

To: Glenn Girven
Clerk Township of Havelock Belmont Methuen

Submission #2 to Council of Havelock Belmont Methuen by Ambrose Moran
Re Proposed Zoning Bylaw Amendment (**Public Mtg April 14 2009**)

Septic Setbacks

County of Peterborough Official Plan¹ deals with septic system setbacks as outline Policy 4.43 which states: Notwithstanding any other policy of Section 4.4.3, local plans and zoning bylaws will require all new development and sewage disposal systems to be set back at least 30 meters from the ordinary high water mark of all waterbodies.

Peterborough County OPA 3 encourages but does not require septic fields be set back 100 ft and allows discretion by the Peterborough County Health department related to the set back on site by site basis.

MOE have an interest in water quality of lakes and have earlier this year released their **document Lakeshore Capacity Assessment Handbook** which encourages enhanced sewage system setbacks fields based on scientific studies dealing with Phosphorus retention. The responsibility for septic fields has been transferred to Ministry of Municipal Affairs from Ministry of Environment

My thoughts at this point are that enhanced setback for septic field beds make good scientific sense and feel if the Province has a position that septic fields should be setback further than the traditional 50 ft setback → the province should advance their position through a provincial policy statement for application in all of Ontario

In fact the provincial standard does exist as being 50 ft as outline in the Ontario Building Code Regulation 403/97. It is noteworthy that this act states

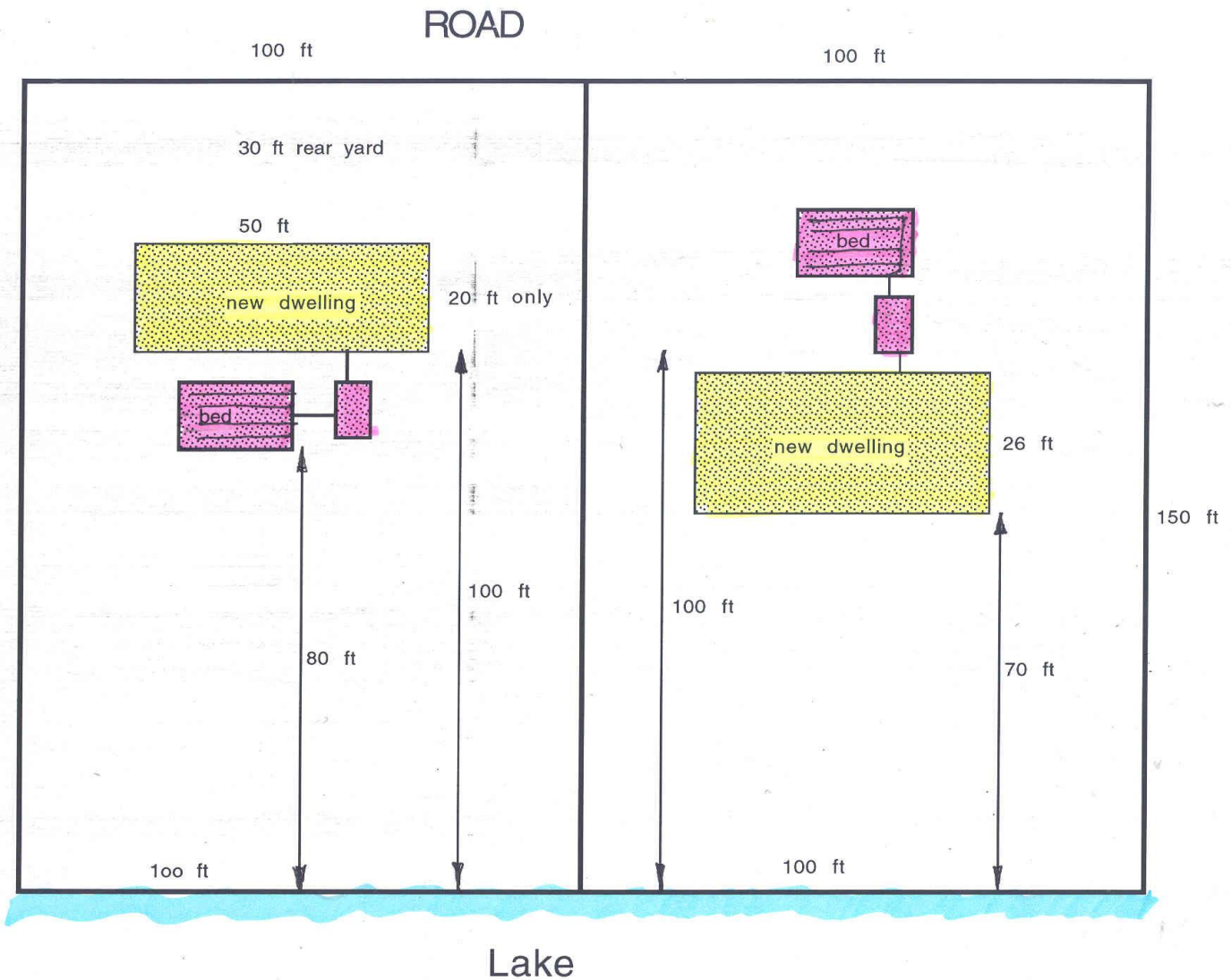
- **35(1) Municipal By-Laws** *This Act and the building code supersedes all municipal bylaws respecting the construction or demolition of buildings*
- **35(2) Different Treatment** *in the event this act or the building Code and municipal by-law treat the same subject-matter in different ways in respect to standards for use of a building described in section 10 or standards for maintenance or operation of a sewage system, this act or the building code prevail and the bylaw is inoperative to the extent that it differs from this Act or the Building Code*

County of Peterborough OPA #3 applicable to the part of Jack Lake in North Kawartha Township is intended to encourage septic fields to meet the 30 meter setback **but allows discretion to the Peterborough County Health Unit to continue to approve septic with 50 ft setbacks².**

The concept of setting new development back 30 meters from lakes to protect water quality is not achieved in this approach. (Reference dwg attached)

¹ Official Plan County of Peterborough Consolidated March 2006

² Official Plan County of Peterborough Consolidated Oct 2008 Section 6.2.5.3 h



The proposed zoning amendment changes the definition of structure to “include any part or component of a sewage system”. That proposed definition may need to be re-thought as it would include tanks and sewage pump up chambers and in fact connecting pipes. It is my understanding that the leaching bed is the source of pollutants so the setback should be to the leaching bed or more precisely the distribution tile bed pipes as I understand in other planning jurisdictions challenges have occurred in measuring setback to septic systems since the mantle for raised beds are in fact part of the septic design and considered a component of the septic system.

It is common practice to design a septic system to gravity flow sewage into a septic tank or pump chamber close to the cottage which may be less than 30 meters from a lake and discharge the effluent through a pumping system to a leaching bed some distance away and usually upgrade from the cottage. The proposed definition would not allow for any components to be 30 meters from a lake which does not appear to be practical.

Recommendation

- That clarification be obtained as to whether a township zoning bylaw can impose standards for septic setback in contradiction to or in conflict with the Ontario Building Code.

- That the proposed definition of Structure to include any part or component of a sewage system be reviewed to ensure that undue hardships are not imposed on proponents of new or replacement septic installations can not accommodate.
- That the proposes zoning bylaw amendments address the situation where in existing lots of record the space restrictions of terrain restrictions are such that both the proposed structures and septic systems can not be setback 30 meters that priority to be given to have the septic system set back as far as possible.