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INFORMATION REPORT FOR PUBLIC MEETING PROPOSED AMENDMENT NO. 70 TO THE YORK REGION OFFICIAL PLAN (1994, AS AMENDED) 13900 LESLIE STREET, AURORA

The Regional Planning and Economic Development Committee held a public meeting on May 2, 2012, pursuant to Section 22 (1) of the *Planning Act*, as amended, to inform the Public and receive comments regarding the Proposed Amendment No. 70 to the York Region Official Plan (1994, as amended), 13900 Leslie Street, Aurora and recommends the following:

- 1. Receipt of the presentation by Mike Mallette, Senior Planner, Community Planning;**
- 2. Receipt of the following deputations:**
 - a) Gord Mahoney, Planner, Michael Smith Planning Consultants, on behalf of Karma Tekchen Zabsal Ling (KTZL) (13900 Leslie Street); and**
 - b) Michael Lebovic, Resident; and**
- 3. Adoption of the recommendation contained in the following report dated April 11, 2012, from the Commissioner of Transportation and Community Planning**

1. RECOMMENDATION

It is recommended that:

- 1. Staff receive and review comments from the public and responses from the circulation of the proposed Regional Official Plan Amendment, and prepare a report with recommendations for future consideration by the Planning and Economic Development Committee.**

2. PURPOSE

This report provides an overview and description of proposed Amendment No. 70 to the York Region Official Plan (1994, as amended). The application has been submitted to permit the continued use of the subject lands for a place of worship.

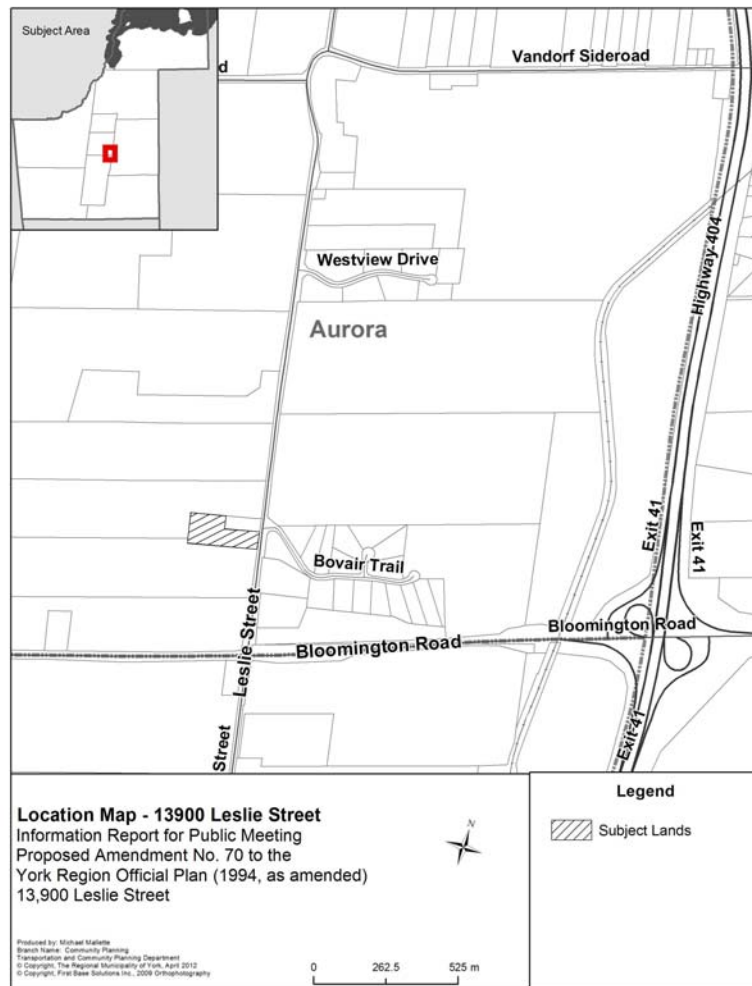
The purpose of this report is to provide Committee and the public with information regarding proposed Amendment No. 70 to the York Region Official Plan (1994, as amended), for the purpose of the statutory public meeting. Regional staff will receive comments and feedback from the public meeting for consideration in a future report to Committee and Council.

3. BACKGROUND

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

York Region has received an application submitted on behalf of Karma Tekchen Zabsal Ling (KTZL), owner of the subject lands, to amend the York Region Official Plan (1994, as amended) to permit a 575 square metre (6190 sq. ft.) place of worship. The subject lands comprise 2.23 hectares (5.5 ac) of land legally described as Part of Lots 11 and 12, Concession 2 (EYS), municipally known as 13900 Leslie Street, located on the west side of Leslie Street, just north of Bloomington Road, in the Town of Aurora (see *Figure 1*, below).

Figure 1



The site currently contains a two storey brick dwelling, a one storey vinyl clad dwelling, and a frame garage. The properties to the north are used for residential purposes and for agriculture. To the east is an estate residential subdivision and, to the south and west, the lands are used for agriculture.

The subject lands are currently used as a Buddhist meditation centre within an existing residential building

The two storey building on the lands has a total floor area of approximately 1331 square metres (14,327 sq. ft.), of which approximately 575 square metres (6190 sq. ft.) are currently being used as a Buddhist meditation centre. The centre is used for teaching, meditation, and prayers. The remainder of the building is currently being used for the minister's residence and bedrooms for visiting students.

Information provided by the applicant indicates that during each weekend, the number of visitors to the Centre ranges between 15 and 30, while an average of less than 10 visitors attend one mid-week session throughout the year. For an annual special event, the number of visitors increases to 40 to 50 people. In addition, once a year, a visit from a “Master” could increase the attendance to approximately 120 visitors a day for one week.

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

The lands are currently within the “Rural Policy Area” as shown on Map 6 of the in-force York Region Official Plan (1994, as amended). The lands are also within the “Countryside Area” as shown on Map 11 of the York Region Official Plan (1994, as amended). The “Rural Policy Area” policies state that “small-scale industrial, commercial, and institutional uses shall be directed to Hamlets, Towns and Villages and Urban Areas”. Therefore, the applicant requires an amendment to the York Region Official Plan (1994, as amended) in order to formally permit the existing 575 square metre place of worship.

It is noted that the applicant’s proposal is to maintain the existing structures, with no changes to the exterior of the buildings; however, minor improvements to the septic system are required.

On January 19, 2012, staff deemed the proposed Regional Official Plan amendment complete

On January 19, 2012, staff notified the applicant, as per Section 22 (6.1) of the *Planning Act*, that the proposed application was complete. The proposed Regional Official Plan Amendment has been circulated to the prescribed agencies for review and comment (*Attachments 1 and 2*).

Notice of Complete Application and Notice of the Public Meeting was advertised by sign and mail out on April 11, 2012

On April 11, 2012, the applicant erected a public notice sign on the lands and the Region mailed out public notice letters as per Section 22 of the *Planning Act*. In addition, the public meeting has been advertised on the Region’s website and social media websites have been utilized to provide further notification.

The application proposes to amend the in-force York Region Official Plan (1994, as amended). However, should the policies of the new York Region Official Plan (2010) come into effect before Council makes a decision on the subject application, approval of the subject application would result in an amendment to the new 2010 Plan. This is discussed later in this report.

4. ANALYSIS

The proposal seeks to amend the York Region Official Plan (1994, as amended) to permit the subject lands to be used for a place of worship (Buddhist meditation centre). The following provides an overview of the provincial and Regional policy context, as it pertains to the subject lands.

The Rural policies of the 2005 Provincial Policy Statement apply to the subject lands, which permit small-scale places of worship

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 ROP, and 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 utilizes private services and is situated within an existing residential building on the subject lands.

The site is located within the “Countryside Area” of the Oak Ridges Moraine Conservation Plan, which permits small-scale institutional uses, subject to Regional and local planning

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). The Authority is satisfied with the assessments provided within the report and has no objection to the approval of the proposed Regional Official Plan Amendment.

“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 York Regional Official Plan (1994, as amended) 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 in-force York Region Official Plan (1994, as amended). In addition, the lands are within the “Countryside Area”, as shown on Map 11 of the York Region Official Plan (1994, as amended). The policies state that “small-scale industrial, commercial, and institutional uses shall be directed to Hamlets, Towns and Villages and Urban Areas”. These policies have been carried forward into the new York Region Official Plan (2010), which is currently under appeal to the Ontario Municipal Board and is therefore not in effect.

The above noted policy is more restrictive than the Oak Ridges Moraine Conservation Plan, which permits small-scale institutional uses in the rural area. The intent of the Regional policy is to ensure small-scale industrial, commercial, and institutional urban type uses (e.g. variety stores, gas stations), can be accommodated in the Region’s Towns and Villages, do not occur in the rural areas of the Region, 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. Staff is currently reviewing these reports and will report back to Planning and Economic Development Committee at a later date.

Timing of Council’s decision on this Regional Official Plan Amendment application will affect whether the current or the new York Region Official Plan (2010) is amended

This report is for information purposes only. A further report will be brought back to Planning and Economic Development Committee and Council at a later date and will provide detailed analysis, including comments from this Committee, departments, agencies, and the public.

If Council determines that it will support the proposed Regional Official Plan Amendment, the timing of such approval will affect whether the currently in-force York Region Official Plan (1994, as amended) is amended or whether the new York Region Official Plan (2010) is amended. If the policies of the 2010 Plan come into effect before the approval of the subject application, the 2010 Plan would be amended. Otherwise, the 1994 Plan would be amended and transition policies in the new 2010 Plan would ensure that the use could continue.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report.

6. LOCAL MUNICIPAL IMPACT

Applications to amend the local Official Plan and Zoning By-law have been submitted to the Town of Aurora to facilitate the proposed development. A public meeting was held on April 27, 2011 and Aurora Council directed local staff to address the comments presented in a further report to Aurora General Committee. Subsequently, York Region notified the Town that an amendment to the York Region Official Plan would be required and, over the course of the summer and fall of 2011, the applicant prepared and submitted the subject application to amend the Regional Official Plan. The Town is holding the local Official Plan and Zoning By-law amendment applications in abeyance, pending the outcome of the Regional Official Plan Amendment application.

7. CONCLUSION

This report provides Committee and the public with information in regard to proposed Amendment No. 70 to the York Region Official Plan (1994, as amended) for the purpose of the statutory public meeting. Regional staff will receive comments and feedback from the public meeting for consideration in a future report to Committee and Council.

For more information on this report, please contact Michael Mallette, Senior Planner at Ext. 1506 or Paul Belton, Manager, Development Review at Ext. 1507.

The Senior Management Group has reviewed this report.

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

Proposed Amendment No. 70 to the York Region Official Plan (1994)

Presentation to the Planning and
Economic Development
Committee

Michael Mallette, Senior Planner

May 2, 2012

Proposed Regional Official Plan Amendment No.70 (ROPA 70)

Overview

- ❑ Location
- ❑ Proposal
- ❑ Policy Context
- ❑ Recommendation

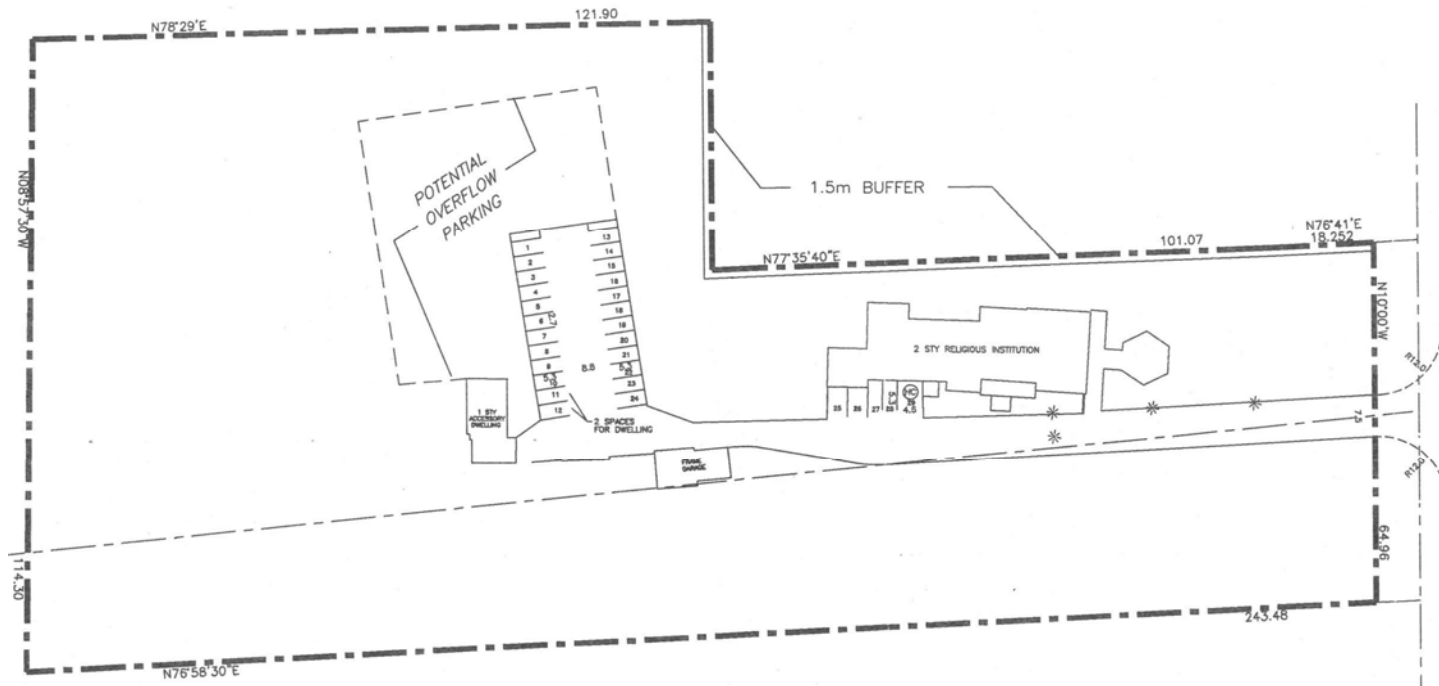
Location

- ❑ Leslie Street, just north of Bloomington Road in Aurora
- ❑ 2.23 ha property
- ❑ 1331 sq. m. residential structure
- ❑ Existing Use



Proposal

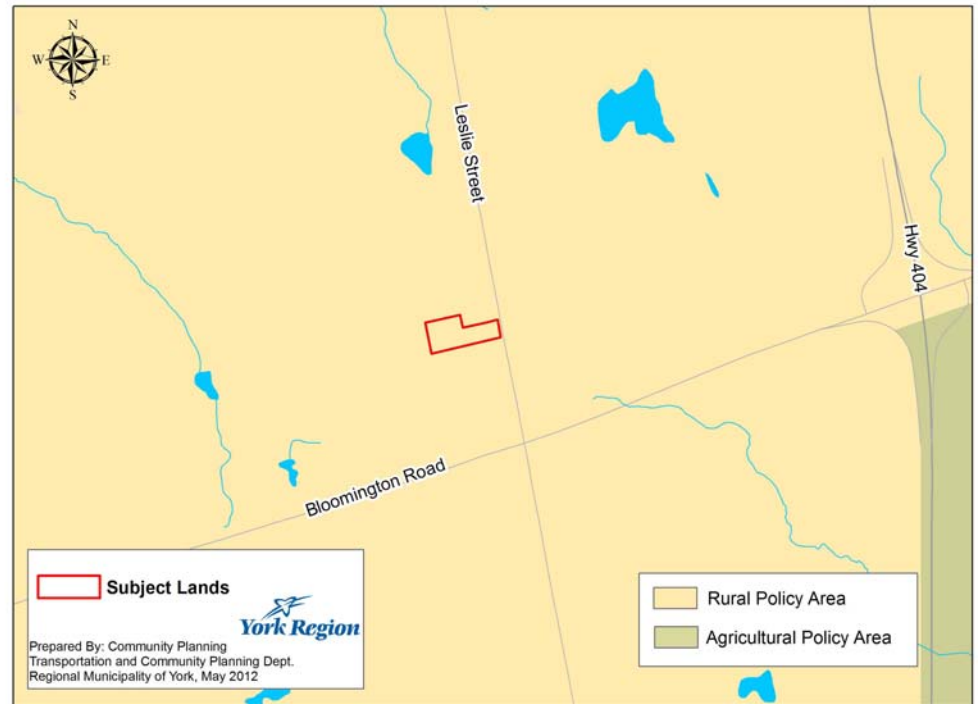
- ❑ To permit the continued use of the property for a place of worship
- ❑ Complete application and Notice of Public meeting given on April 11th
- ❑ Proposal has been circulated for comments.



Regional Policy Context

- Subject lands are shown as “Rural” on Map 5 of the Regional Official Plan (1994, as amended)

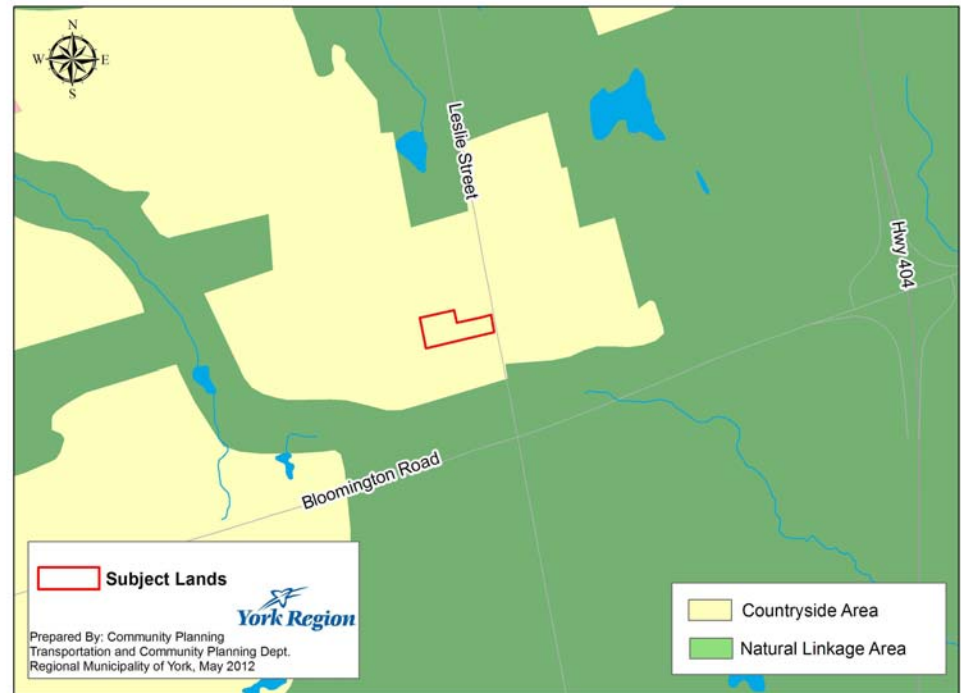
Map 5 York Region Official Plan (1994)



Regional Policy Context

- ❑ Subject lands are shown as “Rural” on Map 5 of the Regional Official Plan (1994, as amended)
- ❑ Lands are also within the “Countryside Area” on Map 10 of the Regional Official Plan (1994, as amended)
- ❑ These designations have been carried forward into the 2010 Regional Official Plan

Map 10 York Region Official Plan (1994)



Provincial Policy Context

- ❑ Provincial Policy Statement (2005) supports small-scale places of worship in the “Rural” area
- ❑ Oak Ridges Moraine Conservation Plan permits small-scale institutional uses in the “Countryside Area”
- ❑ Provincial Growth Plan is silent on permitted uses within the “Rural Area”

Regional OPA is required

- ❑ “Small-scale industrial, commercial, and institutional uses shall be directed to Hamlets, Towns and Villages, and Urban Areas”
- ❑ Regional Official Plan amendment is required to permit the place of worship
- ❑ Intent of the policy is to ensure that small-scale uses such as gas stations and convenience stores, that are better suited to Urban Areas, do not occur in the Rural Area

Background Studies

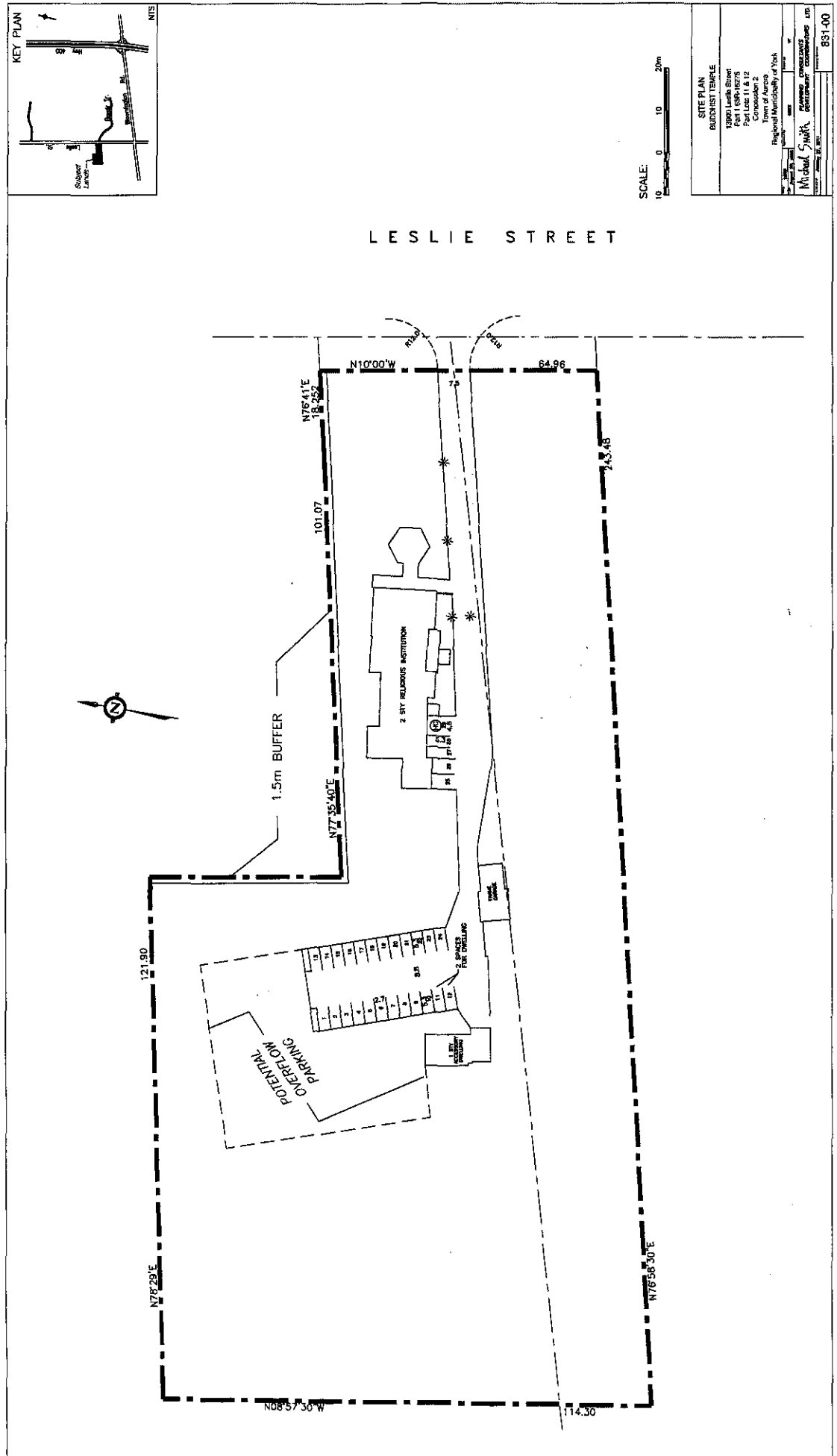
- ❑ Natural Heritage Study concludes that the proposal conforms to the ORMCP – Conservation Authority concurs
- ❑ Planning Study notes average of less than 10 visitors attend one mid-week session, and between 15-30 visitors during each weekend

Recommendation

It is recommended that:

- ❑ Staff receive and review comments from the public and responses from the circulation of the proposed Amendment, and prepare a future report with recommendations for future consideration by PEDC.

COUNCIL ATTACHMENT 1 – PROPOSED SITE PLAN



**Amendment
XX
to the
Official Plan
for the
Regional Municipality
of York**

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

PART A – THE PREAMBLE

1. **Purpose of the Amendment:**

The property is designated “*Rural Policy Area*” and “*Oak Ridges Moraine Countryside Area*” in accordance with Maps 6 and 11 respectively of Region of York’s official plan. The purpose of this amendment is to add a site specific provision to the text of the official plan to permit a Religious Institution/Meditation Centre on the subject land.

2. **Location:**

The 2.23ha (5.5 acre) property is located on the west side of Leslie Street and is municipally known as 13900 Leslie Street. Legally the property can be described as Part of Lots 11 and 12, Concession 2(W) or as Part 1 on Plan 65R-16275.

3. **Basis:**

At its meeting of 2012 Regional Council adopted the recommendation of Planning Committee endorsing the adoption of the amendment.

The policies of the Region’s Official Plan do not include a “*Religious Institution/Meditation Centre*” as a permitted use within the “*Oak Ridges Moraine Countryside Area*” land use designation. However, the policies of the Oak Ridges Moraine Conservation Plan permit the establishment of a “*Place of Worship*” within the “*Countryside Area*” as identified in the Schedules of the “*Oak Ridges Moraine Conservation Plan*”. A “*Place of Worship*” would be akin to a “*Religious Institution/Meditation Centre*”.

PART B – THE AMENDMENT

All of the Amendment entitled PART B – THE AMENDMENT, consisting of the following text change constitutes Amendment XX 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 2.5 Oak Ridges Moraine is hereby amended by adding the following new policy (2.5.41) after Section 2.5.40:

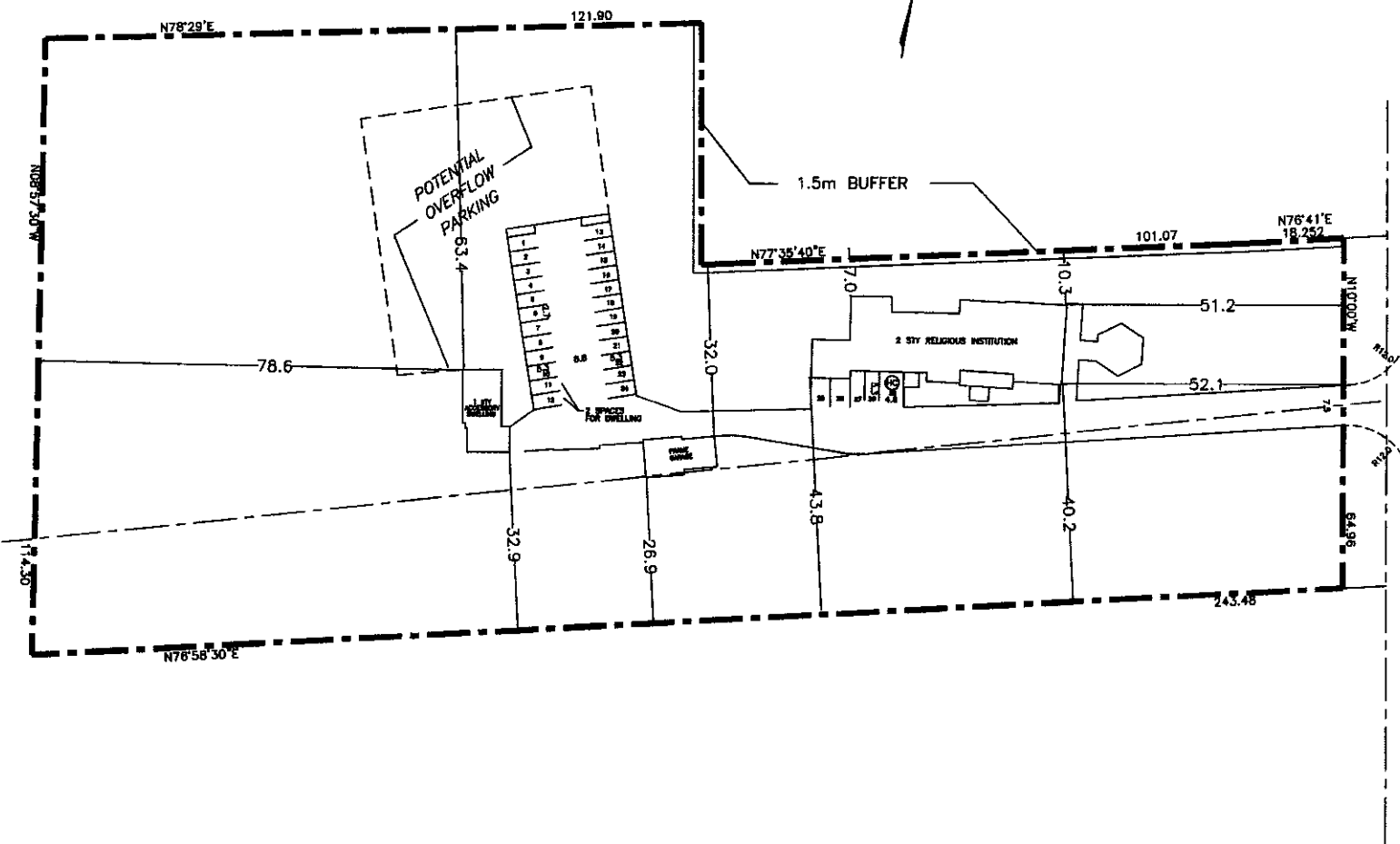
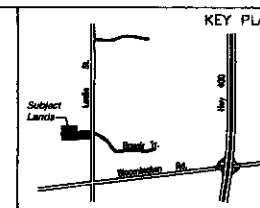
“2.5.41 Notwithstanding the policies of this Section, a *“Religious Institution/Meditation Centre”* shall be permitted on the 2.23ha (5.5 acre) parcel of land municipally known as 13900 Leslie Street and described as **Part of Lots 11 and 12, Concession 2 (W)**, more specifically described as Part 1, Plan 65R-16275.”

Part C – Location Map

(not an operative part of this amendment)

PART OF LOTS 11 AND 12, CONCESSION 2(W)
 TOWN OF AURORA
 REGIONAL MUNICIPALITY OF YORK
 FORMERLY THE TOWNSHIP OF WITCHURCH
 COUNTY OF YORK

PART C - LOCATION MAP (NOT AN OPERATIVE PART OF THIS AMENDMENT)



SCALE:
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