



Staff Report

Planning & Development Services – Planning Division

Report To: Committee of the Whole Meeting
Meeting Date: June 21, 2022
Report Number: PDS.22.052
Title: Recommendation Report – Zoning By-Law Amendment – 689667
Monterra Road STA
Prepared by: Natalya Garrod, Planner

A. Recommendations

THAT Council receive Staff Report PDS.22.052, entitled “Recommendation Report – Zoning By-Law Amendment – 689667 Monterra Road STA”;

AND THAT Council ENACT a Zoning By-law Amendment to rezone the subject lands legally described as Concession 1, Part Lot 18 and Part Lot 19, Reference Plan 16R-6045, Parts 1 to 4 to the Resort Residential “RR” zone within Zoning By-law 2018-65, as amended, to permit the use of a Short Term Accommodation;

AND THAT the Zoning By-law Amendment recognize the Hazard Lands on the subject property.

B. Overview

The report provides a recommendation to Council regarding a proposed Zoning By-law Amendment for the lands municipally known as 689667 Monterra Road. The application proposes to re-zone the subject lands to the Resort Residential “RR” zone within Zoning By-law 2018-65, as amended, to permit the use of a Short Term Accommodation.

C. Executive Summary

Application File #: P3110

Application Received Date: November 26, 2021

Application Deemed Complete Date: January 10, 2022

Official Plan Designation: Residential Recreational Area (RRA)

Short Term Accommodation Use Permission: Not currently

Zoning By-law Category: R1-1

Location: Craigleith

The Town of The Blue Mountains has received an application for a Zoning By-law Amendment to rezone the subject property from Residential One “R1-1” within Zoning By-law 2018-65 to Resort Residential “RR” zone category. The purpose of the application is to permit the use of the existing single dwelling as a Short Term Accommodation.

The application proposes five (5) bedrooms within the Short Term Accommodation with a maximum occupant load of eight (8) people. The application would include five (5) on-site parking spaces.

D. Background

Location and Description

The lands are municipally known as 689667 Monterra Road and are legally described as Concession 1, Part Lot 18 and Part Lot 19, Reference Plan 16R-6045, Parts 1 to 4. The lands are irregularly shaped and are approximately 4459 sq.m. in area. The lands currently contain a single detached dwelling and an accessory building (gazebo). The dwelling is connected to municipal water and sewage services. The surrounding uses include single detached dwellings, a golf course, and a significant woodland. A Key Map and Aerial Photograph of the lands is provided below as Figures 1 and 2.

It is noted that the subject property has been the location of past violations and charges for operating a Short Term Accommodation use without a license.

Planning Staff have consulted with the Licensing division and can advise that the Short Term Accommodation Licensing process is separate and distinct from the re-zoning process. While appropriate zoning is a precursor to obtaining a Short Term Accommodation Licence, it does not entitle an owner to a license. All owners must still meet the requirements of the Licensing By-law and be approved for a License in the normal course, notwithstanding zoning permissions.

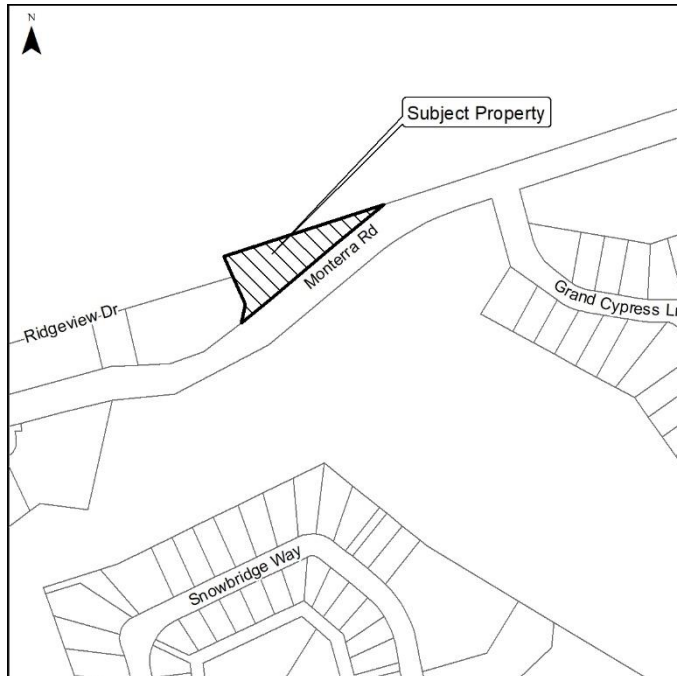


Figure 1: Key Map



Figure 2: Aerial Photo

The statutory Public Meeting was held virtually on February 7th, 2022, using Microsoft Teams. Attachment 1 to this report provides a summary of all written and verbal comments received with respect to the proposal and Town staff responses thereto.

E. Analysis

This section provides the staff analysis based on the relevant legislation and policies, as well as the identified issues. Summaries of policies and issues are provided in the following sections.

Planning Act

The Ontario *Planning Act* gives municipal Council the authority to pass zoning by-laws, and make amendments to existing zoning by-laws, under Section 34 of the *Act*. The *Planning Act* also requires that in making planning decisions Council must have regard for matters of Provincial Interest, as outlined by Section 2 of the *Act*.

After review of this application Planning staff are satisfied that there are no concerns with matters of Provincial Interest, as noted above.

Provincial Policy Statement 2020

The Provincial Policy Statement 2020, also known as the “PPS 2020”, provides policy direction on matters of Provincial Interest related to land use planning and development. It aims to provide for appropriate development while protecting resources of Provincial Interest, public health and safety, and the quality of the natural and built environment. Decisions on Planning matters made by a municipal Council (or any other planning authority) must be consistent with the Provincial Policy Statement. Within the framework of the Provincial Policy Statement, the subject property is located in a *Settlement Area*.

Section 1.0 Building Strong and Healthy Communities

Section 1.0 of the PPS promotes Building Strong Healthy Communities through the provision of efficient development and land use patterns that promote cost effective development patterns to minimize land consumption and servicing costs. In this regard, settlement areas shall be the focus of growth and development.

Planning Staff have no concerns with respect to Section 1.0 of the PPS, as the subject property is an existing lot of record within an identified Settlement Area and is provided appropriate municipal services.

Section 2.0 Wise Use and Management of Resources

Section 2.0 of the PPS promotes long-term prosperity, environmental health, and social well-being of the province through the conservation of biodiversity, protection of the Great Lakes, and the protecting of natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources. The subject property contains and is adjacent to a Significant Woodland and an identified fish habitat.

Development and site alteration is not permitted in a fish habitat. While the application is not proposed to occur within the fish habitat, the lands are considered to be “adjacent lands”. Per Section 2.1.8 of the PPS, development and site alteration shall not be permitted on “adjacent lands” to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6

unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The application includes minor site alteration (increased parking area) between the existing gravel driveway and the existing dwelling and represents an increase of an impervious surface area on the property of approximately two (2%) percent. The proposed increase to the parking area is located greater than 30m from the watercourse identified as containing fish habitat, and it is not anticipated that any further negative impacts would result through approval of the application as proposed. The Grey Sauble Conservation Authority has provided positive comments in this regard and has confirmed that the increase in parking is not anticipated to result in any further negative impacts through the approval of this application.

Further, the proposed minor site alteration is located in an area of the property already subject to disturbance, and it is separated from the mapped significant woodland feature by the existing driveway. In this regard, no further negative impacts are anticipated on this natural heritage feature or its ecological function as a result of the proposal. The Grey Sauble Conservation Authority provided comments which indicated no concerns as a result of no further negative impacts are anticipated on this natural heritage feature.

Section 3.0 Protecting Public Health and Safety

Within Section 3.1 (Natural Hazards) policies regarding hazardous lands and hazardous sites, development is generally directed to areas outside of identified hazardous areas.

The subject property contains steep slopes and erosion hazards associated with the Nipissing Ridge to the west, the meander belt of an adjacent watercourse and the associated potential for flooding. The GSCA has confirmed that the new development is not proposed any closer to the existing hazardous features. The Town's Official Plan and Zoning By-law mapping does not currently recognize the hazard area identified within the GSCA Hazard Lands mapping (see Figure 3 below). The GSCA recommends identifying the existing Hazard area through this Zoning By-law Amendment.

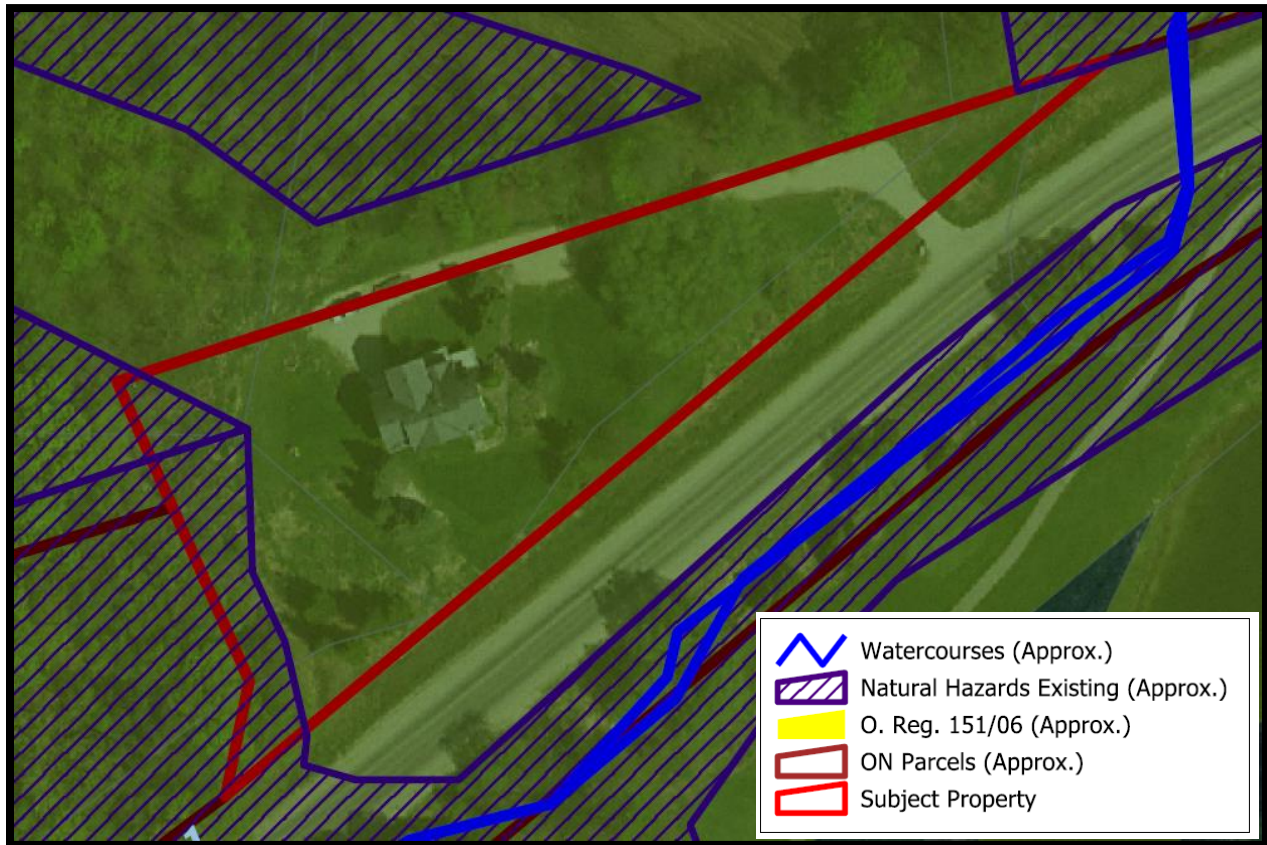


Figure 3: Hazard Area identified within Grey Sauble Conservation Authority Mapping

Planning Staff have considered the GSCA's recommendation to include Hazard mapping on the subject property and concur that the presence of Hazard should be recognized within the proposed Zoning By-law Amendment.

Planning Staff are satisfied that the proposed conforms with the PPS.

Niagara Escarpment Plan

The Subject Lands are designated *Escarpment Recreation Area* by the Niagara Escarpment Plan. This designation applies to areas of existing or potential recreational development associated with the Escarpment slope. Permitted uses in the *Escarpment Recreation Area* designation includes both seasonal and permanent residential uses, including single detached dwellings per Part 1.8.3 of the Plan.

Planning Staff are satisfied that the proposed conforms with the NEP.

Grey County Official Plan 2018

The Grey County Official Plan designates the lands as *Recreational Resort Area*. This designation applies to settlement areas which have developed as a result of site-specific amendments to the County of Grey Official Plan and/or local official plan consisting of a defined area, specific

recreational amenities, residential development, and serviced with full municipal services. The County Plan generally defers to the local official plan for detailed development standards.

Planning Staff have no concerns with respect to the County of Grey Official Plan.

Town of The Blue Mountains Official Plan 2016

The Recreation Residential Area Designation

The subject lands are designated *Recreation Residential Area (RRA)* in the Town of The Blue Mountains Official Plan. As outlined in Section B3.7.1 of the Plan, it is the intent of the RRA designation to recognize areas within the Town where there is a mix of seasonal and permanent residential and recreational uses, and to recognize areas where some residential uses are located to support and provide access to resort and recreational amenities.

The proposed Short Term Accommodation use is permitted in the RRA designation, and Planning Staff have no concerns with respect to the RRA policies of the Official Plan.

Part B2.5 of the Town's Official Plan provides policies for Short Term Accommodations. Through this policy Short Term Accommodations shall:

- a) Avoid disruption to adjacent residences through mitigation of potential impacts including noise control, waste management, setbacks, buffering, servicing and adequate on-site parking.

Staff Comment: Short Term Accommodation uses require indoor and outdoor Noise Aware Monitor, or equivalent, to be installed on the property. The property has an existing enclosed waste/recycling garage box. The existing dwelling conforms with the current R1-1 zone provisions and will conform with the proposed RR provisions (expanded upon in the zoning review below). The application includes additional proposed parking which would provide 1 parking space per guest room which is compliant with Part 5 of the Zoning By-law. The subject property has natural buffering with mature tree cover along the western and northern lot line boundaries.

- b) Be subject to site plan control.

Staff Comment: The applicant has indicated that a Site Plan application is planned to be submitted following a decision on the Zoning By-law Amendment application.

- c) A building used for Short Term Accommodation purposes shall be considered a commercial use and shall be permitted where recognized under the implementing Zoning By-law.

Staff Comment: This staff report provides recommendation on the submitted Zoning By-law Amendment application.

- d) The principle residential character is generally maintained.

Staff Comment: The exterior character of the residence is not anticipated to change as the proposal does not include any exterior renovations.

- e) Based on the commercial nature of this use and its potential to negatively affect the adjacent residential property, new short-term accommodations shall:

- a. Be permitted on future development lands in the Residential Recreational Area and Community Living Area designations.

Staff Comment: The subject property is located within the Residential Recreational Area (RRA) designation. The RRA designation permits single detached dwellings and Short Term Accommodation uses.

- b. Provide mitigation measures through compliance with zoning provisions and site works.

Staff Comment: The existing dwelling complies with the R1-1 zone provisions within the Zoning By-law 2018-65, and the conceptual Site Plan submitted demonstrates conformity with the RR zone within the Zoning By-law and amending Zoning By-law 2021-59 (the updated Short Term Accommodation provision by-law). Further discussion on mitigation measures through zoning can be found in the section titled Zoning By-law 2018-65, as amended.

- c. Not be permitted in in existing plans of subdivisions which have been registered and other existing residential areas which have been substantially developed for single detached residential dwellings.

Staff Comment: The subject property is not located within a Plan of Subdivision or within an area that is substantially developed with single detached dwellings. The nearest residential neighbourhood is located along Ridgeview Drive, (approximately 76 from the subject properties dwelling to the nearest dwelling along Ridgeview Drive) which has approximately 6 single dwellings.

- f) Short Term Accommodation shall be regulated in a manner which is considered compatible with surrounding uses.

Staff Comment: To the north and north-east of the subject property the land is currently vacant. The vacant land is designated Residential Recreational Area and Hazard within the Town's Official Plan and there are no active development applications on the lands. To the south, on the other side of Monterra Road is the Monterra Golf Course (which is a commercial/recreational use). To the west of the subject property is a low-density residential neighbourhood.

The use of the existing dwelling, if converted to Short Term Accommodation, would be considered a commercial use which may impact permanent residents through increase in noise, garbage, parking, nuisance, mischief or potentially vandalism which is believed to be perpetrated by some occupants of Short Term Accommodation units. These potential issues would be addressed through the Town's licensing by-law.

The surrounding area consists of residential uses as well as recreational uses. Within approximately 1km of the subject property is Blue Mountain Resorts and within approximately 230m is the closest existing Short Term Accommodation use. This proposed Short Term Accommodation use will also provide rental opportunities for guests utilizing recreational amenities within the surrounding area.

- g) In some cases, a new Short Term Accommodation 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.

Staff Comment: Adequate existing buffering is provided along the southwestern interior lot line which abuts the adjacent residential neighbourhood to the west. There is a mix of mature deciduous and coniferous trees in this buffering.

- 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.

Staff Comment: In addition to the Zoning By-law Amendment to permit the use of a Short Term Accommodation on the subject property, the owner must obtain Site Plan Approval and also a Short Term Accommodation License.

- i) Be required to connect to municipal water and sewer services.

Staff Comment: The existing dwelling is connected to the municipal water and sewage services. C.F. Crozier & Associates Inc. was retained to prepare a Site Servicing Summary for the property. Based on their review, C.F. Crozier & Associates determined that the existing water and sanitary services, as well as the surrounding trunk mains, will be sufficient to provide the necessary peak water supply in terms of flow and pressure, as well as convey the proposed peak sewage flows, for the proposed Short Term Accommodation use.

Planning Staff conclude that the proposed use conforms with the provisions of the Town's Official Plan.

Zoning By-law 2018-65, as amended

General Provision 4.32 of Zoning By-law 2018-65, as amending by Zoning By-law 2021-59, outlines the zoning provisions applicable to Short Term Accommodation uses. Short Term

Accommodation are to provide parking spaces in a private driveway, and at a ratio of 0.5 parking spaces per occupant or 1 parking space per guest room use for sleeping, whichever is greater. The existing dwelling contains five (5) bedrooms and the proposal includes five parking spaces measuring 3m by 6m which conforms with the minimum required size of a parking space of Provision 5.1.5 of the Zoning By-law. Additional requirements for Short Term Accommodation uses, per General Provision 4.32, are outlined as follows:

- a) No person shall use any land or erect, alter or use any building for the purpose of a Short Term Accommodation use within any residential zone unless otherwise permitted by this By-law.

Staff Comment: The subject property is currently zoned “R1-1” within the Zoning By-law 2018-65. The application proposed to rezone the subject property to the “RR” zone within Zoning By-law 2021-59 which would permit the use of Short Term Accommodation.

- b) No person shall use any land or erect, alter or use any building or structure that secures nine (9) or more occupants for the purpose of Short Term Accommodation.

Staff Comment: The proposed maximum occupant load for the proposed Short Term Accommodation is eight (8) persons.

- c) No Short Term Accommodation use shall be located closer than 120m from another Short Term Accommodation use or bed and breakfast. For the purposes of this section, 120m shall be measured from the property line for a single detached dwelling and from the main wall for a multiple unit building.

Staff Comment: There is an existing legal non-conforming Short Term Accommodation use located at 110 Ridgeview Drive which is located 230 m from the subject property. The second closest Short-Term Accommodation is located at 170 Snowbridge Way and is located approximately 270m from the subject property.

- d) Short Term Accommodation uses shall be subject to Site Plan Control.

Staff Comment: Site Plan Approval will be required prior to the issuance of a Short Term Accommodation license to permit the operation of the proposed use.

- e) Where a Short Term Accommodation use abuts a Residential R1, R2, or R3 zone, planting strips shall be provided in accordance with Section 4.27.2 and 4.27.3 of this by-law and in accordance with the following:
 - a. A minimum 3m wide planting strip adjacent to the full length of the rear lot line shall be provided.
 - b. A minimum 3m wide planning strip adjacent to the full length of the exterior side lot line shall be provided, save and except within a sight triangle.

- c. A minimum of 1m wide planning strip adjacent to the full length of the interior side lot line shall be provided.

Staff Comment: The subject property does not immediately abut a Residential zone. The subject property is surrounded by Hazard and Development 'D' zone. A Hazard zone separates the nearby residential neighbourhood from the subject property. As stated above, existing mature trees are located along the northern and western lot lines which provides buffering.

The subject property is triangular in shape, with a front lot line and two interior side lot lines (as per the definition of interior side lot line in the zoning by-law). The subject property does have significant vegetation (approximately 9 m) which provides a buffer between the subject property and the nearest residential dwelling.

- f) One enclosed waste/recycling depot consisting of a garage box or solid waste enclosure shall be required.

Staff Comment: One (1) enclosed waste/recycling depot consisting of wooden garbage box currently exists on the subject property.

- g) A Short Term Accommodation use shall have connection to municipal water and sewage services.

Staff Comment: The existing dwelling is connected to the municipal water and sewage services. C.F. Crozier & Associates Inc. was retained to prepare a Site Servicing Summary for the property. Based on their review, C.F. Crozier & Associates determined that the existing water and sanitary services, as well as the surrounding trunk mains will be sufficient to provide the necessary peak water supply in terms of flow and pressure, as well as convey the proposed peak sewage flows for the proposed Short Term Accommodation use.

- h) The number of parking spaces shall be provided in accordance with Table 5.3 non-residential parking requirements. Required parking spaces for a Short Term Accommodation use shall be provided in accordance with the Section 5.1 General Parking Provisions and Section 5.3 Residential zones – Parking and Access. In addition, the following parking provisions shall apply:
 - a. Tandem parking shall be permitted for parking spaces permitted on the private driveway for single detached building and multiple unit buildings.
 - b. A surface Parking Area located in the rear yard shall be setback the same distance from the rear lot line as required for the main building.

Staff Comment: The proposed Short Term Accommodation complies with the relevant provisions of Section 5.3 and Section 5.1. No tandem parking is required or proposed. The proposed rear yard surface parking is setback from the rear lot line in excess of the required 7.5m.

The Table below displays the zone standards for the 'RR' zone and how the subject property compares to the standards.

Review of the RR Zone Standards		
Zone Standard	RR within zoning by-law 2021-59	Subject property
Minimum Lot Area (ha)	550	5,860
Minimum Lot Frontage (m)	18 (1)	167.5
Minimum Front Yard (m)	7.5	15.4
Minimum Exterior Side Yard (m)	5	n/a
Minimum Interior Side Yard (m)	2	15.4
Minimum Rear Yard (m)	9	14
Maximum Height (m)	9.5	9.5
Maximum Lot Coverage (%)	30	30
(a) Minimum lot frontage shall be increased by 3m for corner lots.		

The Table outlines that the subject property conforms with the "RR" zone standards.

Conclusion

In conclusion, the proposed amendment to rezone the subject property to the Resort Residential "RR" Zone is consistent and in conformity with applicable Provincial, County, and Town planning policies. Planning Staff recommend granting the Zoning By-law Amendment to permit the use of a Short Term Accommodation on the subject property. Planning Staff also recommend recognizing the existing Hazard feature as identified by the GSCA within the Zoning By-law Amendment.

F. Strategic Priorities

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.

G. Environmental Impacts

The proposed increase in parking is within a pre-disturbed area and is not anticipated to impact the identified Significant Woodland or Fish Habitat identified on the adjacent property.

H. Financial Impacts

No known adverse financial impacts to the Municipality are anticipated as a result of this application. Should any appeals to Ontario Land Tribunal be received, associated legal costs could be incurred.

I. In Consultation With

Travis Sandberg, Intermediate Planner

Will Thomson, Director of Legal Services

Wayne Dewitt, By Law Supervisor

J. Public Engagement

The topic of this Staff Report has been the subject of a Public Meeting and/or Public Information Centre which took place on **February 7th, 2022**. Those who provided comments at the Public Meeting and/or Public Information Centre, 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 Natalya Garrod, planning@thebluemountains.ca

The topic of this Staff Report will be the subject of a Public Meeting and/or a Public Information Centre in accordance with the following schedule:

- January 13, 2022 Public Meeting Notice posted;
- January 13, 2022 Public Meeting advertised in the Collingwood Connection;
- February 7, 2022 Public Meeting;
- May 24, 2022 Committee of the Whole – Initial staff report (Recommendation Report – Zoning By-Law Amendment – 689667 Monterra Road STA)

Any comments regarding this report should be submitted to Natalya Garrod, planning@thebluemountains.ca

K. Attached

1. Summary of Written and Verbal Comments
2. DRAFT Zoning By-law Amendment

Respectfully submitted,

Natalya Garrod
Planner

Trevor Houghton, RPP MCIP
Manager of Community Planning

For more information, please contact:
Natalya Garrod, Planner
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519-599-3131 extension 288

Report Approval Details

Document Title:	PDS.22.052 Recommendation Report - Zoning By-Law Amendment - 689667 Monterra Road STA.docx
Attachments:	- PDS.22.052 Attachment 1.pdf - P3110 - Comments Response Matrix.docx
Final Approval Date:	May 3, 2022

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

Trevor Houghton - May 3, 2022 - 3:24 PM