

# Staff Report to Council

**Title:** Holding Removal By-law – 18  
Craig Dr

**Report Number:** Development Services-2023-  
35

**Director:** Infrastructure &  
Development

**Manager:** Development Services

**Meeting Date:**  
Wednesday, October 25, 2023

**Date to be considered by Council:**  
Wednesday, October 25, 2023

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## Recommendation:

That the Council of the Municipality of Kincardine pass a by-law for the removal of the Holding 'H' provision from CON A PT LOT 26; RP 3R-9554 Parts 9 and 10, Municipality of Kincardine (geographic Township of Kincardine).

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## Executive Summary:

The property owner has requested that the Holding "H" provision be removed from their property which is currently zoned R1-bb-H, located at 18 Craig Drive, Kincardine. The provisions outlined under By-law 2013-132 to remove the holding provision outline that the lands be subject to Site Plan Control and that the property undertake an Environmental Impact Study (EIS). Through provincial legislation, Bill 23 exempts the proposed construction of a dwelling and any accessory amenities from the site plan control. In addition, the requirement for completion of the EIS study has also been satisfied.

## Strategic Priorities:

N/A

## Financial Considerations:

All related fees as per the 2023 Rates and Fees By-law.

**Policy:**

Kincardine Zoning By-law 2003-25

Zoning By-law Amendment By-law 2013-132

**Context and Background Information:**

The owner of the property known as 18 Craig Dr has requested that the Holding provision be removed from the subject lands as conditions imposed under the By-law 2013-132 have been fulfilled or no longer apply. The subject lands were originally zoned R1 and were rezoned to R1-bb-H.

As a condition of the zoning amendment, a holding provision "H" was placed on the subject lands to require the land be under site plan control and that an Environmental Impact Study be submitted to demonstrate that the proposed development will not have negative impact on the ecological functioning of the woodland or on the visual appearance of the woodlands or abutting property.

As per Bill 23 this property is exempt from the site plan control requirement.

The Environmental Impact Study (EIS) was submitted by Riverstone Environmental Solutions and reviewed by staff. The EIS found that the proposal can be accomplished without adverse impacts to the ecological functions and identified natural heritage features. Development will need to undertake mitigation planning to meet the requirements related to natural heritage protection.

In addition to the EIS, an Archaeological Assessment from Amick Consultants Limited was provided. Through this analysis, Stage 1 and 2 assessments were conducted on the site. As a result of the physical assessment of the study area, no archaeological resources were encountered and as recommended by Amick, no further archaeological assessment was required.

To further facilitate design considerations for the subject lands, a Nitrate and Septic assessment was conducted on the lands to determine the adequacy of the development in order to support an on-site Class 4 private septic disposal system. The study was conducted by Huron Geosciences and addresses the MOE standard concentration limits for nitrates at 10mg/L. Through their analysis it was determined that the soil classification yielded a percolation time of approximately 6 min/cm and that nitrate levels could be expected to be approximately 5.3mg/L at the property limits which would meet the maximum concentration level as prescribed under the MEO D-5-4 guidelines. This analysis also prescribed a base lot area of 2163m<sup>2</sup> to achieve this concentration limit. The proposed lot area is +/-2210m<sup>2</sup> (GIS) If the surveyed lot parameters were to vary and be below the threshold of 2163m<sup>2</sup>, then the proponents would be subject to remedial septic measures which would require the installation of a Class 4 Tertiary Level quality septic system which would yield a minimum lot area of 1622m<sup>2</sup>.

**Consultation Overview:**

As part of the original zoning bylaw amendment and consent applications in 2013 to the County the applicable agencies and public consultation process was followed.

The holding provision was utilized to ensure that the requirements were completed prior to the issuance of any building permits. Staff are satisfied that the provisions of the holding removal have been met.

**Origin:**

Request was received from the property owner.

**Implementation Considerations:**

Passage of the Holding removal by-law will facilitate the building permit application and review process allowing the owners to advance with the project. The owners will be required to follow the recommendations of the Environmental Impact Study and Nitrate/ Septic Assessment.

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**Attachments:**

Holding Removal By-law Schedule A – Subject Lands to be rezoned R1-bb

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**Submitted by:** Dwayne McNab Development Services Manager CBO