

October 22, 2019

Mayor Soever and Members of Council
Town of the Blue Mountains
P.O. Box 310
Thornbury, ON, N0H 2P0

**Re: Final Decision - Town of The Blue Mountains
Official Plan Short Term Accommodation Policies (Sections B2.5 and B3.7.6.14)**

Dear Mayor Soever and Members of Council:

This letter is further to the Notice of Decision given on September 27, 2019 under Subsection 17 (35) of the Planning Act with respect to the deferral of the Short- Term Accommodations Sections in the Town of The Blue Mountains Official Plan.

The purpose of this correspondence is to provide you with the status of the decision on the official plan amendment pursuant to Subsections 17(36) and (38) of the Planning Act, which pertains to appeals, when decisions become final and when approvals come into effect.

Please be advised that all of Sections B2.5 and B3.7.6.14 to the Town of The Blue Mountains Official Plan are approved and came into **full force and effect** the day after the last date of appeal being **October 18, 2019**.

Should you require any further information, please do not hesitate to contact this office.

Yours truly,



Randy Scherzer, MCIP, RPP
Director of Planning
(519) 372-0219 ext 1237
randy.scherzer@grey.ca
www.grey.ca

cc. Corrina Giles, Town of The Blue Mountains

Shawn Postma, Town of The Blue Mountains
By-law Enforcement, Town of The Blue Mountains
Tyler Shantz, Ministry of Municipal Affairs and Housing, London Office
Chris Hibberd, Nottawasaga Valley Conservation Authority
Andrew Sorensen, Grey Sauble Conservation Authority
Victor Labreche, Labreche Patterson & Associates Inc.
Andrew Pascuzzo, Pascuzzo Planning
Don Scott, Cuesta Planning Consultants
Krystin Rennie, Georgian Planning Solutions
Kristine Loft, Loft Planning
Shelley Wells, Plan Wells Associates
Glenn Wellings, Wellings Planning Consultants Inc.
Russell Higgins, MacPherson Builders
Michael Larkin, Castle Glen Development Corporation
Brian Nelson
Janet Findlay
John Leckie
Peter Bordignon
Tim Burkholder
Helen DiLecce, JDF Realty Ltd.
Robert Labron, JDF Realty Ltd.
Ryan Guetter, Weston Consulting
Deborah Alexander, Weston Consulting
Christine Yee, Sobeys
Bill Ulicki, Romspen Investment Corp.
Arnold Valian
Peter Tollefsen
Colin Travis, Travis & Associates
Blue Mountain Resorts LP
John Corrigan
Brain Zehman, MHBC Planning
Jamie Robinson, MHBC Planning
Oz Kemal, MHBC Planning
Judy Rhodes-Munk, Niagara Escarpment Commission
David Finbow
Raylene Martell, Municipality of Grey Highlands
Matt Smith, Municipality of Meaford
Clerk, County of Simcoe
Sara Almas, Town of Collingwood
Pamela Fettes, Township of Clearview
Ken Hale, Dunn Capital Corporation
Dan Piggot, Skyline Investment
Ronald Picot
James Uram, Mainline Planning
Norman Wingrove, Blue Mountain Watershed Trust Foundation
Elio D. Sardella, Plus Realty Ltd., Brokerage

Keith MacKinnon, KLM Planning Partners
Rosemary & Roland Gosselin
Tony Santilli
Glenn Broll
Bruce Trail Conservancy
Mary Milne
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Andrew Hill, Georgian Triangle Development Institute
Stu Frith
Mark Faiz
Peter and Kelly Lister
Dennis Proudlove
Andrew Siegwart
Denis Martinek
Gord Russell
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Gerard Borean, Parente Borean LLP
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Barkat Ismail

September 27, 2019

Mayor Soever and Members of Council
Town of the Blue Mountains
P.O. Box 310
Thornbury, ON, N0H 2P0

Dear Mayor Soever and Members of Council:

Re: Notice of Decision – Town of The Blue Mountains Official Plan Short Term Accommodation Policies (Sections B2.5 and B3.7.6.14)

In 2016 the County approved the Town of The Blue Mountains Official Plan, except that the County's decision on the Short-Term Accommodation (STA) policy section B2.5 of the Town's Plan was deferred. The deferral of the decision was at the Town's request, to give the Town the ability to consider how the new STA policies would work with the proposed new zoning provisions.

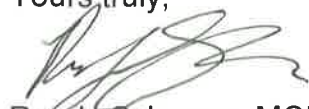
This letter is to advise that approval has now been given to section B2.5 of the Town of The Blue Mountains Official Plan. This approval includes the insertion of section B3.7.6.14 into the Plan in respect of certain areas of the Town that section B2.5 applies to; this is set out in the attached Notice of Decision given on this date. You will note that the text of the amendment has been modified to reflect a typographical error and a mapping clarification. These modifications are reflected in Schedule 1 which are included in the decision.

The Town's previous planning policies respecting Short-Term Accommodation units resulted from a lengthy public process, Council consideration, and Ontario Municipal Board approval. The new STA policies are meant to maintain the intent of the former policies, with some minor terminology changes, into the new Town Official Plan.

Please be advised that once the appeal period is over, a subsequent letter will be sent to confirm whether the decision is then final.

Should you require any further information, please do not hesitate to contact this office.

Yours truly,



Randy Scherzer, MCIP, RPP
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Enclosures Notice of Decision with Schedule 1
County Staff Report PDR-CW-36-19

cc. Corrina Giles, Town of The Blue Mountains
Shawn Postma, Town of The Blue Mountains
By-law Enforcement, Town of The Blue Mountains
Tyler Shantz, Ministry of Municipal Affairs and Housing, London Office
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Dinaz Dadyburjor
Gerard Borean, Parente Borean LLP
Quinto M. Annibale, Loopstra Nixon LLP

File No: The Blue Mountains Official Plan
Municipality: Town of The Blue Mountains
Subject Land: Lands within The Blue Mountains

Date of Decision: September 12, 2019
Date of Notice: September 27, 2019
Last Date of Appeal: October 17, 2019

Notice of Decision with respect to deferred Official Plan Policies under Subsection 17(35) of the Planning Act

A decision was made on the date noted above to approve section B2.5 of the Town of The Blue Mountains Official Plan, which had previously been deferred in the County's earlier 2016 decision on the Town's Official Plan. This decision includes the addition of section B3.7.6.14 to the Official Plan and the modification of Schedule A-4 to the Official Plan, both in respect of the application of Section 2.5.

Purpose and Effect of the Short-Term Accommodation Official Plan Policies

The purpose and effect of the Town of The Blue Mountains Official Plan Short-Term Accommodation is to re-establish policies regulating short term accommodation uses across the Town. The policies are similar to the short-term accommodation policies in the previous Town of The Blue Mountains Official Plan. The policies apply to various lands within the Town of The Blue Mountains. A copy of the County's modifications are attached as Schedule 1.

Getting Additional Information

A copy of the proposed Official Plan Amendment and supporting materials are available for inspection in the County Planning and Development office during regular office hours at 595 9th Avenue East, Owen Sound, Ontario N4K 3E3. Additional information may be obtained by calling 1-519-376-2205.

When and How to File an Appeal

Any appeal to the Local Planning Appeal Tribunal must be filed with the County of Grey **no later than 20 days from the date of this notice being October 17th, 2019.**

The notice of appeal should be sent to the attention of the Director of Planning and Development of the County of Grey at the address shown below and it must:

1. be filed with the County of Grey
2. set out the reasons for the appeal and the specific part of the proposed official plan to which the appeal applies,
3. be accompanied by the fee prescribed under the Local Planning Appeal Tribunal Act, 2017 in the amount of \$300.00 payable by certified cheque or money order to the Minister of Finance, Province of Ontario, and
4. be accompanied with a completed Local Planning Appeal Tribunal appeal form that can be found on the Tribunal's website at - <http://elto.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/>

Who Can File an Appeal

Only individuals, corporations or public bodies may appeal a decision of the approval authority to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the official plan was adopted, the person or public body made oral submissions at a public meeting or

written submissions to the council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add the person or public body as a party.

When the Decision is Final

The proposed official plan is exempt from approval by the Ministry of Municipal Affairs and Housing. The decision of the council is final if a notice of appeal is not received on or before the last day for filing a notice of appeal.

What Happens to the Appeal Once Submitted

Once an appeal has been received by the County, the County prepares the appeal package and sends this to the Local Planning Appeal Tribunal (LPAT). Once LPAT receives the appeal, the Notice of Appeal will be subject to a preliminary screening. If the Notice of Appeal is found to be valid, the appellant will receive a Notice of Commencement from the LPAT registrar. After a Notice of Commencement is issued in a case, the LPAT Registrar will schedule a mandatory case management conference (CMC).

If a person other than the appellant or the County wishes to participate in an appeal, the person must make a written submission to the Tribunal respecting whether the decision or failure to make a decision is inconsistent with, and fails to conform with the above conditions, and is submitted at least 30 days before the date of the case management conference.

Other Related Matters

- Town of The Blue Mountains Short-Term Accommodation Zoning and Licensing Provisions

Address for Filing a Notice of Appeal

County of Grey
595-9th Avenue East
Owen Sound, Ontario, N4K 3E3

Attention: Randy Scherzer, Director of Planning

Dated and mailed at the City of Owen Sound
this **27th day of September, 2019**

Randy Scherzer MCIP RPP
Director of Planning & Development

Decision with respect to an Official Plan Amendment Subsection 17(34) of the Planning Act

The County of Grey hereby approves sections B2.5 and B3.7.6.14 of the Town of The Blue Mountains Official Plan subject to the modifications contained in Schedule 1.

Schedule 1: Proposed Modifications to the Short-Term Accommodation Policies

Modification Number	Section Number	Principle Basis for the Proposed Modification	Recommended Modification
1	Item 2	Typographical correction	Under 'Item 2' the reference to 'Schedule A-5' is hereby deleted and replaced by 'Schedule A-4'.
2	Item 3	Mapping clarification	<p>'Item 3' is hereby deleted and replaced by the following;</p> <p>“Add Exception Areas of B3.7.6.14 to Official Plan Schedule A-4 as shown below;</p> <div data-bbox="745 806 1289 1247"> </div>

Dated at Owen Sound this 27th day of September 2019

Selwyn Hicks
 Warden, County of Grey

2016 TOWN OF THE BLUE MOUNTAINS OFFICIAL PLAN
SHORT TERM ACCOMMODATION POLICIES

ITEM 1: B2.5 SHORT-TERM ACCOMMODATION USES

- a) The Plan recognizes that there are a variety of commercial accommodation uses within the Town. These may include *bed and breakfast establishments*, care homes, farm vacation homes and dwellings rented for short term periods. In some cases, residential dwellings may be rented in conjunction with commercial hotel operations. Such commercial accommodations may be considered appropriate in some residential areas, provided they are adequately regulated to avoid land use conflicts with the surrounding area. Unlike accommodation uses in commercial areas, as described under Section B2.2, residential neighbourhoods require special attention to ensure the quiet and undisturbed enjoyment of residential living which people expect. Accommodation uses shall avoid disruption to adjacent residences through mitigation of potential impacts including noise control, waste management, setbacks, buffering, servicing and adequate on-site parking, amongst other appropriate site performance standards and operational controls. All *short term accommodation* uses shall be subject to site plan control and shall show sensitivity to surrounding residential uses.
- b) Any building used for short-term accommodation purposes shall be considered a commercial use and shall only be permitted where recognized under the implementing Zoning By-law. It is the foundation of this Plan that such uses should not be considered conventional residential uses and that appropriate regulations shall be established.
- c) Conventional residential rental accommodation in a residential dwelling for periods of thirty (30) days or greater shall not be considered a commercial accommodation use, and shall be considered a principal residential use. The provisions of this Plan for short-term accommodation uses do not apply to such leased conventional residential dwelling units.
- d) The scale and intensity of any short-term accommodation uses may affect the degree of potential disruption in the surrounding neighbourhood. Such accommodation uses should be regulated to ensure that the principal residential *character* is generally maintained. Such uses shall be directed toward a commercial or other appropriate designation and shall be prohibited within a single detached residential neighbourhood.
- e) Based on the commercial nature of this use and its potential to negatively affect adjacent residential property, new *short term accommodation* uses shall:
 - i) be permitted on future development lands (being lands subject to an application for Plan of Subdivision, Plan of Condominium or Site Plan Control) in the Residential Recreational Area designation and Community Living Area, or within existing Blue Mountain Village Resort Area Medium Density Residential designation;
 - ii) provide mitigation measures through compliance with zoning provisions and site works; and

- iii) not be permitted in existing residential plans of subdivisions which have been registered, and other existing residential areas which have been substantially developed for single detached residential dwellings.
- f) The Implementing Zoning By-law shall establish appropriate provisions related to the scale of short-term accommodation uses, parking requirements, separation distances, setbacks and buffering. The location, size and scale of the short-term accommodation use shall be regulated in a manner, which is considered *compatible* with surrounding uses. Certain types of commercial accommodation uses identified under the introductory paragraph shall be distinguished from *short term accommodation* uses, and may only be permitted by site-specific Amendment to the Zoning By-law or in zones where they are specifically listed as a permitted use.
- g) In some cases, a new STA may be prohibited where it is abutting a low density residential use and where buffering is considered inadequate to properly mitigate a land-use conflict.
- h) In addition to zoning and site plan control by-laws, and associated agreements, short-term accommodation uses may be subject, but not limited to, other municipal by-laws including on-street parking, noise, property standards and fire and safety regulations.
- i) In accordance with the Municipal Act 2001, *Council* may pass a by-law to require a business license for the operation of short-term accommodation uses.
- j) All short-term accommodation uses shall be required to connect to municipal water and sewage services in accordance with Section D1 of this Plan.

ITEM 2: B3.7.6 EXCEPTIONS

B3.7.6.14 Schedule A-5 – Short Term Accommodation Exemption Areas

“These lands may also be used for Short Term Accommodation Uses.”

ITEM 3: SCHEDULE A-4 CRAIGLEITH AND SWISS MEADOWS LAND USE PLAN

Add Exception Areas of B3.7.6.14 to Schedule A-4 as shown on the following page.

Short Term Accommodation Areas
Exception B3.7.6.14
2016 Town of The Blue Mountains Official Plan



Area affected by Exception B3.7.6.14

