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| Title: | Water & Wastewater Capacity Allocation | | |
| Policy Group: Your Infrastructure and Services | Policy Administrator: Development Services | | |
| Approval Date: September 16, 2010 Resolution No. CW-327-2010 | Policy Number: DS-06 | | |
| Revision Date: November 25, 2025 | Next Revision: November 25, 2030 | | |

1. Policy Statement

- a) The Corporation of the County of Prince Edward ("the County") is committed to an environmentally and fiscally sound approach to the construction and operation of its water supply and wastewater treatment infrastructure.

2. Purpose

- a) 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. 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

This Policy applies to all properties within the urban boundary serviced areas and all properties outside of the urban boundary connected to partial services.

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,

Connection Charges means a charge imposed with respect to By-law No. 4019-2017 (A By-law to Impose Water and Sanitary Sewer Connection Charges upon the Owners and Occupants of land within the County of Prince Edward for all Connections to Municipally Operated Water and Sanitary Sewer Works), as amended from time to time;

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; or to seek an approval under the *Planning Act*;

Development Charges means a charge imposed with respect to By-law No. 90-2021 (A By-law for the Imposition of an Area-Specific Development Charge for the Wellington Urban Serviced Area), as amended from time to time;

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;

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;

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.

Urban Boundary means the area delineated as "Urban Boundary" on Schedule A 1-4 of the County's Official Plan or the equivalent title in a successor Official Plan.

6. General

- a) Water and wastewater treatment plant capacity will be allocated/assigned 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 for whichever comes first;
 - 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) or Development Charge(s), and
 - vii. provided there are no outstanding accounts to the County.
- b) 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.
- c) Council may reserve a portion of plant capacity unto the County to ensure important projects for the County can proceed.
- d) 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) Council may prioritize capacity allocation assignments to development applications that enable the use of front-ending agreement(s) between the Municipality and Developers, where the Developer finances the immediate costs of infrastructure and services. Respective legal agreement(s) shall be required to be executed detailing cost recovery through applicable Development Charge credits.
- f) Council may stipulate conditions with any allocated capacity, including but not limited to; i) mandating a timeframe to utilize any allocation, which, if not met, may result in Council amending or revoking the allocation at Council's sole discretion or, ii) requirements to consider allocation on a phased basis for any draft plan of subdivision.
- g) Notwithstanding the above, 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.

- 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 following shall be included as conditions of all planning approvals.

For Draft Approval of Plans of Subdivision:

"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.

If the Plan is not registered within three (3) years from the date of Draft Plan Approval, or the Draft Plan has not proceeded to the satisfaction of the Director within the term of Draft Plan Approval, the County, in its sole discretion, at the time of considering an extension of the Draft Plan Approval, may revoke any assignment of or refuse to assign any servicing allocation, in whole or in part, in accordance with Policy DS-06, as amended, and any applicable Official Plan policies in effect at that time.

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 assigned to this development, up to the time of registration of the Plan, by advising the Developer/Owner and refunding the applicable Connection Charges."

For Subdivision Agreements:

"In accordance with the County's Policy DS-06, the Owner is, at the time of registration of the Plan, 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 adequately serviced with water and wastewater connections and, , in the opinion of the County, there is no likelihood that some or of all of these lots will be serviced 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, and such request shall be considered dependent upon the available capacity and the reasonable construction prospects of the Owner.

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."

- i) The County will endeavour to maintain a register of capacity allocations made under this policy and will update annually to enable accurate accounting and reporting on capacity availability.

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.