

**Report to Council**

Re: Planning-2024-23

From: Don Helleman and Christina Coulter

Date: October 15, 2024

RE: File R-10-24 (Sewage Systems)

**Recommendation:**

That the Planning-2024-23 report, dated October 15, 2024, regarding File R-10-24 (Sewage Systems) be received and;

That Council receive all comments related to File R-10-24; and

That the By-law to enact the Zoning By-law Amendment be passed at the appropriate time during the meeting.

**Overview:**

At the [March 19, 2024 Regular Meeting of Council](#), the Council of the Township of Douro-Dummer passed Resolution Number 078-2024 as follows:

["10.2 Status of Septic Systems in the Township's Zoning By-law, Building Department-2024-03"](#)

**Resolution Number 078-2024**

Moved by: Deputy Mayor Nelson

Seconded by: Councillor Watt

That the setback requirement for septic systems from public and private roads, be reduced to 3 metres and;

That a septic system no longer be referred to as a structure in the Zoning By-law.

Carried"

As directed, the Zoning By-Law Amendment proposed will revise provisions regulating sewage systems in the Comprehensive Zoning By-law No. 10-1996, as amended.

The draft By-law has removed "any component of a private sewage system" from the definition of Structure, Section 22.233. As a result, a sewage system will no longer be considered a structure for the purposes of the Zoning By-law. Similarly, the provisions of Section 3.1 Accessory Buildings, Structures and Uses no longer applies to sewage systems.

For further clarity, the definition of Structure, Section 22.233 has been revised to add that "infrastructure" is not considered a structure for the purposes of the Comprehensive Zoning By-law. For reference, Infrastructure is defined in Section 22.110 of the By-law as "physical structures which form the foundation for development and includes sewage and water lines and pumping stations, electric power transmission lines and transformers, communication transmission lines and relay towers, transit or transportation corridors and appurtenant facilities, oil and gas pipelines and appurtenant facilities, and recycling drop off or collection sites. Infrastructure does not include any related administrative facility, building or structure, nor does it include land,

buildings or structures for treatment of water, sewage or wastes, production of electric power, production of communication transmissions, or the production of oil or gas.”

The draft By-law has revised Section 3.55 to capture the requirements of the Official Plan (as further regulated in Section 3.57) that sewage systems must be located a minimum of 30 metres from the high-water mark and to implement the direction of Council to reduce the minimum setback from a street or private road from 15 metres to 3 metres.

In all other instances, sewage systems shall be regulated in accordance with the Ontario Building Code.

Notice of the public meeting was given on September 20, 2024, by ordinary mail and/or e-mail to all prescribed public bodies and to every person and public body that has provided a written request for Notice.

Notice of the public meeting was published in the Peterborough Examiner on September 21, 2024 (one day in print and 7 days online) and in the Lakefield Herald on September 27, 2024. The Notice was also posted on the Township Website.

A copy of the Notice is attached to this Report. The giving of Notice complies with the applicable Regulation of the Planning Act.

A copy of the draft By-law that was provided with the Notice is attached to this Report along with the final version of the draft By-law.

**Conformity to Provincial Planning Statement (PPS, 2024):**

Section 3(5) of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

The PPS, 2024 defines individual on-site sewage services as “sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act, 1992*, that are owned, operated and managed by the owner of the property upon which the system is located.

Policy 3.6.1(b)(3) of the PPS, 2024 requires that planning for sewage and water shall ensure that these services are provided in a manner that, among other things, protects human health and safety, and the natural environment, including the quality and quantity of water.

Policy 3.6.4 permits individual on-site sewage services provided site conditions are suitable for the long-term provision of such services with no negative impacts.

The proposed amendment appears to be consistent with the applicable policies of the PPS, 2024.

**Conformity to Official Plan:**

As it relates to physical services and utilities, which includes the collection and disposal of sewage, the goal of the Official Plan is "to ensure the adequate provision of services and utilities consistent with the environmental, cultural and economic goals of the County." (S. 4.7.1).

Among other matters, the objectives of the Official Plan include:

- encouraging the provision of adequate water, sewage and solid waste disposal facilities to achieve and facilitate orderly growth; and
- improving the environment and maintaining it at a clean and healthy level based on a watershed approach.

In Shoreland areas and the waterfront, local plans and zoning by-laws are required to ensure that all new development and leaching beds are set back at least 30 metres from the ordinary high-water marks of all waterbodies. The only exceptions from this requirement are marina facilities, docks and other water access facilities, pumphouses, and minor accessory buildings and structures as defined in zoning by-laws (S. 4.4.3).

Within the Seasonal Residential and Lakeshore Residential designations structures, including leaching beds of septic systems must be set back a minimum of 30 metres from the shoreline of any lake or major water course. This setback is necessary in order to encourage the preservation of naturally vegetated shoreline in order to minimize destruction to the shoreline and wetbeach habitat, minimize visual impact on the waterbody, maintain wildlife habitats and corridors and improve water quality.

Sewage system leaching beds requiring replacement due to structural damage or malfunction should be set back a minimum of 30 metres from the high-water mark if possible or to the greatest setback that is achievable to the satisfaction of the authority having jurisdiction.

Vacant lots of record (existing on October 22, 2008) must attempt to have structures and septic systems set back a minimum of 30 metres from the high-water mark. Where it is not possible to achieve the 30 metre setback, then new buildings and structures shall be set back as far as possible from the high water mark. In this regard, a Minor Variance or Zoning by-law Amendment for a reduced setback for existing vacant lots of record may be permitted provided that the relief sought:

- i) maintains the intent of the zoning by-law;
- ii) is minor in nature;
- iii) maintains the intent of the Official Plan regarding environmental objectives; and
- iv) is desirable and appropriate for the area.

Minor variances or zoning changes to accommodate proposed expansions of a structurally-permanent nature to existing structures and/or septic systems that further reduce any applicable minimum water setback shall not be permitted unless it is a matter of public health and/or safety ((Ss. 6.2.5.3 (h) and 6.2.6.3 (c)).

All lots within the Seasonal Residential and Lakeshore Residential designations must have sufficient area so that a private well for water supply can be located without danger of contamination by the sewage system, and so that a serious drawdown of groundwater levels beyond the boundaries of the lot can be avoided (Ss. 6.2.5.3 (j) and 6.2.6.3(g)).

The proposed amendment does not appear to conflict with the applicable policies of the Official Plan.

**Comments:**

As of the writing of this Report, there have been no comments received from members of the public.

Comments were received from the following agencies:

- Enbridge Gas Inc.: No objections to the application.
- Bell Canada: Bell Canada does NOT generally comment on zoning by-law amendments. If required, a follow-up email will be provided by Bell Canada to outline any input to be considered on the infrastructure / policy initiative circulation received at this time.
- Kawartha Pine Ridge District School Board (KPRDSB): KPRDSB has reviewed the application and has not identified any concerns or issues related to our mandate with the proposed zoning by-law amendment.
- Otonabee Region Conservation Authority (ORCA): Otonabee Conservation staff have reviewed the proposed changes as it relates to our mandate and Ontario Regulation 41/24. We have no comments for the proposed changes to the Zoning By-law.
- Ministry of Transportation Ontario (MTO): The Ministry has no concerns with the proposed amendment to the Zoning By-Law.

The Ministry requests that once the municipality makes a final decision on the Zoning By-law Amendment application, that the municipality provide a copy of the decision to the Ministry for its records.

All setback and frontage requirements in all zones abutting a Provincial Highway are to be consistent with those of the Ministry's requirements. A request that a general statement be included in the by-law indicating that properties located adjacent to a highway will be subject to the requirements of the Ministry, will

serve as a notice that the requirements of the Ministry supersede those of the municipality.

The Ministry does advise that should there be any changes to any of the previously submitted Zoning By-law Amendment, that Ministry review and approvals are required prior to implementation of any changes.

The Ministry reserves the right to modify and expand on these preliminary comments should further information is submitted to MTO for review.

Please note that all land development on lands that abut a provincial highway or fall within MTO zone of permit control will require MTO approvals and permits prior to the issuance of any municipal building permits or approvals as per section 8. (2) (a) of the Building Code Act.

Copies of the agency comments are attached to this Report.

Based on the comments received from MTO, the item 4, Section 3.55 of the draft By-law has been revised. A copy of the revised draft By-law is attached to this Report.

For ease of understanding, a track changes redline version of the revised sections of the Comprehensive Zoning By-law is also attached to this Report.

The application was circulated to Senior Staff on September 20, 2024. As of the writing of this Report, there were no concerns identified by Senior Staff.

**Conclusion:**

As proposed, the Draft By-law has been revised to address the comments received from the Ministry of Transportation. The By-law appears to be consistent with the applicable policies of the PPS, 2024 and does not appear to conflict with the applicable policies of the Official Plan.

The By-law does not preclude the regulation of sewage systems in accordance with the Ontario Building Code.

**Financial Impact:**

The cost of advertising the public meeting in the Lakefield Herald was \$190.01 (tax included) and the cost of advertising in the Peterborough Examiner was \$572.91 (tax included).



**Service Modernization and Innovation**

Modernizing, refining and innovating services for residents is essential to effectively meet the needs of our community, enhance our operational efficiency, and ensure we remain adaptable in a rapidly changing world.



**Business Attraction, Expansion, and Retention**

Business attraction, expansion, and retention is vital for the economic health and sustainability of our Township, such as job creation, tax revenue, investing in innovation, maintaining our quality of life, and supporting community stability.



**Infrastructure Renewal**

Infrastructure renewal is a critical investment for our Township as it will ensure our adherence to health and safety, economic development, investment attraction, environmental sustainability, quality of life, public confidence, and regional competitiveness.

**Report Approval Details**

Document Title:	R-10-24 (Sewage Systems) Public Meeting Report.docx
Attachments:	<ul style="list-style-type: none"> <li>- R-10-24 - Final Draft By-law per MTO comments.pdf</li> <li>- R-10-24 - Redline Sections.pdf</li> <li>- R-10-24 - ZBA Notice.pdf</li> <li>- R-10-24 - Draft By-law - Version 1.pdf</li> <li>- MTO Comments R-10-24 (September 27, 2024).pdf</li> <li>- Bell Comments R-10-24 (September 20, 2024).pdf</li> <li>- Enbridge Comments R-10-24 (September 27, 2024).pdf</li> <li>- KPRDSB Comments R-10-24 (September 23, 2024).pdf</li> <li>- ORCA Comments R-10-24 (October 3, 2024) PPLD-2328.pdf</li> </ul>
Final Approval Date:	Oct 9, 2024

This report and all of its attachments were approved and signed as outlined below:

Martina Chait-Hartwig

Mike Rutter