

# Septic Setbacks

OPA #3 deals with septic system setbacks as outline in modification #5 & #6

OPA 3 encourages but does not require septic systems to 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 systems has been transferred to Municipal Affairs from Environment

The whole (30 meter) 100 ft setback concept of structures and septic systems according to Brian Weir was imposed by MOE .. I am intending to clarify this ... **the question is this a recommendation or a requirement...** and if in fact MOE did demand a 30 meter setback I would assume it would be out of their interest in having enhanced setback for septic systems rather than structures and in fact if they require structures such as cottages to have enhanced setback I would be surprised if they could justify boathouses as being an exception.

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 systems 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 supercedes 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
- **11.3.1.1 (1)** where an existing building system is materially altered or repaired, the performance level of the building after the material alteration or repair shall be at least equal to the performance level of the building prior to the material alteration or repair

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My observation is that the 50 ft setback would be the provincial standard the language in the OPA 3 is intended to encourage septic systems to meet the 30 meter setback but allows discretion to the Peterborough County Health Unit to continue to approve septic systems with 50 ft setbacks. I understand in some cases this setback is in the OP but not in the zoning bylaw so not really enforced but the septic approval authority encourages the property owner to locate septic systems back 100 ft realizing that 50 ft is the only enforceable standard..as I have learned that is difficult to determining the "boundary of the setback" for septic systems as the mantle area which is often very extensive is in fact part of the septic leaching bed

The concept of setting development back further from lakes to protect water quality is not achieved in this approach. To replace an existing cottage on an existing lot of record with limited depth, it appears to me that the structure is required to be located back 100 ft and the septic could be 50 ft from the lake since the required dwelling location has priority over the septic location.

At this time I do not have any suggestion as to how to deal with this issue within an updated zoning bylaw but want the committee to be aware of my thoughts

ROAD

100 ft

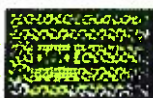
100 ft

30 ft rear yard

50 ft

new dwelling

20 ft only



80 ft

100 ft

100 ft



new dwelling

26 ft

100 ft

70 ft

100 ft

150 ft

Lake

5