

# Staff Report to Council

**Title:** Holding Removal By-law – 457  
Side Road 30

**Report Number:** [Report Number]

**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 Part Lot 30, Concession 5, Municipality of Kincardine (geographic Township of Bruce)

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## Executive Summary:

A request for removal of a Holding provision from the property known as 457 Side Road 30 has been received. The subject property, legally described as Part Lot 30, Concession 5, Municipality of Kincardine (geographic Township of Bruce), is currently zoned Agricultural Commercial/ Industrial (ACI-s-H) which is subject to Holding 'H' provision. The current zoning permits various uses within the specified zone including its current use as Warehousing and further permits ancillary uses in support of the permitted uses. The owner has applied to remove the holding provision and intends to renovate a portion of the space to accommodate an office area in support of the existing use.

## Strategic Priorities:

A.3-Support business expansion and retention to support a diversified economy

## Financial Considerations:

All related fees as per the 2023 Rates and Fees Bylaw

## **Policy:**

Kincardine Zoning By-law 2003-25

## **Context and Background Information:**

The owner of the property known as 457 Sideroad 30, has been in consultation with the Municipality on expanding the operations located at the facility. Currently, the facility is occupied by Vestas Canadian Wind Technology and has so for more than 15 years. The company services and maintains the 115 V82 Wind Turbines within the Municipality of Kincardine by Enbridge Renewable Energy Infrastructure.

Within the facility, Vestas stores wind turbine components for the nearby V82 wind turbines, as well, Enbridge stores their wireless communication equipment and navigational lights.

In support of the warehousing operations, Enbridge is looking to establish approximately 335m<sup>2</sup> of office space within the 3,740m<sup>2</sup> facility (approx. 9%) to house staff that will provide ancillary support for the turbine warehousing operations.

During consultations with the owner, concerns were raised regarding the alignment of the existing use of the facility to support wind facility warehousing operations and its relation to the permitted Agricultural Commercial/ Industrial use designation. These discussions further reviewed the current designation of wind turbine facilities along with their geographic locations within the Agricultural zoning designation. It was further identified that the inclusion of an office to support the wind facility warehousing operations seek a planning opinion that outlines the use and alignment with the existing ACI-s zoning provisions. A planning opinion was undertaken and provided by Ron Davidson (Land Use Planning Consultant), which identified the current use and its alignment with the zoning bylaw as well as support for the office area, ancillary to the permitted use. This report was also vetted and supported through County Planning.

The use was further examined regarding the inclusion of the “H” holding provision. Through discussions with the owner, it was revealed that the “H” holding provision was to have been addressed under bylaw 2005-110 which rezoned the parcel from IA-1 to IA-1-h. This was followed by bylaw 2005-111 which changed the zoning designation from ACI-s to ACI-s-h.

## **ACI-s-h**

### *Exception to Zone Provisions:*

- (i) The permitted non-residential uses shall be limited to:*
  - a. ‘Bulk Sales Establishment – Agricultural’;*
  - b. ‘Farm Implement Establishment’;*
  - c. ‘Feed Mill & Elevator’;*
  - d. ‘Food Processing – Primary’;*
  - e. ‘Industry – Non-Effluent Producing limited to packaging (i.e. bagging, boxing, crating, shrink wrapping, etc.) woodworking, ornamenting and assembly’;*
  - f. ‘Nursery’;*
  - g. ‘Warehouse excluding a ‘Transport Depot’;*

- (ii) The lands shall be subject to Site Plan Control;*
- (iii) The 'H' provision may be removed once the following conditions have been met:*
  - a. A statement from a certified engineer stating that all floor drains which may become contaminated with oils, solvents or other similar liquid/materials are not directly connected to a new/existing domestic waste treatment system on the property is provided; and*
  - b. A statement from a certified engineer stating that all floor drains which may become contaminated with oils, solvents or other similar liquid/materials have been connected to a total retention/separator tank or similar engineered system is provided; and*
  - c. A statement from a certified engineer stating that a total retention/separator tank or a similar engineered system which separates oils, fuels, lubricants, cleaners & solvents etc. and stores all separated contaminants has been installed and is functioning according to its design specifications is provided; and*
  - d. A current contract with a MOE certified carrier engaged for the disposal of materials from the total retention/separator tank or a similar engineered system is provided; and*
  - e. A Site Plan Control Agreement has been registered on title; and*
  - f. A 'Spill Contingency Plan' shall be prepared outlining the ways and means by which spills are to be prevented, managed and remediated.*

Upon review with County Planning and the owner, it was identified that the use of the facility never supported the warehousing and storage of oils, solvents or other similar liquid/materials. The owner was also able to provide correspondence from 2006 that was addressed to Kincardine, which further supported the facility was never design or used for such an operation. With the planning opinion from Mr. Davidson and concurrence with County Planning that the provisional holding restrictions identified through the zoning bylaw are not relevant, it would seem reasonable that the Holding provision be lifted from the property designation. In addition to the support of the planning opinion, it should be identified that the restrictive holding provisions identified within the Zoning bylaw are components regulated under the Ontario Building Code and compliance with those provisions would be administered through the building permit process.

### **Consultation Overview:**

Through the request to remove the Holding "H" provision, consultation with the owner, County Planning along with a planning opinion from Ron Davidson were sought. These consultations were held in order for staff to determine the current and historical use of the property as well as ensuring the proposed ancillary office renovation aligns with the Zoning Bylaw.

### **Origin:**

Request was received from the property owner.

**Implementation Considerations:**

Passage of the Holding removal bylaw will facilitate the building permit application and review process, allowing the owners to advance their project.

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**Attachments:**

Holding Removal By-law Schedule A – Subject Lands to be rezoned ACI-s  
Planning Opinion – Ron Davidson – Land Use Planning Consultant

**Prepared by:** Amberly Weber – Planning Coordinator and Dwayne McNab Development Services Manager CBO

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