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## BUDDHISTS REACH ACCORD WITH COUNTY, CAN RESUME WORSHIP

Buddhists Reach Accord With County, Can Resume Worship

By Claude Walbert

Daily Journal Staff Writer

SAN DIEGO - Vietnamese Buddhist monks who claimed that their neighbors' religious hostility led to the shutdown of their services have won a settlement that allows worship to resume.

The accord lifts a cease-and-desist order that had halted meditation and other activities on the site, located near Bonsall in northern San Diego County.

"This is a great victory for these monks and those who meditate with them," one of the Buddhists' lawyers, Roman P. Storzer, a Washington, D.C., sole practitioner specializing in religious rights cases, said Tuesday.

"A small, minority religion without great political power in the county will now be able to continue engaging in the same religious activity they have enjoyed for several years," Storzer said.

The settlement brings to an end a suit filed by the Vietnamese Buddhist Meditation Congregation against San Diego County, alleging discriminatory application of county planning and zoning laws. *Vietnamese Buddhist v. County of San Diego*, 05CV1156 (S.D. Cal., filed June 3, 2005).

County planners had issued a cease-and-desist order against the Buddhists after residents had claimed that robust turnout at the facility was leading to violations of traffic and parking laws.

The order also halted processing of plans to expand the center.

Senior Deputy County Counsel Judy McDonough said Tuesday that the settlement requires the county to continue processing the congregation's application for a use permit necessary for the expansion. The Buddhists submitted their application in April 2004.

The lawsuit sought no monetary damages, and each side will pay its own attorney fees.

Monks moved to the nine-acre site at 6326 Camino Del Rey in Bonsall in September 2001. The property, on top of a hill, faces west, an important direction for Buddhist practice, the complaint says.

The meditation center serves followers of the Mahayana tradition of Zen Buddhism as practiced in Vietnam. Three monks and an abbot live on the property.

Plaintiffs in the lawsuit besides the congregation are monks John Nguyen, Thomas Van and Huy Lee and two laypeople who attend services at the center, Lap Dang and Leha How.

A representative of the center said that 75 people from throughout the county attend the Sunday services. Five gatherings for special Buddhist events each year attract 300 people.

The clash between the Buddhists and residents grew from plans to expand the center filed with the county a year ago.

The Buddhists charged in their complaint that county planners acted improperly when they acquiesced to protesters' complaints about plans to expand the center.

In their claim, the Buddhists said they cooperated fully with the county, correcting code problems pointed out by enforcement officers.

The complaint also claims that the county's chief code enforcement officer told the monks that no legal appeal process existed.

The county filed no response to the claims.

The complaint further claimed that, in halting services, the county violated the Religious Land Use and Institutionalized Persons Act of 2000, which requires public agencies to give special deference to the exercise of religions.

"This is exactly the type of protection Congress meant to extend when it passed the religious act," Storzer said.