

The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

SUBJECT: Watermain Extension on East and West Line Petition - Update
DATE: 2024-04-16
REPORT #: OPS-24-016
PREPARED BY: Darren MacKenzie, (A) Director of Operations
DEPARTMENT: Operations Services

BACKGROUND INFORMATION

On March 7, 2023 Town Staff met with 2 landowners on East and West Line to explore providing municipal drinking water from Four Mile Creek Road to approximately Lakeshore Road. The costs associated with this project would be done through a Front Ending Agreement with the petitioners paying for all associated costs. Any resident wishing to connect to the system not part of the original petition would then pay as they connect to the system.

Typically, a municipality does not provide municipal servicing outside of the urban area boundary. This direction is reflected in Provincial and Regional plans and policy to ensure growth is focused within the urban boundaries and that servicing capacity is available to accommodate this growth.

However, in the past and prior to the current policy framework, the Town has constructed water lines throughout the rural area. Where a property is adjacent to a water line and has a minimum of 3 metres of frontage on the line, they have been granted a permit to connect.

As the area in question is outside of the urban boundary, it was suggested to the landowners that they may wish to understand the interest of the other property owners along East and West Line in connecting to municipal water. The landowners organized a petition to show support for water connection along East and West Line in the impacted area. Many of the residents signed the petition; however, the information provided for signature lacked detail on process and costs associated with connection.

Council Direction

The petition was received by the Town (**Appendix I**) and the following motion was brought forward at the May 23, 2023 Council meeting:

THEREFORE BE IT RESOLVED that the municipality's operations staff collaborate with the Regional Municipality of Niagara to conduct a thorough investigation into the feasibility of

installing a water main along the East-West line from Creek to Lakeshore and that the investigation include an assessment of the costs, logistics, potential benefits associated with the proposed water main installation, and funding options;

AND FURTHER BE IT RESOLVED that a report outlining the findings of the investigation and the recommended course of action be presented to the Town Council by the first quarter (Q1) of 2024 for further deliberation and decision-making.

This motion carried unanimously.

Policies related to extension of municipal servicing

Of note the following are some of the Policies that are referenced that do not support this extension:

- **Greenbelt Plan (2017)**

- 4.2.2.2. The extension of *municipal* or *private communal* sewage or water services outside of a *settlement area* boundary shall only be permitted in the case of health issues or to service *existing uses* and the expansion thereof adjacent to the *settlement area*. Notwithstanding the above, where *municipal water services* exist outside of *settlement areas*, *existing uses* within the service area boundary as defined by the environmental assessment may be connected to such a service.

- **Provincial Policy Statement (2020)**

- Policy 1.6.6.1 e) directs that planning for water and sewage services shall be in accordance with the servicing hierarchy, which identifies municipal sewage and water services as the preferred form of servicing for settlement areas (within an urban boundary). Where municipal services are not available, planned or feasible, individual on-site water and sewage services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts (Policy 1.6.6.4). Outside of settlement areas, partial services shall only be permitted where necessary to address failed individual on-site water and sewage services in existing development (Policy 1.6.6.5).

- **Niagara Official Plan (2022)**

- Infrastructure Policies

- Infrastructure Objective 5.2 d) of the Niagara Official Plan (NOP) is to restrict municipal water and wastewater systems/servicing outside urban areas.
- Policy 5.2.3.2 states that municipal water supply mains or municipal sewers shall not be extended outside the urban areas except to correct an existing health problem as identified by the Medical Officer of Health, or where there is a clean-up order from the Ministry of the Environment, and provided all alternatives to municipal mains for resolving health concerns have been considered. Extensions

may also be contemplated for necessary operating purposes, such as the looping of existing mains, replacement of existing mains, and the interconnection of urban areas.

- Policy 5.2.1.13 identifies conditions that should be considered for the construction of new, or expansion of existing municipal water, wastewater and stormwater infrastructure. In addition, Policy 5.2.2.13 (servicing within urban areas) states that any extensions of the existing water supply or sewage disposal systems must have approval through the current water licenses, and sewage disposal system approvals from both the Local Area Municipality and Region.
- Specialty Crop Designation
 - The portion of East and West Line where the requested watermain extension would occur is located within the Specialty Crop Area designation on Schedule F of the NOP.
 - Section 4.4 (Lot Creation and Related Development Within the Agricultural System) directs that “All proposed *development* and uses will include sustainable on-site private water supply and private sewage disposal systems subject to applicable Provincial and Regional regulations and associated approvals” (policy 4.1.4.3).
- Town Official Plan, 2017
 - Policy 6.30.3 c) The extension of watermains beyond any urban boundary for agricultural or agriculturally related purposes in compliance with the requirements for the waterline extensions as contained in the Regional Plan will be given due consideration by the municipality and approved where deemed appropriate.

There are limited exceptions available to allow municipal water to be expanded in this area.

First, an order from Public Health is required to show that there is no clean drinking water available.

Second, the Region has indicated that a Regional Official Plan Amendment may be required to extend services outside of the urban area boundary. As part of a Regional Official Plan Amendment, the Region would require additional supporting studies such as an EIS report (as the watermain would be crossing one creek and abuts environmental features), a planning justification report, septic system reviews and a completed functional servicing report.

NEXT STEP / CONCLUSION

While Town Staff are supportive of clean municipal water for all residents, in the absence of a functional servicing report, it is difficult to determine if the overall concept is supportable from an engineering/operation standpoint because it is not known the overall life cycle costs (including operational costs and initial costs), quality/pressure available in the watermain, the review of existing septic systems on all the properties and overall plan for the watermain location.

After both internal discussions between Operations Staff and external discussions with Regional Staff during the summer and fall of 2023, it was identified that there are hurdles to accommodate the extension of services outside the urban boundary (as identified above).

Should Council wish to endorse this expansion of the municipal water system along East and West Line, it is recommended that a functional servicing report be undertaken to review the details noted. A follow-up report will be required to provide detailed information on next steps and the allocation of cost to fund the functional servicing report.

ATTACHMENTS

- Appendix I – Petition for Municipal Water Service East-West Line