

Clause No.8 in Report No. 13 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 11, 2014.

8

**ROPA 71 AND OPA 216,
11175 KENNEDY ROAD, CITY OF MARKHAM**

Committee of the Whole recommends adoption of the following recommendations contained in the report dated August 13, 2014 from the Commissioner of Transportation and Community Planning:

1. RECOMMENDATIONS

It is recommended that:

1. Council approve Amendment No. 71 to the 1994 York Region Official Plan and Amendment No. 216 to the 1987 City of Markham Official Plan, to permit a place of worship on lands known as 11175 Kennedy Road as set out in *Attachment 1* and *Attachment 2*, respectively.
2. The Director of Community Planning and Development Services be authorized to give notice of Council's decision to approve Amendment No. 71 to the 1994 York Region Official Plan and Amendment No. 216 to the 1987 City of Markham Official Plan.
3. The Regional Solicitor be directed to proceed with the adopting by-law for Amendment No. 71 to the 1994 York Region Official Plan for Council's consideration on September 11, 2014.
4. Regional staff be authorized to appear before the Ontario Municipal Board in support of the Region's position, if required, and the Commissioner of Transportation and Community Planning, or designate, be authorized to execute Minutes of Settlement, if appropriate.

2. PURPOSE

This report recommends approval of Amendment No. 71 (ROPA 71) to the 1994 York Region Official Plan (YROP-1994) and Amendment No. 216 to the 1987 City of Markham Official Plan, to permit a place of worship on lands known as 11175 Kennedy Road.

3. BACKGROUND

The subject lands are located on the east side of Kennedy Road, midway between Elgin Mills Road and 19th Avenue in the City of Markham

The subject lands comprise 0.8 ha (two acres) of land legally described as Part of Lots 28 and 29, Concession 6, municipally known as 11175 Kennedy Road, located on the east side of Kennedy Road, between Elgin Mills Road and 19th Avenue, in the City of Markham (Figure 1).



North of the subject lands is a rural residential use, and further north is the Mandarin Golf and Country Club. To the east and south is the Mandarin Golf and Country Club, and further south is Camp Green Acres day camp. To the west, across Kennedy Road, are the North Toronto Chinese Baptist Church and Melville Trustees Cemetery, and rural and agricultural uses.

The existing dwelling on the subject lands is currently used without planning approvals in place as a residence for Buddhist Monks and as a meeting place for meditation and worship

There is a 605 m^2 (6512 ft^2) two-storey dwelling on the property that is currently used as a residence by Buddhist Monks and as a meeting place for meditation and worship.

The applicant proposes a 789 m^2 (8489 ft^2) addition to the existing dwelling, for a total of 1393 m^2 ($14,994 \text{ ft}^2$), consisting of a meditation hall on the main level and a lunch room on the lower (basement) level. Vehicular access to Kennedy Road is provided by a paved driveway along the south side of the property. Parking is currently provided on the east side of the property on a large gravel parking lot and a smaller paved lot. A total of 49 parking spaces are proposed (*Attachment 3*).

The owner acquired the property in 2008 and it is currently functioning as a place of worship; a use without the appropriate planning approvals in place.

Information provided by the owner indicates that, within the existing residence, the Buddhist congregation holds daily weekday sermons and worship services in the evening, with 10 to 15 members in attendance. On the third Sunday of each month a larger event is held, bringing together the entire congregation, estimated between 100 to 200 people, from 6:30 a.m. to 4:30 p.m. The applicant indicates that while an expansion to the existing residence is proposed for the place of worship use, the congregation is not expected to grow in membership in the foreseeable future.

The proposed place of worship use requires an Amendment to the YROP-1994

In March 2012, York Region received an application submitted on behalf of Mahamevna Bhavana Asapuwa Toronto, the owner of the subject lands, to amend the York Region Official Plan to permit a place of worship in an Agricultural Policy Area and allowing an addition to the existing dwelling for a larger meditation hall.

The subject lands are designated “Agricultural Policy Area” by the YROP-1994 and are designated “Agricultural Area” in the 2010 York Region Official Plan (YROP-2010). The primary use for this designation in both Plans is farm and accessory uses. A non-agricultural use requires a Regional Official Plan amendment.

The agricultural policies in the YROP-2010 remain under appeal at the Ontario Municipal Board. Amendment No. 71 proposes to amend the in-force agricultural policies of the YROP-1994 by allowing a place of worship use on the subject lands.

York Region held a public meeting on January 9, 2013 for ROPA 71

A statutory public meeting on ROPA 71, as required by the *Planning Act*, was held by York Region on January 9, 2013. Council, at its meeting on January 24, 2013, adopted the recommendation contained in the staff report from the Commissioner of Transportation and Community Planning to prepare a report with recommendations for future consideration by the Planning and Economic Development Committee and Council.

Deputations were received at the public meeting from a member of Mahamevna Bhavana Asapuwa Toronto and the owner's agent in support of the application. No one else spoke in favour or against the application at the public meeting.

Staff awaited a decision from Markham on the owner's application to amend the Markham Official Plan before reporting back to Regional Council on proposed ROPA 71.

Markham adopted Amendment 216 to the Markham Official Plan on April 8, 2014 to permit the place of worship use on the subject lands

The subject lands are designated "Agriculture One" by the 1987 Markham Official Plan, where the primary use of land shall be for agriculture. The 2013 Markham Official Plan, which was approved by York Region on June 12, 2014, and appealed to the Ontario Municipal Board, designates the subject lands "Countryside Area" and, similar to the 1987 Official Plan, does not permit non-agricultural uses.

In a report dated June 18, 2013 to Development Services Committee, Markham staff recommended approval of the owner's application to amend the Official Plan and Zoning Bylaw to permit the place of worship use. Amendment 216 to the 1987 Markham Official Plan was adopted by Markham Council on April 8, 2014 and sent to York Region for approval.

OPA 216 permits a place of worship use on the subject lands with a maximum gross floor area of 860 m² (9,257 ft²).

The property is subject to a Minister's Zoning Order and the proposed use requires Provincial approval

The property is subject to a Minister's Zoning Order (MZO) Ontario Regulation 104/72, which protects for a possible federal airport development in the City of Pickering. Land use within the MZO is restricted to agricultural uses, including a single dwelling used in connection with an agricultural operation. The proposed place of worship use is not a permitted use under the MZO.

The owner submitted an application to the Ministry of Municipal Affairs and Housing (MMAH) to amend the MZO. The Province has circulated the owner's application for review and comments. In a report dated June 18, 2013 to Development Services Committee, Markham staff recommended the applicant's proposed amendment to the MZO be endorsed.

Regional staff has withheld its comments pending Council's decision on the application to amend the Regional Official Plan. MMAH has not yet issued a decision on the MZO application.

The adjacent landowners object to the proposed place of worship use

In letters dated January 17, 2013 to York Region and the City of Markham, three adjacent landowners (The Mandarin Golf and Country Club Inc., Duffers Developments Inc., and 1234802 Ontario Inc.), indicated their objection to the proposed place of worship use (*Attachment 4*). Reasons for objecting to the proposal included the following:

- Incompatibility with the immediate and surrounding area and uses
- Contrary to the policies in the existing and new Official Plans for York Region and Markham
- Failure to demonstrate a need for the site to be designated for the proposed use and that there are no reasonable alternative locations for its establishment as required by the Provincial Policy Statement

Further discussion on the planning merits of the proposal is provided in the Analysis and Options section of this report

The Region has circulated the application to agencies and departments for review and comment

No Regional departments have identified concerns or objections to the proposed use and development. The Toronto and Region Conservation Authority has commented on the proposed Amendment, indicating they have no objections to the proposal. Comments from the Ministry of Municipal Affairs and Housing were provided and are summarized in the Analysis and Options section of this report.

4. ANALYSIS AND OPTIONS

The proposal seeks to amend the YROP-1994 and the 1987 Markham Official Plan to permit a place of worship on the subject lands (Buddhist Meditation Hall). The following provides an overview and analysis of the proposal in relation to Provincial, Regional and local policies.

The Agricultural policies of the Provincial Policy Statement provide direction for non-residential uses in the Agricultural area

The Agricultural policies of the Provincial Policy Statement 2014 (PPS) provide direction for non-agricultural uses in the Agricultural area. The PPS, which came into effect April 30, 2014, provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides guidance for appropriate development while protecting resources of provincial interest, public health and safety and quality of the natural environment. In accordance with the *Planning Act*, decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

The subject lands are subject to the policies contained in Section 2.3 (Agriculture) of the PPS. It is the intent of the PPS to protect prime agricultural areas for long-term use for agriculture. Specialty crop areas shall be given the highest priority for protection. Permitted uses and activities are agricultural and agricultural-related.

As per Section 2.3.6.1 b) of the PPS, planning authorities may only permit non-agricultural uses in agricultural areas, provided that:

1. The land does not compromise a specialty crop area;
2. The proposed use complies with the minimum distance separation formulae;
3. There is an identified need within the planning horizon provided for in policy 1.1.2 for additional lands to be designated to accommodate the proposed use; and
4. Alternative locations have been evaluated, and
 - i) There are no reasonable alternative locations which avoid prime agricultural areas; and
 - ii) There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

In a letter dated August 10, 2010, the Ministry of Municipal Affairs and Housing provided comments on the application advising that the applicant’s Agricultural Impact Assessment and Planning Rationale report appears to be lacking in addressing the issue of an identified need for the use, and that there are no reasonable alternative locations which avoid prime agricultural areas for the proposed use. MMAH advises the issue of demonstrating need must be satisfied by York Region. Regional staff is satisfied as there is a demonstrated need for a rural setting for this use.

The Region's Peer Review of the applicant's Agricultural Impact Assessment concluded the proposed use will not adversely impact Agriculture in York Region

Regional staff retained the services of Agar and Associates to peer review the applicant's Agricultural Impact Assessment, prepared by Colville Consulting Inc., dated January 2012. The peer reviewer generally agrees with the findings of the study in that:

- The subject lands do not comprise a specialty crop area
- The subject lands complies with the minimum distance separation formulae
- The property is too small for either livestock or crop production
- Due to the relatively small size of the property (0.8 ha/2acres) and the number of non-farm uses surrounding it, the utilization of the property for non-agricultural use will not adversely impact the existing agricultural land base

The peer reviewer concluded that the proposed use will not adversely impact Agriculture in York Region. The City of Markham concurs with the peer review.

Based on the conclusions in the study and by peer reviewer, the proposal satisfactorily addresses Section 2.3.6.1b), 1 and 2 of the PPS, in that the site does not comprise a specialty crop area, and the proposed use complies with the minimum distance separation formulae established by the Canada Land Inventory.

The applicant's supporting studies and the surrounding context provide basis for supporting the proposal

The applicant's planning consultant submitted a planning rationale, and additional information dated March 12, 2013, in support of the proposal, indicating that the subject lands are ideally located in relation to the urban area to provide sustenance to the Monks, while providing a quiet atmosphere of a rural setting to practise Buddhism. The applicant's proposed expansion recognizes the need and demand for the facility.

The 0.8 ha (two acres) site has not been used for agricultural purposes for decades, and the south portion of the site where the dwelling is located, is zoned Rural Residential by Markham By-law 304-87 and permits single-family dwellings and home occupation uses.

The applicant's traffic consultant surveyed traffic and parking conditions during the congregation's most important one-day event in November 2011, and observed a maximum of 57 cars on the property, which exceeds the proposed parking supply of 49 spaces. The traffic study concluded that such events are infrequent and the proposed supply is expected to be adequate for the majority of events.

There are two places of worship in close proximity to the subject lands; the North Toronto Chinese Baptist Church and cemetery, and the Al Hussain Foundation Centre, which obtained approval in 1999 by Regional Official Plan Amendment 8 to permit a cemetery use and accessory building. The subject site is surrounded by non-agricultural uses, including the Mandarin Golf and Country Club and Camp Green Acres day camp.

The amendments to the YROP-1994 and the 1987 Markham Official Plan do not redesignate or exclude the subject lands from the prime agricultural area but allows an exception to permit the use and maintains the current Agricultural designation.

Markham's future urban expansion area, known as ROPA 3, is in close proximity to the subject lands. A context map identifying the surrounding land uses forms *Attachment 5*. Based on the applicant's submissions in support of the study, the Region's peer review of the Agricultural Assessment, existing zoning and the surrounding context, staff considers the applicant has demonstrated a need for the use and that the location of the site is suitable for their needs, thereby generally satisfying Section 2.3.6.1b), 3 and 4 of the PPS.

The Provincial Growth Plan contains policies encouraging the protection of Prime Agricultural areas

The Growth Plan for the Greater Golden Horseshoe 2006 (Growth Plan) is a framework for implementing the Province's vision for building stronger, prosperous communities by better managing growth to a planning horizon to 2031. The Growth Plan contains overarching policies for the protection of Prime Agricultural Areas, such as identifying prime agricultural and specialty crop areas and encouraging municipalities to maintain, improve and provide opportunities for farm-related infrastructure. Development applications must conform to the Growth Plan.

Based on the Region's peer review of the applicant's Agricultural Impact Assessment, which concluded that the proposed use will not adversely impact agriculture in York Region, staff is satisfied that the proposal conforms to the Growth Plan.

The proposal satisfies the policies in the YROP-1994 and YROP-2010 for assessing non-agricultural uses in Agricultural areas

The subject lands are designated "Agricultural Policy Area" on Map 6 in the YROP-1994 and are also designated "Agricultural Area" on Map 8 in the YROP-2010. The primary use for the Agricultural designation in both Plans is for farm and accessory uses. The YROP-1994 requires proposals for a non-farm land use will be evaluated in accordance with Provincial policies, and that such uses shall be directed to hamlets, villages, towns and urban areas. The YROP-2010 contains policies in support of local agriculture and that the Agricultural Area be designated and protected in local municipal official plans

and zoning by-laws. Future expansions beyond the proposal would not be permitted under the YROP-2010.

Based on the applicant's supporting information, and results of the Region's peer review of the Agricultural Assessment that concludes the proposed use will not adversely impact agriculture in York Region, staff has no objection to the applicant's proposal.

The City of Markham supports the proposal

On April 8, 2014, Markham adopted OPA 216 to permit the place of worship use on the subject lands. OPA 216 was adopted on the basis that the proposal to add a place of worship use as a permitted use on the subject property is appropriate. The Amendment cites reasons for supporting the proposal as follows:

- The subject lands have not been used for agricultural purposes for more than 20 years
- The site is surrounded by non-agricultural uses and it is unlikely that the surrounding properties will revert back to agricultural uses
- The property is not of a size and configuration that would be viable on its own for agricultural uses
- Non-agricultural uses on the property would not result in a loss of significant agricultural land or have an adverse impact of agricultural uses in the surrounding area

The 2013 City of Markham Official Plan, which was modified and approved by the Region on June 12, 2014, and subsequently appealed to the Ontario Municipal Board, contains a site-specific policy that allows a place of worship use up to a maximum of 860 m² on the subject lands in the "Countryside" designation.

Link to key Council-approved plans

Both the 1994 and 2010 York Region Official Plans contain policies for the protection of prime agricultural lands, and a resilient and thriving agricultural system is identified as one of the goals in the Region's Vision 2051 document. Site-specific ROPA 71 and OPA 216 will not negatively impact agriculture in York Region.

5. FINANCIAL IMPLICATIONS

There are no direct financial implications associated with this report.

6. LOCAL MUNICIPAL IMPACT

The City of Markham supports the proposal and has adopted the local official amendment required to permit the place of worship use on the subject lands, and has forwarded the amendment to the Region for approval. Notice of Council's decision to approve ROPA 71 and OPA 216 can be issued simultaneously, followed by forwarding Regional staff comments to the Province on the applicant's MZO application advising same.

7. CONCLUSION

ROPA 71 to the YROP-1994 and OPA 216 to the 1987 City of Markham Official Plan will permit a Place of Worship use on a 0.8 ha (two acre) property municipally known as 11175 Kennedy Road.

The applicant submitted studies in support of the proposal indicating the site is ideally situated to meet the needs of its members providing a quiet setting for meditation while being accessible to devotees for travel and to provide sustenance to the Monks and participation in programs. The south half of the site, where the existing residence is located, is zoned rural residential and the site has not been farmed for decades.

The Region's Peer Review of the applicant's Agricultural Impact Assessment, indicates that due to the relatively small size of the property (0.8 ha/two acres) and the number of non-farm uses surrounding it, the utilization of the property for non-agricultural use will not adversely impact the existing agricultural land base.

The small site would not be viable on its own for agricultural purposes, and would not result in a loss of significant agricultural land or have an adverse impact of agricultural uses in the surrounding area. Staff is of the opinion that the proposal generally satisfies Provincial and Regional Official Plan policies for non-agricultural uses on agricultural lands.

Regional staff recommends ROPA 71 and OPA 216 be approved, as described in *Attachments 1 and 2*.

For more information on this report, please contact Duncan MacAskill, Manager of Development Planning, at ext. 71513.

The Senior Management Group has reviewed this report.

Attachments (6)

Amendment 71
to the
Official Plan
for the
Regional Municipality
of York

**AMENDMENT 71
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 use up to a maximum of 860 m² on the subject lands.

2. **Location:**

The lands comprising Official Plan Amendment No. 71 are located on the east side of Kennedy Road, midway between Elgin Mills Road and 19th Avenue, and are municipally known as 11175 Kennedy Road, in the City of Markham.

3. **Basis:**

The Agricultural Policy 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 place of worship, which is not a permitted use.

Regional Official Plan policy 5.8.4 states that new commercial, industrial, institutional and recreational uses shall be directed to hamlets, villages, towns and urban areas. Further, Regional Official Plan policy 5.8.7 states that proposals for non-farm land use in the Agricultural Policy Area will require an amendment to the Plan and will be evaluated in accordance with the Provincial Policy Statement, the Oak Ridges Moraine Conservation Plan or the Greenbelt Plan, whichever has applicability and is more restrictive.

The Agricultural policies of the Provincial Policy Statement 2014 (PPS) provide direction for non-agricultural uses in the Agricultural area. The PPS, which came into effect on April 30, 2014, provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides guidance for appropriate development while protecting resources of provincial interest, public health and safety and quality of the natural environment. In accordance with the *Planning Act*, decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

The subject lands are subject to the policies contained in Section 2.3 (Agriculture) of the PPS. It is the intent of the PPS to protect prime agricultural areas for long-term use for agriculture. Specialty crop areas shall be given the highest priority for protection. Permitted uses and activities are agricultural and agricultural-related uses.

As per Section 2.3.6.1 b) of the PPS, planning authorities may only permit non-agricultural uses in agricultural areas, provided that:

1. The land does not compromise a specialty crop area;
2. The proposed use complies with the minimum distance separation formulae;

3. There is an identified need within the planning horizon provided for in policy 1.1.2 for additional lands to be designated to accommodate the proposed use; and
4. Alternative locations have been evaluated, and
 - i) There are no reasonable alternative locations which avoid prime agricultural areas; and
 - ii) There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

The applicant submitted studies in support of the proposal indicating the site is ideally situated to meet the needs of its members, providing a quiet setting for meditation while being accessible to devotees for travel and to provide sustenance to the monks and participation in programs. The south half of the site, where the existing residence is located, is zoned rural residential and the site has not been farmed for decades.

The Region's Peer Review of the applicant's Agricultural Impact Assessment, indicates that due to the relatively small size of the property (0.8 ha/2acres) and the number of non-farm uses surrounding it, the utilization of the property for non-agricultural use will not adversely impact the existing agricultural land base. The land does not comprise a specialty crop area and the proposed use complies with the minimum distance formulae.

The small site would not be viable on its own for agricultural purposes, and would not result in a loss of significant agricultural land or have an adverse impact of agricultural uses in the surrounding area. The proposal generally satisfies Provincial and Regional Official Plan policies for non-agricultural uses on agricultural lands.

A Public Meeting was held on January 9, 2013 to obtain input from members of the public and from the Regional Planning and Economic Development Committee. On September 4, 2014, the Region's Committee of the Whole recommended approval of the applicant's amendment to the Regional Official Plan (ROPA 71) to permit the place of worship use up to 860 m² on the subject lands.

PART B – THE AMENDMENT

All of the Amendment entitled PART B – THE AMENDMENT, consisting of the following text change constitutes Amendment 71 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 5.8 – Agricultural Policy Area is amended by adding the following new policy 5.8.15:

“5.8.15 “Notwithstanding the policies of this section, a place of worship with a maximum gross floor area of 860 m² may also be permitted on a 0.8 ha property legally described as Part of Lots 28 and 29, Concession 6, and municipally known as 11175 Kennedy Road, in the City of Markham.”

Part C – Location Map

(not an operative part of this amendment)



OFFICIAL PLAN
of the
CITY OF MARKHAM PLANNING AREA
AMENDMENT NO. 216

To amend the Official Plan (Revised 1987), as amended, to incorporate an amendment to the policies for the Agricultural Planning District (Planning District No.22).

Mahamevna Bhavana Asapuwa Toronto

April 2014

**OFFICIAL PLAN
of the
MARKHAM PLANNING AREA
AMENDMENT NO. 216**

To amend the Official Plan (Revised 1987), as amended, to incorporate an amendment to the policies for the Agricultural Planning District (Planning District No. 22).

This Official Plan Amendment was adopted by the Corporation of the City of Markham, By-law No. 2014-41 in accordance with the Planning Act, R.S.O., 1990 c.P.13, as amended, on April 8, 2014



Kimberley Kitteringham
City Clerk



Frank Scarpitti
Mayor



By-law 2014-41

Being a By-law to adopt Amendment No. 216
To the City of Markham Official Plan (Revised 1987), as amended

The Council of the Corporation of the City of Markham, in accordance with the provisions of the Planning Act, R.S.O., 1990 hereby enacts as follows:

1. That Amendment No. 216 to the City of Markham Official Plan (Revised 1987), as amended, attached hereto, is hereby adopted.
2. That this by-law shall come into force and take effect on the date of the final passing thereof.

Read a first, second, and third time and passed on April 8, 2014.



Kimberley Kitteringham
City Clerk



Frank Scarpitti
Mayor

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PART I - INTRODUCTION

(This is not an operative part of Official Plan Amendment No. 216)

PART I - INTRODUCTION

1.0 GENERAL

- 1.1 PART I - INTRODUCTION, is included for information purposes and is not an operative part of this Official Plan Amendment.
- 1.2 PART II - THE OFFICIAL PLAN AMENDMENT, *including Figure No. 22.10 attached thereto*, constitutes Official Plan Amendment No. 216. Part II is an operative part of this Official Plan Amendment.

2.0 LOCATION

This Amendment applies to Part of Lot 28, Concession 6, municipally known as 11175 Kennedy Road. The 0.82 ha. (2 ac.) property is located on the east side of Kennedy Road, north of Elgin Mills Road.

3.0 PURPOSE

The purpose of this Amendment is to add place of worship as a permitted use on the subject property.

4.0 BASIS OF THIS OFFICIAL PLAN AMENDMENT

Markham Council has determined that the proposal to add a Place of Worship as a permitted use on the subject property is appropriate. The subject lands have not been used for agricultural purposes for more than twenty years. The site is surrounded by non-agricultural uses and as it is unlikely that the surrounding properties will revert back to agricultural uses. The property is not of a size and configuration that would be viable, on its own, for future agricultural uses. Non-agricultural uses on the property would not result in a loss of significant agricultural land or have an adverse impact on Agricultural uses in the surrounding area.

PART II - THE OFFICIAL PLAN AMENDMENT

(This is an operative part of Official Plan Amendment No. 216)

PART II - THE OFFICIAL PLAN AMENDMENT

1.0 THE OFFICIAL PLAN AMENDMENT

- 1.1 Section 1.1.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby amended by the addition of the number 216 to the list of amendments, to be placed in numerical order including any required grammatical and punctuation changes.
- 1.2 Section 4.3.22.2 of Part II of the Official Plan (Revised 1987), as amended, is hereby further amended by adding the following new subsection k) and Figure 22.10, attached hereto, to be placed in close proximity to Section 4.3.22.2 k):

“k) 11175 Kennedy Road
(Official Plan Amendment No. 216)
Notwithstanding the provisions of Section 3.7 of this Plan, a place of worship with a maximum Gross Floor Area of 860 m² may also be permitted on lands designated AGRICULTURE 1 on the east side of Kennedy Road, as shown on Figure 22.10.“

2.0 IMPLEMENTATION AND INTERPRETATION

The provisions of the Official Plan, as amended, regarding the implementation and interpretation of the Plan, shall apply in regard to this Amendment, except as specifically provided for in this Amendment.

This Amendment shall be implemented by an amendment to the Zoning By-law and Site Plan approval in conformity with the provisions of this Amendment.



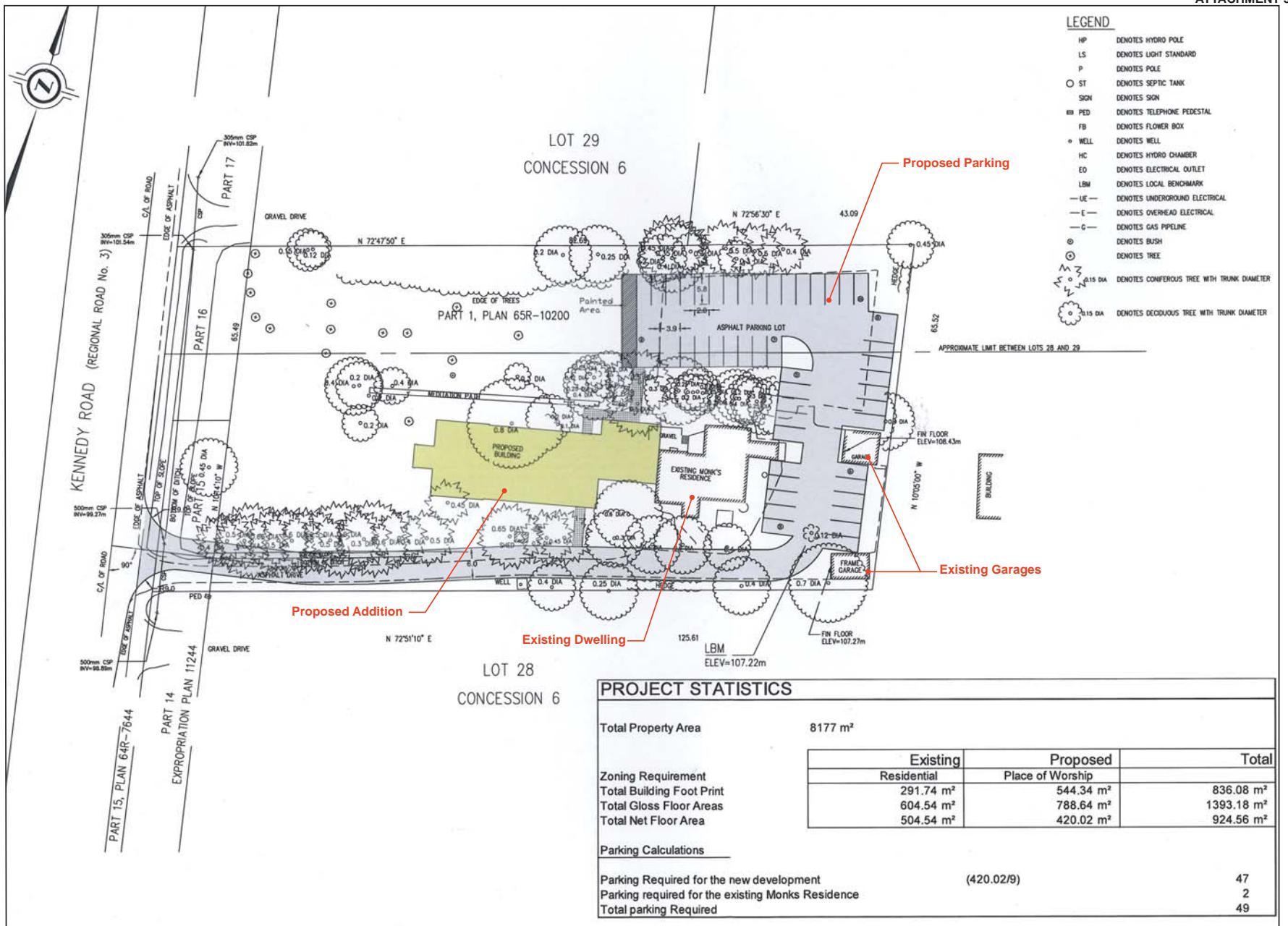
FIGURE No. 22.11

SPECIFIC SITE AND AREA POLICIES
CITY OF MARKHAM OFFICIAL PLAN (Revised 1987) AS AMENDED



BOUNDARY OF AREA SUBJECT TO POLICIES IN SECTION 4.2.22.2 I)
LAND USE DESIGNATION: AGRICULTURE 1





RICHARD R. ARBLASTER

BARRISTER & SOLICITOR

OF THE ONTARIO BAR and also a Solicitor (non-practising) of England & Wales

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Registered Mail

January 17, 2013

COPY

Corporate Services Department
York Region Administration Building
17250 Yonge Street, 4th Floor
Newmarket, ON L3Y 6Z1

Attention: Denis Kelly, Regional Clerk

Dear Ms. Kelly,

**Re: Application to amend the Regional Official Plan
(Proposed Amendment No. 71)**
Mahamevna Bhavana Asapuwa Toronto
11175 Kennedy Road, Markham;

I am the solicitor for The Mandarin Golf and Country Club Inc. ('Mardarin'), Duffers Developments Inc.('Duffers'), and 1234802 Ontario Inc. ('1234802') Each of these corporations individually owns property abutting or adjacent to the property subject to the above application.

Attached to this letter is a copy of a letter of comment to the City of Markham regarding the proposal. The same comments apply to the application for a Regional Official Plan amendment. It is requested that these submissions be brought to the attention of the Planning and Economic Development Committee and Regional Council.

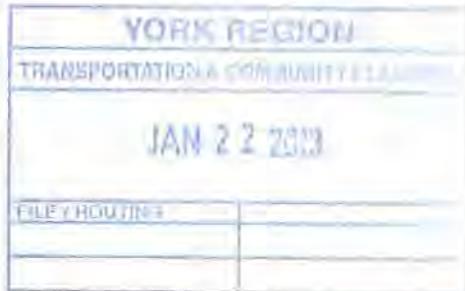
Please ensure that notice of any public meetings and/or the adoption of any Official Plan Amendment are provided to the undersigned and to The Mandarin Golf and Country Club Inc., Duffers Developments Inc., and 1234802 Ontario Inc. care of 11207 Kennedy Raod, Markham, ON, L6C 1P2

Thank you for your attendance to these requests.

Yours Very Truly,

Richard R. Arblaster

Copy to:



1234802 Ontario Inc.
Duffers Developments Inc.
The Mandarin Golf and Country Club Inc.
Mr. Duncan MacAskill, Senior Planner ✓

RICHARD R. ARBLASTER

BARRISTER & SOLICITOR

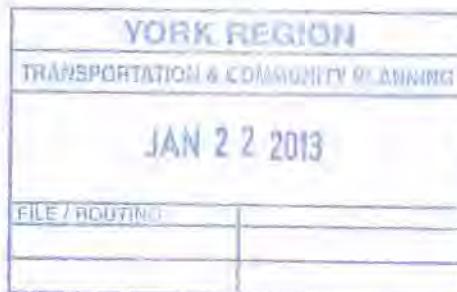
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Delivered by hand and email

January 17, 2013

Markham Civic Centre
101 Town Centre Boulevard
Markham, Ontario
L3R 9W3



COPY

Attention: Ms. K. Kitteringham, City Clerk

Dear Ms. Kitteringham,

Re: Applications to amend the Proposed Official Plan and Zoning By-law
Mahamevna Bhavana Asapuwa Toronto
11175 Kennedy Road; City File OP/ZA 12 117122

I am the solicitor for The Mandarin Golf and Country Club Inc. ('Mardarin'), Duffers Developments Inc.('Duffers'), and 1234802 Ontario Inc. ('1234802') Each of these corporations individually owns property abutting or adjacent to the property subject to the above applications. An aerial photo generally indicating the location of these three properties is attached as Appendix A.

The lands owned by 1234802 are the site of a long-established residential dwelling and use. The dwelling is located in the southern portion of 1234802's property, abutting the site subject to the above noted applications (the "Subject Site"). The lands owned by Duffers, abut the south and west sides of the Subject Site. Duffer's lands are leased to Mandarin for use in association with the operation of the golf course. This lease has been in place since the establishment of the golf course in 1990. Located on the Duffer's lands is a building used to house the equipment and facilities needed for the maintenance of the golf course. Mandarin's lands abut the east side of both the 1234802 Ontario Inc. lands and the Duffers lands.

Mandarin, Duffers, and 1234802 are greatly concerned about the proposal for the subject lands and consider that the proposal is incompatible with the immediate and surrounding area and uses both as to the nature of the use and the size of the proposed building additions. It is noted that the proposal is contrary to the policies of the existing Regional Official Plan and the 2010 Regional Official Plan. It is also contrary to the existing City of Markham Official Plan and the draft policies under consideration by the City of Markham for its new official plan. Generally speaking, the approved and draft official plan policies prohibit a place of worship uses on the subject site and the area in general in favor of directing such a use to the urban areas and hamlets. It is a requirement under the Provincial Policy Statement that there must be a demonstrated need for the subject

site to be designated to accommodate the proposed use and that there are no reasonable alternative locations for its establishment. There has been no information or evidence provided by the applicant which addresses this criteria in any substantial way. The applicant's 'Planning Rationale' document mentions only that "The Buddhist faith prefers a more serene setting, which cannot be easily provided any more urban environment". This observation is neither material nor reliable. Buddhist temples and worship facilities are located across the GTA, including locations in the most urbanized parts of the City of Toronto and Mississauga. A listing of a sample of these established temples and worship facilities is set out on appendix B to this letter.

Mandarin, Duffers, and 1234802 hold to the view that the permitted residential use permissions should be maintained and the applications should be denied.

Please provide us with notice of any upcoming public meetings on this subject.

Thank you in advance.

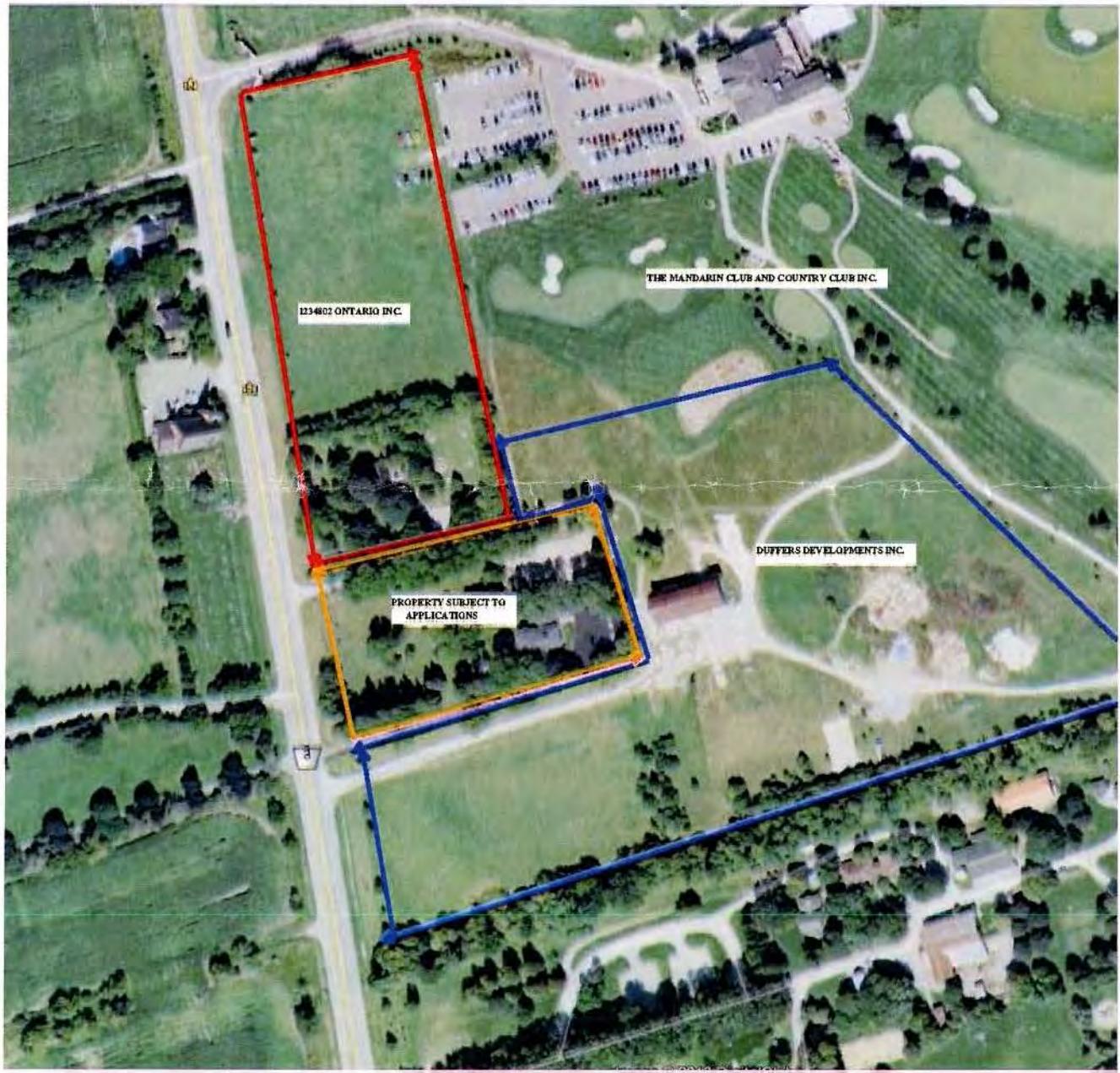
Yours Very Truly,



Richard R. Arblaster

Copy to: 1234802 Ontario Inc.
Duffers Developments Inc.
The Mandarin Golf and Country Club Inc.
Ms. Judy Carroll@markham.ca

APPENDIX A



APPENDIX B

Cham Shan Buddhist Temple, 7254 Bayview Avenue, Thornhill, Ontario Canada L3T 2R6

Chùa Linh Sơn Buddhist Association Sacred Mountain Temple 1 Howard Park Avenue
Toronto

Chùa A Di Đà 1118 – 1120 Queen Street West Toronto

Jong-Hae Zen Meditation Centre 2588 St. Clair Avenue West Toronto

Chanh Giac Buddhist Society 1278 Gerrard Street East Toronto

Fu Sien Tong Buddhist Temple Pure Land (Chinese) 185 Niagara Street Toronto

Gaden Chöling Mahayana Buddhist Meditation Centre Gelugpa 637 Christie Street Toronto

Po Chai Temple Pure Land (Chinese) 84 Swanwick Avenue Toronto

Tengye Ling Tibetan Buddhist Temple Gelugpa 11 Madison Avenue (near Bloor and Spadina) Toronto

Toronto Zen Centre Toronto Toronto Zen Centre 33 High Park Gardens Toronto

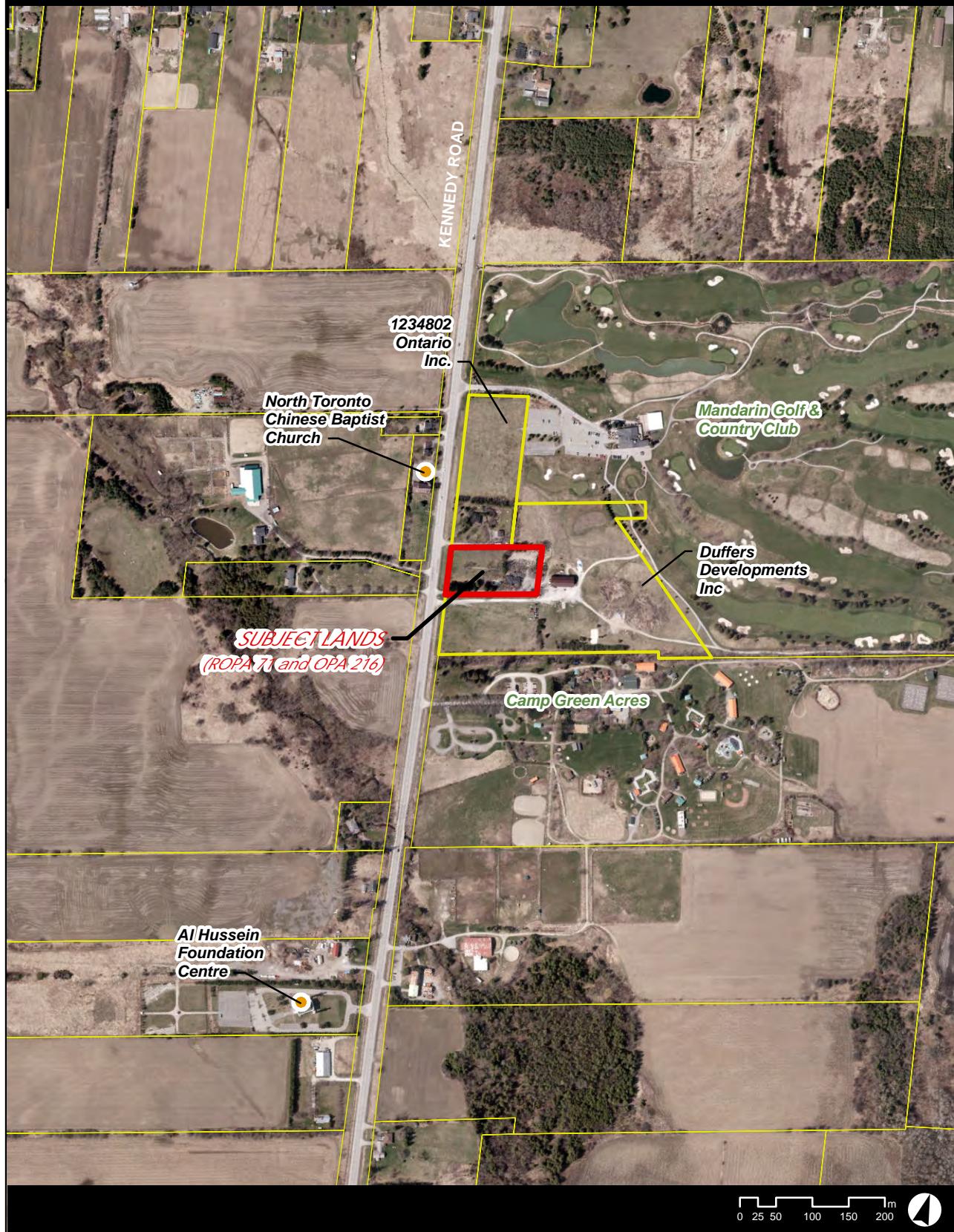
Zen Buddhist Temple Toronto Buddhist Society for Compassionate Wisdom 297 College Street Toronto,

The Mississauga Buddhist Temple. Street: 3133 Cawthra Road, Mississauga

Avalokiteshvara Kadampa Buddhist Centre, 12 Peter Street South Unit 3, Mississauga

Phap Van Buddhist temple and Cultural Centre, 490 Traders Blvd. E., Mississauga

CONTEXT MAP



CONTEXT MAP

