



Planning Services Public Meeting Report

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Report To:	Planning and Development Committee		
Date of Meeting:	October 23, 2017		
Report Number:	PSD-077-17	Resolution:	
File Number:	ZBA2017-0030	By-law Number:	
Report Subject:	An application by Newcastle Funeral Home Ltd. To amend the Zoning By-law to permit alkaline hydrolysis, a flameless form of cremation, within an existing funeral home at 386 Mill Street South, Newcastle		

Recommendations:

Provided there are no significant concerns raised during the Public Meeting:

1. That Report PSD-077-17 be received;
2. That the By-law attached to Report PSD-077-17 be approved;
3. That the Durham Regional Planning and Economic Development Department and Municipal Property Assessment Corporation be forwarded a copy of Report PSD-077-17; and Council's decision; and
4. That all interested parties listed in Report PSD-077-17 and any delegations be advised of Council's decision.

Report Overview

Newcastle Funeral Home Ltd. has submitted an application to amend the Zoning By-law. The amendment is required to allow cremation by alkaline hydrolysis as a permitted use within the existing funeral home on the property. This report recommends that Council approve cremation by alkaline hydrolysis as a permitted use within the Urban Residential Exception (R1-30) zone.

1. Background

- 1.1. Owner/Applicant: Newcastle Funeral Home Ltd.
- 1.2. Agent: Trevor Charbonneau
- 1.3. Proposal: Amend Zoning By-law 84-63 to permit cremation by alkaline hydrolysis within an existing funeral home.
- 1.4. Area: 0.27 hectares (0.67 acres)
- 1.5. Location: 386 Mill Street South, north-west corner of Mill Street South and Robert Street East, Newcastle.
- 1.6. Roll Numbers: 181703012001700
- 1.7. Within Built Boundary: Yes

2. Background

The Newcastle Funeral Home is looking to establish the ability to offer alkaline hydrolysis cremations from their existing funeral home located at 386 Mill Street South, Newcastle. Alkaline hydrolysis, also known as “bio-cremation”, is a flame-less form of cremation that uses water, alkaline chemicals, heat, agitation and pressure to accelerate natural decomposition. The applicant is proposing to install and operate the equipment for alkaline hydrolysis within the existing building.

2.1 Alkaline Hydrolysis Process

Alkaline hydrolysis is a method of final disposition that reduces the body to essential elements, which are mineral remains or ash. The deceased is placed into a chamber and the system fills with a solution of 95% water and 5% alkali. The solution is heated and continuously flows through the system. The length of time for the process can range depending on the temperature of the process. Similar to flame based cremation only the solids, the minerals of the bones, remain at the end of the process. The material submitted and reviewed in support of the application indicates there is no external venting

to the atmosphere as a result of the process. As part of the process the water is cooled in the system and treated to the proper pH levels before being released into the sanitary sewer system.

2.2 Bereavement Association of Ontario Requirements

The Bereavement Association of Ontario (BAO) administers the *Funeral, Burial and Cremation Services Act* on behalf of the Ministry of Governmental and Consumer Services. The BAO licenses alternative processes or methods of disposing of human remains, including alkaline hydrolysis facilities.

The requirements for licencing under the *Funeral, Burial and Cremation Services Act* requires municipal approval, including published notice of municipal approval, and a statement indicating that the applicant has obtained any Environmental Compliance Approval (ECA) required by section 9 of the Environmental Protection Act or section 53 of the Ontario Water Resources Act. The ECA's addresses two separate issues. The first, is air and noise emissions and the second is wastewater emissions. Approval for the waste water disposal is required by the authority responsible for the sanitary sewer and water treatment infrastructure, in this case Durham Region Works Department.

The applicant can also submit an explanation of how one or both types of ECAs are not required under the Act.

2.3 Alkaline Hydrolysis Examples

Alkaline Hydrolysis is a relatively new process authorized for the final disposal of human remains. The first system was installed at the University of Florida in the mid 1990's. A number of research facilities in the United States have used these systems, including the Mayo Clinic, for people who have donated their bodies to research.

The process has more recently been introduced to the commercial funeral business. The process is currently legal in 14 States in the United States and 3 Provinces in Canada (Saskatchewan, Quebec and Ontario). In Ontario, there are currently three installations in Smith Falls, Kingston and Kirkland Lake. It is also under consideration in the Township of Essa.

The process has also been used for pet cremation for a number of years.

3. Land Characteristics and Surrounding Uses

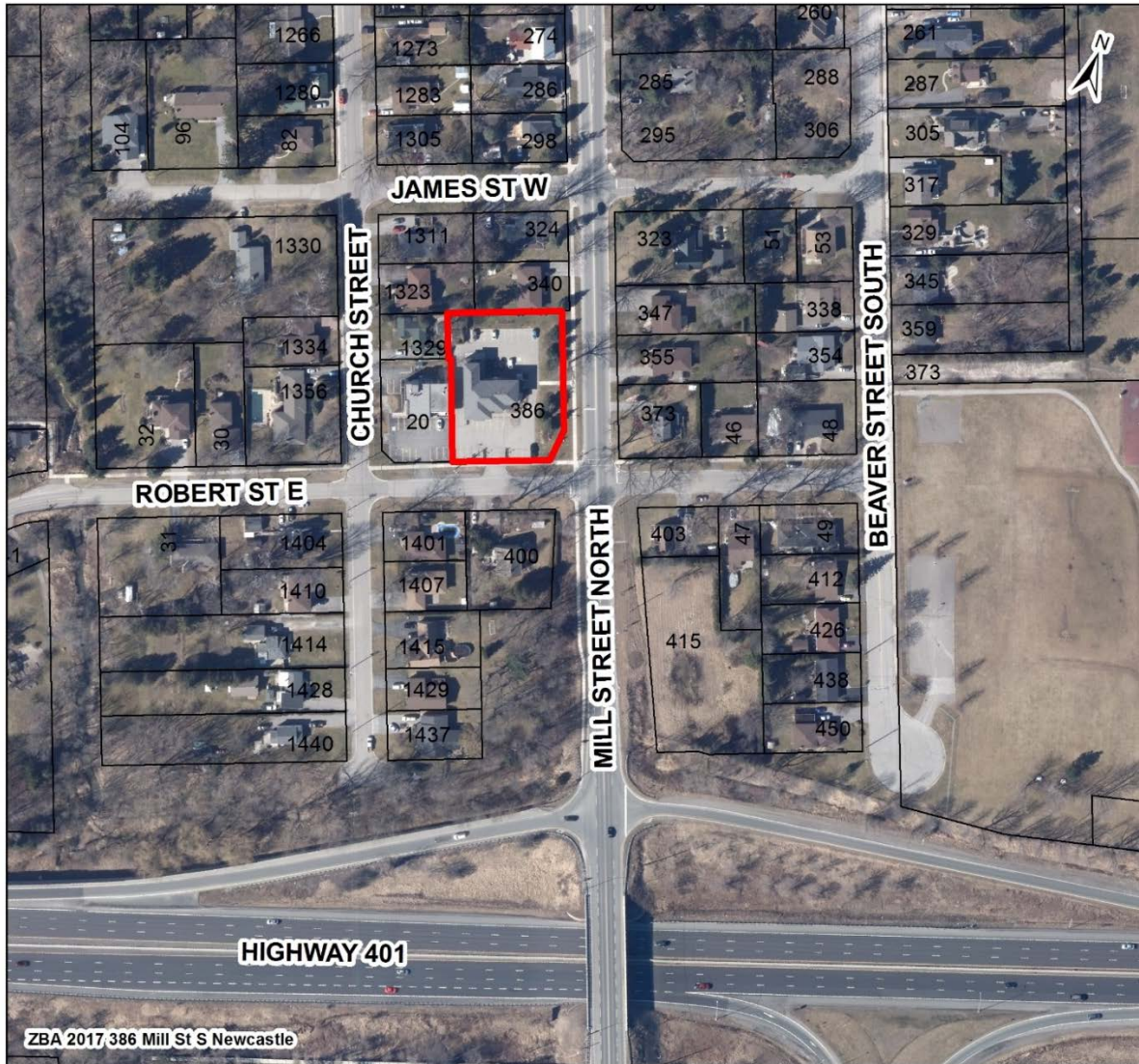


Figure 1: Location of subject property

- 3.1 The subject lands have an existing two storey building that is currently used as a funeral home.
- 3.2 The surrounding uses are as follows:
 - North - Single Detached Dwellings
 - South - Single Detached Dwellings
 - East - Single Detached Dwellings
 - West - Commercial, Professional Office

4. Provincial Policy

4.1 Provincial Policy Statement

The Provincial Policy Statement requires municipalities to accommodate an appropriate range and mix of uses including institutional uses, which includes cemeteries and crematoriums.

The application is consistent with the Provincial Policy Statement.

5. Official Plans

5.1 Durham Region Official Plan

The Durham Region Official Plan designates the subject lands Living Area. Living Areas are to be used predominately for housing but may also include limited office uses and retail of goods and services provided they are in appropriate locations.

The application is consistent with the Durham Region Official Plan.

5.2 Clarington Official Plan

The Clarington Official Plan designates the property Urban Residential. The predominant use of lands in the Urban Residential designation is intended for housing. Other uses that are compatible with the residential uses may be permitted by site specific zoning on the property. The subject property has a site specific zone in place for the existing funeral service establishment.

The Official Plan provides the requirements for establishing a new cemetery and/or crematorium. Section 18.6.10 requires the following areas be addressed:

- a) The suitability of the location and compatibility with *adjacent development*;
- b) The street network and the orderly extension of urban services will not be impacted;
- c) The proposed use will not impact upon, detract from or propose any significant alterations to the natural heritage features as identified on Map D;
- d) The suitability of soil and ground water conditions;
- e) Landscaping and other urban design requirements; and
- f) Other issues as may be deemed necessary by the Municipality.

The requirements address concerns associated with cemeteries or flame-based cremation. The majority of the items identified above are not relevant to the alkaline hydrolysis process, especially on this site as the use will be conducted in an existing building.

Staff are of the opinion that the alkaline hydrolysis process is different than a traditional cremation use and was not what the Official Plan was contemplating under section 18.6.10 and an amendment to the plan is not required for this application.

6. Zoning By-law

Zoning By-law 84-63 zones the property Urban Residential Exception (R1-30). The R1-30 zone permits a Funeral Services Establishment. A Funeral Services Establishment is defined as a premises established for the purpose of providing funeral services or funeral supplies to the public under the *Funeral Services Act*.

Zoning By-law 84-63 defines a Crematorium as a building with appliances for the purpose of cremating human remains under the *Funeral, Burial and Cremation Services Act*. As discussed in Section 2 of this report the *Funeral, Burial and Cremation Services Act* considers alkaline hydrolysis as a form of cremation and a licence is required under the Act.

An amendment to Zoning By-law 84-63 is required to permit cremation by alkaline hydrolysis within the existing funeral home on the lands zoned R1-30.

7. Public Notice and Submissions

Public notice was mailed to each landowner within 120 metres of the subject lands on September 29, 2017 and a public meeting signs were installed fronting onto Mill Street South and Robert Street East on October 3, 2017.

Staff have received comments from five residents as of writing this report. Two of the letters were in support of the application and three raised concerns and objections to the application.

The concerns raised include the following:

- The waste water from the alkaline hydrolysis process going directly into the sanitary sewers and potential long term health effects.
- Alkaline hydrolysis is a relatively new process and there is limited research on the process.
- Concerns on the impact on the existing infrastructure and if the infrastructure is damaged who will pay to repair/replace it.
- The existing funeral home is in a primarily residential area and this use may not be appropriate for this area.
- Concerns over traffic as this location as the facility could be utilized by many other funeral homes looking for this service.

The letters in support of the application, including the property directly to the north of the subject lands, indicated that they had no concerns with the process occurring on the property. They also indicated that the owners of the funeral home have been good neighbours and maintain the property very well.

8. Agency Comments

8.1 Durham Region Planning Department

The Durham Region Planning Department have no objections to the application.

8.2 Durham Region Works Department

The Durham Region Works Department have no objections to the application. The comments noted that the sanitary discharge from the funeral home, including the discharge from the alkaline hydrolysis, is required to meet the standards outlined in the Region of Durham's Sewer System By-law.

9. Departmental Comments

Clarington Engineering Department, Building Division and Emergency and Fire Services Department have no objections or concerns.

10. Discussion

- 10.1 Alkaline hydrolysis is a relatively new alternative form of cremation that is permitted by the Ministry of Governmental and Consumer Affairs and is administered by the Bereavement Authority of Ontario. At this time the regulations are the same as a traditional crematorium. In order to obtain a licence from the Bereavement Authority the applicant must provide proof that the use is permitted by the municipality on the subject lands.
- 10.2 The zoning by-law defines a funeral services establishment and a crematorium as separate uses. Only a funeral services establishment is currently permitted on the lands which are zone R1-30. In addition to the applicant providing proof that the use is permitted they must also provide approval from the municipality allowing for the discharge of the waste water.
- 10.3 As alkaline hydrolysis is a permitted process in Ontario, the purpose of the Zoning By-law Amendment Application is to determine if the use should be permitted on the subject lands. Staff has received written comments of support and objection as of writing this report.

- 10.4 The comments received in objection to the application appear to be more concerned with the alkaline hydrolysis process itself and the possible impacts of the waste water entering the sewer system. The process and the science involved in the process has already been approved by the Ontario Government. Alkaline hydrolysis occurs in a closed chamber with no external venting and the water is treated before being released into the sewer infrastructure. From staff's research, including the Smith Falls example, there was no direct negative impacts reported at this time on human health, the natural environment or the infrastructure in the municipalities where this process occurs.
- 10.5 There was also concerns about a possible increase in traffic to the property if the use was permitted. The subject lands are currently used for a funeral home which already processes human remains, through embalming, and has funeral services. The applicant is not proposing to increase the size of the building which would limit any potential increase in the number of services. While the introduction of alkaline hydrolysis may lead to an increase in the number of remains being processed the research indicates that the process may take as little as 4 hours, but on average would be between 6-8 hours. This would limit the number or times the process could occur in a given day. Compared to the traffic currently generated at times of visitation, funerals and off-site removal of remains, there will be no noticeable increase in traffic due to introduction of alkaline hydrolysis.
- 10.6 The primary concern related to the use of alkaline hydrolysis is the discharge into the Region's sewage system. Durham Region Works Department has indicated that they have no objections and that the funeral home is required to meet Durham Region's Sewer System By-law.
- 10.7 From a land use perspective, the introduction of this service is neutral. The process would be within the existing building, and the exception zone for this property limits the floor area to 250 square metres of gross leasable floor area, which restricts expansion of the building. In conclusion there is nothing that would suggest that the introduction of alkaline hydrolysis cremation would have any negative effect on the surrounding residents or the neighbourhood.

11. Concurrence

Not Applicable.

12. Conclusion

In consideration of all agency and staff comments, it is respectfully recommended that the application to amend the Zoning By-law (Attachment 1) be approved.

13. Strategic Plan Application

Not applicable.



Submitted by:
David Crome,
Director of Planning Services



Reviewed by:
Andrew C. Allison, B. Comm, LL.B
CAO

Staff Contact: Brandon Weiler, Planner, (905) 623-3379 ext. 2424 or bweiler@clarington.net

Attachments:

Attachment 1 - Zoning By-law Amendment

List of interested parties to be notified of Council's decision is on file in the Planning Services Department.

Corporation of the Municipality of Clarington

By-law Number 2017-_____

being a By-law to amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington

Whereas the Council of the Corporation of the Municipality of Clarington deems it advisable to amend By-law 84-63, as amended, of the Corporation of the Municipality of Clarington for ZBA2017-0030;

Now Therefore Be It Resolved That, the Council of the Corporation of the Municipality of Clarington enacts as follows:

1. Section 2 is amended to add the following new definition in alphabetical order:
Cremation, Alkaline Hydrolysis shall mean a flame-less form of cremation that uses water, alkaline chemicals, heat, agitation and pressure to accelerate natural decomposition.
2. Section 12.4 "Special Exceptions – Urban Residential Type One (R1) ZONE" is hereby amended by adding "Alkaline Hydrolysis Cremation and, " after "may be use for a Funeral Services Establishment"
3. This By-law shall come into effect on the date of the passing hereof, subject to the provisions of Section 34 of the *Planning Act*.

By-Law passed in open session this _____ day of _____, 2017

Adrian Foster, Mayor

C. Anne Greentree, Municipal Clerk