

Clause No. 2 in Report No. 5 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on November 21, 2013.

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ROPA 70 AND AURORA OPA 1
BUDDHIST MEDITATION CENTRE

Committee of the Whole recommends adoption of the following recommendations contained in the report dated October 23, 2013 from the Acting Commissioner of Transportation and Community Planning:

1. RECOMMENDATIONS

It is recommended that:

1. Council approve Official Plan Amendment No. 70 to the Official Plan of the Regional Municipality of York (1994) to allow a place of worship on the lands known as 13900 Leslie Street as set out in *Attachment 1*.
2. The Director of Community Planning be authorized to give notice of Council's decision to approve Official Plan Amendment No. 70 to the Official Plan of the Regional Municipality of York (1994).
3. Council approve Amendment No. 1 to the Official Plan for the Town of Aurora.
4. The Director of Community Planning be authorized to give notice of Council's decision to approve Amendment No. 1 to the Official Plan for the Town of Aurora.
5. Regional Staff be authorized to appear before the Ontario Municipal Board in support of the Region's position, if necessary, and the Commissioner of Transportation and Community Planning be authorized to execute Minutes of Settlement, if appropriate.

2. PURPOSE

This report is to recommend approval of Official Plan Amendment No. 70 to the 1994 Official Plan of the Regional Municipality of York to allow a place of worship on the lands know as 13900 Leslie Street (*Attachment 2*). This report also recommends approval of the related Amendment No. 1 to the Official Plan of the Town of Aurora.

3. BACKGROUND

The subject lands are located on the west side of Leslie Street, just north of Bloomington Road in Aurora

The subject lands are located at 13900 Leslie Street, which is on the west side of Leslie Street, just north of Bloomington Road, in the Town of Aurora (*Attachment 2*). The property is 2.23 hectares (5.5 acres) in size and is owned by Karma Tekchen Zabsal Ling (KTZL). The subject lands are designated “Rural Policy Area” in the 1994 York Region Official Plan (1994 ROP).

The proposed amendment recognizes the existing Buddhist centre, currently operating from the existing building

The existing two-storey building on the lands has a total floor area of approximately 1331 square metres (14,327 square feet), of which approximately 575 square metres (6190 square feet) have been used as a Buddhist meditation centre since the property was purchased by KTZL in November, 2006. The centre is used for teaching, meditation and prayers. The remainder of the building is used for the minister’s residence and bedrooms for visiting students. In addition, there is a second existing dwelling on the lands which is used as a residence when a Buddhist “Master” visits (approximately once every two years). The applicant is not proposing to expand the existing structures.

The Rural Policy Area policies of the 1994 ROP are still in effect and they direct such institutional uses to urban areas. Therefore, to continue operating from the current location, a site specific amendment to the 1994 ROP is required and is set out in *Attachment 1* as ROPA 70.

A public meeting was held regarding ROPA 70 on May 2, 2012 and the item was referred back to staff to prepare a further report

A public meeting was held regarding ROPA 70 on May 2, 2012, and Council directed staff to review comments received on the proposed ROPA 70 and prepare a report with recommendations for future consideration by the Planning and Economic Development Committee. As discussed later in this report, one presentation was made by a local resident and one letter of support was received. No further public correspondence has been received by the Region since the public meeting.

On September 25, 2012, the Town of Aurora adopted local Official Plan Amendment No. 1 to permit the place of worship

The Town of Aurora continued to process KTZL’s local Official Plan Amendment application to permit a place of worship within the existing residential dwelling, and on

September 25, 2012, the Town of Aurora adopted local Official Plan Amendment No. 1 (OPA 1) to permit the place of worship in the local Official Plan.

4. ANALYSIS AND OPTIONS

The proposed ROPA 70 seeks to amend the Rural Policy Area policies of the 1994 York Region Official Plan to permit the subject lands to be used for a place of worship. The following provides an overview of the Provincial and Regional policy context, as it pertains to the subject proposal.

The proposal is consistent with the 2005 Provincial Policy Statement

The 2005 Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning. All decisions respecting planning matters in Ontario “shall be consistent with” the PPS.

The subject lands are located within a “Rural” area, as identified by the 1994 ROP, and are not classified as prime agricultural lands. Therefore, Section 1.1.4 of the Provincial Policy Statement applies, which allows for limited uses such as residential development and small-scale places of worship, provided the development is compatible with the rural landscape and is appropriate to the planned and/or available infrastructure.

The meditation centre is a small-scale place of worship, utilizes private services, and is compatible with the rural landscape. The existing place of worship is therefore consistent with the policies of the PPS.

The proposed use is permitted by the Oak Ridges Moraine Conservation Plan

The subject property is located within the Countryside Area of the Oak Ridges Moraine Conservation Plan (ORMCP). The Countryside Area permits “small-scale institutional uses”, as long as the lands are not within prime agricultural areas. As noted above, the lands are not prime agricultural lands.

The applicant has submitted a conformity report, which notes that there are no Key Natural Heritage Features or Hydrologic Features on the property or within 120 metres of it. The report concludes that the proposal meets the requirements of the Oak Ridges Moraine Conservation Plan. The report has been reviewed by the Toronto and Region Conservation Authority (TRCA) and the Authority has no objection to the approval of the proposed Regional Official Plan Amendment. Therefore, the proposal is deemed to conform to the provisions of the ORMCP.

“Places to Grow: The Growth Plan for the Greater Golden Horseshoe” focuses on Settlement Areas, and is silent on rural uses

“Places to Grow: The Growth Plan for the Greater Golden Horseshoe” (the Growth Plan) contains policies encouraging the protection of prime agricultural areas. As noted earlier, the subject lands are not prime agricultural and the Growth Plan is silent on the issue of permitted uses within the rural area.

The applicant requires an amendment to the in-force 1994 York Region Official Plan Rural Policy Area because Regional policy directs small-scale institutional uses to Hamlets, Towns and Villages and Urban Areas

The lands are currently within the “Rural Policy Area” as shown on Map 6 of the 1994 York Region Official Plan. The applicable policies of the 1994 York Region Official Plan are still in effect because the 2010 ROP Rural Area policies remain under appeal. The applicant requires an amendment to the 1994 ROP because the policies state that “small-scale industrial, commercial, and institutional uses shall be directed to Hamlets, Towns and Villages and Urban Areas”.

The above-noted policy is more restrictive than the Oak Ridges Moraine Conservation Plan (ORMCP), which permits small-scale institutional uses in the rural area. The intent of the Regional policy is to ensure that small-scale industrial, commercial, and institutional urban type uses such as variety stores and gas stations, that can be accommodated in the Region’s Towns and Villages, do not occur in the rural areas of the Region in order to ensure protection of the countryside.

As required by the Region and the Town of Aurora, the applicant submitted a planning analysis, a parking study, and a sewage system evaluation to the satisfaction of staff.

The 2010 Regional Official Plan Rural Area policies will not need further amendment to recognize the meditation centre

Once the Rural Area policies of the 2010 ROP come into effect, there will be no need to further amend the 2010 ROP to recognize the meditation centre because the use will be “grandfathered” as an existing approved use. In addition, the 2010 policies acknowledge that non-agricultural uses are permitted in the Rural Area if they comply with the Oak Ridges Moraine Conservation Plan and the local municipal plan. To this end, it is noted earlier in this report that the meditation centre complies with the ORMCP, and Regional Council’s approval of local Official Plan Amendment (OPA 1) would ensure that the meditation centre complies with the local plan.

The applicant requires a local amendment to the Aurora Official Plan because the use is not permitted in the “Oak Ridges Moraine Countryside Area” of the Aurora Official Plan

The “Oak Ridges Moraine Countryside Area” policies of the Town of Aurora Official Plan do not include a place of worship as a permitted land use. Therefore, in addition to the Regional Official Plan Amendment, the applicant requires an amendment to the local Official Plan. Aurora Council approved Official Plan Amendment No. 1 (OPA 1) to the Aurora Official Plan on September 25, 2012. This report recommends approval of OPA 1.

The proposed ROPA and the adopted OPA 1 progressed through a thorough public consultation process

The proposed ROPA 70 and the adopted OPA 1 progressed through a thorough public consultation process, including a local public meeting on April 27, 2011 and a Regional public meeting on May 2, 2012. In addition, the applicant hosted its own public open house on June 8, 2011.

At the April 27th and May 2nd public meetings, a resident from the neighbourhood to the east came forward and noted a number of concerns. The issues were primarily focussed around the compatibility of the Buddhist festivals with the surrounding neighbourhood. Representatives from KTZL subsequently met with the resident on-site and followed up with a letter to the resident answering his questions and confirming that festivals will no longer be held on-site. The resident was given notice of the Aurora Council meeting of September 25, 2012 and was further given the Notice of OPA Adoption by local staff. The resident did not attend the meeting and has not requested a copy of the Region’s Notice of Decision with respect to the approval of OPA 1. Additionally, the resident was also given notice of this Committee of the Whole meeting.

Staff is in receipt of a letter of support from the neighbour to the direct north of the subject lands.

The proposal is recommended for approval, subject to the restriction that the place of worship be limited to the existing floor area

The application to amend the 1994 York Region Official Plan and the locally adopted OPA 1 are consistent with the 2005 PPS, conform to the ORMCP, and maintain the intent of the Rural Policy Area policies of the York Region Official Plan. Therefore, subject to the restriction that the existing place of worship be limited to the existing floor area, as set out in Appendix 1, it is recommended that ROPA 70 and the implementing local OPA 1 be approved.

Link to key Council-approved plans

The proposed Regional and local Official Plan Amendments to permit the existing small-scale place of worship are in keeping with the intent of the Rural Policy Area policies of the York Region Official Plan.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report.

6. LOCAL MUNICIPAL IMPACT

The recommendations of this report are consistent with the position of the Town of Aurora, which adopted OPA 1 on September 25, 2012.

7. CONCLUSION

Subject to the restriction that the existing place of worship use be limited to the existing floor area, the application to amend the 1994 York Region Official Plan and the locally adopted OPA 1 are consistent with the 2005 PPS, conform to the ORMCP, and maintain the intent of the Rural Policy Area policies of the York Region Official Plan.

It is therefore recommended that Council approve Official Plan Amendment No. 70 to the Official Plan of the Regional Municipality of York (1994) to allow a place of worship on the lands known as 13900 Leslie Street, as set out in *Attachment 1*, and that the Director of Community Planning be authorized to give notice of Council's decision.

In addition, it is recommended that Council approve Amendment No. 1 to the Official Plan for the Town of Aurora and that the Director of Community Planning be authorized to give notice of Council's decision to approve Amendment No. 1 to the Official Plan for the Town of Aurora.

For more information on this report, please contact Michael Mallette, Acting Manager, Planning and Infrastructure Integration at Ext. 1506.

The Senior Management Group has reviewed this report.

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

Amendment 70
to the
Official Plan
for the
Regional Municipality
of York

**AMENDMENT 70
TO THE OFFICIAL PLAN
FOR
THE REGIONAL MUNICIPALITY OF YORK**

PART A – THE PREAMBLE

1. Purpose of the Amendment:

The purpose of the Amendment is to add a site specific provision to permit a place of worship within the existing structure on the subject lands.

2. Location:

The lands comprising Official Plan Amendment No. 70 are located on the west side of Leslie Street, north of Bloomington Road, and are municipally known as 13,900 Leslie Street.

3. Basis:

The Rural Area policies of the 1994 York Region Official Plan direct institutional uses to the Urban Areas and the Towns and Villages. The subject lands are currently being used for a Buddhist meditation centre (a place of worship), which is not a permitted uses.

The subject property is located within the Countryside Area of the Oak Ridges Moraine Conservation Plan (ORMCP). The Countryside Area permits “small-scale institutional uses”, as long as the lands are not within prime agricultural areas; the subject lands are not prime agricultural lands. The existing place of worship is considered to be “small-scale institutional”, which is permitted in the Countryside Area.

The proposed place of worship will utilize the existing buildings and infrastructure, thereby minimizing the disturbance to the subject lands. The proposed place of worship is compatible with the surrounding residential and rural land uses.

A Public Meeting was held on May 2, 2012 to obtain input from members of the public and from the Regional Planning and Economic Development Committee.

PART B – THE AMENDMENT

All of the Amendment entitled PART B – THE AMENDMENT, consisting of the following text change constitutes Amendment 70 to the Official Plan for the Regional Municipality of York.

The Official Plan for the Regional Municipality of York is hereby amended as follows:

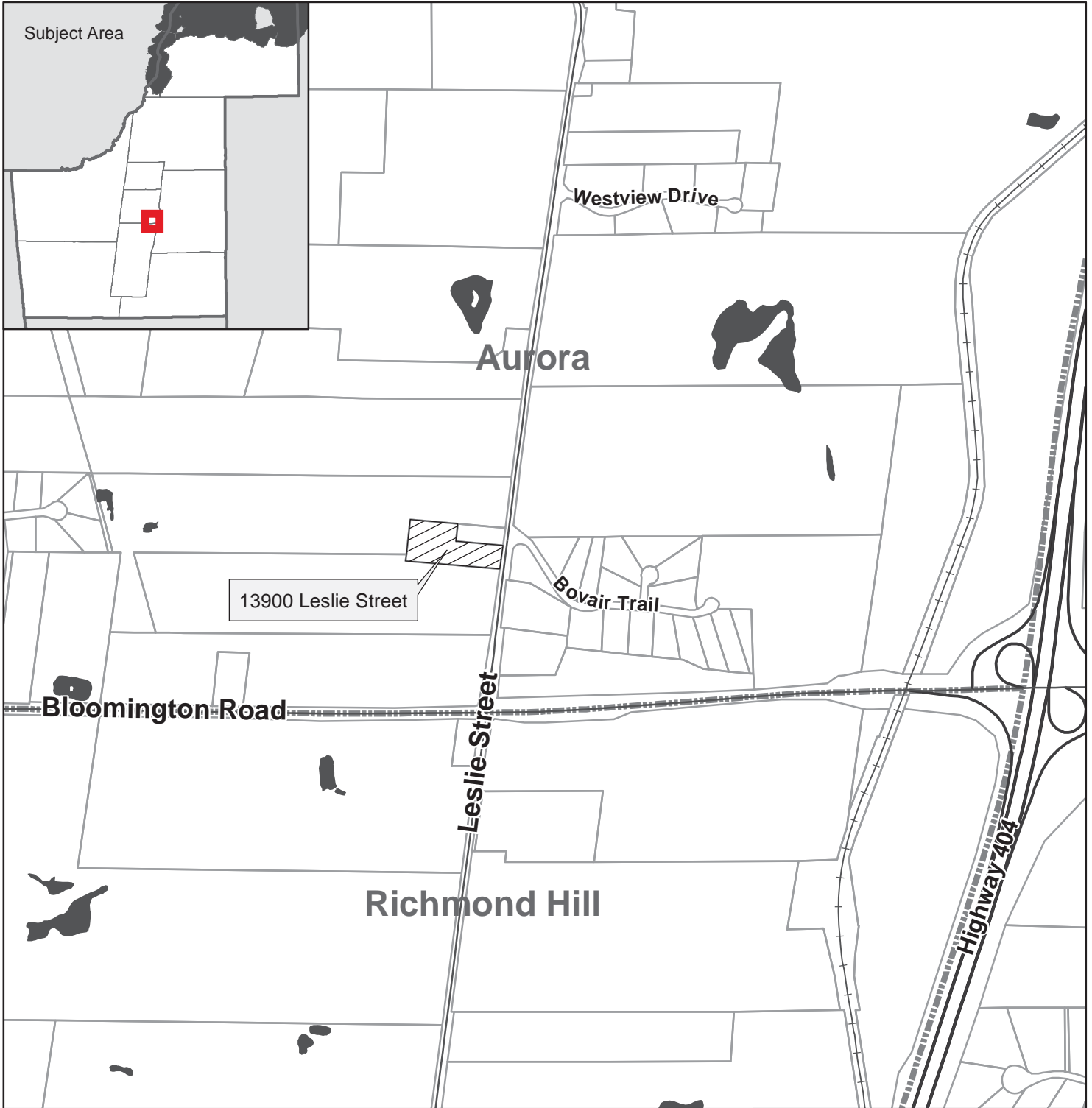
Section 5.9 – Rural Policy Area is amended by adding the following new policy (5.9.11) after policy 5.9.10:

- “5.9.11 The following special policies shall apply to the lands municipally known as 13,900 Leslie Street:
- a) Notwithstanding the policies of Section 5.9 to the contrary, a place of worship shall be permitted within the existing two storey detached residential structure and shall occupy a maximum of 575 square metres. The remainder of the dwelling shall be used for residential purposes.
 - b) The second existing detached dwelling shall only be used as a guest house.”

Part C – Location Map

(not an operative part of this amendment)





Lands Subject to ROPA 70 and Aurora OPA 1

ROPA 70 and Aurora OPA 1, KTZL Buddhist Meditation Centre,
Nov. 7, 2013



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Transportation and Community Planning Department
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Legend

- Railway
- Municipal Boundary
- Lakes & Rivers
- Parcel
- Subject Lands (13900 Leslie Street)