



## WASTEWATER ALLOCATION POLICY

**POLICY NUMBER: PUBLIC WORKS-020**

**SUBJECT: WASTEWATER ALLOCATION POLICY**

### **POLICY STATEMENT: (Purpose/Objective)**

The City's wastewater collection and treatment system has finite capacity. The City of Brantford is committed to ensuring that servicing capacity is allocated in a sustainable and logical manner, using clearly defined and transparent processes to best serve the development community, land owners and the municipality.

### **RELATED POLICY PROCEDURES/GUIDELINES:**

#### **1.0 Introduction**

The City of Brantford Official Plan sets out clear policy direction to help guide and encourage appropriate development within the City. One of the most important requirements is to ensure that municipal water and wastewater services are available. The capacity of these services are regularly monitored to ensure that development approvals do not exceed capacity.

This Wastewater Allocation Policy has been developed to ensure that servicing capacity is allocated in a sustainable and logical manner to best meet the objectives of the City, as determined by the City, and to implement Provincial policy to manage development in an orderly manner which efficiently uses land, existing resources, infrastructure and public service facilities.

Pre-Consultation for development applications is a requirement of the planning process to provide City Staff and applicants an opportunity to discuss requirements of the application. During the Pre-Consultation process, wastewater allocation will be assessed, to determine if there is sufficient allocation remaining to allow for the proposed development. Building Permits that are to be reviewed by City Staff for wastewater allocation as a result of this policy are not required to participate in the

pre-consultation process.

## **2.0 Allocation Policy Applicability**

All development within the City of Brantford, which requires development approval under the Planning Act<sup>1</sup>, Building Code Act<sup>2</sup> and/or any amendments to existing approvals, will be required to make a request for wastewater allocation based on the most current City of Brantford design criteria. In general, a parcel of land with an existing wastewater service connection has existing wastewater allocation based on current land use; a parcel of land with no wastewater service connection does not have wastewater allocation. Allocation of wastewater will be at the sole and absolute discretion of the City of Brantford, in accordance with this policy.

## **3.0 General Policy**

The City of Brantford Public Works Commission is responsible for the determination of available capacity within our wastewater system. The efficiency of the City's pumping stations and wastewater treatment plant will be documented and availability for new development will be quantified. Wastewater allocation will be considered based on the current and proposed land use (not zoning) and availability within the City's wastewater system.

The General Manager, Public Works, may place a hold on wastewater allocation approvals due to unforeseen and/or emergency circumstances at their sole discretion, and as required to ensure the health and safety of the residents within the City of Brantford.

### **3.1 Development Applications**

As set out in Section 2, "Allocation Policy Applicability", all development within the City of Brantford Municipal Boundary will require wastewater allocation as a result of this policy. The following is a breakdown of the types of applications subject to this policy (in no particular order or priority).

- (1) Any Building Permit as per the Building Code Act, Section 34(5) of the Planning Act and Zoning By-Law 160-90 as amended, or amendment thereto.
- (2) Any application for the draft plan approval of plans of subdivision or amendment thereto.
- (3) Any application for the draft plan approval of plans of condominium, or amendment thereto.
- (4) Any application for the approval of a site plan or amendment thereto.
- (5) Any application to the Committee of Adjustment that will result in the need for additional wastewater capacity.

### **3.2 Re-zoning and Official Plan Amendment Applications**

Re-zoning and Official Plan amendment applications are not to receive wastewater allocation as per this policy however, the City of Brantford will advise the Owner / Applicant of the following:

- (1) If the land is currently serviced, the City will advise that there is existing wastewater

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<sup>1</sup> R.S.O. 1990 c. P.13, as amended from time to time, hereinafter the "Planning Act"

<sup>2</sup> S.O. 1992, c. 23 as amended from time to time, hereinafter the "Building Code Act"

allocation for the said lands based on the most current existing land use and design criteria. Further, the City will advise the Owner / Applicant of procedural requirements for wastewater allocation at the time for which a development application (as stated above) is submitted for review by the City.

- (2) If the land is not currently serviced, the City will advise the Owner / Applicant of available wastewater allocation. This is not a guarantee of wastewater allocation and the Owner / Applicant will be required to submit an application for wastewater allocation at the time for which a development application (as stated above) is submitted for review by the City.

### **3.3 Exemptions**

Notwithstanding Section 3.1 – “Development Applications” and Section 3.2 – “Rezoning Applications” of this policy, the following types of developments are exempt from wastewater allocation requirements:

- (1) New or Expanded accessory building where new wastewater generation is not required, i.e. no proposed plumbing.
- (2) New additions or interior renovations to residential buildings provided that any new dwelling unit(s) are not created.
- (3) Where the property is serviced by a septic system and will not be connected to municipal wastewater services.

## **4.0 Allocation Process**

In conjunction with development applications as defined in Section 3.1 – “Development Applications”, all proponents will be required to apply for wastewater allocation as a result of this policy. The Allocation Process as provided in Appendix A – “Wastewater Allocation Process” outlines the City’s requirements for wastewater allocation. Guidelines for how applications will be processed by the City and requirements of a complete application are provided within Appendix A.

The General Manager, Public Works or approved designate, has the authority to issue wastewater allocation pursuant to this Policy for all requests requiring wastewater allocation.

A process flow chart is provided as part of Appendix B to further assist with the understanding of the wastewater allocation process and how it is correlated to development application procedures.

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 General Manager, Public Works, is authorized to amend the “Wastewater Allocation Process” as described within Appendix A.

### **4.1 Allocation tied to Land**

For the purpose of the Wastewater Allocation Policy, any wastewater allocation granted shall be tied to the parcel of land itself and shall not be transferred. The timing of allocation

as defined within Section 6 – Wastewater Allocation Expiration “Table 1: Wastewater Allocation – Application / Expiration Timeline” shall not be affected by ownership changes, assignments of obligations by an Owner, or agreements of purchase and sale.

## **4.2 Annual Council Reporting**

The first annual report to City Council shall include the feasibility of purchasing allocation by means of inflow and infiltration reduction programs.

An annual report to City Council will be completed by the General Manager, Public Works to provide Council an update on any new development within the given calendar year, how current development compares to anticipated projections and how development influenced existing wastewater infrastructure.

## **5.0 Competing Applications for Allocation**

Where the remaining maximum useable capacity of a pumping station is nearing the last available wastewater allocation, subsequent applications will be considered in competition for wastewater allocation.

If there are competing applications for wastewater allocation, a report will be presented to Council by the General Manager, Public Works, with a recommendation to Council based on an analysis of the applications in light of provincial policies and municipal priorities as set out in the City’s overarching policy documents including but not limited to the City’s Strategic Plan and Economic Development Strategy, the Official Plan, and Master Servicing Plan etc.

City Council will provide direction to staff to ensure that remaining wastewater allocation is assigned in a fair and unbiased manner.

### **5.1 Development of Municipal Importance Reserve Allocation**

The City of Brantford “Development of Municipal Importance Reserve Allocation” is wastewater allocation that has been retained for use by the City to ensure that public infrastructure (e.g. hospitals, fire halls, social housing etc.) can be constructed. It is the intent of this reserve allocation to only be considered for specific development projects identified to be in the broader interests of the overall community

The Development of Municipal Importance Reserve Allocation will be determined by the City of Brantford General Manager, Public Works or approved designate on an annual basis for each pumping station and the wastewater treatment plant located within the City of Brantford. The Development of Municipal Importance Reserve Allocation is calculated as 5% or 10L/s (whichever is less) based on observed firm capacity as identified during the most current wastewater pumping station performance testing.

## **6.0 Wastewater Allocation Expiration**

As noted in Section 1.0 – “Introduction” of this Policy, discussing the water and/or wastewater capacity with City Staff early in the development process is critical. Capacity is finite and is not assured in perpetuity so it is important that once capacity has been allocated to a particular

development, that the Owner / Applicant proceed with their development proposal without delay. Failure to act may result in the expiry of allocation and reallocation to a different development proposal.

To assist Owner / Applicant, the following table provides direction in regard to when applications for allocation of servicing capacity should be submitted, the timing of allocation expiration and the potential to extend servicing allocation. These timelines and expiry dates apply to all developments described in Section 3.1 – “Development Applications” of this Policy.

**Table 1: Wastewater Allocation – Application / Expiration Timeline**

| Development/ Application Type  | Application for Wastewater Allocation Request  | Wastewater Allocation Expiry Date   | Potential Extension of Allocation  |
|--|--|---|--|
| New or expanded accessory buildings where additional wastewater is not required                          | Exempt as per Section 3.3 – “Exemptions”   |   |  |
| Additions and interior renovations to residential buildings, provided a new dwelling unit is not created | Exempt as per Section 3.3 – “Exemptions”   |   |  |
| Building Permits   | Apply During Building Permit Process   | If the Building Permit is cancelled by the Chief Building Official (C.B.O.), allocation is automatically revoked.   |  |
| Consent / Severance  | Apply concurrently with the Application for Consent / Severance  | No expiry date unless Committee of Adjustment or Local Planning Appeal Tribunal (LPAT) refuses the application <b>or</b> if conditions are not met within 1 year from the date of Final Decision. |  |
| Minor Variance resulting in the creation of a new dwelling unit.   | Apply concurrently with the Application for Minor Variance   | No expiry date unless Committee of Adjustment or LPAT refuses the application, <b>or</b> unless Committee applies a condition that includes an expiration date.                                   |  |
| Draft Plan Approval of a Subdivision (New as of the date of this policy)                                 | Apply after the application has been submitted to the City but prior to Council’s Decision in regard to the application for Draft Plan Approval of the Subdivision | Maximum 1 Year or until Council approves the Application for Draft Plan Approval.<br><i>(whichever is less)</i>   | Wastewater allocation is tied to the status of the Draft Plan Approval and an extension of allocation is not guaranteed. If subdivision agreement and plan are not registered and Draft Plan Approval expires wastewater allocation expires as well. |
|  |  | If Council approved, the wastewater allocation will expire in accordance with the Conditions of Draft Plan Approval.  |  |
| New Draft Approval of a Plan of Condominium (New as of the date of this                                  | Apply after the application has been submitted to the City but prior to Council’s  | Maximum 1 Year or until Council approves the Application for Draft Plan Approval.<br><i>(whichever is less)</i>   | Wastewater allocation is tied to the status of the Draft Plan Approval and an extension of allocation is not guaranteed. If  |

|   |   |  |   |
|---|---|--|---|
| policy)   | Decision on the application for Draft Plan Approval of a Plan of Condominium  | If Council approved, the wastewater allocation will expire in accordance with the Conditions of Draft Plan Approval.   | condominium agreement and plan are not registered and Draft Plan Approval expires wastewater allocation expires as well.  |
| Amendments to the Official Plan / Zoning By-law   | Exempt as per Section 3.2 – “Re-zoning and Official Plan Amendment Applications”  |  |   |
| Site Plan Applications Including Amendments to an Approved Site Plan                    | Apply during site plan application process. Wastewater Allocation will only be issued with Conditional Site Plan Approval.  | 1 Year from the time Conditional Site Plan Approval was issued<br>If Final Site Plan Approval is registered, The wastewater allocation will be tied to the registered site plan agreement. | If it is determined that the registered site plan agreement is not being fulfilled and is null and voided, All wastewater allocation will revert back to pre-application wastewater allocation. |
| Existing Draft Approval of Subdivisions (Existing as of the date of this policy)        | In accordance with the approved conditions of draft plan approval, all requirements in regard to municipal services must be satisfied which includes verification of servicing capacity allocation prior to registration of the subdivision. If capacity is not available, registration cannot proceed. |  |   |
| Existing Draft Approval of Condominium (Existing as of the date of this policy)         | In accordance with the approved conditions of draft plan approval, all requirements in regard to municipal services must be satisfied which includes verification of servicing capacity allocation prior to registration of the condominium. If capacity is not available, registration cannot proceed. |  |   |
| Existing Site Plan Approvals  | Addressed during the Building Permit process. If servicing capacity allocation is not available, the Building Permit cannot be issued.  |  |   |
| Existing Committee of Adjustment Applications (where wastewater allocation is required) | Addressed during the Building Permit process. If servicing capacity allocation is not available, at the time the application for Building Permit is submitted the Building Permit cannot be issued.   |  |   |

**6.1 Wastewater Allocation Expiration/Renewal**

It is the intent of this policy that, should wastewater allocation be granted pursuant to this policy, the Owner / Applicant will begin development without delay. As described in Table 1 above, failure to act may result in a rescindment of the servicing allocation whereupon the City may redistribute such wastewater allocation to other development(s).

If the Owner / Applicant cannot meet the timelines set out in Table 1, and they wish to retain their conditional wastewater allocation they may apply to the General Manager of Public Works, or approved designate, at least 60 days prior to expiry, for an extension to preserve their wastewater allocation. An extension to wastewater allocation is not automatic and will be reviewed concurrently with the associated planning application.

## 7.0 Definitions

|  |  |
|--|--|
| Building   | <p>a) A structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto,</p> <p>b) A structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto,</p> <p>c) Plumbing not located in a structure, a sewage system, or</p> <p>d) Structures designated in the Ontario Building Code<sup>3</sup></p> |
| Building Permit  | means a permit issued by the Chief Building Official, approving an application for the construction, reconstruction, or alteration of any building or structure for which such a permit is required, pursuant to the provisions of the Corporation's Building Bylaw, and amendments thereto.   |
| Dwelling Unit  | shall mean a separate set of habitable rooms designed for, or used by, an individual; or group of individuals, which shall include at least one room and a kitchen and a bathroom, and which has a private entrance from outside, or a private entrance from a common internal hallway or internal stairway.   |
| Wastewater Allocation                                  | Wastewater Allocation is defined within this policy as available wastewater capacity for development as it related to the City of Brantford Pumping Stations and/or Treatment Plant.   |
| Observed Firm Capacity                                 | means the measured pumping station capacity as described in the most current wastewater pumping station performance testing based on one pump out of service criteria as determined by the General Manager, Public Works.  |
| Development of Municipal Importance Reserve Allocation | means 5% or 10L/s (whichever is less) based on observed firm capacity as identified during wastewater pumping station performance testing.   |
| Maximum Usable Capacity                                | means the observed firm capacity less the council reserve allocation.  |
| Existing Allocation                                    | A parcel of land with an existing wastewater service has allocation based on current land use and the City of Brantford's current design criteria as set out in the Linear Design and Construction Manual  |

|   |   |
|---|---|
| Date of Enactment:<br>January 2019 (proposed) | Related By-law Number/Staff Report Number:<br>By-law 8-2019 (PW2019-09) |
| Review and Amendment Dates:                   | Department Responsible for Review:                                      |
| Date of Next Review:<br>January 2022          | Applicable Legislation/Legislative Authority:                           |

<sup>3</sup> O.Reg. 332/12

# Appendix A – Wastewater Allocation Process

## Allocation Process

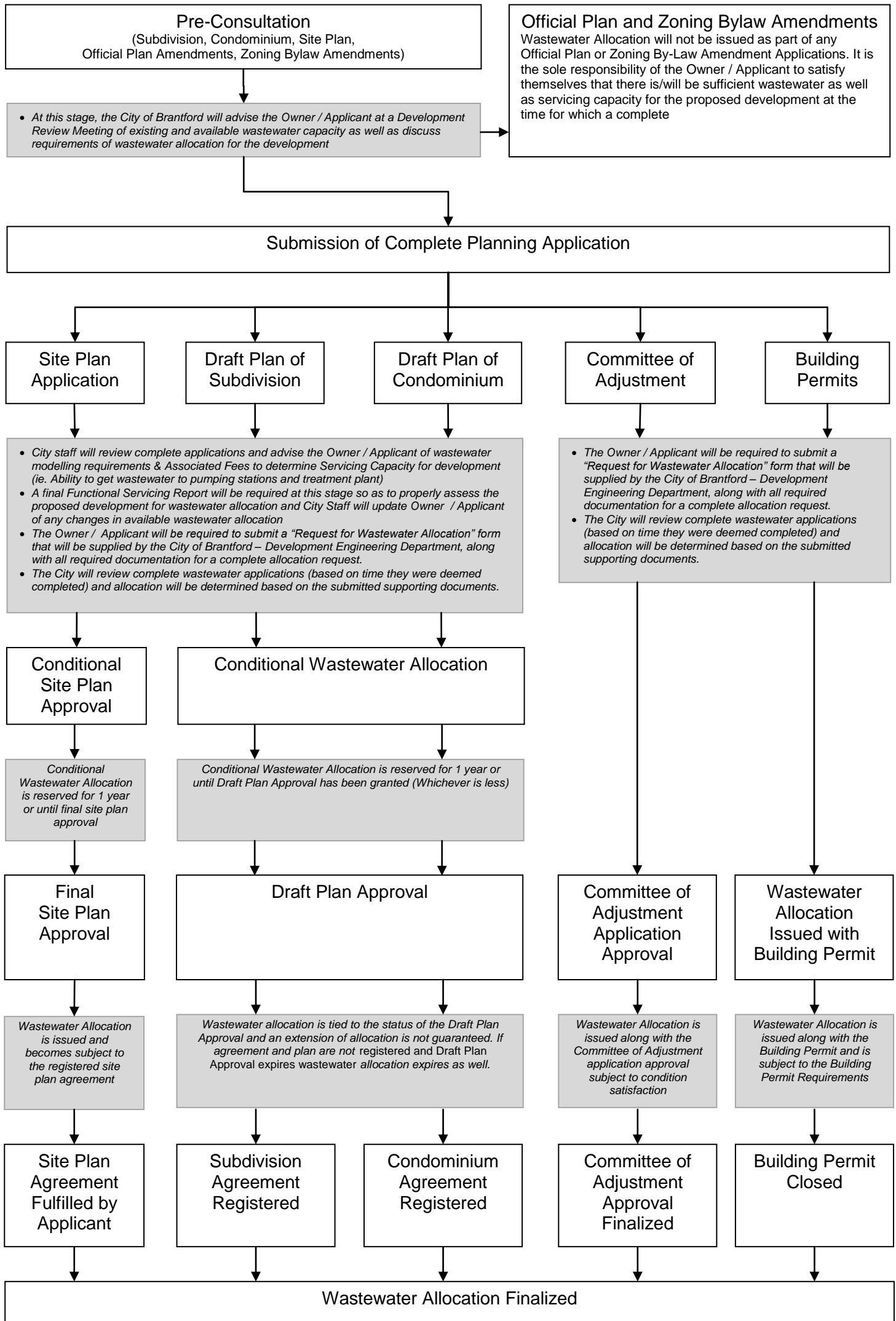
The following in conjunction with “Wastewater Allocation Process Flow Chart” as provided in Appendix B, outlines the process by which wastewater allocation requests will be considered by the Public Works Commission:

- (1) A written request for 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. It should be noted that any wastewater allocation requests submitted that do not conform to the requirements set forth in Section 3 – “General Policy” of this policy will not be considered.
- (2) Request for wastewater allocation will be reviewed by the Public Works Commission – Development Engineering Division for completeness. If the application is deemed incomplete, the City of Brantford will advise the applicant via email stating what remains outstanding. A complete wastewater allocation request consists of the following:
  - Completed Wastewater Allocation Request Form
  - A Site Plan (11x17”) showing property(s) requesting allocation
  - A Servicing Plan (11x17”) showing the proposed sewer network as well as the proposed connection point to municipally owned sewers
  - Supporting documentation/justification of requested allocation
- (3) Once an application has been deemed complete, Development Engineering will review wastewater allocation requests in order based on the time the said requests were deemed complete. Recommendations for wastewater allocation will be provided based on supporting documents and available wastewater allocation. The General Manager, Public Works or designate, as per **By-Law XXX-XXXX**, will be delegated the authority to allocate wastewater allocation pursuant to this policy.
- (4) Applications where proposed wastewater flows are less than the existing allocation tied to the parcel of land, shall be reviewed by Development Engineering for completeness and ultimately approved by the Manager of Development Engineering.



# Appendix B – Wastewater Allocation Process Flow Chart

## City of Brantford Wastewater Allocation Process Flow Chart



## APPENDIX C – Wastewater Allocation Request Form



### Wastewater Allocation Request

Engineering Services Department (c/o Development Engineering)  
City Hall, 100 Wellington Square  
Brantford, ON N3T 5R7

Attention: Manager of Development Engineering

The City of Brantford, in an effort to manage and maintain wastewater infrastructure for the City, requires that this application be completed and submitted to the above noted address for 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 wastewater allocation requests must be based on actual anticipated 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 City of Brantford to approve the subject 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 City of Brantford and will not be returned.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date