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TO	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON JULY 18, 2016
FROM:	GEORGE KOTSIFAS, P. Eng. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	LOCAL RENEWABLE ELECTRICITY GENERATION PROJECTS SEEKING ONTARIO FEED-IN TARIFF CONTRACTS MUNICIPAL COUNCIL RESOLUTIONS FOR FEED-IN-TARIFF (FIT) 5.0 PRESCRIBED FORMS

RECOMMENDATION

That, on the recommendation of the Manager of Development Services and Planning Liaison, the following actions be taken with respect to local renewable electricity generation projects seeking contracts under Version 5.0 of the Ontario Feed-In Tariff (FIT) program:

- a) for Category 1 Projects, the Mayor and the City Clerk **BE AUTHORIZED** to sign any requested Council Resolution using the Municipal Council Blanket Support Resolution attached hereto as Appendix "A";
- b) for Category 2 Projects, the proposed resolution that the construction and operation of ground-mounted solar projects having little or no potential for impacts on adjacent properties be supported at specific locations identified by the project developer where permitted by the FIT Program rules, **BE APPROVED** as a two step process:
 - i) the Civic Administration prepare a recommendation report to the appropriate Standing Committee, commenting on the proposed location; and,
 - ii) if supported by the Civic Administration, submit a Municipal Council Support Resolution attached as Appendix "B" to the appropriate Standing Committee; or
 - iii) for applications involving projects that have previous municipal support resolutions and supported by the Civic Administration, submit a Municipal Council Resolution Confirmation attached as Appendix "C";
- c) for applicants that require exemptions from the residential, commercial or industrial land use restrictions under the FIT Program, the Land Use Restriction Exemption Resolution attached as Appendix "D" **BE APPROVED** for exemptions that have been endorsed by Municipal Council; and
- d) for applications where setback requirements applicable to the site are determined based on the adoption of a Municipal Council Setback Resolution, the Visual Screening and Setback Acknowledgement Resolution attached as Appendix "E" **BE APPROVED** for setback resolutions that have been endorsed by Municipal Council.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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July 23, 2012 – Report to PEC on municipal support resolutions for local renewable electricity generation projects seeking Ontario Feed-in-Tariff (FIT) Contracts.

September 24, 2012 – Follow-up report to PEC on municipal support resolutions for local renewable electricity generation projects seeking Ontario FIT Contracts.

January 8, 2013 – Report to PEC on Planning Fees By-law CP-18, to implement fees for applications under the FIT Program.

October 29, 2013 – Report to PEC on projects seeking contracts under FIT Version 3.0.

June 1, 2015 – Report to PEC on projects seeking contracts under FIT Version 4.0.

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July 20, 2015 – Report to PEC on program requirements for FIT 3.1 Contract holders.

PURPOSE

The purpose of this report is to replace the municipal support resolutions previously approved by Council under FIT program Version 4.0 with revised resolutions required by the Independent Electricity System Operator (IESO) for projects under the soon to be released FIT Version 5.0.

BACKGROUND

The Provincial Feed In Tariff (FIT) Program was launched in 2009 to encourage the development of renewable energy technology, attract investment and create new clean energy jobs in Ontario. Renewable energy projects that are supported through FIT include rooftop and ground mounted solar installations, wind turbines, biomass and biogas. The program allows homeowners, communities, business owners and private developers to generate renewable energy and sell it to the province at a guaranteed price for a fixed contract term. The program was previously administered by the Ontario Power Authority (OPA) and is now administered by the Independent Electricity System Operator (IESO). The program is updated annually and projects are awarded on the basis of points that are assigned for a variety of attributes, including support from local municipal councils, which must be in the prescribed format.

Staff presented a report to Planning and Environment Committee on July 23, 2012 to establish a process for civic administration to implement the FIT Program requirements. The recommendations were approved at the July 25th, 2012 meeting of Council, including two standardized forms prepared by staff for the purpose of municipal support resolutions. The OPA subsequently released prescribed forms for both a blanket municipal support resolution and individual project municipal support resolutions for use by Ontario municipalities. The prescribed forms were adopted by Council on October 9th, 2012, together with a By-law (No. A-6872-291), which confirms the proceedings of the Council meeting and authorizes the Mayor to execute and deliver all documents as are required to give effect to the decisions, motions and resolutions adopted at the meeting. This authorization was specific to FIT Program Version 2.0, which expired on October 9th, 2013. Updated forms were adopted by Council on November 5th, 2013 for FIT Version 3.0; and, on June 10th, 2015 for FIT Version 4.0.

In order to establish a context for favourable consideration under the program, it is necessary to endorse the updated forms prepared for FIT 5.0 through the adoption of a Municipal Council resolution. No changes are proposed to the fee structure for processing applications, which was established through an amendment to By-law CP-18 - adopted by Council on January 15, 2013, and illustrated in Table 1 below.

Table 1:

Project Type	Description	File Handler	Process Requirements	Fee
Micro FIT	Renewable Electricity Generation Projects (10 kW or less)	Zoning Officer	Issuance of Compliance form	\$60
FIT - Category 1	All rooftop solar panel installations anywhere	Zoning Officer	Issuance of Compliance form	\$30
FIT - Category 2	All ground mounted solar panel installations at specific locations with little impact on adjacent properties	Development Services Staff	PEC Report for Municipal Support Resolution	\$300
FIT - Category 3	Wind turbines, biomass and biogas installations at specific locations	Development Services Staff	PEC Report for Municipal Support Resolution	\$1000

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The window for applications to the Independent Electricity System Operator (IESO) under FIT Program Version 5.0 is expected to open later this year. Updated Municipal Resolution forms have recently been prescribed by the IESO, and are required to be endorsed by Council for applications received during the 2016 application period. Projects that are endorsed by the City will receive additional points in the evaluation of applications by the IESO.

The action required at this time is the endorsement of updated Municipal Council resolution forms prepared by the Province for applications under the FIT 5.0 program. The following forms, prepared by the Independent Electricity System Operator, are required to be endorsed:

- Municipal Council Blanket Support Resolution Appendix "A"
- Municipal Council Support Resolution Appendix "B"
- Municipal Council Resolution Confirmation Appendix "C"
- Land Use Restriction Exemption Resolution Appendix "D"
- Visual Screening & Setback Acknowledgement Appendix "E"

The actual Municipal Council Support Resolution # form to be signed and provided to applicants for Category 1 blanket resolutions is attached as Appendix "F".

CONCLUSION

Municipal Council is being requested to endorse the updated resolution forms for applications under the Provincial FIT 5.0 program, which is proposed to open for applications later this year.

PREPARED & RECOMMENDED BY:	REVIEWED BY:
TERRY GRAWAY, MCIP RPP MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	JENNIE RAMSAY, P. Eng. MANAGER, DEVELOPMENT SERVICES & ENGINEERING LIAISON
SUBMITTED BY:	
GEORGE KOTSIFAS, P. Eng. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL	

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APPENDIX "A"

TEMPLATE: MUNICIPAL COUNCIL BLANKET SUPPORT RESOLUTION

Section 5.1(g)(i) of the FIT Rules, Version 5.0

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1	<p>Resolution number: _____</p> <p>Date resolution was passed: _____</p>	<p>FIT Reference Number: _____</p> <p><i>(The FIT Reference Number must be inserted by the Applicant in order for the resolution to comply with the FIT Rules, even where Local Municipality letterhead is used. This is not to be inserted by the Local Municipality.)</i></p>
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2	<p>[WHEREAS] capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 5.0.</p> <p>[AND WHEREAS] the Province's FIT Program encourages the construction and operation of _____ (insert Renewable Fuel (e.g., Rooftop Solar, Biogas, etc.)) generation projects (the "Projects");</p> <p>[AND WHEREAS] one or more Projects may be constructed and operated in _____ (insert the name of the Local Municipality) ;</p> <p>[AND WHEREAS] pursuant to the FIT Rules, Version 5.0, 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;</p> <p>[NOW THEREFORE BE IT RESOLVED THAT]</p> <p>Council of the _____ (insert the name of the Local Municipality) supports the construction and operation of the Projects anywhere in _____ (insert the name of the Local Municipality) .</p> <p>This resolution's sole purpose is to enable the participants in the FIT Program 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 Projects, or for any other purpose.</p> <p>This resolution shall expire twelve (12) months after its adoption by Council.</p>
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3	<p>Signed: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p>Signed: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p><i>(Signature lines for elected representatives. At least one signature required.)</i></p>
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APPENDIX "B"

TEMPLATE: MUNICIPAL COUNCIL SUPPORT RESOLUTION

Section 5.1(g)(i) of the FIT Rules, Version 5.0

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<div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center; font-weight: bold;">1</div> <p>Resolution number: _____</p> <p>Date resolution was passed: _____</p>	<p>FIT Reference Number: _____</p> <p><i>(The FIT Reference Number must be inserted by the Applicant in order for the resolution to comply with the FIT Rules, even where Local Municipality letterhead is used. This is not to be inserted by the Local Municipality.)</i></p>
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2

[WHEREAS] capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 5.0.

[AND WHEREAS] _____ (insert the legal name of the Applicant) (the "Applicant") proposes to construct and operate a _____ (insert description of Project, including Renewable Fuel (e.g., Rooftop Solar, Biogas, etc.))

(the "Project") on _____ (insert the PIN or legal description of the Property(ies)) (the "Lands") in _____ (insert the name of the Local Municipality) under the province's FIT Program;

[AND WHEREAS] the Applicant has requested that Council of _____ (insert the name of the Local Municipality) 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 5.0, 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 _____ (insert the name of the Local Municipality) 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 for any other purpose.

3

Signed: _____	Signed: _____
Title: _____	Title: _____
Date: _____	Date: _____

(Signature lines for elected representatives. At least one signature required.)

APPENDIX "C"

PRESCRIBED FORM: MUNICIPAL COUNCIL RESOLUTION CONFIRMATION

Section 3.8(g) and 5.1(g)(i) of the FIT Rules, Version 5.0

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<div style="border: 1px solid black; padding: 2px;">1</div> <p>Resolution number: _____</p> <p>Date resolution(s) was passed: _____</p>	<p>FIT Reference Number: _____</p> <p><i>(The FIT Reference Number must be inserted by the Applicant in order for the resolution to comply with the FIT Rules.)</i></p>
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2

Capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 5.0.

I am the / an _____ (insert title or position with the Local Municipality) of the _____ (insert the name of the Local Municipality) (the "Municipality"), and have the delegated authority to provide this confirmation on behalf of the Municipality and without personal liability.

3

_____ (insert the legal name of the Applicant) (the "Applicant") proposes to construct and operate a
(This must be the same Applicant (i.e., same name) as stated in the Municipal Council Support Resolution or Land Use Restriction Exemption Resolution provided, as attached)

_____ (insert description of Project, including Renewable Fuel (e.g., Rooftop Solar, Biogas, etc.)) (the "Project") on
(This must be the same description as stated in the Municipal Council Support Resolution or Land Use Restriction Exemption Resolution provided, as attached)

_____ (insert the address, PIN or legal description of the Property(ies)) (the "Lands")
(This must be the same description as the Lands in the Municipal Council Support Resolution or Land Use Restriction Exemption Resolution provided, as attached)

in the Municipality under the province's FIT Program.

4

The resolution(s) provided with this Confirmation is *(check one or both as applicable)*:

a) A Municipal Council Support Resolution *(if selected, check either 1) or 2) as applicable)*:

1) A new FIT 5.0 Municipal Council Support Resolution. *(if selected the resolution must be attached as Exhibit "A")*

2) A pre-existing FIT 4.0.1 Municipal Council Support Resolution which has not been rescinded. *(if selected the resolution must be attached as Exhibit "A")*

i) I have confirmed that the Project being proposed by the Applicant under the Province's FIT Program is the same Project on the same Lands as the Project that was the subject of the Municipal Council Support Resolution attached as Exhibit "A".

b) A Land Use Restriction Exemption Resolution *(if selected, check either 1) or 2) as applicable)*:

1) A new FIT 5.0 Land Use Restriction Exemption Resolution. *(if selected the resolution must be attached as Exhibit "A")*

2) A pre-existing FIT 4.0.1 Land Use Restriction Exemption Resolution which has not been rescinded. *(if selected the resolution must be attached as Exhibit "A")*

i) I have confirmed that the Project being proposed by the Applicant under the Province's FIT Program is the same Project on the same Lands as the Project that was the subject of the Land Use Restriction Exemption Resolution attached as Exhibit "A".

5

Name: _____ Signed: _____

Title: _____ Date: _____

(Signature block for authorized signee. Must be an original ink signature)

APPENDIX "D"

TEMPLATE: LAND USE RESTRICTION EXEMPTION RESOLUTION

Section 3.8(g) of the FIT Rules, Version 5.0

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<div style="border: 1px solid black; padding: 2px; width: 20px; text-align: center; font-weight: bold;">1</div> <p>Resolution Number: _____</p> <p>Date Resolution was passed: _____</p>	<p>FIT Reference Number: _____</p> <p><i>(The FIT Reference Number must be inserted by the Applicant in order for the resolution to comply with the FIT Rules, even where Local Municipality letterhead is used. This is not to be inserted by the Local Municipality.)</i></p>
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2

[WHEREAS] capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 5.0.

[AND WHEREAS] _____ (insert the legal name of the Applicant) (the "Applicant") proposes to construct and operate a Non-Rooftop Solar Project (the "Project") on _____ (insert the PIN or legal description of the Property(ies)) (the "Lands") in _____ (insert the name of the Local Municipality) under the province's FIT Program;

[AND WHEREAS] the Applicant has requested that the Council of _____ (insert the name of the Local Municipality) indicate by resolution that the Project has an exemption from any or all of the residential, commercial and industrial land-use restrictions as identified in Sections 2.3(e), 2.3(f), 2.3(g) and 2.3(h) of the FIT Rules, Version 5.0.

[NOW THEREFORE BE IT RESOLVED THAT]

Council of the _____ (insert the name of the Local Municipality) exempts the Project on the Lands as described above from any or all of the residential, commercial and industrial land-use restrictions as identified in Sections 2.3(e), 2.3(f), 2.3(g) and 2.3(h) in the FIT Rules, Version 5.0.

This resolution's sole purpose is to provide municipal exemption from the above noted specific residential, commercial and industrial land-use restrictions 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 for any other purpose.

3

Signed: _____	Signed: _____
Title: _____	Title: _____
Date: _____	Date: _____

(Signature lines for elected representatives. At least one signature required.)

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APPENDIX "E"

PRESCRIBED FORM: VISUAL SCREENING AND SETBACK ACKNOWLEDGEMENT

Section 3.8(e) of the FIT Rules, Version 5.0

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1	<p>STATUTORY DECLARATION, PROVINCE OF ONTARIO IN THE MATTER OF an Application under the Feed-In Tariff Rules, Version 5.0.</p> <p>Capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 5.0.</p>	<p>FIT Reference Number: _____</p> <p><i>(The FIT Reference Number must be inserted by the Applicant in order for the Prescribed Form to comply with the FIT Rules.)</i></p>
<p>I, _____ (insert the name of the declarant) _____, of the _____ (insert City/Town/Region, etc.) _____ of _____ (insert the name of the City/Town/Region, etc.) _____, in _____ (insert the name of the Province or State) _____ DO SOLEMNLY DECLARE, on behalf of the Applicant, without personal liability, the following information:</p>		

2	<p>a) The legal name of the Applicant is: _____ .</p>
	<p>b) I am the / an _____ (insert office held, e.g. president, officer, director, etc.) _____ of the Applicant and have knowledge of the matters herein described.</p>
	<p>c) The Applicant has submitted, or intends to submit, an Application in respect of a Non-Rooftop Solar Facility under the FIT Rules, Version 5.0.</p>

3	<p>Municipal address of the Site (required if Property(ies) have a Municipal address):</p>		
	<p>Property Identification Number(s) ("PIN(s)") (required if Property(ies) have a PIN):</p>		
	<p>Legal description of Site (required where there is no PIN):</p>		

4	<p>The Property or Properties on which the Site of the Project is located <i>(Check all that apply)</i>:</p> <p><input type="checkbox"/> is, in whole or in part, on Rural-Residential Lands;</p> <p><input type="checkbox"/> Abuts an opened road allowance;</p> <p><input type="checkbox"/> Abuts a Residential Cluster;</p> <p><input type="checkbox"/> Abuts a Residential Property.</p>
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5	<p>I hereby confirm as follows:</p> <p>a) the Applicant will comply with the Visual Screening Requirements in respect of the Project;</p> <p>b) the Applicant will comply with the Setback Requirements.</p>
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6	<p>Attached to this form are <i>(Attach only where Setback Requirements applicable to the Site are determined based on the adoption of a Municipal Council Setback Resolution)</i>:</p> <p>Exhibit "A" the Municipal Council Setback Resolution Confirmation confirming the Municipal Council Setback Resolution; and</p> <p>Exhibit "B" the Municipal Council Setback Resolution of the Local Municipality applicable to the Site and upon which the Applicant will rely in complying with the Setback Requirements.</p>
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APPENDIX "F"

Resolution No: _____

Date: July 26, 2016

WHEREAS capitalized terms not defined herein have the meaning ascribed to them in the FIT Rules, Version 5.0.

AND WHEREAS the Province's FIT Program encourages the construction and operation of Rooftop Solar generation projects (the Projects);

AND WHEREAS one or more Projects may be constructed and operated in London, Ontario;

AND WHEREAS, pursuant to the FIT rules Version 5.0, 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 Corporation of the City of London supports the construction and operation of the Projects anywhere in London, Ontario.

This resolution's sole purpose is to enable participants in the FIT Program 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 Projects or for any other purpose.

This resolution shall expire twelve (12) months after its adoption by Council (July 26, 2017).

Matt Brown
Mayor

Catharine Saunders
City Clerk

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)