



THE CATHOLIC CEMETERIES
of the Diocese of Hamilton

CEMETERIES

Holy Sepulchre
Burlington

Gate of Heaven
Burlington

Holy Cross
Brant County

St. Joseph
Brantford

Marymount
Guelph

**Our Lady of
Mount Carmel**
Freelton

**Our Lady of
the Angels**
Stoney Creek

Resurrection
Hamilton Mtn.
& Ancaster

St. Joseph
Acton

Sacred Heart
Paris

St. Augustine
Dundas

St. Joseph
Guelph

St. Thomas
Waterdown

MAUSOLEA

**Our Lady
of Victory**
Burlington

Holy Souls
Burlington

**Our Lady
Immaculate**
Guelph

**Our Lady of the
Assumption**
Brantford

**Our Lady of
the Angels**
Stoney Creek

CREMATORIUM

Holy Cross
Brant County

Mr. Andrew Doersam
Ministry of Municipal Affairs and Housing
Municipal Services Office – Central Ontario
Central Ontario
777 Bay Street
2nd Floor
Toronto ON M5G 2E5

December 9, 2011
File No. H-M-30

RECEIVED
MUNICIPAL SERVICES OFFICE

DEC 16 2011

CENTRAL REGION
MINISTRY OF MUNICIPAL AFFAIRS
AND HOUSING

Dear Mr. Doersam:

**RE: MINISTRY FILE 24-OP-0027-038
AMENDMENT NO. 38 TO THE REGIONAL MUNICIPALITY OF HALTON
OFFICIAL PLAN
CATHOLIC CEMETERIES OF THE DIOCESE OF HAMILTON**

The Catholic Cemeteries of the Diocese of Hamilton (The Catholic Cemeteries) is the applicant for a site specific private amendment to the Region of Halton Official Plan 2006 to permit cemetery and related land uses on 53.1 ha of land located in Part Lot 1, Concession 2 NS, Geographic Township of Trafalgar, in the Town of Milton, Regional Municipality of Halton, as shown on the attached plan (Regional file RQ52A). On behalf of the Catholic Cemeteries, I am submitting this appeal of the decision of the Minister of Municipal Affairs and Housing dated November 24, 2011 with respect to Amendment No. 38 to the Region of Halton Official Plan.

The site specific Official Plan amendment proposes to establish two cemeteries side by side, a 40.1 ha cemetery to be operated by the Catholic Cemeteries for the Catholic community of south Halton, and a 12.2ha non-denomination cemetery to be operated by the Milton Cemetery Company for the Milton community. The Catholic Cemeteries is the authorized applicant on behalf of the property owners, the Roman Catholic Episcopal Corporation of the Diocese of Hamilton and the Corporation of the Town of Milton.

The 53.1ha of land are considered as prime agricultural land and are under cultivation. These lands have no natural features save intermittent tributaries to Sixteen Mile Creek, related hazards in the form of floodplains and meander allowances, and related aquatic habitat.

The sections of the Official Plan as modified and appealed, and reasons for the appeal are as follows:

1. Prime Agricultural Lands, Section 139.1(9)(e)

Section 139 as modified will introduce policies for Prime Agricultural Areas, as shown on Map 1D. Section 139.1(8) will establish conformity with the Greenbelt Plan with respect to Prime Agricultural Areas within the Greenbelt Plan Area while Section 139.1(9) will establish conformity with the Provincial Policy Statement with respect to Prime Agricultural Areas outside of the Greenbelt Plan Area. For lands outside of the Greenbelt Plan Area, Section 139.1(9) permits removal of lands from Prime Agricultural Areas subject to seven tests including subsection 139.1(9)(e) which states "no negative impact to adjacent agricultural operations and the natural environment". The Provincial Policy Statement, section 2.3.5.2 does not authorize a test of "no negative impact" on adjacent agricultural operations. Section 2.3.5.2 states "*impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands should be mitigated to the extent feasible*".

The Diocese objection can be addressed by separating the natural environment and agricultural operations considerations into two policies and for agricultural operations, applying a test of "impact mitigation to the extent possible", consistent with the Provincial Policy Statement.

2. Regional Natural Heritage System, Sections 118(3), 118(3.1) through 118(3.3)

Council adopted Amendment 38 established policies for the Greenbelt Natural Heritage System (sections 101.4 through 101.8) and for the Regional Natural Heritage System (sections 113 through 118(9)). Section 101.6 acknowledged that while the two natural heritage systems have different sets of policies, they complement each other and together, implement Halton's vision. Modification 55 will delete the Greenbelt Policy Area provisions including those for the Greenbelt Natural Heritage System while modifications 90 through 100 will merge policies for two Natural Heritage Systems as one policy set. The effect is to impose Greenbelt Natural Heritage System policies outside of the Greenbelt Plan Area on some parts of the Regional Natural Heritage System.

By way of example, on the 40ha property of the Diocese, there are a number of intermittent watercourses which are mapped for regulated floodplain and identified as fish habitat by Conservation Halton. Section 118(3) of Amendment 38 as modified by the Minister would have the effect of requiring an Environmental Impact Assessment for cemetery development within 120m of the fish habitat, as a Key Feature, where no such Environmental Impact Assessment is required outside the Greenbelt Plan Area. Moreover, section

118(3.1) and 118(3.2) as modified by the Minister's decision would also impose a minimum 30m vegetation protection zone from that identified fish habitat where a vegetation protection zone is either not required or required but not of this magnitude outside the Greenbelt Plan Area.

In summary, on behalf of the Roman Catholic Episcopal Corporation of the Diocese of Hamilton, I respectfully appeal the Minister's decision with respect to Amendment 38 and in particular, modification 104, and modifications 93, 98 and 99.

Enclosed is a certified cheque in the amount of \$125.00 payable to Minister of Finance, Province of Ontario.

Should you have any questions or concerns, please do not hesitate to contact me.

Yours truly,

Original signed by

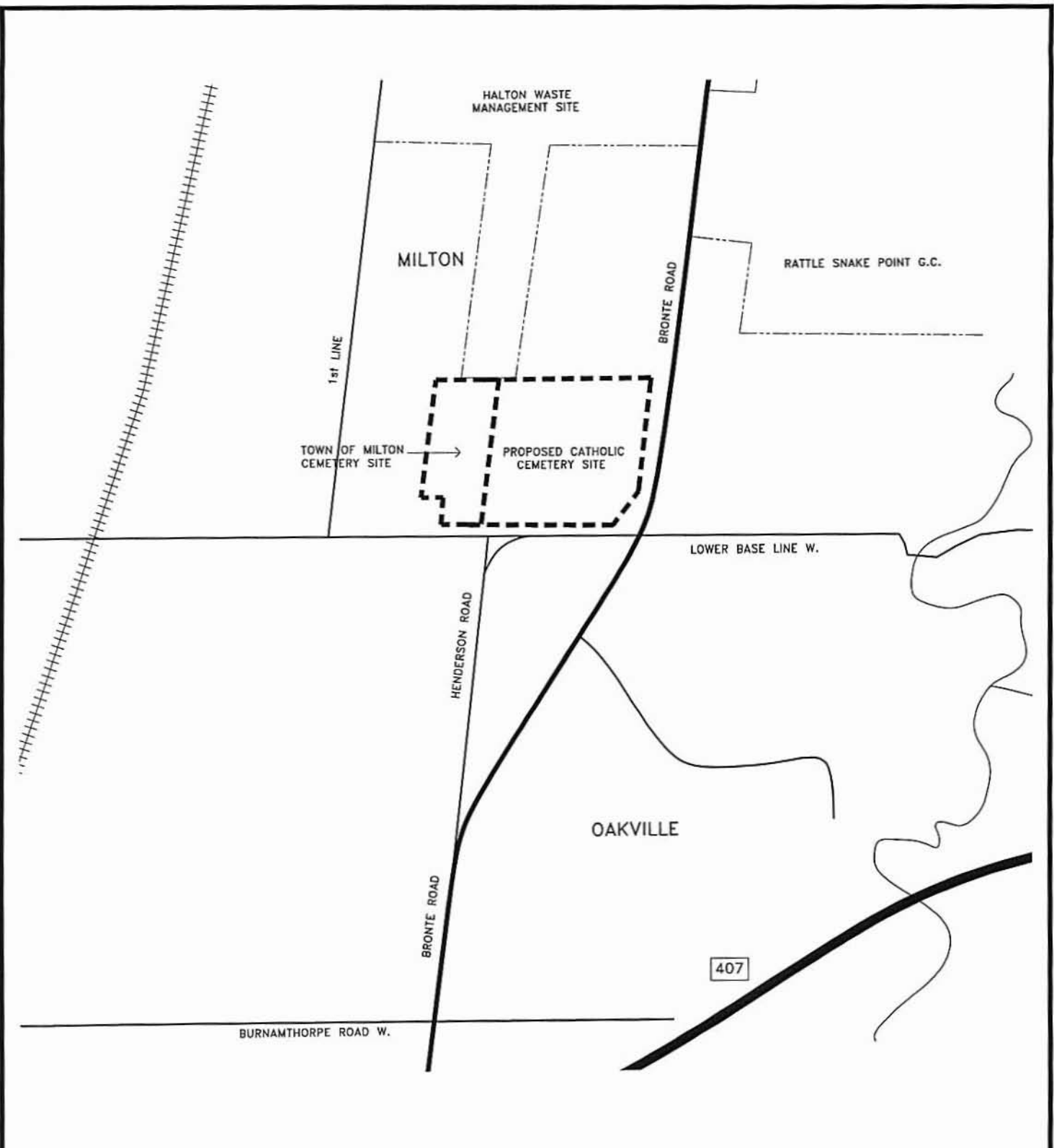
John O'Brien

Director of Cemeteries

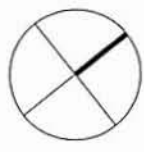
Catholic Cemeteries of the Diocese of Hamilton

Enc.

cc: K. Dakin
P. Vagnini



Catholic Cemeteries of the Diocese of Hamilton
Proposed Catholic Cemetery
 Part Lot 1, Concession 2 NS
 Geographic Township of Trafalgar
 Town of Milton





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