



Staff Report

Planning & Development Services – Planning Division

Report To: COW-Operations, Planning and Development Services
Meeting Date: August 15, 2023
Report Number: PDS.23.066
Title: Recommendation Report – Short-Term Accommodation Official Plan Amendment
Prepared by: Carter Triana, Planner

A. Recommendations

THAT Council receive Staff Report PDS.23.066, entitled “Recommendation Report – Short-Term Accommodation Official Plan Amendment”;

AND THAT Council enact a By-law to adopt Official Plan Amendment #3 to the Town of The Blue Mountains Official Plan to modify the policies of Section B2.5 and Exception B3.7.6.14 to add further restrictions to Short Term Accommodation uses;

AND THAT Council authorize Staff to submit Official Plan Amendment #3 to Grey County, as the Approval Authority, for approval.

B. Overview

The purpose of this report is to provide Council with a summary of public consultation and a recommendation regarding a proposed Official Plan Amendment. The application proposes to amend Section 2.5 *Short-Term Accommodations* of the Town of The Blue Mountains Official Plan 2016 to provide additional clarity, formally recognize the licensing requirements for short-term accommodation uses, and to further restrict the addition of Short-Term Accommodation Uses outside of the established Exception Area. The application also proposes to expand the Exception Area identified under Section B3.7.6.14 to also include areas historically zoned to permit a short-term accommodation use. The effect of the proposed amendments is to prohibit the establishment of new short-term accommodation uses outside of this Exception Area.

C. Background

Planning Staff brought forth [Staff Report PDS.23.024 “Short Term Accommodations - Options for Official Plan Amendment”](#) on March 14, 2023, outlining the current regulatory framework for short-term accommodations (STAs) under the Official Plan and recommending that Council direct Staff to initiate the Planning Act process to consider an Official Plan Amendment to Section B2.5 *Short-Term Accommodations* of the Official Plan in order to further restrict the

potential to add new STA units outside of the existing Exception Area. On March 27, 2023, Council passed a resolution directing Staff to begin this process.

In addition to amending existing policy to further restrict new STA units outside of the Exception Area, Planning Staff completed a comprehensive review of the relevant policies of the Official Plan to determine if additional minor modifications were warranted. As such, the draft amendment includes a restructuring of the listed policies to provide better clarity to readers of the Official Plan and recognizes the now-established licensing requirement for STAs.

A Public Meeting was held on June 20, 2023, with written and verbal comments being received from public agencies and area residents. Comments were received from the following public agencies:

- Grey County: Grey County is supportive of the Town's intention to further regulate the location of short-term accommodation units. County Staff would inquire how and whether the proposed policies would impact short-term accommodation uses outside of serviced settlement areas and whether formal bed and breakfast establishments would be part of the restricted uses. Provided the proposed changes would not impact the capacity for a landowner to establish long-term rental accommodation on a fully serviced property, the County has no concerns with the proposed amendments.
- Bell Canada: No comments or concerns at this time.

Comments received from Council and interested members of the public and Staff responses can generally be summarized as:

- **How many legal non-conforming STAs have been unable to renew their licenses due to not maintaining continuous use as an STA?**
According to Town records, only one STA has been unable to renew its license as a result of losing legal non-conforming status.
- **Do licenses lapse upon the sale of a property?**
Section 34(9) of the Planning Act explicitly states that a zoning by-law cannot prohibit the use of land, a building, or a structure that was lawfully commenced on the date the by-law was passed. Land use rights are tied to the land and buildings and structures on that land, not to a property owner. Zoning provides as-of-right permitted uses that are allowed unless the zoning is modified. Non-conforming uses are permitted to continue provided the use is continuous or it can be proven that there is an intent to continue the use. STA licenses are business licenses tied to the owner/operator of the business. As such, they cannot be transferred upon the sale of a property. If the STA permission under zoning or continuation of a non-conforming use is maintained, the new owner may apply for a new license in their name.
- **The Blue Mountain Ratepayers Association - in support.**

Since the public meeting, several changes have been made to the proposal, including:

1. Additional modifications to the text of Section B2.5 for simplicity and to provide greater clarity. These changes also seek to avoid unnecessary repetition of policies. A detailed

list of all changes proposed to the current text is included as Attachment 3 to this report.

2. Expansion of the current Exception Area to include all areas zoned to permit STA use. This is proposed in order to avoid issues of non-conformity with the Official Plan. Additional discussion of this proposed change is included later in this report. The existing Exception Area is shown in Figure 1 and the proposed Exception Area is shown in Figure 2.

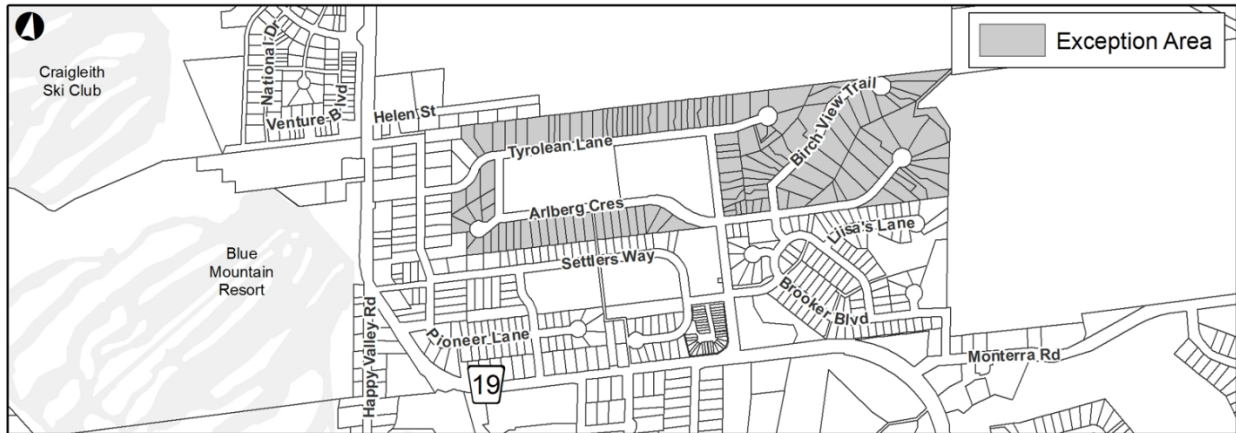


Figure 1. Existing Official Plan Exception Area



Figure 2. Proposed Official Plan Exception Area (OPA 3)

D. Analysis

Planning Act

The Ontario *Planning Act* gives municipal Councils the authority to pass The *Planning Act* requires that, in making planning decisions, Council must have regard for the list of matters of Provincial Interest, as outlined in Section 2 of the *Act*. In this case, Planning Staff are satisfied that there are no concerns with matters of provincial interest.

Provincial Policy Statement 2020

The Provincial Policy Statement (PPS) provides direction on appropriate development, effective land use, and long-term economic prosperity while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The proposed amendment will preserve STA permissions for existing units while also limiting future expansion, thereby preserving the economic benefits of tourism and recreation associated with these uses and avoiding potential land use conflicts in the future. Planning Staff are therefore satisfied that the proposed amendment is consistent with the PPS.

Niagara Escarpment Plan 2017

The Niagara Escarpment Plan (NEP) provides land use policies to guide development while ensuring the preservation and enhancement of the Niagara Escarpment as an internationally recognized World Biosphere Reserve. Key objectives of the Plan are to maintain and enhance the natural environment and the open landscape character of the escarpment and adjacent lands.

The Exception Area, as defined in the Town's Official Plan, and much of the area around the base of Blue Mountain is designated *Escarpment Recreation Area* under the NEP. Objectives of this designation include the provision of areas where recreation and associated development can be concentrated around residential areas and that this type of development protects and maintains community character. The proposed amendment seeks to prohibit the future expansion of zones with STA permissions, thereby concentrating STA uses into existing areas with these permissions and protecting the character of existing and future residential neighbourhoods in the area. For this designation, the NEP lists permitted uses, which includes uses permitted within the Town of The Blue Mountains Official Plan. As such, Planning Staff are satisfied that the proposed amendment is consistent with the NEP.

Grey County Official Plan 2018

The Grey County Official Plan is intended to guide development within the whole of Grey County and provides broad policy framework for local municipal Official Plans, Secondary Plans, and By-laws. The policy framework encourages strong healthy communities and new development growth while maintaining and protecting environmental and economic resources.

The area where most STA uses are concentrated is designated *Recreation Resort Area* in the County Official Plan. The County Official Plan recognizes the potential for land use conflicts

between STA uses and residential uses and potential long-term impacts on the availability of rental housing. The Plan recommends that local municipalities implement policies to address long-term concerns. The proposed amendment seeks to address these long-term concerns by limiting the expansion of STA uses to a greater degree than the limits imposed under the current policies. Additional commentary addressing concerns from Grey County Staff received via formal comments is included below. Planning Staff are therefore satisfied that the proposed amendment is consistent with the policies of the Grey County Official Plan.

Town of The Blue Mountains Official Plan 2016

The Official Plan provides land use policy direction for the long-term growth and development of the municipality. The policies include site-specific land use designations that list permitted uses and development requirements for those uses.

Goals and Strategic Objectives of Section A3 of the Plan are intended to work together in the pursuit of a sustainable balance between the environment, society, culture, and the economy, and to support development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Some relevant Goals and Strategic Objectives listed in the Official Plan include Sustainable Development, Growth and Settlement, Urban Community Character, Economic Development, Tourism and Recreation, Housing. The proposed amendment will further restrict the potential for the creation of new zones with STA permissions outside of the Exception Area and will remove two current policies that allow for the consideration of creating new STA zones 1) within new Plans of Subdivision and 2) outside of the Exception Area, in limited instances subject to meeting strict criteria. As the current and proposed policies both recognize the potential for land use conflicts between STA uses and residential uses, the proposed amendment will provide an even greater protection for existing and future residential uses in the Town. The Town recognizes the importance of STA uses for tourism, recreation and the economy in general, so the proposed amendment will continue to allow for additional growth of STA uses within a specific defined area only. The Town also recognizes the need to ensure a viable amount of long-term rental remains available for residents in the Town. Additional expansion of zones with STA permissions has the potential to threaten the existing and future rental housing stock in the Town and the proposed amendment will help alleviate this pressure by prohibiting this expansion.

Section E5.1 of the Official Plan states that existing uses that do not conform with the policies of the Official Plan should gradually be phased out so that the affected land use may change to a use which is in conformity with the goals of the Official Plan and the intent of the Zoning By-law. The proposed amendment includes an expansion of the current Official Plan Exception Area to include areas presently zoned to permit STA use. These areas currently conform to the Official Plan as they met the general policy direction described in the previous paragraph and were included as part of the June 2011 Ontario Municipal Board decision that specifically permitted Short Term Accommodation units in some areas outside of the Official Plan Exception Area. The June 2011 decision allowed Short-Term Accommodation Units on these lands, and the proposed Official Plan Amendment Number 3 as modified will carry forward those previous permissions. The Exception Area defined by the June 2011 OMB decision is shown in Figure 3.

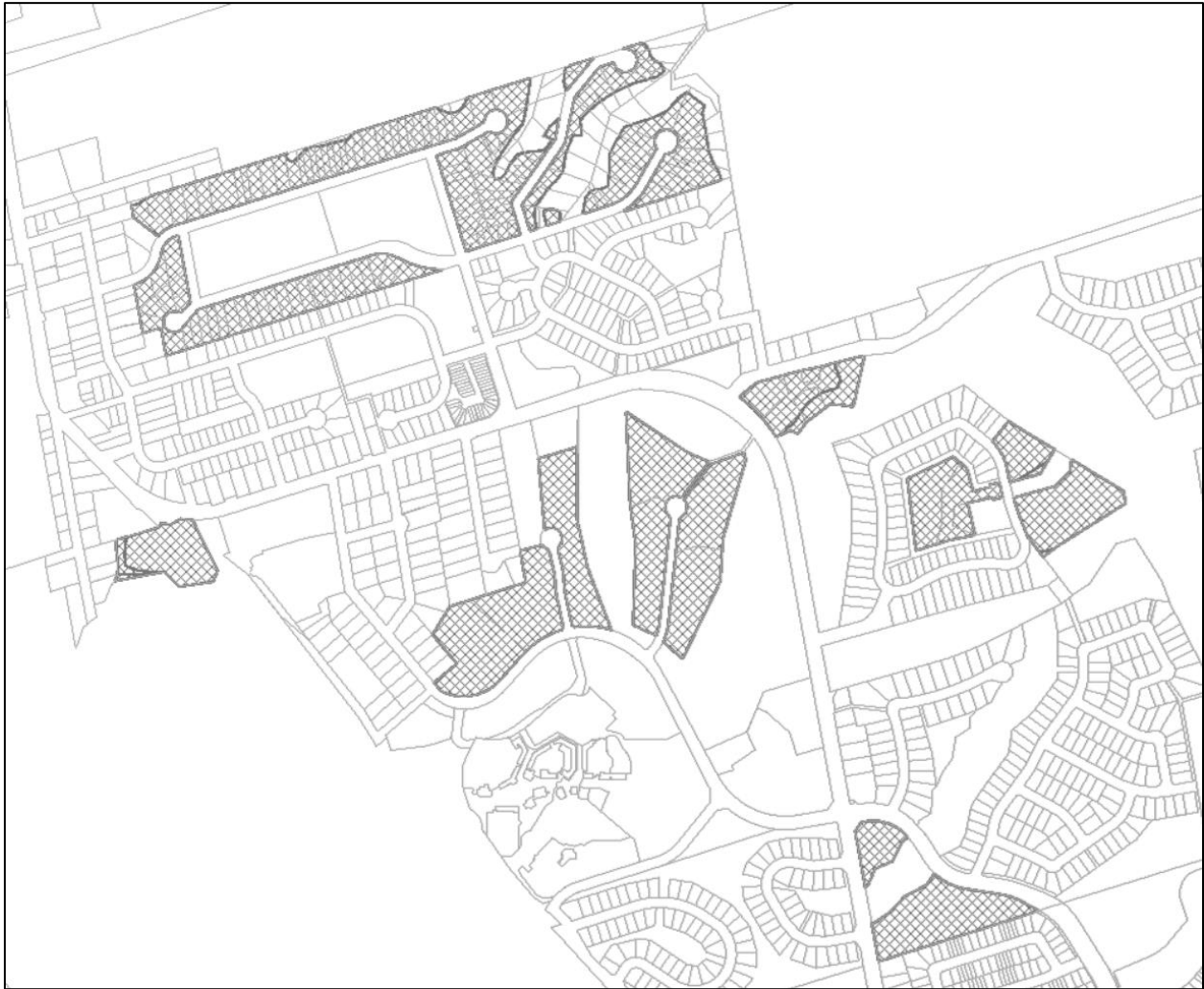


Figure 3. Exception Area under By-law 2009-03

Section B2.5(j) of the current Official Plan requires all short-term accommodation uses to connect to municipal water and sewage services, a policy that is preserved in the subsection (d)(iii) of the proposed amendment. It has therefore been, and will continue to be, a policy of the Town that STA uses are not permitted in areas that do not have full municipal services.

In the current Official Plan, Section B2.5(f) indicates that certain types of commercial accommodation identified under subsection (a), which includes Bed and Breakfast Establishments, Hotels/Motels, and others are distinct from STA uses and may be permitted by a site-specific Zoning By-law Amendment or where they are listed as a permitted use. As such, Bed and Breakfast Establishments are not subject to the same policies listed in Section B2.5 and are instead subject to the policies of Section B2.5.1. The proposed amendment preserves this distinction in subsection (g) and the policies for Bed and Breakfast Establishments will not be impacted by the proposed amendment. Hotels/Motels and other uses are directed by policy to Commercial and other designations in accordance with the Plan.

Section B2.5(c) of the current Official Plan distinguishes long-term rentals from commercial accommodation uses, specifying that this includes residential rental accommodation in a

residential dwelling for periods of thirty (30) days or greater. The policy also indicates that the provisions of the Plan for short-term accommodations do not apply to these types of leased residential dwelling units. Subsection (e) of the proposed amendment preserves this policy and long-term rental units will therefore not be impacted by the proposed amendment.

A fulsome review of proposed amendments to Section B2.5 is included as Attachment 3 to this report.

Based on the above commentary, Planning Staff are satisfied that the proposed amendment will implement the direction from Council to further prohibit any new STA's from being established outside of the defined Exception Area, and that the proposed amendment is consistent with the intent and purpose of the policies of the Official Plan.

Town of The Blue Mountains Zoning By-law 2018-65

In addition to regulation by policies of the Official Plan, STA uses are further regulated by the implementing Zoning By-law. The purpose of the Zoning By-law is to implement the policies of the Official Plan. In the current Zoning By-law, STAs are listed as a permitted use in the Resort Residential 'RR' zone and are not listed as a permitted use in any other zone. Section 4.32 of the Zoning By-law provides policies regulating STA uses, including buffering and parking requirements and occupancy limits. Table 5.3 lists non-residential parking requirements, including those required for STA buildings.

The proposed amendment would maintain existing zoning and permissions for those areas zoned Resort Residential 'RR', allowing property owners, both those currently operating STAs and those wishing to do so in the future, within these zones to operate an STA as-of-right, pending licensing requirements. The expansion or creation of zones with STA permissions would be prohibited outside of the Exception Area, effectively prohibiting the creation of any new zones with STA permissions as the entire Exception Area would already be zoned Resort Residential 'RR'. The creation of new zones with STA permissions would be difficult to achieve as it does require an Official Plan Amendment and Zoning By-law Amendment.

The current Zoning By-law does not appear to require updates as a result of this amendment. Existing zones that permit STA units will be maintained and the policies of the Zoning By-law continue to be relevant in the regulation of STA units. STA units operating as legal non-conforming uses outside of zones where an STA use is permitted will also be permitted to continue as legal non-conforming uses in accordance with Section 34(9) of the Planning Act, provided the use is continuous.

Conclusion

Based on the above commentary, Planning Staff recommend that the proposed amendment to the Official Plan be approved.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

No adverse environmental impacts are anticipated as a result of the recommendations contained in this report.

G. Financial Impacts

No adverse financial impacts to the municipality are anticipated as a result of the recommendations contained in this report.

H. In Consultation With

Shawn Postma, MCIP RPP, Manager of Community Planning

I. Public Engagement

The topic of this Staff Report has been the subject of a Public Meeting which took place on **June 20, 2023**. Those who provided comments at the Public Meeting, including anyone who has asked to receive notice regarding this matter, has been provided notice of this Staff Report. Any comments regarding this report should be submitted to Carter Triana at planning@thebluemountains.ca

J. Attached

1. Public Meeting Comments (Summary)
2. Public Meeting Comments (Original)
3. Proposed Changes Matrix
4. Draft Official Plan Amendment
5. Draft By-law

Respectfully submitted,

Carter Triana

Planner

For more information, please contact:
Carter Triana, Planner
planning@thebluemountains.ca
519-599-3131 extension 262

Report Approval Details

Document Title:	PDS.23.066 Recommendation Report - Short-Term Accommodation Official Plan Amendment.docx
Attachments:	- PDS-23-066-Attachment-1.pdf - PDS-23-066-Attachment-2_Redacted.pdf - PDS-23-066-Attachment-3.pdf - PDS-23-066-Attachment-4.pdf - PDS-23-066-Attachment-5.pdf
Final Approval Date:	Aug 2, 2023

This report and all of its attachments were approved and signed as outlined below:

Shawn Postma - Aug 2, 2023 - 11:37 AM

Adam Smith - Aug 2, 2023 - 1:32 PM

PLANNING STAFF COMMENT Matrix

Project File: P3268 Short Term Accommodation OPA

Public Meeting Date: June 20, 2023

Comments Received From:	Date Received:	Comments / Concerns / Questions Summary:	Staff Response
Agency Comments			
Bell Canada	May 4, 2023	<ul style="list-style-type: none"> No comments 	<ul style="list-style-type: none"> Noted
Grey County	June 20, 2023	<ul style="list-style-type: none"> The County is supportive of the Town’s intention to further regulate the location of short-term accommodation units to avoid land-use conflicts and protect units for long-term rental opportunities. County Staff would inquire if the proposed policies would impact short-term accommodation uses outside of serviced settlement areas and whether bed and breakfast establishments would be part of the restricted uses. Provided the proposed policies would not impact the capacity for a landowner to establish long-term rental accommodations on any fully serviced property, the County generally has no concerns with the proposed amendments. 	<ul style="list-style-type: none"> Current policy does not permit short-term accommodations on properties without full municipal services, which is proposed to be maintained through the amendment. Bed and breakfast establishments are distinguished from short-term accommodation uses and are not subject to the proposed policies. Proposed policies explicitly state that the proposed policies do not apply to long-term rental accommodations.
Public Comments			
Terry Kellar, Blue Mountain Ratepayers Association	June 14, 2023	<ul style="list-style-type: none"> We are in support of the proposal as STAs continue to disrupt our residential areas with noise and nuisances. Although STAs comprised only 3.7% of the Town’s housing in 2022, they were responsible for 18.3% of the noise complaints to the OPP. These businesses have shown they are not compatible with our residential neighbourhoods, and we urge Council to adopt the proposal. 	<ul style="list-style-type: none"> Noted.
Roger Clarke, Area Resident	June 20, 2023	<ul style="list-style-type: none"> What number of legal non-conforming STAs have lost their licenses over the previous 5 years? 	<ul style="list-style-type: none"> One STA has been unable to renew its license as a result of losing legal non-conforming status.

Carter Triana

From: CA - Circulations <CA.Circulations@wsp.com>
Sent: Wednesday, May 31, 2023 10:37 AM
To: Planning General
Subject: Bell - Notice of Public Meeting - June 20, 2023 - Application for Official Plan Amendment for the Short-Term Accommodations
Attachments: P3268 Notice of Public Meeting (STA OPA).pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Postma,

Thank you for circulating Bell Canada on this initiative. Bell appreciates the opportunity to engage in infrastructure and policies initiatives across Ontario. While we do not have any specific comments or concerns pertaining to this initiative at this time, we would ask that Bell continue to be circulated on any future materials and/or decisions related to this matter at CA.circulations@wsp.com.

If you have any other specific questions, please contact planninganddevelopment@bell.ca directly.

Please note that this circulations email account is managed by WSP on behalf of Bell Canada. All reviews and responses are always undertaken by Bell Canada.



wsp.com

From: Karen Long <klong@thebluemountains.ca>
Sent: Thursday, May 25, 2023 2:38:00 PM
Subject: Notice of Public Meeting - June 20, 2023 - Application for Official Plan Amendment for the Short-Term Accommodations

Good morning,

Kindly find attached hereto the Notice of Public Meeting for the Official Plan Amendment for the Short-Term Accommodation scheduled for June 20, 2023.

If you have any questions or comments with respect to this matter, please email planning@thebluemountains.ca

Thank you,



Karen Long

Administrative Assistant for Planning Services

Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0

Tel: 519-599-3131 ext. 263 | Fax: 519-599-7723

Email: klong@thebluemountains.ca | Website: www.thebluemountains.ca

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Carter Triana

From: Kyra Dunlop
Sent: Tuesday, June 13, 2023 10:04 AM
To: Lingard, Norman; Town Clerk
Cc: council; SMT; Planning Dept
Subject: RE: Application for Official Plan Amendment for the Short-Term Accommodations

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning Mr. Lingard,

Thank you for your email. By way of copy I am forwarding your below comments regarding the June 20, 2023 Council Public Meeting Re: Application For Official Plan Amendment (B.2.5. Short Term Accommodation definition) to Council and staff for their information. Your comments will be summarized and read aloud at the June 20, 2023 Public Meeting and included in the followup staff report.

I confirm planning staff are copied to this email and make note of your request to circulate future Notices to the email provided.



Kyra Dunlop
Deputy Clerk

Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0
Tel: 519-599-3131 ext. 306 | Fax: 519-599-7723
Email: kdunlop@thebluemountains.ca | Website: www.thebluemountains.ca

As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: Lingard, Norman <norman.lingard@bell.ca>
Sent: Monday, June 12, 2023 12:01 PM
To: Town Clerk <townclerk@thebluemountains.ca>
Subject: Application for Official Plan Amendment for the Short-Term Accommodations

Good afternoon,

Thank you for circulating Bell Canada on the above-noted Official Plan Amendment. Bell appreciates the opportunity to engage in infrastructure and policy initiatives across Ontario.

While we do not have any specific comments or concerns pertaining to this initiative at this time, we would ask that Bell continue to be circulated on any future materials and/or decisions related to this matter.

Please forward all future documents to circulations@wsp.com and should you have any questions, please contact the undersigned.

Have a great week.

Yours truly,

Norm Lingard
Senior Consultant – Municipal Liaison
Network Provisioning
norman.lingard@bell.ca | ☎ 365.440.7617



Please note that WSP operates Bell Canada's development, infrastructure and policy tracking systems, which includes the intake and processing of municipal circulations. However, all responses to circulations and requests for information will come directly from Bell Canada, and not from WSP. WSP is not responsible for the provision of comments or other responses.

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From: planning@grey.ca
Sent: Tuesday, June 20, 2023 9:45 AM
To: Planning General
Subject: County comments for P3268 TBM- Short Term Accommodations LOPA

Follow Up Flag: Follow up
Flag Status: Flagged

County comments for P3268 TBM- Short Term Accommodations LOPA



Hello TBM,

Please note that Grey County Planning staff have reviewed P3268 Short Term Accommodations OPA - Town of The Blue Mountains, which proposes to amend the Short-Term Accommodation policies of Section B2.5 of the Town of The Blue Mountains Official Plan 2016, to further restrict the potential to add new Short-Term Accommodation units outside of the current exception area.

The subject lands that would be impacted by the proposed amendment are presumably designated as 'Recreation Resort Area' in Schedule A of the County's Official Plan. Section 3.8 of the County's Official Plan speaks to the need to promote development and land uses that will establish "new recreation and tourism facilities," while also ensuring that any development is cognizant of the need for "complete communities," including provisions for mixed land uses and a variety of permanent and short-term tourist accommodation types. Presently, there is an identified need for affordable, long-term rental units within the Town.

Section 4.2.8 of the County's Official Plan states:

The County recognizes the need to identify and have regard for short-term accommodations. There are many different types, some of which include bed and breakfast establishments, care homes, farm vacation homes, and dwellings rented for short term periods, but do not include motels or hotels. Short-term accommodations (rented less than 30 days at a time) are at times being operated similar to commercial hotel operations. The County acknowledges that this may pose land use conflicts for surrounding residential areas and could have long-term implications on the available rental market. There are recognized benefits to allowing these types of short-term uses, although we recommend local municipalities implement regulating policies to address any potential long-term concerns.

On the above, the County is supportive of the Town's intention to further regulate the location of short-term accommodation units, in order to avoid

land-use conflicts in existing residential neighbourhoods and to protect additional units for the purpose of long-term rental opportunities. County staff would inquire how and whether the proposed policies would impact short-term accommodation uses outside of serviced settlement areas (for instance, on agricultural or rural properties), and whether formal bed-and-breakfast establishments (for instance, where an owner lives on site, and rents out rooms on a short-term basis to guests) would be part of the restricted uses.

To clarify, in keeping with recent changes to the Planning Act, the County is supportive of up to two additional residential units (three residential units total) on most fully serviced properties, subject to meeting any requirements of the local Municipal Zoning By-Law. Provided that the above changes would in no way impact the capacity for any land-owner to establish long-term rental accommodations on any fully serviced property, the County generally has no concerns with the proposed amendments.

Please note, a paper copy will not be provided unless requested.

Let us know if you have any questions.

Best regards,

Becky Hillyer

County of Grey, Owen Sound, ON

Carter Triana

From: Kyra Dunlop
Sent: Thursday, June 15, 2023 9:33 AM
To: [REDACTED]
Cc: council; SMT; Town Clerk; Planning Dept
Subject: FW: Public Meeting
Attachments: Comments for the June 20th Public Meeting on the Proposed Official Plan changes for STA.docx

Good morning Mr. Kellar,

Thank you for your comments in relation to the June 20, 2023 Council Public Meeting: Proposed Official Plan STA Changes. By way of copy I am forwarding same to Council and staff for their information. Your comments will be summarized and read aloud by the Clerk and included in the followup staff report.



Kyra Dunlop

Deputy Clerk

Town of The Blue Mountains, 32 Mill Street, P.O. Box 310, Thornbury, ON N0H 2P0

Tel: 519-599-3131 ext. 306 | Fax: 519-599-7723

Email: kdunlop@thebluemountains.ca | Website: www.thebluemountains.ca

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From: [REDACTED]
Sent: Wednesday, June 14, 2023 9:23 PM
To: Town Clerk <townclerk@thebluemountains.ca>
Cc: Terry Kellar [REDACTED]
Subject: Public Meeting

Corrina Could you include the attached comments from the BMRA in the Public Meeting for The application for Official Plan Amendments on June 20th.

Thank you

Terry Kellar
Chair BMRA STA committee.

Comments for the June 20th Public Meeting on the Proposed Official Plan changes for Short Term Accommodations (STA)

Mayor, Councilors and Staff

I'm Terry Kellar and I Chair the STA committee of The Blue Mountain Ratepayers Association

We are in support of the proposed changes to the Official Plan that will ban new STAs in all residential areas in The Blue Mountains now and in all future developments

It is important to us as STAs continue to disrupt our residential areas with noise and other nuisances, although STAs only comprised 3.7% of the town's housing in 2022 they were responsible for 18.3% of the noise complaints to the OPP, these businesses have shown they are not compatible with our residential neighbourhoods.

We urge council to adopt the proposals to better our community

Thank you

P3268 Proposed Changes Matrix

Section B2.5 Short-Term Accommodations

Existing		Proposed		Staff Commentary
Subsection	Content	Subsection	Content	
(a)	<ul style="list-style-type: none"> Recognizes different types of commercial accommodation uses Need for regulation to avoid conflicts Special attention to be given to residential neighbourhoods to ensure quiet and undisturbed enjoyment Mitigation of potential impacts through site performance standards and operational controls Requirement for site plan control 	(a)	<ul style="list-style-type: none"> Recognizes different types of commercial accommodation uses Need for regulation to avoid conflicts 	Reordered for clarity. Additional commercial accommodation uses added to list in subsection (a).
		(d)(vi)	<ul style="list-style-type: none"> Requirement for site plan control, reference to Section E1.5 	
		(d)	<ul style="list-style-type: none"> Special attention to be given to residential neighbourhoods to ensure quiet and undisturbed enjoyment 	
		(d)(iv)	<ul style="list-style-type: none"> Mitigation of potential impacts through site performance standards and operational controls 	
(b)	<ul style="list-style-type: none"> Establishes STA uses as commercial uses STA uses are only permitted where recognized under the Zoning By-law 	(c)	<ul style="list-style-type: none"> Establishes STA uses as commercial uses 	Reordered for clarity, no change in content.
		(d)(iii)	<ul style="list-style-type: none"> STA uses to be appropriately zoned 	
(c)	<ul style="list-style-type: none"> Recognizes conventional residential rental accommodation for periods of 30 days or greater as distinct from STA uses 	(b)	<ul style="list-style-type: none"> Recognizes conventional residential rental accommodation for periods of 30 days or greater as distinct from STA uses 	Reordered for clarity, no change in content.
(d)	<ul style="list-style-type: none"> Regulation of STAs to maintain principal residential character of neighbourhoods STA uses should be directed to commercial or other appropriate designations Prohibits STA uses in existing residential neighbourhoods 	(d)	<ul style="list-style-type: none"> Regulation of STAs to maintain principal residential character of neighbourhoods 	Reordered for clarity, no change in content.
		(d)(ii)	<ul style="list-style-type: none"> STA uses should be directed to commercial or other appropriate designations 	
		(d)(i)	<ul style="list-style-type: none"> Prohibits STA uses in existing residential neighbourhoods 	

(e)	<ul style="list-style-type: none"> • STA uses permitted on future development lands • Requirement for mitigation measures through compliance with zoning and site works • Prohibition in existing registered plans of subdivision and other areas developed substantially for single detached dwellings 	(c)	<ul style="list-style-type: none"> • STA uses not permitted outside of Exception Area 	Replaced to prohibit STA uses in new developments. Deleted prohibition in existing registered plans of subdivision, addressed in (d)(i).
		(d)(iv)	<ul style="list-style-type: none"> • Requirement for mitigation measures through compliance with zoning and site works 	Reordered for clarity, no change in content.
(f)	<ul style="list-style-type: none"> • Zoning By-law to establish provisions for STA uses • Compatibility of location, size, and scale with surrounding uses • Certain types of commercial accommodation uses permitted by site-specific amendment to Zoning By-law or in zones where listed as permitted use 	(e)	<ul style="list-style-type: none"> • Zoning By-law to establish provisions for STA uses 	Reordered for clarity, no change in content.
		(d)	<ul style="list-style-type: none"> • Compatibility of location, size, and scale with surrounding uses 	
		(g)	<ul style="list-style-type: none"> • Certain types of commercial accommodation uses permitted by site-specific amendment to Zoning By-law or in zones where they are listed as permitted use 	
(g)	<ul style="list-style-type: none"> • An STA use may be prohibited where it abuts a low-density residential use and where buffering is inadequate 	N/A	<ul style="list-style-type: none"> • N/A 	Deleted, buffering addressed in (e), residential neighbourhoods addressed in (d)(i).
(h)	<ul style="list-style-type: none"> • STA uses may be subject to other municipal by-laws, standards, and regulations 	(f)	<ul style="list-style-type: none"> • STA uses may be subject to other municipal by-laws, standards, and regulations 	Modified, addition of licensing.
(i)	<ul style="list-style-type: none"> • Council may pass a by-law to require a business license for STA operation 	(d)(vii)	<ul style="list-style-type: none"> • Requirement for a business license for STA operation 	Modified, recognition of licensing requirement under By-law 2021-70.
(j)	<ul style="list-style-type: none"> • Requirement to connect to municipal water and sewer 	(d)(v)	<ul style="list-style-type: none"> • Requirement to connect to municipal water and sewer 	Reordered for clarity, no change in content.

**AMENDMENT NO. 3
TO THE OFFICIAL PLAN
OF THE
TOWN OF THE BLUE MOUNTAINS**

August 2023

**AMENDMENT NO. 3
TO THE OFFICIAL PLAN OF THE
TOWN OF THE BLUE MOUNTAINS**

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**AMENDMENT NO. 3
TO THE OFFICIAL PLAN OF THE
TOWN OF THE BLUE MOUNTAINS**

THE CONSTITUTIONAL STATEMENT

PART A – THE PREAMBLE does not constitute a part of this Amendment.

PART B – THE AMENDMENT consisting of the following text constitutes Amendment No. 3 to the Official Plan of the Town of The Blue Mountains.

PART C – THE APPENDICES does not constitute part of this Amendment. These Appendices contain background data, planning considerations and public involvement associated with this Amendment.

PART A – THE PREAMBLE

PURPOSE

The purpose of this Amendment is to further restrict the expansion of short-term accommodation uses within the Town of The Blue Mountains.

LOCATION

All lands within the municipality are subject to this Amendment.

BASIS

The Council of the Corporation of the Town of The Blue Mountains directed Town Staff to proceed with the process, based on Planning Staff Report PDS.23.024.

The proposed Official Plan Amendment would limit new short-term accommodation uses to the Exception Area defined under Section B3.7.6.14. The Exception area is proposed to be expanded to include areas that currently permit short-term accommodation uses under Zoning By-law 2018-65, as amended. No modifications to land use designations under the Official Plan are proposed in this Amendment.

No additional planning applications are associated with this Amendment.

PART B – THE AMENDMENT

All of this part of the document entitled “Part B – The Amendment” consisting of the following text constitutes Amendment No. 3 to the Official Plan of the Town of The Blue Mountains.

DETAILS OF THE AMENDMENT

The Official Plan is hereby amended as follows:

Item 1: **Section B2.5 Short-Term Accommodation Uses** is hereby amended by deleting Section B2.5 in its entirety and replacing with the following:

SECTION 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 hotel, motel, commercial resort units, village commercial resort units, short-term accommodation units, bed and breakfast establishments, care homes, farm vacation homes, and others. In some cases, 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.

b) 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 conventionally leased residential dwelling units.

c) It is the foundation of this Plan that any building used for short-term accommodation purposes shall be considered a commercial use. Based on the commercial nature of this use and its potential to negatively affect adjacent residential properties, short-term accommodation uses shall not be permitted outside of the Exception Area as identified under Section B3.7.6.

d) 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 that people expect. The location, size, 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. As such, all short-term accommodation uses shall:

- i) be prohibited in residential neighbourhoods;
- ii) be directed toward a commercial or other appropriate designation;

- iii) be appropriately zoned for a short-term accommodation use;
- iv) provide mitigation measures through compliance with zoning provisions, site performance standards, operational controls, and site works, including, but not limited to, noise control, waste management, and servicing;
- v) connect to municipal water and sewage services in accordance with Section D1 of this Plan;
- vi) be subject to site plan control in accordance with Section E1.5 of this Plan; and
- vii) require a business license for their operation.

e) 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.

f) In addition to zoning and site plan control by-laws, and associated agreements, short term accommodation uses may be subject to other municipal by-laws including, but not limited to, on-street parking, noise, property standards, licensing, and fire and safety regulations.

g) 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 a site-specific amendment to the Zoning By-law or in zones where they are specifically listed as a permitted use.


Item 2: **Schedule A-4 – Craigeith and Swiss Meadows Land Use Plan and Schedule A-5 – Blue Mountain Village Area Land Use Plan** are hereby amended by deleting and replacing the Exception Areas of B3.7.6.14 as shown on Schedule 'A-1'.

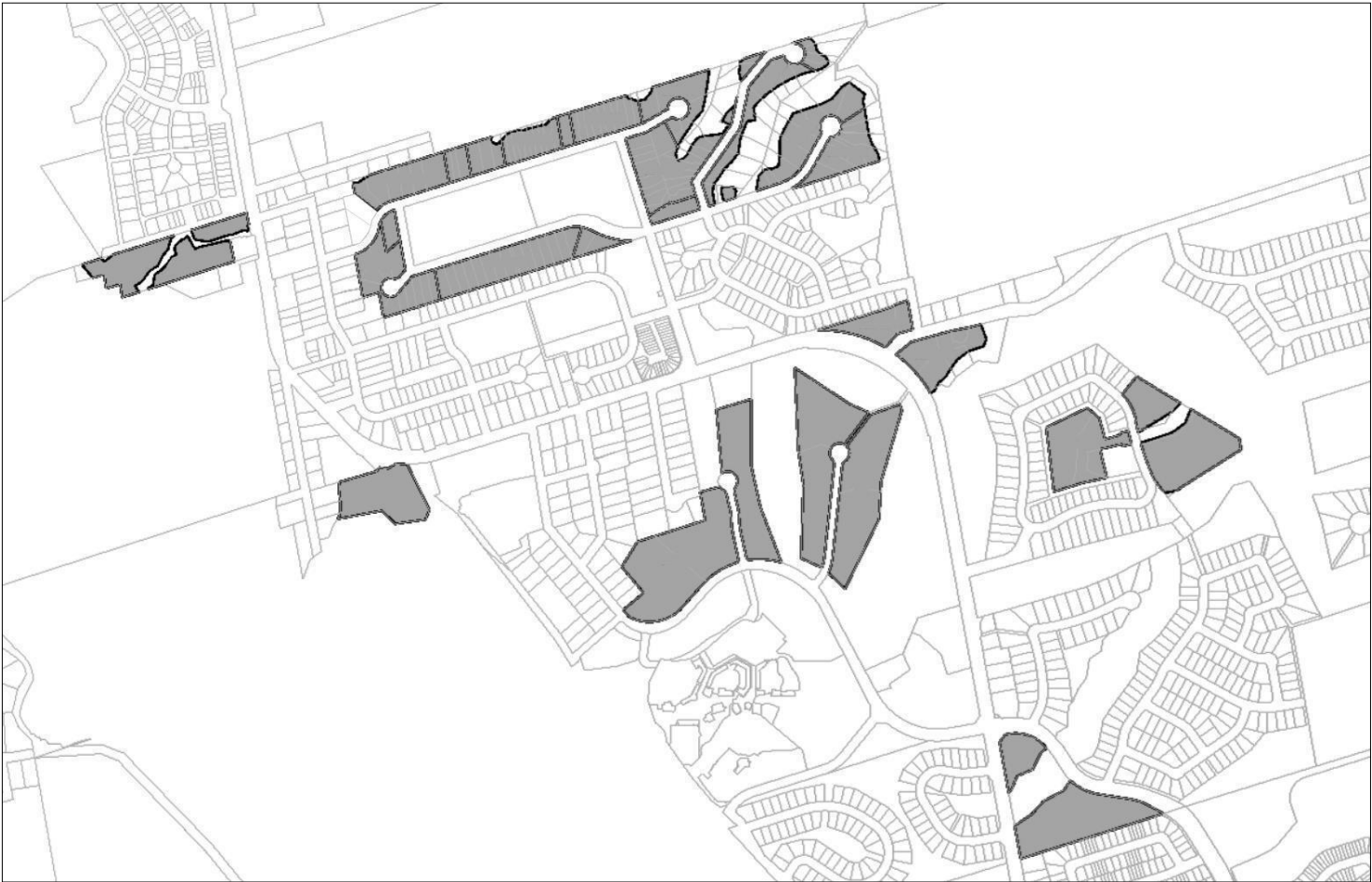
Town of The Blue Mountains

Schedule 'A-1', 2023

To Official Plan Amendment No. 3 to the Town of The Blue Mountains Official Plan

Legend

 Area affected by Exception B3.7.6.14



IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Official Plan.

PART C – THE APPENDICES

The following Appendices do not constitute part of this Amendment. Such are included as information only supporting the Amendment.

1. Town of The Blue Mountains Planning Staff Report PDS.23.024
2. Town of The Blue Mountains Planning Staff Report PDS.23.066

The Corporation of the Town of The Blue Mountains

By-Law Number 2023 –

Being a By-law to adopt Amendment Number 3 to the Official Plan of the Town of The Blue Mountains.

The Council of the Corporation of the Town of The Blue Mountains in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O.1990, hereby enacts as follows:

- 1. Amendment Number 3 to the Official Plan of the Town of The Blue Mountains is hereby adopted.
- 2. The Clerk is hereby authorized and directed to submit Amendment Number 3 together with the required record, to the appropriate Approval Authority for approval.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 20____

Andrea Matrosovs, Mayor

Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2023-____ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the ____ day of _____, 20____.

Dated at the Town of The Blue Mountains, this ____ day of _____, 20____.

Corrina Giles, Clerk