

CITY OF HAMILTON AIRPORT EMPLOYMENT GROWTH DISTRICT (AEGD) WASTEWATER CAPACITY ALLOCATION POLICY

Purpose and Intent:

The City of Hamilton has recently approved and invested substantial capital in wastewater infrastructure in and around the AEGD to support a growing, prosperous and healthy community. This infrastructure includes supplying wastewater conveyance and treatment capacity.

In order to maintain the provision of wastewater conveyance and treatment capacity in the AEGD, policies and guidelines are necessary to provide a consistent, fair, equitable and financially sustainable process in which wastewater capacity can be managed and aligned with the City’s growth strategy and priorities. The purpose of the AEGD Wastewater Capacity Allocation Policy is to improve wastewater service delivery needed to protect the public health, safety, environment and quality of life of its citizens and developers.

City of Hamilton’s Role in Determining Wastewater Capacity Allocation:

This section of the AEGD Wastewater Capacity Allocation Policy outlines the City of Hamilton’s role in the wastewater capacity allocation process:

1. The City of Hamilton as the provider and operator of the wastewater treatment and conveyance system is the owner of the system capacity. As such, the City of Hamilton approves the best planning estimates for wastewater conveyance and treatment capacity using a per capita value for wastewater volumes plus an infiltration index. The existing residents and businesses pay a Rates Charge as established by Council to receive these services.
2. The City of Hamilton as the Approval Authority confers wastewater capacity allocation onto properties through Development approvals. Development is considered to be Draft Plans of Subdivision or Plans of Condominium, Site Plans, Consents, redevelopment/infill or public interest projects.
3. In consultation with the development community, the City of Hamilton approves an Infrastructure Staging of Development Program in accordance with the Urban Hamilton Official Plan (Chapter F, Section 3.6) for development proposals including those distributed within the AEGD Wastewater Capacity Allocation Area (see attached Schedule 1).
 - The City of Hamilton will annually solicit and receive requests for wastewater conveyance and treatment capacity allocation from applicants/developers including public interest projects and identifies these in the AEGD Wastewater Capacity Allocation Area.

- The City of Hamilton determines the overall wastewater conveyance and treatment capacity on an on-going basis and then distributes the available allocated wastewater capacity within the proposed development projects, in consultation with the applicants/developers.
 - City of Hamilton Growth Management staff prepares an annual report as part of the City’s Infrastructure Staging of Development Program to advise City Council of the specific allotted wastewater conveyance and treatment capacity allocations that have been or are recommended to be approved.
4. The City of Hamilton enters into an AEGD Wastewater Capacity Allocation Agreement or issues a Wastewater Sewer Extension Permit with each individual applicant/developer to provide the allocated wastewater capacity in exchange for deposit/payment of current wastewater capacity allocation Development Charge fees.

Sustainability Criteria Policy:

1. The Sustainability Criteria defined below are to be used as a guide by the City of Hamilton in determining the distribution of wastewater conveyance and treatment capacity allocation in the AEGD Wastewater Capacity Allocation Area:
 - (a) Maintains and optimizes the use of existing City infrastructure;
 - (b) Minimizes the cost for provision of new City infrastructure;
 - (c) Facilitates the development of complete communities;
 - (d) Supports other City of Hamilton policies including the Corporate Strategic Plan to promote Economic Prosperity and Growth, implement Official Plans, the AEGD Secondary Plan, the Zoning-by-law, the Economic Development Strategy and all relevant Master Plans; and,
 - (e) Demonstrated ability to develop/proceed exists.
2. The AEGD Wastewater Capacity Allocation Policy applies to the AEGD Wastewater Capacity Allocation Area as shown on Schedule 1 and defined through the City of Hamilton’s Infrastructure Staging of Development Program.

AEGD Wastewater Capacity Allocation Policy:

1. Development Approvals for Wastewater Capacity Allocation will be focused and prioritized on projects as follows:
 - (a) Non-residential development, specifically industrial, commercial and institutional growth;
 - (b) Developments which facilitate completion / enhancement of communities in a coordinated / orderly manner (i.e. missing road connections, watermain looping or reinforcement to support existing development);
 - (c) Other forms of development that are considered Employment that meet current land use policy such as Mixed Use; and,

- (d) Residential development.
2. Wastewater conveyance and treatment capacity allocation for new development projects in the AEGD cannot be reserved until the following criteria are met:
 - (a) Project identification, selection and prioritization in the City's Infrastructure Staging of Development Program;
 - (b) A set of Infrastructure Servicing Construction Plans have been approved by the City;
 - (c) Adequate downstream conveyance capacity availability has been verified to the satisfaction of the City;
 - (d) Adequate downstream treatment capacity availability has been verified to the satisfaction of the City; and,
 - (e) An AEGD Wastewater Capacity Allocation Agreement has been executed or a Wastewater Sewer Extension Permit has been issued including deposit/payment of current wastewater capacity allocation Development Charge fees.
 3. All capacity evaluations, approvals and permits shall be based on engineering parameters and methodologies specified in the City's Development Guidelines and Standards, Adequate Services By-law and Ministry of the Environment and Climate Change Approvals and Regulations.
 4. Approval of property Zoning, Site Plan, Consent or Draft Approval of a Plan of Subdivision or Plan of Condominium by the City is not a promise or guarantee or reservation of wastewater conveyance and treatment capacity allocation.
 5. Wastewater conveyance and treatment capacity allocation for redevelopment/infill or public interest projects cannot be reserved until an applicant has complied with Subsection 2 (b), (c), (d) and (e) above.
 6. Wastewater conveyance and treatment capacity will be allocated on a Phase or site-specific plan basis, subject to wastewater conveyance and treatment capacity availability. Wastewater conveyance and treatment capacity will not be allocated "up front" for an entire Draft Plan of Subdivision, either non-residential or residential.

Wastewater Capacity Allocation Agreement Policy:

1. In order for a development or redevelopment project to be considered for wastewater conveyance and treatment capacity allocation, the applicant/developer must enter into a Wastewater Capacity Allocation Agreement with the City.

2. At the end of each calendar year, all applicants/developers must submit to the City a Construction Status Report containing the actual number of residential units that were built that year as well as an updated buildout schedule for the remainder of the project. For non-residential development projects, a Construction Status Report identifying updated progress and buildout schedule for the remainder of the project must be submitted. Failure to do so may result in the denial of any future wastewater capacity allocation for the project.
3. In order to provide a fair and equitable timeframe for development which has received an allocation of wastewater conveyance and treatment capacity, the City will execute Wastewater Capacity Allocation Agreements for a three (3) year period.
4. As part of the Infrastructure Staging of Development Program, City staff will prepare a report to City Council on the status of proposed development and public interest projects having received wastewater conveyance and treatment capacity allocation and advise on amount of wastewater conveyance and treatment capacity allocation is being utilized using best planning estimates.
5. Wastewater conveyance and treatment capacity allocations granted under this policy shall require the applicant/developer to execute the Wastewater Capacity Allocation Agreement and post the required security deposit or payment with the City within forty-five (45) days of the date of being granted capacity allocation by the City.
6. The required security deposit shall be fifty percent (50%) of the current wastewater conveyance and treatment capacity allocation Development Charge fees and shall be held by the City. An individual applicant/developer will receive credit for such security deposit applied towards payment of all Development Charge fees for wastewater conveyance and treatment capacity allocation as building permits are issued.
7. The required security deposit shall be in the form of a Letter of Credit or cash. Failure to post such security deposit will result in revocation of the wastewater conveyance and treatment capacity allocation.
8. The required security deposit does not guarantee that the wastewater conveyance and treatment capacity allocation Development Charge fees will not change from time to time. Any balance owed in excess of the required security deposit will be calculated on the current Development Charge fees applicable at the time they are to be paid.

Public Interest Projects Policy:

1. The City Council reserves the right to allocate wastewater conveyance and treatment capacity for those projects deemed to be in the best interests of the

public including, but not limited to, facilities affecting public health and safety, educational facilities, and economic development. An allocation amount of wastewater conveyance and treatment capacity in the form of a per capita value for wastewater volumes plus an infiltration index shall be reserved for such purpose.

2. As part of each future update of the AEGD Wastewater Capacity Allocation Program, City staff will conduct a review and recommend the retention by Council of an appropriate wastewater allocation amount for public interest projects. Further, the City will, in circumstances where there has been a reversion or removal of wastewater conveyance and treatment capacity allocation, review the need for capacity allocation to public interest projects. The review will occur as part of the Infrastructure Staging of Development Program in conjunction with the appropriate Standing Committees of Council and agencies in the City of Hamilton.

Reversion or Removal of Wastewater Capacity Allocation Policy:

The reversion or removal of wastewater conveyance and treatment capacity allocation will occur as follows:

1. The City will actively monitor the status of wastewater conveyance and treatment capacity allocation and development projects/applications, in consultation with the development community.
2. Allocated wastewater conveyance and treatment capacity is subject to being reverted or unallocated by the City, if:
 - (a) Installation of wastewater sewer pipes has not commenced within six (6) months of the execution of a Wastewater Capacity Allocation Agreement; and/or,
 - (b) The site-specific Zoning, Site Plan or Draft Plan of Subdivision for the property loses its vesting rights pursuant to the City of Hamilton’s Zoning By-law, Site Plan Guidelines or Draft Plan Approval conditions.
3. Six (6) months prior to the expiration of the three (3) year Wastewater Capacity Allocation Agreement, the developers will contact the city with wastewater conveyance and treatment capacity allocation who have not completed their development application process to remind them of the expiration deadline.
4. If the development application process has not been completed (i.e. registration of the Plan of Subdivision, Consent, final Site Plan Approval or Site Plan Extension) upon expiration of the three-year Wastewater Capacity Allocation Agreement, then the City will contact the applicant/developer and outline options for consideration.

5. Where warranted and appropriate, the City may recommend extensions on a yearly basis, which are consistent with the period of Draft Plan of Subdivision approval extensions, if the applicant(s) is actively proceeding with the project development. The applicant(s) is required to demonstrate in writing how they are actively proceeding with the development, including detailed timeframes for completion of the development.
6. Where warranted and appropriate, the City may recommend a refund, in whole or in part, of wastewater capacity allocation Development Charge fees paid or for the subject project credited.
7. The City re-allocates the reverted wastewater conveyance and treatment capacity subject to any Public Interest Projects within the City requiring all or a portion of the re-allocation.
8. If an applicant/developer re-applies for wastewater conveyance and treatment capacity allocation and is granted the allocation, the security deposit required is to be based on current Development Charge fees.

Controlling Policy:

1. This policy shall be reviewed no less than one time each year and in conjunction with the City’s Infrastructure Staging of Development Program.
2. The wastewater conveyance and treatment capacity will be allocated to projects in the order in which the Infrastructure Servicing Construction Plans are approved. In the event that multiple projects are approved simultaneously, the identification, selection and prioritization the project is given in the City’s Infrastructure Staging of Development Program will prevail.
3. In the event of a conflict between this policy and any other City policy or By-law, this policy shall prevail.
4. In the event of a conflict between this policy and any Provincial or Federal policy or Regulation having a more restrictive standard or standards, the most restrictive Provincial or Federal policy or Regulation shall prevail.

Schedule 1: AEGD Catchment Areas and Pumping Station Locations:

