



The Corporation of the Town of Milton

Report To: Council

From: Barbara Koopmans, Commissioner, Planning and Development

Date: November 18, 2019

Report No: PD-045-19

Subject: Technical Report -Proposed Local Official Plan Amendment and Zoning By-law Amendment by Radha Soami Society Beas Canada and 2542534 Ontario Inc., for lands known municipally as 6566 Sixth Line, Milton (Town Files: LOPA-05/19 & Z-03/19)

Recommendation: THAT Planning and Development Report PD-045-19 outlining an application for an amendment to the Local Official Plan (Derry Green Secondary Plan) and Town of Milton Zoning By-law 016-2014 as amended, in order to permit the existing study centre/place of worship use on a permanent basis at lands located at 6566 Sixth Line, BE APPROVED;

AND THAT Council ADOPT the Official Plan Amendment No. 58 as attached as Appendix 1 to Staff Report PD-045-19.

AND THAT Council ADOPT the Zoning By-law Amendment attached as Appendix 2 to Staff Report PD-045-19.

AND THAT WHEREAS the Planning Act limits the ability to apply for a minor variance for a 2-year period following approval of this By-law, BE IT RESOLVED that a privately-initiated application for a minor variance may be made;

And FURTHER THAT the Town Clerk forward a copy of Report PD-045-19 and the decision to the Region of Halton for their information.

EXECUTIVE SUMMARY

The applicant is seeking an amendment to the Town of Milton Official Plan and Zoning By-law 016-2014, as amended, to establish the existing place of worship and study centre as a permanent use. The use has been formerly recognized through a temporary use by-law, site plan and development agreement and a site specific policy exception.

The current Official Plan (Derry Green Corporate Business Park Secondary Plan) policies permit a study centre as a temporary use subject to specific restrictions in accordance with

a decision of the Ontario Municipal Board issued November 1, 2005. An Official Plan Amendment is required to permanently allow the existing place of worship/study center to operate one day per week on the lands, subject to restrictions on the use to ensure that the building footprint size and intensity of the use is not increased.

A Zoning By-Law Amendment is required to permanently permit the current use as a place of worship having a maximum capacity of 1500 persons.

Conclusions and Recommendations

Staff recommends that the applications for amendments to the Town of Milton Official Plan and Zoning By-law 016-2014, as amended, BE APPROVED for the following reasons:

1. The proposal conforms to Provincial, Regional and Town planning policy.
2. The proposal meets all of the technical requirements of the affected Municipal Departments and all other agencies.
3. The use is compatible with both existing and future surrounding land uses and represents an appropriate use subject to limitations on the scale and intensity of the development.
4. There are policies and provisions within the Town's Official Plan and Zoning By-law that do not fully reflect the exceptional circumstances of the site and the current use. As such, it is reasonable and appropriate to consider a site-specific Official Plan and Zoning amendment applications for the subject lands.

REPORT

Background

Owner: Radha Soami Society Beas Canada & 2542534 Ontario Inc.

Applicant: James Dymont, Municipal Planning Consultants, 326 Howland Ave., Toronto

Location: The subject property is municipally known as 6566 Sixth Line and is located on the west side of Sixth Line, immediately south of the Trafalgar Golf and Country Club and adjacent to the Union Gas pipeline corridor (See Figure 1 - Location Map).

Site Description:

The subject property is approximately 12.4 hectares in size with approximately 380 metres of frontage on Sixth Line. The portion of the property occupied by the study centre/place of worship has an area of 4.28 hectares and a frontage of approximately 55.5 metres. The site

contains the worship building, an associated parking lot and a designated heritage dwelling, which is also used for Society office purposes. The property has approved on-site sewage systems.

A branch of Sixteen Mile Creek meanders along a wooded valley, through scrub and farmland in the north eastern portion of the site. This part of the site is designated Natural Heritage System and is located in the Regional Storm flood plain.

A 45 metre wide easement in favour of Union Gas extends along the northerly limit of the subject lands, adjacent to the worship building.

The subject lands are in the edge of the designated "Business Park" area with a Natural Heritage Oriented Area overlay within the Derry Green Corporate Business Park Secondary Plan.

The Science of the Soul Study Centre is a non-denominational charitable organization dedicated to fostering spiritual development in the individual. The study centre/place of worship is an institutional land use where gatherings take place for spiritual fulfilment and guidance.

Surrounding Land Use:

To the north-west there is the Trafalgar Golf and Country Club with a Golf Course (GC) and Natural Heritage System (NHS) zones under Zoning By-law 016-2014, as amended. To the west are agricultural and utility lands zoned Agricultural (A1), Greenlands A (GA), Greenlands B (GB) and Future Development (FD). To the south east are agricultural lands and non-farm related residential uses zoned Agricultural (A1) and Greenlands A (GA). The lands to south west are zoned Future Development under Zoning By-law 144-2003, as amended.

Proposal:

The applicant is proposing to establish the existing place of worship and study centre as a permanent use. The use has been formerly recognized through a temporary use by-law, site plan and development agreement and site specific policy exception.

The proposed Local Official Plan amendment seeks to permanently allow the existing place of worship/study center to operate one day per week on the lands, subject to restrictions on the use to ensure that the building footprint size and intensity of the use is not increased. The current Official Plan (Derry Green Corporate Business Park Secondary Plan) policies permit a study centre as a temporary use subject to specific restrictions in accordance with a decision of the Ontario Municipal Board issued November 1, 2005. Attached to this report as Appendix 1 is the Draft Official Plan Amendment.

The proposed Zoning By-law amendment seeks to re-zone the subject lands from the Future Development (FD) and Temporary Use (T-11-FD*112) Zone to the Minor Institutional Exception (IA*276) Zone in order to permanently permit the current use as a place of worship having a maximum capacity of 1500 persons. The amendment would carry forward the special provisions contained in the Temporary Use By-law related to required parking, surface treatment of parking and driveway areas and maximum ground floor area of the worship building. Attached to this report as Appendix 2 is the Draft Zoning Bylaw.

Supporting information has been submitted by the applicant (available on the Town's website for review) as follows:

- Planning Justification Report, prepared by Municipal Planning Consultants, dated August, 2019;
- Reference Plan 20R-21223, prepared by Fiddes Clipsham Inc. dated September 24, 2018
- Traffic Impact Study letter, prepared by WSP, dated August 19, 2019;
- Wastewater Infrastructure letter, prepared by Rivercourt, dated August 19, 2019.

Planning Policy

Provincial Policy Statement (PPS) 2014

Council's decisions, made under the Planning Act, must be consistent with the PPS. While the PPS is to be read in its entirety, the following policies are relevant to this application:

Section 1.1.1 - Healthy, Livable and safe communities are sustained by:

- b) accommodating an appropriate range and mix of residential, employment (including commercial and institutional uses), recreational and open space uses to meet long term needs;

Section 1.1.3.6 - New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for efficient use of land, *infrastructure* and *public service facilities*.

Section 1.2.6.1 - *Major facilities* and *sensitive land uses* should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*.

[*Major facilities* include industries, which may require separation from *sensitive land uses*. *Sensitive land uses* means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more

adverse effects from contaminant discharges generated by a nearby *major facility*. *Adverse effects* as defined in the Environmental Protection Act, means one or more of:

- a) Impairment of the quality of the natural environment for any use that can be made of it;
- b) Injury or damage to property or plant or animal life;
- c) Harm or material discomfort to any person;
- d) An adverse effect on the health of any person;
- e) Impairment of the safety of any person;
- f) Rendering any property or plant or animal life unfit for human use;
- g) Loss of enjoyment of normal use of property; and
- h) Interference with normal conduct of business.]

Section 1.3.1 - Planning authorities shall promote economic development and competitiveness by:

- a) Providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;

Section 1.3.2.1 - Planning authorities shall plan for, protect and preserve *employment areas* for current and future uses and ensure that the necessary *infrastructure* is provided to support current and projected needs.

[*Employment area* means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.]

Growth Plan for the Greater Golden Horseshoe (May 2019)

All decisions by Council that affect a planning matter must conform with the Growth Plan (GP)

The GP aims to accommodate forecasted growth in *complete communities*. *Complete communities* are places that meet daily needs by providing a mix of job, services facilities and a range of housing.

It is important to ensure an adequate supply of land within *employment areas* for industries and businesses that warrant such locations and sites for a broad range of other employment uses. It is also critical to understand the importance of *provincially significant employment zones*. Within *employment areas*, Municipalities are required to prohibit residential uses and prohibit or limit other *sensitive land uses* that are not ancillary to the primary employment use.

Halton Region Official Plan

With respect to the Regional Official Plan (ROP), the subject lands are designated as Urban Area and Natural Heritage System within an *Employment Area* overlay. In the *Employment Areas*, it is the policy of the Region to prohibit residential and other non-employment uses except:

- a) To recognize uses permitted by specific policies of a Local Official Plan on December 16, 2009; or
- b) For institutional uses identified in a Local Official Plan, as a result of a detailed study that sets limits and criteria on such uses based on the following principles:
 - i. The use is of small scale and such uses collectively within an *Employment Area* shall not change the character of that *Employment Area*;
 - ii. The location and design of the use meet the Region's Land Use Compatibility Guidelines;
 - iii. The use is located at the periphery of *Employment Area*;
 - iv. Such uses do not collectively displace employment from the *Employment Area* to result in a shortfall in *Employment Areas* to meet the Local Municipality's employment forecast.

Town of Milton Official Plan (Derry Green Corporate Business Park Secondary Plan)

The subject lands fall with the Derry Green Corporate Business Park Secondary Plan, which was consolidated through OPA 41 and approved on November 8, 2015. The Derry Green Secondary Plan designates the lands as Business Park Area with an overlay designation of Natural Heritage Oriented Area.

Institutional Uses are not permitted in the 'Business Park Area' (C.9.5.1.1.) including lands in the 'Natural Heritage Oriented Area' overlay designation (C.9.5.1.7.).

Notwithstanding the above, Section C.9.5.1.8 notes that the subject lands as designated on Schedule "B" as Natural Heritage Oriented Area - Temporary Use shall be subject to the policies of the Natural Heritage Oriented Area. In addition, a study centre shall be permitted as a temporary use subject to specific restrictions in accordance with a decision of the Ontario Municipal Board issued November 1, 2005.

OPA#31, as modified by Halton Region, updates the Official Plan in conformity with Provincial Policy. The policy for non-employment uses in *Employment Areas* was modified to fully align with the Region Official Plan (ROPA38), which as noted above permits institutional, in exceptional circumstances, subject to limits and criteria on the use in accordance with the principles set out in policy.

It is noted that there is a proposed trail along the gas corridor lands and to Sixth Line contemplated through the Secondary Plan in the vicinity of the subject lands as depicted on Schedule C-9-A. The trail connection along the gas corridor lands is envisioned as a continuation of the Milton Pipeline Trail which exists from Tremaine through to James

Snow Parkway, and is intended to extend east to Sixth Line with connectivity to the proposed Derry Green Community Park. The most easterly connection to Sixth Line will pass through the existing Natural Heritage System (NHS) on the subject lands.

Zoning By-law 016-2016, as amended

In 2005, the Ontario Municipal Board (OMB) approved the Temporary Use By-law to permit the Radha Soami Society Beas (RSSB) Canada Study Centre within an existing building for a three-year period. This site specific by-law changed the zoning on the property from Future Development (FD) to the current temporary site-specific (T-11-FD*112) zone. Since that time, the Society has sought and was granted, extensions to their temporary use by-law, with the most recent extension occurring in November 2016 and set to expire on November 21, 2019.

The OMB required that certain restrictions upon the use of the building by the Society be imposed by way of a development agreement between the Society and the Town which has been registered on title since 2008. In 2017, the Development Agreement was amended to allow an increase in the existing study centre from 500 persons to a maximum of 1,500 persons.

Site Plan Control

The applicant has already obtained Site Plan Approval for the development including entering into a Site Plan Agreement with the Town and providing securities to guarantee the completion of works in accordance with the approved drawings.

Discussion

The site-specific amendment would permit the continuation of the existing study centre/place of worship use on a permanent basis, subject to the same provisions contained in the Temporary Use By-Law and imposed by the Development Agreement.

The proposed development is consistent with the PPS. The institutional use will help to sustain a healthy, livable and safe community by providing for an appropriate mix and range of uses to meet long term needs. The subject property is in a designated growth area adjacent to the built-up area and as such makes efficient use of land, infrastructure and public service facilities. The current place of worship/study center is appropriately designed, buffered and/or separated from extensive developable areas suitable for future major industrial facilities.

The proposed development is in conformity with the GP. The institutional use will contribute to the achievement of a complete community. The proposal will ensure the primary use of the employment area for industrial and business uses by imposing strict limits on the scale of the institutional use.

The proposed development is in conformity with the ROP policy exception for limited institutional uses in employment areas. The current Temporary Use By-Law and Development Agreement set limits and criteria on the institutional use. The use is small scale in terms of the frequency and intensity of use, being limited to 1 service per week for a maximum of 1500 people. The unique and specific characteristics of the site and the use are such that these cannot be easily replicated, therefore the character of the employment area would not be changed by such uses occurring collectively within it. Having regard to the Region's Land Use Compatibility Guidelines, the location of the existing sensitive land use is well buffered and separated from lands that are developable for a major facility by the Union Gas Corridor, Natural Heritage System and the Conservation Halton Regulated Limits. The site is on the periphery of the Derry Green Corporate Business Park. It has been in use as a place of worship/study centre for fifteen years and therefore its continued use on a permanent basis will not displace employment from the employment area.

It is the opinion of staff that the proposed amendment to the Derry Green Corporate Business Park Secondary Plan does not conflict with the general purpose and intent of the Official Plan with respect to existing non-employment uses in and employment area.

The proposed Zoning By-Law amendment would implement the proposed Official Plan amendment and maintain the provisions of the current Temporary Use By-Law.

Public Consultation

The Statutory Public Meeting was held on October 07, 2019. No members of the public came forward to address the Committee with regard to the proposed application. As of the writing of this report, Town Planning Staff did not receive formal written correspondence from nearby property owners.

Agency Consultation

The application was circulated to internal and external agencies. No objections or concerns were received.

Town of Milton Community Services commented that staff have no concerns provided that the amendment retains the potential for the Town to implement the off-road trail network as envisioned in the Derry Green Secondary Plan.

At the request of Halton Region, the applicant prepared and submitted a letter of undertaking to connect to Municipal services at the earliest opportunity. Regional approval of the Official Plan Amendment is awaited. As the proposed LOPA has no anticipated implications to the Regional policy framework, staff anticipate receiving Regional Exemption in the near future.

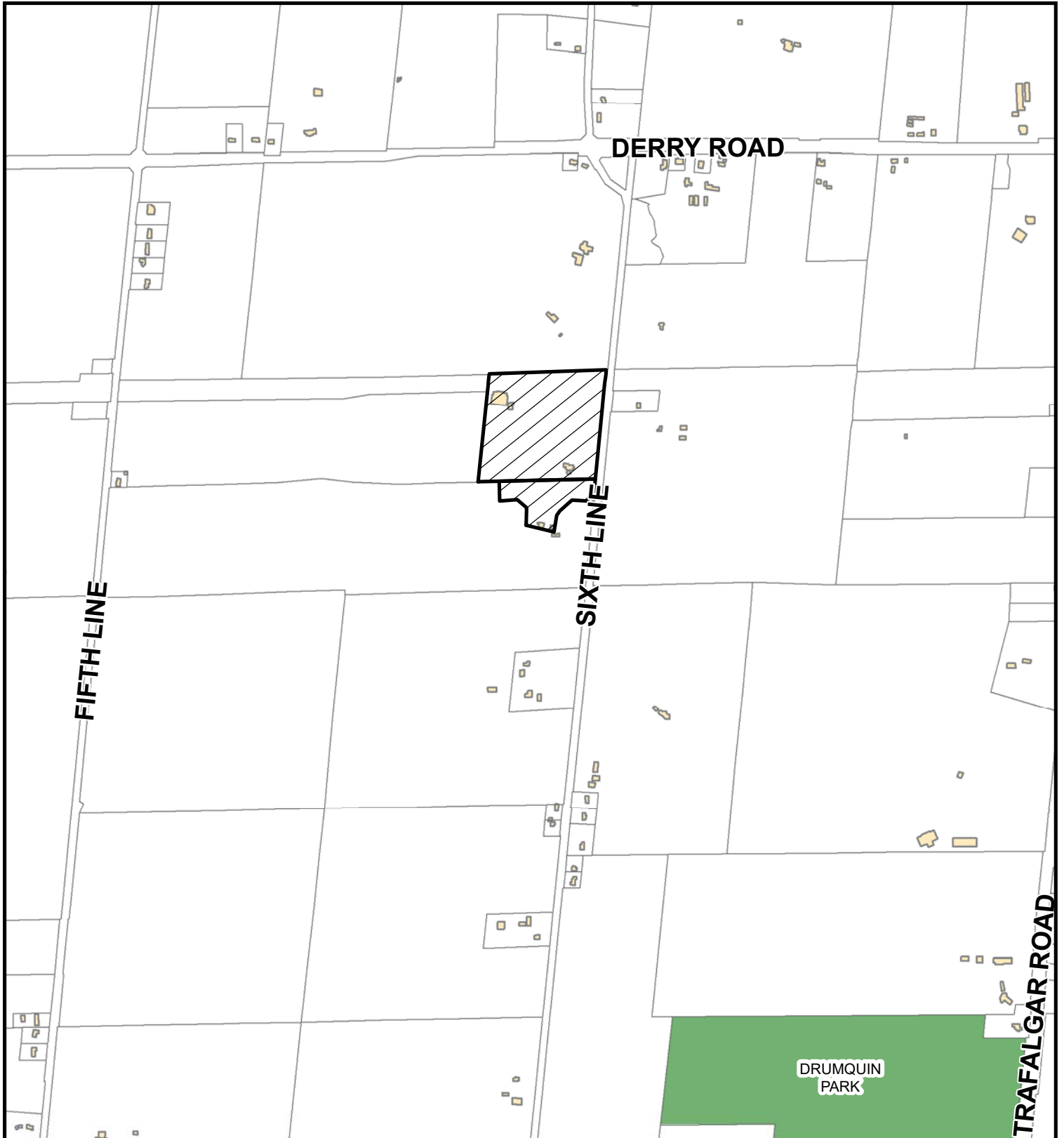


MILTON

FIGURE 1 LOCATION MAP



MILTON

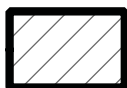


Public Meeting Date:
October 7, 2019

Scale: 1: 15,000

Files: LOPA-05/19 & Z-03/19

Planning & Development Department



Subject Property

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THE CORPORATION OF THE TOWN OF MILTON

BY-LAW XXX-2019

BEING A BY-LAW OF THE TOWN OF MILTON TO ADOPT AN AMENDMENT TO THE TOWN OF MILTON OFFICIAL PLAN PURSUANT TO SECTIONS 17 AND 21 OF THE *PLANNING ACT*, AS AMENDED, TO ADOPT AMENDMENT NO. 58 TO THE APPROVED OFFICIAL PLAN (TOWN FILE: LOPA-05/19)

The Council of the Corporation of the Town of Milton, in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, hereby enacts as follows:

1. **THAT** Amendment No. 58 to the Official Plan of the Corporation of the Town of Milton, attached hereto, is hereby adopted.
2. **THAT** pursuant to Subsection 17(27) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, this Official Plan Amendment comes into effect the day after the last day for filing a notice of appeal, if no appeal is filed pursuant to subsections 17 (24) and (25). Where one or more appeals have been filed under Subsection 17 (24) or (25) of the said Act, as amended, this Official Plan Amendment comes into effect when all such appeals have been withdrawn or finally disposed of in accordance with the direction of the Land Use Planning Appeals Tribunal.
3. **THAT** in the event that the Regional Municipality of Halton, being the Approval Authority, has declared this Official Plan Amendment to not be exempt, the Clerk is hereby authorized and directed to make application to the Approval Authority for approval of the aforementioned Amendment Number 58 to the Official Plan of the Town of Milton.

PASSED IN OPEN COUNCIL ON NOVEMBER 19, 2019.

Mayor
Gordon A. Krantz

Clerk
Troy McHarg

**AMENDMENT NUMBER 58
TO THE OFFICIAL PLAN
OF THE TOWN OF MILTON**

Subject:

RADHA SOAMI SOCIETY BEAS CANADA

**Part Lot 9, Concession 6, Former geographic Township of Trafalgar,
6566 Sixth Line, Town of Milton**

**The following text and schedules constitute
Amendment No. 58 to the Official Plan
Of the Town of Milton**

November 2019

AMENDMENT NUMBER 58 TO THE OFFICIAL PLAN OF THE TOWN OF MILTON

PART I- THE PREAMBLE, does not constitute part of this Amendment

PART II- THE AMENDMENT, consisting of the following text constitutes Amendment No. 58 to the Official Plan of the Town of Milton

PART I: THE PREAMBLE

THE TITLE

This amendment, being an amendment to the Official Plan to the Town of Milton shall be known as:

Amendment No. 58 to the Official Plan of the Town of Milton- Town Wide

PURPOSE OF THIS AMENDMENT

The purpose of the amendment is to incorporate revisions to the Derry Green Business Park Secondary Plan that would permit the continued use of the subject lands as a place of worship whereas the current policies in the Secondary Plan recognize the use as a temporary use. The amendment limits the use of the lands to the current size and intensity of the use.

LOCATION OF THE AMENDMENT

This amendment affects only Part Lot 9, Concession 6, Former geographic Township of Trafalgar 6566 Sixth Line, Town of Milton as shown on Schedule A-1, attached to and forming part of this amendment.

EFFECT OF THE AMENDMENT

At the present time, the Derry Green Business Park Secondary Plan includes a special policy that states:

C.9.5.1.8 Natural Heritage Oriented Area - Temporary Use Area

The lands south of the Union Gas Pipeline, east of Sixth Line designated on Schedule "B" as Natural Heritage Oriented Area - Temporary Use shall be subject to the policies of the Natural Heritage Oriented Area. In addition, a study centre shall be permitted as a temporary use subject to specific restrictions in accordance with a decision of the Ontario Municipal Board issued November 1, 2005.

The lands described in the policy are identified in Schedule B to the Secondary Plan. The effect of the amendment is to revise those specific policies to recognize the use of the land as a place of worship and to permit the use on a permanent basis, with restrictions that would limit the size and intensity of the use to reflect the current, existing use of the lands.

Part II: THE AMENDMENT

The various sections of the Town of Milton Official Plan, as referenced below, are amended as follows:

1. That Section C.9.5.1.8 is hereby amended by deleting the Section and replacing it with the following:

“C.9.5.1.8 Natural Heritage Oriented Area - Special Use Area

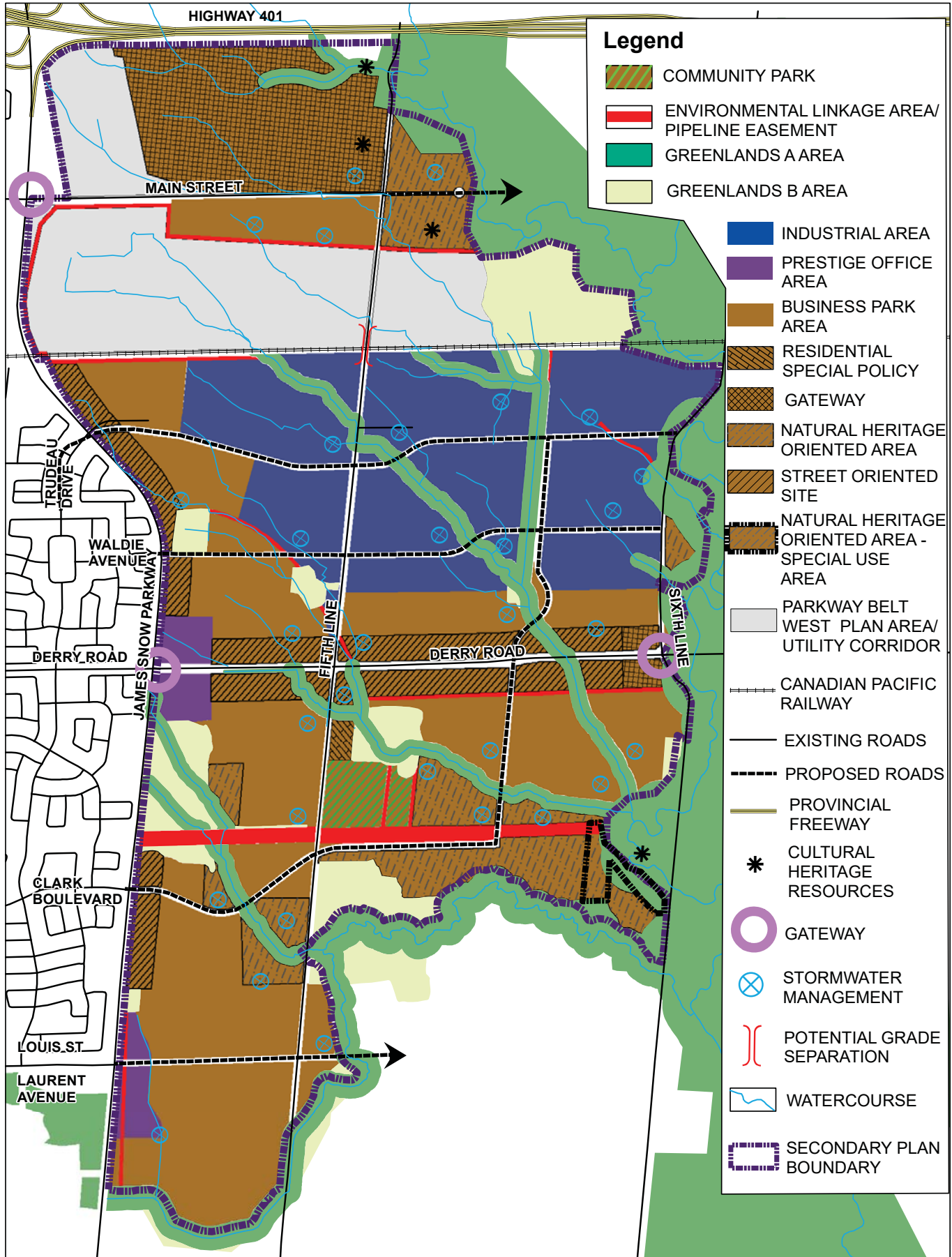
The lands south of the Union Gas Pipeline, east of Sixth Line designated on Schedule “B” as Natural Heritage Oriented Area - Special Use shall be subject to the policies of the Natural Heritage Oriented Area save and except that the existing place of worship is permitted to operate one day per week on the lands. The Zoning By-law shall place restrictions on the use to ensure that the building footprint size and intensity of the use is not increased.”

2. That Schedule C-9-B is hereby amended by changing the language in the legend from “Natural Heritage Oriented Area - Temporary Use” to “Natural Heritage Oriented Area - Special Use” as shown on Schedule A-1 attached to and forming part of this Amendment.

TOWN OF MILTON OFFICIAL PLAN Schedule C-9-B



DERRY GREEN CORPORATE BUSINESS PARK LAND USE PLAN



THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. -2019

BEING A BY-LAW OF THE TOWN OF MILTON TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 016-2014, AS AMENDED, PURSUANT TO SECTION 34 OF THE *PLANNING ACT*, AS AMENDED, IN RESPECT OF THE LANDS DESCRIBED AS PART LOT 9, CONCESSION 6, NEW SURVEY, FORMER GEOGRAPHIC TOWNSHIP OF TRAFALGAR, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON AND MUNICIPALLY KNOWN AS 6566 SIXTH LINE (RADHA SOAMI SOCIETY BEAS-CANADA) - TOWN FILE Z-03/19

WHEREAS the Council of the Corporation of the Town of Milton deems it appropriate to amend Comprehensive Zoning By-law 016-2014, as amended;

AND WHEREAS the Town of Milton Official Plan will provide for the lands affected by this By-law to be zoned as set forth in this By-law upon the approval of Official Plan Amendment Number 58;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. **THAT** Schedule A to Comprehensive Zoning By-law 016-2014 is hereby further amended by changing the existing Temporary Future Development (T1-FD*112) Zone symbol to a site -specific Minor Institutional (I-A*276) Zone symbol shown on Schedule A attached hereto.
2. **THAT** Section 13.1 of Comprehensive Zoning By-law 016-2014 is hereby further amended by adding subsection 13.1.1.276 as follows:
 - i) **Only Permitted Use:**
Place of Worship
 - ii) **Special Site Provisions:**
 - a) Notwithstanding the requirements of Section 5.1 x), 5.6.1 ii) Table 5B and 5.8.2 ii) Table 5G to the contrary, the following site specific provisions shall apply:
 - a. the required parking spaces may have a gravel or grassed surface treatment with a minimum of 40 spaces having a gravel surface and the required disabled parking spaces having a hard surface treatment;
 - b. the driveway access may be gravel surface treatment with the exception of the first 30 metres adjacent to Sixth Line

which shall have an asphalt surface treatment, and the driveway access shall have a minimum width of 6.0 metres and maximum width of 7.5 metres; and

c. a minimum of 375 parking spaces shall be provided on site and within the lands zoned I-A*276..

iii) The maximum floor area of the place of worship (excluding basement) shall not exceed 1350 square metres or an occupant load of 1500 persons in accordance with the Building Code Act.

3. THAT if no appeal is filed pursuant to Section 34(19) of the Planning Act, R.S.O. 1990, c. P.13, as amended, or if an appeal is filed and the Local Planning Appeal Tribunal dismisses the appeal, this by-law shall come into force on the day of the passing. If the Local Planning Appeal Tribunal amends the by-law pursuant to Section 34(26) of the Planning Act, as amended, the part or parts so amended come into force upon the day the Tribunal's Order is issued directing the amendment or amendments.

PASSED IN OPEN COUNCIL ON NOVEMBER 18, 2019.

Gordon Krantz Mayor

Troy McHarg Town Clerk

SCHEDULE A
TO BY-LAW No. -2019
TOWN OF MILTON

PART OF LOT 9, CONCESSION 6 TRAFALGAR NEW SURVEY

Town of Milton



THIS IS SCHEDULE A
TO BY-LAW NO. _____ PASSED
THIS __ DAY OF _____, 2019.



Institutional Minor IA*276 Zone



MAYOR - Gordon A. Krantz

TOWN CLERK- Troy McHarg