

THE MUNICIPALITY OF LAMBTON SHORES

Report PL 34-2020

Council Meeting Date: December 1, 2020

TO: Mayor Weber and Members of Council
FROM: Will Nywening, Senior Planner
RE: Pandemic-Related Zoning Exemptions for Campgrounds
Concession 18 (BO), Part Lots 6 to 8
9338 West Ipperwash Road, Ipperwash

RECOMMENDATION:

THAT Report PL 34-2020, relating to pandemic-related zoning exemptions for campgrounds, be received;

THAT correspondence from Parkbridge Lifestyles Inc. dated November 12, 2020, be received;

THAT the template agreement for temporary zoning exemptions for winter occupancy in campgrounds be approved as presented;

THAT By-Law 71 of 2020 authorizing the Clerk and Director of Community Services to enter into agreements with campground operators permitting temporary zoning exemptions, in the form of the approved template agreement be approved.

SUMMARY

This report relates to a request submitted by Parkbridge Lifestyle Communities Inc. respecting the campground at 9338 West Ipperwash Road, Ipperwash, known as Our Ponderosa Cottage and RV Resort. Parkbridge seeks formal permission to keep the campground open through this winter in order to allow some residents to stay in the campground this winter.

BACKGROUND

In the Municipality's Zoning By-law 1 of 2003, campgrounds may, by definition, be occupied only seasonally. The definition does not specify the exact duration or timing of the required "off-season". The primary concern is that the campground not become a year-round permanent residence for any individual. Part of the reason is that units may not be certified to be suitable for winter occupancy. Part of the reason is a concern with the campground becoming low-income housing, rather than a recreational use.

Many individuals live in local campgrounds full-time up to 11 months out of the year and winter at another residence, many in the United States. The ongoing COVID-19 pandemic and resultant travel restrictions prevent some of these individuals from being able to go to their normal winter residences.

Parkbridge has a number of residents they indicate have no alternative winter residence. Parkbridge has therefore formally requested permission to allow such individuals to be permitted to spend the winter season in the campground. Parkbridge's letter of request and the information and waiver form they propose to provide to such residents is attached.

Winter occupancy brings a number of practical considerations such as winterization of units, winter access, emergency access, and the ability for park infrastructure and services to operate in winter conditions. These are matters that the campground and residents will need to deal with however.

It is Staff's opinion, that under the exceptional circumstances, it would be appropriate, practical, and compassionate to allow a temporary exemption from the Zoning By-law requirement that campgrounds be operated only seasonally. The Municipality already grants temporary exemptions from the Zoning By-law, on occasion – e.g. when a person wishes to allow two houses on one lot or occupy a camper until a new house is completed. It does this by way of agreement. Staff recommends an agreement be required in this case also. It would also be appropriate for the protection of both the Municipality and the campground to have something formal in place.

Staff anticipates there may be similar requests from other campgrounds. Therefore, rather than pass a by-law to authorize an agreement with Parkbridge only, Staff recommends that Council pass a by-law to authorize the Clerk and Director of Community Services to enter into such agreements with any campground, at the Director of Community Service's discretion.

A draft by-law with a template agreement is included in the by-law's section of Council's agenda. As per the template agreement:

- The exemption is a one-time event and does not extend past May 31, 2021.
- The campground operator may not permit any person to make the campground their permanent residence and may only allow persons who have no alternative housing options to over-winter.
- The Municipality makes no warranty about the sites' or units' suitability for winter occupancy. It is the responsibility of the operator to determine if it is feasible to provide the necessary site services.
- The campground operator agrees not to hold the Municipality liable for any claims that may result out of winter occupancy of the campground.

ALTERNATIVES TO CONSIDER

Staff is recommending that Council authorize Staff to enter into such agreements with other campgrounds, according to a template agreement. If however, Council wishes for each individual request to come to Council, the By-law as drafted should be amended to authorize the agreement only with Parkbridge Lifestyle Communities Inc., for 9338 West Ipperwash Road. It would be difficult however for Council to deal with such requests in a timely way as we get closer to the winter season.

Staff does not recommend it, but the Municipality could require that Parkbridge and other campgrounds instead apply for a temporary use zoning by-law amendment. Section 38 of the *Planning Act* allows temporary by-laws that can be in effect for up to 3 years at a time. This seems like an overly formal process however, and the notifications/analysis/justification/etc involved have more potential to lead to year-round occupancy in the long-term than the recommended zoning exemption, in Staff's opinion. Also, the time this process takes (3 to 4 months) is not justified given the limited length of time the zoning exemption would apply. While some parks choose to close longer, Staff's understanding is that case law generally indicates that campgrounds need only be closed down for 1 month to be deemed seasonal. The timing also does not suit the immediate needs of those individuals who are only finding now that alternative accommodations are not available.

RECOMMENDED ACTIONS

That Council:

- Receive Report PL 34-2020;
- Receive correspondence from Parkbridge Lifestyle Communities Inc.;
- Approve the template agreement as presented for temporary zoning exemptions for campgrounds; and
- Pass By-law 71 of 2020 to authorize Staff to enter into agreements with campground operators according to the template agreement.

FINANCIAL IMPACT

None.

CONSULTATION

Chris Rhodes, Director of Operations, Parkbridge Lifestyle communities Inc.
Kathy Brown, Resort Manager, Our Ponderosa Cottage and RV Resort
Kevin Williams, CAO, Municipality of Lambton Shores
Stephanie Troyer-Boyd, Clerk, Municipality of Lambton Shores
Stephen McAuley, Director of Community Services, Municipality of Lambton Shores

Attachment 1 – Parkbridge Correspondence



November 12, 2020

Will Nywening
Senior Planner
Municipality of Lambton Shores

Dear Mr. Nywening,

As you know, Parkbridge owns and operates Our Ponderosa Cottage and RV Resort in Ipperwash Beach. Our operations currently allow occupancy of overnight, six, nine, and eleven-month recreational RVs and Park Models per our municipal operating permit and zoning specifications.

Currently, Our Ponderosa has approximately 14 customers that occupy their units up to 11 months of the year (February to December). These customers normally make accommodation arrangements outside of our resort for the month of January during our full property shutdown period. However, with the influence of COVID-19 including border shutdowns hindering many of these customers from heading south, many of these customers are struggling to find alternative accommodations for the upcoming shutdown period.

As a result, our affected customers are requesting we seek an exemption with the Municipality of Lambton Shores to allow us to make a one-time exception this year. This would mean that we would be operating outside of our zoning and operating permits to be able to accommodate the request of these affected individuals.

We have the infrastructure and staffing to be able to accommodate this request. We have also prepared a waiver (see attached) outlining the responsibilities of the occupants to ensure this situation is a one-time event due to COVID-19. We are also not allowing any further customers to extend their stay that were not currently on the 11-month agreement, limiting to only those currently affected by the situation at hand. All other seasonal customers must continue with their current plans to leave the Resort during their normal shutdown period of three or six months.

Please let us know how we can proceed with this request. We do not wish to look to rezone, change our operating model or allow this to become a permanent situation. We wish only to accommodate those affected by the current pandemic situation.

We thank you for your assistance on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Rhodes".

Chris Rhodes
Director of Operations
crhodes@parkbridge.com
705-429-8559 ext. 3282

Parkbridge Lifestyle Communities Inc.
Eastern Regional Office
690 River Road West, Wasaga Beach ON, L9Z 2P1
T: 705-429-8559 F: 705-429-6089
www.parkbridge.com



November 12, 2020

Dear Occupant:

Re: License of Occupation - 11 Month Occupancy

We would like to thank you again for joining us during this unprecedented and challenging season.

We understand due to COVID-19 many of our extended seasonal customers plans may have changed and they may not be heading south this year. As you are aware, our Resort closes for the month of January. After careful review of the situation, understanding how difficult these times are, we will be allowing occupancy during the closure period for those customers that do not have alternatives available. Customers will be required to pay an additional \$570.00 and sign the waiver attached to this letter and adhere to the terms.

If you require occupancy for the month of January 2021, please sign the attached waiver and return it with your prorated fee to our onsite team. If you have any further questions, please do not hesitate to reach out to us.

Stay safe and take care.

Sincerely,

Kathy Brown

Resort Manger, Our Ponderosa Cottage and RV Resort

Our Ponderosa Cottage & RV Resort
9338 West Ipperwash Rd, Lambton Shores, ON N0N 1J2
519-786-2031 | ParkbridgeResorts.com



WAIVER

To: Parkbridge Lifestyle Communities Inc. o/a Our Ponderosa Cottage and RV Resort ("Parkbridge")
From: _____ ("Occupant")
Lot: _____

Re: Emergency Extended Occupancy Period Due to COVID-19

WHEREAS the undersigned is an Occupant of the above captioned lot at Our Ponderosa Cottage and RV Resort pursuant to the terms of a License of Occupation Agreement between Parkbridge and the undersigned.

WHEREAS the undersigned desires to occupy the unit for the month of January 2021 (the "Extended Occupancy Period").

I/WE UNDERSTAND AND HEREBY AGREED to the following terms and conditions:

- a) The unit and occupancy of same shall not be deemed as a permanent residential unit.
- b) The occupancy for the Extended Occupancy Period is a one-time occurrence due to the hardship occurring as a result of the COVID-19 pandemic.
- c) The Occupant shall not seek residential status during this Extended Occupancy Period.
- d) All Occupants must adhere to the COVID-19 Code of Conduct terms and existing Guidelines found in the Licence of Occupation.
- e) The Occupant agrees that Seasonal fees for occupancy for the month of January is an additional \$570.00 and become due prior to occupancy. The Occupant acknowledges that their account is in good standing.

IT IS UNDERSTOOD AND HEREBY AGREED that the Occupant shall indemnify Parkbridge, and its respective partners, officers, employees against all claims, any and all manner of actions, causes of action, whatsoever which shall or may have arising out of or in connection with the Extended Occupancy Period.

IT IS FURTHER AKCNOWLEDGED that the Owner has had the opportunity to seek independent legal advice prior to signing this waiver.

IN WITNESS WHEREOF I hereunto set my hand this _____ day of _____, 2020.

IN THE PRESENCE OF

Witness

Occupant Name