

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

Purpose and Intent:

In order to maintain the provision of wastewater conveyance and treatment capacity in the AEGD drainage catchment, policies and guidelines are necessary to provide a consistent, fair, equitable and financially sustainable process in which wastewater system capacity can be managed and aligned with Hamilton’s growth strategy and priorities. The purpose of the AEGD Wastewater System Capacity Allocation Policy (“the Policy”) is to manage wastewater service delivery essential to protect public health, safety, the environment and quality of life.

The Policy applies to the AEGD Drainage Catchment Area (the “Catchment Area”) (see attached Appendix A).

Article 1 – The City’s Role in Determining Wastewater Capacity Allocation:

1. The City, as the provider and operator of the wastewater treatment and conveyance system is the owner of the system capacity. As such, the City approves wastewater system capacity (conveyance and treatment) based on the assigned population densities of the area and a per capita per day value of water consumption plus an infiltration index.
2. The City, as the approval authority, grants wastewater system capacity allocation to lands through approval of development applications regulated by the *Planning Act*, a change of use through a building permit application, or application for servicing permit.
3. In consultation with the development community, the City administers a Staging of Development Program in accordance with the Urban Hamilton Official Plan (Chapter F, Section 3.6) for development proposals including those within the Catchment Area (see attached Appendix A).
4. The City determines the available wastewater system capacity on an on-going basis and grants available capacity in consultation with applicants / developers based on a set of sustainability criteria and other considerations and requirements which guide decisions on allocation.

Article 2 – Infrastructure Sustainability Criteria:

1. Infrastructure Sustainability Criteria, as defined below, will be used as a guide in determining the merits of allocating wastewater capacity in the Catchment Area by establishing if the development proposal:
 - a) Maintains and optimizes the use of existing City infrastructure;

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

- b) Minimizes the cost for provision of new City infrastructure;
- c) Facilitates the development of complete communities;
- d) Supports other City policies such as the Corporate Strategic Plan to promote economic prosperity and growth; the Official Plan, the AEGD Secondary Plan, Zoning By-law, the Economic Development Strategy and all relevant Master Plans; and,
- e) Demonstrates an ability to readily develop/proceed.

Article 3 - Considerations and Requirements:

1. Where a conflict occurs between different forms of development, approval of Wastewater Capacity Allocation will be focused on employment-related projects, and prioritized generally as follows:

- a) Non-residential Development in the following order:
 - i. Industrial
 - ii. Commercial
 - iii. Mixed forms of development with predominantly employment uses
- b) Residential development

In each case above, consideration will be given to development projects which facilitate completion / enhancement of communities in a coordinated / orderly manner (e.g. missing road connections, watermain looping or reinforcement to support existing development).

2. The Policy will generally apply to any development application that results in approval to physically develop or service land and/or reduces available wastewater system capacity. Applications such as Formal Consultation, Re-zoning and Official Plan Amendments would not qualify on their own for wastewater allocation under the Policy because these applications do not result in approval to physically develop or service land.
3. Allocation of capacity is premised on the basis that adequate downstream conveyance capacity availability has been verified to the satisfaction of the City.
4. A wastewater generation report must be submitted to support allocation of wastewater capacity. The report, including sanitary sewer capacity assessment calculations, shall be prepared based on the engineering parameters and methodologies specified in the City's Development Guidelines and Standards, Adequate Services By-law and provincial regulations.

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

5. Approval of a development application described under subsection 2, above, is not a promise, guarantee, or reservation of wastewater capacity allocation. Upon approval, capacity allocation must be granted by the City via a formal request by an applicant (see Article 4 subsection 1).
6. Additional wastewater capacity allocation (i.e. over and above the existing use) required for residential redevelopment / infill projects is generally limited to the as-of-right zoning designation of the property.
7. Wastewater capacity will only be allocated on a Phase or Site-Specific Plan basis, subject to wastewater capacity availability. Wastewater capacity may not be allocated "up front" for an entire development project, either non-residential or residential. In the context of this policy, 'Phase' refers to registration of a subdivision plan or final approval of a site plan application.

Exception:

- i) A block within a registered residential subdivision plan that is subject to site plan control is not eligible for allocation of wastewater capacity until a site plan application for that block has been approved by the City.
- ii) Employment subdivision plans will be eligible for capacity allocation based on the approved population densities at the time of draft plan approval for up to thirty percent (30%) of the total expected flows generated from the net developable portion of the approved plan or the expected flows generated from up to two (2) blocks, whichever allocation amount is larger.

Article 4: Wastewater Capacity Allocation Confirmation Letter from City

1. To acquire wastewater capacity allocation, the applicant / developer must submit a request in writing with supporting documentation to the City and receive a letter of ***Confirmation of Wastewater Allocation***.
2. Where a *Planning Act* application to develop or subdivide land has received approval and wastewater allocation has been granted by the City, allocation will be reserved for that application up to the expiration date of the City's approval of the application as follows:
 - i) one (1) year for site plan and consent applications; and,
 - ii) three (3) years for subdivision applications; and
 - iii) expiration of a building or sewer servicing permit.
3. Where the City has granted an extension to approval of a development application,

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

the City may consider extension of wastewater allocation for the length of the extension period, subject to Article 6 subsection 2.

Article 5 - Public Interest Projects:

1. The City reserves the right to allocate wastewater capacity for those projects deemed to be in the public’s interest including, but not limited to: facilities affecting public health and safety, educational facilities, and certain economic development initiatives. An allocation amount of wastewater capacity in the form of a per capita per day value of water consumption plus an infiltration index shall be reserved for such purpose.
2. As part of an annual review and in conjunction with the Staging of Development Program, City staff will recommend any changes regarding the retention of capacity allocation for public interest projects. Further, in circumstances where wastewater capacity allocation has been revoked (refer to Article 6), the City will review the need to transfer capacity allocation to Public Interest Projects.

Article 6 – Revocation of Wastewater Capacity Allocation:

The City reserves the right to revoke wastewater capacity allocation for projects as follows:

1. A project’s wastewater allocation will be revoked by the City where approval of an application lapses or permit expires before development or subdivision of the land occurs.
2. The City may revoke wastewater capacity allocation where active development of the land has not commenced within six (6) months of the date an extension to approval of an application has been granted by the City. Active development refers to execution of an agreement and submission of an engineering/servicing design for the lands.
3. The City may re-allocate any revoked wastewater capacity subject to any Public Interest Project requiring all or a portion of the allocation.

Article 7 – Municipal Control:

1. Wastewater capacity allocation granted to a project runs with the land and is non-transferable.
2. The City will actively track the status of wastewater capacity allocation and development projects/applications and provide updates to the development community.

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

3. As part of the Staging of Development Program, the City will report on the status of proposed development and Public Interest Projects having received wastewater capacity allocation and will advise on the amount of wastewater capacity allocation being reserved for such purposes.
4. This policy shall be reviewed from time to time and amended when deemed necessary by City staff.
5. 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.

Appendix A: AEGD Wastewater Capacity Allocation Area

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

