



May 15, 2023

**Envision Durham**

The Regional Municipality of Durham  
Planning and Economic Development Department  
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**Re: Envision Durham – Durham Region Official Plan Review 2022/23**

Arbor Memorial Inc. Commenting on Recommended Regional Official Plan of 2023

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Dear Sir/Madam,

Please accept this letter in response to the final recommended Official Plan of May 2023 (DROP May 2023). We continue to follow Envision Durham, the Region's Municipal Comprehensive Review process closely on behalf of our client, Arbor Memorial Inc. (Arbor), and are looking forward to a Regional Official Plan that offers a just and feasible development potential for our client's lands related to their approved and/or intended uses.

We thank you for offering a staff response on our comments provided in a letter dated April 02, 2023. We have carefully noted the responses provided by the Regional staff and, while the responses addressed some of our comments in our 1<sup>st</sup> Draft of DROP, there are still a few **pending comments/concerns that we would like to be addressed going forward**. Our previous letter is attached for your reference.

On behalf of Arbor, and as mentioned in our previous letter, we would like to ensure that any policy changes in the DROP 2022/23 are inclusive and supportive of the respective plans and goals for all Arbor properties. To that end, we find it necessary to reiterate the following comments that have not been fully addressed and/or clarified. We respectfully submit that addressing the following comments is important for our client's interests and is also a critical priority for the greater public interest in terms of providing adequate, immediate and long-term death care needs to the Region of Durham. Our comments are detailed below.

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### **1. Mapping Details and Site-Specific Identification**

We recommend that the Region update the interactive mapping and draft schedules provided for review and commenting to allow for site-specific identification of designations and features. In our opinion, **the ability to zoom-in to specific properties on the interactive mapping and having the parcel lines on the published schedules is important** for referencing specific properties. Without this feature, it is, and was, impossible to fully understand the extent of applicability and the impact of the proposed schedules. As such we have not been fully able to ascertain the impacts to our client's land holdings.

### **2. Major Open Space Areas included in Agricultural AND Greenland System**

We understand the staff comment that Major Open Space Areas may be within urban or rural areas and, if we understand correctly, by extension these may also be part of other 'systems' such as Greenlands, Agricultural, Natural Heritage, etc.

The reference to Major Open Space Areas in Section 6.1 Agricultural System should be clarified since there is no mapping or visual representation of the Agricultural System, similar to Map 1 which specifically identifies Arbor's lands at 2080 Westney Road in Ajax as being located within the Major Open Space Areas designation of the Greenlands System or Map 2a which shows the lands as being outside the Regional Natural Heritage System.

However, it is our understanding that the express intent of the Regional Agricultural System assessment and review phase was to analyze and designate lands best suited for Prime Agricultural Lands, agricultural uses and agri-food sector. Arbor's properties were assessed by the Region and removed from Agriculture Candidate Lands, and continue to remain Major Open Space.

### **3. Policies in Major Open Space Areas as Related to Development of Cemeteries**

The Major Open Space Area policies in Chapter 7 does not recognize cemeteries in the same vein as other major recreational uses. These policies do not provide cemeteries the development guidance offered to major recreational uses, such as golf courses, which have been specifically identified. Considering the cemetery land use essentially functions as a perpetual open space use that is publicly accessible, we consider it appropriate to include cemeteries in this policy alongside the others mentioned.

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The policies listed below either conflict directly with each other within the Plan, or with previous stages of the Envision Durham process or, in our opinion, have no technical merit that we have seen provided for analysis. We continue to object to these policies and request that the Region should reconsider them thoroughly going forward.

**Policy 7.1.9.d** requires that *“the disturbed area of any site does not exceed 25% and the impervious surface does not exceed 10% of the total developable area, except for major recreational uses and aggregate extraction areas. With respect to golf courses, the disturbed area shall not exceed 40% of the site”*. The **policy does not define ‘disturbed area’** – even farmland that is actively plowed should be recognized as ‘disturbed’ areas. Cemeteries may, and should, appropriately be considered ‘serviced open space’ since the land is cleared and graded for laying out the internal pathways and gardens prior to being landscaped, with the end result being that a **majority of the land returns to being a perpetual open space**. The 10% impervious area permitted in this **policy is in conflict** with and substantially lower than that permitted in subsequent Policy 7.1.11.d which states that *“ensure that buildings and structures do not occupy more than 25% of the total developable area of the parcel”*. That is **a 15% difference in the amount of development permitted on a parcel, a conflict within the section itself**. It is our submission that the Official Plan should **provide qualitative guidance rather quantitative and absolute figures as maximums and minimums**. In this regard, we suggest **removing both the 25% and 10% figure noted above and encourage Low Impact Development (LID)** methods and innovation consistent with the Envision program.

**Policy 7.1.11.a** states that non-agricultural uses within the Major Open Space Areas shall *“minimize the use of prime agricultural land, including Canada Land Inventory Classes 1, 2 and 3 soils”*. As it relates to Arbor’s lands at 2080 Westney Rd N (Pine Ridge North), designated as Major Open Space in the current and new recommended OP, the property was considered as Candidate Agricultural Areas within the Provincial system and later removed by the Region. **Durham Region, during its review of the Agricultural and Rural System, did not finally designate these lands as Prime Agricultural Areas (as acknowledged in our letter dated September 08, 2022)**. These lands, therefore, have been reviewed and assessed by the Region, based on a detailed set of criteria developed by the Region itself, **it is excessive to continue to apply prime agricultural soils criteria** to these lands and would cause undue hardship to our client.

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**Policy 7.1.11.b** states that non-agricultural uses need to “demonstrate that the use is appropriate for location in the Major Open Space Area and, apart from recreational uses, is small in scale and serves the resource and agricultural sectors”. This **policy is in conflict with other policies of the Plan since cemeteries are permitted in Major Open Space Areas**, and the Pine Ridge North lands are “existing parcels of appropriate size for the proposed use” (Policy 7.1.11.c). The **conflict is in requiring uses to ‘serve resource and agriculture sectors’, while permitting as-of-right land uses such as cemeteries, that have no interaction with resource or agriculture**, within the Major Open Space Areas.

**Policy 7.1.11.j** states that non-agricultural uses need to “ensure at least 30% of the total developable area of the site will remain or be returned to natural self-sustaining vegetation”. The **total developable area calculation already deducts environmental features and associated protection zones, and requiring an additional 30% out of a limited ‘developable area’ is excessive** and, as applied to Pine Ridge North, would cause undue hardship to our client, **especially given that cemeteries are largely green space and would remain a passive open space in perpetuity**.

#### **4. Funeral Establishments and Other Subsidiary Interment Uses within Cemeteries**

The ‘Cemeteries’ use is identified within Section 3.3 Complete Communities, and Policy 3.3.29 permits only three subsidiary interment uses including columbaria, mausolea and interment burial areas within the cemeteries; without at least the “such as” wording prefixed to these subsidiary uses. This **list of subsidiary interment uses recognized and permitted on ‘cemeteries’ use is not comprehensive** and does not reflect the nature, function and composition of cemeteries.

The Region should **specifically state that the list in Policy 3.3.28 is not exhaustive** and **(at a minimum) include and fully permit funeral establishments (‘funeral homes’) in the policy as a permitted/included/subsidiary use** within ‘cemeteries’ to reflect the current Funeral, Burial and Cremation Services Act, 2002 (FBCSA), inclusive of subsequent December 2017 amendments, which permits the co-location of funeral homes, crematoriums and mausoleums on cemetery lands as ancillary components providing death care services to the public.

Table 3. Land Use Groups by Risk to Drinking Water recognizes funeral homes alongside cemeteries in Group 3- Low Risk Land Uses, therefore it **conforms with the intent of the Plan to specifically identify “funeral homes/establishments” in the wording of Policy 3.3.29** as well.

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Location of funeral establishments within cemeteries also represents good planning with respect to the efficient use and management of land and infrastructure, and, in conjunction with the other uses on the cemetery property. Funeral establishments (or funeral homes) are an integral part of cemeteries and essential to the seamless on-site provision of all death care services, especially towards serving all faiths and death care preferences for an inclusive community. It should be noted that funeral homes have been approved and currently exist on both existing and proposed new cemeteries, in the Region of Durham as well as other regions in Ontario, as consistent with Provincial legislation.

Our comments and observations in this letter are again by no means exhaustive and serve to reflect our client's concerns regarding their ability to fully develop their properties. We reserve our intent to submit supplemental letters with comments and/or documentation if such information is required or necessitated in the future.

As stated in our previous letter, we again request a virtual meeting with the Region's Planning team to discuss our concerns. We submit that this letter may also be forwarded to any external agencies by the planning team, as necessary and appropriate. We shall follow the planning process closely as a stakeholder, an active participant and an interested party, and would like every opportunity to contribute ideas, policy considerations and planning rationale in favour of the future development of our client's properties.

Should you have any questions, please do not hesitate to contact the undersigned.

Thank you for your attention.

*Sincerely,*

**COSMOPOLITAN ASSOCIATES INC.**

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