

VILLAGE OF MERRICKVILLE-WOLFORD
WASTEWATER TREATMENT CAPACITY ALLOCATION POLICY

1. POLICY PURPOSE

The purpose of this Wastewater Treatment Allocation Policy (Policy) is to track and manage wastewater servicing capacity in a manner that provides for continued growth in all land use categories. It is intended to establish an element of equity and fairness to the process of capacity allocation. It clarifies for the development community and public at large how this important, finite public resource will be monitored and managed to ensure maximum benefits to the Village and to ensure that development approvals do not exceed capacity.

Allocation of wastewater servicing capacity will be at the sole and absolute discretion of Village Council. All allocation of wastewater capacity will be evidenced by an agreement between the developer and the Village of Merrickville-Wolford, approved by by-law of the Council of the Corporation of the Village of Merrickville-Wolford.

2. TERMINOLOGY

In this Policy, capacity is referred to in terms of “equivalent residential units” (ERUs), which is a calculation of the capacity that is required for a single detached residential unit. The Village shall use the Ministry of Environment, Conservation and Parks (MECP) D-5-1 Guidelines for Calculating and Reporting Uncommitted Reserve Capacity at Sewage and Water Treatment Plants to determine the capacity of its WWTP.

3. DEVELOPMENT REQUIRING WASTEWATER SERVICING CAPACITY ALLOCATION

This Policy shall apply to the lands within the Merrickville Urban Area south of the Canal, as identified in Village Official Plan. This policy shall apply to Planning Act applications for:

- Plans of Subdivision
- Plans of Condominium for new development or a condominium conversion where an expansion of existing development is required
- Consents for the creation of new lots
- Site Plan Applications for existing lots of record
- Rezoning

4. TIMING OF ALLOCATION – New Lot Creation

Wastewater Treatment Capacity Allocation will be in the form of a two-step process. For Plans of Subdivision, Plans of Condominium, Consents or creation of lots through part lot control by-laws the first step, “Reserved Capacity Allocation” shall be considered by the Village as part of the draft plan approval process for a plan of subdivision or plan of condominium, and as a condition of granting a consent. Such approvals shall be subject to conditions relating to phasing of development, duration of “reserved capacity allocation” provided by the Village, necessary improvements to capital works or any other condition deemed appropriate by the Village. Part Lot Control By-laws shall only be passed where capacity exists for the lot(s) to be created in that manner.

Such approvals shall contain a condition indicating that the Village is not obligated to provide wastewater servicing capacity allocation within the term of the draft approval or provisional consent and that the final allocation of water and wastewater servicing capacity will only occur following confirmation of such capacity by the Village and the entering into of an agreement between the owner and Village.

The second step is “Final Capacity Allocation” which shall be considered by the Village once the applicant has demonstrated that the conditions established for reserving allocation in the draft approval have been met. Final Capacity Allocation will be in the form of a resolution of Council and upon confirmation of the:

- i) execution and registration of a subdivision or condominium agreement, including all financial requirements; or
- ii) execution of a consent agreement (if necessary) for the creation of a new lot, including all financial requirements.

Generally, the Village shall not assign more than 20 equivalent residential units (ERUs) per phase of a subdivision proposal. Subsequent phase(s) will not be considered for “final capacity allocation” until the preceding phase has been registered, it has been serviced by municipal water and sewer, and the proponent has satisfactorily demonstrated to the Village that construction is proceeding and building permits have been/are being issued.

5. TIMING OF ALLOCATION – Site Plan Applications

For site plan applications the first step, “Reserved Capacity Allocation”, shall be considered by the Village as part of the approval of the site plan application. Such approval shall be subject to conditions relating to red line revisions, duration of “reserved capacity allocation” provided by the Village, necessary improvements to capital works or any other condition deemed appropriate by the Village.

The second step is “Final Capacity Allocation” which shall be considered by the Village once the applicant has demonstrated that the conditions established for reserving allocation have been met. Final Capacity Allocation will be in the form of a resolution of Council and upon confirmation of the execution and registration of a site plan agreement, including all financial requirements. The Village reserves the right to issue site plan approval which combines both approval steps for capacity allocation. In appropriate circumstances, the Village may impose conditions on a site plan approval related to duration of the allocation and a time within which building permits must be issued, failing which the capacity allocation will lapse and the approval will be revoked.

6. COMPETING APPLICATIONS FOR ALLOCATION

Where there are multiple requests for “reserved allocation capacity” before Council, and there is insufficient Capacity to grant all such requests, Council shall assess the competing requests and approve, deny or defer each of the competing requests, either in whole or in part. Council may, at its sole discretion, consider any criteria it deems appropriate when assessing competing requests. Such criteria may include but shall not be limited to the following:

- a. the stage of the proposed development in the approval process;

- b. whether the development assists in achieving specific objectives of the Official Plan, Strategic Plan, or other similar policy expressions of Council (e.g. residential intensification/infilling targets);
- c. whether the development provides public facilities beyond those facilities which are required to be provided by the developer, including development of a public park, trails, recreational facility or other key elements of public infrastructure;
- d. whether the development contributes towards diversification or variety of residential unit types, tenures, lot sizes;
- e. prior investment in public infrastructure improvements or a commitment to make financial contributions towards infrastructure improvements;
- f. developments that can be serviced immediately with minimal or no investment in infrastructure;
- g. whether the development provides positive financial impact for the Village;
- h. whether the development achieves advanced environmental sustainability, with a priority on development which incorporates advanced efficiencies in water and wastewater use;
- i. whether the development provides affordable housing or addressing special housing needs;
- j. whether the development provides employment and economic development opportunities other than construction or "spin off" jobs; and,
- k. any other public benefits or factors as determined by Council.

7. ALLOCATION TIED TO LAND

For the purpose of this Policy, any allocation granted shall be tied to the land itself, and any timing of allocation contemplated shall not be affected by ownership changes, assignments of obligations by an owner, or agreements of purchase and sale.

8. EXEMPTIONS

This policy shall not apply to the following:

- a. New or expanded accessory building where new wastewater servicing capacity is not required;
- b. Any change of use, addition, renovation or alteration to a building provided that there is no increase in demand for wastewater servicing capacity based on current use; and,
- c. Where the property is serviced by private well and/or a septic system and will not be connected to municipal services..

9. RESCINDING AND REALLOCATION OF SERVICING

Where "reserved allocation capacity" has been allocated to a draft plan of subdivision or condominium and the applicant has not entered into the required subdivision/condominium agreement within **3 years** from the date that servicing capacity was first allocated to such land, such allocation shall be deemed to be rescinded and the Village may re-allocate such capacity to other development(s). Where a subdivision or condominium agreement is entered, the agreement may establish a further lapsing date for completing the development, failing which the allocation shall be deemed to be rescinded, the final approval revoked and the Village may re-allocate such capacity to other development(s).

Where “reserved allocation capacity” has been allocated to a conditional consent and the applicant has not fulfilled the conditions or consent within **2 years** from the date that servicing capacity was first allocated to such land, such allocation shall be deemed to be rescinded and the Village may re-allocate such capacity to other development(s).

Where “reserved allocation capacity” has been allocated to an approved site plan and the applicant has not entered into the required site plan agreement within **1 year** from the date that servicing capacity was first allocated to such land, such allocation shall be deemed to be rescinded and the Village may re-allocate such capacity to other development(s). Where a site plan agreement is entered, the agreement may establish a further lapsing date for completing the development, failing which the allocation shall be deemed to be rescinded, the site plan approval revoked and the Village may re-allocate such capacity to other development(s).

Where “final allocation capacity” has been granted for a development in accordance with this policy, Council may consider withdrawal of allocated capacity only if the developer is in default of the terms and conditions of the registered agreement or it is determined by Council that no additional capacity exists.

10. EXTENSION OF ALLOCATED SERVICING

An owner of land to which “reserved allocation capacity” has been approved by Council and who wishes to retain its reserved allocation shall make application to the Village at least 90 days prior to expiry, for an extension request. Such requests shall indicate reasons for the development not proceeding in a timely manner, commitments to proceed expeditiously if the extension is granted or other relevant matters.

Consideration of extending the time for the reserved allocation capacity will be at the sole and absolute discretion of Council and will be evidenced by a resolution of the Council.