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Staff Report

Planning & Development Services – Planning

Report To: Committee of the Whole
Meeting Date: December 5, 2016
Report Number: PDS.16.153
Subject: Official Plan Appeals Update
 Jozo Weider Boulevard Area Residents Appeal
 Town of The Blue Mountains
Prepared by: Shawn Postma, Senior Policy Planner

A. Recommendations

THAT Council receive Staff Report PDS.16.153 “Official Plan Appeals Update, Jozo Weider Boulevard Area Residents Appeal, Town of The Blue Mountains”; and

THAT Council support the Draft Minutes of Settlement so as to reinstate Exception 43 in the Jozo Weider Boulevard area from the 2007 Official Plan into the new 2016 Official Plan.

THAT Council authorize the Mayor and Clerk to execute Minutes of Settlement with the Jozo Weider Area Residents and that Council direct Town Staff and Legal Counsel to submit the Minutes of Settlement to the Ontario Municipal Board for final approval.

B. Overview

The purpose of this report is to inform Council on the progress in resolving four similar appeals to the Town of The Blue Mountains New Official Plan. The four appeals relate to the removal of an exception previously contained in the 2007 Official Plan. Should Council agree to reinstate the exception, Minutes of Settlement can be finalized through sign off from the Town so that the matter can be brought to the Ontario Municipal Board for final decision.

C. Background

The Town of The Blue Mountains Official Plan was approved with modifications by the County in June 2016. In response appeals were received including four similar appeals made by four residents in the Jozo Weider Boulevard Area. The basis of the appeals were objections to the removal of Exception 43 on Blue Mountains Resorts lands as contained in the 2007 Official Plan.

Since the appeals were received, Planning Staff has been working with the four appellants, the County and Blue Mountain Resorts in an attempt to resolve the appeals through agreed upon Minutes of Settlement.

Exception 43 applied to a portion of Blue Mountain Resorts lands including the Apple Bowl parking area and surrounding lands. The Exception recognized that these lands may only be used for ski related uses and existing approved base lodges and maintenance facilities only.

Exception 43 was excluded from the New Plan in the early stages of the Official Plan 5-year review process. The original exceptions review process aggressively sought to remove any exceptions that were no longer required due to build out, inactivity or conflict with the intent and direction of the New Plan.

Since the Jozo Weider Area appeals were received, Planning Staff has re-reviewed Exception 43 and has no objections to reinstating the exception as originally written in the 2007 Plan for these lands. The reinstatement of Exception 43 also received support from the Jozo Weider Area Residents and no objections from the County of Grey or Blue Mountain Resorts.

Planning Staff now recommend that the Town and the Appellants enter into Minutes of Settlement to reinstate Exception 43 for the Jozo Weider Area lands as it was written in the 2007 Plan. The Minutes of Settlement identifies a new subsection to be added to the Plan as follows:

"B3.11.6.2 Schedule A5 – Lot 18 Concession 2 – Blue Mountain Resorts

These lands may only be used for ski trails and lift facilities, parking areas, recreational facilities, outdoor recreational uses and existing approved base lodges and maintenance facilities."

And that Official Plan Schedule A-5 will also be updated to identify the boundaries of the former Exception 43 lands.

All four appellants have reviewed the Draft Minutes of Settlement and are in agreement.

Should Council support the proposed settlement, Legal Counsel and Planning Staff will then request that the Ontario Municipal Board approve the changes to the Official Plan.

D. The Blue Mountains Strategic Plan

Goal #2: Engage Our Communities & Partners

Goal #3: Support Healthy Lifestyles

E. Environmental Impacts

Nil

F. Financial Impact

Nil

G. In consultation with

Legal Counsel, County of Grey, Blue Mountain Resorts, and Jozo Weider Boulevard Area
Appellants

H. Attached

1. Draft Minutes of Settlement

Respectfully submitted,

Shawn Postma, BES MCIP RPP
Senior Policy Planner

Michael Benner, MCIP RPP
Director of Planning and Development Services

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ONTARIO MUNICIPAL BOARD

Dinaz Dadyburjor has appealed to the Ontario Municipal Board under subsection 17(36) of the Planning Act, R.S.O. 1990, c.P.13, as amended, from a decision of the County of Grey to approve the Official Plan of The Town of the Blue Mountains as adopted by By-law 2014-56 with modifications.

Thomson Xhelili has appealed to the Ontario Municipal Board under subsection 17(36) of the Planning Act, R.S.O. 1990, c.P.13, as amended, from a decision of the County of Grey to approve the Official Plan of The Town of the Blue Mountains as adopted by By-law 2014-56 with modifications.

Ivi Xhelili has appealed to the Ontario Municipal Board under subsection 17(36) of the Planning Act, R.S.O. 1990, c.P.13, as amended, from a decision of the County of Grey to approve the Official Plan of The Town of the Blue Mountains as adopted by By-law 2014-56 with modifications.

Elisabeth Ecker Vanderploeg has appealed to the Ontario Municipal Board under subsection 17(36) of the Planning Act, R.S.O. 1990, c.P.13, as amended, from a decision of the County of Grey to approve the Official Plan of The Town of the Blue Mountains as adopted by By-law 2014-56 with modifications.

MINUTES OF SETTLEMENT

BETWEEN:

The Corporation of the Town of The Blue Mountains
(hereinafter called "The Blue Mountains")

-and-

Dinaz Dadyburjor,
Tomson Xhelili,
Ivi Xhelili, and
Elisabeth Ecker Vanderploeg
(hereinafter called "the Appellants")

In consideration of the final settlement of this matter negotiated between The Blue Mountains and the Appellants and the sum of Two Dollars (\$2.00) paid by each to the other (the sufficiency and receipt of which is hereby acknowledged), the Parties agree to resolve the Appellants' appeals of the Town of The Blue Mountains Official Plan as adopted by By-Law No. 2014-56, as modified and approved by the County of Grey (the

“Official Plan”), on the basis of the following terms, which shall be unanimously recommended by the Parties for approval by the Ontario Municipal Board (the “Board”):

- 1. The Official Plan shall be further modified as described in these Minutes of Settlement.
- 2. A new subsection to the Official Plan shall be added as follows:

“B3.11.6.2 Schedule A5 – Lot 18 Concession 2 – Blue Mountain Resorts

These lands may only be used for ski trails and lift facilities, parking areas, recreational facilities, outdoor recreational uses and existing approved base lodges and maintenance facilities.”

- 3. The Official Plan Schedule ‘A-5’ Blue Mountain Village Area shall be modified by identifying the boundaries for Exception B3.11.6.2 by deleting and replacing same with the Schedule attached as Appendix #1 to these Minutes.
- 4. The Parties agree to jointly request the Board to approve of the Official Plan modifications contained in these Minutes of Settlement.
- 5. The Appellants’ appeals shall be otherwise dismissed upon the approval of the modifications to the Official Plan contained in these Minutes of Settlement.
- 6. The Planner for The Blue Mountains shall provide expert land use planning evidence to the Board in support of the policy and mapping modifications proposed by these Minutes.

APPROVED BY THE CORPORATION OF THE TOWN OF THE BLUE MOUNTAINS ON THE ____ DAY OF _____, 2016

Authorized Signatory

APPROVED BY DINAZ DADYBURJOR ON THE ____ DAY OF _____, 2016

Witness: _____
DINAZ DADYBURJOR

APPROVED BY TOMSON XHELILI ON THE ____ DAY OF _____, 2016

Witness:

TOMSON XHELILI

APPROVED BY IVI XHELILI ON THE ____ DAY OF _____, 2016

Witness:

IVI XHELILI

APPROVED BY ELISABETH ECKER VANDERPLOEG ON THE ____ DAY OF _____, 2016

Witness:

ELISABETH ECKER VANDERPLOEG

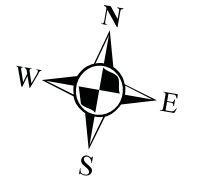
APPENDIX #1



The Blue Mountains Official Plan Schedule 'A-5' Blue Mountain Village Area

Designations

- Niagara Escarpment Plan Boundary
- Blue Mountain Village Resort Area Boundary
- Blue Mountain Village Resort Area Core
- Blue Mountain Village Resort Area Low Density Residential
- Blue Mountain Village Resort Area Medium Density Residential
- Blue Mountain Village Resort Area Open Space
- Blue Mountain Village Resort Area Resort Commercial
- Hazard
- Institutional Area
- Recreational Ski
- Residential Recreational Area
- Resort Commercial



Note: This Schedule forms part of the Official Plan and must be read and interpreted in conjunction with the text. The information depicted on this Schedule has been compiled from various sources. While every effort has been made to accurately depict the information, data/mapping errors may exist.