



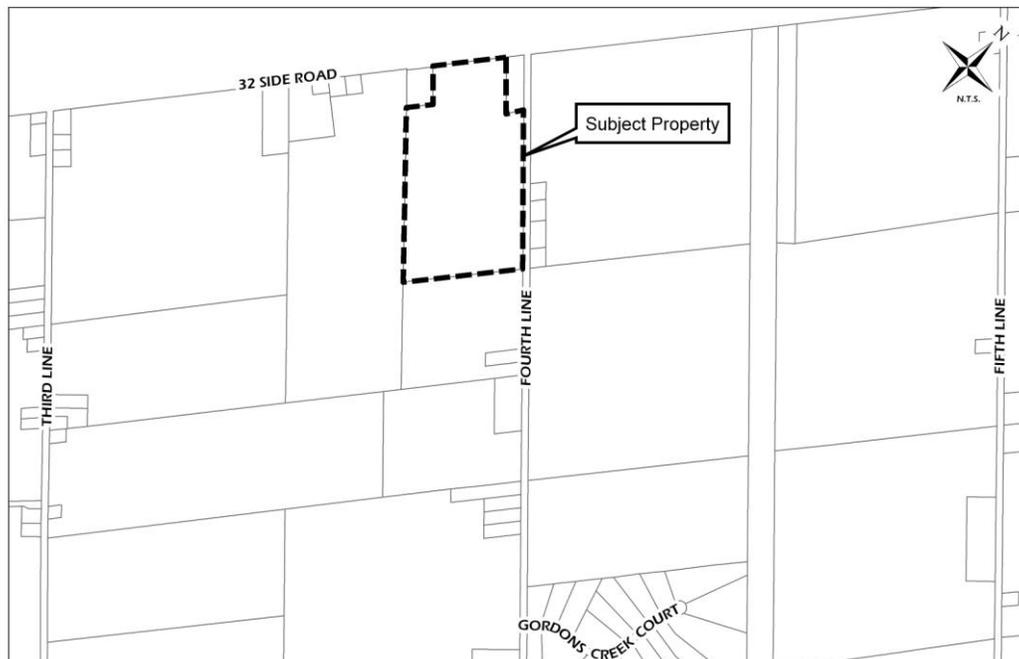
**Planning, Development and Sustainability
MEMORANDUM**

TO: Mayor Bonnette and Members of Council
FROM: Damian Szybalski, Manager of Sustainability
DATE: October 31, 2013
MEMO NO.: MEM-PDS-2013-0014
RE: Municipal Council Support Resolution
Solar Ground-Mounted Project
14324 Fourth Line

PURPOSE:

The purpose of this memorandum is to provide Council with information pertaining to a request for a Municipal Council Support Resolution for a 250kW ground-mounted solar project, to be located at 14324 Fourth Line.

Proposed Project Location



BACKGROUND:

Through Report No. PDS-2012-0080 (dated October 29, 2012), Town staff provided Council with an overview of Ontario's *Green Energy Act* as it relates to the Feed-in-Tariff (FIT) program operated by the Ontario Power Authority (OPA). Under the latter, applicants enter into long-term contracts with the OPA enabling the Province to procure renewable generation. The review/approval process for renewable projects submitted under the FIT program is very complex, requiring the participation of many government agencies, procedures, regulations and approvals. As a local government, the Town has a largely 'commenting agency' role.

Report No. PDS-2012-0080 outlined initial information requirements that an applicant/proponent would need to provide to Town staff (in addition to any other relevant information that may be necessary) to fully evaluate the project prior to Council considering granting a Municipal Council Support Resolution.

If granted, the Municipal Council Support Resolution translates into priority points for the project.

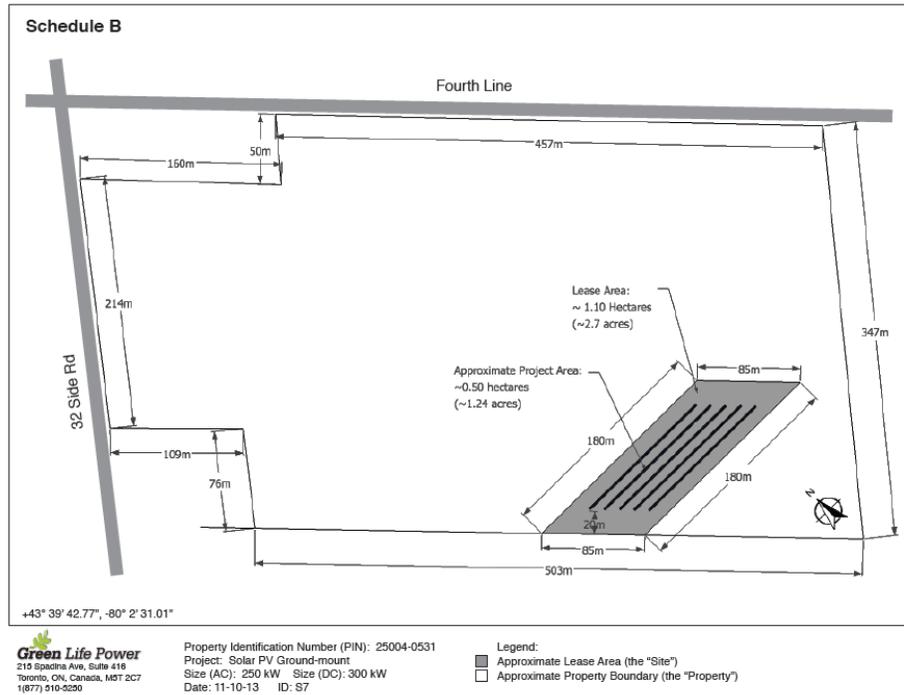
CURRENT FIT REQUEST:

In mid-October, Town staff was contacted by Green Life Power Limited with a request for a Municipal Council Support Resolution for a 250kW ground-mounted solar project at 14324 Fourth Line, valued at about \$580,000 (Figure 1). According to Figure 2, the project area is approximately 0.5 hectares (1.24 acres). The area leased for the project is about 1.1 hectares (2.7 acres). The subject lands do not appear to be classified as "Prime Agricultural Area" in the Region's Official Plan. Feed-in-Tariff rules require ground-mounted solar power projects to avoid Canada Land Inventory Class 1, 2 or 3 soils.

Figure 1: Proposed Solar Paned Location (provided by Green Life Power Ltd.)



Figure 2: Proposed Site Plan (provided by Green Life Power Ltd.)



TOWN INFORMATION REQUIREMENTS

At the time of initial contact with Town staff, representatives of Green Life Power were notified of the information that must accompany a request for a Municipal Council Support Resolution. These requirements have been available on the Town's website since 2012: www.haltonhills.ca/sustainability/FiITprogram.php

In addition, the applicant was informed of the urgency in providing all required information due to the Town's established reporting deadlines.

Subsequently, Town staff received a number of communications from Green Life Power Ltd., including a submission dated October 11, 2013 responding to the Town's information request. Unfortunately, the October 11, 2013 submission did not include the following key components:

- Letter of acknowledgement and support from the property owner;
- Letter requesting a Council resolution from the applicant and/or property owner; and
- Letter of support from immediately adjacent landowners.

Despite the aforementioned items being listed in Green Life Power's October 11, 2013 submission, they were not actually enclosed.

Town staff did not receive a letter from the property owner until Wednesday October 30, 2013 at 1:20pm, stating that the property owner has entered into a solar lease agreement with Green Life Power and that the property owner endorses Green Life

Power's request for Council's support. As of October 31, 2013, Town staff still have not received letter(s) of support from immediately adjacent landowners.

In light of incomplete information being provided, Town staff contacted Green Life Power on Wednesday October 30, 2013 stating that a report could not be advanced for the November 4, 2013 Council meeting. As a possible solution, provided that all the required information is in fact provided, Town staff offered to prepare a report for the November 18, 2013 Council meeting as an Emergency Action item. The applicant did not support that option.

PUBLIC CONSULTATION:

Under the provincial Feed-in-Tariff program, effective public consultation is complicated by the very short notice and timelines set by the Ontario Power Authority, subsequent requests made by project applicants which require immediate attention to meet OPA deadlines, and the lack of public consultation in advance of considering a Municipal Council Support Resolution.

In anticipation of receiving a complete information package (which has yet to materialize), and in light of the project being a ground-mounted installation in a rural setting which the Town has not previously experienced (to date all requests have been for roof top mounted solar projects), Town staff concluded that additional public consultation would be prudent. This would ensure that nearby landowners are aware of the proposal and are provided with an adequate opportunity to express their support or raise any concerns prior to Council making a decision as to whether a Municipal Council Support Resolution should be granted. It is important to note that, if granted, Council can only pass a 'clean' Municipal Council Support Resolution. Conditions are not permitted and would render the resolution invalid.

With reference to the Town's Telecommunication Tower Protocol, Town staff recommended that the applicant notify property owners within 350 metres of the subject site. However, before this process could be finalized, the applicant was notified that their request would not be considered on November 4, 2013 due to the incompleteness of their proposal.

Subsequently, it is Town staff's understanding that the applicant has approached nearby property owners about the proposal, providing an information package and asking for signatures to acknowledge receipt.

TOWN STAFF COMMENTS:

Although, in principle, Town staff acknowledges the merits of the proposed ground-mounted solar project and its relationship to the Strategic Plan, Green Plan, Community Sustainability Strategy and other Town objectives, given the following factors, at the time of writing this memorandum, Town staff was not in a position to make a recommendation to Council as to whether a Municipal Council Support Resolution should be granted:

- Incomplete information provided;
- Incomplete public consultation process; and

- Town reporting deadlines and processes.

Nonetheless, the applicant has expressed an intention to make a delegation to Council on November 4, 2013 to present their proposal. The applicant has also expressed a strong preference for their proposal to be considered as an Emergency Action Item on Council's Agenda. Should the applicant make a delegation, Green Life Power may present additional information in support of their proposal that was not available at the time of writing this memorandum.

Should Council choose to grant the Resolution, a copy provided by Green Life Power, is attached as Appendix 1 to this memorandum. The Resolution should not be released until the prescribed fee is paid.

Moreover, through this memorandum, the applicant (Green Life Power Limited and/or 2387282 Ontario Inc.) is being advised that:

- They bear the entire risk of any impacts on the function of the proposed solar installations arising from any development occurring on any adjacent or surrounding lands, and that they also bear the responsibility of appropriately responding to any concerns that may arise from nearby property owners; and
- They should proceed to advertise and hold an Open House to explain the project to nearby property owners, as agreed to in an e-mail dated October 30, 2013, from the COO of Green Life Power.

Respectfully submitted,

Damian Szybalski, MCIP, RPP
Manager of Sustainability

John Linhardt, MCIP, RPP
Director of Planning, Development and
Sustainability

APPENDIX 1 to Memorandum 2013-0014
-Proposed Municipal Council Support Resolution (as provided by Green Life Power)-



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TEMPLATE: MUNICIPAL COUNCIL SUPPORT RESOLUTION
(Section 5.1(g)(i) of the FIT Rules, Version 3.0)

OPARP/f-FIT-012r2

Resolution NO: _____ Date: _____

[WHEREAS] capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 3.0.

[AND WHEREAS] _____ 2387282 Ontario Inc. _____ (the "Applicant") proposes to construct and operate

_____ Solar (PV) Non-Rooftop Facility _____ (the "Project") on
PT LT 32, CON 4 ESQ, SECONDLY AS IN 851648 S&E PTS 1 & 2 20R16451; HALTON HILLS _____ (the "Lands") in

_____ Township of Halton Hills _____ under the Province's FIT Program;

[AND WHEREAS] the Applicant has requested that Council of _____ Township of Halton Hills _____ indicate by resolution Council's support for the construction and operation of the Project on the Property;

[AND WHEREAS], pursuant to the FIT Rules, Version 3.0, Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other Persons applying for FIT Contracts;

[NOW THEREFORE BE IT RESOLVED THAT]:

Council of the _____ Township of Halton Hills _____ supports the construction and operation of the Project on the Lands.

This resolution's sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Project or any other purpose.

Title:

Title:

(signature lines for elected representatives.)

FIT reference number: _____
(The reference number must be inserted by the Applicant in order for the resolution to comply with the FIT rules, even where Local Municipal letterhead is used. This is not to be inserted by the Local Municipality.)