



# CITY OF VAUGHAN

## CORPORATE POLICY

**POLICY TITLE:** ALLOCATION OF SERVICING CAPACITY

**POLICY NO.:** 08.C.01

<b>Section:</b>	Development & Planning		
<b>Effective Date:</b>	December 10, 2019	<b>Date of Last Review:</b>	Click or tap to enter a date.
<b>Approval Authority:</b>	<b>Policy Owner:</b>		
Council	DCM, Infrastructure Development		

### POLICY STATEMENT

This Policy establishes a framework for the allocation of water and wastewater servicing capacity through the City's planning application review and approval process.

The allocation of water and wastewater servicing capacity is limited to the residential land use component of any Active Development Application. The industrial, commercial and/or institutional land use components of an Active Development Application do not require Allocation of Servicing Capacity.

### PURPOSE

To strategically and equitably allocate water and wastewater servicing capacity to Active Development Applications within the City, ensuring efficient and sustainable use of Servicing Capacity, and the orderly distribution of same.

To ensure Active Development Applications are placed in queue for Allocation of Servicing Capacity based on one of the Priority Categories.

### SCOPE

York Region assigns servicing capacity to local municipalities on a municipal wide basis or on a specific sewer-shed/water pressure district basis; local municipalities in turn allocate to Active Development Applications.

Vaughan Council is responsible for the Allocation of Servicing Capacity to Active Development Applications within the City.

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The authority to Reserve Servicing Capacity is delegated to Staff based on the provisions of this Policy.

#### **LEGISLATIVE REQUIREMENTS**

1. *Planning Act*, R.S.O. 1990, c. P.13
2. *Places to Grow Act, 2005*, S.O. 2005, c. 13
3. *Municipal Act, 2001*, S.O. 2001, c. 25

#### **DEFINITIONS**

In this Policy, the following words or phrases are defined as follows:

1. **Active Development Application:** An application made and deemed complete under the *Planning Act*, that is not Closed or Withdrawn, to develop land.
2. **Allocation:** The apportionment of a segment of the bulk Servicing Capacity assigned by York Region to the City to a specific Active Development Application within the City by City Council.
3. **Allocation Credit:** A credit for the apportionment of Allocation which is given by the City to an Active Development Application that is dependent on the sustainability incentive program criteria for which it intends to rely.
4. **Allocation Priority:** Superiority in position regarding the Allocation of Servicing Capacity.
5. **City:** The Corporation of the City of Vaughan, including all departments, employees and administrative divisions.
6. **Closed:** The removal of an Active Development Application from the City's consideration as a result of the Owner's inaction on the application, and the Owner's failure to pay the City's maintenance fee pursuant to the City's in-effect Tariff of Fees for planning applications (in accordance with By-law No. 044-2019, as amended or replaced). An Active Development Application can also be closed by virtue of the City's refusal of the application as applied for, and the expiry of the right to appeal that refusal pursuant to *the Planning Act*, and/or the dismissal of any appeal by the Local Planning Appeal Tribunal.
7. **Council:** Council of the City of Vaughan.

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- 8. Holding Symbol “(H)”:** A prefix that Council can implement in a by-law passed under s. 34 of the *Planning Act* to specify the future use of lands, buildings or structures until such time as conditions for removing the “H” are met, and it has been removed by by-law.
- 9. Infill Development:** The development or redevelopment of a property, site or area with a new development at a higher density or building height than is currently permitted by the Official Plan within an area that is already developed.
- 10. Infrastructure Improvements:** Those improvements to specific York Region or City infrastructure for which the availability of Servicing Capacity is dependent.
- 11. No Pre-Sale Agreement:** An agreement by which the Owner agrees not to enter into any agreements of purchase and sale with end users for any portion of its lands until Servicing Capacity has been Allocated.
- 12. Priority Category:** Speaks to Allocation Priority. Priority 1 Reservation is the first in priority, and Priority 2 Reservation is second.
- 13. Redistributed:** The reallocation of Servicing Capacity from one Active Development Application to another, or others.
- 14. Reservation:** An arrangement to have the Servicing Capacity held for an Active Development Application for a 12-month period.
- 15. Servicing Capacity:** Water supply and wastewater treatment capacity for residential development in the City within the York Sewage Servicing System, York Water Supply System or the Kleinburg/Nashville Sewage System, as distributed by York Region and allocated by the City.
- 16. Significantly Revised:** A site-specific Official Plan Amendment is necessary.
- 17. Staff:** The employees within the City of Vaughan’s Infrastructure Development or Planning and Growth Management divisions.
- 18. Withdrawn:** The removal of an Active Development Application by the Owner and/or Agent from the City’s consideration.
- 19. York Region:** The Regional Municipality of York, including all departments, employees and administrative divisions.

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## **POLICY**

### **1. Allocation**

1.1. An Active Development Application shall qualify for Allocation of Servicing Capacity if:

- 1.1.1. Servicing Capacity is available for distribution;
- 1.1.2. The development conforms (or will conform) to the City's current Official Plan and Zoning By-law;
- 1.1.3. The availability of the Servicing Capacity is not dependent on the construction and commissioning of Infrastructure Improvements; and,
- 1.1.4. It is ratified by Council resolution concurrently with Council approval of a Site Development Application and/or Draft Plan of Subdivision Application.

1.2. Where Servicing Capacity is available but dependent on the construction of Infrastructure Improvements:

- 1.2.1. Council may consider granting an Active Development Application approval in advance of Allocation subject to the inclusion of a Holding Symbol "(H)" in the implementing Zoning By-law and the requirement for a No Pre-Sale Agreement. In this situation, an Active Development Application may be reserved Servicing Capacity in accordance with the provisions of this Policy; and,
- 1.2.2. The Active Development Application can be considered for Allocation of Servicing Capacity by Council resolution in conjunction with the removal of the Holding Symbol "(H)" and enactment of the applicable Zoning By-law for the subject lands. This may occur no sooner than 6 months prior to the anticipated operational/in-service date for the related Infrastructure Improvements, thereby allowing a development (previously approved by Council) the ability to proceed to registration and/or building permit issuance.

### **2. Reservation**

2.1. Reservation of Servicing Capacity to Active Development Applications shall be determined with consideration for: status of Council approval; anticipated timing of development; location; density; environmental sustainability; and, the availability of adequate City and York Region infrastructure and services which include in addition to water and wastewater (but are not limited to), transportation, stormwater, and park facilities.

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2.2. An Active Development Application shall qualify for **Priority 1 Reservation** of Servicing Capacity where:

2.2.1. It is demonstrated with reasonable certainty that the Draft Plan of Subdivision may proceed to registration within the next 12 months; or in the case of a Site Development Application, that a Site Plan Agreement (or Letter of Undertaking, whichever is in affect) may be executed within the next 12 months;

2.2.2. The City is satisfied that adequate municipal infrastructure, both at the City and York Region level will be available to service the Active Development Application; and,

2.2.3. A minimum of two of the following conditions apply:

2.2.3.1. Official Plan Amendment application is approved by Council;

2.2.3.2. Zoning By-law Amendment application is approved by Council with or without the Holding Symbol "(H)"; or,

2.2.3.3. The Active Development Application is for an Infill Development or completion of a partially built community.

2.3. Priority 1 Reservation of Servicing Capacity shall be for a maximum period of 12 months. Priority 1 Reservation shall be automatically revoked after a period of 12 months if the Allocation has not been committed by a Council resolution.

2.4. An Active Development Application shall qualify for **Priority 2 Reservation** of Servicing Capacity where:

2.4.1. It is demonstrated with reasonable certainty that the Draft Plan of Subdivision may proceed to registration, or in the case of a Site Development Application, that a Site Plan Agreement (or Letter of Undertaking, whichever is in affect) may be executed, within the next 12 to 36 months;

2.4.2. The City is satisfied that adequate municipal infrastructure, both at the City and York Region level will be available to service the Active Development Application; and,

2.4.3. A minimum of two of the following conditions apply:

2.4.3.1. Official Plan Amendment application is approved by Council;

2.4.3.2. Zoning By-law Amendment application is approved by Council, with or without a Holding Symbol "(H)";

2.4.3.3. The Active Development Application is for an Infill Development or completion of a partially built community; or,

2.4.3.4. The Active Development Application is geographically located within an area where the City strategically chooses to provide for deliberate growth.

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2.5. Priority 2 Reservation of Servicing Capacity shall be for a maximum period of 12 months. Priority 2 Reservation shall be automatically revoked after a period of 12 months and/or at the discretion of the City.

2.6. Priority 2 Reservation of Servicing Capacity to an Active Development Application may be amended at any time.

### **3. Sustainability Considerations**

3.1. Notwithstanding the provisions of this Policy, Allocation Priority and an Allocation Credit may be approved by Council resolution for any Active Development Application meeting the minimum qualifying criteria for any of the following sustainability incentive programs:

3.1.1. York Region's Servicing Incentive Program (SIP);

3.1.2. York Region's Sustainable Development Through LEED (Leadership in Energy and Environmental Design) Incentive Program;

3.1.3. Vaughan's Inflow and Infiltration Reduction Program; or

3.1.4. Vaughan's Sustainable Performance Metrics Program.

3.2. The focus of these programs is to promote low impact / sustainable development, as it relates to Servicing Capacity, specifically water efficiency and reduced wastewater flow from development projects, thereby improving overall system optimization and reducing infrastructure investment needed to support growth.

3.3. For specific Allocation Credit details, qualifying criteria and/or technical requirements, refer to current/available program information as provided by York Region and/or the City.

### **4. Redistribution of Servicing Capacity**

4.1. Notwithstanding the provisions of this Policy, Servicing Capacity Allocated by Council resolution to an Active Development Application may be Redistributed if (at the discretion of the City), the Active Development Application does not proceed to registration and/or building permit issuance within 36 months. This provision does not apply to an Active Development Application qualifying for any sustainability incentive program noted in Policy 3.1 above.

4.2. The 36-month timeline shall begin once the approval of a development application is in full force and effect (if the statutory appeal period is over).

4.3. Prior to recommending the Redistribution of Servicing Capacity, the following considerations shall be assessed on a case by case basis:

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- 4.3.1. Status of sales (lots or units);
- 4.3.2. Pre-servicing of a site through a pre-servicing agreement;
- 4.3.3. Execution of the Regional Development Charge Agreement and payment of the hard services component of same;
- 4.3.4. Execution of the City's Subdivision Agreement and payment of a portion of the City's Development Charges;
- 4.3.5. Submission of building permit applications to the City and/or issuance of a conditional building permit by the City; and
- 4.3.6. City and/or third-party delays in obtaining clearance of approval conditions.

4.4. In the event an Active Development Application is Closed, Withdrawn, or Significantly Revised, any and all previous commitment by the City regarding Servicing Capacity shall become null and void. Servicing Capacity does not run with the land and is not transferable.

## **5. Annual Distribution Update and Status Report**

5.1. The following shall be reviewed on an annual basis and summarized in a Staff report to Committee of the Whole for Council approval:

- 5.1.1. The commitment of Servicing Capacity to Active Development Applications (any application previously Allocated or Reserved Servicing Capacity in accordance with the provisions of this Policy);
- 5.1.2. The planning approval status and progression of Active Development Applications through the development review and approvals process;
- 5.1.3. The details and provisions of this Policy; and
- 5.1.4. The remaining Servicing Capacity available for distribution by the City.

### **ADMINISTRATION**

*Administered by the Office of the City Clerk.*

<b>Review Schedule:</b>	3 Years If other, specify here	<b>Next Review Date:</b>	June 30, 2022
<b>Related Policy(ies):</b>			
<b>Related By-Law(s):</b>			
<b>Procedural Document:</b>			

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**Revision History**

<b>Date:</b>	<b>Description:</b>
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