

Subject Title: Water & Wastewater Capacity Allocation	<u>Water & Wastewater Capacity Allocation</u>
Function/Category Policy Group: Engineering, Development and Works <u>Your Infrastructure and Services</u>	<u>Policy Administrator</u>ed by: Operational Development Services
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1. Policy Statement

~~a)1.0~~ The Corporation of the County of Prince Edward ("the County") ~~intends, through the adoption of this process, to adopt is committed to~~ an environmentally and fiscally sound approach to the construction and operation of its water supply and wastewater treatment infrastructure.

~~The County has completed its Growth Management Study, which indicates that the County has the capacity to grow in the coming decades. Secondary Plans are long range planning land use documents which precede the design and construction of associated infrastructure. The County is confident in its ability to support anticipated development demand and will incorporate the necessary infrastructure expansion into its Long Term Capital Forecasts.~~

2. Purpose

~~a)2.0~~ The purpose of this Policy is to provide direction in the process for granting water and wastewater treatment plant capacity allocation that incorporates the following;

- i. recognition of responsible environmental protection measures,
- ii. responsible fiscal management,
- iii. economic opportunities for the County,
- iv. development implementation of a responsible servicing strategy, and
- v. matching the financial benefit of planning approvals with the financial commitments necessary to construct and expand municipal infrastructure.

- b) The County is supportive of, and practices, the phased expansion of its water or wastewater treatment plants in a manner that provides capacity based on prudent fiscal management, future development needs and anticipated consumption demand, not on the basis of long term maximum theoretical demands.

3. Scope

- a) This Policy applies to all Development within the Serviced Area.

4. Legislative Authority

- a) This Policy is made pursuant to the authorities and responsibilities of the County under the Municipal Act and the Planning Act, and in accordance with the policies of the County's Official Plan and the Provincial Policy Statement.

5. Definitions

- a) In this Policy,

County means the Corporation of the County of Prince Edward;

Director means the County's Director of Development Services or their designate, or in the event of organizational changes, the appropriately titled position;

Council means the Municipal Council of the County;

Develop or Development means to change the use of a building or property to a different use; or to alter, enlarge, erect, build, construct, reconstruct, relocate, renovate or restore buildings or parts thereof;

Municipal Act means the *Municipal Act*, 2001, S.O. 2001, c.25, as amended from time to time;

Partial Services means municipal sewage services or private communal sewage services combined with individual on-site water services; or municipal water services or private communal water services combined with individual on-site sewage services;

Planning Act means the *Planning Act*, R.S.O. 1990, c. P.13, as amended from time to time;

Property means a single parcel, tract of land or parcel of tied land, in each case that may be conveyed in compliance with the provisions of the *Planning Act* or the *Condominium Act*, 1998, excluding a unit, as that term is defined in the *Condominium Act*, 1998, or a common element;

Property Owner means registered owner(s) of a property;

Serviced Area means all areas within the jurisdiction of the County for which the County is responsible for providing and has installed infrastructure to provide potable water supply and wastewater collection, treatment, and disposal.

6. General

a)

Water and wastewater treatment plant capacity will be allocated only if there is, or will be, sufficient uncommitted hydraulic capacity reasonably available at the water or wastewater treatment plants, and only on the following basis;

- i. to a new service connection at the time of issuance of a building permit under the *Building Code Act* for the connection, or
 - ii. by a separate resolution passed by Council, or
 - iii. at the time of registration of a Plan of Subdivision or Plan of Condominium, or
 - iv. at the time of granting of a consent for a new lot under the *Planning Act*, or
 - v. at the time of approving a site plan Control agreement under the *Planning Act*, or
 - vi. at the time of payment of the Connection Charge(s), and
 - vii. provided there are no outstanding accounts to the County.
- b) Applications that are incomplete, under the terms of the Planning Act, or are incomplete based upon studies required by the County as listed in the application review, will not be considered for allocation.
- c) Developer/Owners may request that capacity allocations assigned to a property be “transferred” to another property; however the discretion to provide for any such transfer shall rest with Council.
- d) Council may reserve a portion of plant capacity unto the County to ensure important projects for the County can proceed.
- d)e) Council may prioritize capacity allocation assignments to development applications that include a meaningful number of affordable housing units, to the satisfaction of Council, that will contribute to meeting the County’s affordable housing policies. Respective legal agreement(s) shall be required to be executed detailing occupant eligibility, affordability rates and secured duration periods, among other items.
- e)f) Council may stipulate conditions with any allocated capacity, including but not limited to mandating a timeframe to utilize any allocation, ~~failing~~ which, if not met, may result in Council ~~may~~ amend~~ing~~ or revok~~ing~~e the allocation at ~~its~~ Council's sole discretion.
- f)g) Notwithstanding the above, ~~connection-servicing allocation~~ requests may be considered by Council if such request is in the interest of the County, provided that all relevant *Planning Act* controls are in place to prohibit actual development of the lands until there is or will be adequate water or wastewater treatment plant capacity reasonably available.
- g)h) The County’s approach to the provision of water or wastewater treatment plant capacity is based on the principle of matching the benefits of municipal planning

approvals with the financial obligations to provide plant capacity. As future plant expansions are dependent on the availability of adequate funding, the ~~County will require the~~ following ~~to shall~~ be included as conditions of all planning approvals:

For Draft Approval of Plans of Subdivision:

~~"The Developer/Owner is advised~~ The Owner shall acknowledge in the Subdivision Agreement that draft approval does not in itself constitute a commitment to providing access to the County's water or wastewater treatment plants. Subdivision plans may proceed to registration provided there is sufficient residual capacity to service the development. Plant capacity will be allocated for new development on a priority basis at the time of payment of Connection Charges.

At all times the granting of service allocation and the acceptance of a Connection Charge payment is conditional on the continued availability of service capacity and the ability to provide same. Should service capacity no longer be available to commit to the development, in whole or in part, through whatever circumstances, the County may remove or adjust the quantity of service allocation to this development, up to the time of registration of the Plan, by advising the Developer/Owner and refunding the applicable Connection Charges."

For ~~Lands which have already received Draft Approval of a Plan Of Subdivision Agreements by any governing body prior to the adoption of this Policy:~~

~~"The County reaffirms, and the Developer/Owner is advised, that draft approval does not in itself constitute a commitment to providing servicing access to the water or wastewater treatment plants. Plans may proceed to registration provided that there is sufficient residual capacity and capability to service the development. Plant capacity will be allocated for new development on a priority basis at the time of payment of Connection Charges.~~

~~At all times the granting of service allocation and the acceptance of a Connection Charge payment is conditional on the continued availability of service capacity and the ability to provide same. Should service capacity no longer be available to commit to the development, in whole or in part, through whatever circumstances, the County may remove or adjust the quantity of service allocation to this development, up to the time of registration of the Plan, by advising the Developer/Owner and refunding the applicable Connection Charges."~~In accordance with the County's Policy EV800, the Owner is, at the time of the execution of this Agreement, allocated water and wastewater capacity for the XXXXX lots within Phase I for a period of three (3) years from the date of this Agreement. The Owner agrees that if within this three (3) year period the entire XXXXX lots have not been built upon and if, in the opinion of the County, there is no likelihood that some of all of these lots will be built upon in the immediate future, then the County may, at its sole discretion, remove or adjust the quantity of service allocation to this development by advising the Owner and refunding the applicable Connection Charges.

The Owner shall have the right to apply to the County for a new allocation of water and wastewater servicing at any subsequent time.

Servicing allocations for future Phases shall be made by the County in a similar fashion dependent upon the available capacity and the reasonable construction prospects of the Owner at the appropriate times prior to the commencement of work on the future Phases."

For Rezoning Applications including those associated with the Draft Approval of Plans of Subdivision:

"Lands subject to Rezoning may, at the discretion of Council, be subject to a By-law passed under Section 34(5) the *Planning Act* prohibiting the use of lands or the erection or use of buildings or structures unless confirmation is provided that there is sufficient capacity and capability, in the opinion of the County to service the lands, buildings or structures.

Lands subject to Rezoning may incorporate an "H"- Holding Provision as provided under the *Planning Act* and the County's Official Plan. For the purposes of water or wastewater treatment plant capacity the "H"- Holding Provision will be lifted subject to the confirmation that there is sufficient residual capacity and capability to service the development by a resolution of Council.

At all times the granting of planning approval is conditional on the continued availability of service capacity and the ability to provide same. Should service capacity no longer be available to commit to the development, in whole or in part, through whatever circumstances, the County may withhold releasing the "H" - Holding Provision to this development until the capacity becomes available."

7. Responsibility and Implementation

- a) The Director is responsible for providing training and for the implementation of the policy.

8. Documentation and Forms

- a) The Director may establish procedures for the implementation of this Policy.