

Discussion Paper #1

County of Elgin Official Plan 5 Year Review

Servicing and Development

July, 2021

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Executive Summary

As part of the County's Official Plan 5-Year Review process, several key topics were identified. These identified topics warrant a larger review, including servicing and development within the County of Elgin.

The following Discussion Paper #1 on Servicing and Development reviews the current Provincial policy framework, including an overview of the Provincial Policy Statement 2020 servicing hierarchy, and the Ministry of the Environment, Conservation and Parks - D Series Guidelines. The overarching legislation and guidelines from the Province are implemented to protect the natural environment and public health, and to ensure that appropriate sewage treatment and a sufficient potable water supply are considered in land use planning decisions in accordance with the standards under environmental legislation.

A review of the current policies of the County of Elgin Official Plan reveal gaps in the current policy, as that the current policy framework in the Official Plan doesn't reflect the provincial servicing hierarchy, a lack of definition on what constitutes "minor infilling or rounding out" in partially serviced settlement areas, a lack of criteria on what is included in or when a Settlement Capability Study is warranted, and a municipal/county structure for the review of any subsequent studies.

A review of neighbouring municipalities was also conducted, which detailed that most development in urban areas is to occur on full municipal services, while partial servicing is permitted in hamlet/rural settlements. If partial servicing is permitted, a servicing option/settlement capability study is generally required to support any level of development.

The report provides five policy options for development:

1. Permit subdivision/condominium and severance development on partial servicing and/or no municipal servicing (private services) in all Settlement Areas;
2. Permit development on partial servicing in Tier 2 Settlement Areas; only permit development (consents) with no servicing in Tier 3 Settlement Areas;
3. Require Settlement Capability Studies (SCS) prior to any development within Tier 2 Settlement Areas (partial services);
4. Full municipal services or communal services for all subdivision development; and

5. County of Elgin Master Servicing Study(ies) (MSS).

Opportunities and concerns are identified for each option.

When reviewing this document, questions to ask include:

- What kind of lots would this option create?
- What does this option do for agricultural lands?
- Does this option ensure intensification targets in settlement areas can be met?
- Is this option going to provide different housing options across the County?
- Does this option ensure a cumulative assessment of impacts?
- Are there any human health or environmental hazards associated with this option?
- What are the consequences or risks of a particular option?
- Does this option mitigate urban sprawl and restrict land development consumption?
- Would the County consider adding more lands to settlement areas that do not have full municipal services?
- What are the cost implications to residents for a particular option?
- How does this option meet provincial policy and guidelines?

Introduction

An Official Plan is a legal statutory planning document required by the province that describes a municipality's land-use strategy. The County of Elgin's Official Plan includes the vision, goals and policy directions of the County, as established by the community, and provides guidance for land use planning decisions including:

- locations for settlement areas, agricultural lands, and natural heritage;
- when and in what order parts of our communities will grow; and
- protection for agricultural, mineral and environmental resources.

The purpose of an Official Plan 5-Year Review update is to ensure that the community vision/values, directions, policies and actions in the Plan reflect changes and meet the needs of the community for the future, and to review for consistency with the Provincial Policy Statement.

Through the public and surveys responses, and stakeholder discussions, several key topics were identified. These identified topics warrant a larger review to understand the current issue, review the background and history, provide a summary of what provincial and neighbouring municipality policy and /or practices exist, and provide possible recommendations for potential policy changes. This discussion paper will be circulated and reviewed by the public, stakeholders and local municipalities, and comments and feedback on this report will be solicited. Recommendations stemming from this report and feedback received will result in draft policy changes to the County Official Plan.

Servicing and Development - Introduction

The issue of development on full services vs. partial services has been raised by both the public and several member municipalities through the Official Plan review consultation process.

As per the definitions contained within the Provincial Policy Statement (PPS), and the County of Elgin Official Plan (County OP), development is defined as:

...the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act...

Full municipal services are defined in the PPS as:

Municipal sewage services: means a sewage works within the meaning of section 1 of the Ontario Water Resources Act that is owned or operated by a municipality, including centralized and decentralized systems.

Municipal water services: means a municipal drinking-water system within the meaning of section 2 of the Safe Drinking Water Act, 2002, including centralized and decentralized systems.

Partial services as defined by the PPS and the County of Elgin Official Plan:

- a) municipal sewage services or private communal sewage services combined with individual on-site water services; or*
- b) municipal water services or private communal water services combined with individual on-site sewage services.*

Individual on-site water and sewage services are further defined through the PPS:

Individual on-site sewage services: means sewage systems, as defined in O. Reg. 332/12 under the Building Code Act, 1992, that are owned, operated and managed by the owner of the property upon which the system is located.

Individual on-site water services: means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

No services are defined as development without any municipal servicing.

Providing municipal water and municipal sewage infrastructure to new development ensures protection of human health and the natural environment through managing water quality and quantity for human consumption. When partial or no services are provided, a municipality cannot generally monitor future issues of capacity, quantity and quality. Development on partial services requires larger lots with which to provide individual septic or well services, which requires more land, and cannot often provide a mix of unit and housing types.

However, some municipalities are constrained with providing full municipal services to their settlement areas. The provision of full municipal services by a municipality to a particular development can be costly, with consideration for long term maintenance costs. The installation of full services may necessitate substantial up-front costs to the municipality and/or Developer, which may take many years to recoup, given the scale of potential development intensity.

The following discussion paper will look at Provincial policy related to servicing, including the current PPS servicing hierarchy. A review of the County of Elgin and local municipal policies and approaches to development on full municipal services, partial services, and no services will be provided. Additionally, several adjacent municipal Official Plans are explored, and these policies and approaches related to servicing/partial servicing are included for comparison (Norfolk County, Oxford County, Brant County, Middlesex County, Perth County, Chatham-Kent, and Essex County). Finally, staff will be recommending five possible policy directions and/or amendments to apply for all development and municipalities within the County of Elgin.

Next steps include circulation of the report to local municipalities as well as to the public and stakeholders to receive their comments and feedback. A virtual Open House will be held using the County of Elgin's new engagement platform www.engageelgin.ca/officialplanreview. A public survey will also be developed and released for public input.

Comments received through the consultation process and associated with the discussion paper will be summarized in a future report, and may include potential changes as a result of comments received.

Provincial Policy & Guidelines

Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS) is the Province of Ontario's land use planning policy and is the foundational document outlining the planning goals and objectives across the Province. The Planning Act, 1990 (PA), requires municipal decisions on planning matters to be consistent with the PPS. Official Plans and Zoning By-laws should reflect the goals and objectives of the PPS. The current PPS, which came into effect May 2020, reflects amendments to other Provincial plans and legislation and current provincial planning objectives.

In addition to the definitions contained within the PPS, the PPS contains broad policy directives on development. Managing and directing land use to achieve efficient and resilient development and land use patterns (Policy 1.1) is supported by:

- *“promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- *avoiding development and land use patterns which may cause environmental or public health and safety concerns”;*...

The PPS encourages a coordinated and integrated approach to land use and infrastructure planning to ensure cost and resource effective development patterns and standards are being implemented.

The PPS also establishes policies related to the expansion or adjustment of settlement areas (1.1.3.8, 1.1.3.9) and requires, in part, that municipalities demonstrate that the planned infrastructure is suitable over the long term. The following provides a summary of key infrastructure-related matters:

- Infrastructure and public service facilities systems, shall be provided in a coordinated integrated, and financially viable manner that considers impacts from a changing climate, while accommodating projected needs (1.6.1);
- The use of existing infrastructure should be optimized before considering the development of new infrastructure (1.6.3);
- Municipal sewage services and water services are the preferred form of servicing for settlement areas. Within settlement areas with existing municipal sewage and water services, intensification and redevelopment shall be promoted where feasible (1.6.6.2);
- Where municipal services are not available, private communal sewage services and water services are the preferred form of servicing for multi-unit/lot development (1.6.6.3);
- At the time of the official plan review, municipalities should assess the long-term impacts of individual on-site sewage and water services on the environmental health and character of rural settlement areas (1.6.6.4);
- Partial services shall only be permitted in certain circumstances (1.6.6.5);

Further to the above, Policy 1.6.6.5 is related to partial servicing and outlines that:

“Partial services shall only be permitted in the following circumstances:

- a) where they are necessary to address failed individual on-site sewage services and individual on-site water services in existing development; or*
- b) within settlement areas, to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.*

Where partial services have been provided to address failed services in accordance with subsection (a), infilling on existing lots of record in rural areas in municipalities may be permitted where this would represent a logical and financially viable connection to the existing partial service and provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In accordance with subsection (a), the extension of partial services into rural areas is only permitted to address failed individual on-site sewage and individual on-site water services for existing development.”

The PPS establishes a hierarchy for the provision of services, with municipal sewage and water services as the preferred form of servicing for settlement areas, followed by communal servicing. Partial services may be considered only where they are necessary to address failed individual on-site services in existing development, or within settlement

areas to allow for infilling and minor rounding out of existing development, provided long-term capacity is available and there are no negative impacts.

No definition is provided for in the PPS as it relates to “infilling and minor rounding out” of existing development in settlement areas on private individual on-site sewage and water systems (i.e. septic tanks and wells), where full municipal or communal services do not exist, provided that site conditions are suitable and that there are no associated negative impacts (policy 1.6.6.4).

Development on partial services is the least preferred method of servicing required for development and is not typically permitted, except in special and limited circumstances.

Ministry of the Environment, Conservation and Parks - D Series Guidelines

The Ministry of the Environment, Conservation and Parks (MECP) has produced a series of environmental land use planning guides, known as the D Series Guidelines. These guides provide direction on environmental considerations and requirements for industrial land use, sensitive lands, sewage and water services, and private wells.

The MECP has an interest in municipal planning for sewage and water services, which stems from the Ministry’s mandate in administering the Environmental Protection Act, 1990, Ontario Water Resources Act, 1990, and Environmental Assessment Act, 1990. The Ministry’s responsibilities under these Acts include the approval and compliance monitoring of sewage treatment and water supply facilities. In order to protect the natural environment and public health, it is necessary that land use planning decisions be made to ensure appropriate sewage treatment and a sufficient potable water supply in accordance with standards under environmental legislation.

“In recognizing that servicing is inseparable from development, it follows that well-planned servicing leads to well-planned development and communities. Well-planned services can be built efficiently and used efficiently and avoid costs for later upgrading or rehabilitation that is common with poorly planned servicing. Planning for sewage and water services is particularly important to ensure that communities have a potable water supply and proper collection, treatment and disposal of sewage wastewater that protects the natural environment and public health. Planning for sewage and water services in land use planning allows the opportunity for servicing facilities to maintain or enhance the natural environment and accommodate expected growth in a manner that is cost effective and promotes efficient use of servicing facilities.”

D-5 Planning for Sewage and Water Services

The objectives of this implementation guideline are to advise municipalities to plan for sewage and water services which maintain or enhance the quality of the environment while accommodating expected growth by:

- Planning for and directing development to areas where municipal water and sewage facilities are available, with sufficient uncommitted reserve capacity to service the proposed development or to areas where there has been a commitment to new services or the expansion of existing services (where services will be available at the time of development), in accordance with long-term planning as established through the principles of the Provincial Policy Statement;
- Using communal water and sewage services where multi-lot/unit development is considered for areas without full municipal services to ensure the long-term viability of the services through municipal responsibility to protect the environment and public health; and
- Determining, in the context of long-term planning and approved growth management objectives, that the consideration of development in areas without full municipal services is appropriate and site specific environmental and public health considerations are addressed.

D-5-3 Servicing Options Statement

Servicing options include the potential for servicing development on full municipal services, communal sewage and water services, and individual on-site sewage and water services consistent with this policy.

The guideline recommends the preparation of a servicing options statement, to demonstrate that the potential for servicing the development on full municipal services and communal sewage and water services has been investigated. A servicing options statement should be prepared and/or endorsed by the municipality and submitted with the planning application by the developer, in consultation with the municipality and should address the following matters:

- An evaluation of proximity of existing or committed full municipal services or communal services and the ultimate potential for future connection to full

municipal services or communal services for the whole area proposed for development;

- Where a development application is known or anticipated as being one of a number of proposals for the same development area, the evaluation of servicing options should not be isolated to the site-specific proposal, but should be completed within the context of the development potential for the whole area as determined through consultation with the municipality and based on proposed or existing municipal servicing plans and growth management objectives;
- An overview of the environmental suitability of the site for the proposed services based on information accessible at a municipal scale that can be applied to the proposed site proposal and generally addresses:
 - environmental constraints (e.g., environmental features, surface water, groundwater);
 - suitability of the terrain (e.g., soils, topography) of the site;
 - performance of services in similar developments in the surrounding area; and
 - the scale (total areal extent), density, and type of use proposed for the development;
 - evaluation of the relative potential and merit of each of the servicing options to serve the proposed development; and
 - documentation of the decision-making process and rationale that led to the determination of the servicing option proposed for the development.

County and Local Municipal Policy

County of Elgin

The County policies on servicing and development are focused within Part B – Growth Management.

B1 SETTLEMENT AREAS - Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted. There are a range of urban and rural settlement areas in Elgin County where there is a concentration of development and mix of permitted land uses including a variety of housing types, commercial and

employment uses, institutional uses, community and recreational facilities, and open space.

B2 GROWTH MANAGEMENT - The majority of the projected population and employment growth in the County is expected to occur in the settlement areas in the County that are on full municipal services.

There are 49 identified settlement areas within the County of Elgin. At the time of the adoption of the Official Plan in 2013, it was estimated there is about 700 hectares of vacant or underutilized lands within fully serviced settlement areas (County of Elgin Official Plan 2013, Policy B2.4 a)).

There was also in excess of 1,000 hectares of potentially developable land in settlement areas on partial services (either municipal water or municipal sewer but not both) and within settlement areas that do not have any municipal sewer or water services.

B2.5 HIERARCHY OF SETTLEMENT AREAS - The Official Plan policies detail that water supply, treatment and distribution works, along with wastewater collection and treatment works, are the responsibility of the lower tier municipalities and/or private sector organizations engaged by the lower tier municipalities.

Three tiers of settlement areas are established by this Plan:

TIER 1 settlement areas generally have the largest populations in the County and as a consequence have full municipal services (municipal water and sewage services). Given the type of servicing that is provided in these settlement areas and the potential for these settlement areas to be central communities where a range of uses and opportunities are and can be provided, this Plan directs the majority of new growth to Tier 1 settlement areas.

TIER 2 settlement areas are generally smaller in population than Tier 1 settlement areas and are on partial services (municipal water/individual onsite sewage services or individual on-site water/municipal sewage services). Limited development is permitted in these settlement areas given the absence of full municipal services. Development on partial services is permitted to allow for infilling and rounding out of existing development provided that:

- the proposed development is within the reserve sewage system capacity and reserve water system capacity; and
- site conditions are suitable for long-term provision of such services.

TIER 3 are settlement areas which are generally the smallest communities in the County, are predominately residential in function, and do not have any municipal services (i.e. services are provided by individual on-site water and sewage services). Limited development (including new lot creation) is permitted in these settlement areas given the absence of full municipal services.

B2.7 SETTLEMENT AREA CAPABILITY STUDIES - In cases where a settlement area capability study is required by this Plan in areas without full municipal services, such a study will be prepared to the satisfaction of the local municipality and the County to determine whether the settlement area can adequately accommodate additional development on the basis of private or partial services without having a negative impact on groundwater used for drinking purposes and/or the ability of the soils in the area to assimilate effluent. Other factors, such as the potential impacts of new development on the road network, the natural environment and community facilities may also be considered. With respect to partially serviced settlement areas, there shall also be an assessment of what the appropriate scale of development should be given that infilling and rounding out is permitted in Tier 2 settlement areas. Such a settlement capability study will provide the technical foundation on which individual plans of subdivision or consent will be evaluated, subject to the requirements of the appropriate agencies.

Issues with the current policy framework have been identified.

- *PPS 2020 servicing hierarchy* – The PPS establishes a hierarchy for the provision of services, with municipal sewage and water services as the preferred form of servicing for settlement areas, followed by communal servicing. Partial services may be considered only where they are necessary to address failed individual on-site services in existing development, or within settlement areas to allow for infilling and minor rounding out of existing development on partial services, provided long-term capacity is available and there are no negative impacts. The current policy framework in the Official Plan doesn't reflect this servicing hierarchy.

- *Minor infilling and rounding out* – There is no definition for what constitutes “minor infilling or rounding out” within provincial policy for development in partially serviced settlement areas. This interpretation appears to be left to counties/local municipalities to decide. However, some of the partially serviced settlement areas could have the potential to develop hundreds of lots on partial services. With no criteria or definition of this term, what level of development is appropriate on partial services?
- *Settlement Capability Studies* – The policy within the Plan speaks to Settlement Capability Studies, however, the term “may” be required is used. What intensity or level of development warrants this study? If the study is required to assess what the appropriate scale of development should be given that infilling and rounding out is permitted in Tier 2 settlement areas, it may be beneficial to require these studies up front prior to subdivision/condominium development to set the amount of development? The policy is also unclear as to who will complete these studies (Municipality? Developer?) and who would pay for these studies. Criteria on what warrants a Settlement Capability Study to be prepared is also limited.
- *Peer review of studies* – Ultimately, the recommendations from the Settlement Capability Study needs to be defensible and sound. Most local municipalities do not have staff capable of reviewing the engineering and hydrogeological recommendations. Some form of peer review or third-party assessment would be beneficial to ensure compliance with the applicable Provincial guideline(s) or criteria.

Adjacent Counties/Municipalities

The policies related to development and servicing were reviewed for adjacent counties, such as Norfolk County, Oxford County, Middlesex County, and Chatham-Kent. Appendix A contains excerpts of these policies for comparison.

Norfolk County

The County of Norfolk differentiates development between Urban Areas and Hamlet Settlement areas. Development within identified urban settlement areas generally requires full municipal services. Within rural/hamlet areas outside of urban areas, development on partial services is permitted, and a servicing report may be required to identify the most appropriate form of servicing to ensure environmental protection.

Communal services are generally discouraged. Policy also limits the amount of population within Hamlet areas.

Oxford County

The County of Oxford also differentiates development between Serviced Village Settlement Areas and Rural Settlement Areas. Urban Areas and Community Areas shall be the focus for future growth including residential, commercial and industrial development. The County will complete and maintain wastewater treatment and water supply master plans to provide for the servicing requirements of settlements. Development of more than five (5) lots or residential units may be permitted to be serviced by individual on-site sewage services and centralized water supply facilities, only where such development would constitute minor infilling or rounding out of existing development within an existing designated settlement. The approval of such development would be subject to confirmation of sufficient reserve capacity and review and approval of hydrogeological studies prepared in accordance with Provincial and County criteria, demonstrating that site conditions are suitable for the long-term operation of individual on-site sewage services.

Middlesex County

The County of Middlesex also differentiates development between Urban Areas and Rural Settlement Areas. Urban Areas and Community Areas shall be the focus for future growth including residential, commercial and industrial development. These areas are characterized by a range of land uses and have full services or where warranted, partial services. Unlike the County of Norfolk and Oxford, the County of Middlesex does not fund or maintain sanitary sewer or water systems in the County. The County of Middlesex encourages development on municipal water and sanitary sewer systems. Where local municipalities do not provide or demonstrate a strong potential to provide full municipal water and sewage treatment facilities, development other than infilling will require a Settlement Capability Study. Local municipalities shall develop Growth Management Strategies and Settlement Capability Studies as parts of their official plans to rationalize the type, amount, location and timing of growth and development and to establish the basis for the provision of the services and the necessary infrastructure. A Settlement Capability Study shall include an analysis of the hydrology and hydrogeology of the area to determine the capability of surface and groundwater resources to provide sufficient quantity and quality of water supply on a sustainable basis, an assessment of the impact of future development on existing groundwater quantity and quality and on existing sources of drinking water, including municipal, communal and private wells, an

assessment of the long-term sustainability of the soil, hydrologic and hydrogeologic conditions to accept sewage effluent, an identification of any existing restrictions to future development, an assessment of surface drainage, an assessment of the impact of new growth on the Natural System, an assessment of traffic and transportation services and needs, and an assessment of the existing servicing systems and their condition.

Municipality of Chatham-Kent

The Municipality of Chatham-Kent focuses all development within Primary Urban Centres, Secondary Urban Centres, Suburban Residential, Hamlets and Rural Settlement areas. The Primary Urban Centres are the focal points where residential, commercial and industrial development will be directed in Chatham-Kent. The majority of new population and employment growth in Chatham-Kent will be directed to the Primary Urban Centres. Some new population and employment growth will also take place in the Secondary Urban Centres, which are served by full municipal services. Growth in Hamlets that are serviced by municipal piped water supply and private sanitary sewage will be through infilling and/or rounding out of the existing development areas. In the privately serviced Rural Settlement Areas, development will be limited to minor infilling. Communal services are discouraged, except in certain circumstances. If municipal water is not available, proposed development and redevelopment serviced by a private water supply will demonstrate the adequacy of the proposed supply to the satisfaction of the Municipality of Chatham-Kent and other approval agencies.

Opportunities, issues and constraints

Development on partial services has its own set of opportunities and constraints, briefly described below.

Opportunities

- *Servicing investment* - Allows for development in smaller municipalities without upfront servicing costs or investment in infrastructure that may not be needed or warranted.
- *Time and housing costs* – Partial servicing options can provide immediate development and lower housing costs if municipal servicing infrastructure is unavailable.
- *Homeowner benefit* – Generally, homeowners may pay less if not utilizing municipal services/municipal infrastructure.

Constraints

- *Large lots* – Developments will need to use more land in order to install private services and maintain appropriate setbacks as required. This leads to an inefficient development pattern and may consume more agricultural land through this pattern of development, as generally the only development that can occur is large lot single detached dwellings. For lots that require private septic systems, this would mean the size of the lot would be even bigger, to account for the septic system and a required contingency area for a second septic system, should the first one fail. Intensification (i.e. smaller lots/multi-unit dwellings) and housing mix is not generally possible in these areas.
- *Oversight* – Development on partial or no services currently has no routine testing requirements to monitor the effective function of private services or their potential impact to human and environmental health (water quality, water quantity, impact on groundwater).

Policy Options

Option 1 - Permit subdivision/condominium and severance development on partial servicing and/or no municipal servicing (private services) in all Settlement Areas

This option would permit local municipalities to allow unlimited development in all identified settlement areas, subject to appropriate studies being provided for each development, as identified through the consultation process. It would be anticipated that each developer/applicant would be required to submit appropriate studies to justify the level of development being proposed, including the size of lots. However, there would be no requirement for a developer to undertake a cumulative impact assessment as part of that submission.

This option would allow municipalities the ability to develop multi-lot plans of subdivisions in areas (Tier 2 and Tier 3 settlement areas) that were previously limited. Subsequently, local municipal Official Plans would also contain policies to permit this form of development, if the lower tier chooses. Ultimately, the responsibility for approval of the studies required for partial services justification falls to the lower tier municipality. If any future failure or failures occur, the local municipality will be required to take on the responsibility for servicing solutions.

Opportunities of this approach include:

- Allowing the local municipality more autonomy and responsibility to make decisions on development and levels of development for communities.
- Allowing for development and increased tax base.

Concerns with this approach include:

- Inconsistency with PPS hierarchy, as no consideration of communal services is considered.
- Municipalities will be responsible if any future issues arise, and are responsible for the review and acceptance of these studies. Most municipalities do not have the capacity to review studies of this nature, and would need to rely on outside consultants to review and approve, or assume the provided reports are sufficient.
- No review of cumulative impacts through this approach.

- Inefficient pattern of development, as generally the only development that can occur is large lot single detached dwellings. For lots that require private onsite sewage systems, the size of the lot requires a larger area to accommodate the sewage (i.e. septic) system and a required contingency area for a second future leachate bed system, should the first one fail.

Option 2 – Permit development on partial servicing in Tier 2 Settlement Areas; only permit development (consents) with no servicing in Tier 3 Settlement Areas. Similar to Option 1, this option would permit local municipalities to allow unlimited development, subject to appropriate studies being provided, however, it would be restricted to Tier 2 settlement areas that have partial services. Development in Tier 3 settlement areas would be restricted to consent applications only (four lots or less). Although there is a subtle difference, this option would limit the ability to develop multiple lots within Tier 3 settlement areas, regardless of the supporting studies. This then limits the options for additional subdivision and condominium development to Tier 1 and 2 settlement areas. This approach is similar to what the current County polices dictate.

It would be anticipated that each developer/applicant would be required to submit studies as appropriate to justify the level of development being proposed. However, the difference from Option 1 is the allowance for subdivisions/condominium development in areas without any municipal services (typically Tier 3 settlement areas). Consent applications located in Tier 3 settlement areas would be required to submit the necessary information that is anticipated through the installation of private services, as required through the Ontario Building Code.

Opportunities of this approach include:

- Allowing the local municipality more autonomy and responsibility to make decisions on development and levels of development for communities.
- Allowing for development and increased tax base.

Concerns with this approach include:

- Inconsistency with PPS hierarchy, as no consideration of communal services is considered.
- Municipalities will be responsible if any future issues arise, and are responsible for the review and acceptance of these studies. Most

municipalities do not have the capacity to review studies of this nature, and would need to rely on outside consultants to review and approve, or assume the provided reports are sufficient.

- No review of cumulative impacts through this approach.
- Inefficient pattern of development, as generally the only development that can occur is large lot single detached dwellings. For lots that require private onsite sewage systems, the size of the lot requires a larger area to accommodate the sewage (i.e. septic) system and a required contingency area for a second future leachate bed system, should the first one fail.

Option 3 – Require Settlement Capability Studies (SCS) prior to any development within Tier 2 Settlement Areas (partial services)

The County could refine the current policy to maintain the requirement for an SCS, and include specific study requirements.

As per the D-5-3 Servicing Options Statement guideline provided by the MECP, an SCS would look at:

- An investigation on the potential for development within a settlement area on full municipal services, communal sewage and/or communal water services, and individual on-site sewage and/or individual water services. This would also look at the proximity of existing or committed full municipal services or communal services and the ultimate potential for future connection to full municipal services or communal services for the whole area proposed for development.
- Where a development application is known or anticipated as being one of a number of proposals for the same development area, the evaluation of servicing options should not be isolated to the site-specific proposal, but should be completed within the context of the development potential for the whole area as determined through consultation with the municipality and based on proposed or existing municipal servicing plans and growth management objectives.
- An overview of the environmental suitability of the site for the proposed services based on information accessible at a municipal scale that can be applied to the proposed site proposal and generally addresses:
 - environmental constraints (e.g., environmental features, surface water, groundwater);
 - suitability of the terrain (e.g., soils, topography) of the site;
 - performance of services in similar developments in the surrounding area;

- the scale, density, and type of use proposed for the development;
- documentation of the decision-making process and rationale that led to the determination of the servicing option proposed for the development.

An SCS could be prepared by the municipality, or a developer(s) within a settlement area, for endorsement by the municipality, and submitted with a subdivision planning application. As part of this review, the SCS would also determine appropriate Environmental Assessment requirements under the Municipal Class Environmental Assessment process. Where an SCS ultimately recommends individual on-site sewage and/or individual on-site water services, it shall be demonstrated that site conditions are suitable for the long-term provision of such services with no negative impacts.

Opportunities of this approach include:

- Consistency with PPS hierarchy, as both full municipal services and communal services are considered, and any partial services shall be demonstrated that site conditions are suitable for the long-term provision of such services with no negative impacts.
- Subdivision and condominium development would be limited to areas with partial services or full municipal services. Areas with no municipal services (Tier 3) would not develop with subdivisions or condominiums.
- Cumulative impacts would be considered.
- This option would protect the interests of any future resident of the site and protect the broader interests of the existing residents in the area, including their need for safe groundwater.
- Allows for a broader mix of development, as densities, lot sizes and types of units for consideration on full or communal services. This achieves a more efficient use of land.
- This option allows the local municipality more autonomy and responsibility to make decisions on development and levels of development for communities.

Concerns with this approach include:

- Does not allow for immediate development opportunities. This option may take time and require capital investment to implement and is not responsive to changing market considerations.
- Municipalities and/or the development community will be responsible for all costs related to infrastructure recommendations (full services, or communal services).

Municipalities may not have adequate funding resources for this type of approach.

Option 4 – Full municipal services or communal services for all subdivision development

Policy within the County OP could encourage all subdivision and condominium development (except for consents of four lots or less) to occur on full municipal services. This option ensures the highest level of protection for residents and the environment, and requires municipalities to plan for, construct and maintain full services or communal services for settlement areas. This option would also require long range planning and studies to support the approach, as well as budget to implement recommendations.

Opportunities of this approach include:

- Consistency with PPS hierarchy, as both full municipal services and communal services are considered, and will be maintained by the municipality.
- Cumulative impacts would be considered.
- This option would protect the interests of any future resident of the site and protect the broader interests of existing residents in the area that rely upon the groundwater aquifer.
- Encourages a broader mix of development, as densities, varying lot sizes and types of units can all be considered on full or communal services. This ensures a more efficient use of land.
- This option allows the local municipality more autonomy and responsibility to make decisions on development and levels of development for communities.

Concerns with this approach include:

- Does not allow for immediate development opportunities in the absence of available municipal servicing. This option would take time and require capital investment to implement, and is not responsive to changing market considerations.
- Municipalities and/or the development community will be responsible for all costs related to infrastructure, upgrades, extensions, etc. Municipalities may not have adequate funding resources for this type of approach.

Option 5 – County of Elgin Master Servicing Study(ies) (MSS)

To ensure that infrastructure servicing recommendations support all new development, and that any decision is made in a cohesive and integrated manner with the long-term servicing needs of the existing system, the County could undertake, on behalf or in partnership with the local municipalities, a master servicing plan.

This option provides a review, evaluation, and development of water, wastewater, and stormwater servicing strategies to support existing needs and projected growth forecasts. These strategies could include: extension or development of full municipal services, development of communal systems, or allowance for partial servicing/individual private services in certain settlement areas. An MSS would be developed in accordance with the Municipal Class Environmental Assessment process for specific settlement areas, or can apply to a whole municipality.

The County, in collaboration with the local municipality, would undertake these studies, and the County and/or the local municipalities could implement the recommendations through subdivision/condominium applications, and as part of multi-year infrastructure development plans.

Opportunities of this approach include:

- Once implemented, available and accessible public infrastructure will identify efficient and safe solutions to provide the required water, wastewater, and stormwater infrastructure.
- Consistency with PPS 2020 hierarchy, as all options would be considered through a comprehensive study.
- Cumulative impacts would be considered.
- County or municipal responsibility would ensure future issues are addressed.
- This option would protect the interests of any future resident of the site and protect the broader interests of the existing residents in the area, including their need for safe groundwater supply.
- Encourages a broader mix of development, as densities, lot sizes and types of units can all be considered on full or communal services. This ensures a more efficient use of land.

Concerns with this approach include:

- Does not allow for immediate development opportunities absent of municipal servicing. This option would take time and require capital investment to implement and is not responsive to changing market considerations.
- Municipalities may not have adequate capital funds to implement the recommendations.
- If a member municipality has already prepared its own MSS, participation is not anticipated.

Conclusion

The issue of development on full services vs. partial services has been raised by both the public and several member municipalities through the Official Plan review consultation process.

Discussions with representatives from the Province confirm that development should be focused within areas capable of full services. The County's current policy framework permits development on partial services, subject to confirmation through appropriate studies. The current policy framework has limitations, and is unclear in requirements and application. A survey of adjacent municipalities and counties confirmed that development is permitted on partial servicing, but requirements for studies and limitations vary.

This report provides five perspective policy options that the County can consider, ranging from refinement of the current policy, to full permissions for partially serviced lands, to requiring fully serviced lands for subdivision/condominium development.

Circulation and public engagement is recommended as the next step, to understand public, stakeholder and local municipal comments and preferred solutions. These comments will be compiled for review by County Council, where a preferred option or a combination of preferred options will be determined.

Ultimately, any policy changes as a result of municipal, public and stakeholder consultations will need to be approved by the Ministry of Municipal Affairs and Housing (MMAH), the Approval Authority for any County of Elgin Official Plan amendments.

Appendix A: Other Municipal Policy

Norfolk County

Official Plan Policy	6.6 Hamlet Areas
Hamlet Definition	Hamlet Areas have been designated on the basis that they contain a minimum of 25 residential units or possess historical identity as a hamlet, with the entire built up area existing as a distinguishable cluster, with some form of commercial and public service available, as appropriate.
Servicing Requirements and Studies	<p><i>The County shall evaluate proposals to amend this Plan to designate an additional Hamlet Area based on the following criteria: (including, not limited to the following)</i></p> <ul style="list-style-type: none"> i) An adequate amount of potable water is available; ii) A settlement servicing options assessment has been completed to the satisfaction of the County in consultation with the appropriate Conservation Authority and the Province, which includes an investigation of development on communal drinking water and waste water systems; iii) A servicing feasibility study has been completed to the satisfaction of the County in accordance with the Ministry of the Environment and Climate Change guidelines and in consultation with the appropriate Conservation Authority, which demonstrates that the proposal’s impact on ground and surface water will be within acceptable limits; <p><i>The County shall evaluate proposals to expand a Hamlet Area boundary based on the following criteria: (including, not limited to the following)</i></p> <ul style="list-style-type: none"> i) no new municipal water and waste water systems will be required for development. The long-term suitability of the area for individual on-site waste water disposal and water supply systems must be demonstrated through a servicing feasibility study completed in accordance with Ministry of the Environment and Climate Change guidelines and approved by the County, in consultation with the Conservation Authority ii) the population of the Hamlet Area will not exceed 600 people and is in keeping with the size and character of the particular Hamlet Area; iii) it has been demonstrated that there is a need for the land included in the proposed expansion in the context of the supply of designated and available land to accommodate proposed growth in the County;

	iv) the expansion is a logical extension of the Hamlet Area and is compatible with existing development
	7.5.2 Land Use Policies
Servicing Requirements and Studies	<p><i>Designation of a Hamlet Area does not mean that the Hamlet Area is suitable for further development. The following criteria shall be addressed in the review of development applications within designated Hamlet Area boundaries: (including, not limited to the following)</i></p> <ul style="list-style-type: none"> i) availability of potable water; ii) a servicing feasibility study has been completed in accordance with the Ministry of the Environment and Climate Change guidelines which demonstrates that the proposal's impact on ground and surface water will be within acceptable limits; iii) the proposed servicing will be appropriate for the proposed densities and land uses; iv) the pattern of new development will be a logical extension of the existing built-up area;
	8.9 Water and Wastewater Services
	<p>Municipal water systems exist in all six of the Urban Areas. The County intends to improve and extend municipal water services throughout the Urban Areas. Municipal waste water treatment systems exist in Simcoe, Port Dover, Delhi, Waterford and Port Rowan. There are also a number of private communal water supply systems, principally serving Resort Areas. The balance of the County is serviced by private wells and individual waste water disposal systems. The County will ensure that cost-effective and adequate systems for water supply and waste water treatment are provided to support, enhance and sustain existing and future residents and businesses in the County.</p>
	8.9.1 Services in Urban Areas
	<p>The following shall be the policy of the County:</p> <ul style="list-style-type: none"> a) The County shall ensure that both municipal water supply and waste water treatment systems perform within permitted operating standards. Limitations on the capacity or operating performance of these systems are recognized as a constraint to further development. The County shall continue to monitor treatment capacities and operational effectiveness of these municipal systems. b) Development in proximity to any waste water treatment plant shall adhere to the minimum separation distances and standards of the appropriate Ministry of the Environment and Climate Change Guidelines. Prior to the approval of any development of a sensitive land use in proximity to a waste water treatment plant, the Ministry of the Environment and Climate Change shall be consulted, and its standards shall be satisfied. The County may, to deal with specific situations, require separation distances that are greater than the minimum

standards set by the Ministry.

c) All development in the Urban Areas shall be fully serviced by municipal piped water supply and waste water treatment systems, save and except for circumstances outlined in Section 8.9.1 f) (Services in Urban Areas).

Notwithstanding this, appropriate development shall be permitted in the Courtland Urban Area on the basis of a municipal water system and private waste water disposal systems.

d) In Urban Areas, priority shall be given to the development of land that is presently serviced by watermains and sanitary sewer systems, or those areas that can most easily be serviced, at minimal expense.

e) Infilling of vacant areas within the Urban Areas which are already provided with full municipal services is encouraged, and shall be a criterion when evaluating proposed plans of subdivision and consents, with respect to the extension of services, utilities or the associated construction.

f) In order to ensure the efficient use of land and municipal services in the Urban Areas, development on individual on-site servicing systems (water and/or waste water disposal) shall generally not be permitted. Exceptions will be considered in areas not serviced by municipal water and/or waste water sewer services on the basis of a site-specific amendment to the Zoning By-law, and satisfaction of the following criteria:

i) the development shall be minor in nature, constituting one or two single detached residential lots;

ii) the development shall be of an infilling nature in an area largely developed and presently serviced by individual on-site water and/or individual on-site waste water disposal systems; and

iii) the development is proposed on land situated such that there are unique circumstances which would deter the rational, efficient, cost-effective and/or timely extension of services. Such unique circumstances would include topographic constraints and the absence of any feasible future users of municipal services, combined with excessive distances from existing services that would make future extension of services impractical. However, excessive distance from existing services alone shall not constitute a unique circumstance for the purposes of this Section.

	<p>8.9.2 Services Outside of Urban Areas</p>
	<p>The following shall be the policy of the County:</p> <p>a) The primary means of waste water disposal in the Rural Area and the Hamlet Areas, is the septic tank and weeping tile system. It is anticipated that such systems or other private waste water disposal systems will continue to be the principal means of waste water disposal outside of Urban Areas. The installation of septic systems is subject to the approval of the authority having jurisdiction.</p> <p>b) Municipal water and waste water systems shall generally not be provided to areas outside of Urban Areas. Council may consider extension of municipal sanitary sewer or watermain services beyond the Urban Area but only to address an existing waste water disposal or water quality problem that represents a hazard to public health and safety and provided that Council is satisfied that there is positive public benefit from such action for residents of the County.</p> <p>c) The County and/or appropriate agency shall approve all new septic tank and tile or leaching bed systems. A servicing report may be required to identify the most appropriate form of servicing to ensure environmental protection. At the time of approval of new lots, the County shall ensure that there is capacity for hauled waste water at a municipal facility.</p> <p>d) Communal servicing systems to service new development shall not be permitted except under specific circumstances outlined in this Plan. Communal servicing systems may only be considered in an existing Hamlet Area or Resort Area to resolve existing servicing malfunctions, physical constraints and/or deficiencies, posing potential public health risks.</p> <p>e) The County shall not assume any communal servicing systems in the County, and shall generally not execute responsibility agreements in relation to such systems. However, in the event that execution of a responsibility agreement is required as a result of circumstances outlined in this Subsection, prior to executing the agreement, the County shall be satisfied with the design and economic sustainability of the system and shall require that certain securities be posted, and that a separate financial and maintenance agreement be executed between the owner of the system and the County.</p> <p>f) Holding tanks shall not be permitted for new development. Holding tanks will only be permitted for existing development where the County is satisfied that there is no other alternative to solving a deficiency with an existing septic system.</p>

	<p>Should a holding tank be permitted, the County shall ensure that appropriate provisions are in place for disposal at an approved facility, or that there is capacity for hauled waste water at a municipal facility.</p> <p>g) Any lot affected by an application for consent or plan of subdivision shall be sized such that there is sufficient area for attenuation of nitrates, space for a building envelope, sewage envelope, sewage system contingency area, and potable water supply.</p>
	<p>8.9.3 Servicing Allocation and Phasing</p>
	<p>The following shall be the policy of the County:</p> <p>a) When unallocated servicing capacity does not exist for a proposed development, the County shall defer the processing of the planning application until capacity is available, or until a servicing agreement is in place to ensure that such capacity will be available to service the development. Draft approved plans of subdivision may only proceed to registration if sufficient servicing capacity continues to exist.</p> <p>b) The timing of development in the Urban Areas shall be managed so that:</p> <p>i) there is a logical extension of municipal services that avoids the “leapfrogging” of large undeveloped tracts of land between the existing urban development area and the proposed development;</p> <p>ii) a compact form and pattern of development is maintained;</p> <p>iii) the provision of all municipal services, as appropriate, proceeds in an economically viable manner; and</p> <p>iv) first priority is given to reserving servicing capacity for infilling, intensification and redevelopment.</p> <p>c) When conditions of development approval, draft plan approval or otherwise, are not fulfilled within a reasonable time period for which development approval has been granted, the County may not support the extension of development approval and assign the servicing allocation to other developments or areas of the County, or hold the capacity in reserve. Prior to the lapsing of development approval, the development proponent may request an extension to fulfill the conditions of approval. Provided Council is satisfied with the merits of the request for an extension of development approval, Council may choose to extend the approval period. No extension is permissible if draft plan of subdivision or condominium approval has lapsed before the extension is given.</p> <p>d) Where a proposed development requires a pumping station to connect to the</p>

	<p>County's sanitary sewer system, the County shall be satisfied as to the following:</p> <ul style="list-style-type: none"> i) the proposed pumping station, including any system redundancies required to ensure continued operation, shall be constructed to the satisfaction of the County; ii) the complete cost of the pumping station, including its design and engineering, construction and connection to the County's sanitary sewer system shall be the responsibility of the applicant; iii) that financial arrangements are in place to cover the cost of constructing, operating and maintaining the pumping station; and iv) the pumping station is located within the urban area boundary. e) The County may insert a clause in the conditions of development approval, including conditions of draft plan approval, reflecting the policies of this Section.
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Oxford County

Official Plan Policy	4.2.2.3 Villages
Village Definition	Villages are settlements characterized by a broader range of land uses and activities and which have been developed in depth as well as through infilling. Villages are settlements which are predominantly serviced by individual private sewage disposal systems and by either individual wells or existing centralized water supply facilities
Village Servicing	Development within the Village designation will be by private sewage disposal systems and individual wells or expansion to an existing centralized water supply facility Prior to creating new lots for development by plan of subdivision, it shall be demonstrated that:
	<ul style="list-style-type: none"> a) the uncommitted capacity of the existing centralized water supply facility is sufficient to service the proposed development and that extension of such service is financially viable and complies with all regulatory requirements; b) The proposed development and associated on-site private sewage facilities satisfy the requirements of the County and the Board of Health and the policies of Section 3.2, Environmental Resource Policies, relating to water quality and Section 5.5.3, Hierarchy of Servicing Options.
	4.2.2.4 Serviced Villages
Serviced Village Definition	Serviced Villages are settlements characterized by a broad range of uses and activities which have been developed or are proposed for development on centralized waste water and water supply facilities. These Villages function as service centres for the surrounding rural area

Full Services	New development in the Serviced Villages shall be fully serviced by centralized waste water and water supply facilities in accordance with Section 5.5.3.
Servicing Strategy	<p><i>Those settlements that currently do not have centralized waste water and water supply facilities and which are designated as Serviced Villages on Schedule C-3 will be required to satisfy the following conditions prior to the onset of new development, other than specified in the exceptions above.</i></p> <p><i>In addition, any settlements proposed for redesignation over the planning period to a Serviced Village designation will be required to satisfy the following requirements prior to the onset of new development, other than infilling:</i></p> <p>The preparation of a servicing strategy in accordance with the Class Environmental Assessment process as part of the application for an Official Plan amendment which will include:</p> <ul style="list-style-type: none"> a) details of the nature and capacities of the proposed centralized waste water and water supply facilities to be utilized; b) the identification of a settlement population level based on water supply levels and/or waste water treatment capacity; c) identification of the mechanisms by which any existing centralized waste water or water supply facilities will be integrated with the proposed system; d) the identification of the location and land requirements necessary for service facilities such as treatment facilities, pumping stations and wells, to support the established settlement population level; e) identification of necessary storm water drainage and erosion control measures; f) costing of the proposed servicing for the whole settlement including existing and future development and any alternatives for servicing only part of the settlement; g) identification of phasing strategies for the implementation of service capacity and distribution and collection system improvements to provide for co-ordinated and cost effective growth.
5.5 County Servicing Policy	
PLAN FOR SERVICES	5.5.1 Strategic Approach It is the strategic aim of County Council to: Prepare water supply and waste water master plans to service anticipated growth in a cost effective manner and to identify and establish priorities for new services or expansions to existing services to provide development opportunities in each Area Municipality.
SERVICING HIERARCHY	Adopt a hierarchy of preferred servicing options as a guide for managing growth in settlements based on environmental, technical and financial factors.

MONITORING OF SERVICING CAPACITY	Develop a monitoring program for the calculation, reporting and allocation of uncommitted reserve capacity for sewage and water facilities in the County to ensure the efficient use of existing servicing infrastructure.
	5.5.2 Waste Water and Water Supply Master Plans
WASTE WATER TREATMENT	<p>County Council will complete and maintain wastewater treatment and water supply master plans to provide for the servicing requirements of settlements.</p> <p>The waste water treatment master plan prepared by the County will address the following:</p> <ul style="list-style-type: none"> • evaluation of existing waste water treatment infrastructure capacity and condition; • identification of management options available for wastewater treatment and the disposal of biosolids; • priority setting and financing of waste water treatment infrastructure improvements required to meet environmental objectives and accommodate population and employment growth as projected by this Plan.
WATER SUPPLY	<p>The water supply master plan prepared by the County will address the following:</p> <ul style="list-style-type: none"> • identification of means to conserve water and to reduce requirements for additional water supply; • evaluation of the existing water supply infrastructure capacity and condition; • consideration of the quantity and quality of ground water resources; and • identification, costing, priority setting and financing of major water supply infrastructure improvements required to accommodate population and employment growth as projected by this Plan.
MASTER PLAN UPDATES	County water supply and waste water treatment master plans undertaken in accordance with the Class Environmental Assessment requirements may result in the need to amend the policies of this Plan. Such amendments will be undertaken in conjunction with the Class Environmental Assessment process for the master plans.
	5.5.3 Hierarchy of Servicing Options
SERVICING HIERARCHY	<p>The County Growth Strategy as outlined in Section 4.2.2 and depicted on Schedule C-3 was developed having regard to existing servicing levels, the feasibility of expansions to existing systems and the potential for cost effective servicing level upgrades given growth pressures and physical or environmental constraints. The County Growth Strategy is premised upon the following hierarchy of servicing options.</p> <p>New development will be evaluated according to the following hierarchy of servicing options:</p> <ul style="list-style-type: none"> • extensions of servicing from a centralized water supply and waste water treatment facility consistent with Sections 4.2.2.4, 4.2.2.5, 4.2.2.6 and 4.2.2.7 as applicable; • individual septic systems and private wells; • extension of servicing from an existing centralized water supply system consistent with Section 4.2.2.3.

SERVICING HIERARCHY FOR EXTENSION OF SERVICES TO EXISTING DEVELOPMENT	Requests for the extension of servicing beyond the designated limits of Villages, Serviced Villages, Large Urban Centres and the Future Urban Growth designation will be permitted, without the need for an amendment to the Plan, for existing development subject to the policies set out in Sections 4.2.2.3, 4.2.2.4 and 4.2.2.5, as applicable. These policies only apply to extensions of centralized waste water and water supply facilities. The extension of communal waste water or water supply facilities beyond the designated limits of Villages or Serviced Villages is prohibited.
CENTRALIZED FACILITIES	The County of Oxford will own and be responsible for the planning and design of all centralized water supply and waste water treatment systems. The County shall be responsible for the construction, operation and maintenance of all centralized water supply and waste water treatment systems and it may contract operation and maintenance functions to the Area Municipality or to a public or private operating authority. Development on centralized water supply and waste water treatment facilities will be in accordance with the following policies:
LOGICAL EXTENSIONS	New development shall be directed to areas that allow for extensions to existing water, sanitary sewerage and storm water systems in an economic and practical manner within the financial capabilities of the County or Area Municipality. New development will generally be approved and permitted in stages of orderly progression from the termination of existing services. Growth-related capital works for nonlocal services may be financed through development charges.
FUTURE DEVELOPMENT CAPABILITY	Sanitary and storm sewers will be sized or over-sized according to the level of development anticipated by the County and Area Municipality relative to the service area.
RESTRICTIONS	Combined sanitary and storm sewers will not be permitted in any new development area. The nature or concentrations of waste water from non-residential sources shall be regulated by the County Sewer Use By-Law.
SYSTEM DESIGN	The design of sanitary sewers should avoid the need for sewage pumping stations wherever possible.
PRIVATE SERVICES FOR NONRESIDENTIAL DEVELOPMENT	Prior to the approval of any development application for a nonresidential development generating effluent in quantities greater than 10,000 litres per day, that proposes the use of individual septic systems and/or wells, hydrogeological studies prepared in accordance with Provincial and County criteria will be required. These studies will demonstrate that site conditions are suitable for the long-term provision of such services. PRIVATE
SERVICES FOR RESIDENTIAL DEVELOPMENT	Development of more than five (5) lots or residential units shall not be permitted to be serviced by individual on-site sewage and water services. Development of more than five (5) lots or residential units may be permitted to be serviced by individual on-site sewage services and centralized water supply facilities, only

	<p>where such development would constitute minor infilling or rounding out of existing development within an existing designated settlement. The approval of such development would be subject to confirmation of sufficient reserve capacity and review and approval of hydrogeological studies prepared in accordance with Provincial and County criteria, demonstrating that site conditions are suitable for the long-term operation of individual on-site sewage services.</p>
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Middlesex County

Official Plan Policy	2.3.2 Growth Management Hierarchy
Hamlets in Agricultural Areas	<p>The Growth Management Hierarchy shall consist of the following types of Settlement Areas:</p> <ul style="list-style-type: none"> • Urban Areas • Community Areas • Hamlets in Agricultural Areas <p><i>Establishment of a Settlement Area shall be in accordance with the following criteria:</i></p> <p>a) Urban Areas shall demonstrate the potential to accommodate future growth through population projections and must either have full municipal services or demonstrate the potential to provide full municipal services, through a master servicing component of settlement capability report and/or completion of an Environmental Assessment (EA), pursuant to the Environmental Assessment Act.</p> <p>b) Community Areas shall demonstrate the potential to accommodate future growth through population projections, must currently serve a community function and must demonstrate the potential to provide a level of service necessary to support future growth through a master servicing component of a Settlement Capability Report and/or completion of an Environmental Assessment (EA) pursuant to the Environmental Assessment Act.</p> <p>c) Hamlets in Agricultural Areas, in the context of the Growth Management Hierarchy shall include existing locally designated hamlets not identified as Urban Areas or Community Areas. It is assumed that municipal services will not be provided in these areas and therefore future growth shall be commensurate with that level of service.</p>

	<p>It is the goal of this Plan that future development within settlement areas proceed on the basis of full municipal services. Other methods of servicing (partial services) may be permitted on an interim basis where proper justification is provided. Advancement within the Growth Management Hierarchy of this Plan, in keeping with the criteria established above, shall not require an amendment to this Plan unless such advancement is deemed to alter the County Growth Management Strategy.</p>
	<p>2.3.5 General Policies</p>
	<p>The policies of this Plan are intended to promote communities that are diverse and have a sense of place. Lifestyle choice, economic vitality and protection of the natural environment are important components of the Growth Management policies. Lands which are currently designated for development in local official plans are anticipated to be adequate to meet the growth projections for the planning period. New lot creation in Agricultural Areas will only be permitted in accordance with Section 4.5.3.</p> <p>The policies are structured to ensure that the local municipalities have adequate opportunity to plan for growth while recognizing the need to: protect agricultural land and natural resources; prevent land use conflicts; and provide services commensurate with the level of growth anticipated.</p> <p>Growth shall be directed to the Settlement Areas conceptually identified on Schedule A.</p> <p>Local municipalities shall define the limits of Settlement Areas in their official plans. Where a Settlement Area is not an incorporated municipality the limit of the Settlement Area shall be the urban development boundary established in the local Plan.</p> <p>Local municipalities shall develop Growth Management Strategies and Settlement Capability Studies as parts of their official plans to rationalize the type, amount, location and timing of growth and development and to establish the basis for the provision of the services and the necessary infrastructure.</p>
	<p>2.3.6 Settlement Capability Study</p>
	<p>A Settlement Capability Study shall be prepared as part of a Comprehensive Review in support of the expansion of existing Settlement Areas. Expansion is deemed to be development beyond the Settlement Area boundary, established in the local official plan, as of the date of passing of this Plan.</p> <p>The Settlement Capability Study shall be completed to the satisfaction of the County in consultation with the Province and shall include the following:</p> <p>a) an analysis of the hydrology and hydrogeology of the area to determine the capability of surface and groundwater resources to provide sufficient quantity and quality of water supply on a sustainable basis;</p>

	<ul style="list-style-type: none"> b) an assessment of the impact of future development on existing groundwater quantity and quality and on existing sources of drinking water, including municipal, communal and private wells; c) an assessment of the long-term sustainability of the soil, hydrologic and hydrogeologic conditions to accept sewage effluent; d) an identification of any existing restrictions to future development; e) an assessment of surface drainage; f) an assessment of the impact of new growth on the Natural System; g) an assessment of traffic and transportation services and needs; and h) an assessment of the existing servicing systems and their condition.
	2.3.8 Settlement Areas
	Urban Areas and Community Areas shall be the focus for future growth including residential, commercial and industrial development. These areas are characterized by a range of land uses and have full services or where warranted, partial services, as described in Section 2.3.2. Designated Hamlets in Agricultural Areas may accommodate a limited amount of the anticipated County growth and development.
	2.4 Physical Service & Utilities
General Policies	<p>1.4.5 Sanitary Sewers and Water</p> <p>The County of Middlesex does not fund or maintain sanitary sewer or water systems in the County. The County does however, promote efficient and environmentally responsible development which is supportable on the basis of appropriate types and levels of water supply and sewage disposal. The County encourages new development to proceed on the basis of full municipal services. <u>Where partial municipal services are considered the supporting studies shall address all servicing options.</u></p> <p>The County shall:</p> <ul style="list-style-type: none"> a) Encourage development on municipal water and sanitary sewer systems. Where local municipalities do not provide or demonstrate a strong potential to provide full municipal water and sewage treatment facilities, development other than infilling will require a Settlement Capability Study as outlined in Section 2.3.6; b) Encourage local municipalities with water and sanitary sewage systems to monitor treatment capacities and operational effectiveness and to provide such information to the County at least every five years; c) Encourage improvement of existing systems and the installation of new systems in Settlement Areas throughout the County, where technically and financially feasible;

	<ul style="list-style-type: none"> d) Cooperate with local municipalities, the Province and other public and/or private partners to negotiate innovative arrangements for the provision of water and sanitary sewage systems in the County; e) Require site specific development proposals to be accompanied by an evaluation of servicing options within the Settlement Areas. The evaluation shall address the County's preferred servicing hierarchy: <ul style="list-style-type: none"> i) extension from existing municipal system ii) extension from existing communal system iii) new municipal or communal system iv) individual septic systems and private wells f) Evaluate local municipality needs for assistance with respect to the provision of water and sanitary sewage systems in accordance with the Growth Management framework established in Section 2.3
	3.3.4 Hamlets in Agricultural Areas
	<p>Where an approved local official plan permits development in designated hamlets, such development may proceed. No further land shall be designated for development except by way of a comprehensive review. In approving the local official plan amendment, the County shall consider the need for such expansion in the context of the projected population growth for the local municipality and the County as a whole and other matters deemed important by the County.</p> <p>Infilling, rounding out in depth or minor extensions of existing development may be permitted provided that there is no further outward expansion of the limits of existing development, subject to the following:</p> <ul style="list-style-type: none"> a) the new development is serviced in accordance with Section 2.4.5 and accepted servicing standards; and b) the development complies with the Minimum Distance Separation Formula.

Municipality of Chatham-Kent

Official Plan Policy	2.3.5 Community Structure
	<p>The community structure of Chatham-Kent comprises an urban component and a rural component.</p> <p>The urban component includes Primary Urban Centres, Secondary Urban Centres, Suburban Residential, Hamlets and Rural Settlement areas. The Rural component includes Agricultural, Estate Residential,</p>

	<p>Recreational Residential, Recreational, Rural Industrial, Highway Commercial Areas and Aggregate Resource areas. It is a goal of the Official Plan to guide the majority of growth to occur within the Urban Centre boundaries to ensure that the Municipality develops in a compact, orderly and sustainable manner within its ability to fund and support a full range of uses, infrastructure and social services, which will lead to Chatham-Kent’s long-term financial well-being. The Primary Urban Centres are the focal points where residential, commercial and industrial development will be directed in Chatham-Kent. Healthy communities incorporate principles of safety, accessibility, diversity, self-sufficiency and choice for all residents. Healthy communities in Chatham-Kent foster a thriving economy, protect and enhance their natural surroundings and celebrate their diverse heritage. The majority of new population and employment growth in Chatham-Kent will be directed to the Primary Urban Centres. Some new population and employment growth will also take place in the Secondary Urban Centres, which are served by full municipal services. Growth in Hamlets that are serviced by municipal piped water supply and private sanitary sewage will be through infilling and/or rounding out of the existing development areas. In the privately serviced Rural Settlement Areas, development will be limited to minor infilling.</p>
	<p>It shall be the policy of Chatham-Kent that: 2.3.5.2.1 The majority of new population and employment growth shall be directed to the Primary Urban Centres, as designated on Schedule “E” Series – Land Use to this Official Plan.</p>
	<p>2.3.5.2.2 Population and employment growth shall also be permitted in the Secondary Urban Centres, as designated on Schedule “A” Series – Land Use to this Official Plan.</p> <p>2.3.5.2.3 Population and employment growth in the Hamlet Areas, as designated on Schedule “A” Series – Land Use to this Official Plan, shall be based on the adequacy of water supply and sanitary sewage disposal to accommodate the proposed development.</p> <p>2.3.5.2.4 Development in the Suburban Residential Areas shall be limited to infilling, pending full municipal services being made available.</p> <p>2.3.5.2.5 Development in the privately serviced Rural Settlement Areas shall be limited to minor infilling.</p> <p>2.3.5.2.6 Urban development within Chatham-Kent, including intensification opportunities, will be encouraged to locate in fully serviced areas such as within the Primary and Secondary Urban Centre boundaries, and: a) Will occur in a planned, orderly, efficient and sustainable manner;</p>

	<p>b) Will be in keeping with the available capacity of the infrastructure and public service facilities present to serve the development. Before any new infrastructure or public service facilities are constructed to service new development, consideration will be given to:</p> <ul style="list-style-type: none"> i) The optimization of the use of existing infrastructure and public service facilities with the view to maximize the Municipality’s return on its investment; ii) The Municipality’s fiscal capability to sustainably service the development over the long term; iii) The use of green, environmentally friendly and sustainable infrastructure; and alternatives; iv) The presence of development interests, within the area to be serviced, who show intent to develop within a period of three years from the date of final approval. <p>2.3.5.2.7 The Municipality will establish a development review process to be implemented at regular intervals coincident and complementary to the review and update of the Official Plan which will occur at no less than five year intervals, in accordance with the policies of Section 6.5 of this Plan.</p>
	<p>2.3.6 Primary Urban Centres</p>
	<p>The Municipality is comprised of seven Primary Urban Centres, which contain the majority of Chatham-Kent’s residential, commercial, industrial and institutional development. They have full municipal services and have populations greater than 1,500.</p> <p>The Primary Urban Centres are the focal points for growth and public and private sector investment in Chatham-Kent. They will have the highest concentration and intensity of uses in the Municipality, and will be the focus of residential, commercial, industrial, government, institutional, business/professional office, entertainment, cultural heritage and health/social services activities.</p> <p>It shall be the policy of Chatham-Kent that:</p> <p>2.3.6.2.1 The urban area boundaries of the designated Primary Urban Centres shall be delineated on Schedules “A” and “E” Series – Land Use to this Official Plan.</p> <p>2.3.6.2.2 Opportunities for major residential, commercial and industrial development shall be directed to the Primary Urban Centres where full municipal services are available.</p> <p>2.3.6.2.3 Primary Urban Centres shall have the highest concentration and intensity of uses in the Municipality, and shall be the focus of residential, commercial, industrial, government, institutional, business/professional office, entertainment, cultural heritage and health/social service activities.</p>

	<p>2.3.6.2.4 Intensification, infill and/or development/redevelopment of vacant designated, brownfield, former institutional or underutilized sites and areas in transition in the Primary Urban Centres will be encouraged.</p> <p>2.3.6.2.5 Development in the Primary Urban Centres shall be based on the efficient provision of water supply, sanitary sewerage, roads, parks, schools and other municipal services.</p>
	<p>2.3.7 Secondary Urban Centre Policies</p>
	<p>Secondary Urban Centres are compact rural communities consisting of fewer than 1,000 people, comprising some housing, commercial and industrial businesses and public use land. The unique character and cultural heritage value of these communities should be protected. Chatham-Kent contains a number of Secondary Urban Centres, which are either serviced or planned to be serviced, with full municipal piped water supply and sanitary sewage services. They include Thamesville, Charing Cross, Merlin, Mitchell’s Bay, Bothwell and Pain Court (pending). Population and employment growth will be 2-34 encouraged in the Secondary Urban Centres that have full municipal services. These communities have been designated as Secondary Urban Centres. It shall be the objective of Chatham-Kent to:</p> <p>2.3.7.1 Protect and preserve the unique character of Secondary Urban Centres, while providing opportunities for population and employment growth based on full municipal services. It shall be the policy of Chatham-Kent that:</p> <p>2.3.7.2.1 The Secondary Urban Centres shall be designated on Schedule “A” Series – Land Use to this Official Plan.</p> <p>2.3.7.2.2 Secondary Urban Centres shall continue to function as service centres for the surrounding agricultural areas. Secondary Urban Centres located along the Lake Erie and Lake St. Clair shorelines shall also continue to function as key outdoor water-based recreational areas for residents and visitors to Chatham-Kent. In Secondary Urban Centres, low- and medium-density residential uses and commercial, recreational, industrial and institutional uses shall be permitted based on full municipal services. Home-based businesses will also be permitted, subject to the policies of Section B.2.3.7 of this Plan and the Zoning By-law. As explained in Section B.2.13 of this Plan, more detailed policies have been prepared for the Mitchell’s Bay Secondary Urban Centre.</p> <p>2.3.7.2.3 For lands located within or adjacent to the significant habitat of endangered or threatened species identified in consultation with the Ministry of Natural Resources, Provincially Significant Wetlands identified</p>

	<p>on Schedules “A” and “E” Series – Land Use, or significant natural heritage features identified on Schedule “C” Series – Natural Heritage and Hazards Features, the policies contained in Section 4 of this Plan will also apply.</p> <p>2.3.7.2.4 Development in Secondary Urban Centres will include infilling, the redevelopment of brownfield and former institutional sites and the logical building out of the urban areas through greenfield development based on full municipal piped services, provided that such development satisfies the policies of this Plan and is compatible with the size and scale of the urban area.</p> <p>2.3.7.2.5 Development in Secondary Urban Centres shall occur in depth, rather than along strips, and shall take place by plan of subdivision. Road access shall be via internal local roads.</p> <p>2.3.7.2.6 Development in Secondary Urban Centres shall provide adequate stormwater management in accordance with Policy 2.4.9 of this Plan.</p>
	<p>2.3.8 Suburban Residential Area</p>
	<p>Policies Low-density residential development has occurred along public roads in the fringe areas outside of the Primary Urban Centres such as Chatham and Blenheim. The Suburban Residential Area designation recognizes those existing residential areas. It shall be the objective of Chatham-Kent to:</p> <p>2.3.8.1 Recognize existing Suburban Residential Areas adjacent to the Urban Centres and limit development to infilling.</p> <p>2.3.8.2.6 Suburban Residential Areas shall be serviced with adequate water supply and sanitary sewage disposal services. Development proposals shall demonstrate the suitability of the site for the proposed method of water supply and sanitary sewage disposal to the satisfaction of Chatham-Kent and other approval agencies.</p> <p>2.3.8.2.7 If municipal piped water and/or sanitary sewage service is available or a capital commitment has been made to make it available, residential development based on private services shall not be permitted.</p>
	<p>2.3.9 Hamlet Area Policies</p>
	<p>Chatham-Kent contains a number of hamlets, such as Highgate, Erieau and Shrewsbury, which are serviced with municipal piped water supply and private sewage disposal. Where hamlets are served by partial municipal services (municipal piped water supply and private sewage disposal), development should be limited to infilling. It shall be the objective of Chatham-Kent to:</p>

	<p>2.3.9.1 Protect and preserve the unique character of established hamlets while providing opportunities for environmentally sustainable economic growth. It shall be the policy of Chatham-Kent that:</p> <p>2.3.9.2.1 Existing hamlets that are serviced by municipal piped water supply and private sewage disposal shall be designated Hamlet Areas on Schedule “A” Series – Land Use to this Official Plan.</p> <p>2.3.9.2.2 Hamlets shall continue to function as service centres for the surrounding agricultural areas. Hamlets located along the Lake Erie and Lake St. Clair shorelines shall also continue to function as key outdoor water-based recreational areas for residents and visitors to Chatham-Kent. In hamlets, residential uses shall be primarily low density. Small-scale commercial, recreational, industrial and institutional uses shall also be permitted. Homebased businesses will also be permitted, subject to the policies of Section B.2.3.8 of this Plan and the Zoning By-law.</p> <p>2.3.9.2.3 For lands located within or adjacent to the significant habitat of endangered or threatened species identified in consultation with the Ministry of Natural Resources, Provincially Significant Wetlands identified on Schedules “A” and “E” Series – Land Use, or significant natural heritage features identified on Schedule “C” Series – Natural Heritage and Hazards Features, the policies contained in Section 4 of this Plan will also apply.</p> <p>2.3.9.2.4 Development proposals in Hamlet Areas will be limited to infilling, redevelopment of brownfield and former institutional sites, and shall demonstrate the suitability of the site for the proposed method of sanitary sewage disposal to the satisfaction of Chatham-Kent and other approval agencies.</p>
	<p>2.3.10 Rural Settlement Area Policies</p>
	<p>Chatham-Kent contains a number of settlement areas that are serviced by private water supply and sanitary sewage services. The settlement areas typically comprise a small grouping of houses and businesses and have a population of less than 200 people. The character and cultural heritage value of these privately serviced hamlets and settlement areas should be protected by designating them as Rural Settlement Areas. Development should be limited to minor infilling. Major growth should be directed to fully serviced Primary and Secondary Urban Centres. It shall be the objective of Chatham-Kent to:</p> <p>2.3.10.1 Protect and preserve the historic character of established Rural Settlement Areas. It shall be the policy of Chatham-Kent that:</p> <p>2.3.10.2.1 Historic settlement areas that are serviced by private water supply and private sewage disposal shall be designated Rural Settlement Areas on Schedule “A” Series – Land Use to this Official Plan.</p>

	<p>2.3.10.2.2 Rural Settlement Areas shall be rural in nature and function as local service centres for the immediately surrounding agricultural areas. The predominant use of land within the Rural Settlement Area designation shall be for existing low-density residential uses and small-scale commercial, recreational, industrial and institutional uses. New development in Rural Settlement Areas shall be limited to minor infilling. Home-based businesses will also be permitted, subject to the policies of Section B.2.3.8 of this Plan and the Zoning By-law.</p> <p>2.3.10.2.3 For lands located within or adjacent to the significant habitat of endangered or threatened species identified in consultation with the Ministry of Natural Resources, Provincially Significant Wetlands identified on Schedules “A” and “E” Series – Land Use, or significant natural heritage features identified on Schedule “C” Series – Natural Heritage and Hazards Features, the policies contained in Section 4 of this Plan will also apply.</p> <p>2.3.10.2.4 Rural Settlement Areas shall be serviced with adequate water supply and sanitary sewage disposal services. Development proposals shall demonstrate the suitability of the site for the proposed method of water supply and sanitary sewage disposal to the satisfaction of Chatham-Kent and other approval agencies.</p> <p>2.3.10.2.5 Development in Rural Settlement Areas shall provide adequate stormwater management in accordance with Policy 2.4.9 of this Plan.</p>
	<p>2.4.7 Wastewater Services</p>
	<p>Municipal sewage systems exist in the seven Primary Urban Centres (Chatham, Wallaceburg, Ridgetown, Dresden, Blenheim, Tilbury and Wheatley).</p> <p>The Secondary Urban Centres comprise those communities that are currently serviced, or are planned to be serviced, by municipal sewage systems (i.e., Thamesville, Charing Cross, Merlin, Pain Court and Bothwell [planned] and Mitchell’s Bay). The municipal sewage treatment systems in Chatham-Kent range from lagoons to activated sludge mechanical treatment plants.</p> <p>The Recreational Residential, Suburban Residential, Hamlet and Rural Settlement Areas, and development in the Agricultural Areas, are serviced by private sewage disposal.</p> <p>It shall be the objective of Chatham-Kent to:</p>

	<p>2.4.7.1 Ensure that cost-effective and adequate sewage treatment is provided to support, enhance and sustain existing and future residents and businesses in the Municipality. It shall be the policy of Chatham-Kent that:</p> <p>2.4.7.2.1 All development and redevelopment in the Primary Urban Centres and all new development and redevelopment in the Secondary Urban Centres shall be connected to the municipal sewage treatment system.</p> <p>2.4.7.2.2 Proposed development and redevelopment in Suburban Residential, Hamlet, Rural Settlement, Estate Residential, Recreational Residential, Mobile Home Park, Rural Industrial, Highway Commercial, Recreational, Extractive Industrial and Waste Management Areas that are serviced by private sewage disposal will demonstrate the suitability of the site for the proposed method of sewage disposal based on the proposed lot size to the satisfaction of the Municipality of Chatham-Kent and other approval agencies.</p> <p>2.4.7.2.3 Communal sewage services will be discouraged and will only be permitted if, in the opinion of the Municipality, no other alternatives are available and such services: (a) are financially viable and comply with all regulatory requirements; and (b) protect human health and the natural environment.</p> <p>2.4.7.2.4 The protection of surface and groundwater resources will be in conformity with the policies of Section 4 – Enhancing Our Natural Surroundings of this Official Plan.</p> <p>2.4.7.2.5 The Municipality will maintain a capacity monitoring system for municipal sewage treatment systems.</p> <p>2.4.7.2.6 Municipal sanitary sewage treatments facilities are identified on Schedules “A” and “E” Series – Land Use to this Official Plan. When considering appropriate buffer separation distances for development proposals near these facilities, in particular for sensitive land uses such as residential or institutional, regard for the Ministry of the Environment’s “Guideline D-2 Compatibility between Sewage Treatment and Sensitive Land Use” guidelines, as amended from time to time, shall be required.</p>
	<p>2.4.8 Water Services</p>
	<p>Municipal water systems exist in the seven Primary Urban Centres, the five Secondary Urban Centres and the Hamlets.</p>

The Rural Settlement Areas are served by private water supplies. Several communities, including Louisville, Mitchell's Bay and Pain Court, are serviced by the Chatham water system. Bothwell is currently serviced via the West Lorne Water System in Middlesex County. Highgate and Ridgetown currently use groundwater as their water source; all other communities with municipal water supply utilize a lakebased surface water source.

Substantial costs are involved in extending municipal piped water supply to new residential and non-residential development, in addition to addressing operational issues with the existing water system such as fire flow, odour, potential contamination concerns and water haulage to rural areas during dry conditions. It shall be the objective of Chatham-Kent to:

2.4.8.1 Ensure that cost-effective and adequate potable water supply is provided to support, enhance and sustain existing and future residents and businesses in the Municipality.

It shall be the policy of Chatham-Kent that:

2.4.8.2.1 All development and redevelopment in the Primary Urban Centres and all new development and redevelopment in the Secondary Urban Centres, Suburban Residential and Hamlet Areas shall be connected to the municipal piped water supply system.

2.4.8.2.2 Proposed development and redevelopment in Rural Settlement, Estate Residential, Recreational Residential, Mobile Home Park, Rural Industrial, Highway Commercial, Recreational, Aggregate Resources and Waste Management Areas will be connected to the municipal piped water supply system if municipal water is available. If municipal water is not available, proposed development and redevelopment serviced by a private water supply will demonstrate the adequacy of the proposed supply to the satisfaction of the Municipality of Chatham-Kent and other approval agencies.

2.4.8.2.3 Communal water services will be discouraged and will only be permitted if, in the opinion of the Municipality, no other alternatives are available and such services:

- (a) can be sustained by the water resources on which they rely;
- (b) are financially viable and comply with all regulatory requirements; and
- (c) protect human health and the natural environment.

	2.4.8.2.4 The protection of surface and groundwater resources will be in conformity with the policies of Section 4 – Enhancing Our Natural Surroundings of this Official Plan.
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	2.4.8.2.5 The Municipality will maintain a capacity-monitoring system for municipal water supply systems.
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