



Planning and Development Services

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Via Email Only

May 10, 2021

File No.: D.10.12.OPA-20-0041

Brian Treble, MCIP, RPP
Director of Planning and Building
Township of West Lincoln
318 Canborough Street
Smithville, ON L0R 2A0

Dear Mr. Treble:

**Re: Regional and Provincial Comments
Township Initiated Official Plan Amendment
Township File No.: 1701-005-19
Proposed Renewable Energy Policies
Township of West Lincoln**

Regional Planning and Development Services staff has reviewed the information circulated for the above-noted application, including the Township's Recommendation Reports dated October 13, 2020 (PS-139-2020) and May 10, 2021 (PD-06-2021). The proposed Official Plan Amendment applies to all lands within the Township of West Lincoln and requires justification, and a privately-initiated Official Plan Amendment, where power is being generated to provide broader community/public benefit. Regional staff previously provided comments on this Official Plan Amendment on January 8, 2021; since that date, the Township held a Public Meeting and completed additional consultation, which resulted in an update to the proposed Amendment. The comments contained in this letter reflect the updated Official Plan Amendment, as proposed in the May 10, 2021 Recommendation Report.

Proposed Official Plan Amendment

The subject Official Plan Amendment proposes that if a renewable energy system is being installed for the benefit of one house or property and generates less than 10KW, then no amendment to the Official Plan is required and only regulations of the Zoning By-law would apply. If a renewable energy system is being installed for the benefit of more than one house or property and generates greater than 10KW, then an Official Plan Amendment would be required. The proposed Amendment notes that study requirements to support the renewable energy source will be identified through a

mandatory pre-consultation meeting; however, at a minimum an agricultural impact study is required based on predetermined Terms of Reference. Regional staff assume that the Township has created, or is in the process of creating, a Terms of Reference for agricultural impact studies. According to the Notice of Public Meeting (dated December 10, 2020), the current Township Zoning provisions will need to be updated to implement the proposed policy change.

Provincial Policies

The Provincial *Green Energy Repeal Act, 2018* (Bill 34) has repealed the *Green Energy Act, 2009* in its entirety, and certain renewable energy provisions have been re-enacted under the *Electricity Act, 1998*. The *Planning Act, 1990* and *Environmental Protection Act, 1990* (EPA) have been amended to increase the power of municipalities to reject renewable energy projects, and provide authority to the Lieutenant Governor in Council to make regulations prohibiting issuance or renewal of renewable energy approvals, respectively.

Ontario Regulation 122/19 (Renewable Energy Approvals Under Part V.0.1 of the EPA) established new requirements for approvals of new energy generation facilities, or changes to existing facilities. Any renewable energy approval (REA) for a new renewable energy generation facility must include written confirmation that the proposed facility will not violate any zoning by-laws from any local municipality in which the project is situated. O. Reg. 122/19 also prohibits the issuance of new REAs unless the project proponent submits documentation demonstrating that there is demand for the electricity that is proposed to be generated at the renewable energy generation facility. It is noted that the Province has established a transitional policy set (O. Reg. 121/19: Transitional Matter – Renewable Energy Generation Facilities) that exempts certain facilities from municipal siting approval provided the facility aligns with the requirements in O. Reg. 121/19, including receiving approval prior to June 1, 2019.

REAs are issued by the Ministry of the Environment, Conservation and Parks (MECP), and municipalities are considered commenting agencies to confirm alignment or conformity with applicable policies.

Planning Act, 1990

The *Planning Act* provides that the supply, efficient use and conservation of energy is a matter of provincial interest.

Provincial Policy Statement

The Provincial Policy Statement (PPS) generally supports the development of energy supply, including electricity generation facilities and transmission and distribution systems, district energy, and renewable energy systems and alternative energy systems, to accommodate current and projected needs. Renewable energy systems are defined as those which generate electricity, heat and/or cooling from a renewable

energy source (a source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy and tidal forces).

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan)

The Growth Plan encourages municipalities to develop and implement official plans and other strategies in support of energy conservation for existing buildings and planned developments, including municipally owned facilities. This is to be addressed through the identification of opportunities for conservation, energy efficiency and demand management, land use patterns and design standards that support energy efficiency and demand reductions, and other conservation, energy efficiency and demand management techniques to use energy wisely as well as reduce consumption.

Regional Policies

Regional Official Plan

The Regional Official Plan (ROP) encourages local municipalities to establish official plan policies and other measures supporting development that addresses the principles of environmental sustainability, including reducing energy demands, designing development to optimize passive solar energy gain, and providing for on-site renewable energy generation. The current ROP policies regarding energy (Section 8.E) reference the provisions of the *Green Energy Act, 2009* for implementation; given that this Act is no longer in force and effect, applicable energy policies will be reviewed and revised for implementation through the new Niagara Official Plan.

Draft Amendment Policy Review

Based on a review of the draft Official Plan provisions and the above information, Regional staff is supportive of the Township creating policies for renewable energy. The formation of these policies aligns with Provincial and Regional planning policies as well as provisions included in the *Electricity Act, 1998*.

The following comments are offered for consideration by Township staff:

1. The Township may wish to provide justification regarding the use of 10 KW as a trigger for a Local Official Plan Amendment.
2. The Township may wish to create monitoring policies, or a separate procedure, regarding energy generation from renewable energy sources to maintain the thresholds advised in the proposed policy set.
3. Applicable policies should be added to the Township's Zoning By-law to ensure consistency with the *Electricity Act, 1998* and Provincial and Regional policies.
 - It is strongly recommended that the Township provide a draft of the Zoning By-law Amendment provisions associated with this Official Plan Amendment, in accordance with O. Reg. 122/19. This approach can assist

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in understanding how the OPA will be triggered through the Zoning provisions, and will align with the requirements of O. Reg. 122/19.

4. The Township may wish to include broader language in Policy (b), to note that studies outside of an agricultural impact assessment could be required.

Conclusion

Regional Planning and Development Services staff is supportive of the Township establishing provision in their Official Plan to address renewable energy facilities. The Region appreciates the opportunity to review the draft amendment and recommends that Township staff consider the above comments to inform any anticipated revisions to the draft Official Plan Amendment prior to adoption, and influence the future Zoning provisions as applicable. Regional staff also welcome opportunities to discuss the amendment further, as necessary.

Regional staff are satisfied that the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the Regional Official Plan.

Given that renewable energy approvals lie with the Ministry of Environment, Conservation and Parks, the currently proposed Official Plan Amendment is exempt from Regional Council approval, in accordance with policies 14.E.6 and 14.E.7 of the ROP and the Memorandum of Understanding.

Should you have any questions or wish to discuss these comments, please contact the undersigned at aimee.alderman@niagararegion.ca, or Lola Emberson, MCIP, RPP, Senior Development Planner, at lola.emberson@niagararegion.ca.

Please send a copy of the staff report and notice of the Township's decision on this application.

Best regards,



Aimee Alderman, MCIP, RPP
Development Planner

cc: Mr. E. Acs, MCIP, RPP, Manager, Community Planning, Niagara Region
Mr. R. Alguire, C.Tech., Development Approvals Technician, Niagara Region