

The Corporation of the Township of Huron-Kinloss



BY-LAW No.

2025 - 59

Being a By-Law to Adopt the Water and Wastewater Capacity Allocation Policy for the Township of Huron-Kinloss

WHEREAS Section 8(1) and 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provide that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues and has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under this or any other Act;

AND WHEREAS the Council of the Township desires to establish an Water and Waste Water Capacity Allocation Policy as per Report CAO-2025-12;

NOW THEREFORE the Council of The Corporation of the Township of Huron-Kinloss **ENACTS** as follows;

1. That the Corporation of the Township of Huron-Kinloss hereby adopts the Water and Wastewater Capacity Allocation Policy as contained in Schedule "A"; attached and forming part of this by-law.
2. That this By-law shall come into force and effect upon its final passage.
3. That this By-law may be cited as the "Water and Wastewater Capacity Allocation Policy By-law".

READ a FIRST and SECOND TIME this 16th day of June, 2025.

READ a THIRD TIME and FINALLY PASSED this 16th day of June, 2025.

Mayor

Clerk

By signing this by-law on June 16th, 2025, Mayor Murray confirmed that they will not exercise the power to veto this by-law.



The Corporation of the Township of Huron-Kinloss

Policy

Section: 4.0 Public Works

Policy: Water and Wastewater Capacity Allocation Policy

By-Law: By-law No. 2025-59

Date: 16 June 2025

Revision: N/A

Coverage:

The Corporation of the Township of Huron-Kinloss (the "Township") is responsible for the provision of municipal water supply and wastewater collection services.

Policy Statement:

A1 INTRODUCTION:

This Water and Wastewater Capacity Allocation Policy (the "**Allocation Policy**") has been developed to ensure that the remaining and future **uncommitted hydraulic reserve** capacity in the Lakeshore Area Water System, Ripley Area Water & Wastewater System, Lucknow Area Water & Wastewater System & Whitechurch Area Water & System is planned for and **allocated** in a sustainable and transparent manner to those projects that provide the greatest benefit to the community and that are most likely to proceed in the immediate future.

The **Allocation Policy** is also intended to provide fairness and predictability to the process of capacity estimation and **allocation**. It clarifies for the development community and the public how a finite resource will be managed to ensure maximum benefit to the community. This policy relies on the statutory authority set out in s. 86(1) of the *Municipal Act, 2001*, which requires the supply of water and wastewater if "there is sufficient supply" available. In Ripley & Lucknow, proposed development exceeds supply and therefore this policy framework is required to manage the limited supply for at least the next decade.

Legislative Authority:

N/A

Contents:

A2 DEFINITIONS:

Additional residential units ARU: means a residential unit within an existing single-detached, semi-detached or row dwelling building; or within a building or structure that is detached and accessory to a single detached, semi-detached or row dwelling.

Affordable housing: means residential housing products that meet the definition of “affordable” as delineated in the Provincial Policy Statement (PPS), by the Canadian Mortgage and Housing Corporation (CMHC), County of Bruce, and/or as approved or endorsed by the Township.

Allocated/allocation: means the action of apportioning **uncommitted hydraulic reserve capacity** in the Lakeshore Area Water System, Ripley Area Water & Wastewater System, Lucknow Area Water & Wastewater System & Whitechurch Area Water System.

Allocation Policy: means the policy adopted by Township Council to provide guidance, direction and procedures to allocate water and wastewater capacity.

Conditional approval: means conditionally apportioning **allocation** so that a further Council or designate decision is required to determine the timing when the **allocation** may be activated.

Design capacity: The total amount of flows that the water and wastewater plants are designed to treat per the Drinking Water Works Permit (“DWWP”) or Environmental Compliance Approval, respectively.

Director (PW): means the **Director** of Public Works or designate for the Township of Huron- Kinloss.

Equivalent Residential Units (ERU): means the design flow associated with a single detached residential unit for the purposes of the **allocation of uncommitted hydraulic reserve capacity**.

Hydraulic reserve capacity:

For sewage, means the **design capacity** of the Ripley Area Wastewater System & Lucknow Area Wastewater System minus the actual existing recorded annual average day wastewater flow.

For water, means the **design capacity** of the Lakeshore Area Water System, Ripley Area Water System, Lucknow Area Water System & Whitechurch Area Water System minus (i) the actual existing recorded maximum day demand and (ii) any capacity reserved to service municipalities outside the Township of Huron-Kinloss.

Limited capacity: means where the actual recorded annual maximum day flow exceeds 95% of the design capacity of the Lakeshore Area Water System, Ripley Area Water System, Lucknow Area Water System & Whitechurch Area Water System and/or where the municipality is actively undertaking an expansion of either plant.

Systems: means the Lakeshore Area Water System, Ripley Area Water System, Lucknow Area Water System, Whitechurch Area Water System, Ripley Area Wastewater System & Lucknow Area Wastewater System

Uncommitted hydraulic reserve capacity: The uncommitted hydraulic reserve capacity is obtained by subtracting (i) any apportioned water and wastewater **allocation** (ii) a safety factor (which is determined by **Director**), (iii) any capacity reserved for government projects or purposes (e.g., ARUs), (iv) projects that do not require a *Planning Act* application or the treatment of hauled sewage if applicable, from the existing **hydraulic reserve capacity**.

Note: Where this policy refers to legislation, such references shall include amendments or successors thereto.

A3 WHERE THE ALLOCATION POLICY APPLIES

The **Allocation Policy** applies to all geographically serviced areas within the Township of Huron-Kinloss.

A4 MEASURING WATER AND WASTEWATER CAPACITY ALLOCATION

- a) The **Director** in conjunction with the Township's Professional

Engineer is responsible for identifying the **uncommitted hydraulic reserve capacity** available for possible **allocation** in the **Systems**.

- b) The **Director** shall establish the amount of **uncommitted hydraulic reserve capacity** and uncommitted **ERU equivalents** on an annual basis for the purposes of administering and implementing the **Allocation Policy**.
- c) The Township may request a report from a professional engineer at the cost of the developer confirming the maximum day water demand, average day sewage flows, and extraneous sewage flows for major developments and/or amendment proposals in accordance with any Townships endorsed methodology as determined by Township at their sole discretion. The Township shall confirm and approve the final **ERU** equivalent.

A5 DEVELOPMENT SUBJECT TO THE ALLOCATION POLICY

The **Allocation Policy** applies to the following growth and development in the Township, unless exempted in accordance with Section A6 of this Policy:

- a) Any development where an extension and/or the provision of new water and/or wastewater infrastructure is required;
- b) The creation of any number of new lots or units through the Plan of Subdivision, Vacant Land Condominium Description, consent to sever or part lot control processes;
- c) Any development that will result in an increase of the existing allocated ERU(s).

A6 DEVELOPMENT NOT SUBJECT TO THE ALLOCATION POLICY

The **Allocation Policy** does not apply to the following:

- a) The addition of up to two (2) **additional residential units** on a lot, provided the

additional residential unit(s) complies with all applicable zoning requirements.

- b) A change on a property from one permitted use to another permitted use in accordance with the Township's Zoning By-law that does not increase the **ERU's**;
- c) The repair, re-build or restoration of a legally existing building or structure, or part thereof, provided that the building or structure continues to be used for the same purpose and does not increase the **ERU's**;
- d) Minor adjustments to site plan agreements and subdivision/condominium/site plan amendments that do not increase the ERU's;
- e) The development of existing vacant lots that do not exceed one ERU.

A7 TIMING AND EXPIRY OF WATER AND WASTEWATER CAPACITY ALLOCATION

A7.1 APPLICABILITY OF THIS SECTION

This section applies to decisions on applications for Draft Plan of Subdivision/Vacant Land Condominium Description Approval (Section 51 of the *Planning Act*), Provisional Consent (Section 53 of the *Planning Act*), and Site Plan Approval (Section 41 of the *Planning Act*) that are made after the **Allocation Policy** comes into effect.

A7.2 PLANS OF SUBDIVISION AND VACANT LAND CONDOMINIUMS

- a) If **uncommitted hydraulic reserve capacity** exists within any of the **Systems**, a **conditional approval** water and wastewater capacity can be provided by staff at the time of a complete application for **allocation** subject to Section A10 of this Policy. The timing of the **allocation**, as well as **allocation** in phases or stages to facilitate the orderly build-out of the proposal (if applicable), shall be further articulated in a development, servicing or front- ending or other agreement (i.e., agreements under

the *Planning or Development Charges Act*). **Allocation** will be given at the time of draft Plan approval by Council or designate.

- b) If capacity is conditionally approved in accordance with subsection a) a complete application must be submitted within one (1) year from the date of **conditional approval**.
- c) If capacity is conditionally approved or **allocated** in accordance with sub-section a), all or part of the Draft Plan must be registered within thirty-six (36) months from the date Draft Plan Approval, and if this does not occur, the **conditional approval** or **allocation** as applicable shall be deemed withdrawn.
- d) Notwithstanding Subsection c), in the case of an application for extension of draft approval under Section 51(33) of the Planning Act, an additional two (2) years may be considered by Council, or its designate, provided the owner demonstrates that they have taken the appropriate steps to register all or part of the Draft Plan. Such steps may include the finalization and acceptance of servicing and stormwater plans and drawings and/or the clearing of the majority of conditions of Draft Plan Approval.
- e) In order to ensure that development proceeds expeditiously and does not hold **conditional approval** or **allocation** without performance, it is the intent of Council to update the Township's Official Plan policies to align approval of draft plans of subdivision and condominium descriptions with the initial three (3) years commitment plus one (1) year maximum for any extension of capacity commitment and/or **allocation** as per this Policy, unless extenuating circumstances (e.g. change of ownership, significant amendments to the proposal, unforeseen economic conditions, etc.) are demonstrated. Until such time as the Official Plan is updated, the **Allocation Policy** shall serve as Council's direction respecting new approvals or requests to extend existing draft approvals.
- f) As a condition of Draft Plan Approval pursuant to subsection 51(25) of the *Planning*

Act, or through a concurrent Zoning By-law Amendment application, the Township's Zoning By-law shall generally be amended to ensure that a Holding provision is applied to all lands subject to the Draft Plan Approval, with the Holding provision only lifted by Council or designate when the development is ready for the building permit stage.

- g) If the Plan of Subdivision or Vacant Land Plan of Condominium constitutes more than 200 **ERUs**, draft approval, registration and the **allocation** of capacity shall proceed in phases and each phase shall not generally constitute more than 100 **ERUs**, except where a single building includes greater than 100 **ERUs**. The registration of and/or lifting of any Holding Symbol on any additional phase cannot occur unless building permits for no less than seventy-five percent (75%) of the lots or units in the previous phase have been issued. The Holding Symbol shall be used to facilitate phasing of Vacant Land Plans of Condominium until such time as phased registration is permitted by legislation.

A7.3 SITE PLAN APPROVAL

- a) If **uncommitted hydraulic reserve capacity** exists within any of the **Systems** a **conditional approval** of water and wastewater capacity can be provided by staff at the time of a complete application for **allocation** has been received. **Allocation** will be given by the Chief Administrative Officer at the time of execution and registration of a Site Plan Agreement. The availability of the committed capacity **allocation** in phases or stages to facilitate the orderly build-out of the proposal may be further articulated in the Agreement.
- b) If capacity is conditionally allocated in accordance with sub-section a) all or part of the Site Plan must be executed within 12 months from the date of **conditional approval**.
- c) If capacity is **allocated** in accordance with sub-section a) and building permits are

not obtained within twenty-four (24) months of the date of the execution and registration of a Site Plan Agreement, then **allocation** shall be deemed withdrawn.

- d) Notwithstanding Subsection b), an additional twenty-four (24) months may be considered by the Chief Administrative Officer, provided the owner demonstrates that they have taken the appropriate steps to commence development on the land. Such steps may include the finalization and submission of architectural servicing and stormwater plans and drawings. If building permits are not obtained before the expiry of the extension period contemplated in this paragraph, then the **allocation** shall be deemed withdrawn and the Agreement may be terminated.
- e) Where site plan approval facilitates the development of a phased condominium, each phase shall not generally constitute more than 100 **ERUs**, except where a single building includes greater than 100 **ERUs**.

A8 EXISTING APPROVALS

- a) If lands are subject to Draft Approved Plans of Subdivision or Vacant Land Condominium Description before this **Allocation Policy** comes into effect, the Township may seek to amend the conditions of Draft Plan Approval for all existing files, pursuant to subsection 51(44) of the *Planning Act*, so that there is no capacity **allocation** for the subdivision or vacant land condominium.
- b) If **uncommitted hydraulic reserve capacity** exists within any of the **Systems**, the developments would be evaluated against the **Allocation Policy** in effect at the time of final approval/registration. At that time, the **allocation** of capacity and availability of the committed capacity **allocation** in phases or stages to facilitate the orderly build-out of the proposal, if applicable, would be articulated in a development, servicing or front ending or other agreement (i.e., agreements under the *Planning Act* or *Development Charges Act*).

A9 EXISTING SITE PLAN AGREEMENTS

- a) To ensure that capacity **allocation** is not held without performance, where a Site Plan Agreement was registered on title prior to the effective date of this **Allocation Policy** and development has not commenced within twenty-four (24) to forty-eight (48) months of the date of agreement execution, the **allocation** may be deemed withdrawn and the Agreement may be terminated.

A10 CAPACITY ALLOCATION CRITERIA

- a) In conjunction with development applications as defined in Section A7 – “Timing and Expiry of Water and Wastewater Capacity **Allocation** Development Applications, all proponents will be required to apply for water and wastewater **allocation** as a result of this policy. The **Allocation** Process as provided in Appendix A – “Water and Wastewater **Allocation** Process” outlines the Township’s requirements for water and wastewater **allocation**. Guidelines for how applications will be processed by the Township and requirements of a complete application are provided within Appendix A.
- b) Unless otherwise noted in this policy the **Director** of Public Works, has the authority to issue water and wastewater **allocation** pursuant to this Policy for all requests requiring water and wastewater **allocation**.
- c) A process flow chart is provided as part of Appendix B to further assist with the understanding of the water and wastewater **allocation** process and how it is correlated to development application procedures.
- d) Due to the evolving nature of development and requirements thereof, modification of wastewater **allocation** process and related procedures is required from time to time ensuring that the most current and applicable standards and processes are

implemented to better serve the development community and the public interest. The **Director** of Public Works, is authorized to amend the “Water and Wastewater **Allocation** Process” as described within Appendix A.

- e) Nothing in this Policy precludes the Township from reserving **uncommitted hydraulic reserve capacity** for government-led projects deemed to be in the interests of the public including, but not limited to, facilities affecting public health and safety, educational and recreational facilities, and provision of **affordable housing**. Further, **uncommitted hydraulic reserve capacity** shall be established for the treatment for hauled sewage, if applicable.

A11 MONITORING, TRACKING AND REPORTING

Township staff shall establish development tracking tables to monitor the capacity that has been **allocated**, inclusive of documenting and/or updating the numerical values to be determined by the **Director**. Such monitoring and review may also determine if any minor changes to this **Allocation Policy** would be needed in the best interest of the Township. To increase certainty and stability within the system, a comprehensive review of the **Allocation Policy** will occur no earlier than 24 months after the previous comprehensive review.

A12 IMPLEMENTATION

- a) In order to protect the Township’s interests, at no time will the total allocated capacity, exceed the **uncommitted hydraulic reserve capacity** of the **Systems**.
- b) At times of **limited capacity**, an annual cumulative maximum servicing capacity **allocation** threshold will be established by the Chief Administrative Officer, **Director** and Manager of Building & Planning and the total annual **allocated** capacity shall not exceed the threshold. Additionally, there is also a **conditional approval** threshold set by the **Director** that ensures that the total design is not exceeded within the plant expansion and upgrade timelines.

- c) Areas of the Township where servicing is not imminent or feasible may be subject to a Holding provision pursuant to Section 36 of the Planning Act, with the Holding provision only being lifted by the Council or designate when services are available.

- d) Nothing in this Policy precludes the Township from applying a holding provision to properties where municipal services are available prior to land or ownership division applications, with the Holding provision only being lifted by Council or designate when **uncommitted hydraulic reserve capacity** is confirmed as available or otherwise **allocated** through land/ownership division and/or site plan approvals. For greater clarity, capacity would not be allocated at the time of an official plan or zoning by-law amendment.

To minimize the fiscal risk to the Township, where upfront financing is required to extend or provide new water and/or wastewater infrastructure to facilitate development on more than one parcel of land, a front ending agreement under the *Development Charges Act* or similar approach shall be used, including the identification of the benefiting

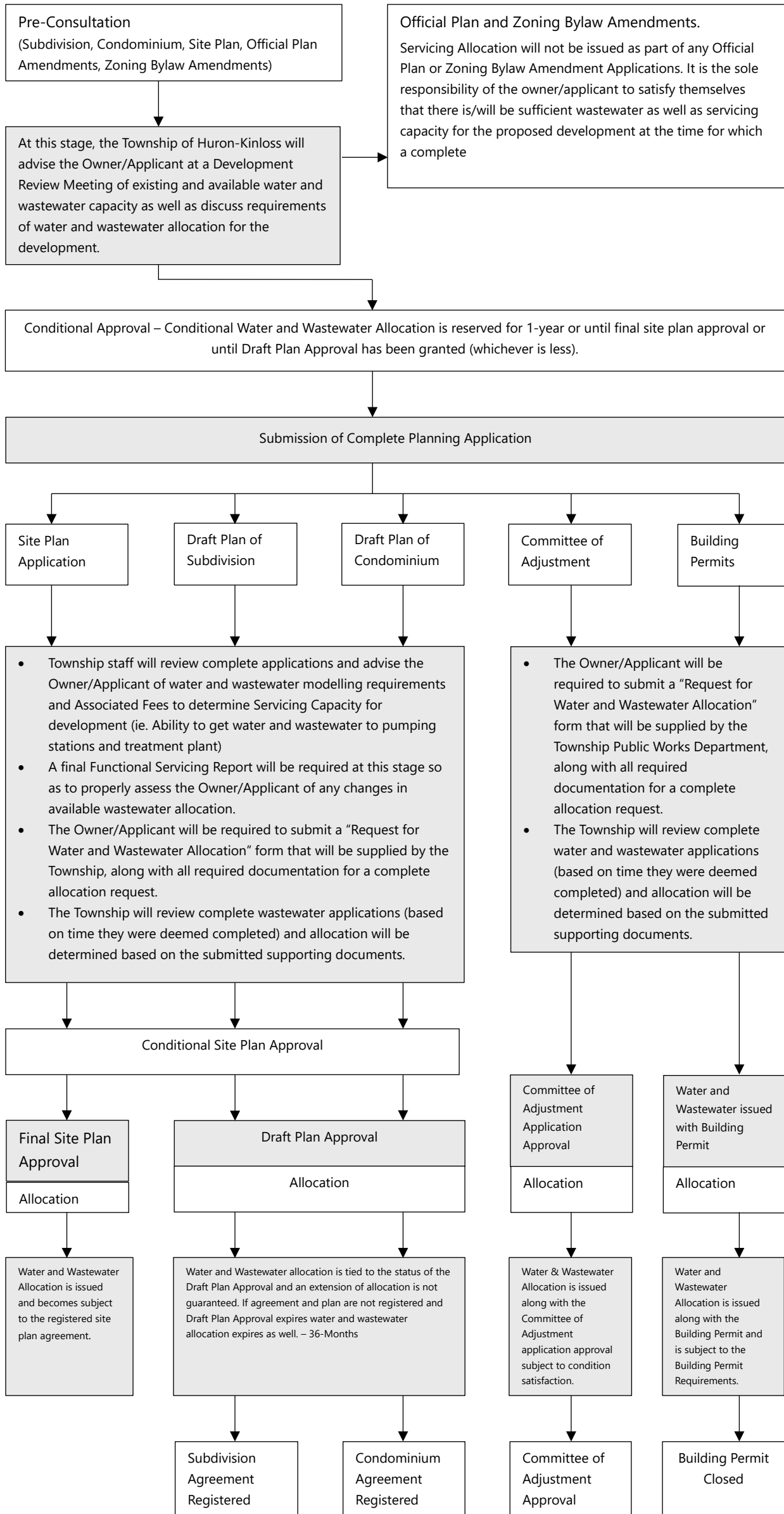
Appendix A – Reserve Capacity Allocation Process

Servicing Allocation Process

The following in conjunction with “Servicing Allocation Process Flow Chart” as provided in Appendix B, outlines the process by which water and wastewater allocation requests will be considered by the Public Works Department:

- (1) A written request for water and wastewater allocation will be submitted in paper copy and electronically (See Template Attached as Appendix C to this Policy) by the Owner / Applicant in part to satisfy their conditions for final approval.
- (2) Request for water and wastewater allocation will be reviewed by the Public Works Department for completeness. If the application is deemed incomplete, the Township of Huron-Kinloss will advise the applicant via email stating what remains outstanding. A complete water and wastewater allocation request consists of the following:
 - Completed Water and Wastewater Allocation Request Form
 - A Site Plan (11x17”) showing property(s) requesting allocation
 - A Servicing Plan (11x17”) showing the proposed water and sewer network as well as the proposed connection point to municipally owned water and sewers
 - Supporting documentation/justification of requested allocation
- (3) Once an application has been deemed complete, the Director of Public Works will review water and wastewater allocation requests in order, based on the time the said requests were deemed complete. Recommendations for water and wastewater allocation will be provided based on supporting documents and available water and wastewater allocation. The Director of Public Works or designate, as per By-Law 2025-59, will be delegated the authority to allocate wastewater allocation pursuant to this policy.

**Township of Huron-Kinloss
Servicing Allocation Process Flow Chart**



Appendix C – Water and Wastewater Allocation Request Form



Water and Wastewater Allocation Request

Township of Huron-Kinloss
21 Queen Street
Ripley, ON, N0G 2R0

Attention: Director of Public Works

The Township of Huron-Kinloss, in an effort to manage and maintain wastewater infrastructure for the Township, requires that this application be completed and submitted to the above noted address for water and wastewater allocation consideration.

Section 1) Applicant requesting allocation (Party to receive allocation letter)

Name: _____
Company: _____
Full
Address: _____
Phone: _____
Email: _____

Section 2) Property Owner Information

Name: _____
Company: _____
Full
Address: _____
Phone: _____
Email: _____

Section 3) Property Information

Project/Business Name: _____
Project Address: _____

<i>For Office Use Only</i>			
Date Received:	_____	File Number:	_____
		Associated Project Number(s)	_____

Section 4) Scope of project

Development: New Existing Change Type of Development: Residential Non-Residential

*All Non-Residential water and wastewater allocation requests must be based on actual anticipated water and wastewater flows (i.e. Number of Employees, Number of Beds, etc.) as presented within documents provided as part of planning application process completed by a qualified individual.

Proposed Use(s) _____ Existing Use(s) _____
Brief Description of Project: _____

Proposed Connection Details: _____
Previous Flow (in L/s if applicable) _____

Residential

Gross Area (ha): _____
Low Density Number of Units: _____ Requested Allocation (L/s) _____
(eg. Single and Semi-Detached)
Medium Density Number of Units: _____ Requested Allocation (L/s) _____
(eg. Townhomes and Row houses)
High Density Number of Units: _____ Requested Allocation (L/s) _____
(eg. Apartments)

Non-Residential*

Gross Area (ha): _____
Commercial Requested Allocation (L/s) _____
(eg. Business Park, Shopping Mall)
Institutional Requested Allocation (L/s) _____
(eg. Schools, Homes for the Aged)
Industrial Requested Allocation (L/s) _____
(eg. Warehouses, Autobody Repair)

Total Requested Wastewater Allocation (L/s) _____

Section 5) Supporting Documentation

The following must be provided to consider this request for wastewater allocation request complete electronically as well as paper copies (*Regardless if supporting information was submitted prior to this request*):

- I. A Site Plan (11x17") showing properties requesting allocation.

- II. A Servicing Plan (11x17") showing the proposed sewer network as well as the proposed connection point to municipally owned sewers.
- III. Supporting documentation/justification of above requested allocation.

Applicant Affidavit

I/We, The Undersigned, do hereby make application and petition to the Township of Huron-Kinloss to approve the subject Water and Wastewater allocation. I hereby certify that I have full legal right to request such action and that the statements or information made in any paper or plans submitted herewith are true and correct to the best of my knowledge. I understand this application, related material and all attachments become official records of the Township of Huron-Kinloss and will not be returned.

Print Name

Signature of Applicant

Date

<i>For Office Use Only</i>		
Conditional Approval Date: _____	Final Approval Date: _____	Approved by: _____