

## Report to Council

<b>Report Title:</b>	McKague Development Removal of Holding		
<b>Prepared By:</b>	Fiona Hamilton, Clerk and Dieter Wetz, Chief Building Official		
<b>Department:</b>	Planning		
<b>Date:</b>	November 23, 2021		
<b>Report Number:</b>	PLN2021-02	<b>File Number:</b>	C11PLN, D14MC
<b>Attachments:</b>	Letter from Cuesta Planning		

### Recommendation:

That the Council of the Municipality of Brockton hereby accepts Report Number PLN2021-02 – McKague Development Removal of Holding, prepared by Fiona Hamilton, Clerk and Dieter Wetz, Chief Building Official and directs staff to bring back By-law 2021-105 for Council to consider removing the holding once confirmation has been received that the conditional relating to the Saugeen Valley Conservation Authority has been satisfied.

### Report:

#### Background:

Kevin McKague is a local developer who has applied for a change of use and amended zoning to the property located at 203 Cargill Road, to add additional residential units. The zoning for the property was amended by By-law 2021-105, which included a holding provision which has been summarized below:

- 1) **It has been demonstrated to the satisfaction of the Municipal Zoning Administrator and the Saugeen Valley Conservation Authority that development and site alteration on the property can occur outside the natural hazards associated with the Teeswater River, or that mitigation can be provided in accordance with provincial standards where appropriate** [Emphasis added];
- 2) The Municipal Zoning Administrator and the Saugeen Valley Conservation Authority that the site has safe access;
- 3) That both the Municipal Zoning Administrator and the Saugeen Valley Conversation Authority are satisfied that the site has adequate parking; and
- 4) The Saugeen Ojibwe Nation has confirmed that the site does not require an archeological assessment.

Municipal staff had previously received confirmation that conditions 2-4 had been satisfied. On Wednesday, November 11, 2021, municipal staff received a request from the planners hired by Mr. McKague stating their

position that all the conditions had been met and requesting that the holding be removed at the Council meeting on November 23, 2021.

Municipal staff circulated a notice of intention to pass By-Law to remove holding symbol for file McKague Z-2021-038 on Friday November 19<sup>th</sup> 2021. Although no specified notice period is including in the Planning Act, it has been the standard general practice of the Bruce County Planning and Development Department to provide a minimum of 7 days notices for comments with respect to the notice of intention for removal of a holding. Given the short time frame involved, municipal staff circulated the notice.

Comments from the Saugeen Valley Conservation Authority were received with respect to the notice of intention and are included as an attachment. Furthermore, staff from the Saugeen Valley Conservation Authority verbally advised both Fiona Hamilton, Clerk and Dieter Weltz, CBO, that a permit would be required by the SVCA before the development could proceed.

Municipal comments from the Building and Planning Department are as follows;

With respect to condition (1) of the holding provisions, the report prepared by GSS Engineering Consultants LTD. is inconclusive at this time for determining if the location of the on-site sewage system is located outside of an area that is subject to flooding as there is only one data set that has been provided with respect to a 1 in 100-year flood event. As the location and elevation of the on-site sewage system is below the 1 in 100-year flood event additional data is required for confirming the impacts of flooding that the on-site sewage system may be exposed to.

The above comments have been provided to GSS Engineering Consultants and a revised report is anticipated to address comments provided by the SVCA and the Municipal Building and Planning Department. The revised report will also address the error in respect to the reference location of the Big Irwin Bridge.

The holding by-law provisions provide a means for ensuring that the development and use of lands and building is limited until such time as the site-specific conditions are addressed.

### **Analysis:**

Overall, the concern of Brockton is that the development will add additional residential units and confirmation is needed that the on-site sewage system will not be adversely affected to flooding, to ensure those new units will have adequate and reasonable access to sanitation and for the protection of the environment. At this time, removing the holding may not mean a full building permit will be able to be issued, until such time as the developer's engineer has provided more information about the frequency by which the system may flood.

Now that staff have had an opportunity to complete some due diligence with respect to condition on (1), the recommendation is to delay the removal of the holding until such time as both municipal staff and the Saugeen Valley Conservation Authority has confirmed that condition one (1) has been met.

This recommendation was confirmed by Coreena Smith, Planner with the County of Bruce. Comments on behalf of the County of Bruce have been attached to this report as well.

### **Sustainability Checklist:**

What aspect of the Brockton Sustainable Strategic Plan does the content/recommendations in this report help advance?

- Do the recommendations help move the Municipality closer to its Vision? N/A
- Do the recommendations contribute to achieving Cultural Vibrancy? N/A
- Do the recommendations contribute to achieving Economic Prosperity? N/A
- Do the recommendations contribute to Environmental Integrity? N/A
- Do the recommendations contribute to the Social Equity? N/A

**Financial Impacts/Source of Funding:**

- Do the recommendations represent a sound financial investment from a sustainability perspective?  
N/A

There are no budgetary implications associated with this report.

**Reviewed By:**



**Trish Serratore, Chief Financial Officer**

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**Respectfully Submitted by:**



Fiona Hamilton, Clerk



Dieter Wertz, Chief Building Official

**Reviewed By:**



**Sonya Watson, Chief Administrative Officer**