

# The Corporation of the Township of North Kawartha

## By-Law # 2015-127

### Being a by-law of the Corporation of The Township of North Kawartha to adopt a Solar Projects Policy.

Whereas the under Section 8 (1) of the Municipal Act, 2001, S.O. 2001, c.25, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And Whereas the Council of the Township of North Kawartha deems it expedient to adopt a Solar Projects Policy for the Township of North Kawartha to establish principles and priorities for the consideration of solar projects in North Kawartha and to establish a procedure for the processing of requests for Municipal Support Resolutions and/or public consultation and/or municipal commenting processes for applications under the Green Energy Act or any other approval process.

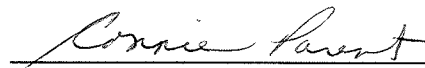
Now Therefore the Council of the Corporation of the Township of North Kawartha enacts as follows:

1. That Council adopt a Solar Projects Policy attached hereto as Schedule "A" to this by-law;
2. That the provisions of any by-laws contrary to this be hereby repealed.

Read a first, second and third time and passed in Open Council on the 20<sup>th</sup> day of October, 2015.



\_\_\_\_\_  
Doug Hutton, Deputy Mayor



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Connie Parent, Clerk

**The Corporation of The Township of North Kawartha  
Schedule 'A' to By-Law # 2015- 127  
Solar Projects Policy**

**Purpose:**

The purpose of this policy is to establish principles and priorities for the consideration of solar projects in North Kawartha and to establish a procedure for the processing of requests for Municipal Support Resolutions and/or public consultation and/or municipal commenting processes for applications under the Green Energy Act or any other approval process.

The Township will consider Applications for Solar Projects on a case by case basis.

**Scope:**

This policy applies to the whole of the geographic area of the Township of North Kawartha including public lands.

**Definitions:**

**Abutting** means a property which shares a common boundary or is separated from an adjacent property by a road allowance – open or closed.

**Applicant** means the person(s) submitting the proposal to the Township and any

**Application(s)** for permits or approvals from any government or agency.

**Environmental Protection** means lands designated and/or zoned Environmental Protection in the North Kawartha Official Plan or Zoning By-law.

**Ground Mount Solar** is defined as a solar project which is pad mount, rack mount or otherwise mounted for installation on the ground.

**Official Plan** means the North Kawartha Official Plan and any amendments thereto.

**Owner(s)** means a person(s) identified as the Owner(s) in the Township property system as may be amended from time to time upon the receipt of Land Transfer Deeds, written notification from lawyers handling estates or property sales and/or reports from the Municipal Property Assessment Corporation.

**Residential** is defined as a property which is zoned in a Residential category in the Township Zoning By-law.

**Road Authority** means the Ministry of Transportation, the County of Peterborough or the Township of North Kawartha as applicable.

**Rooftop Solar** is defined as a solar project installed on the roof of any structure.

**Settlement Area** means a **Hamlet** or **Existing Residential** area as designated in the Township of North Kawartha Official Plan.

**Large Scale Industrial Solar Project** means any Ground Mount Solar project of more than 5 acres on a property.

**Wetland** means an area identified as a Provincially Significant Wetland (PSW), locally significant wetland or unevaluated wetland in the County of Peterborough Geographical Information System (GIS) based on data received from the Ministry of Natural Resources.

**Zoning or Zoning By-law** means the North Kawartha Comprehensive Zoning By-law and any amendments thereto.

### **Principles:**

The Township of North Kawartha supports, in principle, solar projects as an alternate form of energy generation however municipal support is prioritized and limited as follows:

### **Rooftop Solar**

1. First Priority will be given to **Rooftop Solar** projects on existing structures.
2. **Applications** for **Rooftop Solar** projects will be processed on new or expanded structures only when and where the purpose or use of the structure is permitted in the **Zoning By-law** and the proposed structure is setback from property lines and/or screened in such a manner as to address any potential land use conflicts to the satisfaction of the Township.
3. **Rooftop Solar** projects being proposed on a property under Site Plan Control or any **Rooftop Solar** projects being proposed on any existing or proposed structures on a non **Residential** property or non **Agricultural lands** may be subject to Site Plan Control to address any site development or redevelopment related issues at the sole discretion of the Township, if such property is subject to Site Plan Control in the Official Plan.
4. In the event that the **Owner(s)** is not the **Applicant** for a **Rooftop Solar** project, written authorization shall be received as part of the Building Permit and/or Site Plan application process.

### **Ground Mount Solar – Micro or Small Scale**

1. Second Priority will be given to Micro **Ground Mount Solar** projects consisting of one or two pad mount or rack mount installations (i.e. MicroFIT) per property located on lands outside of a **Settlement Area** when and where the proposed project is suitably setback from property lines and/or screened in such a manner as to address any potential land use conflicts to the satisfaction of the Township.

2. Third Priority will be given to Small Scale **Ground Mount Solar** projects of 5 or less acres (i.e. FIT) will be considered subject to the following:
  - a. For the purposes of the 5 acre area calculation, the Applicant shall include the area of the proposed Ground Mount Solar project on the property, including the proposed layout and any access routes, buffer zones or setbacks that would take Agricultural land out of production and are required to facilitate the solar project.
  - b. The Applicant shall provide a written authorization from the Owner(s) of the Property.
  - c. The subject portion of the property shall be located outside of a Settlement Area.
  - d. The subject portion of the property shall not be designated Agricultural or Environmental Protection.
  - e. The subject portion of the property shall not be zoned Residential.
  - f. The subject portion of the property shall not be Abutting a Residential property without written clearance from the abutting property owner, said authorization to accompany the Application.
  - g. The subject portion of the property shall not be located within 120 metres of a Provincially Significant Wetland or located within a Locally Significant or Unevaluated Wetland unless an Environmental Impact Study has been prepared to the satisfaction of Township of North Kawartha and the recommendations contained within the EIS are addressed by the Applicant.
  - h. The subject portion of the property shall not be zoned Environmental Protection or located within 30 metres of a watercourse or located within a floodplain.
  - i. The Applicant shall submit a detailed drawing(s) drawn to scale showing the proposed Ground Mount Solar project on the subject portion of the property including:
    - i. Property dimensions and area
    - ii. Site location, dimensions and area of the proposed Solar Project
    - iii. Layout of proposed solar installation
    - iv. Location and Type of any existing structures on the property
    - v. Proposed location of entrance and access roads to solar project
    - vi. Proposed setbacks from the solar installation to the property lines, existing buildings, watercourses and wetlands
    - vii. Distance from proposed solar project to any residences on all Abutting properties
    - viii. Existing and/or proposed screening or buffering between proposed solar installation and the adjacent road and/or Abutting residences – type and location
    - ix. Aerial photography showing the existing land uses together with proposed Solar Project site.
  - j. The Applicant shall submit an Agricultural Land Evaluation to confirm that the soils classification at the proposed location for the Ground Mount Solar project is not Class 1, 2 or 3 or Organic. The Agricultural Land Evaluation shall be prepared by a qualified person and include mapping with the

same information as provided on the drawing required above for reference.

- k. The Applicant shall submit confirmation from the Road Authority that an entrance would be available to access the subject site such to any requirements of the Road Authority to obtain permits or approvals.
3. Priority will be given to Ground Mount Solar Applications which do not take any Agricultural lands out of production.
4. In the event that an Application is proposing to take any Agricultural lands out of production the Applicant shall demonstrate to the satisfaction of Council that the productivity of the lands at the site of the proposed solar project are and have historically been marginal to the overall farm operation due to a physical, topographical or similar constraints.
5. Under no circumstance shall any Class of Agricultural land be taken out of production for the sole or intended purpose of facilitating a proposed Application for a Ground Mount Solar project.
6. The combined total acreage of all Ground Mount Solar projects of 5 or less acres which may be endorsed by Council across the Township shall not exceed 100 acres which represents the equivalent of one Township lot.
7. Once Council has endorsed Applications for Ground Mount Solar projects which, if approved to proceed, would reach the maximum combined total acreage set out above, no new Applications will be processed. This combined total acreage includes prior Applications endorsed by Council which may not have received funding but which may be resubmitted to the Township.
8. In the event that any Application is formally withdrawn by an Applicant or an Owner withdraws their authorization in writing, the Township may consider an alternate Application that meets the requirements listed above provided that the total acreage proposed in the new Application would not exceed the maximum combined total acreage.

#### Large Scale Industrial Solar Projects

1. No Large Scale Industrial Solar Applications for Ground Mount Solar projects exceeding 5 acres will be considered by Council of the Township of North Kawartha for endorsement.
2. In the event that any person proposes or pursues approvals for a Large Scale Industrial Solar Application, the Township will submit a letter of opposition to the Premier, Minister of Agriculture, Minister of Energy, local MPP, Independent Electrical Operating Authority or any other approval authority.

Application Process:

## **Rooftop Solar**

All inquiries regarding the proposed development of Rooftop Solar projects shall be processed by the Chief Building Official or designate in accordance with the Ontario Building Code Act and its regulations and where applicable, the Official Plan policies and Site Plan Control By-law.

Applications for Roof Top Solar projects shall be submitted on the Township application forms for building permits and/or site plan approval, including prescribed information.

Applications shall be accompanied by the fees and deposits as may be determined by Council in the Building By-law and/or Fees By-law as may be applicable.

In the event of Site Plan Approval, the Owner shall be required to enter into a Site Plan Agreement to be registered on the property and shall pay the fees, deposits and/or securities as applicable.

## **Ground Mount Solar**

All inquiries regarding the proposed development of Ground Mount Solar projects in the Township shall be directed to the Chief Building Official or designate.

The Chief Building Official shall provide a copy of this Policy to any prospective Applicant.

Any person seeking to file an Application for a Micro Ground Mount Solar installation shall file an Application with the Chief Building Official or designate. If the Application meets all of the requirements of this Policy, the Chief Building Official shall Report to Council recommending endorsement. If the Application does not meet the requirements of this Policy, the Applicant will be notified in writing and may come as a Delegation to Council in support of their Application.

Any person seeking to file an Application for a Small Scale Ground Mount Solar installation of 5 acres or less will be advised whether or not the Township has processed the maximum number of Applications under this Policy. The person will be given the option to place their complete Application on file, in the event that other Applications are withdrawn for future consideration. In the event that a person chooses to proceed without municipal support, a letter of opposition will be issued by the CAO as per this Policy.

If the total combine acreage for Small Scale Ground Mount Solar Applications has not been reached, the Applicant shall proceed to file the required information with the Chief Building Official or designate and the Chief Building Official or designate shall review each Application in the order of receipt to determine whether the Township requirements have been met. Applications which do not meet the requirements will not proceed beyond this step and the Applicant will be notified. In the event that an Applicant does not complete the Application process outlined in this Policy and chooses to proceed without municipal support, a letter of opposition will be issued by the CAO as per this Policy.

If the Application meets the Township requirements, the Chief Building Official shall

prepare a Report to Council and arrange with the Township Clerk for the Applicant to attend as a Delegation at a Regular Council Meeting. A copy of any presentation to be made by the Applicant to Council shall be submitted not less than 10 days prior to the Council meeting in order that the Chief Building Official or designate may prepare a Report to Council to be considered at the same meeting.

Council, in its sole discretion, will decide whether or not to endorse any Solar project. If Council chooses to support an Application, they will pass the necessary Resolution for signing by the Mayor and/or Clerk.

Upon Council endorsement of an Application, the Chief Building Official or designate may sign any Forms as may be required with respect to conformity with the Official Plan and/or Zoning By-law and/or land use planning clearance.

### **Large Scale Industrial Solar**

Any person seeking to file an Application for a Large Scale Industrial Solar project of greater than 5 acres will be advised that any Application will not be processed. In the event that a person chooses to proceed without municipal support, a letter of opposition will be issued by the CAO as per this Policy.

### **Prior Applications endorsed by Council**

In the event that an Applicant has previously received Council endorsement for a Small Scale Ground Mount Solar Application prior to the approval date of this Policy and in the event that one or more of the requirements of this Policy have not been met, Council may decide whether or not, in its sole discretion, to reaffirm its Municipal Support Resolution.

Any such request for endorsement shall be filed with the CAO and placed on the next Council agenda by the Clerk. The CAO may prepare a Report to Council or recirculate the Report to Council prepared at the time of the original request if no changes have been made to the Application.

### **Fees & Charges:**

#### **Rooftop Solar**

The usual fees for building permits and/or site plan approval shall apply to Rooftop Solar.

In the event that a Township Official is required to sign a form in conjunction with any Rooftop Solar Application, this Authority is delegated to the CBO and Clerk (second signature) and no Council approval is required provided that the Applicant has met or will meet the requirements set out in this Policy prior to installation.

#### **Ground Mount Solar**

The Application Fee for Micro Ground Mount Solar Clearance is \$500 which is non-refundable.

The Application Fee for Small Scale Ground Mount Solar Clearance is \$1500.

In the event that the Applicant for a Small Scale Ground Mount Solar has preconsulted with the Chief Building Official or designate and the Application meets the Township requirements, half of the Application Fee (\$750) will be returned to the Applicant at the time of Council endorsement provided that no external costs have been incurred while processing the Application. In the event that the Applicant does not preconsult and/or the Application does not meet the requirements set out in this Policy, the entire Application Fee is non-refundable.

In the event that the Application is a resubmission for a Council resolution only and there are no changes and no Delegation or Report to Council required, no Application Fee would apply. If there are any changes to the Application at the time of resubmission which require a Report to Council, an Application Fee of \$750 is required.

### **Public Consultation:**

#### **Rooftop Solar Projects**

There is no Public Consultation process for Rooftop Solar projects provided that the Applications meet the requirements of this Policy.

#### **Ground Mount Solar Projects**

Prior to Council consideration, the CAO shall issue a Notice to the Applicant, property owner and all abutting land owners notifying them of the date, time and location of the meeting where the Application will be considered by Council as well as when, where and how to obtain a copy of the Report to Council prior to the meeting. This Notice shall be issued not less than 20 days prior to the meeting date and the Report shall be publicly posted not less than 72 hours prior to the Council meeting for viewing.

#### **Large Scale Industrial Solar Projects**

In the event that any person proposes a Large Scale Industrial Solar project in the Township notwithstanding the Township prohibition under this Policy, the Applicant shall register their intent with the CAO including the proposed location(s) or areas of the Township under consideration. Upon registration, Council shall be copied on all correspondence to the public by the Applicant including any invitations or notices to attend a public consultation session.

Council may, at its sole discretion, convene its own Public Meeting to inform the public of any Large Scale Industrial Solar projects proposed in the Township. Public Notice shall be given by the CAO to the Applicant, the Owner(s) and the Owners of all properties within 120 metres of the subject property/ies. Said notice shall be given by regular mail not less than 20 days prior to the Public Meeting. Notice shall also be posted on the Township website and in any other manner deemed appropriate by Council to make the public aware of the meeting. All Public Submissions received at any Public Meeting will be forwarded to the Premier, Minister of Agriculture, Minister of Energy and the local MPP together with Council's letter of objection.