



Planning Report

To: Township of Huron-Kinloss Council

From: Monica Walker-Bolton, Sr. Policy Planner

Date: August 14, 2023

Re: Zoning By-Law Amendment Z-2023-039

Recommendation:

That the committee receive comments from the public at the public meeting, and defer a decision for Zoning By-law Amendment Z-2023-039 by Lucknow Kinsmen to allow time to address the comments received from the Township and neighbouring property owners.

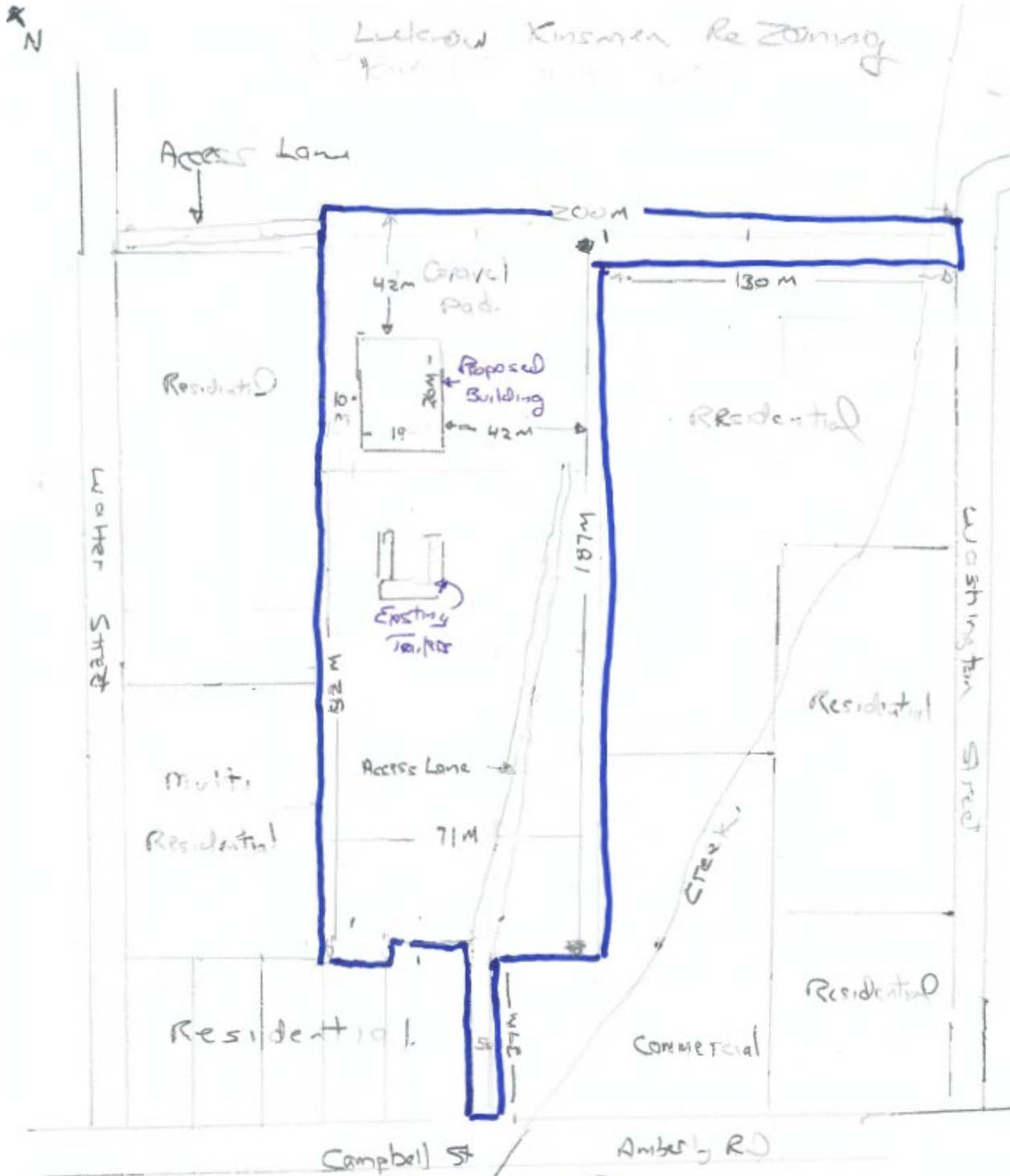
Summary:

The application proposes to amend the special zoning on the subject property. If approved, the proposed amendment would facilitate the construction of a club house and storage building on the subject property.

Airphoto



Site Plan



Hydro access off Water St
 water/sewer off 16' access to Campbell St
 Proposed Building 19m x 26m

Planning Analysis:

The following section provides an overview of the planning considerations that were factored into the staff recommendation for this application, including relevant agency comments (attached), public comments (attached) and planning policy sections.

Local Official Plan

The subject property is designated Parks and Open Space in the Huron Kinloss Official Plan. The subject property contains two special policy areas. In the area proposed to be affected by the zoning by-law amendment the policies of Special Policy Area 3.18.5 apply. Special Policy Area 3.18.5 restricts the permitted uses for the area to Special Event, Camping, Private Club, Banquet Hall, Outdoor recreation not including a Golf Course, Community Events, and Buildings and structures accessory to a permitted use.

Huron Kinloss Zoning By-Law

The area of the subject property affected by the proposed Zoning By-Law Amendment is zoned Open Space - Special Provisions (OS-25.125). In the OS-25.125 zone the permitted uses are Special Event and Outdoor recreation not including a Golf Course. Permanent structures are not permitted. The proposed zoning by-law amendment would change the special provisions of the OS-25.125 zone to allow permanent buildings and permit the use of the property for a club house and storage building.

Immediately to the north of the OS-25.125 zone on the subject property is another special zone, OS-25.123, in this area a banquet hall and private club are permitted uses. This zone permits up to 3 permanent buildings. The zone requires that an archaeological assessment be completed prior to development.

Comments have been received from Township staff relating to the ongoing use of the property and the proposed future use. Clarity regarding the ongoing use of the property for shipping containers and outdoor storage has been requested prior to the requested permanent club house use being approved. The applicant has agreed to provide an updated site plan and clarify all requested permitted uses prior to the application being recommended for a decision.

Natural Heritage

The subject property contains natural heritage features. An Environmental Impact Assessment (EIS) was conducted in October of 2022 for the subject property. The EIS informed a previous Local Official Plan Amendment application for the subject property. The EIS did not identify any features on the portion of the property affected by the proposed amendment and no mitigation measures were recommended related to the use of this area.

Archaeology

The subject property is identified as being within an area of high archaeological potential by the Bruce County screening maps. The applicant indicates that the area of the proposed

amendment has been extensively disturbed. The applicant consulted the Saugeen Ojibway Nation (SON) regarding the ground disturbance. Comments were received from SON advising that the area has been graded and heavily disturbed and therefore an archaeological assessment was not required for development in the proposed area.

Natural Hazards

Comments have been received from the Maitland Valley Conservation Authority (MVCA) with respect to Natural Hazards on the subject property. MVCA identifies that, the subject properties feature a closed watercourse and are in general proximity to flooding hazards and regulated wetland features. Based on the application received, the specific area subject to rezoning is not directly impacted by these features or hazards.

Within the southeast corner of the area of the property affected by the proposed development the property falls within the area regulated by the MVCA. If any buildings are proposed within this area a permit from the MVCA will be required.

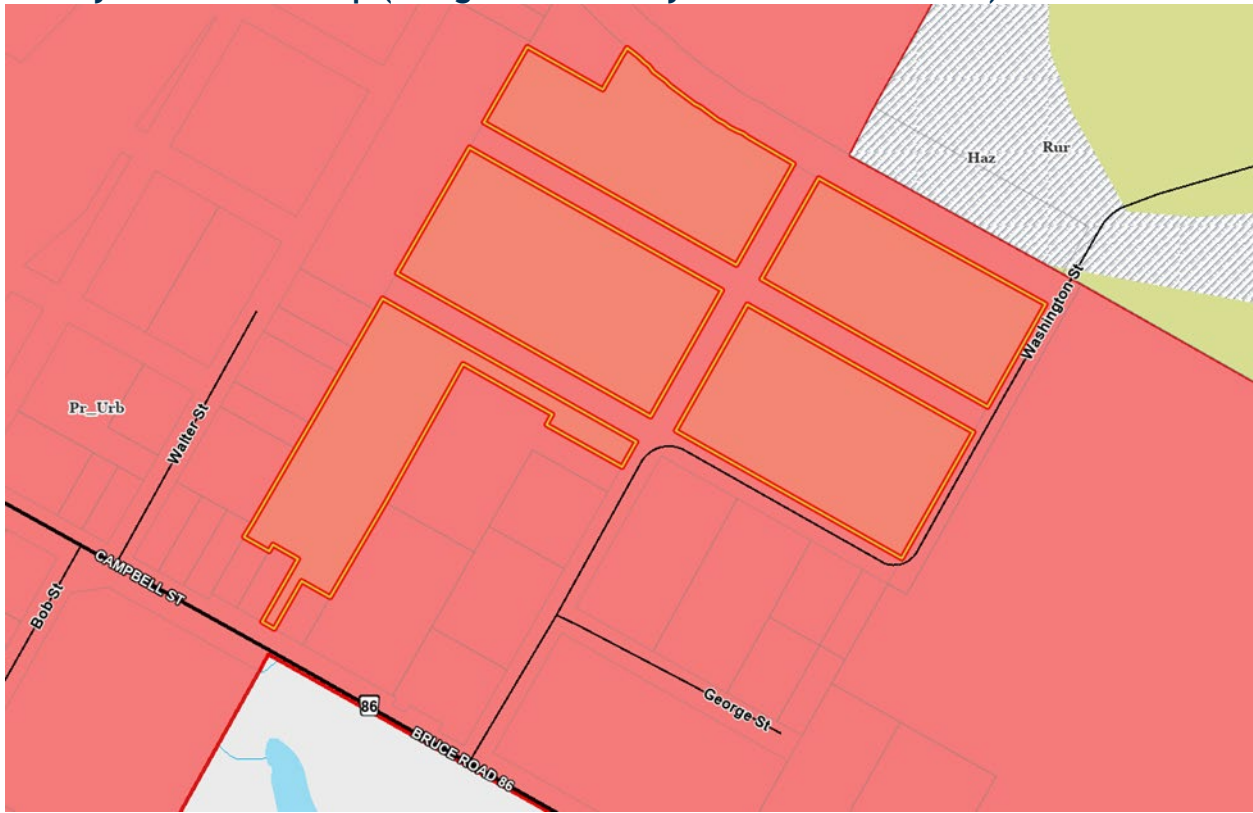
Water and Sewer Services

Full water and sewage services are available in Lucknow. The applicant proposes to access the water and sewer services from Campbell Street.

Appendices

- County Official Plan Map
- Local Official Plan Map
- Local Zoning Map
- Agency Comments
- Public Comments
- Public Notice

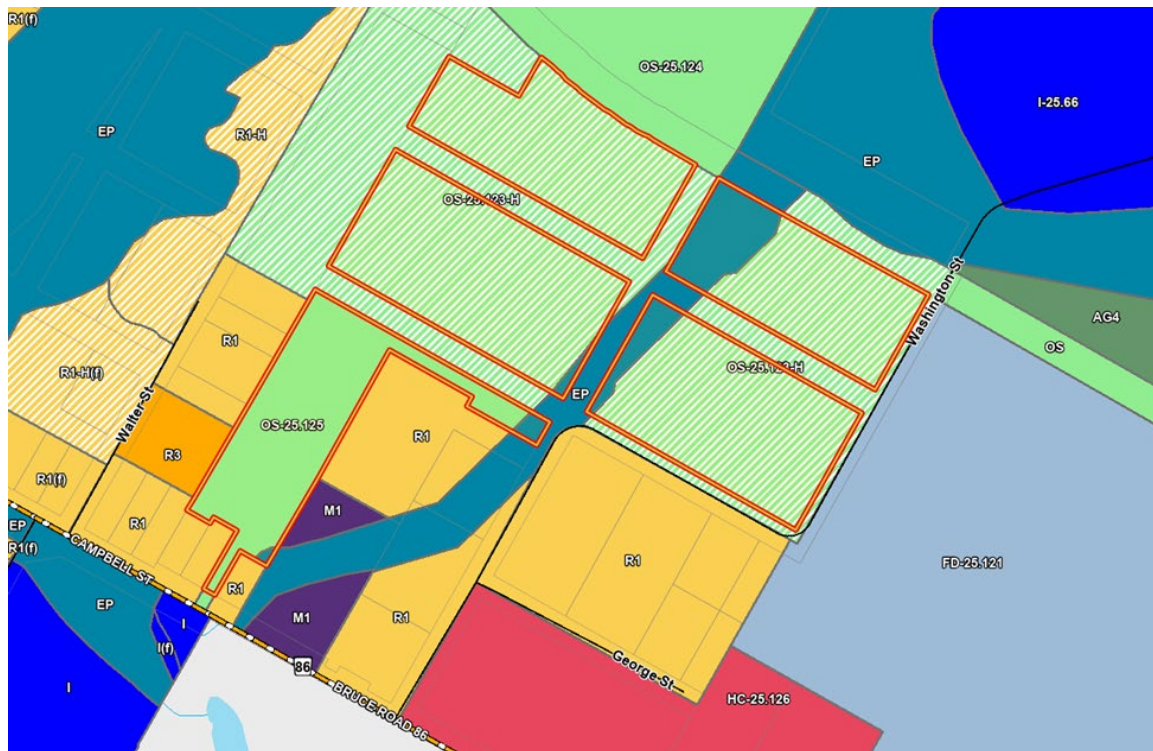
County Official Plan Map (Designated Primary Urban Communities)



Local Official Plan Map (Designated Parks & Open Space, Special Policy Area 3.18.5)



Local Zoning Map (Zoned OS-25.125, OS-25.123-H, EP)



Agency Comments

Maitland Valley Conservation Authority: Provided in full below.

Township of Huron-Kinloss: Provided in full below.

Drinking Water Source Protection Risk Management Official: No Prohibition or Risk Management Plan related to existing activities and land use.

Historic Saugeen Métis: No objection or opposition.

BM Ross and Associates Ltd. for Huron-Kinloss: BM Ross provides comments on septic systems, because the proposal is to connect to municipal services there are no concerns.

Bruce Grey Catholic District School Board: No comment.

Enbridge Gas: Gas lines are present at the subject property, if the development will impact gas lines, relocation of lines will be at the owner's expense.

Saugeen Ojibway Nation: Based on the data it appears that area is graded and leveled and heavily disturbed, therefore an assessment should not be necessary as long as the development is within that described envelope.

Public Comments

At the time of writing this report one letter of concern has been provided by a neighbouring property owner. Questions and concerns have been raised about the compatibility of the proposed club house use with neighbouring residences. Concerns about tree cutting, property maintenance, and use of shipping containers have also been raised. Comments are provided in full below. More comments may arise at the public meeting.



MEMORANDUM

TO: Monica Walker-Bolton, Planner, Bruce County, via email
CC: Amy Rogers, Applications Technician, Bruce County, via email
Donna Clarkson, Drinking Water Source Protection Specialist, MVCA, via email
Lucknow and District Kinsmen Club Inc., Applicant, via email
FROM: Anna Marie Soleski, Environmental Planner/Regulations Officer, MVCA
DATE: July 14, 2023
SUBJECT: Application for Zoning By-Law Amendment: Z-2023-039
Plan 101 21 to 30, 39 to 47 and 66 to 101, Lot 105, Part Lot 102 to 104 and
Lot 106, Kinloss Ward, Township of Huron-Kinloss, County of Bruce

The Maitland Valley Conservation Authority (MVCA) has reviewed the above-noted application with respect to natural hazards in accordance with our Memorandum of Understanding with the County of Bruce; and in accordance with our delegated responsibility for representing the “Provincial Interest” for natural hazards; and relative to MVCA policies made under *Ontario Regulation 164/06 (Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation)*. Based on our review, we offer the following comments.

It is our understanding the purpose of zoning by-law amendment Z-2023-039 is to permit the construction of two permanent buildings, a club house and storage shed, on the subject property.

Natural Hazards:

The subject properties feature a closed watercourse and are in general proximity to flooding hazards and regulated wetland features. Based on the application received, the specific area subject to rezoning is not directly impacted by these features or hazards.

Drinking Water Source Protection:

The subject property is located within a wellhead protection area. The location and size of the wellhead protection area was determined in part by the direction the groundwater moves, the speed/rate it moves, and the volume of water that is pumped from the wells. Within the wellhead protection area, some land use activities, under certain circumstances, pose a threat to municipal drinking water sources. Policies have now been created to address these activities and protect sources of municipal drinking water. These policies are contained within the Maitland Valley Source Protection Plan which has recently received approval from the Minister of the Environment and Climate Change. The Plan came into full force and effect on April 1st, 2015.

This means that activities on the subject property may be subject to policies contained within the Maitland Valley Source Protection Plan. For more information about the policies contained in the

Plan, and how they may impact the subject property, please contact Donna Clarkson, Source Water Protection Specialist, at the Maitland Valley Conservation Authority office (519-335-3557).

MVCA Regulated Lands:

As per *Ontario Regulation 164/06*, watercourses, plus 15 meters from the top of bank, are regulated by the Maitland Valley Conservation Authority (MVCA). Subject to the regulation, any proposed development (construction, reconstruction, filling and/or site grading) interference and/or site alteration within MVCA's regulated area must be reviewed and approved by MVCA prior to any works beginning.

Background & Recommendation:

The application is in general conformance with Section 3.1, Natural Hazard Policies of the PPS, 2020; and as such MVCA has no objections.

Thank you for the opportunity to comment at this time. Feel free to contact this office if you have any questions.

Request for Comments

July 19, 2023

11-102300

File Number Z-2023-039 Kinsmen Graceland 59 Washington St., Huron Kinloss

Please note: all five parcels are part of the legal description on the public notice

Currently assessed as farmland, change in use will result in reassessment.

The property is currently zoned OS- 25.125 this zoning is specifically for temporary structures- rezoning the lands with a use that will address the permanent structures, setbacks, parking, fencing, buffer area etc. Recommend a planner be involved with the application, a pre consultation meeting would be helpful for planning, Township and applicant.

Zoning to indicate Lands subject to Site Plan control.

Recommend setbacks similar/consistent with Resort Recreation Commercial zone be maintained.

Recommend recognizing lesser Frontage for the existing lot.

Zoning should address regulations for outdoor storage as there is currently outdoor storage on site.

Clarify that the new proposed storage space will replace the use of several existing shipping containers. Shipping Containers are only permitted in Ag zoning.

Trailer units should be addressed, appear to be used on a permanent basis. Application indicates the second proposed structure will replace the need for them however no time frame indicated.

Building Permits required for new proposed structure- Arch/Eng. (permits for shipping containers and trailer units pending the permitted use in the zoning).

Clarify where the principal access for this permanent structure will be Amberly Rd (Hwy86) or Washington St- firefighting provision as per the Ontario Building Code.

The water and sanitary mains are available on Amberly Road (Hwy 86) currently there are no services provided to this property. The Township will require a report indicating anticipated flow rates to confirm capacity is available.

The site plan should indicate items such as but not limited to all permanent structures including proposed, site servicing, site grading, stormwater management, hydro servicing plan, illumination plan, parking layout, recycling/garbage plan and a Fire Safety Plan.

RE ZONING AMENDMENT Z2023-039

Since my mom's (Gladys Haldenby's) passing in February 2023, we are left as the executor for her estate and her property at 557 Walter Street Lucknow. This letter is in regards to the zoning amendment for the construction of a clubhouse and storage building on the adjacent property.

This building would be located directly beside the main residence with a setback of 10m, however, I believe the proposed patio will be located in that 10m thus making it directly beside the fence at the garage side of our property. As you drive into the property and as you come out the main door of the house this is what we will see. We have a few questions that we would like addressed

1. Why does it have to be located in that site? They own all this property why does everything have to be situated right beside all the residential housing.
2. How often will this be used? I would assume once a month for a meeting. What are the provisions that it will not be rented out and used more often, or if it will be, within what guidelines. With the change last time to 4 events up to 5 days per event, the longtime neighbors are inconvenienced for at least a month of the year and now the potential for additional days. What will the building be classified as? Clubhouse/Banquet Hall? And what usage regulations would each entail?
3. Why is the location further down Walter Street, to the north of our property, not being considered, when the hydro/road/water/sewers are more easily accessible. This would put the clubhouse further from the neighbouring homes while reducing costs of moving those services.
4. Why is the clubhouse part of located to the side of the fence and not out on the field side, would it not make more sense to look over the field and not the fence line overlooking the neighbor's house? I am sure neither group wants to be looking at each other.
5. Can we be assured that they will not be coming in and cutting off the tree foliage that overhangs the fence. When they first started in the fields, many trees were cut flat along the property line. They did all eventually survive, but they easily could not have.
6. I believe there is an Aboriginal Study that needs to take place prior to building. Has that been completed? There were original buildings that were removed and burned when they first took possession and the understanding is that would require certain studies to take place.
7. What is the plan for the three "storage trailers" that are located on the property to the east of ours. My father inquired about these when they first appeared and was told since they were non-permanent, they were allowed. He has been gone for over four years now, at what point does a non-permanent building becoming more than a temporary fixture? There are also now two sea cans located near them which as far as I can see in the HK bylaws are not allowed. Sea cans only are allowed on AG property and this property is listed as OS. I have attached a photo of the three sea cans currently on the property. There is to only be three buildings on the property. Which of these items is considered a "building" and which will be removed once a new clubhouse is put on the property.
8. There are many assorted items that are located along the fence lines on either side of our property. I have attached pictures of the storage in between the sea cans. Some items having been there since 2018 (Frisbee Game). As I looked into the bylaws further, I see that there is one for outdoor storage that states

if it abuts a residential property, they are required to put up a solid fence. Is that something that can be requested and required?

9. More of a general statement, we have heard that the monthly meetings are currently being held at the Community Centre. Does it not make more sense to continue to use an underutilized community building with utilities already provided?

When the property was first purchased and we went through the proposed changes for Music in the Fields, the Bruce County planner at the time told the council and the neighbor's that he felt that that area should have no permanent buildings on it and that the distance from the fence lines was to protect the neighbor's and to let them have a little of their own space while the one event was on. Now it's more events each and every year along with multiple permanent fixtures being added.

No one but the people who live there have to "experience the events" in this way. Aside from the noise and disruption, the being stopped at your own street to prove you live there is one of the biggest problems and each year nothing seems to improve it. I would be glad to invite any of the councilors or committee to come sit at the property at any of these events, and just see how much it does affect the neighborhood.

The Kinsmen Liaison:

He did email just before my mom died in February but we were unable to get together at that time. Aside from that, we haven't heard anything. The tractor pull came and went without anyone checking to see if things had gone smoothly or not. I found out about future tree cutting at the post office from Paul Zinn. He informed me that Westario was coming to put in hydro and trees would need to be trimmed. Paul had said I should have heard from the liaison but nothing. The Music in the Fields is in three weeks, what if we had concerns?

Other items for Council:

On the end of Walter in front of the property there was a manhole that was slightly raised above the pavement since the last time the street was paved. The week of the tractor pull the township men came and covered it up and paved over it. Should that not be uncovered in case it needs to be accessed?

We had to get the property assessed for my mother's estate and the real estate agent told us that the value was greatly decreased because of the location of the fields and if the club house was allowed than that would further decrease the assessment. I expect all neighbours will have the same issue when it comes time to sell their properties. As more events are added and if they continue for years to come, that risk increases and the value decreases.

I would like to add that our experience of the Tractor Pull was actually quite positive compared to each year at Music in the Fields. The events were held further back from the properties, camping was held right in the back so our neighbouring property only had parking (which did bleed into Walter Street due to the event being larger than anticipated, but that was a minor issue). Noise levels were down and the

crowd of people were much less disruptive than what we have seen at Music in the Fields in the past. Because the line-up to get in was held on Washington Street, we were hardly inconvenienced at all (but I understand that the neighbours up there then had the same issues accessing their property that we normally do for Music in the Fields).

Pictures of Items along the fence lines:



Seacan's on the property with other storage



August 8th

Monica

In response to the response of the questions in my letter about rezoning.

When the original event was purposed for this particular property the Bruce County planner - David Smith explained the zoning that was decided on at the time.

He Spent a lot of time and took into consideration the neighbor's concerns and came up with the zoning for a future club house to be build farther north away from the residential area. The reason was to still give the neighbor's a piece of land that was not being used constantly and little space from all the noise and activity.

This is when there was only one event of 4 day - now there are at least three. This area north is already zoned for the club house so why are we spending more time and money on this process.

After reading the response from the Kinsmen I still am a bit confused on some of the issues.

1. Where are the dressing rooms located on this property. They are referenced in the letter.
2. Zoning description attached - Private Club – built for seasonal or periodic usage. The number of meetings listed would be at least 34 times a year.
3. Why not build farther down Walter St. Would that not fit into the already zoned area for the clubhouse and then the rezoning is not necessary, Just a archeology study .
4. The direction of the clubhouse, the plans also show a patio attached in the area between our fence and the building Is that in the 10m allowance because that would make it even closer than the 10m?
5. The tree trimming, I referred to was along the farther end of the property NOT the Walter street that was trimmed for the Hydro. There was very good communication for that tree trimming and it was greatly appreciated.

The tree trimming, I am referring to was done the first year of the fields and everything was trimmed flat on the far side of the fence.

Kandra



County of Bruce
Planning & Development Department
30 Park Street, Box 848
Walkerton, ON N0G 2V0
brucecounty.on.ca
226-909-5515



June 30, 2023

File Number(s): Z-2023-039

Public Meeting Notice

**You're invited to a Public Meeting to consider Zoning By-law Amendment Z-2023-039
August 14, 2023 at 7:00 p.m.**

A change is proposed in your neighbourhood: The purpose of the application is for a Zoning By-Law Amendment to permit the construction of a club house and storage building.



PLAN 101 21 TO 30 39 TO 47;66 TO 101 LOT 105 PT LOT 102;TO 104 AND 106 (Kinloss)
Township of Huron-Kinloss
Roll Number 410711000102300

Learn more

You can view limited information about the application at <https://brucecounty.on.ca/living/land-use>. Additional information, including the supporting materials, can be provided upon request by e-mailing bcplwa@brucecounty.on.ca or calling 226-909-5515. Information can also be viewed in person at the County of Bruce Planning Office noted above, between 8:30 a.m. and 4:30 p.m. (Monday to Friday).

The Planner on the file is: Monica Walker-Bolton

Have your say

Comments and opinions submitted on these matters, including the originator's name and address, become part of the public record, may be viewed by the general public and may be published in a Planning Report and Council Agenda. Comments received after August 7, 2023 may not be included in the Planning report but will be considered if received prior to a decision being made, and included in the official record on file.

You can submit comments by email bcplwa@brucecounty.on.ca, mail, or phone (226-909-5515) if you have any questions, concerns or objections about the application. Comments will be provided to Council for its consideration.

How to access the public meeting

For information on how to participate in the public meeting, please visit the Township website at <https://calendar.huronkinloss.com/meetings> under "Agendas and Minutes".

Please contact the Township at jwhite@huronkinloss.com or 519-395-3735 if you have any questions regarding how to participate in the meeting.

Stay in the loop

If you'd like to be notified of the decision of the approval authority on the proposed application(s), you must make a written request to the Bruce County Planning Department.

Know your rights

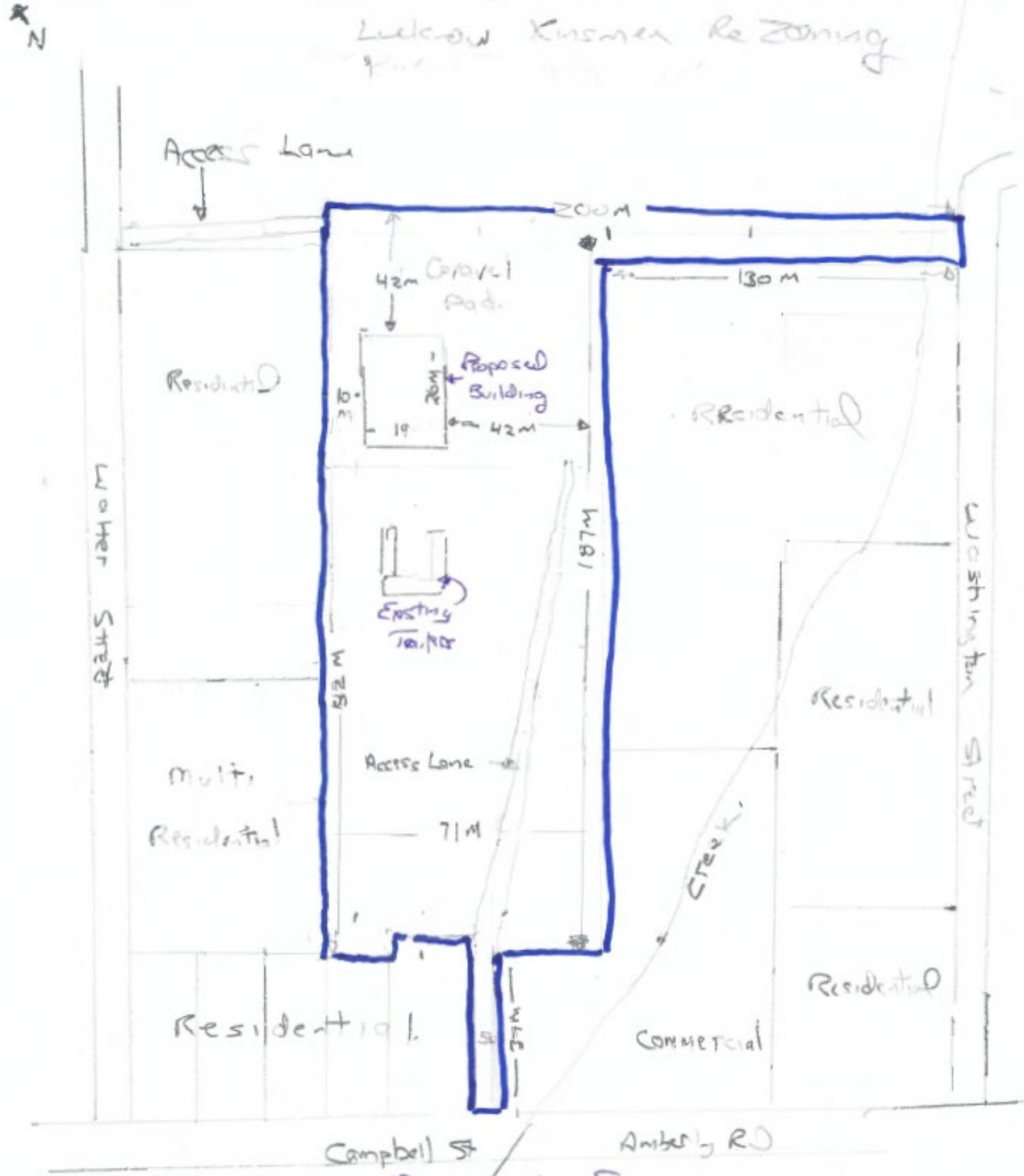
Section 34(11) of the [Planning Act](#) outlines rights of appeal for Zoning By-law Amendment applications.

If a person or public body would otherwise have an ability to appeal the decision of the Council of Township of Huron-Kinloss to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to Township of Huron-Kinloss before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Township of Huron-Kinloss before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

For more information please visit the Ontario Land Tribunal website at <https://olt.gov.on.ca/appeals-process/>.

Site plan



Hydro access off Walter St
 water/sewer off 16' access to Campbell St
 Proposed Building 19m x 26m

Air Photo



Floor Plan

