

March 16, 2016

Report To: Planning and Development Executive Committee

From: Travis Rob, Chief Building Official, Interim Municipal Planner

RE: Letter dated February 10, 2016 from Jordan Byzewski regarding septic system for property at 8th Street.

Background

On March 7, 2016 Council received a letter from Jordan Byzewski regarding the use of an on-site septic system to service a new house on a property he purchased on Eighth Street West. The matter was discussed at the March 7, 2016 meeting of the Planning and Development Executive Committee with recommendation to approve the request sent to Council for the March 14, 2016 meeting. At that meeting, the issue was referred back to the Planning and Development Executive for further consideration.

In 2005 a proposal to construct a 5 lot subdivision was brought to Council. This development was to be completed in an area with no municipal water or sewer services. The Official Plan at the time stated: under Section 3.1.7, Municipal Services and Development Standards

a. Sewer and Water

Except as otherwise stated in this Plan, all development shall be serviced with municipal water and sewer facilities.

Further under section 3.1.7.3, The water system should ensure that there is sufficient water flow to provide fire protection for any proposed development. The Zoning By-Law of the time stated in section 3.24, Services Required,

No person shall erect or use a building or structure for a residential use on any lands except for lands in the Resource Development (RD) Zone unless municipal sewage disposal and water supply services are available to the lot.

The proposal at the time brought forth concerns from the Fire Department surrounding fire protection and the availability of fire protection water in this area as well as concerns from the Operations and Facilities Division regarding the use of on-site water services and ensuring compliance with the Safe Drinking Water Act. Because of these issues, this proposed development was denied at that time.

The property Mr. Byzewski owns fronts Eighth Street West between Walker Avenue and Cornwall Avenue North, with the closest sanitary sewer main being 130m away on Cornwall Avenue. There is a municipal water main in front of the property which the property owner will tie his water service line into, as well as a fire hydrant in close proximity. The property designation is Living under the Official Plan and the property is zoned R1 according to the Zoning By-Law. In 2011 and subsequently in 2014 the Town of Fort Frances adopted and passed a new Official Plan and Zoning By-Law respectively. Currently Section 3.4.1 of the Town of Fort Frances Official Plan reads as follows:

- The Town is responsible for providing a supply of municipal sanitary sewer and water services within the Town. The Town will work closely with the Province to ensure there is sufficient supply of sanitary and water services to meet long term growth projections outlined in this Plan.

- The Town will ensure all new development within the **Townsite** occurs on lands with access to full municipal services and necessary utilities. For lands outside of the **Townsite**, the Town will ensure that development, where necessary, complies with the standards of, and are subject to, the approval of all applicable authorities/agencies

Further under Section 3.4.3 sentence (d), 'All new development within the **built area** is required to be connected to the sanitary sewage system as a condition of development.' And (e) 'New development outside the **urban service area** of the **Townsite** shall utilize private sewage disposal and water services.' Further under section 4.1.3 sentence (e), 'prior to approving new residential uses, council shall be satisfied that the development can be adequately serviced with sanitary sewers, municipal water, fire protection and utilities.'

Subsequent to this, the Town of Fort Frances Zoning By-Law states that:

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 Resource 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.

For the purposes of the development in question, Council has to determine if the property in question is deemed to be within the built area, Townsite, or Urban Service area as referenced in the Official Plan, as these are not defined terms, and further if the availability of the sanitary sewer main is suitably unavailable as described in the Zoning By-Law to permit the use of an approved on-site septic system.

Respectfully Submitted



Travis Rob, EIT
CBO, Facilities/Special Projects Coordinator
Interim Municipal Planner

March 4, 2016

Report To: Planning and Development Executive Committee

From: Travis Rob, Interim Municipal Planner

RE: Letter dated February 10, 2016 from Jordan Byzewski – RE Septic system for property at 8th Street.

Mr. Byzewski purchased a piece of property on the south side of 8th Street between Walker Avenue and Cornwall Avenue North with the intention of constructing a new single detached dwelling upon said property. This block of 8th Street has a water main installed on the south side of the street including fire hydrants, the closest sanitary sewer main is on Walker Avenue, approximately 217m from the lot, Cornwall Avenue North, approximately 130m from the lot, or 5th Street West approximately 230m south down a municipally owned road right of way. Because of these servicing constraints, Mr. Byzewski is looking to install a septic system on this property as an alternative. This property is zoned R1 and has an Official Plan designation of Living.

Section 3.4.1 of the Town of Fort Frances Official Plan reads as follows:

- The Town is responsible for providing a supply of municipal sanitary sewer and water services within the Town. The Town will work closely with the Province to ensure there is sufficient supply of sanitary and water services to meet long term growth projections outlined in this Plan.
- The Town will ensure all new development within the Townsite occurs on lands with access to full municipal services and necessary utilities. For lands outside of the Townsite, the Town will ensure that development, where necessary, complies with the standards of, and are subject to, the approval of all applicable authorities/agencies

Further under Section 3.4.3 sentence (d), 'All new development within the built area is required to be connected to the sanitary sewage system as a condition of development.' And (e) 'New development outside the urban service area of the Townsite shall utilize private sewage disposal and water services.' Further under section 4.1.3 sentence (e), 'prior to approving new residential uses, council shall be satisfied that the development can be adequately serviced with sanitary sewers, municipal water, fire protection and utilities.' The approved use of private sewage systems is further outlined in the Town of Fort Frances Zoning By-Law #3/14 section 3.3 which reads:

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 Resource 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**.

Attached to this report is a map of the subject property as well as locations of nearby services.

Respectfully Submitted



Travis Rob, EIT

Chief Building Official/Interim Municipal Planner

