

Date: September 9, 2020

Report To: Mayor & Council

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: Ryan Lundy – Request for Private Well and Septic Services – Eighth Street East

A request has come forward from Ryan Lundy, who is acting as an authorized agent for the property owners, to request permission from Mayor and Council to install private well (water) and septic (sewage) services on a property along Eighth Street East (PCL 12043 SEC RAINY RIVER; PT LT 19 RIVER RANGE MCIRVINE PARTS 1 & 2, RR138; FORT FRANCES).

The property is not currently serviced by municipal water or sewer and is zoned Residential Type One with a holding provision (R1-H). Mr. Lundy has subsequently applied to remove the holding provision from the zoning designation on the subject land, which will be considered alongside but separately from this matter.

The Town of Fort Frances Zoning By-Law 03/14 states the following regarding municipal services:

3.3 ADEQUATE MUNICIPAL SERVICES

No land shall be used or the intensity of any **use** of land expanded or any **building** placed, **erected** or altered, enlarged or used within the **Town** of Fort Frances unless the land is serviced by municipal water and sewer systems that have adequate capacity, except under the following conditions:

- a) in the Resource¹ Development (RD) **Zone**, the Seasonal Residential (SR) **Zone**, or where municipal water and/or sewage systems are not available, private services approved by the Northwestern Health Unit may be permitted; or
- b) where the lands are subject to unique servicing constraints or restricted connection privileges through separate municipal by-laws and through legal and servicing agreement with the **Town** of Fort Frances, such lands are considered to be in compliance with this **By-Law**.

The Town of Fort Frances Official Plan also speaks to servicing requirements and the supporting information has been attached with this report.

This matter was considered by the Committee of adjustment at their August 12, 2020 session with recommendation to approve the request subject to the following conditions:

1. That prior to any development in, on, or with respect to the property, the owner shall have executed an agreement in form and substance satisfactory to the municipality as to or in respect of existing and future water and septic services in, on, and to the property including, without limitation, provisions confirming responsibility and liability of the owner(s) for and in respect of services whether past, current or future

2. That the above stated agreement provide verbiage relating to mandatory connection to municipal water and sewer in the event they are ever extended to the property in the future
3. That the above stated agreement include verbiage regarding noise and vibration due to proximity to the railway

The Planning and Development Executive Committee considered this matter at their September 8, 2020 session making recommendation to approve the installation of private well and septic subject to following conditions:

- a) That permission be granted to service one single detached dwelling plus potential associated second dwelling unit
- b) That prior to any development in, on, or with respect to the property, the owner shall have executed an agreement in form and substance satisfactory to the municipality as to or in respect of existing and future water and septic services in, on, and to the property including, without limitation, provisions confirming responsibility and liability of the owner(s) for and in respect of services whether past, current or future, and that said agreement be registered on title
- c) That the above stated agreement provide verbiage relating to:
 - mandatory connection to municipal water and sewer in the event they are ever extended to the property
 - noise and vibration due to proximity to the railway
 - fire rescue general limitations
- d) That approval of well and septic be conditional to successfully removing the holding provision from the zoning designation
- e) That the by-law to remove the hold, if approved with conditions, be registered against the title to the property

The above stated conditions would be the same as recommended for the subsequent removal of the holding provision.

Respectfully submitted



Cody Vangel, EIT
Chief Building Official & Municipal Planner

Council approval of this report will agree to the recommendation of the Committee of Adjustment and the Planning and Development Executive Committee to permit private well and septic services at the lands defined within this report subject to the conditions outlined in this report.