

Town of Huntsville Official Plan Review - POLICY BACKGROUND PAPER

Servicing our Residents – Private Individual Water Supply & Sanitary Sewer Services

BACKGROUND:

- Private individual wells and septic systems are the servicing method for development in the Community, Waterfront and Rural designations.
- No municipal approvals are required to drill or construct a well on a site.
- Potable water is a requirement to obtain an occupancy inspection for a residential building permit.
- Private sewage tanks are required to be pumped out regularly, and the waste trucked to and disposed of in District operated sewage lagoons.
- The Province is considering a series of legislative changes that would require septic tanks to be pumped out every 5 years. If the [legislation](#) is passed it could take effect in 2019.

POLICY CONTEXT:

Provincial Policy Statement (2014):

1.6 Infrastructure - Sewage, Water and Stormwater

1.6.6.1 Planning for sewage and water services shall:

- e. be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5.

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

1.6.6.3 Where municipal sewage services and municipal water services are not provided, municipalities may allow the use of private communal sewage services and private communal water services.

1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.

1.6.6.5 Partial services shall only be permitted in the following circumstances:

- a. where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or

- b. within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

1.6.6.6 Subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5 planning authorities may allow lot creation only if there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal sewage services and municipal water services or private communal sewage services and private communal water services. The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from private communal sewage services and individual on-site sewage services.

Current Muskoka Official Plan & Policy Directions Report:

- D.5 Substantial development will proceed on the basis of municipal sewer and water facilities. Where municipal sewer and water services are not yet available within the Urban Centre, only infilling of a minor nature will be permitted except where more detailed policy provides otherwise and under such servicing conditions as deemed necessary, subject to the following:
- a) the uses are restricted to those of a non-toxic, low effluent producing nature;
 - b) a private waste disposal system can be accommodated on the lot to the satisfaction of the authority having jurisdiction; and
 - c) The development is consistent with future growth strategies.
- H.6 Within Urban Centres, connection to municipal water supply and sanitary sewage disposal service will be compulsory and prerequisite for all development except in the following limited instances. Development may be exempt from connection to such works where, among other matters:
- a) The development represents limited infilling in an established built area or is an existing lot of record where such service is not currently available and where no present or immediately foreseeable water or sanitary problem would be further compounded; or
 - b) A specific capital funding reserve has been approved to provide public service on the subject land or area, but the works are not scheduled for construction; or
 - c) The development is a singular low intensity permitted use on a large lot in an undeveloped area and services are not immediately available; or
 - d) Approved servicing schedules provide for an exemption.

H.21-26 Policies speak to restrictions regarding private potable water and sewage disposal facilities

First Draft Muskoka Official Plan:

- B13.1a. Planning for sewage and water services shall:
- i) Direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing:

2. Private individual on-site services where municipal sewage services and municipal water services are not available.

ii) Ensure that these systems are provided in a manner that:

1. Can be sustained by the water resources upon which such services rely;
2. Is feasible, financially viable and complies with all regulatory requirements; and
3. Protects human health and the natural environment.

iii) Promote water conservation and water use efficiency;

iv) Integrate servicing and land use considerations at all stages of the planning process; and

v) Be in accordance with the servicing hierarchy outlined through Sections B13.1 b), B13.1 c) and B13.2.f).

c. Where municipal sewage services and municipal water services are not provided, municipalities may allow the use of private individual on-site sewage services and private individual on-site water services. Where private individual on-site services are proposed within a Future Service Area for municipal services, the private services shall be designed and installed in a manner that facilitates future connection to municipal services.

d. Major new development in Community Areas may be required to be supported by a settlement area capability study that includes a hydrogeological assessment.

B13.3 OTHER SERVICING POLICIES

b) The determination of sufficient reserve sewage system capacity shall include treatment capacity for hauled sewage from individual on-site sewage services, where appropriate.

d) Where municipal sewage services and municipal water services are not provided in an Urban Centre, Community Area, Waterfront Area or Rural Area, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts, provided that treatment capacity for hauled sewage from individual on-site sewage services exists, and provided that such services do not generally provide service on more than one legally conveyable lot, parcel of tied land (POTL) or vacant land unit in accordance with the following:

- i) In a Community Area, these services may only be used for infilling and minor rounding out of existing development;
- ii) In an Urban Centre, these services will only be used where the development represents limited infill in an established built up area or development of an existing vacant lot of record where municipal services are not immediately available or available in the foreseeable future;
- iii) In both Urban Centres and Community Areas, private individual on-site services will only be permitted where development represents a low intensity use(s) and no immediate or

foreseeable supply, health or environmental issue would be created or further compounded;
and

- iv) In all designations except the Waterfront Area Designation, a hydrogeological assessment will generally be required where:
1. Private groundwater and sanitary sewage disposal services are proposed for more than five lots or units, where all or some of the lots are less than 1.0 hectare in area; or
 2. Any use is proposed which would generate an effluent flow of greater than 5,000 litres per day;
 3. Any use is proposed in areas of known or suspected water shortage or water quality concerns; or
 4. Any development is proposed on a lot less than 1.0 hectare in area where cumulative impacts of private water and sewage services in the area are deemed of significant concern.
- e) Partial services shall only be permitted in an Urban Centre where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development or to support development of an existing lot of record where the extension of municipal sewer services or municipal water services is not required.

B13.4 SETTLEMENT CAPABILITY STUDY

- a) In cases where a Settlement Area Capability Study is required by this plan, such a study shall be prepared to the satisfaction of the Area Municipality and the District to determine whether the settlement area can adequately accommodate additional development on the basis of individual on-site sewage services and individual on-site water services without having a negative impact on ground water use for drinking purposes and/or the ability of the soils in the area to assimilate effluent.
- b) Other factors, such as the potential impacts of new development on the road network, the natural environment and community facilities (public service facilities may also be considered). Such a Settlement Area Capability Study will provide the technical foundation on which individual Plans of Subdivision or Consent will be evaluated, subject to the requirements of the appropriate agencies.

Town Strategic Documents:

Strategic Plan

Roads and Infrastructure

GOAL #2 Ensure Town infrastructure and service levels respond to the needs of a prosperous and progressive community

Unity Plan

Goal #2 Municipal Operations and Infrastructure: Huntsville will strive to be a model sustainable community , by reducing its impact on the environment, and planning for climate change adaptation by following best management practises in all municipal operations and infrastructure projects and leading by example.

Huntsville Official Plan:

- 2.4.8.1 An extensive and efficient system of municipal infrastructure is critical to maintaining the quality of life in Huntsville. These include water supply, sanitary sewage disposal, roads, storm water, solid waste disposal and utilities.
- 8.5.2 New leaching beds and mantles are encouraged to be located as far back from the shoreline as is reasonable and possible, and shall be located a minimum of 30 metres (100 feet) from the shoreline. Where it is not physically possible (due to terrain features, lot depth or design features) to locate the leaching bed and mantle at such a distance, a lesser setback may be permitted based on the recommendations of a Site Evaluation Report and in accordance with current legislated minimum setback requirements. Advanced septic system technology may be required in this instance.**
- 10.1.1.1 Water and sewage capacity allocation strategies will be prepared and maintained, in conjunction with the District Municipality of Muskoka, for all areas in Huntsville identified on Schedules B-1, B-2 and B-3 in order to monitor the approved and proposed developments in terms of allocations of existing plant capacities.
- 10.1.1.2 Where rezoning would permit uses that would require a significant allocation of sewer and water capacity, a holding by-law may be used in order to facilitate phasing of development and to defer final allocation until construction is to proceed. The holding provision will be removed upon confirmation of servicing capacity by the District Municipality of Muskoka and appropriate agreements or other approvals have been entered into.
- 10.1.1.3 Water supply for fire protection shall be provided to the satisfaction of the Fire Department.
- 10.1.1.4 Development on private services shall be limited to low effluent producing uses which do not generate large quantities of liquid effluent or create discharge which would be an environmental hazard to ground water.
- 10.1.1.5 Implementing zoning by-laws will not permit “as of right” high water users or sewage generators on private services.
- 10.1.1.6 Conservation measures that will result in the most efficient use of water and sewage facilities will be promoted and encouraged.
- 10.1.1.7 Implementing zoning by-laws may prohibit the development of land unless municipal water and sanitary sewer services as required for the development and detailed herein are available.
- 10.1.1.8 Extension of municipal water and sewer services outside of the areas identified on Schedules B-1, B-2 and B-3 or the extension of single service areas shall not be permitted except where such works are undertaken as a municipal project, or to remedy a health hazard or an environmental concern.

- 10.1.1.9 The establishment of new single service areas shall not be permitted.
- 10.1.1.10 The extension of services for reasons identified in 10.1.1.8 above, shall not confer, or be deemed to confer, development rights for abutting properties and further extensions from such services to surrounding properties shall not be permitted, except as permitted by this Plan.
- 10.1.1.11 The Town will encourage programs to provide full services to partially serviced areas to encourage intensification and increased density.
- 10.1.1.12 Notwithstanding any other provisions of this Plan, the servicing of development shall be subject to the requirements of the District of Muskoka, including, amongst other matters, the determination of availability and capacity of such services and the requirement for connection to such services.

10.1.2 Huntsville Urban Area

- 10.1.2.1 Development shall proceed on the basis of full municipal water and sewage disposal services within the area designated for full Urban Services on Schedule B-1.
- 10.1.2.2 The availability and extension of municipal water and sewer services will be a principal factor in establishing the phasing of development within the Huntsville Urban Area.
- 10.1.2.3 Some areas of Huntsville are presently serviced with a single municipal service. The extension of full municipal services to existing single municipal service areas is encouraged.
- 10.1.2.4 Where full municipal water and sewer services are not yet available within the area identified for Full Urban Services, development should not occur until services are available. However, development of existing lots of record or infilling or lot creation of a limited nature may be permitted, where the extension of the service is not feasible, practical or available in the foreseeable future, and subject to the following:
 - a) the uses are restricted to those of a 'low effluent producing nature';
 - b) the use does not preclude the eventual connection to full services when they become available or does not preclude future urban intensification;
 - c) as a condition of development approval, an agreement is entered into with the Town or the District to require the connection to full services when they become available;
 - d) minimum lot standards for new lot creation shall be double those for the development if it were on full municipal services, and the lot shall be designed in such a manner as to be able to be split in the future when full services are available;
 - e) a private sewage disposal system (if required) can be accommodated on the lot;

- f) private individual sewage systems should be located within the yard adjacent to the street or in the side yard, where possible, in order to facilitate future connection to municipal sewers; and
- g) subject to such conditions as the District of Muskoka deems necessary respecting servicing.

- 10.1.2.5 For the purposes of this section, infill or lot creation of a limited nature means the creation of a lot or lots between two existing lots of a similar nature and which are located on the same side of the road and are not more than 60 metres (200 feet) apart.
- 10.1.2.6 Areas identified on Schedule B-1 as “Future Service Area” include lands that have been developed and which are not presently serviced with full municipal water and sewage disposal facilities. This Plan contemplates the eventual servicing of these areas with both municipal water and sewage disposal facilities. In the meantime, the provisions of Section 10.1.2.4 apply to any development in this area.
- 10.1.2.7 Where development is permitted on private services, lots shall have sufficient and suitable area to adequately accommodate such services, and shall satisfy the authority having jurisdiction with respect to the approval of private water supply or private sewage facilities. Class V (Holding Tanks) shall not be permitted except to remedy a problem or situation on an existing developed lot that would be unsuitable for any other system.
- 10.1.2.8 Notwithstanding anything to the contrary in this Plan, no new development is permitted on Scott Point in Lot 16, Concession 1, Chaffey Ward, in Fairy Lake, without full municipal sewer and water services.
- 10.1.2.9 New development shall be setback from the Huntsville Water Treatment Plant in accordance with the requirements of the District of Muskoka.

10.1.3 Hidden Valley

- 10.1.3.1 Development shall proceed on the basis of full municipal water and sewage disposal services within the area designated for full Urban Services on Schedule B-2, except in extenuating circumstances as approved by the District Municipality of Muskoka and the Town.
- 10.1.3.2 The availability and extension of municipal water and sewer services will be a principal factor in establishing the phasing of development within Hidden Valley.
- 10.1.3.3 The extension of full municipal services to existing un-serviced or single municipal service areas is encouraged.

10.1.4 Port Sydney

- 10.1.4.1 Existing development in Port Sydney is presently serviced by private water and sewage disposal systems. One development (43 lots) is serviced by a piped municipal water system only.

10.1.4.2 Due to servicing costs and constraints, Port Sydney will not be serviced by an expanded municipal water supply and/or sewage disposal system in the foreseeable future. Outside of the area designated as Water Service Area on Schedule B-3, new development shall proceed with private individual water supply and sewage disposal services.

10.1.5 Highway 60 Corridor

10.1.5.1 Development shall proceed on the basis of full municipal water and sewage disposal services within the Highway 60 Corridor Service Area, as shown on Schedule B-2, except as specifically provided in Section 7.

10.1.5.2 New development shall be setback from the Huntsville Sewage Treatment Plant in accordance with the requirements of the District of Muskoka.

CONSIDERATIONS:

- Where full municipal services are not available, private individual services continue to be the basis for development in communities, the waterfront and rural designations.
- All drinking water systems in Ontario are regulated under the Safe Drinking Water Act (SDWA), enacted in 2002, which has significant implications for private communal water systems serving major residential development. Under the SDWA, a municipal Consent to the construction of a private communal system would be required, which is essentially a municipal guarantee of such system, thereby increasing the risk to Muskoka and its taxpayers of having to bear the cost responsibility for small, remote systems should they fail. As a result, the District of Muskoka does not permit residential development on the basis of private communal services. However, the situation for a resort development differs from that of residential development. In this regard, an important distinction is that the developers (owners) of a resort are responsible for the resort and since the condominium units are required to be commercial in nature, and if it does become necessary for a resort to shut down because it is unable to maintain its infrastructure, persons are not removed from their homes.
- In recognition of the important role played by resorts in Muskoka's economy and character, and also in recognition of the decreased risks associated with commercial development, Muskoka does permit resort development using condominium registration on the basis of private communal servicing, subject to a number of conditions. In this regard, private communal systems servicing a resort commercial development are required to be built to an appropriate standard and be properly operated and maintained. Financial assurances from developers are also required so that, should the facilities fall into disrepair and/or require upgrading, resources would be available to address the issue.
- Hidden Valley was always intended to be fully serviced, however, certain residents objected to the proposed local improvement for the installation and connection to municipal sewage services. However, the District has a mandatory connection by-law which could be used to require this construction and installation.

- Provincial and District staff recently clarified what is meant by “rounding-out” of un-serviced settlement areas, which in Huntsville’s case would permit limited development on private services on un-serviced lands within designated communities.

SUMMARY:

A review of best practices from other municipalities across Muskoka has revealed that the following policy approaches may assist in addressing some of the considerations:

- Maintain policies that speak to permitted servicing options when full municipal services are not available
- Maintain policies regarding setbacks of septic systems from waterbodies.
- Clarify what instances (rounding out) would permit additional development on individual private services in communities, in comparison to the densities that municipal water and sewer facilitate.