

January 5, 2024

Christopher Raynor, Regional Clerk
The Regional Municipality of York
17250 Yonge Street,
Newmarket, ON L3Y 6Z1

Delivered by email
regionalclerk@york.ca

**Re: Town of Whitchurch-Stouffville Council Resolution of December 6, 2023 –
Report No. DS-064-23 Proposed Redistribution Policy for Servicing Allocation**

Please be advised that this matter was considered by Council at its meeting held on December 6, 2023, and in this regard, Council passed the following resolution:

- 1) That Council approve AP No. 101 – Redistribution Policy for Servicing Allocation as outlined in Attachment 1, as amended; and
- 2) That Council direct Staff to forward a copy of Report No. DS-064-23 to York Region for information.

The above is for your consideration and any attention deemed necessary.

Kind regards,

Monica Beattie

Monica Beattie
Senior Clerk's Coordinator

Attachments - Report No. DS-064-23

Subject: Proposed Redistribution Policy for Servicing Allocation

Staff Report No. DS-064-23

Department: Development Services

Date: December 6, 2023

Recommendation:

- 1) That Council approve AP No. 101 – Redistribution Policy for Servicing Allocation as outlined in Attachment 1; and
- 2) That Council direct Staff to forward a copy of Report No. DS-064-23 to York Region for information.

1. Purpose:

The purpose of this report is to seek Council approval for the implementation and enforcement of the Redistribution Policy for Servicing Allocation (“Policy”).

2. Executive Summary:

The Town’s Policy for the Allocation of Sanitary Sewer and Water Service Capacity was approved in February 2010, and modified in April 2014. Since then, the changing development landscape and amount of growth in the Town has resulted in more pressure for the servicing of new development. This is likely to increase as the Town continues to grow. To proactively address this, staff are proposing the introduction of a Redistribution Policy for Servicing Allocation. This policy will require developers to meet certain criteria within a specified time frame after receiving development approval, or the allocation of servicing capacity may be rescinded and reallocated to other development. This formalized ‘use it or redistribute it’ policy will be the first piece of a comprehensive review of the current policy for allocation of serving capacity.

3. Background:

York Region provides water and wastewater servicing to local municipalities and assigns capacity based on forecasted development. The Town is responsible for the allocation of

servicing capacity to active development applications within the municipality and for monitoring allocation to ensure that development approvals do not exceed capacity.

The changing development landscape and amount of growth in Town will result in more pressure for servicing. As the Town continues to grow, the pressure for servicing capacity is likely to increase. Capacity is finite and should not be allocated in perpetuity, so it is important that developments that have servicing capacity allocated proceed without delay. Where allocation is granted and development does not proceed to construction in a timely manner, the allocation is tied up and unavailable to other development that is ready to proceed.

The Town’s Policy for the Allocation of Sanitary Sewer and Water Service Capacity was approved in February 2010, and modified in April 2014. It has policies for the staging of land and allocation of services that are outdated and do not reflect the current state of development. The current policy states if a plan of subdivision is not deemed to be proceeding in an expeditious manner within three years of draft approval, the Town may, at its sole discretion, withdraw the allocation in whole or in part. The policy does not address withdrawing allocation for development with site plan approval.

To proactively address this issue, staff are recommending implementation of a more stringent “use it or redistribute it” policy where certain criteria must be met by the developer within a specified time frame, or the allocation may be automatically rescinded and reallocated to other development. A number of local municipalities in York Region utilize a “use it or redistribute it” policy. Clarity around timelines and the process for rescinding allocation is necessary to provide transparency for landowners and allow the Town to efficiently manage the distribution of limited regional capacity.

4. Analysis and Options:

4.1 Scan of Other Municipalities

A scan of other York Region local municipalities showed that many have policies in place, either within the Official Plan and/or Secondary Plan, or a separate corporate Servicing Allocation Policy that provides direction to rescind and redistribute servicing if development is not proceeding.

Table 1 below includes a summary of different approaches.

Table 1: Municipal Servicing Policy Scan

Municipality	Policy/Procedure and Timeline
City of Vaughan	<u>Allocation of Servicing Capacity Policy</u> Servicing capacity allocated by Council may be redistributed if the active development application does not proceed to registration and/or building permit issuance within 36 months .

Municipality	Policy/Procedure and Timeline																				
Town of Newmarket	<p><u>Servicing Allocation Policy</u> Where development has not taken place within one year from the date servicing capacity was first allocated, allocation shall be deemed to be rescinded and the Town may re-allocate such servicing capacity to other development(s)</p>																				
Town of Aurora	<p><u>OP Policies</u> Draft Plan – assign preliminary allocation at time of draft approval. If not registered within 3 years the Town, at the time of considering extension of draft plan approval, may revoke preliminary assignment in whole or in part. Servicing allocation formally assigned at the time of the execution of the subdivision agreement. Site Plan – servicing allocation preliminarily assigned for a 1-year period from the date of receipt of application. If agreement not executed within 1 year, report will be brought to the Town to either extend or revoke preliminary assignment. As that time, the Town can revoke allocation in whole or in part. Agreement shall stipulate that a building permit shall be obtained in 6 months, or other time period as determined by the Town, otherwise agreement is deemed to be null and void, unless further extension is given.</p>																				
Town of East Gwillimbury	<p><u>Servicing Allocation Policy</u> When servicing capacity has been allocated to an application and development of land has not taken place in accordance with timelines below, such allocation shall be deemed to be rescinded and the Town may re-allocated to other development without further notice to the Owner.</p> <table border="1" data-bbox="488 1157 1408 1451"> <thead> <tr> <th data-bbox="496 1163 756 1234">Application Type</th> <th data-bbox="764 1163 1019 1234">Council Allocation Trigger</th> <th data-bbox="1027 1163 1192 1234">Assignment Period</th> <th data-bbox="1200 1163 1399 1234">Deadline for Use (Council Review)</th> </tr> </thead> <tbody> <tr> <td data-bbox="496 1241 756 1276">Plan of Subdivision</td> <td data-bbox="764 1241 1019 1276">Draft Approval</td> <td data-bbox="1027 1241 1192 1276">2 years</td> <td data-bbox="1200 1241 1399 1276">Registration</td> </tr> <tr> <td data-bbox="496 1283 756 1318">Plan of Condominium</td> <td data-bbox="764 1283 1019 1318">Draft approval</td> <td data-bbox="1027 1283 1192 1318">12 months</td> <td data-bbox="1200 1283 1399 1318">Building Permit</td> </tr> <tr> <td data-bbox="496 1325 756 1396">Site Plan</td> <td data-bbox="764 1325 1019 1396">Registration of the Agreement</td> <td data-bbox="1027 1325 1192 1396">18 months</td> <td data-bbox="1200 1325 1399 1396">Building Permit</td> </tr> <tr> <td data-bbox="496 1402 756 1438">Consent</td> <td data-bbox="764 1402 1019 1438">COA Decision</td> <td data-bbox="1027 1402 1192 1438">2 years</td> <td data-bbox="1200 1402 1399 1438">Building Permit</td> </tr> </tbody> </table>	Application Type	Council Allocation Trigger	Assignment Period	Deadline for Use (Council Review)	Plan of Subdivision	Draft Approval	2 years	Registration	Plan of Condominium	Draft approval	12 months	Building Permit	Site Plan	Registration of the Agreement	18 months	Building Permit	Consent	COA Decision	2 years	Building Permit
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Consent	COA Decision	2 years	Building Permit																		

Additionally, York Region’s 2023 Servicing Capacity Report recommended that local municipalities leverage available tools to optimize and manage servicing capacity, including ‘use it or redistribute it’ policies.

4.2 Overview of proposed Redistribution Policy for Servicing Allocation (“Policy”)

Staff are recommending a policy that addresses development in the form of Plans of Subdivision or Site Plans as a starting point. Below is a brief overview of the contents of the proposed policy.

In terms of timelines, servicing allocation is typically granted by the Town at the time of draft plan approval or site plan approval. The timelines for expiry of allocation are clearly set out in the Policy and are tied to this approval status.

For Draft Plans of Subdivision, capacity is allocated at Draft Plan Approval and is tied to the approval status. Allocation is assigned for 3 years and if the subdivision agreement and plan are not registered and Draft Plan Approval expires, allocation expires as well. Additionally, the Subdivision Agreement shall specify that building permits for the units subject to the agreement must be issued within 1 year of the execution and registration of a subdivision agreement, or the allocation can be withdrawn for unbuilt lots/units/phases that have not had building permits issued.

The Town shall assign allocation for development requiring site plan approval for a period specified by the agreement. The site plan agreement shall stipulate that if a building permit is not obtained within this timeframe, the agreement is null and void, unless further extension is given by the Town. Currently site plan agreements have a clause outlining the timing for approval lapsing.

4.2.3 Requesting an Extension for Servicing Allocation

If an Owner and/or Applicant cannot meet the timelines set out above, they may apply to extend servicing allocation. An extension is not automatic, and the request will be reviewed concurrently with the associated planning application and will consider any extenuating circumstances.

4.2.4 Applicable Fees

The Town’s Fees and Charges By-law currently outlines fees related to the Extension of planning approvals and extension of servicing allocation for plans of subdivision and site plans. Table 2 below outlines the fees, as currently included in the Town’s Fees and Charges By-law 2022-117-FI. To consider a request for extension of servicing allocation, the applicable fee will be required.

Table 2: Excerpt from the Fees and Charges By-law

	Goods/Services Provided	Unit of Measure	Rate Before Tax	HST at 13%
6 k)	Extension of Draft Plan Approval and Extension of Servicing Allocation	Flat Fee	\$6,975.0	N
8 k)	Extension of Site Plan Approval and extension of servicing allocation	Flat Fee	\$7,885.0	N

4.2.5 Right of Appeal

An Owner/Applicant who has had their request for a servicing allocation extension denied by the Director may appeal the decision by delegation to Town Council at a regularly scheduled Council meeting. Any Council decision after hearing the appeal will be final.

4.3 Next Steps

The “use it or redistribute it” policy is the first step proposed towards a comprehensive review of the Town’s servicing allocation policies. Looking at the development planning pipeline, the Town has seen an increase in the amount of development proposals within the Community of Stouffville. The proposed redistribution policy was prioritized to proactively ensure servicing allocation does not become tied up for development and keeps development moving through the pipeline as efficiently as possible.

As noted above, the current Policies for the Allocation of Sanitary Sewer and Water Service Capacity require updating and modernization. This is to address the development expected as the Town continues to grow. Staff intend to complete a thorough review of the Council Policies for the Allocation of Sanitary Sewer and Water Service Capacity and report back to Council in 2024 with a comprehensive update that reflects the current development landscape.

Based on the policy in place, the Town can currently allocate a maximum of 600 dwelling units per calendar year, 500 of which to Phase 2 or 3 lands, and 100 of which to lands within the built boundary. The servicing allocations are cumulative and, if not utilized, can be added to the allocation for the following years respective area. The current policies focus on development of the Phase 2 and 3 lands, however, intensification and pressure for infill development requires greater flexibility in assignment of allocation.

In addition to a review of the policies in place, staff will provide an updated status report for Servicing Capacity and Allocation outlining the commitment of allocation and remaining capacity left to be assigned.

Option A (Recommended)

That Council approve the proposed Policy AP No. xx and direct staff to implement the Policy effective January 1, 2024.

This option is recommended to ensure that allocated capacity does not sit idle and may be redistributed if necessary. The policy clarifies the timelines and process for withdrawing and reallocating capacity for the development community, landowners and the municipality.

5. Financial Implications:

There are potential financial implications on growth related revenues if servicing allocation is tied up for development sitting on unused capacity.

6. Alignment with Strategic Plan:

1. A Town that Grows
A Town that grows in support of complete communities
2. Organizational Effectiveness
To Elevate our Organizational Effectiveness

7. Attachments:

1. AP No. XX – Redistribution Policy for Servicing Allocation

8. Related Reports:

February 2, 2010 – [Proposed Official Plan Amendment \(D08\), Community of Stouffville , Phase 2 Lands/Sustainable Development](#)

April 15, 2014 – [Proposed Amendment to the Town of Whitchurch-Stouffville Official Plan – Growth Management Strategy Implementation and Phase 3 Lands – Town of Whitchurch-Stouffville \(D08\)](#)

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Meaghan Craven, Manager, Planning Policy

For further information on this report, please contact the Department Head: Dwayne Tapp, Director of Development Services at 905-640-1910 or 1-855-642-8697 ext. 2431 or via email at dwayne.tapp@townofws.ca



**Town of Whitchurch-Stouffville
Administrative Policy and Procedure No. 101**

REDISTRIBUTION POLICY FOR SERVICING ALLOCATION

Effective:	January 1, 2024	Revision Date:	
Authority:		Supersedes:	

1. Policy Statement

This policy outlines the timing and expiry for the allocation of water and wastewater servicing capacity through the Town's planning application review and approval process.

2. Purpose

York Region provides water and wastewater servicing to local municipalities and assigns capacity based on forecasted development. The Town is responsible for the allocation of servicing capacity to active development applications within the municipality and for monitoring allocation to ensure that development approvals do not exceed capacity.

Capacity is finite and should not be allocated in perpetuity, so it is important that developments with servicing capacity allocated proceed without delay. In accordance with this policy, allocation not actively being utilized as determined by the Town acting reasonably may be withdrawn and redistributed to ensure allocation is available to development that is ready to proceed to construction.

3. Scope

This policy shall apply to the following growth and development in the Community of Stouffville Secondary Plan area, as shown on Appendix 1:

- a. The creation of any number of lots or units through the Draft Plan of Subdivision approval process;
- b. Any development requiring site plan approval; and
- c. For the purposes of this policy only, every Draft Plan and/or Site Plan approved in the Community of Stouffville Secondary Plan area which has been assigned servicing allocation on or before the date of passage of this policy, shall be deemed to have been Draft Plan and/or Site Plan approved on the date of passing of this policy, for the purposes of servicing allocation only.

4. Roles and Responsibilities

This Policy is established by the Director of Development Services (“Director”) and approved by Town Council. The Director of Development Services or designate shall be responsible for the implementation and enforcement of the Policy.

The Policy Planning Division will be responsible for tracking and monitoring the allocation of servicing capacity. The Development Planning Division will the Planning Applications.

5. Procedures

5.1. Rescinding and Reallocation of Servicing

Sanitary sewer and water allocation is granted by the Town at the time of draft plan approval or site plan approval. Where servicing capacity has been allocated, the maximum time period for which the servicing allocation will be maintained, and the deadline for the utilization of that servicing allocation, are as set out in Table 1. The subdivision agreement or site plan agreement will specify the timing of the rescission of any servicing allocation in accordance with Table 1 below.

Such servicing allocations may, if the servicing allocation has not been utilized by the deadline, and subject to the discretion of the Director, be rescinded and the Town may redistribute that servicing allocation to other development(s).

For the purposes of this policy, utilization of a servicing allocation means completing the applicable requirement as set out under “Allocation Period” in Table 1 by the deadline noted thereunder.

Table 1

Application Type	Allocation Trigger	Allocation Period	Deadline for Use
Draft Plan of Subdivision	Draft Approval	Within 3 years from Draft Plan approval If a subdivision agreement and a M-plan are not registered within 3 years of Draft Plan Approval or if the Draft Plan Approval otherwise expires, the	Registration

		servicing allocation will be rescinded.	
Site Plan	Registration of the Agreement	<p>Stipulated in agreement</p> <p>Servicing allocation will be rescinded upon expiration of the Site Plan Agreement. Should a building permit not be obtained prior to the expiration date stipulated in the Site Plan agreement lapsing, servicing allocation will be rescinded for the site.</p>	Building Permit

In the event an Active Development Application is closed, withdrawn, or significantly revised, all previous commitments by the Town regarding servicing allocation shall become null and void.

Servicing allocation shall be deemed to have been rescinded upon the lapsing of the timelines set out in Table 1. No notice is required to be given to the Owner/Applicant upon the rescission of the servicing allocation.

5.2. Extension of Servicing Allocation

If the Owner / Applicant cannot meet the timelines set out in Table 1, and it wishes to retain its servicing allocation, it may apply in writing to the Director of Development Services, at least 60 days prior to expiry, for an extension. An extension of the servicing allocation is not automatic and will be reviewed on a case-by-case basis.

If the Director receives a request from the Owner and/or Applicant to extend any of the above noted time periods, the Director may grant an extension for an additional period at the Director’s sole discretion. When deciding whether to grant an extension, the Director may take into account any extenuating circumstances or unique situations. If an extension is granted, the length of time for any extension is at the sole discretion of the Director.

Any decision by the Director concerning any application to extend the servicing allocation timeline shall be provided to the Owner/Applicant at the address provided to the Town at the submission of the application original planning application, or such other address as the Owner/Applicant advises the Town. Delivery via registered mail shall constitute proof of service of the Notice of Decision.

5.3. Fees

The applicable fee, as set out in the Town's Fees and Charges By-law at the time of request, is required to be paid by the Owner and/or Applicant for all requests to extend servicing allocation.

6. Right of Appeal

An Owner/Applicant who has had their request for a servicing allocation extension denied by the Director, may appeal the decision of the Director by written delegation to Town Council at a regularly scheduled Council meeting.

In deciding whether to confirm or modify the decision of the Director, Council shall hear the appeal and shall have all the powers and functions of the Director who made the decision. The decision of Council upon hearing the appeal is final and binding upon the Owner/Applicant.

7. Notes

The Policy shall be included in Planning Applications so that the Applicant and/or Owner acknowledges the Policy when completing the Planning Application form.

APPENDIX 1 – Community of Stouffville Secondary Plan Area

