

COUNTY OF OXFORD

BY-LAW NO. 6765-2025

BEING a By-law to establish a Water and Wastewater Capacity Allocation Policy within the County of Oxford.

WHEREAS, Section 9 of the Municipal Act, 2001, S.O. 2001, Chapter 25, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

WHEREAS, Section 11 (3) of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, provides that the County of Oxford, as an upper-tier municipality, may pass by-laws respecting the matters within the spheres of jurisdiction outlined in that section;

WHEREAS, Section 11 (11) of the Municipal Act, 2001, S.O. 2001 c. 25, as amended, prescribes that the County of Oxford has exclusive jurisdiction over all matters pertaining to the production, treatment, storage and distribution of water, and the collection and treatment of wastewater within the County of Oxford;

WHEREAS, Sub-section 86.1 of the Municipal Act, 2001, S.O. 2001, Chapter 25, permits that a municipality, may, by By-law, adopt a policy providing for the allocation of water supply and sewage capacity; that applies to the entire municipality or applies differently to different geographic areas within the municipality and provides criteria to determine the circumstances for when allocation of water supply and sewage capacity is assigned to a development approved under the Planning Act, when allocation of water supply and sewage capacity is withdrawn, and when allocation of water supply and sewage capacity may be reallocated and that the administration of the policy must be assigned to an officer, employee or agent of the municipality;

AND WHEREAS, the County's water and wastewater systems have finite/limited servicing capacity available to accommodate growth and new developments;

AND WHEREAS, Council of the County Oxford has determined that it is desirable to enact such a by-law for purposes including, but not limited to, the following:

to manage the conditional reservation and final allocation of water supply and sewage treatment capacity in a logical, equitable, and sustainable manner; and,

to develop policies in keeping with the County of Oxford Official Plan, which provides direction for monitoring of water supply and wastewater (sewage) servicing capacity amongst other planning and strategic approaches related to municipal servicing.

AND WHEREAS, Council has adopted Public Works Report PW 2025-54 dated October 8, 2025;

NOW THEREFORE, the Council of the County of Oxford hereby enacts as follows:

1. To effectively manage uncommitted reserve capacity of the County's various water supply

systems and sewage treatment systems, be fair and transparent to the development community, and ultimately protect the health and safety of the public, the County of Oxford hereby adopts the “Water and Wastewater Capacity Allocation Policy” as set out in Schedule “A”, which is attached hereto and which forms part of this By-Law.

2. In accordance with Sub-section 86.1(3) of the Municipal Act, 2001, S.O. 2001, Chapter 25, the administration of the Water Supply and Sewage Capacity Allocation Policy is hereby delegated to the Director of Public Works, with all decisions made by the Director to be final.
3. This By-Law shall take effect on the date of passing, and this By-Law shall supercede and replace the County’s existing “County-Wide Water Supply and Wastewater Capacity Allocation Protocol for Residential Development”.

READ a first and second time this 8th day of October, 2025.

READ a third time and finally passed this 8th day of October, 2025.

Original signed by:

MARCUS RYAN, WARDEN

Original signed by:

LINDSEY A. MANSBRIDGE, CLERK

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Water and Wastewater Capacity Allocation Policy

POLICY

1.0 Purpose/Objective of the Water Supply and Wastewater Capacity Allocation Policy

- 1.1 Establish the guidance, direction and procedures for managing the allocation of reserve capacity to development to be serviced by municipal water supply and/or sewage treatment systems throughout the County of Oxford.
- 1.2 Ensuring that servicing capacity is allocated in a fair, logical, and sustainable manner using consistent and transparent processes to best serve the development community, Area Municipalities, and County of Oxford.

DEFINITIONS

2.0 Definitions

“Area Municipalities” shall mean the lower-tier municipalities within the County of Oxford.

“Allocation Policy” shall mean the Water Supply and Sewage Capacity Allocation Policy adopted by County Council to provide guidance, direction and procedures to allocate water supply and wastewater capacity.

“Allocated/allocation (Committed)” shall mean any water supply and/or wastewater capacity committed through draft approvals, registered plans, site plans, undeveloped infill lots, or ICI flow reservations.

“Conditionally Committed Capacity” shall mean capacity allocated or reserved for developments subject to conditions identified in the draft approval of any given development or severance.

“Committed Capacity” shall mean capacity fully allocated or reserved any given development or severance.

“Council” shall mean the Council of County of Oxford. Herein also referred to as Council.

“County of Oxford” herein is also referred to as the County, or Oxford County.

“Design Capacity” shall mean the following:

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- For wastewater, the facility's daily treatable flow, as identified in the Design Report and the Environmental Compliance Approval for the facility.
- For water, value is rated dynamically, referred to as the Dynamic Supply Capacity, accounting for any current supply constraints on the system (i.e. offline wells, reduced production, etc.) which may result in a reduction of the quantity of potable water which can be delivered to the distribution system under design conditions identified in the Drinking Water Works Permit and Municipal Drinking Water License.

“Existing System Flows” shall mean the actual recorded total water supply from all water treatment facilities and/or wastewater's treated flows averaged over a period of four preceding years of historical data.

“Limited Capacity” shall mean a facility where:

- For wastewater, the existing system annual average day flows exceed 85% of the facility's design capacity
- For water, the existing systems annual maximum day flows exceed 85% of the facility's design capacity

“Municipal Water Supply” shall mean a municipal drinking water system with the meaning of Section 2 of the Safe Drinking Water Act, 2002, herein also referred to as a “Municipal Water System”.

“Municipal Sewage Capacity” shall mean the capacity of a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that is owned or operated by a municipality, herein also referred to as a “Municipal Sewage System” or “Municipal Wastewater System”. Sewage shall refer to residential and industrial, commercial, and institutional wastewater.

“Reserve Capacity” shall mean the design capacity minus actual existing system flow.

“Uncommitted Reserve Capacity” shall mean the available hydraulic capacity of County water supply and/or wastewater treatment facilities. This is obtained by subtracting any previously committed flows of registered and draft approved residential, commercial and industrial lots, for water supply and wastewater from the reserve capacity.

“Uneconomical Expansion” shall include but not be limited to the following:

- Inopportune timing, such as when the system is already carrying significant debt.
- Insufficient financing mechanisms, including inadequate development charges or inability to secure external funding.

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- Excessive long-term operational and maintenance costs relative to the benefit gained.
- Low growth or uncertain demand, which could lead to underutilized infrastructure.
- Topographic or technical constraints, such as difficult terrain or costly construction requirements.
- Duplication of infrastructure, where expansions overlap with existing capacity instead of optimizing it.
- Regulatory or environmental constraints, requiring expensive mitigation measures that outweigh the benefits.

Any uneconomical expansion would be subject to approval by County Council.

“Unit” is defined as one or more rooms used by one or more people as a single housekeeping unit. It typically includes a kitchen, bathroom (with toilet and shower/tub), bedroom, and another room for general living or recreation.

POLICY PROCEDURES/GUIDELINES

3.0 Introduction

The County Official Plan is the policy document that establishes the overall land use strategy for both the County and the eight Area Municipalities that comprise the County. In alignment with Provincial policy, the Official Plan provides clear policy direction to guide and manage development across the County. An important consideration is the availability of the necessary supporting infrastructure, including municipal water supply and/or sewage (wastewater) capacity. Considering recent and forecasted higher levels of growth within Oxford County and acknowledging that each water and sewage system across the County has capacity thresholds approved through regulatory agencies, the Water and Sewage Capacity Allocation Policy (the “Allocation Policy”) has been established to ensure that servicing capacity is allocated in a fair, logical, and sustainable manner.

4.0 Administration

- 4.1 The Director of Public Works or Designate shall be responsible for the administration and enforcement of this policy.
- 4.2 The Director of Public Works or Designate may from time to time amend the form and content of any approval, authorization, agreement, form, procedure or other document in relation to the administration of this policy and may amend or revise such forms as they deem necessary.

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- 4.3 The Director of Public Works or Designate may issue any approval of capacity or conditional approval of capacity under this policy and/or any amendments thereto, in consultation with the Director of Community Planning or Designate.
- 4.4 The Director of Public Works, in consultation with the Director of Community Planning or Designate, may issue any suspensions or revocations of approved capacity or conditional approved capacity, on behalf of the County of Oxford. Any Suspensions or revocations will be administered by County's Community Planning department through the associated planning application.
- 4.5 The Director of Public Works may assign duties or delegate tasks under this policy as necessary.
- 4.6 Any requested deviation from this policy will be initiated in writing through a submission through County's Community Planning Office for review by County Public Works and the Director of Public Works.

5.0 General

County Public Works is responsible for the assessment of municipal water supply and sewage treatment system capacities and reserve capacities in accordance with applicable legislation, regulations, policies and guidelines issued by the province (e.g. Ministry of Municipal Affairs, Ministry of the Environment, Conservation and Parks). In collaboration with the Area Municipalities, Community Planning supports Public Works by maintaining and providing relevant data (e.g. building permit records and development approvals) as needed to evaluate and monitor reserve capacities within these systems.

The Allocation Policy applies to any development approval under the Planning Act where an extension of, and/or connection to, existing municipal water supply and/or wastewater infrastructure, or the provision of new municipal water supply and/or wastewater infrastructure, is required and to any development that would result in increased municipal water usage and/or municipal sewage flows. Projects requiring extension of water and/or wastewater services to previously un-serviced or privately serviced areas shall be planned and completed in full conformance with Oxford County's *Extension of Municipal Water and Wastewater Services Policy*.

The Allocation Policy does not generally apply to the following:

- Lot additions that do not result in the creation of a new developable lot and the creation of rights-of-ways or easements pursuant to Section 53 of the Planning Act;
- A change of use from one permitted use to another permitted use in accordance with the applicable municipal Zoning By-law that would not result in an increase in water usage and/or wastewater flows, as confirmed by a Professional Engineer or qualified person under the Ontario Building Code, and/or where proposed fixtures and usage limits do not exceed the water supply or wastewater capacity flows/allocation of the previous use;

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- The enlargement, repair, re-building or restoration of a legally existing building or structure, or part thereof, provided that the building or structure continues to be used for the same purpose and it would not result in a notable (such as internal plumbing changes) increase in water usage and/or wastewater flows as determined by a Professional Engineer or qualified person under the Ontario Building Code, and further confirmed and approved by County Public Works, and;
- Any lot that already holds sufficient committed capacity allocation within the settlement boundary. Confirmation with County Public Works will be required on a lot-by-lot basis.

Pre-consultation with County Public Works, Community Planning and Area Municipal staff, prior to submission of development applications, is strongly encouraged to ascertain the servicing demands of the proposed development.

County Public Works will provide comments on the potential availability of servicing capacity in accordance with this policy, and any other servicing capacity limitations, during the planning process for development proposals/applications such as: Official Plan Amendments, Draft Plans of Subdivision/Condominium, Zoning By-Law Amendments, Site Plans, Consents to Sever, Additional Residential Units (ARUs), etc.

As a requirement for the review of capacity, the applicant/proponent will be required to submit a Functional Servicing Report (FSR) that will contain all water demands (Average Day, Maximum Day and Peak Hour), wastewater demands (Average Day and Peak Hour) and any necessary fire flow demands according to Fire Underwriters Survey and/or the National Fire Protection Association Codes, to the satisfaction of Public Works. The applicant/proponent may be required to complete a downstream analysis to ensure the proposed flows do not have any adverse effects on existing infrastructure.

Upon any request for capacity commitments, any supplying infrastructure crossing major provincial highways, railroad crossings, rivers, creeks, or existing structures must undergo a capacity assessment by the proponent. Any proponent exceeding the servicing capacity of any infrastructure crossing must attenuate flows at source or cost share for any necessary upgrades. These assessments shall be submitted to County Public Works for approval.

All proponents of a Plan of Subdivision under the Planning Act must obtain written confirmation of available water supply and/or wastewater treatment capacity commitment from Public Works prior to the registration of any phase, as further detailed in this policy. Where adequate services do not currently exist, the proponent must demonstrate through servicing studies, to the satisfaction of Public Works, that adequate services will be available within the initial period of draft approval without the need for an unplanned or uneconomical expansion to the water supply and/or wastewater systems. During this period, the County may, at its discretion, grant conditional commitment of water supply and/or wastewater treatment capacity.

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All proponents of any other application under the Planning Act, that may result in an increase in municipal water supply and/or wastewater treatment requirements, must obtain written confirmation of available water supply and/or wastewater capacity from County Public Works prior to approval of such application.

Nothing in this Policy precludes the County from reserving capacity for government-led projects deemed by the County to be in the public interest including, but not limited to, facilities pertaining to public health and safety, education, recreation, emergency management, long-term care, social assistance, emergency housing and affordable housing. This Policy shall apply to all new applications, as well as developments or properties where allocation of capacity has been approved prior to this policy being in place.

6.0 Residential Plans of Subdivision and Condominium

- 6.1 Upon draft approval of an application for a Plan of Subdivision or Plan of Condominium (vacant land), conditionally committed capacity will be granted for a period of three (3) years, consistent with the duration of conditional draft plan approval. The Draft Plan must be registered within three (3) years from the date of Draft Plan Approval, or an extension granted to the lapsing date, or the conditionally committed capacity will be withdrawn. Director of Community Planning has delegated authority to grant extensions to draft plan approval.
- 6.2 Conditionally committed capacity shall transition to committed capacity at registration of an initial phase of development and shall be limited to the predetermined maximum number of residential units per phase for the applicable community, as shown in Schedule 'A' of this policy.
- 6.3 Director of Public Works, in consultation with the Area Municipality, may consider an increase in the maximum number of residential units stated in Schedule 'A' of this policy for a particular phase of development, based on site-specific conditions, system characteristics, and/or engineering best practices (e.g. to implement appropriate redundancy or looping of municipal services).
- 6.4 Final commitment of water supply and/or wastewater treatment capacity occurs upon execution of a development agreement and/or registration of the entire Plan of Subdivision/Condominium, or initial phase thereof, to the satisfaction of the County and Area Municipality.
- 6.5 Once building permits have been issued for 80% of the units within a registered phase of development, the Proponent may request reservation of additional committed capacity for a subsequent phase of the plan.
- 6.6 Subject to reserve capacity availability, committed capacity for a subsequent phase will be granted upon approval by the Director of Public Works or Designate. Committed capacity shall lapse if a development agreement and/or the plan for the subsequent phase is not registered within 2 years from the date of approval of the reservation.

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- 6.7 In communities that have limited capacity, or significant approved development/capacity reservations, County Public Works may request that the Area Municipality apply Holding Zone Provisions to certain lands within a Draft Plan of Subdivision/Condominium. The purpose of such Holding Zone Provisions would generally be to restrict development until such time as County Public Works has confirmed that sufficient reserve capacity and/or water and wastewater infrastructure is available to serve such development, and the Area Municipality has lifted the corresponding holding provision.
- 6.8 Commitment of capacity shall lapse if Draft Plan of Subdivision/Condominium approval lapses for undeveloped plans and/or phases.

7.0 Residential Site Plans

- 7.1 Provided that reserve capacity exists, committed capacity is finalized once Site Plan approval has been granted and a development agreement has been executed to the satisfaction of the County and Area Municipality.
- 7.2 As applicable, Site Plan approval may be given to only a part/phase of an overall development proposal for the site to ensure the maximum number of residential units per Site Plan approval/phase does not exceed those shown for the applicable community in Schedule 'A' of this policy.
- 7.3 Director of Public Works, in consultation with the Area Municipality, may consider an increase in the maximum number of residential units per Site Plan stated in Schedule 'A' of this policy for a particular phase of development, based on site-specific conditions, system characteristics, and/or engineering best practices (e.g. to implement appropriate redundancy or looping of municipal services).
- 7.4 Site Plan approval for high density buildings (e.g. apartment buildings) shall be considered on a building-by-building basis in general alignment with maximum residential units shown in Schedule 'A'.
- 7.5 In communities that have limited capacity, or significant approved development/capacity reservations, Oxford County Public Works may request that the Area Municipality apply Holding Zone Provisions to certain lands within a Site Plan. The purpose of such Holding Zone Provisions would generally be to restrict development until such time as County Public Works has confirmed that sufficient reserve capacity and/or water and wastewater infrastructure is available to serve such development, and the Area Municipality has lifted the corresponding holding provision.

8.0 Industrial Plans of Subdivision and Condominium

- 8.1 Upon approval of a Draft Plan of Subdivision or Draft Plan of Condominium, capacity will be conditionally committed for an initial phase of development for a period of three (3) years, consistent with duration of conditional draft plan approval. The Draft Plan must be registered

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within three (3) years from the date of Draft Plan Approval, or an extension granted to the lapsing date, or the conditional capacity committed will be withdrawn. Director of Community Planning has delegated authority to grant extensions to draft plan approval.

- 8.2 The water supply and/or wastewater capacity design criteria used for a proposed industrial subdivision shall be at the discretion of the County, in accordance with the County of Oxford Design Guidelines and Specifications, and in consultation with the affected Area Municipality. Similar to residential subdivisions, the County reserves the right to require phasing of industrial subdivision plan registrations to its satisfaction.
- 8.3 Conditional commitment of capacity for an initial phase, based on design criteria approved by the County, continues to be held upon execution of a development agreement and/or registration of the subdivision/condominium plan for the phase to the satisfaction of the County and Area Municipality. Confirmation of servicing committed capacity for each lot/block within the plan shall not occur until site plan approval has been received for that lot/block.
- 8.4 In communities that have limited capacity, or significant approved development/capacity reservations, Oxford County Public Works may request that the Area Municipality apply Holding Zone Provisions to certain lands within a Plan of Subdivision/Condominium. The purpose of such Holding Zone Provisions would generally be to restrict development until such time as County Public Works has confirmed that sufficient reserve capacity and/or water and wastewater infrastructure is available to serve such development, and the Area Municipality has lifted the corresponding holding provision.
- 8.5 Each proposed development Block within a plan of subdivision shall be subject to Site Plan approval and water supply and/or wastewater capacity will be assessed and provisionally approved on a Block-by-Block basis as part of Site Plan review. Unless otherwise approved by the County, the assigned water supply and/or wastewater capacity per Block shall not exceed the approved design and/or conditionally approved capacity (i.e. based on design criteria, max flow per area, etc.) on which the size of the servicing infrastructure was determined. The Proponent shall make provisions in the subdivision agreement to disclose the water supply and/or wastewater allocation and maximum flow limits to purchasers of Blocks, to the satisfaction of County Public Works.
- 8.6 Once building permits have been issued for 80% of the lots/blocks in an approved plan/phase, or in the opinion of Director of Public Works or Designate, the phase has been substantially developed, the Developer may request commitment of additional capacity for any subsequent phase of the subdivision.
- 8.7 Subject to reserve capacity availability, commitment of capacity for any subsequent phase will be granted upon approval by the County. Such reservation of capacity shall lapse if a development agreement and/or the plan for the subsequent phase is not registered within three (3) years from the date of approval of the reservation, in the absence of an extension being granted.

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- 8.8 Reservation of capacity shall lapse if Draft Plan of Subdivision/Condominium approval lapses for undeveloped phases.

9.0 Industrial/Commercial/Institutional Site Plans

- 9.1 Water supply and/or wastewater capacity will be assessed as part of Site Plan review. Unless otherwise approved by the County, water supply and/or wastewater capacity allocation shall not exceed the established design conditionally committed capacity, proportionally determined for the proposed development Block, (i.e. based on design criteria, max flow per area, etc.) on which the size of servicing infrastructure was determined.
- 9.2 Provided that reserve capacity exists, commitment of capacity is finalized once Site Plan approval has been granted and a development agreement has been executed to the satisfaction of the County and Area Municipality.
- 9.3 Considering the state of available reserve capacity, Site Plan approval may be given to only a partial part/phase of an overall development proposal for the site (e.g. one building at a time, if multiple buildings are proposed). Such determination shall be made at the discretion of the County in consultation with the affected Area Municipality.
- 9.4 In systems with limited capacity, Oxford County Public Works may request that Holding Zone Provisions be applied to portions of the development that are not proposed as part of the initial first phase that has been granted capacity.

10.0 Consents to Sever

- 10.1 Upon conditional approval of a consent/severed lot, capacity will be conditionally reserved for a period of two (2) years, consistent with duration of conditional approval under the Planning Act.
- 10.2 Allocation of water supply and/or wastewater capacity occurs once all conditions of a severance have been fulfilled, and the lot has been created.

11.0 Additional Residential Units (ARUs)

- 11.1 Prior to an Area Municipality issuing a building permit, confirmation shall be received from Oxford County that available water supply and/or wastewater capacity exists for the proposed ARU.

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12.0 Multi-Unit Residential Development (not subject to a Planning application)

12.1 Prior to an Area Municipality issuing a building permit, confirmation shall be received from Oxford County that available water supply and/or wastewater capacity exists for the proposed multi-unit residential development.

13.0 Retention Policy

Documents supporting the reporting requirements related to this Policy shall be retained in accordance with the County of Oxford's Records Retention By-law 4957-2008 (Policy 6.18 Records Management).

14.0 Review of Water Supply and Sewage Capacity Allocation Policy and Procedures

This Policy shall be periodically reviewed and updated as necessary. Proposed changes will be circulated to area municipal staff for review and comment. Changes to the policy will be reported to County Council for approval.

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SCHEDULE 'A' – WATER AND SEWAGE CAPACITY ALLOCATION POLICY

Table 1 - Serviced Communities (Municipal Water and Wastewater Services):

Serviced Community	Area Municipality	Maximum Units per Registered Phase (typ.) *
Drumbo	Township of Blandford-Blenheim	50
Embro	Township of Zorra	50
Ingersoll	Town of Ingersoll	150
Innerkip	Township of East Zorra-Tavistock	50
Mount Elgin	Township of South-West Oxford	50
Norwich	Township of Norwich	50
Plattsville	Township of Blandford-Blenheim	50
Tavistock	Township of East Zorra-Tavistock	50
Thamesford	Township of Zorra	125
Tillsonburg	Town of Tillsonburg	150
Woodstock	City of Woodstock	350

* Note: Table 1 specifies the maximum number of residential units allowed per registered phase. Oxford County's Director of Public Works or Designate, in consultation with the Director of Community Planning or Designate, reserves the right to reduce this maximum number of residential units at their sole discretion. Reductions from these maximum number of residential units can be based on constraints within the water and/or wastewater system, including overall treatment/supply capacity and/or localized system capacity constraints.

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Table 2 - Partially Serviced Communities (Municipal Water Service only):

Partially Serviced Community	Area Municipality	Maximum Units per Registered Phase (typ.)
Beachville	Township of Zorra	To be reviewed and determined by Oxford County staff (Community Planning and Public Works) on a per development proposal basis
Bright	Township of Blandford-Blenheim	
Brownsville	Township of South-West Oxford	
Dereham Centre	Township of South-West Oxford	
Hickson	Township of East Zorra-Tavistock	
Lakeside	Township of Zorra	
Otterville	Township of Norwich	
Princeton	Township of Blandford-Blenheim	
Springford	Township of Norwich	