

# RON DAVIDSON LAND USE PLANNING CONSULTANT INC.

November 29, 2024

County of Bruce Planning & Economic Development Department 30 Park Street Walkerton, ON N0G 2V0

Attention: Benito Russo Planner

Dear Benito:

Re: Planning Justification Report Amendments to the Township of Huron-Kinloss Official Plan and Comprehensive Zoning By-law Lots 21 to 30, 39 to 47, 66 to 101, Part Lots 102 to 104, 105, 106, Plan 101, Geographic Township of Kinloss Part Lot 219, Lots 220 to 229, Plan 20, Geographic Village Lucknow Part Lots 55 and 56, Concession 1, Geographic Township of Kinloss Township of Huron-Kinloss, County of Bruce 410711000102300, 410712000101200, and 410711000101500 59 Washington Street and 575 Walter Street Owner: Lucknow and District Kinsmen Club Incorporated

Further to recent pre-consultation discussions regarding the above-noted property, enclosed please find a joint Official Plan Amendment / Zoning By-law Amendment application.

In support of the applications, please consider the following information:

# Background:

The Lucknow and District Kinsmen Club Inc. (hereinafter referred to as the "Kinsmen Club") holds their annual *Music in the Fields* festival every August on a 21.78-hectare holding located in the southeast corner of Lucknow. The site location is shown on Figure 1 of this Planning Justification Report.

This four-day, non-profit, music event draws approximately 8,000 people and is a major fundraising event in the community.

The Official Plan and Zoning By-law for Huron-Kinloss were both amended in 2017 and again in 2023 to permit the music festival as well as three other annual events.

One of those other events is the two-day tractor pull, known as the *Dungannon Super Pull*, which occurs every June and is operated by a committee in conjunction with the Kinsmen Club.

Camping during these two events is also permitted.

The third event is the family-friendly *Kites in the Field*, which is also operated by another party and does not offer camping.

To date, a fourth event has not been established.

## **Subject Property:**

The 21.78-hectare holding owned by the Kinsmen Club comprises a series of individual parcels that are separated by municipally-owned, unopened road allowances and the "rail trial". The lands can be accessed from Campbell Street (Bruce Road 86), Walter Street, and Washington Street. To assist in reducing the amount of traffic during the event, vehicular access to the camping areas on the site is also provided by a laneway across private property, through an easement, that connects the site to Torrence Street to the east.

Most of the site is a large, open, grassed field. A gravel area has been created in the general location of where the temporary stage is erected each year for the music festival. Three trailers and two shipping containers are located to the south of the gravel area and the concert viewing area (or "concert bowl") is located to the immediate north. A chain link fence has been erected around the perimeter of the viewing area. Also existing on the lands are an electrical building (within a shipping container) and

hydro transformer station, a ticket booth, and a camping registration booth. The most northerly area of the site is forested. A small, intermittent watercourse meanders through the east area of the subject lands.

All existing features of the subject lands are illustrated on the Site Plan provided on Figure 2 of this Planning Justification Report.

# Township of Huron-Kinloss Zoning By-law:

The Township's Zoning By-law essentially divides the subject lands into three 'Open Space special' zones, as follows:

- The most southerly portion of the site is zoned 'Open Space special' (OS-25.125);
- The central area is zoned 'Open Space special with holding provision' (OS-25.123-H); and,
- The north section of the site is zoned 'Open Space special' (OS-25.124) and 'Open Space special with flood fringe provision' (OS-25.124(f)).

The watercourse meandering through the east side of the subject lands is zoned 'EP' (Environmental Protection).

The current zoning is illustrated on Figure 3 of this Planning Justification Report.

The provisions associated with these three site-specific zones are worded in a manner that is partially ambiguous and do not clearly explain the uses permitted on the property. County Planning staff has advised that the wrong version of the draft Zoning By-law Amendment was adopted by Township Council and that the new Zoning By-law Amendment being proposed at this time will clarify matters. The intent of the zoning currently in effect is to permit four special events in each calendar year and limit each event to a maximum of four days. Camping is also permitted, but only in the central and northerly areas of the property. As well, permanent buildings and structures are only allowed in the central area. Moreover, the holding (h) symbol has been applied to the 'OS-25.123' zoned area to ensure that an Archaeological Assessment is conducted before any permanent buildings are permitted in this area.

# **Proposed Development:**

The Kinsmen Club wishes to construct a permanent building that would include a hospitality lounge during the music event, an office for the producers, showers and washrooms for the performers involved in the festival, and a kitchen for the caterer providing food to the performers, producers, etc. This new building will also serve as a childcare centre throughout the year as well as a meeting room for the Kinsmen Club, subcommittees, and the affiliated Lucknow & District Kinette Club for their respective monthly meetings.

The three existing trailers that serve as offices during the music festival and the two shipping containers that are used for year-round storage will be removed from the site once the building has been erected.

The construction and use of this building requires a Zoning By-law Amendment for two reasons: Firstly, the current, tightly-worded zoning only permits such a permanent structure within the central portion of the property, not within the southern portion as desired. Secondly, the childcare centre is not currently listed as a permitted use.

The Kinsmen Club is also hoping to erect a permanent stage (with a roof) at some point in the future. Currently, a portable stage is brought onto the site every year. This future permanent structure will be erected within the gravel-surfaced area on the southerly side of the site, which as noted above is not currently zoned to permit permanent buildings and structures. The proposed Zoning By-law Amendment is therefore also intended to permit a permanent stage.

In addition to the foregoing, the Kinsmen Club will be erecting a permanent coverall structure at a future time that would serve as the front-of-house and merchandise sales area during the music festival. This will be located within the concert bowl area and on lands where the Zoning By-law permits permanent buildings and structures, and therefore this new structure does not require mentioning in the Zoning By-law Amendment.

The Zoning By-law Amendment will also recognize the existing electrical building which is actually a shipping containing that has been permanently installed on the west side of the property, as well as two small, temporary buildings that serve as a ticket both and a camping registration both.

All existing and proposed uses, buildings, and structures are illustrated on the Site Plan contained on Figure 2. The finer details pertaining to the parking and play areas associated with the new principal building – in particular, the childcare centre use of the building – have not been provided at this time.

# **Proposed Zoning By-law Amendment:**

In order to clarify the ambiguous text of the three existing site-specific zones that was inadvertently applied to the subject lands through the past Zoning By-law Amendments, and to allow for the proposed uses, buildings and structures noted above to be permitted on the site, it is recommended that the provisions currently in effect for the 'OS-25.123', 'OS-25.124', and 'OS-25.125' zones be replaced with the new provisions stated below.

Please note that the Zoning By-law Amendment will maintain the current holding (h) symbol that applies to the 'OS-25.123' zone and will further add the holding (h) symbol to the lands zoned 'OS-25.124' to ensure that an Archaeological Assessment is conducted prior to any permanent buildings or structures being erected on these lands, as per Saugeen Ojibway Nation's request.

#### **Recommended Zoning By-law Amendment Text**

## 25.123

Notwithstanding the provisions of the Open Space zone, the lands identified with Special Provision OS-25.123 shall only be used in compliance with the following:

#### Permitted Uses:

- Special Event as defined below
- Banquet Hall as defined below
- Camping during a Special Event as defined below
- Private Club as defined below
- Outdoor Recreation but not including a Golf Course
- Community events such as fireworks, outdoor movie screenings, special occasion events such as 'egg hunt', 'Halloween haunted house', etc.

## Definitions:

'Special Event' means an outdoor activity, festival, concert, event, exhibition, or function of any nature or kind, including those done outside but under a tent, or on a permanent or temporary stage, or within any other non-permanent building or structure, held a maximum of four times per calendar year. Each event shall not last more than five consecutive days. A Special Event may include camping involving a maximum of 1,550 campsites within the areas zoned OS-25.123 and OS-25.124 combined. Ancillary uses such as food and craft vendors and alcohol sales shall also be permitted. "Banquet Hall" shall mean a building or part thereof, used for gathering together no more than 199 persons for specific functions including the consumption of food and drink. Full kitchen facilities shall be provided on the premises.

'Camping' shall mean lands used for the parking and use of motor homes, travel trailers, tent-trailers, tents, or similar transportable accommodation. Off-season storage of travel trailers, tent trailers, motor homes, or similar transportable accommodations shall not be permitted.

*'Private Club' shall mean a group of buildings or structures owned or chartered by an organization, a non-profit organization, or a public body and designed and built for seasonal or periodic use.* 

'Outdoor Recreation' shall mean the use of the premise for the conduct of outdoor sports, including playfields, parks, gardens, picnic areas, and other passive leisure activities but shall not include commercial recreation.

#### Provisions:

- *i)* Temporary fencing shall be erected when requested by an abutting property owner. 'Snow fencing' or a similar equivalent shall be considered to be 'Temporary Fencing';
- *ii)* Minimum setback to all property lines for all buildings and structures (permanent and non-permanent), portable generators, and vehicles of any type including tour buses and transports: 10 metres;
- *iii)* A shipping container used as an electrical building shall be permitted on a permanent basis, and notwithstanding *ii*) above, shall be permitted in the location where it existed on December 1, 2024;
- *iv)* Portable buildings used in conjunction with a 'Special Event' for purposes of a ticket booth, camping registration, and similar uses, shall be permitted on a year-round basis;
- *v)* Maximum building height for all buildings and structures (permanent and non-permanent): 10 metres;
- vi) Minimum setback between all non-permanent buildings and structures, portable generators, and vehicles of any type during a "special event" including tour buses and transports and a dwelling as it existed as of July 10, 2017: 20 metres;

- vii) Maximum number of permanent buildings or structures: 3;
- *viii) Minimum setback between camping and a dwelling existing as of July 10, 2017: 20 metres;*
- *ix) Minimum* setback between camping and Walter Street or Washington Street': 10 metres;
- *x) Minimum Internal private roadway width:* 7.0 *metres;*
- xi) Section 5.1 'Parking, Stacking & Loading Regulations' shall not apply;
- xii) 'Outdoor storage' shall be limited to an area not exceeding 700 square metres and shall be subject to Section 4.22 excepting however that a setback from a lot line of 0 metres shall be allowed provided the reduced setback does not apply to a lot line abutting an open public road. 'Outdoor storage' shall only be permitted if 'Outdoor Storage' does not exist on lands zoned 'OS-25.125';
- xiii) Mitigation measures to prevent negative impacts to the areas of the property zoned Environmental Protection (EP) and OS 25.124(f) shall be implemented to the satisfaction of the Township of Huron-Kinloss.
- xiv) The holding (h) symbol shall be applied as follows:

No permanent buildings or structures shall be permitted until an Archaeological Assessment that has been conducted to the satisfaction of Saugeen Ojibway Nation and accepted into the Ontario Public Register of Archaeological Reports, and the holding symbol has been removed.

#### 25.124

Notwithstanding the provisions of the Open Space zone, the lands identified with Special Provision OS-25.124 shall only be used in compliance with the following:

#### Permitted Uses:

- Special Event as defined below
- Camping during a Special Event as defined below
- Outdoor Recreation but not including a golf course
- Community events such as fireworks, outdoor movie screenings, special occasion events such as 'egg hunt', 'Halloween haunted house', etc.

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#### Definitions:

'Special Event' means an outdoor activity, festival, concert, event, exhibition, or function of any nature or kind, including those done outside but under a tent, or on a permanent or temporary stage, or within any other non-permanent building or structure, held a maximum of four times per calendar year. Each event shall not last more than five consecutive days. A Special Event may include camping involving a maximum of 1,550 campsites within the areas zoned OS-25.123 and OS-25.124 combined. Ancillary uses such as food and craft vendors and alcohol sales shall also be permitted.

'Camping' shall mean lands used for the parking and use of motor homes, travel trailers, tent-trailers, tents, or similar transportable accommodation. Off-season storage of travel trailers, tent trailers, motor homes, or similar transportable accommodations shall not be permitted.

'Outdoor Recreation' shall mean the use of the premise for the conduct of outdoor sports, including playfields, parks, gardens, picnic areas, and other passive leisure activities, but shall not include commercial recreation.

#### Provisions:

- *i)* Minimum setback to all property lines for all buildings and structures (permanent or non-permanent), portable generators, and vehicles of any type including tour buses and transports: 10 metres;
- *ii)* Portable buildings used in conjunction with a 'Special Event' for purposes of a ticket booth, camping registration, and similar uses, shall be permitted on a year-round basis;
- *iii)* Maximum building height for all buildings and structures (permanent and nonpermanent): 10 metres;
- *iv)* Section 5.1 'Parking, Stacking & Loading Regulations' shall not apply;
- v) Outdoor storage as per Section 4.22 shall not be permitted;
- *vi)* No camping or comparable accommodation is permitted within the areas zoned OS-25.124 (f) flood hazard; and,
- vii) Mitigation measures to prevent negative impacts to the areas of the property zoned Environmental Protection (EP) and OS 25.124(f) shall be implemented to the satisfaction of the Township of Huron-Kinloss;

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### viii) The holding (h) symbol shall be applied as follows:

No permanent buildings or structures shall be permitted until an Archaeological Assessment that has been conducted to the satisfaction of Saugeen Ojibway Nation and accepted into the Ontario Public Register of Archaeological Reports, and the holding symbol has been removed.

## 25.125

Notwithstanding the provisions of the Open Space zone, the lands identified with Special Provision OS-25.125 shall only be used in compliance with the following:

## Permitted Uses:

- Special Event as defined below;
- Banquet Hall;
- Private Club as defined below;
- Outdoor Recreation but not including a Golf Course;
- Community events such as fireworks, outdoor movie screenings, special occasion events such as an 'egg hunt', 'Halloween haunted house', etc.; and,
- Childcare Centre

## <u>Definitions:</u>

'Special Event' means an outdoor activity, festival, concert, event, exhibition, or function of any nature or kind, including those done outside but under a tent, or on a permanent or temporary stage, or within any other non-permanent building or structure, held a maximum of four times per calendar year. Each event shall not last more than five consecutive days. Ancillary uses such as food and craft vendors and alcohol sales shall also be permitted.

"Banquet Hall" shall mean a building or part thereof, used for gathering together no more than 199 persons for specific functions including the consumption of food and drink. Full kitchen facilities shall be provided on the premises.

*'Private Club' shall mean a group of buildings or structures owned or chartered by an organization, a non-profit organization, or a public body and designed and built for seasonal or periodic use. Included as part of the private club is a principal building that serves as an office and hospitality lounge during the music event, which may include showers and washrooms for the performers involved in the festival and a kitchen for the caterer providing food to the performers, producers, and similar people. The hospitality* 

lounge will also serve as a childcare centre throughout the year and a meeting room for the private club and other organizations throughout the year.

'Outdoor Recreation' shall mean the use of the premise for the conduct of outdoor sports, including playfields, parks, gardens, picnic areas, and other passive leisure activities, but shall not include commercial recreation.

#### Provisions:

- i) Temporary fencing shall be erected when requested by an abutting property owner. 'Snow fencing' or a similar equivalent shall be considered to be 'Temporary Fencing';
- *ii)* Permanent buildings, except for the permanent stage, shall be connected to full municipal services;
- *iii)* Minimum setback to all property lines for all buildings and structures (permanent and non-permanent), portable generators, and vehicles of any type during a 'Special Event' including tour buses and transports: 10 metres;
- iv) Portable buildings used in conjunction with a 'Special Event' for purposes of a ticket booth, camping registration, and similar uses, shall be permitted on a yearround basis;
- *v)* Maximum building height for all buildings and structures (permanent and non-permanent): 10 metres;
- vi) Minimum setback between all non-permanent buildings and structures, portable generators, and vehicles of any type during a "special event" including tour buses and transports and a dwelling as it existed as of July 10, 2017: 20 metres;
- vii) Maximum number of permanent Buildings or Structures: 2;
- viii) Section 5.1 'Parking, Stacking & Loading Regulations' shall not apply;
- ix) 'Outdoor Storage' as per Section 4.22 shall be limited to an area not exceeding 700 square metres and shall only be permitted if 'Outdoor Storage' does not exist on lands zoned 'OS-25.123';
- *x*) No camping is permitted; and,

xii) The childcare centre shall be located within the principal building. Outdoor play area shall also be permitted.

## **Recommended Zoning By-law Amendment Schedule**

Whereas the text of the current zoning is changing, the actual mapping of the current zoning will remain as is, with the exception that the holding (h) symbol will be removed from the lands currently zoned 'OS-124.24'. This minor change is reflected on Figure 4 of this Planning Justification Report.

# Township of Huron-Kinloss Official Plan:

Through amendments to the local Official Plan, the 'Parks and Open Space – Special Policy Area 3.18.5' and 'Park and Open Space – Special Policy Area 3.18.6' land use designations have been applied to the subject lands, as shown on Figure 5. The area of the above-noted water and lands in the northwest corner are designated 'Environmental Protection'.

The intent of these two site-specific land use designations is to permit four special events per calendar year and to direct the Zoning By-law to provide the finer details with regard to regulating these events. A childcare centre, though, is not currently allowed.

The County has advised that the incorrect version of the draft Official Plan Amendment was adopted by Township Council and approved by County Council. The policies are partly ambiguous and do not clearly explain what is allowed on the subject property. Staff had originally informed the Kinsmen Club that an Administrative Amendment would be processed to clarify the existing Official Plan policies at no cost to the landowner; however, now that an amendment is required to allow for the childcare centre, the Official Plan Amendment is the responsibility of the applicant and such Amendment negates the need for the Administrative Amendment.

In order to clarify the ambiguous text of the two land use designations that were inadvertently applied to the subject lands through the past Official Plan Amendment, and to permit a childcare centre on the site, it is recommended that the policies currently in effect for the 'Parks and Open Space – Special Policy Area 3.18.5' and 'Park and Open Space – Special Policy Area 3.18.6' designations be replaced with the new policies stated below.

## **Recommended Official Plan Amendment Text**

#### 3.18.5 Lucknow Kinsmen Graceland

Within the lands identified as 'SPA 3.18.5' as shown on 'Schedule A-1 Land Use Plan – Lucknow', the following policies shall apply:

#### 3.18.5.1 General

Special Policy Area 3.18.5 is a land use designation that permits a maximum of four events Special Event on the lands four times per calendar year for no more than five consecutive days. Special Event is to be broadly defined and includes: Agricultural fair, market, festival or shop; antique, craft or hobby show; automotive flea market or show, boat or vehicle show; contemporary music and camping festival; contemporary music concert; cultural festival or event; rodeos; tractor pulls, demolition derbies and, similar.

A permanent building constructed for the use a special event may also be used throughout the year to host meetings and similar occasional events, and to serve as a Childcare Centre or similar uses.

#### 3.18.5.2 *Permitted Uses*

Permitted Uses shall be restricted to the following:

- Special Event as defined below;
- Banquet Hall as defined below;
- Camping;
- Private Club;
- Outdoor Recreation but not including a Golf Course;
- Childcare Centre;
- Community Events; and,
- Buildings and structures accessory to a permitted use

'Special Event' means an outdoor activity, festival, concert, event, show, exhibition or function of any nature or kind, including those done outside but under a tent or other non-permanent building or structure, held a maximum of four times per calendar year for a period not exceeding one hundred and twenty consecutive and cumulative hours at which more than 200 people are anticipated to be, or are in, attendance. A Special Event may include camping/campsites for motor homes, travel trailers, tent-trailers, tents or similar transportable accommodation, as well as ancillary uses such as food and craft vendors and alcohol sales. "Banquet Hall" shall mean a building or part thereof, used for gathering together no more than 199 persons for specific functions including the consumption of food and drink. Full kitchen facilities shall be provided on the premises.

A 'Private Club' means a group of buildings or structures owned or chartered by an organization, a non-profit organization, or a public body and designed and built for seasonal or periodic use. Included as part of the private club is a principal building that serves as an office and hospitality lounge during the music event, which may include showers and washrooms for the performers involved in the festival and a kitchen for the caterer providing food to the performers, producers, and similar people. The hospitality lounge will also serve as a childcare centre throughout the year and a meeting room for the private club and other organizations throughout the year. As well, Township of Huron-Kinloss officials may utilize this new building as a dispatch / headquarters during major emergencies.

'Outdoor Recreation' shall mean the use of the premise for the conduct of outdoor sports, including playfields, parks, gardens, picnic areas, and other passive leisure activities, but shall not include commercial recreation.

#### 3.18.5.3 Development Policies

- a) The Implementing Comprehensive By-law shall establish provisions and policies:
  - Restricting the months during which a 'Special Event' may be held;
  - Restricting the total number of campsites during a 'Special Event';
  - Restricting the total number of campsites during periods outside of a 'Special Event';
  - Restricting the location of permanent Buildings and structures; and,
  - Restricting the number of permanent Buildings and structures.
- *b)* The Implementing Comprehensive Zoning By-law may establish provisions and policies regulating:
  - The location of stage areas for concerts/musical performances and the location of any other temporary facilities;
  - The location of 'Special Event' vendors, alcohol serving area(s);
  - The location of campsites; and,

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- Any other aspect of a Permitted Land use.
- c) The lands may be subject to Site Plan Control.
- d) Mitigation measures to prevent negative impacts to the areas of the property zoned Environmental Protection (EP) and OS 25.124(f) shall be implemented to the satisfaction of the Township of Huron-Kinloss.

#### 3.18.6 Lucknow Kinsmen Graceland

Within the lands identified as 'SPA 3.18.6' as shown on 'Schedule A-1 Land use Plan – Lucknow', the following policies shall apply:

#### 3.18.6.1 General

Special Policy Area 3.18.6 is a land use designation that permits Outdoor Recreation, Camping, a Tractor Pull track, and a bar and dance area. The Camping, Tractor Pull track, and bar and dance area components are permitted only when a 'Special Event' is held on the adjacent lands designated as Special Policy Area 3.18.5.

#### 3.18.6.2 *Permitted Uses*

Permitted Uses shall be restricted to the following:

- Camping, Tractor Pull track, bar and dance area during a Special Event as permitted in Special Policy Area 3.18.5;
- Outdoor Recreation but not including a Golf Course.

#### 3.18.6.3 Development Policies

- The implementing Comprehensive Zoning By-Law may establish provisions and policies regulating the location and number of campsites and regulated any other aspect of a permitted land use;
- b) The lands may be subject to Site Plan Control.
- c) Mitigation measures to prevent negative impacts to the areas of the property zoned Environmental Protection (EP) and OS 25.124(f) shall be implemented to the satisfaction of the Township of Huron-Kinloss.

### **Recommended Official Plan Amendment Schedule**

The Official Plan Amendment does not require changes to Schedule A of the Huron-Kinloss Official Plan.

# **Provincial Planning Statement (2024):**

The Provincial Planning Statement (PPS) promotes economic development opportunities such as the Music In the Fields festival and similar events. The PPS would also support the use of the new fully-serviced building for special events, meetings, and childcare.

In addition, the PPS protects the natural environment. Measures are already in place to protect the sensitive features on the site and adjacent lands.

The proposal is clearly consistent with these policies.

## **Conclusion:**

The proposed changes to the Official Plan and Zoning By-law, as they apply to the subject lands, are relatively minor. The use of the subject lands has been established through previous amendments. The changes now proposed would allow the new principal building to be constructed in a different location than originally proposed, and also to permit a childcare centre to operate within this new structure.

The Amendments have planning merit and should be given favourable consideration.

## **Additional Matter:**

The Kinsmen Club's solicitor has advised that two old registered plans (i.e. Plan 20 and Plan 101) that are used in the legal description of the subject lands are still in effect, which means that the subject lands actually comprise approximately 70 separate lots at this time. In this regard, a request will be made to Township Council to pass a deeming by-law that would have the effect of no longer recognizing these smaller parcels as lots within a subdivision under the Planning Act. Since all of the lands are registered in the same name, the number of lots would be reduced to four. These four lots, however, cannot merge into one lot because they are separated by unopen road allowances that are owned by the Township.

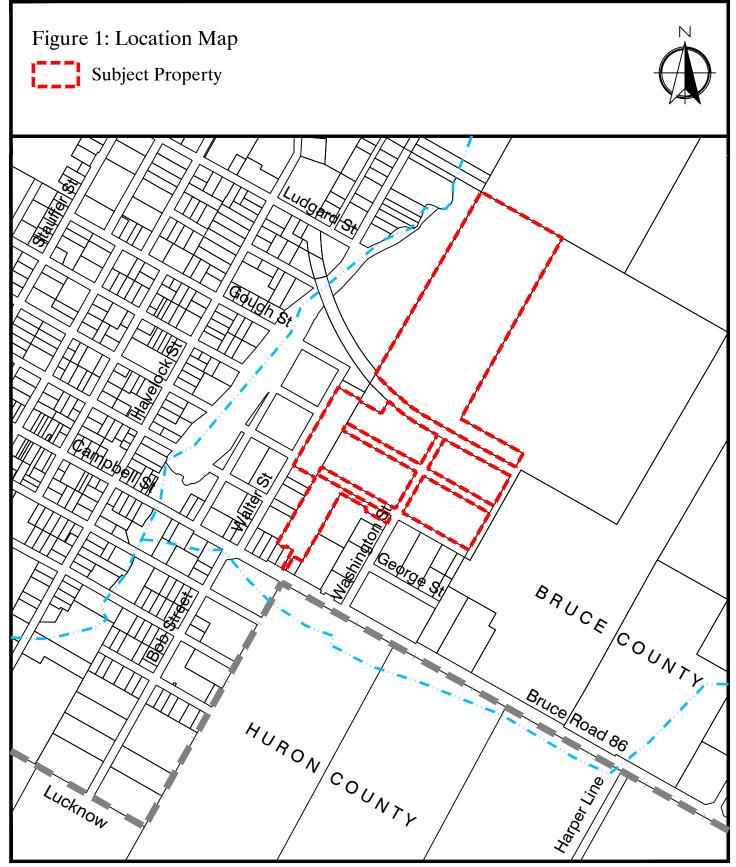
# **Closing Comments:**

Should you require any additional information, please contact the undersigned.

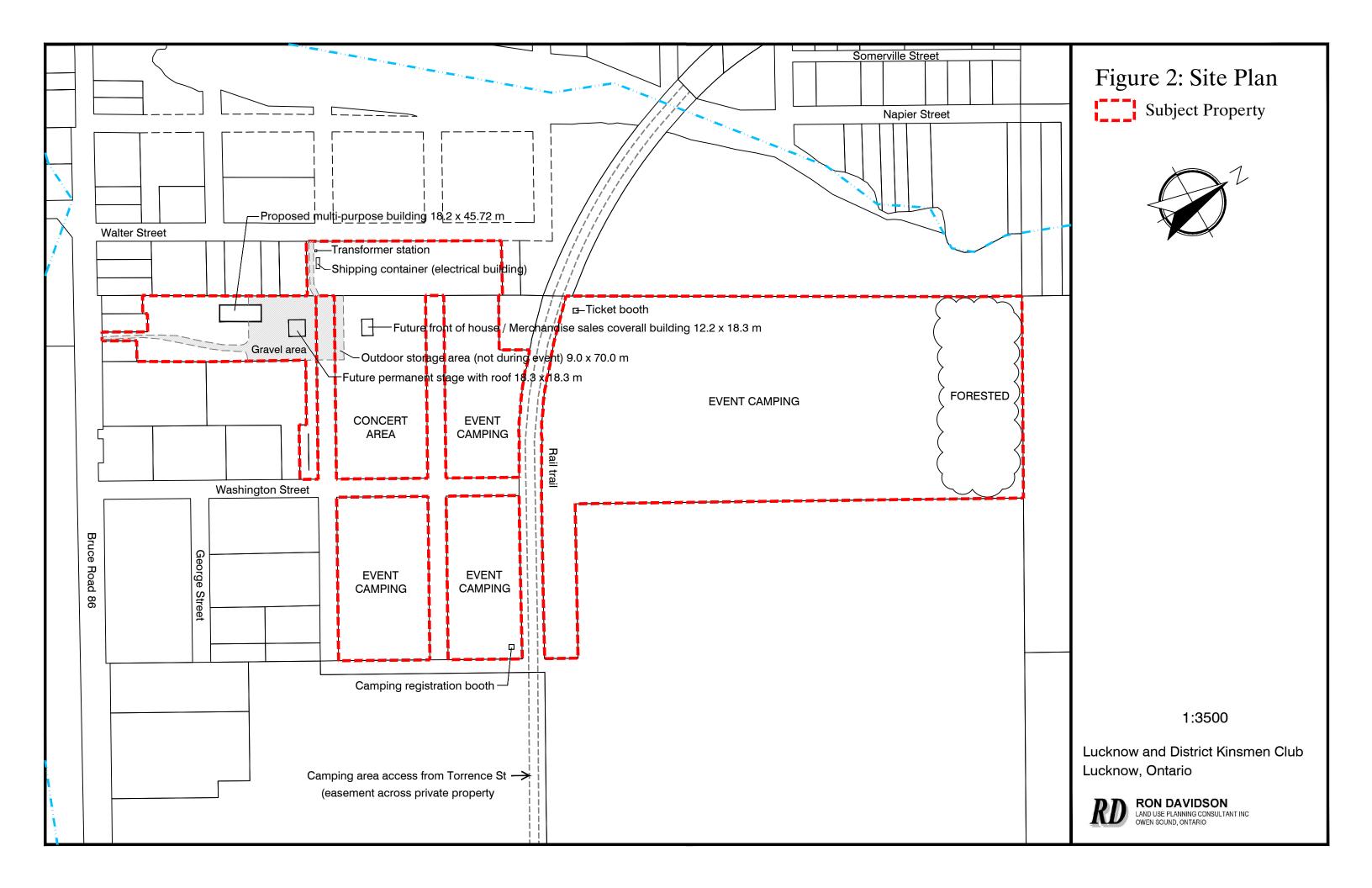
On a final note, please contact me to discuss a possible public meeting date before actually scheduling the meeting in order to ensure my availability.

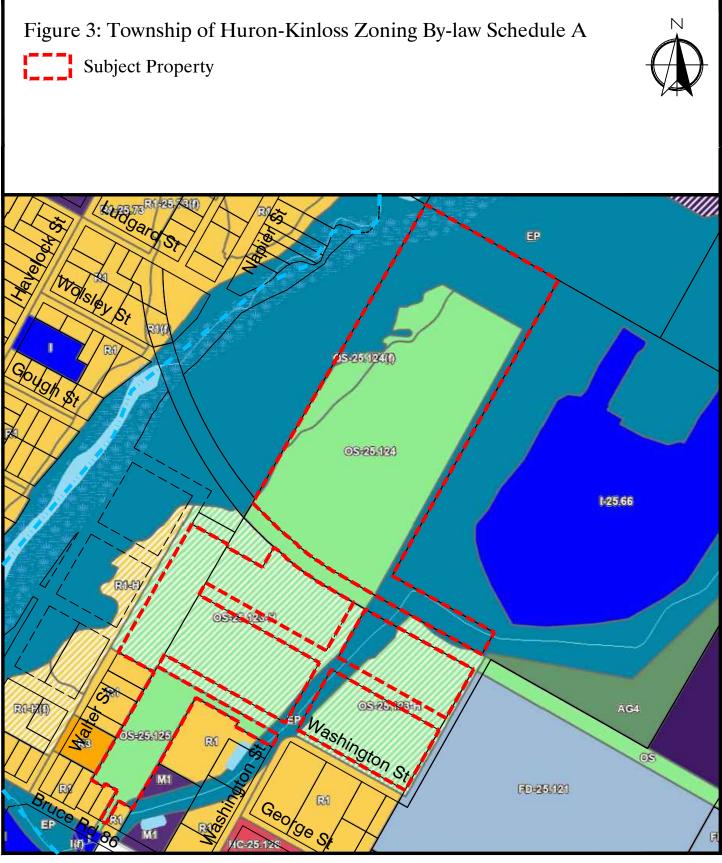
Regards,

Ron Davidson, RPP, MCIP



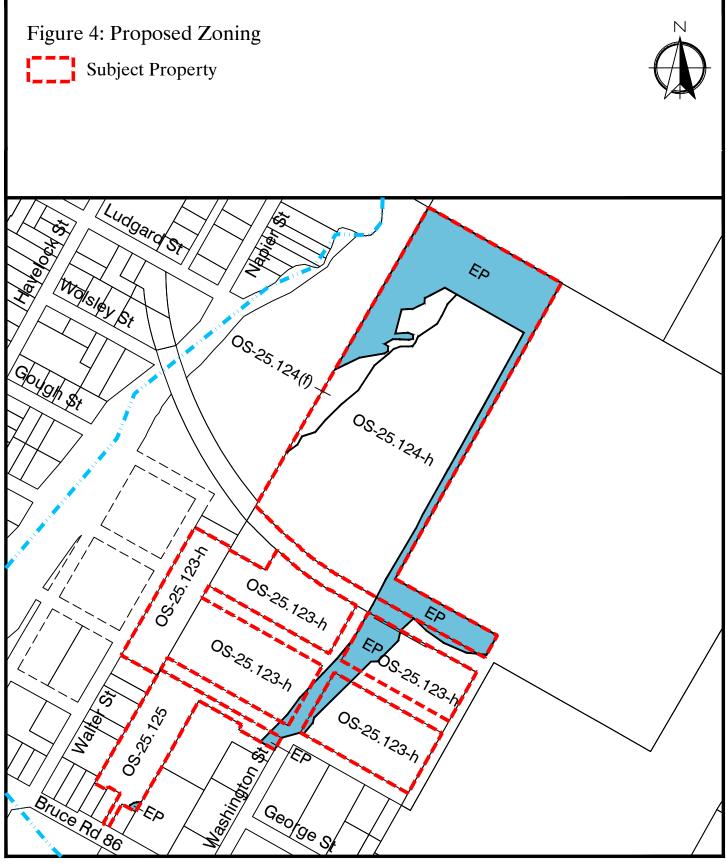








RON DAVIDSON LAND USE PLANNING CONSULTANT INC OWEN SOUND, ONTARIO SCALE 1:5500





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