada and is actively involved in the development of new cemetery properties in different provinces. In York Region, AMI owns Highland Hills Memorial Gardens in Gormley (Whitchurch-Stouffville) and Glenview Memorial Gardens in Vaughan. In the City of Markham, AMI maintains an active application for the development of a new cemetery within and adjacent to the Dickson Hill - Hamlet Area.

We have reviewed the new draft Official Plan in light of cemeteries and related uses and the policies that permit and govern them, and offer the following comments on planning for cemeteries in the City of Markham. Several letters were submitted to the City after reviewing these policies. Copies of these are attached.

### Cemeteries

The City of Markham generally considers cemeteries an urban land use. This has not been the case historically. For over a century cemeteries have been sited outside of the built up areas of cities and towns. These cemeteries appear, now, to be urban lands uses (i.e. Mount Pleasant Cemetery, Toronto) but were in fact established 5 kilometres north of the city centre. It is noteworthy that the new Provincial Policy Statement recognizes cemeteries as a permitted use on Rural lands. This placement of cemeteries as an urban use is more fully discussed in the attached letter, dated November 6, 2012.

### Funeral Homes

The Funeral, Burial and Cremation Services Act, 2002, which came into force on July 1, 2012, removed the prohibition of funeral homes on cemeteries. This Act revised the licensing of 'funeral homes' and 'reception/visitation centres' and consolidated the built form and uses therein into 'funeral establishments'. Under this feature of the Act the use is not differentiated.

The issue with 'funeral homes' in the City of Markham Official Plan is the restriction of the number of funeral homes by geographic area. The City is to absorb just over 25% of the population growth, to 2031. With the aging population restricting the number of funeral establishments to one or two per geographic area would restrict business competition, which is not a discipline of planning. This is more fully discussed in the attached letter, dated April 22, 2013.



We do recognize the efforts of the City of Markham to address cemeteries within their new Official Plan. We strongly believe that the comments included in this letter need to be addressed during the next stage in the Official Plan review process.

Sincerely,

LARKIN:

A handwritten signature in black ink, appearing to read "S. Baldwin". The signature is fluid and cursive, written over the printed name "LARKIN:".

Sarah F. Baldwin, MCIP, RPP  
sbaldwin@larkinassociates.com

cc Cosimo Casale P.Eng.; Cosmopolitan Associates Inc.  
W. Thomas Bartow; Fasken Martineau DuMoulin LLP

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6 November, 2012

Jim Baird, MCIP, RPP  
Commissioner  
Development Services  
City of Markham  
101 Town Centre Blvd.  
Markham, ON L3R 9W3

**Re: City of Markham  
Official Plan Review**

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Dear Sir,

We represent Memorial Gardens Canada Limited ("Memorial Gardens") regarding land use planning matters which may impact their cemetery properties. Memorial Gardens owns and operates cemeteries across Canada and is actively involved in the development of new cemetery properties in different provinces. In York Region, Memorial Gardens owns Highland Hills Memorial Gardens in Gormley (Whitchurch-Stouffville) and Glenview Memorial Gardens in Vaughan. In the City of Markham, Memorial Gardens maintains an active application for the development of a new cemetery within and adjacent to the Dickson Hill - Hamlet Area.

We have reviewed the new draft Official Plan in light of cemeteries and related uses and the policies that permit and govern them, and offer the following comments on planning for cemeteries in the City of Markham.

### **Summary of the Cemetery Policies**

Through our review, it appears that cemeteries are identified as an institutional use in Section 5.1.6, Institutions, and that the intent of the plan is to integrate such uses within the community "in accordance with the provisions of the 'Residential', 'Mixed-Use' and 'Private Open Space' designations". Furthermore, Section 8.1.1 identifies uses provided for in all Land Use Designations "except in the 'Greenway' designation... and the 'Employment Lands' designations in the case of a sensitive land use". One of these uses is publicly owned cemeteries in subsection f). Privately owned cemeteries are permitted within the Private Open Space Designation, an urban designation, the policies of which are detailed in Section 8.9 and subject to policies stated in **Sections 8.9.1.4 and 8.9.1.5**. It appears that, in essence, neither private nor public cemeteries are permitted in the rural areas of the City in that the Greenway policies do not identify cemeteries as a permitted use and are, in fact, prohibit institutional uses in the Oak Ridges Plan area and the Greenbelt Plan Area in Section 8.6.1.4. The Countryside designation policies in Section 8.8.1.3 prohibit all non-agricultural uses, with the exception of uses listed in **8.8.1.2 f)**, being conservation projects, veterinary clinic, sod farm, horse farm, nature based recreation and fish/wildlife/forestry management.

In summary, we have noted the following overall concepts:

- The Draft Official Plan differentiates between public and private cemeteries and, while providing policies for the expansion of existing private cemeteries and the establishment of new privately owned cemeteries, fails to apply the policies and guidelines for the establishment and expansion of publicly

owned cemeteries. Publicly owned cemeteries are permitted across a range of designations, with some exceptions, whereas privately owned cemeteries are specifically permitted only within "Private Open Space" which is an urban designation;

- The City of Markham generally considers cemeteries as being an urban use. A review of the policies concludes that neither public nor private cemeteries are permitted within the 'Greenway' or the 'Countryside' designations. These designations comprise the majority, if not all, of the rural land in the City of Markham.
- The new draft Official Plan supports very aggressive intensification policies for urban areas which present a challenge to the location and expansion of cemeteries which require, by nature, large parcels of land but yet very little in the way of municipal servicing; and,
- The specific cemetery policies detailed in Sections 8.9.1.4 and 8.9.1.5 of the plan are fairly comprehensive when compared to other municipalities within Ontario. A few suggestions can be made, however, to further strengthen and define the City of Markham's cemetery policies.

Based on this review, we have identified some concerns with the manner in which cemeteries are addressed within the draft City of Markham Official Plan.

#### **Comments:**

We offer the following comments for your consideration:

#### **1. Public and Private Cemetery Differentiation**

We feel that both privately and publicly owned cemeteries should be permitted across all designations, with some exceptions such as employment lands and environmentally sensitive lands, and should be subject to the same locational and development criteria as defined in Sections 8.9.1.4 and 8.9.1.5.

#### **2. Cemeteries as an Urban Land use**

There is a false perception that cemeteries should be considered an urban land use. This perception is contrary to the historic evidence relating to the development of cemeteries. Early burial grounds were located away from settlement areas for health and perception reasons. As the settlements grew, however, the burial grounds became part of the community and became more formalized in terms of their organization. To this end, early cemeteries were often associated with local churches, typically located within the church yard itself. As the settlement areas expanded, however, larger properties were needed to accommodate the burial needs of the settlement residents. New cemeteries, therefore, were by necessity located on the outskirts of communities as this was generally the only place properties of sufficient size could be secured.

As an example, we note that Mount Pleasant Cemetery in midtown Toronto was established in 1876 in what was known as Deer Park ([www.mountpleasantgroup.com](http://www.mountpleasantgroup.com)) which was originally considered to be "far north of the city". Woodlawn Cemetery in London, Ontario is another example and is described as being established in 1879 "two or three miles west of the city" ([www.woodlandcemetery.on.ca](http://www.woodlandcemetery.on.ca)). Local examples of this are Holy Cross Catholic Cemetery, established in 1954, and Christ the King Cemetery, established in 2001.

The location of cemeteries within the urban area, in fact, conflicts with the proposed intensification policies. The City of Markham has set very aggressive intensification targets in Section 2.4 of the new draft Official Plan stating that 60% or greater of all residential development and 2/3's of jobs will be added within the built up areas of the City. This target is significantly more aggressive than the Region of York's minimum target of 40% of all residential development within the built-up area. This intensification pressure presents a challenge to development of cemeteries as the competition for the more traditional land uses, such as residential, commercial and industrial and employment land, will be intense. Furthermore, whereas the more common land use characterizations are considered to be "residential", "commercial", "industrial", "institutional" and "recreational", with a focus on the infrastructure requirements of their provision, cemeteries require little infrastructure for their implementation and maintenance.

Modern cemeteries typically require from 20 to 40 hectares of land (50 to 100 acres) to be viable, however they require little infrastructure to support them. The location, therefore, of new cemeteries within urban areas does not represent the most efficient use of public infrastructure. As well, parcels of land of this size can be difficult, if not impossible, to locate within an urban area and will fail to compete with other, more traditional land uses.

Finally, the concept of cemeteries as a rural land use has been recognized by the Region of York in Section 6.4, Rural Area, of their new regional Official Plan. The Region of York identifies cemeteries as a rural use and, in this regard, the City of Markham's Official Plan does not conform to the Region of York's policies. This reflects the position adopted in 2011 by the Greater Toronto Countryside Mayors Alliance recognizing that new cemeteries cannot be established within a community's settlement area boundary. In this regard, the Mayors Alliance met with the Minister of Municipal Affairs and Housing in June of 2011 to discuss several items of concern, including a request to empower municipalities to permit the planning and development of prime agricultural lands for public uses (cemeteries).

In light of the foregoing, it is important to accommodate cemetery development within the rural areas of a municipality subject to certain location criteria. We recommend that the City of Markham review the cemetery policies of the Region of York and modify their policies to recognize cemeteries as a rural land use.

### **3. Cemetery Policies in Section 8.9.1.4 and 8.9.1.5**

The cemetery policies presented in Section 8.9.1.4 and 8.9.1.5 are fairly comprehensive when compared to other municipalities within Ontario. We offer the following suggestions for your consideration:

- These policies should be extended to the expansion and location of publicly owned cemeteries;
- Differentiation in the policies should be made between expansion of an existing cemetery and the establishment of a new cemetery which would require more rigorous study;
- Both private and public cemeteries should be permitted within all designations, with some logical exceptions;
- New cemeteries should address water and wastewater servicing and impacts on key natural heritage or hydrological features and functions, biodiversity or connectivity of the Regional Greenlands System; and,
- Cemeteries should be permitted within the 'Countryside' and 'Greenway' designations provided an analysis is included which demonstrates:

1. that the land does not comprise a specialty crop area;
2. there is a need for the cemetery;
3. the use is compatible with surrounding uses;
4. there are no reasonable alternatives existing in the urban area or on lower priority agricultural lands.

We would be pleased to offer you examples of cemetery policies for your assistance.

#### **4. Urban Economics**

The amount of land required for new cemeteries is almost impossible to find in most urban areas as the value is increased due to the other land uses competing for the same, serviced, lands. Servicing is what defines urban areas. Current Provincial policy requires the intensification of urban areas. Thus there is increasing competition for the various "traditional" urban land use types (residential, employment, commercial, etc) which rely on the provision of municipal services. In contrast, by virtue of their characteristics, cemeteries do not require servicing. They can be, and often are, serviced by private well and septic system.

The logic of using "serviced" land, therefore, for a use that requires little if any municipal services is questionable. Municipalities have a reasonable expectation of recovering the capital investment made in installing services from the development that uses them. Thus, from an economic perspective the use of urban land for cemeteries makes little sense: The conclusion is that cemeteries are more logically sited outside of urban areas.

#### **5. Population Projections**

Typical land use planning utilizes projections of population growth to assess the requirements for various types of land uses (such as residential, commercial, industrial, etc.). In this regard, the Town's draft Official Plan follows this convention. Nowhere in the Plan, however, is there an assessment of mortality rates and total numbers within the effective life of the Plan to ascertain whether or not the City is adequately served by cemetery lands. Furthermore, due to the unique nature of cemeteries as a land use, it must be recognized that the "planning horizon" for this particular use is not typical of that used in land use planning, and thus it is important that the City considers requirements beyond the life of the Plan.

Finally, it must be recognized that social preferences and composition change over time and that there may be a corresponding influence on the nature and type of lands required for cemeteries in future. While there may be evidence over time of a general change in memorialization preference (such as an increase in the number of cremations in relation to traditional burial options) these changes take many generations to have any substantive influence on planning for cemeteries. Additionally, the spatial and locational requirements for future burial gardens / cemeteries are not considered in typical land use planning exercises. In this regard, the City's Official Plan review is no exception. Thus it is important that land use policies provide sufficient flexibility in terms of the burial options future generations might require.

#### **6. Planning Horizon**

Cemeteries provide an intergenerational amenity to the society of the community they serve, and typically take many years to be fully developed. Conventional land use planning applies a 15 to 20 year "horizon" as an appropriate window within which to provide land use policy direction. In contrast,

modern cemeteries typically "plan" to provide for the burial and memorial requirements of up to four generations. For statistical purposes it is generally accepted that a generation replaces itself every 25 years<sup>1</sup>. Thus an appropriate planning horizon for cemeteries would be 100+ years.

### **Conclusions**

In conclusion, we feel that the following is necessary to ensure that cemeteries are properly addressed within the City of Markham Official Plan:

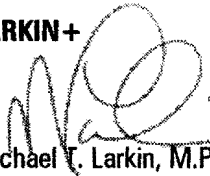
- Recognize that cemeteries are a rural land use, in conformity with the Region of York's new Official Plan, and permit private and public cemeteries in all designations, including designations of Greenway and Countryside, subject to certain location criteria and development requirements.
- Expand the cemetery policies listed in Section 8.9.1.4 and 8.9.1.5 and apply to publicly owned cemeteries.
- Acknowledge that the planning horizon in relation to planning for cemeteries is in excess of 100 years.

We do recognize the efforts of the City of Markham to address cemeteries within their new Official Plan. We strongly believe that the comments included in this letter need to be addressed during the next stage in the Official Plan review process.

Should you have any questions regarding these matters, please do not hesitate to contact the undersigned at (905) 895-0554.

Sincerely,

**LARKIN+**



Michael T. Larkin, M.Pl., MCIP, RPP  
mtlarkin@larkinassociates.com

cc W. Thomas Barlow, Fasken Martineau DuMoulin LLP  
D. Annand, urbanMetrics inc.  
C. Casale, Cosmopolitan Associates Inc.  
for Memorial Gardens Canada Limited

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<sup>1</sup> In developed countries the generational replacement rate has actually been increasing. In the United States it rose from 21.4 (1970) to 25.0 (2006), where as in Canada it is slightly longer: 23.7 (1970) to 28.0 (2006). (Mathews & Hamilton, 2009) Thus, it is possible that the actual planning horizon for cemeteries should be 112 years (Canada).

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22 April, 2013

Mr. Jim Baird, MCIP, RPP  
Commissioner, Development Services  
City of Markham  
101 Town Centre Blvd.  
Markham, ON L3R 9W3

**Re: City of Markham  
Official Plan Review – Comments: Funeral Home Policies**

Dear Sir,

We represent Memorial Gardens Canada Limited ("Memorial Gardens") regarding land use planning matters which may impact their properties. Memorial Gardens owns cemetery properties across Canada and, specifically within York Region; Memorial Gardens owns Highland Hills Memorial Gardens in Gormley (Whitchurch-Stouffville) and Glenview Memorial Gardens in Vaughan. In the City of Markham, Memorial Gardens maintains an active application for the development of a new cemetery within and adjacent to the Dickson Hill - Hamlet Area.

We have noted the upcoming public meeting on April 23, 2013 to review and receive public feedback on the new draft City of Markham Official Plan. In this regard, we have reviewed the new draft Official Plan in regards to funeral homes within the City of Markham, and offer the following comments. This letter is in addition to our comments submitted on November 6, 2012 regarding the City's proposed OP policies relating to the provision of cemeteries.

#### **Summary of Funeral Home Policies**

The new draft Official Plan defines Funeral Homes as "*a premise used for furnishing supplies and services to the public and includes facilities intended for the preparation of the human body for interment*".

- Section 8.4.1.4 permits certain discretionary uses within the commercial designation, one of which is a funeral home in accordance with Section 8.13.4. Funeral homes are generally permitted within most commercial designation but are prohibited within Business Park Employment and Business Park Office Priority Employment. Funeral homes are also permitted as a discretionary use within lands designated as 'Service Employment' subject to the policies within Section 8.4.1.4; however, they are specifically prohibited within the 'General Employment' designation. Finally, funeral homes are also permitted within the private open space designation as a use associated with cemeteries.
- Section 8.13.4 provides policies which specifically apply to development applications for the establishment of funeral homes. Several requirements are listed which include frontage and access, the maximum number of funeral homes in each defined community area and necessary studies and plans required for approval. In particular, we note the following restrictions on the number of funeral homes permitted within each community area as follows:



- c) *the maximum number of funeral homes in each defined community area identified in Appendix H – Funeral Homes Community Areas be as follows:*
- *One each in Community Areas 1 and 2,*
  - *Two each in Community Areas 3 and 4,*
  - *One in Community Area 5: and,*
  - *One in each cemetery greater than 40 hectares;*

### **Population and Growth Projections in the City of Markham**

The City of Markham new draft Official Plan recognizes that Markham has experienced significant growth since incorporation as a Town in 1971 with a population increasing tenfold to just over 310, 000 when the Town achieved city status on July 1, 2012. It is also recognized that this growth will continue within the Region of York and the City of Markham due to its strategic location within southern Ontario. Currently, the City of Markham is projected to grow to a population of 370 300 by 2021 and 421, 600 by the year 2031 which represents a growth rate of 36% over the next 20 years. It is important the City of Markham plans to accommodate this projected growth and ensure that all services and land use requirements are accurately predicted based on population projections to accommodate the needs of both the City of Markham and the Region of York.

### **Concerns**

In light of these growth projections, we are very concerned with the funeral home policies in Section 8.13.4 that set limits to the number of funeral homes within each community area. With respect, these limits appear to have been set arbitrarily; whereas, planning for future land use needs should be based on population and mortality projections. Solid business planning practices would dictate that funeral homes would develop based on market needs. It is generally accepted that the progression of the baby boomers through the various life stages will influence all aspects of our economy. Based on this expectation of demand, it is important to plan for both funeral homes and cemeteries in the same manner in which other land uses are based: That is, on the basis of population projections and projected mortality rates.

Restricting the siting of a funeral home on cemeteries which are 40 hectares or greater will be very difficult to permit as these draft Official Plan policies direct cemeteries to urban areas. Land holding of the required size will be impossible to find inside the urban boundary. The original prohibition of funeral homes from being sited on cemeteries stemmed from a prohibition in The Cemeteries Act, 1992. This prohibition has been lifted with the coming into force of the Funeral, Burial and Cremation Services Act, 2002. The massing of built form is a function of building size to land area. Therefore to restrict a funeral home to larger tracts of land, as a cemetery of 40 hectares would be, does not address this.



We trust that you will find our comments to be of assistance in your consideration of this matter. Should you have any questions regarding these matters, please do not hesitate to contact the undersigned at (905) 895-0554.

Sincerely,

**LARKIN+**

A handwritten signature in black ink, appearing to read "M. Larkin", written over a horizontal line.

Michael T. Larkin, M.Pl., MCIP, RPP  
mtlarkin@larkinassociates.com

cc W. Thomas Barlow, Fasken Martineau DuMoulin LLP  
D. Annand, urbanMetrics inc.  
C. Casale, Cosmopolitan Associates Inc.  
for Memorial Gardens Canada Limited