



Staff Report

Planning & Development Services

Report To: COW-Operations_Planning_and_Development_Services
Meeting Date: September 17, 2024
Report Number: PDS.24.122
Title: Follow up Report for the Allocation Policy
Prepared by: Adam Smith, Director of Planning & Development Services

A. Recommendations

THAT Council receive Staff Report PDS.24.122, entitled "Follow up Report for the Allocation Policy";

AND THAT Council enact a by-law implementing a Water and Sewage Allocation Policy for the purpose of allocating water and wastewater services to new developments;

AND THAT Council approve the transitional provisions identified in PDS.24.081 for the purpose of implementing the Water and Sewage Allocation Policy in a fair and transparent manner;

AND THAT Council direct staff to review the by-law 18 months following its enactment and recommend further revisions to the Water and Sewage Allocation Policy and associated Evaluation Framework.

B. Overview

The purpose of this report is to provide additional information regarding the proposed Water and Sewage Allocation Policy.

C. Background

On September 4, 2024, the Town received correspondence from the Georgian Triangle Development Institute (GTDI) with a series of questions regarding the proposed Policy. Based on the questions submitted, minor adjustments have been made to both the Policy and Evaluation Framework. Additionally, staff have identified those developments that have previously been subject to planning review and required to adhere to the Water and Sewage Allocation Policy.

D. Analysis

Attached to this report are staff responses to the questions submitted by GTDI. A summation of changes are provided below:

- Clarity on process to determining allocation when multiple developments receive the same scoring.
- Amended wording regarding process to follow for developments unsuccessful in receiving allocation.
- Revised wording to Sub-Category 2.1 expanding eligible assets.

In addition, staff have identified the following Draft Plan Approvals that would be subject to the Policy following implementation:

Abbott's Subdivision – 22 units
Blue Meadows (Arthur & Lousia Street) – 191 units
Alta Phase 2 – 57 units
Aquavil East Phase 2 – 198 units
Lora Bay Cottages 6 – 35 units
Georgian Woodlands Phase 4 Stage 3 – 38 units
Lora Bay Phase 4B – 58 units
Lora Greens – 38 units
Matesa – 17 units
Sapphire Ridge – 33 units
The Enclave at Georgian Bay Club – 22 units
Long Point Road Subdivision – 22 units

If Council is not satisfied with the adjustments to the Policy and/or responses to questions posed by GTDI, direction can be provided to make further refinements and defer enactment of the Policy another meeting cycle.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

3. Community

We will protect and enhance the community feel and the character of the Town, while ensuring the responsible use of resources and restoration of nature.

4. Quality of Life

We will foster a high quality of life for full-time and part-time residents of all ages and stages, while welcoming visitors.

F. Environmental Impacts

N/A

G. Financial Impacts

N/A

H. In Consultation With

N/A

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Adam Smith, directorplanningdevelopment@thebluemountains.ca

J. Attached

1. September 4th, 2024 GTDI Letter – TOBM Allocation Policy
2. Staff Responses – September 4th, 2024 GTDI Letter
3. Revised Water and Sewage Allocation Policy Evaluation Framework
4. Revised Water and Sewage Allocation By-law
5. Revised Water and Sewage Allocation By-law – Track Changes

Respectfully submitted,

Adam Smith
Director of Planning & Development Services

For more information, please contact:
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GEORGIAN TRIANGLE DEVELOPMENT INSTITUTE

September 4, 2024

Mr. Adam Smith
Director, Planning & Development Services
Town of the Blue Mountains
32 Mill Street,
Thornbury, ON N0H 2P0

Subject: TOBM Allocation Policy

Director Smith,

As per the Committee of the Whole (COW) meeting on August 27th, we are pleased to submit our list of questions regarding the proposed policy.

The GTDI understands the potential need for an Allocation Policy when the demand for Allocation from development units exceed the Town's water and wastewater capacity. Accordingly, **the allocation scoring system should be activated exclusively when the Town is distributing the final tranche of resources and the demand from competing developments outstrips the available allocation**

We look forward to collaborating with you on this pioneering Policy and seek guidance on our questions below, which are categorized as follows:

Our questions address the following Categories:

Policy Objectives and Clarifications

- Questions related to "First come, First served," "Greatest Benefit to the Town," and clarifying how decisions about categories and benefits are made.

Regulatory Framework and Legal Authority

- Questions examining the statutory authority for the policy, implications of recent legislative changes, and compliance with existing laws and town by-laws.

Resource Management and Capacity Issues

- Questions concerning the management of finite resources, capacity issues, and the need for a shift from current practices.

Strategic Planning and Implementation

- Questions about the implementation timing, strategic planning alignment, and the role of the policy in planning processes.

Decision-Making and Administration

- Questions regarding the decision-making process, the authority of the decision-makers, and the finality of decisions.

Policy Impact and Future Adjustments

- Questions addressing how the policy impacts existing approvals, how it will be adjusted as strategic goals shift, and what happens in cases of scoring ties or re-submissions.

In the Public Meeting Notice and the Request for Consultant Quotation, the Town stated that the purpose of this Policy is to "de-couple" allocation from the Planning Act and move away from a "first come, first served" policy, instead providing allocation to "those projects that provide the greatest benefit to the Town." "It will also serve as a communication tool for the Town, clarifying for the development community and the public that a finite resource is managed sustainably and supports the delivery of strategic goals, such as attainable and affordable housing." - 2023-31-Q-PDS Request for Quotation for the Development of a Water and Wastewater Allocation Policy

"The Corporation of the Town of The Blue Mountains ('the Town') is currently facing challenges in reconciling the demands of various development projects and the interests of developers regarding water and wastewater servicing." – Proposed By-Law

"Coupled with prudent infrastructure planning, the Town uses a number of regulatory instruments to mitigate risk related to development approvals and servicing capacity. Currently, the Town has a suite of tools to manage constraints through the Official Plan, Zoning By-law, and Development Agreements." - Staff report PDS.23.131

"Currently, there is no risk of exceeding capacity. However, the Town and the South Georgian Bay region have experienced significant growth in recent years, accelerating the need for increased capacity in the Town's water system." - The Town's Water and Sewer Capacity Webpage

"The Town is continuing to strategically plan infrastructure projects to align with planned and designated development. Proactive infrastructure planning, such as the early approval of the Thornbury Wastewater Treatment Plant Phase 1A expansion, will continue. The Town will also monitor and manage new connections to the T-WWTP to ensure the remaining built capacity keeps pace with development until the expansion is commissioned." - The Town's Water and Sewer Capacity Webpage

"First come, First Served"

1. The Town has stated that there are a number of regulatory instruments used to address developments and servicing capacity. The current Official Plan includes numerous Council

approvals on Planning Applications prior to achieving Allocation. Can you clarify what is meant by “First come, First served”?

2. Can you provide the reasons the Town needs to move away from “first come, first served” (aka the current regulatory instruments)?

“Greatest Benefit to the Town”

3. Can you provide how categories and sub-categories were created for Schedule B-1 of the proposed by-law? Specifically, can you add a column with the specific Council-approved Strategic Plan & Category? (see town website <https://www.thebluemountains.ca/town-hall/laws-maps-strategies/strategic-plans-documents>)
 1. Alternatively, who or what was used to determine these Categories and Sub-Categories as the “Greatest benefit to the Town”?
 2. How would these categories/sub-categories be amended with shifting Council strategic goals?

“Finite Resource”

4. Does the Town have a Water and Waste Water Capacity issue?
5. What are the specific “challenges in reconciling the demands of various developments”?
 1. a. Why are the current “prudent infrastructure planning and regulatory controls” (i.e., Planning Act/ Development Charge Act) insufficient to address these challenges?
6. Is it the intent of this Policy to be applied when there is no risk of the current development applications exceeding water and sewer capacity?
7. Will the Town potentially refuse servicing capacity to a development with all Planning Act approvals on the basis that it does not score high enough, if there is capacity in the overall system to service it?
8. How will the Town decide how many units of allocation are going to be assigned in any year, especially if there are no current servicing capacity constraints?

“De-Couple” from Planning Act

9. The Town’s current Allocation Policy is in the Town’s Official Plan. Is it the Town’s intention to “de-couple” this policy from the Planning Act?
 1. If so, why?
 2. If not, will the Town be using this policy to update its Official Plan currently underway?

Bill 185 with changes to the Municipal Act passed on June 20, 2024. The Public Meeting for this By-Law was on May 14, 2024. The Town’s procedural by-law reads:

The Public Meeting was held before the Statutory Authority (in the Town’s opinion) was given to implement this policy. To clarify, the Notice of Public Meeting does not reference Bill 185 or the Municipal Act.

10. Does the Public Meeting held on May 14, 2024, meet the requirements of TOBM Procedural By-Law 2022-76?
11. Prior to the changes to the Municipal Act Section 86.1(1) under Bill 185 passed on June 20, 2024, what was the Statutory Authority the Town was relying upon to enact this policy?

The Planning Act Ontario Section 24 states:

“Public works and by-laws to conform with plan 24 (1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24.”

In the meeting minutes with the development industry, the Director States:

“It is not intended that the Policy and Evaluation Criteria go beyond the Official Plan and/or the Planning Act. This Policy is intended to amplify policies and directions prescribed by the Official Plan. This Policy is not intended to evaluate the merits of a development or application, as that is conducted pursuant to the Planning Act. This Policy may facilitate enhancements to an approved development at the time of Evaluation Criteria review. The allocation decision rests with administration.”

The Staff Report States:

“While the Policy is not regulated by the Planning Act, its application will be throughout the planning and development process. This includes being incorporated into the conditions of approval and identified during the course of pre-consultation on relevant applications to ensure developments are aligned with the evaluation criteria at the conceptual stage.”

The Planning Act and Development Charges Act do not entitle the Town to require developers to:

- Implement energy conservation measures or green building techniques in development
- Provide affordable housing, absent inclusionary zoning
- Control the tenure of development (requiring rental buildings)
- Upgrade roads that are not a local service and required for the purposes of the development
- Upgrade transit stations
- Provide facilities such as parks, recreational amenities, active transit systems, Hospitals, LTC Facilities

Based on the above, the Town will use this Policy at the very earliest Planning Application to measure the merits of approval up to and including Draft Plan Conditions. As stated, the Policy seeks “enhancements” (increases) to Official Plan Policies. However, The Planning Act and Development Act specifically exclude the Town from requiring specific increases.

12. Can the Town please remove the specific excluded enhancements/increases from the Proposed By-Law Appendix B-1?

Section 86.1.3 of the Municipal Act States:

“Determination to be made by officer, etc. (3) If a municipality has passed a by-law described in subsection (1), the administration of the policy must be assigned to an officer, employee or agent of the municipality, and any decision made by that person under the policy must be final. 2024, c. 16, Sched. 9, s. 1.”

In meetings with the GTDI and at the Committee of the Whole, staff proposed that the decisions would be made by a committee. It has also been suggested that a consultant would also be retained to make these decisions.

13. For clarity, can you please confirm that the Director of Planning Services is the assigned decision maker?
14. Please confirm that the decisions made by the Director of Planning Services is unappealable, including by Council, who may not agree to the decision made?

Despite the earlier statement that the Policy will not be used to evaluate planning applications, the Staff Report States:

“While the Policy is not regulated by the Planning Act, its application will be throughout the planning and development process. This includes being incorporated into the conditions of approval and identified during the course of pre-consultation on relevant applications to ensure developments are aligned with the evaluation criteria at the conceptual stage.”

This seems to conflict with the prescribed process in the By-law which states:

“Request for Development Agreement Form is sent to the proponent based on the decision by Engineering Reviewer as to whether the project is eligible for AFC stamp.”

15. Can the Town clarify if the application of this policy starts at Pre-Consult or upon completion of the AFC Drawings?

The proposed Policy By-Law Section 8 States:

“Existing Approvals All lands subject to existing Draft Approved Plans of Subdivision, Consents, Site Plans or Vacant Land Condominium, but have not been subject to a development agreement confirming allocation prior to the implementation of this policy, will be subject to the requirements in this policy.”

16. If the Policy is to start at the time of pre-consultation to “ensure developments are aligned with the evaluation criteria at the conceptual stage” and this criteria is to be “incorporated into Draft

Plan Conditions,” how does the Town propose to retroactively impose these conditions on Draft Plan Approved Developments as stated in Section 8 of the Proposed By-Law?

The Proposed By-Law states:

“7(b) Based on available ERU units set aside for allocation, those development applications that score the highest during the intake period review will receive allocation.”

17. How and who determines what is “set aside for allocation?” For example, if the Town’s Engineering Department determines that there are 1,500 units of water Allocation available, is it the Town’s intention to “set aside” 500 units “available” for allocation? Or are all 1,500 units available?
18. In the absence of a minimum scoring number to receive allocation, can the Town confirm it is their intent to create a competition between developments to receive allocation?
19. Does the Town envision or intend that development with all approvals under the Planning Act may be prevented from proceeding, even where servicing capacity is available in the Town’s system, because it would not achieve a high enough score under the policy?
20. Can the Town explain why there is an exemption for two units if the policy only applies for 11 or more units?

The Proposed By-Law is silent on what happens when competing developments score the same number of points.

21. Can the Town provide direction?

The Proposed By-law States:

7(c) “Should an applicant wish to resubmit an application if not granted allocation, they must do so within two (2) months of being notified by the Town in order to have the application expedited.”

22. What does expedited mean? How would this work in practice if a decision on annual allocation has already been made?

Schedule B-1

23. Is changing this matrix considered an administrative matter under the Municipal Act? Or, is the Director delegated this authority?
24. What is the minimum number of points required to receive allocation?
 1. In the alternative, is the Town proposing a competition amongst developments?
25. What does the Column “Relevance” mean?
 1. What does “Compliance Level” mean?
26. Is it the intention that Allocation in ERU’s be set aside for Residential or Non-Residential? Or is it the intention to have Residential and Non-Residential compete for the same number of ERU’s?
27. Sub-Categories

1. 1.1 what is the definition of settlement area? (Town, County Province)
 1. Why is it weighted with 5 points?
2. 1.2 Presumably Developments are within close proximity to service areas as they are seeking allocation. Can you provide an example of a project that would not score these points?
3. 1.3 If the OP Density Targets change. Specifically. Towns OP Update is proposing such a change. Would these points be retroactively adjusted? As example, there exists OMB ordered developments with required Density Targets that will be inconsistent to the new Town OP. Would these developments be eligible for these points once the new OP is adopted?
 1. The OP Density requirement is binary (yes or no). Can the Town explain why three points exist when it ought be 0 or 1?
4. 1.4 What is the definition of mixed-use? How does a development score Mixed-Use points if the Official Plan for the project doesn't allow it?
5. 2.1 What water technologies are being referred to? Water, Waste water, Storm? Are these building technologies? How does staff determine the applicability of the technologies and the application of such?
6. 2.2 What certification is being referred to? How can a score be addressed by a proponent when it is not know what is being scored against?
7. 2.3 Is this not a continuation of 2.2?
8. 2.4 Surrounding environment conservation -What does this mean? Is there a Town document or OP policy that can provide guidance? This is extremely broad and subjective.
9. Category 3 – Economic –
 1. Has the Town done an analysis on Category 2 and the impacts on delivering Affordable Housing?
 2. Why is residential being penalized by not being able to achieve any points?
 3. Can the Town please explain the conflict between being an Administrative Procedure under the Municipal Act and the need to go back to Council to determine points under categories 3.2 and 3.3?
10. 4.1 Affordable Housing – What is meant by “Compliance Level”?
11. 4.2 Rental Housing – Is the Town speaking to purpose built rentals or properties that could be rented out?
12. 4.4 Is this based on a Project wide basis or on a phase by phase basis?
13. 5.1 Why are development being penalized if there is no land use conflicts?
14. 5.3 Improvements to Infrastructure – Is this the infrastructure that this Policy is limiting access to? If a development enters into a front ending agreement is it exempt from this policy?
15. 5.5 These items are already included in the Planning Process or specifically prohibited. How are these points determined?
28. Has the Town determined the staff resources needed to administer this policy?
29. What is the proposed fee schedule for this policy?
30. As requested by Council, we request a list of Draft Plan Approved Developments that would be subject to this policy including number of residential units.

We look forward to your reply to these questions, so that we can better inform our members and build a strong community.

Regards

GTDI

“First come, First Served”

1. The Town has stated that there are a number of regulatory instruments used to address developments and servicing capacity. The current Official Plan includes numerous Council

**approvals on Planning Applications prior to achieving Allocation. Can you clarify what is meant by “First come, First served”?

The ‘First Come, First Served’ phrase is used to describe our current system of allocating water and sewage services to developments that have received reservation through the land-use planning process. Regardless as to the timing in which reservation has been granted, allocation is given in an ad-hoc manner in which the only metric to apply is whether there is sufficient capacity at the time of final engineering review.

2. Can you provide the reasons the Town needs to move away from “first come, first served” (aka the current regulatory instruments)?

The Town is seeking to ensure that the allocation of water and sewage services is undertaken in a strategic manner given current constraints and the volume of developments that have reserved capacity.

“Greatest Benefit to the Town”

3. Can you provide how categories and sub-categories were created for Schedule B-1 of the proposed by-law? Specifically, can you add a column with the specific Council-approved Strategic Plan & Category? (see town website <https://www.thebluemountains.ca/town-hall/laws-maps-strategies/strategic-plans-documents>)

1. Alternatively, who or what was used to determine these Categories and Sub-Categories as the “Greatest benefit to the Town”?

The Town retained WSP to establish categories and sub-categories based on a review of other municipalities and studies/plans completed by the Town.

2. How would these categories/sub-categories be amended with shifting Council strategic goals?

The by-law and associated policy is intended on being reviewed in 18 months following implementation. Council may choose to amend the categories upon completion of the review.

“Finite Resource”

4. Does the Town have a Water and Waste Water Capacity issue?

Yes, the capacity issues are addressed in the 2024 Water and Wastewater Year-End Report and the recently completed assessment of the Mill Street Pumping Station. These documents can be accessed through the following webpage:

<https://www.thebluemountains.ca/resident-services/water-sewer-services/water-sewer-capacity>

5. What are the specific “challenges in reconciling the demands of various developments”?

1. a. Why are the current “prudent infrastructure planning and regulatory controls” (i.e., Planning Act/ Development Charge Act) insufficient to address these challenges?

The Town has an ambitious capital program designed in accordance with the Development Charges Background Study to respond to growth pressures. However, the pace of development does not often align with the completion of these projects nor is it easy to determine a timeline from when a development receives reservation through a Planning Act approval, to when it will be ready to be granted allocation given the complexities of engineering review.

6. Is it the intent of this Policy to be applied when there is no risk of the current development applications exceeding water and sewer capacity?

Yes.

7. Will the Town potentially refuse servicing capacity to a development with all Planning Act approvals on the basis that it does not score high enough, if there is capacity in the overall system to service it?

Presently and into the future, staff anticipate that there will be constraints related to both plant and conveyance capacity. In accordance with the proposed Evaluation Framework, the highest scoring developments will receive allocation based on the amount of capacity that can be reasonably provided during the intake period.

8. How will the Town decide how many units of allocation are going to be assigned in any year, especially if there are no current servicing capacity constraints?

The Town will be retaining a third-party to complete an assessment of what can be allocated on an annual basis.

“De-Couple” from Planning Act

9. The Town's current Allocation Policy is in the Town's Official Plan. Is it the Town's intention to "de-couple" this policy from the Planning Act?

If so, why?

If not, will the Town be using this policy to update its Official Plan currently underway?

The Town's Official Plan is not the Town's current Allocation Policy. The Official Plan only speaks to allocation being committed under a development agreement. It is silent on matters of evaluating the provision of allocation. Decisions respecting servicing capacity and allocation affects more than land-use planning and growth in the Town which makes it appropriate to be governed under the auspices of the Municipal Act.

It is not the intention of the Town to update the Official Plan policies with respect to the proposed Policy.

Bill 185 with changes to the Municipal Act passed on June 20, 2024. The Public Meeting for this By-Law was on May 14, 2024. The Town's procedural by-law reads:

The Public Meeting was held before the Statutory Authority (in the Town's opinion) was given to implement this policy. To clarify, the Notice of Public Meeting does not reference Bill 185 or the Municipal Act.

10. Does the Public Meeting held on May 14, 2024, meet the requirements of TOBM Procedural By Law 2022-76?

Yes.

11. Prior to the changes to the Municipal Act Section 86.1(1) under Bill 185 passed on June 20, 2024, what was the Statutory Authority the Town was relying upon to enact this policy?

The Town was considering enabling the Policy through a number of different provisions under the Municipal Act including Section 11 and subsection 86(2).

The Planning Act Ontario Section 24 states:

“Public works and by-laws to conform with plan 24 (1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c.

P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24.”

In the meeting minutes with the development industry, the Director States:

“It is not intended that the Policy and Evaluation Criteria go beyond the Official Plan and/or the Planning Act. This Policy is intended to amplify policies and directions prescribed by the Official Plan. This Policy is not intended to evaluate the merits of a development or application, as that is conducted pursuant to the Planning Act. This Policy may facilitate enhancements to an approved development at the time of Evaluation Criteria review. The allocation decision rests with administration.”

The Staff Report States:

“While the Policy is not regulated by the Planning Act, its application will be throughout the planning and development process. This includes being incorporated into the conditions of approval and identified during the course of pre-consultation on relevant applications to ensure developments are aligned with the evaluation criteria at the conceptual stage.”

The Planning Act and Development Charges Act do not entitle the Town to require developers to:

- Implement energy conservation measures or green building techniques in development
- Provide affordable housing, absent inclusionary zoning
- Control the tenure of development (requiring rental buildings)
- Upgrade roads that are not a local service and required for the purposes of the development
- Upgrade transit stations
- Provide facilities such as parks, recreational amenities, active transit systems, Hospitals, LTC Facilities

Based on the above, the Town will use this Policy at the very earliest Planning Application to measure the merits of approval up to and including Draft Plan Conditions. As stated, the Policy seeks “enhancements” (increases) to Official Plan Policies. However, The Planning Act and Development Act specifically exclude the Town from requiring specific increases.

12. Can the Town please remove the specific excluded enhancements/increases from the Proposed By-Law Appendix B-1?

Town staff do not believe any of the categories listed are misaligned with provisions under the Planning Act or Development Charges Act. Further, the categories identified are supportive of the principles underpinning the Town's Official Plan.

Section 86.1.3 of the Municipal Act States:

“Determination to be made by officer, etc. (3) If a municipality has passed a by-law described in subsection (1), the administration of the policy must be assigned to an officer, employee or agent of the municipality, and any decision made by that person under the policy must be final. 2024, c. 16, Sched. 9, s. 1.”

In meetings with the GTDI and at the Committee of the Whole, staff proposed that the decisions would be made by a committee. It has also been suggested that a consultant would also be retained to make these decisions.

13. For clarity, can you please confirm that the Director of Planning Services is the assigned decision maker?

Confirmed.

14. Please confirm that the decisions made by the Director of Planning Services is unappealable, including by Council, who may not agree to the decision made?

Confirmed. While Section 86.1.3 requires it to be an officer of the municipality, Council has discretion to reassign this authority.

Despite the earlier statement that the Policy will not be used to evaluate planning applications, the Staff Report States:

“While the Policy is not regulated by the Planning Act, its application will be throughout the planning and development process. This includes being incorporated into the conditions of approval and identified during the course of pre-consultation on relevant applications to ensure developments are aligned with the evaluation criteria at the conceptual stage.”

This seems to conflict with the prescribed process in the By-law which states:

“Request for Development Agreement Form is sent to the proponent based on the decision by Engineering Reviewer as to whether the project is eligible for AFC stamp.”

15. Can the Town clarify if the application of this policy starts at Pre-Consult or upon completion of the AFC Drawings?

While the Evaluation Framework is not required to be completed at the time of pre-consultation, it will be encouraged to assist with the review of the allocation request when the development is positioned to do so.

The proposed Policy By-Law Section 8 States:

“Existing Approvals All lands subject to existing Draft Approved Plans of Subdivision, Consents, Site Plans or Vacant Land Condominium, but have not been subject to a development agreement confirming allocation prior to the implementation of this policy, will be subject to the requirements in this policy.”

16. If the Policy is to start at the time of pre-consultation to “ensure developments are aligned with the evaluation criteria at the conceptual stage” and this criteria is to be “incorporated into Draft Plan Conditions,” how does the Town propose to retroactively impose these conditions on Draft Plan Approved Developments as stated in Section 8 of the Proposed By-Law?

The Policy will be circulated during pre-consultation and listed as a condition for new approvals but that will not preclude its application for existing approvals given allocation decisions are outside of the purview of the Town’s Official Plan.

The Proposed By-Law states:

“7(b) Based on available ERU units set aside for allocation, those development applications that score the highest during the intake period review will receive allocation.”

17. How and who determines what is “set aside for allocation?” For example, if the Town’s Engineering Department determines that there are 1,500 units of water Allocation available, is it the Town’s intention to “set aside” 500 units “available” for allocation? Or are all 1,500 units available?

The determination of available units will be made based on comprehensive assessment of both plant and conveyance capacity. For example, there may be plant capacity for 1,500 units but 500 can only be made available based on limitations in the conveyance systems.

18. In the absence of a minimum scoring number to receive allocation, can the Town confirm it is their intent to create a competition between developments to receive allocation?

The intent is to apply a strategic framework to assigning allocation to developments that have been granted reservation through the Planning Act process. Currently, there isn't any policy informing allocation decisions.

19. Does the Town envision or intend that development with all approvals under the Planning Act may be prevented from proceeding, even where servicing capacity is available in the Town's system, because it would not achieve a high enough score under the policy?

The Town does not intend to prevent developments approved under the Planning Act from proceeding. However, the proposed by-law and policy may impact the timing of allocation if alignment with scoring criteria cannot be met.

20. Can the Town explain why there is an exemption for two units if the policy only applies for 11 or more units?

The intent behind the exemption is to enshrine as of right permissions afforded to Additional Residential Units due to Bill 23.

The Proposed By-Law is silent on what happens when competing developments score the same number of points.

Amended by-law to seek supplemental information in which there are identical scores.

21. Can the Town provide direction? The Proposed By-law States:

7(c) "Should an applicant wish to resubmit an application if not granted allocation, they must do so within two (2) months of being notified by the Town in order to have the application expedited."

22. What does expedited mean? How would this work in practice if a decision on annual allocation has already been made?

Amended wording to reflect upon resubmissions being reviewed in the next intake period.

Schedule B-1

23. Is changing this matrix considered an administrative matter under the Municipal Act? Or, is the Director delegated this authority?

Changing the matrix will require an amendment to the Policy which would be a Council decision.

24. What is the minimum number of points required to receive allocation?

There is no minimum number of points required.

1. In the alternative, is the Town proposing a competition amongst developments?

Staff anticipate that available allocation will fluctuate year to year and that the Town will not be able to provide allocation to all developments seeking it for a given year. The scoring criteria assists in prioritizing those developments that offer the greatest community benefit.

25. What does the Column “Relevance” mean?

Relevance speaks to how a sub-category is to be scored.

1. What does “Compliance Level” mean?

Compliance level speaks to scoring that is assigned on a scale opposed to being a simple yes/no.

26. Is it the intention that Allocation in ERU’s be set aside for Residential or Non-Residential? Or is it the intention to have Residential and Non-Residential compete for the same number of ERU’s?

Both Residential and Non-Residential will compete for the same number of ERUs.

27. Sub-Categories

1. 1.1 what is the definition of settlement area? (Town, County, Province)

Settlement Areas are recognized as urban areas and rural settlement areas within the municipality that are: built up areas where development is concentrated, and which have a mix of land uses; and lands which have been designated for development over the long term.

1. Why is it weighted with 5 points?

It is weighted with 2 points.

2. 1.2 Presumably Developments are within close proximity to service areas as they are seeking allocation. Can you provide an example of a project that would not score these points?

The key term in this sub-category is “existing servicing infrastructure”. Even in the Town’s urban settlement area there are properties that may require servicing extensions, or existing services are deemed to be inadequate.

3. 1.3 If the OP Density Targets change. Specifically. Towns OP Update is proposing such a change. Would these points be retroactively adjusted? As example, there exists OMB ordered developments with required Density Targets that will be inconsistent to the new Town OP. Would these developments be eligible for these points once the new OP is adopted?

The points would not be retroactively adjusted.

1. The OP Density requirement is binary (yes or no). Can the Town explain why three points exist when it ought be 0 or 1?

Scoring criteria is 0 or 1.

4. 1.4 What is the definition of mixed-use? How does a development score Mixed-Use points if the Official Plan for the project doesn't allow it?

Mixed-use contemplates development that include both commercial and residential uses. The low value assigned to the category reflects upon potential challenges in meeting the criteria.

5. 2.1 What water technologies are being referred to? Water, Waste water, Storm? Are these building technologies? How does staff determine the applicability of the technologies and the application of such?

Broadened category to be inclusive of wastewater and stormwater. This principally relates to both on-site and external works and will be reviewed by Town engineering staff to assess whether there will be significant benefits to the municipality ie. Reducing water loss and/or inflow and infiltration.

6. 2.2 What certification is being referred to? How can a score be addressed by a proponent when it is not know what is being scored against?

Examples of certification are listed in the Points Rationale category. However, this is not intended on being an exhaustive list that can be considered.

7. 2.3 Is this not a continuation of 2.2?

Related to the above but more specific to building envelope.

8. 2.4 Surrounding environment conservation -What does this mean? Is there a Town document or OP policy that can provide guidance? This is extremely broad and subjective.

Guidance on the objectives of this category can be found in Section A3.1 Sustainable Development and Section A3.2 Natural Environment of the Town's Official Plan.

9. Category 3 – Economic –

1. Has the Town done an analysis on Category 2 and the impacts on delivering Affordable Housing?

The Town has not completed this analysis.

2. Why is residential being penalized by not being able to achieve any points?

Overall, residential projects have a higher threshold than non-residential in accumulating points.

3. Can the Town please explain the conflict between being an Administrative Procedure under the Municipal Act and the need to go back to Council to determine points under categories 3.2 and 3.3?

Administration does not require Council direction in assigning points under these categories.

10. 4.1 Affordable Housing – What is meant by “Compliance Level”?

Compliance level speaks to scoring that is assigned on a scale opposed to being a simple yes/no. Recognizes that Affordable housing can be provided to varying degrees.

11. 4.2 Rental Housing – Is the Town speaking to purpose built rentals or properties that could be rented out?

Purpose-built rentals.

12. 4.4 Is this based on a Project wide basis or on a phase by phase basis?

Phase by phase basis.

13. 5.1 Why are development being penalized if there is no land use conflicts?

Intent is to encourage broader application of Community Design Guidelines. Minimizing land-use conflicts is a requirement during the planning process.

14. 5.3 Improvements to Infrastructure – Is this the infrastructure that this Policy is limiting access to? If a development enters into a front ending agreement is it exempt from this policy?

The execution of a front-ending agreements would be taken into consideration when scoring this category but does not provide an exemption.

15. 5.5 These items are already included in the Planning Process or specifically prohibited. How are these points determined?

28. Has the Town determined the staff resources needed to administer this policy?

Additional consulting resources have been identified to assist in the assessment of available allocation. Additional staff is not required currently to support implementation.

29. What is the proposed fee schedule for this policy?

There is no fee proposed at this time.

30. As requested by Council, we request a list of Draft Plan Approved Developments that would be subject to this policy including number of residential units.

Noted below and included in the follow-up staff report.

Abbott's Subdivision – 22 units

Blue Meadows (Arthur & Lousia Street) – 191 units

Alta Phase 2 – 57 units

Aquavil East Phase 2 – 198 units

Lora Bay Cottages 6 – 35 units

Georgian Woodlands Phase 4 Stage 3 – 38 units

Lora Bay Phase 4B – 58 units

Lora Greens – 38 units

Matesa – 17 units

Sapphire Ridge – 33 units

The Enclave at Georgian Bay Club – 22 units

Long Point Road Subdivision – 22 units

Category	Sub-Category	Relevance	Residential Max	Non-Residential Max	Point Rationale
1. Land Efficiency and Feasibility	1.1 Subject lands are within the Settlement Area or Secondary Plan Area	Yes / No	2	2	2 point if development meets targets, 0 if not
	1.2 Development is in close proximity to existing servicing infrastructure	Compliance Level	3	3	3 points if development meets targets (subsequent phase of approved development), 0 if not
	1.3 Development follows to Official Plan density targets	Yes / No	1	1	1 point if development meets targets, 0 if not
	1.4 Mixed-use development	Yes / No	1	1	1 point if development is mixed-use, 0 if not
Total Points			7	7	
2. Overall Sustainability	2.1 Development integrates water, wastewater and/or stormwater efficiency and flow reduction technology	Compliance Level	3	3	Town staff to determine compliance level based on technologies proposed. Up to 3 points.
	2.2 Development achieves energy conservation certification (determined by Town)	Compliance Level	3	3	Town staff to determine compliance through development integration of LEED, Energy Star, BOMA BEST, EnerGuide, etc. Up to 3 points.
	2.3 Green building techniques and standards	Compliance Level	3	3	Town staff to determine compliance through development integration of high-performance insulation, sustainable materials, green roofs/walls, solar/passive solar designs, green stormwater design, etc. Up to 3 points
	2.4 Surrounding environment conservation including, but not limited to, tree canopy enhancement and on-site tree preservation.	Compliance Level	3	3	Town staff to determine compliance through development's commitment to environmental conservation such as tree canopy enhancement, tree preservation on site, greenspace dedication, etc. Up to 3 points
Total Points			12	12	
3. Economic Benefits	3.1 New Jobs created	Compliance Level	0	5	1 point per 5 jobs (up to 5 points)
	3.2 Development follows goals from the Economic Development Strategy	Compliance Level	0	4	Council to determine compliance through development's commitment to economic development goals (financial and economic prosperity, community wellbeing, environmental resiliency). Up to 4 points
	3.3 Development Contributes to emerging and high growth industries	Compliance Level	0	3	Council to determine compliance through development integrating industries such as technology, advanced manufacturing, natural resources, entertainment and media, agribusiness, cleantech, life sciences. Up to 3 points.
Total Points			0	12	
4. Housing / Affordability	4.1 Development includes affordable housing units as defined in the Policy.	Compliance Level	10	0	1 point per 5% of units dedicated to affordable/attainable housing (up to 10 points).
	4.2 Development includes rental housing units	Yes / No	5	0	1 point per 5% of units dedicated to rental units (up to 5 points).
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	4.4 Development includes a mix of housing types with one type comprising no less than 10% of total units (for example: single-detached, semi-detached, townhouses, apartments)	Yes / No	5	0	1 point per housing type comprising no less than 10% of total units. Up to 5 points.
Total Points			21	0	

Category	Sub-Category	Relevance	Residential Max	Non-Residential Max	Point Rationale
5. Community Considerations	5.2 Development integrates aspects of the Community Design Guidelines	Compliance Level	3	3	Community Design Guideline Characteristics are integrated with 1 point per design characteristic integrated (up to 3 points).
	5.3 Development improves the state of required infrastructure (road connections, transit stations etc.)	Compliance Level	3	3	Town staff to determine compliance level based on development's inclusion of the completion, upgrade or construction of required key infrastructure (up to 3 points).
	5.4 Received Community Infrastructure and Housing Accelerator Order (CIHA) or Ministerial Zoning Order based upon Council Resolution	Yes / No	1	1	1 point if development received a Community Infrastructure and Housing Accelerator Order (CIHA) or subject to a Council supported MZO, 0 if not.
	5.5 Development includes community beneficial facilities (parks, recreational amenities, active transit systems, etc. Hospitals, LTC Facilities, Employment, Campus of Care, projects identified in the Housing Needs Assessment report.)	Compliance Level	3	3	Town staff to determine compliance level based on development inclusion of the completion, upgrade or reconstruction of active transportation infrastructure and networks, park improvements, new park construction. (up to 3 points).
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Overall Points			50	41	
Points Available			50	41	

The Corporation of the Town of The Blue Mountains

By-Law Number 2024 –

Being a By-law to Manage the Allocation of Municipal Water Supply and Sewage Capacity

Whereas Section 11 of the *Municipal Act*, 2001, S.O.2001, c.25 (hereinafter referred to as the “Act”) authorizes The Corporation of the Town of The Blue Mountains (hereinafter the “Town”) to pass by-laws respecting public utilities;

And Whereas sub-section 86.1(1) of the Act permits municipality to adopt a policy providing for the allocation of water supply and sewage capacity;

And Whereas there are policies in section D1.5 of the Town’s Official Plan which provides direction in the monitoring of servicing capacity and regard for competing demands for servicing capacity;

And Whereas the Town’s water and sewage supply and distribution system has limited capacity available for allocation to new development;

And Whereas the Council of the Town wishes to manage the reserved capacity of the water and sewage supply and distribution system in a sustainable and logical manner;

Now therefore Council of The Corporation of the Town of The Blue Mountains enacts as follows:

1. In order to properly manage the Town’s uncommitted reserve capacity of its sewage treatment system and water supply system, protect the health and safety of the public , and in order to ensure that servicing capacity can be provided to those projects that provide the greatest benefit to the Municipality and that are most likely to proceed in the immediate future, The Corporation of the Town of The Blue Mountains hereby adopts the "Water and Sewage Allocation Policy" as set out in Schedule "A-1" and “Water and Sewage Allocation Policy Evaluation Framework” as set out in Schedule “B-1” which are attached hereto and which form part of this By-law.
2. In accordance with Section 86.1(3) of the Act, the administration of the policy is hereby delegated to the Director of Planning and Building Services, with all decisions made by the Director to be final.
3. This By-law shall take effect on the date of passing.
4. Schedule "A-1" and Schedule “B-1” constitutes part of this By-law.

And Further that this By-law shall come into force and take effect upon the enactment thereof.
Enacted and passed this ____ day of _____, 2024

Andrea Matrosovs, Mayor

Corrina Giles, Town Clerk

Town of The Blue Mountains

Schedule A-1

By-law No. 2024-_____

Water and Sewage Allocation Policy

1. Policy Statement

The Corporation of the Town of The Blue Mountains (“the Town”) is currently facing challenges in reconciling the demands of various development projects and the interests of developers regarding water and wastewater servicing. In response to these challenges, the Town must adhere to the directives set forth by the Province and the County, emphasizing the need for economic and efficient service provision.

In alignment with these directives, this Water and Sewage Allocation Policy, (the “Policy”) has been prepared to address the escalating pressures on water and sewage infrastructure and to ensure the prioritization of projects while considering:

- complete communities and best planning practices;
- limiting sprawl and associated maintenance costs;
- community benefit, affordable housing and sustainability; and,
- supporting the growth of the community’s population and economy.

In essence, this policy serves as a strategic guide for the Town to facilitate accountable, and prudent decision-making in the face of increasing and competing development pressures, and available capacity. The policy framework serves as a systematic, objective, measurable, and effective tool to assess and evaluate development applications consistently.

By implementing this Policy, the Town aims to strike a delicate balance between accommodating competing developments within existing infrastructure constraints or planned project capacities and, safeguarding the Town’s long-term provision of water and sewage capacity, while advancing and considering community objectives. This proactive approach is not only complementary to the existing development controls but also promotes transparency and fairness in the decision-making process for development applications. While the Town may not always face constraints with respect to water and sewage capacity, the establishment of a thoughtful and objective allocation framework demonstrates that the Town is committed to fostering a resilient and efficient approach to water and sewage capacity.

Moreover, the allocation framework outlined in this Policy is designed to consider various factors, such as:

- environmental impact;
- infrastructure capacity; and
- community needs.

By incorporating these considerations into the evaluation process, the Town endeavors to make informed decisions that prioritize responsible and sustainable growth.

On June 6, 2024, Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*, received Royal Assent. This Act introduced an amendment (86.1) to the *Municipal Act* which enables municipalities to adopt policies that allow for a system for tracking the water supply and sewage capacity available to support approved developments, through the establishment of allocation criteria. This policy conforms to this amendment.

2. Purpose

This Policy aims to provide a clear and cohesive set of guidelines that will govern the equitable evaluation and allocation of resources to meet the evolving needs of the Town in the most beneficial manner possible.

3. Definitions

Additional Residential Units or ARU

An additional residential unit within an existing primary detached, semi-detached or row dwelling or commercial/institutional building or within a structure that is detached and accessory to a primary detached, semi-detached or row dwelling or commercial/institutional building.

Affordable Housing

Residential housing products that meet the definition of “affordable” based on applicable policy such as the Provincial Policy Statement (PPS) as well as criteria and parameters described in the Town of The Blue Mountains Housing Needs Assessment, 2023.

Allocated/Allocation

The action of apportioning water/sewage capacity in the Town's existing treatment plants, sewers, pumping stations, booster stations and other water and sewage infrastructure.

Allocation Policy

The policy adopted by Town Council to provide guidance, direction, and procedures to allocate water and sewage capacity.

Development Agreement

A legally binding contract between a municipality and a developer that outlines the terms and conditions for the development of a parcel of land. This includes but is not limited to pre-servicing agreements (basic services), subdivision agreements, and site plan agreements.

Equivalent Residential Unit or “ERU”

The conversion of water and/or sewage reserve capacity into a unit of measurement for the purposes of the allocation of uncommitted hydraulic reserve capacity.

Uncommitted Water and/or Sewage Reserve Capacity

This capacity is determined through subtracting any committed water and sewage allocation, including through draft approved and registered plans and site plan approvals, plus a safety factor and any capacity reserved for government projects, projects that do not require a *Planning Act* application or the treatment of hauled sewage if applicable, from the existing water and/or sewage reserve capacity.

Water and/or Sewage Reserve Capacity

The design capacity of the existing Town of The Blue Mountains water and/or sewage treatment plants, minus the actual existing recorded maximum day demand of water (for water) and the actual existing recorded annual average day sewage flow (for sewage).

4. Measuring the Allocation Capacity

The Town’s Engineering Division in consultation with the Water and Wastewater Division shall be responsible for identifying the Water and/or Sewage Reserve Capacity available for allocation as well as converting the amount of Uncommitted Water and/or Sewage Reserve Capacity to ERUs. Capacities are to be based on design flows as calculated per the Town Engineering Standards.

The Town may request a report from a qualified professional engineer confirming the maximum demand and ERUs for site-specific mixed-use, industrial, commercial, and institutional proposals.

5. Development Applications

This Policy applies to the following developments throughout the whole of the Town:

- a) Any development where an extension and/or provision of new main line water supply and/or sewage collection infrastructure is required (i.e. excludes simple

service connections where development application does not represent an increase to the designed sewage flow generation or water demand identified for that property during the design of the main line or as otherwise accommodated in higher level planning reports);

- b) The creation of any number of new lots or units through a Plan of Subdivision or Vacant Land Condominium Description; or by way of a Consent application that exceeds 11 or more ERU units.
- c) Any development requiring Site Plan Control approval that exceeds 11 or more ERU units.

6. Development Exclusions

This Policy does not apply to the following:

- a) The addition of up to two (2) additional residential units on a lot which is in compliance with applicable zoning regulations.
- b) Changes from one permitted use to another permitted use provided the applicable zoning requirements are met;
- c) The construction of a patio, deck, porch, boathouse, dock, shoreline structure, accessory building or structure with no water or sewage connection to the Town system, temporary building, or structure, or interior or exterior renovation to an existing building or structure;
- d) 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;
- e) Minor adjustments to site plan agreements and subdivision/condominium/site plan amendments that do not meet the criteria of Section 8; and
- f) The development of existing vacant lots where no approval under the *Planning Act* is required.

7. Procedures & Criteria

The following apply to the applicable development applications:

- a) Allocation of water and sewer capacity (“allocation”) shall be determined on a criteria basis. Each development requesting allocation will be evaluated in accordance with the Evaluation Framework (**Schedule B-1**).
- b) Based on available ERU units set aside for allocation, those development applications that score the highest during the intake period review will receive allocation.
- c) If developments score the same, the Town may request supplemental information from applicants to make a decision.
- d) If not granted allocation, the Town will notify the applicant and outline the reasons for the decision to support resubmission in the next intake period.
- e) Allocation requests are to be made through the completion of the relevant form and will be considered by staff annually or at the discretion of the Director of Planning and Building Services, subject to available water and sewage capacity.
- f) Mixed-use developments will be categorized as either residential or non-residential on a case-by-case basis.
- g) Staff will evaluate each application for development in conjunction with the relevant and submitted materials and applicable reports provided through a Request for a Development Agreement Form and against the criteria identified in **Schedule B-1**.

The Town may retain an independent consultant to help assist in the review of development applications and supporting studies using **Schedule B-1**.

8. Existing Approvals

All lands subject to existing Draft Approved Plans of Subdivision, Consents, Site Plans or Vacant Land Condominium, but have not been subject to a development agreement confirming allocation prior to the implementation of this policy, will be subject to the requirements in this policy.

9. Review Cycle

Town staff will create development tracking tables to oversee allocated capacity and provide annual reports to Council. Through ongoing monitoring and assessment, potential adjustments to this policy will be evaluated in the best interest of the Town and the public. If Council deems that necessary amendments are required, excluding clerical or technical changes, based on monitoring outcomes, these modifications will be undertaken in a transparent fashion, involving consultations with both the development community and the public. A thorough review of this policy will be conducted within eighteen (18) months of Council approval to ensure its continued effectiveness.

10. Timing, Expiration of Allocation, Reallocation, & Non-Compliance

If capacity is allocated, the substantial works as set out in the Development Agreement must be completed within a year of the date of execution of the Development Agreement with the Town. If the works are not complete and/or other terms of the Development Agreement have not been met, allocation may be withdrawn, at the Town's sole and unfettered discretion.

An extension may be granted for one (1) additional year, which can be granted at the discretion of the Director of Planning and Building Services based on the following criteria:

- Unforeseen circumstances which have caused delays in carrying out the works;
- New legislation, regulations, policies and/or by-laws have not precluded construction of the approved works and would not significantly impact the development's viability.

Reallocation of water and sewerage capacity for those developments that have had their allocation withdrawn will be subject to the requirements of Section 7 of this Policy.

11. References and Related Policies

The following is a list highlighting key plans and reports that may be relevant to the Water and Sewage Allocation Policy.

- Town of The Blue Mountains Official Plan (June 2016)
- Town of The Blue Mountains Housing Needs Assessment (November 2023)
- Town of The Blue Mountains Corporate Strategic Plan 2020 – 2024
- Town of The Blue Mountains 2021-2025 Economic Development Strategy
- Town of The Blue Mountains Community Improvement Plan: Town Wide Revitalization (January 2021)
- Town of The Blue Mountains Community Design Guidelines (2012)
- Town of The Blue Mountains Integrated Community Sustainability Plan (2022)
- Town of The Blue Mountains Transportation Master Plan (2022)

Town of The Blue Mountains

Schedule B-1

By-law No. 2024-_____

Water and Sewage Allocation Policy Evaluation Framework

See framework on the following pages

Category	Sub-Category	Relevance	Residential Max	Non-Residential Max	Point Rationale
1. Land Efficiency and Feasibility	1.1 Subject lands are within the Settlement Area or Secondary Plan Area	Yes / No	2	2	2 point if development meets targets, 0 if not
	1.2 Development is in close proximity to existing servicing infrastructure	Compliance Level	3	3	3 points if development meets targets (subsequent phase of approved development), 0 if not
	1.3 Development follows to Official Plan density targets	Yes / No	1	1	1 point if development meets targets, 0 if not
	1.4 Mixed-use development	Yes / No	1	1	1 point if development is mixed-use, 0 if not
Total Points			7	7	
2. Overall Sustainability	2.1 Development integrates water efficiency and flow reduction technology	Compliance Level	3	3	Town staff to determine compliance level based on technologies proposed. Up to 3 points.
	2.2 Development achieves energy conservation certification (determined by Town)	Compliance Level	3	3	Town staff to determine compliance through development integration of LEED, Energy Star, BOMA BEST, EnerGuide, etc. Up to 3 points.
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Total Points			0	12	
4. Housing / Affordability	4.1 Development includes affordable housing units as defined in the Policy.	Compliance Level	10	0	1 point per 5% of units dedicated to affordable/attainable housing (up to 10 points).
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5. Community Considerations	5.2 Development integrates aspects of the Community Design Guidelines	Compliance Level	3	3	Community Design Guideline Characteristics are integrated with 1 point per design characteristic integrated (up to 3 points).
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Overall Points			50	41	
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Corrina Giles, Town Clerk

Town of The Blue Mountains

Schedule A-1

By-law No. 2024-_____

Water and Sewage Allocation Policy

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5. Development Applications

This Policy applies to the following developments throughout the whole of the Town:

- a) Any development where an extension and/or provision of new main line water supply and/or sewage collection infrastructure is required (i.e. excludes simple

service connections where development application does not represent an increase to the designed sewage flow generation or water demand identified for that property during the design of the main line or as otherwise accommodated in higher level planning reports);

- b) The creation of any number of new lots or units through a Plan of Subdivision or Vacant Land Condominium Description; or by way of a Consent application that exceeds 11 or more ERU units.
- c) Any development requiring Site Plan Control approval that exceeds 11 or more ERU units.

6. Development Exclusions

This Policy does not apply to the following:

- a) The addition of up to two (2) additional residential units on a lot which is in compliance with applicable zoning regulations.
- b) Changes from one permitted use to another permitted use provided the applicable zoning requirements are met;
- c) The construction of a patio, deck, porch, boathouse, dock, shoreline structure, accessory building or structure with no water or sewage connection to the Town system, temporary building, or structure, or interior or exterior renovation to an existing building or structure;
- d) 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;
- e) Minor adjustments to site plan agreements and subdivision/condominium/site plan amendments that do not meet the criteria of Section 8; and
- f) The development of existing vacant lots where no approval under the *Planning Act* is required.

7. Procedures & Criteria

The following apply to the applicable development applications:

- a) Allocation of water and sewer capacity ("allocation") shall be determined on a criteria basis. Each development requesting allocation will be evaluated in accordance with the Evaluation Framework (**Schedule B-1**).
- b) Based on available ERU units set aside for allocation, those development applications that score the highest during the intake period review will receive allocation.
- b)c) If developments score the same, the Town may request supplemental information from applicants to make a decision.
- e)d) Should an applicant wish to resubmit an application if not granted allocation, the Town will notify the applicant and outline the reasons for the decision hey must do so within two (2) months of being notified by the Town in order to have the application expedited to support resubmission in the next intake period.
- d)e) Allocation requests are to be made through the completion of the relevant form and will be considered by staff annually or at the discretion of the Director of Planning and Building Services, subject to available water and sewage capacity.
- e)f) Mixed-use developments will be categorized as either residential or non-residential on a case-by-case basis.
- f)g) Staff will evaluate each application for development in conjunction with the relevant and submitted materials and applicable reports provided through a Request for a Development Agreement Form and against the criteria identified in **Schedule B-1**.

The Town may retain an independent consultant to help assist in the review of development applications and supporting studies using **Schedule B-1**.

8. Existing Approvals

All lands subject to existing Draft Approved Plans of Subdivision, Consents, Site Plans or Vacant Land Condominium, but have not been subject to a development agreement confirming allocation prior to the implementation of this policy, will be subject to the requirements in this policy.

9. Review Cycle

Town staff will create development tracking tables to oversee allocated capacity and provide annual reports to Council. Through ongoing monitoring and assessment, potential adjustments to this policy will be evaluated in the best interest of the Town and the public. If Council deems that necessary amendments are required, excluding clerical or technical changes, based on monitoring outcomes, these modifications will be undertaken in a transparent fashion, involving consultations with both the development community and the public. A thorough review of this policy will be conducted within eighteen (18) months of Council approval to ensure its continued effectiveness.

10. Timing, Expiration of Allocation, Reallocation, & Non-Compliance

If capacity is allocated, the substantial works as set out in the Development Agreement must be completed within a year of the date of execution of the Development Agreement with the Town. If the works are not complete and/or other terms of the Development Agreement have not been met, allocation may be withdrawn, at the Town's sole and unfettered discretion.

An extension may be granted for one (1) additional year, which can be granted at the discretion of the Director of Planning and Building Services based on the following criteria:

- Unforeseen circumstances which have caused delays in carrying out the works;
- New legislation, regulations, policies and/or by-laws have not precluded construction of the approved works and would not significantly impact the development's viability.

Reallocation of water and sewerage capacity for those developments that have had their allocation withdrawn will be subject to the requirements of Section 7 of this Policy.

11. References and Related Policies

The following is a list highlighting key plans and reports that may be relevant to the Water and Sewage Allocation Policy.

- Town of The Blue Mountains Official Plan (June 2016)
- Town of The Blue Mountains Housing Needs Assessment (November 2023)
- Town of The Blue Mountains Corporate Strategic Plan 2020 – 2024
- Town of The Blue Mountains 2021-2025 Economic Development Strategy
- Town of The Blue Mountains Community Improvement Plan: Town Wide Revitalization (January 2021)
- Town of The Blue Mountains Community Design Guidelines (2012)
- Town of The Blue Mountains Integrated Community Sustainability Plan (2022)
- Town of The Blue Mountains Transportation Master Plan (2022)

Town of The Blue Mountains

Schedule B-1

By-law No. 2024-_____

Water and Sewage Allocation Policy Evaluation Framework

Category	Sub-Category	Relevance	Residential Max	Non-Residential Max	Point Rationale
1. Land Efficiency and Feasibility	1.1 Subject lands are within the Settlement Area or Secondary Plan Area	Yes/No	2	1	2 point if development meets targets, 0 if not
	1.2 Development is close proximity to existing servicing infrastructure	Compliance Level	2	2	2 points if development meets targets, 0 if not
	1.3 Development follows Official Plan density targets	Yes/No	1	1	1 point if development meets targets, 0 if not
	1.4 Mixed-use development	Yes/No	1	1	1 point if development is mixed-use, 0 if not
Total Points			2	6	
2. Overall Sustainability	2.1 Development integrates water efficiency and flow reduction technology	Compliance Level	2	2	Town staff to determine compliance level based on technology proposed. Up to 2 points.
	2.2 Development achieves energy conservation certification (determined by Town)	Compliance Level	2	2	Town staff to determine compliance through development integration of LEED, Energy Star, BOMA BEST, GreenGuide, etc. Up to 2 points.
	2.3 Green building techniques and standards	Compliance Level	2	2	Town staff to determine compliance through development integration of high-performance insulation, sustainable materials, green roofs/walls, solar passive solar design, green stormwater design, etc. Up to 2 points.
	2.4 Surrounding environment conservation (including, but not limited to, tree canopy and woodland) and on-site tree preservation.	Compliance Level	2	2	Town staff to determine compliance through development's commitment to environmental conservation such as tree canopy enhancement, tree preservation on site, green space dedication, etc. Up to 2 points.
Total Points			12	12	
3. Economic Benefits	3.1 New jobs created	Compliance Level	0	0	1 point per 5 jobs (up to 5 points)
	3.2 Development follows goals from the Economic Development Strategy	Compliance Level	0	4	Council to determine compliance through development's commitment to economic development goals (financial and economic prosperity, community wellbeing, environmental resiliency). Up to 4 points.
	3.3 Development contributes to emerging and high-growth industries	Compliance Level	0	2	Council to determine compliance through development integration of industries such as technology, advanced manufacturing, creative resources, entertainment and media, agriculture, clean-tech, life sciences. Up to 2 points.
Total Points			0	12	
4. Housing Affordability	4.1 Development includes affordable housing units as defined in the Policy	Compliance Level	0	0	1 point per 1% of units dedicated to affordable/rental housing (up to 10 points)
	4.2 Development includes rental housing units	Yes/No	0	0	1 point per 1% of units dedicated to rental units (up to 5 points)
	4.3 Development includes specialty housing (senior, community, special needs)	Yes/No	0	0	1 point if yes, 0 if no
	4.4 Development includes a mix of housing types with one type comprising no less than 20% of total units (for example, single-detached, semi-detached, townhouses, apartments)	Yes/No	2	0	1 point per housing type comprising no less than 10% of total units. Up to 3 points.
Total Points			0	0	
5. Community Considerations	5.1 Development integrates aspects of the Community Design Guidelines	Compliance Level	2	2	Community Design Guidelines Characteristics are integrated with 1 point per design characteristic integrated (up to 2 points).
	5.2 Development improves the state of required infrastructure (road connections, transit stations, etc.)	Compliance Level	2	2	Town staff to determine compliance level based on development's inclusion of the completion, upgrade or construction of required key infrastructure (up to 2 points).
	5.3 Received Community Infrastructure and Housing Accelerator Order (CIIA) or Ministerial Zoning Order based upon Council's Resolution	Yes/No	0	1	1 point if development received a Community Infrastructure and Housing Accelerator Order (CIIA) or subject to a Council approved HQO, 0 if not.
	5.4 Development includes community benefits (facilities, parks, recreational amenities, active transit systems, etc.) (schools, LTC facilities, Employment, Campus of Care projects identified in the Housing Needs Assessment report.)	Compliance Level	2	2	Town staff to determine compliance level based on development inclusion of the completion, upgrade or reconstruction of active transportation infrastructure and networks, park improvements, new park construction (up to 2 points).
Total Points			4	12	
Overall Points			31	40	
Points Available			50	40	