

# Staff Report to Council

**Title:** Holding Removal By-law – 1427  
Concession 9

**Report Number:** Development Services-2024-  
15

**Director:** Infrastructure &  
Development

**Manager:** Development Services

**Meeting Date:**  
Wednesday, May 22, 2024

**Date to be considered by Council:**  
Wednesday, May 22, 2024

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## Recommendation:

That the Council of the Municipality of Kincardine pass a by-law for the removal of the Holding 'H1' provision from PT LT 1-2 CON 8 KINCARDINE PT 1 3R5710, AS IN R317255 EXCEPT PT 1 3R1008,R197429, PT 7 3R8823, PT 1, PL 3R9699, Municipality of Kincardine (geographic Township of Kincardine).

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## Executive Summary:

The property owner has requested that the Holding 'H1' provision from the subject lands which are currently zoned A1-H1, located at 1427 Concession 9. The provisions under Section 7.1.2 Holding (H1) Zone of the Comprehensive Zoning By-law outline the requirements to remove the H1 zone. Which include approval by the Zoning Administrator of an Archaeological Assessment which has been conducted by an archaeologist licensed by the Province of Ontario, confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports; and includes engagement with the Saugeen Ojibway Nation. As well as confirmation that the recommendations of the archaeological report have been implemented. Staff are satisfied that the provisions of the holding removal have been met.

## Strategic Priorities:

N/A

## Financial Considerations:

All related fees as per the 2024 Rates and Fees By-law.

**Policy:**

Kincardine Zoning By-law 2003-25

Zoning By-law Amendment By-law 2024-024

**Context and Background Information:**

The owner of the property known as 1427 Concession 9 has requested that the 'H1' Holding provision be removed from the subject lands as imposed under By-law 2024-024. The provisions have been fulfilled. The subject lands were originally zoned A1-gd-H and were rezoned to A1-H1.

As a condition of the zoning amendment, a holding provision 'H1' was placed on the subject lands that identified an Archaeological Assessment was required prior to any lot grading, excavation and/or construction. To remove the "H1" zone from the lands, the Archaeological Assessment must be approved by the Zoning Administrator. To approve the assessment, it must be confirmed that Archaeological Assessment was completed by an archaeologist licensed by the Province of Ontario and that the assessment was filed with the appropriate Ministry as well as being accepted into the Ontario Public Register of Archaeological Reports; and includes engagement with the Saugeen Ojibway Nation. Further, confirmation must be received that the recommendations of the archaeological report have been implemented.

Great Lakes Archaeology (GLA) was retained by the owner and conducted a Stage 1 (historical background, geography, and location of the subject site) assessment which determined that the study area had archaeological potential. Once determined, a Stage 2 assessment was completed which consisted of a visual inspection, pedestrian survey, and test pit survey in all areas of archaeological potential.

Based on the results of the Stage 1 background investigation and research, and the subsequent Stage 2 assessment, the assessment concluded that the area is considered free of archaeological concern and no further assessment is required.

The Archaeological report has since been filed with the Ministry of Citizenship and Multiculturalism into the Ontario Public Register of Archaeological Reports. Additionally, confirmation has been received that Saugeen Ojibway Nation was consulted as part of the study.

**Consultation Overview:**

As part of the original zoning by-law amendment application in 2023 to the County, the applicable agencies and public consultation process was followed.

The holding provision as utilized to ensure that the archaeological assessment requirement was 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 their residential proposal in accordance with the A1 provisions.

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**Attachments:** Schedule A – Subject lands to be rezoned A1-H1 to A1

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