



Sudbury East Building and By-law Services (SEBBS)

Report for the Consideration by Council

Shared Services in the Municipalities of French River, Killarney and St.-Charles

RE: Subdivision Development – Sewer Hook-up Exemptions

OBJECTIVE: To review existing legislation and recommend action to Council in response to Mr. Daoust, the Developer's, request to use septic systems on certain properties within the subdivision development.

BACKGROUND:

Further challenges to sewer line extension – rock under the subdivision

Mr. Daoust, (the Developer) has been advised by blasting professionals that a large rock deposit that is sitting under a portion of the subdivision extends under existing development along King Street. He has been advised that blasting this rock to accommodate a sewer line may compromise existing wells and / or foundations.

Council has already exempted the following properties from the sewer system pending approvals from the Public Health Sudbury and Districts - Parts 14,15,19,23 and 24 (See attached map highlighted in green. Please note – Part 19 is highlighted black as this is the first property to obtain a building permit and is currently under development).

While further investigation will be done by the Developer to determine the full extent of the properties effected, the Developer is asking Council to allow for the use of septic systems on the following properties if it becomes apparent that blasting the rock to connect the sewer is not possible or proves to be a risk to existing infrastructure:

Parts 9, 10, 11, 12, 13,18, 21, 22 and 25 (See attached map highlighted in pink).

The Developer has stressed that if it is possible to attach any property to the sewer system, that would be his preference as it is a less costly option for services, but if that is not possible, he is looking for support from Council so that he knows the project can move forward with the option to use approved septic systems.

Please note, there are three (3) additional properties surrounded by the above-mentioned Parts that are not involved in this request that are vacant properties owned by other property owners who would have to come to Council to request this same exemption if they decide to develop the properties

ANALYSIS:

Applicable Legislation – this is the same reporting and review that was provided for the first exemption that was brought forward by the Developer.

Municipal Sewer By-Law

The Municipalities 1979 Sewer By-Law states that all properties with access to the sewer lines must connect to the sewer, but at this time, there is no sewer line available to connect to along King Street after Casimir Road, so these properties have never been asked to connect. The Municipality's legal counsel has advised that an exemption would have to be granted through a By-Law through Council.

Provincial Policy Statement

Legal counsel has also pointed out that if this subdivision were being created today, the Provincial Policy Statement (PPS) would require that development in the serviced urban settlement area boundary be developed on municipal services. But, because the subdivision is already approved and we are not granting *Planning Act* approvals, it is our legal counsel's opinion that a subdivision agreement (does not need to conform with the PPS as it is not a "decision" under the *Planning Act*) at this time. It is up to Council to determine if this makes sense technically.

Original Subdivision Agreement Comments from MMAH

Comments from 1977 from the MMAH on the original Subdivision Agreement identify the potential for contamination from septic systems. If septic systems are going to be allowed, our legal counsel has recommended a terrain analysis and servicing analysis to ensure that the use of such systems will not have a negative impact on the lots and create liability for the municipality.

To address this issue, the soil and servicing analysis is done when the application goes to Public Health for approval and all septic systems will have to be built to the current code standards. If the analysis shows that a septic system would not be appropriate for the sites, then the approvals would not be granted, and the CBO would not be able to issue building permits on the lots.

Approvals for septic:

The approvals for septic systems ultimately come from Sudbury Public Health, so if the ground is unsuitable, or the lot is too small, the approvals would not be given. This answers the 1977 concerns about contamination of the soil. Also, drainage has been improved in the property with the installation of the storm sewer drainage and the Municipal drain, and the Developer is also being asked to provide proper storm sewer drainage and lot grading for all of the lots to be developed.

Implications of granting exemptions on sewer system and precedent for future exemptions:

There are existing properties along King Street that are still on septic, either because they had septic systems when the Municipality of St.-Charles acquired the land in question or because accessing the line was cost prohibitive.

If these properties are allowed to use septic for their sewer needs, the other properties along King Street would have to be afforded this ability.

Issues and advantages of granting the exemption:

- Allowing for these properties to not hook up to sewer allows for the capacity of the lagoon to be used elsewhere to encourage densification of the village (more apartments or multiple unit dwellings, secondary dwellings, commercial buildings with an increased number of apartments, etc.).

- Allowing for these exemptions opens Council up to petitions from other property owners (other properties along King St and properties on the north half of the development) to also avoid hooking up to the sewer system due to development costs.

RECOMMENDATIONS:

Staff is providing the same recommendations that were offered when the first exemption was granted.

Based on the analysis, Council allowing for the further exemptions will decrease the number of potential users on the sewer system. Council opens the door to more of the same petitions from residents in the vicinity of the subdivision which means less users on the sewer system. Each petitioner would have to prove to Council that there was a legitimate reason why they cannot hook on to the current system.

Public Health approvals are a requirement for any septic system to be installed so if the lots are undersized, or have inappropriate soil for drainage, which would be addressed at that level of approval. It will be the Developer's ultimate responsibility to receive approval for these septic systems and ultimately the Building Departments responsibility that no permits will be issued until this approval is granted.

The area does not flood as it might have in the past due to the addition of the Municipal Drain and the addition of storm sewers that service the area.

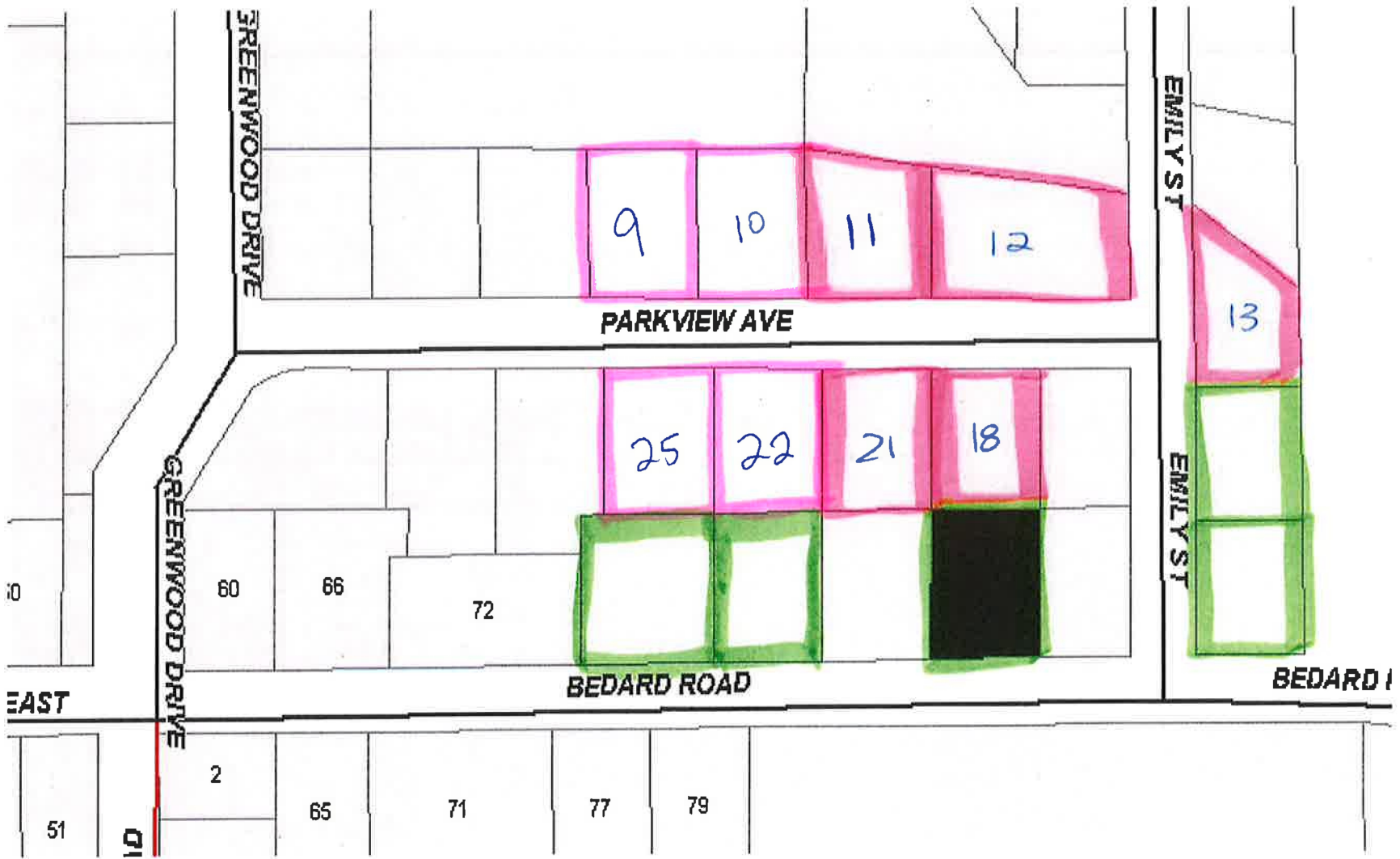
Staff recommends that Council approve the exemption from sewer hook up to the properties listed above, noting that it will be the Developer's ultimate responsibility to receive approval for these septic systems and ultimately the Building Department's responsibility that no permits will be issued until this approval is granted.

Also, staff recommends that any properties that are granted this exemption include a clause within the purchase of sale alerting the purchaser that the Municipality will not install sewer lines to these properties.

ATTACHMENTS:

Map showing properties in question.

Respectfully submitted by:
Andrea Tarini CBO / By-Law Officer



EAST

BEDARD ROAD

BEDARD I

GREENWOOD DRIVE

GREENWOOD DRIVE

EMILY ST

EMILY ST