

From: rvanpoorten@cohooneng.com
To: [Heather Boyd](#)
Cc: [Dan Namisniak](#); rvanpoorten@cohooneng.com
Subject: Rezoning 73 & 81 West River Road
Date: Friday, July 24, 2020 1:03:51 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Heather:

I understand that there may be an opportunity to make a direct presentation to the Council members however the full explanation and background for our rezoning application for 73 and 81 West River Road is extensive and it would be appreciated if this email could be forwarded to council members for the August 4th Planning agenda. If direct presentation can be made I will make brief reference to this background information. The following outline is also contained in our application documentation.

The subject rezoning application seeks an amendment to the "Residential Single (R1)" zoning designation affecting properties known as 73 and 81 West River Road to allow for future development to occur on partial services.

The subject properties are located on the north side of West River Road on the far extreme of the Paris Settlement Area. Immediately north of the properties is a former golf course being redeveloped into residential uses and on the south side of West River Road are estate sized residential properties. There is a municipal water system available along this stretch of West River Road however a municipal sewage disposal system is not now nor in the foreseeable future available to provide this service to area residents.

73 West River Road is the larger of the two parcels and has located on it a single detached dwelling and several out buildings with lot frontage of approximately 189 metres and an area of approximately 2.37 hectares.

81 West River Road is a vacant parcel immediately to the east of MN 73 with a frontage of approximately 60.2 metres and an area of 0.37 hectares. The subject property was occupied by a dwelling and outbuildings and it is my understanding that these structures were demolished over time by agreement by the County Fire Department for training purposes. There are no structures remaining on site.

The subject sites are located in the "Primary Urban Settlement Area" of Paris and the Official Plan in Section 5.2.3.2 states:

5.2.3.2 Full County Servicing Requirements

The following policies shall apply to areas of the Community Structure that are serviced by County water and sanitary service systems:

- a. *Full County water and sanitary sewage systems shall be the required form of servicing for Primary Urban Settlement Areas, **except in areas designated by by-law, to be an area where partial servicing is permitted.***

Section 5.2.3.2 i) states as follows:

- i. *in order to ensure the efficient use of land and County services, development (including lot creation) on private systems shall not be permitted, in areas with County water and*

sanitary service systems. However, **exceptions may be considered in areas not serviced by County systems on the basis of a site-specific amendment to the Zoning By-law**, and satisfaction of the following criteria:

- i. a water and sewage servicing master plan is in place, or an Area Study has been completed, to provide future County water and sewage systems to service the land;
- ii. the development of the land and accommodation of a private servicing system shall not preclude the ultimate extension or development of County water and sewage disposal systems;
- iii. the topography, soil and environmental characteristics of the land is able to accommodate an appropriate private water and sewage system that will minimize adverse environmental impacts;
- iv. the proposed development is consistent with this Plan and the County's objectives; and
- v. **the proponent signs a letter of intent stating that if services are eventually extended to the area, the owners of the lot will connect to the services provided and will properly decommission any private services that have been used in the interim at the owner's expense. The letter of intent shall be registered against the title of the land and shall also include a commitment to pay all applicable charges for the share of services provided.**

The subject parcels are designated "Urban Residential" allowing for the establishment of residential uses. Full Municipal services are not available and even with the eventual development of the golf course it is not anticipated that sanitary services would be extended to include the subject parcels.

The Zoning Bylaw, in Section 4.27 Municipal Services states:

4.27 Municipal Services

No buildings or structures may be erected, used or occupied in any Zone, **unless the following requirements are met:**

a) watermains, storm and sanitary sewer systems are existing and have adequate capacity or have been provided for in a binding and secured Development Agreement and all regulatory approvals have been received to the satisfaction of the County; or

b) **where such services are not required or contemplated, an approved waste disposal system** and potable water supply to sustain the use of land for buildings or structures are existing or **have been provided for to the satisfaction of the Chief Building Official** and all regulatory approvals have been received to the satisfaction of the County.

This section of the Municipal Zoning Bylaw requires that development occur on full services unless by 4.27 b) they are not available or contemplated. In the case of this section of West River Road Municipal sanitary service is not available or in the medium or long term contemplated. Therefore if services are not being made available the provisions of Section 5.2.3.2 i) of the Official Plan provides the applicable policy guidelines allowing for development on partial services including the requirement for the signing of a registered "letter of intent" respecting the installation and compensation to the County when services become available. This section clearly states "**exceptions may be considered in areas not serviced by County systems on the basis of a site-specific amendment to the Zoning By-law**".

The submitted rezoning application seeks such zoning concession as specifically allowed by

Section 5.2.3.2 i).

The properties are currently zoned “Residential Singles (R1)” allowing for single detached units on lots having a minimum area of 360 square metres and a lot frontage of 11 metres. It is requested that the parcels be rezoned with an exception to the R1 zone to allow partially serviced lots have a minimum area of 1000 square metres and a minimum frontage of 20 metres which is the same development standard required for a partially serviced lot in the “Suburban Residential (SR)” zone.

Prior to the adoption of the current comprehensive zoning bylaw 61-16 both properties, and the general residential neighbourhood, was zoned “Residential Type 1B (R1B)” by bylaw 110-01 allowing for partially serviced residential development on lots of 1000 square metres with 20 metre frontage.

I attended most of the public sessions relating to the adoption of both Official Plan 2012 and Zoning Bylaw 61-16 and the recurring theme, as I recall, was that use rights would not be taken away from property owners. The rezoning of our client’s lands from the R1B zone of 110-01 allowing for development on partial services to the current R1 zone of 61-16 does exactly what was understood not to be what was intended, take use rights away.

This rezoning application therefore seeks to re-establish previous zoning criteria however does not, in itself, create new development. This would require further application with development intended to be consistent with other residential development on West River Road.

R.T. van Poorten, MCIP, RPP
J.H. Cohoon Engineering Ltd.