



**City of Kingston  
Report to Rural Advisory Committee  
Report Number RAC-15-009**

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**To:** Chair and Members of Rural Advisory Committee  
**From:** Lanie Hurdle, Commissioner, Community Services  
**Resource Staff:** Paige Agnew, Director, Planning, Building & Licensing Services  
**Date of Meeting:** June 22, 2015  
**Subject:** Municipal Process for Large Renewable Procurement (LRP)  
File Number D05-001-2015

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**Executive Summary:**

The Large Renewable Procurement (LRP) program was created to give municipalities a stronger voice and additional opportunities to participate in the development of large scale renewable energy projects. The LRP program is currently administered by the Independent Electricity Systems Operator and only applies to large renewable energy projects that produce over 500 kW (0.5 MW) of power. When the LRP program was introduced it included an initial Request for Qualifications (RFQ). The qualification process is now complete and is being followed by a Request for Proposals (RFP).

The RFP requires the proponent to complete mandatory community engagement plans, provide site consideration information and undertake meaningful consultation with the municipality for their project. The deadline for the submission of proposals is September 1, 2015.

The LRP program offers a point system based on rated criteria, which can take the form of a municipal council resolution and/or a municipal agreement. The point based system is intended to increase greater communication between the developer and the municipality and provide opportunities for communities to raise local needs and considerations.

The purpose of this report is to provide information on the Large Renewable Procurement program and to recommend an updated process for requests for municipal council resolutions and municipal agreements for large ground mounted solar energy facilities.

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**Recommendation:**

**That** Council approve and that staff be directed to implement the process for municipal council support resolutions and municipal agreements, for large ground mounted solar energy projects as set out in Report Number RAC-15-009.

**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

**Lanie Hurdle, Commissioner, Community Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Gerard Hunt, Chief Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Cynthia Beach, Corporate & Strategic Initiatives	Not required
Denis Leger, Transportation, Facilities & Emergency Services	Not required
Jim Keech, President and CEO, Utilities Kingston	Not required
Desiree Kennedy, Chief Financial Officer & City Treasurer	Not required

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**Options/Discussion:****Purpose of Report**

The purpose of this report is to provide information on the Large Renewable Procurement Request for Proposals (RFP) program and to recommend an updated process for proponent requests for municipal council resolutions and municipal agreements for large ground mounted solar energy facilities.

**Background**

Since the passage of the *Green Energy Act*, renewable energy projects are subject to a provincial-led approval process and are exempt from the *Planning Act*. The municipality is now a stakeholder in this process and provides comments to the developer and the Province.

The exemption from the *Planning Act* means that the following local planning instruments do not apply to or affect renewable energy projects:

- Official Plans;
- Demolition Control By-Laws;
- By-Laws or Orders passed under Part V of the *Planning Act*, including zoning, site plan, holding and interim control by-laws; and
- Development Permit System By-Laws.

As a result of the new approvals framework, most renewable energy projects are subject to the Renewable Energy Approval (REA) process created through Ontario Regulation 359/09 of the *Environmental Protection Act*. The purpose of the REA is to establish clear, consistent rules and standardized technical requirements across the province. Part of the Renewable Energy Approval (REA) process set up by the Province of Ontario includes consultation with affected municipalities. A municipal review framework is currently in place for the review of large solar energy projects. Further details with respect to this review process are outlined in Council Report Number 12-078.

The City of Kingston currently has Council approved landscaping and site design guidelines for large ground mounted solar energy facilities (Exhibit A). These guidelines outline the minimum standards that the City asks for with regards to landscaping and site design for large solar projects. The intent of these guidelines is to assist in mitigating the visual impact of large solar facilities on the residences and the landscape of the rural area. These guidelines must be addressed by the proponent through an agreement which forms part of the City's comments to the Province as part of the Renewable Energy Approval (REA) process.

The City of Kingston has developed a municipal consultation process in which the proponent is required to submit preliminary information (e.g. geo-technical studies, environmental impact assessment) and a completed pre-application form at the initial stage of the review process. This will enable staff to review the proposal to identify any potential concerns from a City perspective. As well, the proponent is advised of the City's Landscaping and Site Design Guidelines for Large-Scale Ground Oriented Solar Energy Facilities. The Council approved pre-application form and process are outlined in Rural Advisory Committee Report Number RAC-14-001.

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**Large Renewable Procurement (LRP)**

On June 12, 2013, the Minister of Energy directed the Ontario Power Authority to remove 'large' projects (projects that produce over 500 kW or 0.5 MW of power) from the Feed-in Tariff (FIT) program and to begin developing a new competitive process for the procurement of large renewable energy capacity. On January 1, 2015, the Ontario Power Authority (OPA) merged with the Independent Electricity System Operator (IESO) to create a new organization that will combine the OPA and IESO mandates. The new organization, now known as the IESO, currently administers the new Large Renewable Procurement (LRP) program.

The Province has set the following procurement targets for the LRP:

- Solar - 140 MW
- Wind – 300 MW
- Water - 75 MW
- Bio Energy – 50 MW

As part of the development of the LRP program, the IESO consulted extensively with municipalities, Aboriginal communities, industry associations, the general public and other stakeholders with respect to the design and implementation of this program. As a result of the stakeholder consultation, the LRP program was created to give municipalities a stronger voice and additional opportunities to participate in the development of renewable energy projects.

When the LRP program was introduced, it included an initial Request for Qualifications (RFQ). The Qualification is now complete and forty-two (42) applicants were qualified based on their ability to meet a set of mandatory requirements which focused on past development experience and financial capability. The next step is the RFP that recently came into effect and sets out how the projects will be evaluated and awarded.

**Timelines for the LRP Process**

The IESO has established deadlines with respect to the LRP process. The RFP is open only to the forty-two qualified applicants. The proposal submission period began on March 10, 2015 and will close on September 1, 2015.

**Community Engagement**

As part of the mandatory requirements for the RFP, proponents must have a community engagement plan, which should be completed prior to the submission deadline. A copy of the plan should be posted on the proponent's website and provided to the community. At least one meeting should be held with municipal staff to gather feedback on local considerations and requirements. Consultation also needs to occur with the community with a requirement that notice of the meeting is to be published fifteen (15) days in advance of the meeting. Further, property owners within a 120 metre radius of the host property and the proposed connection line must be circulated with a notice.

**Project Site Information**

Information regarding the site under consideration for the project must be provided by the proponent to local communities and at public meetings. Preliminary studies on features of the site should be undertaken and maps should be prepared to indicate site location; endangered or

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threatened species; provincially significant areas of natural and scientific interest, provincially significant wetlands; cultural heritage resources; and transportation features such as highways, railways and airports. Developers are also responsible for contacting the Ministry of Tourism, Culture and Sport to confirm the presence of known archaeological resources in the project area.

The LRP also has agricultural land use restrictions for ground mounted solar projects. Ground mounted solar projects are not permitted in Prime Agricultural Areas that are designated in a municipality's current Official Plan. The City's Official Plan has a Prime Agricultural Area designation which is indicated on the Plan's land use schedules.

### **Rated Criteria for Points**

As part of the LRP process, points will be awarded to proposals that demonstrate community engagement that exceed the mandatory requirements. These rated criteria are optional measures focused on engagement and participation. The point based system is intended to create greater communication between the developer and the municipality and provide opportunities for communities to raise local issues and considerations.

Projects that receive rated criteria points may increase their likelihood of success in the RFP process, but a lack of points does not guarantee that a project will not move forward. Rated criteria points can be received by a municipal council resolution or a municipal agreement.

### **Municipal Council Support Resolution and Municipal Agreements**

A municipal Council support resolution indicates that council supports the construction and operation of the Large Renewable Project on the proposed lands. In Council Report Number 13-093 (Update on FIT 2.1 Requirements) a process was set out for the review of municipal council support resolutions for large ground mounted solar facilities. This report will update the process and retain elements of the process outlined in Council Report Number 13-093. It should be noted that Council still has the opportunity to review further details about the project through the REA process.

As part of the LRP process, the applicant will enter into a landscaping and site design agreement with the City. This agreement states that if the proponent receives approval from the province to construct a ground-mounted solar energy facility, then the facility will be built in accordance with the City's Landscaping and Site Design Guidelines for Large-Scale, Ground-Oriented Solar Energy Facilities. After applicants have entered into this agreement with the City, Council may adopt a municipal council support resolution for the project.

Under the LRP process, municipalities have the opportunity to enter into other agreements with qualified applicants. Evidence of a municipal agreement with qualified applicants must be provided on a prescribed form. The prescribed form is to confirm that a binding agreement was reached between the municipality and the proponent pertaining to the Large Renewable Project and is intended to provide flexibility so that municipalities can have input regarding the agreement that would best suit their needs.

Therefore, municipal agreements can be project specific. Unlike the City's existing landscaping and site design agreement, a municipal agreement could address terms such as road use and

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infrastructure costs and impacts, community vibrancy/benefit or other information that Council would consider appropriate for the project.

The updated City of Kingston Landscaping and Site Design Guideline agreement template for the LRP program is attached as Exhibit B. The IESO prescribed forms for a municipal council support resolution and municipal agreement are found in Exhibits C and D. It should be noted that the language contained in the forms shall not be altered.

It is recommended that the proposed process be as follows:

1. The proponent contacts the Planning Division to initiate the pre-application process including completing the pre-application form.
2. The proponent submits to the Planning Division a brief project overview, including such information as location, size and scale of the project and site plan. This information, as well other preliminary studies, would have been received through the pre-application process. A signed copy by the applicant of the proposed landscaping and site design agreement is also required.
3. Planning staff will present a report to Council (with the proposed landscaping and site design agreement signed and attached) describing the proposed project with two recommendations to Council: 1) to enter into a landscaping and site design agreement between the applicant and the City and 2) to adopt a Municipal Council Support Resolution for the project.
4. Should the proponent wish to enter into a further municipal agreement with the City, a signed copy by the applicant of the proposed agreement is required. Planning staff will include the signed agreement in the above noted Council report. The report will further recommend that the City enter into the municipal agreement with the proponent. The information for the municipal agreement will be presented to Council along with the request for a municipal council support resolution.

### **Conclusion and Recommendation**

The LRP process was designed to provide municipalities with greater opportunities to participate in the development of large scale renewable energy projects at its early stages. At the RFP stage, proponents are required to complete mandatory community engagement plans and conduct meaningful consultation with the municipality.

Staff have recommended an updated process for reviewing requests for municipal council resolutions and municipal agreements. The timing window for the submission of proposals under the RFP is fairly short with a deadline for submissions of September 1, 2015. Therefore, it is intended that the updated process will provide a streamlined approach which will allow staff to conduct a comprehensive initial review of proposals for large ground mounted facilities so that potential impacts as well as local considerations and requirements can be identified. Council still retains the ability to review and make comments on project details when they become available through the later REA process.

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**Existing Policy/By-Law:**

City of Kingston Landscaping and Site Design Guidelines for Large Ground Mounted Solar Facilities

**Notice Provisions:**

Not applicable

**Accessibility Considerations:**

Not applicable

**Financial Considerations:**

Not applicable

**Contacts:**

Paige Agnew, Director, Planning, Building & Licensing Services 613-546-4291 extension 3252

Cherie Mills, Manager, Policy Planning 613-546-4291 extension 3289

Annemarie Eusebio, Intermediate Planner 613-546-4291 extension 3183

**Other City of Kingston Staff Consulted:**

Not applicable

**Exhibits Attached:**

Exhibit A City of Kingston Landscaping and Site Design Guidelines for Large-Scale Ground-Oriented Solar Energy Facilities

Exhibit B City of Kingston Landscape and Site Design Guideline Agreement Template for Large Ground-Oriented Solar Facilities

Exhibit C IESO Prescribed Form – Municipal Council Support Resolution

Exhibit D IESO Prescribed Form – Municipal Agreement



# Landscaping and Site Design Guidelines for Large-Scale, Ground-Oriented Solar Energy Facilities

Since the *Green Energy Act* was passed in 2009, most renewable energy projects are exempt from most *Planning Act* approvals, and have instead been subject to a provincial-led approval process. Part of the Renewable Energy Approval (REA) process set up by the Province of Ontario includes consultation with affected municipalities. Developers of renewable energy projects must submit specific materials to the municipality within a certain timeframe, and consult with the municipality. This includes having the municipality complete the Municipal Consultation Form provided by the Province, which the developer must then submit with their REA application.

The purpose of these guidelines is to outline the minimum standards that the municipality would ask for with respect to the landscaping and site design for solar energy facilities in their comments to the Province as part of the REA process.

The guidelines apply to large-scale, ground-oriented solar energy facilities, where the generation of electricity is the primary use of the property, excluding MicroFIT projects. These types of facilities cover large amounts of land, and can have significant impacts on the surrounding environment, particularly in rural areas that do not generally contain such large-scale facilities. The guidelines are intended as a starting point in helping to mitigate the visual impact that these solar energy facilities have on the landscape.

## 1. Access

- a) All solar energy project sites will be required to have a civic address. If a civic address does not exist for the property, one will be created by the municipality.
- b) The creation of access points (driveways) to any property, or the alteration of an existing access point, will require an Access Permit from the appropriate approval authority.
- c) The access road bed will be constructed to the appropriate standard to accommodate the weight of a standard-size fire (pumper) truck.

## 2. Setbacks

- a) Structures, panels and fencing associated with a solar energy facility will be set back from all property lines and public road rights-of-way a minimum of 20 metres (66 feet).
- b) A 100 metre (328 ft.) setback for fencing and solar arrays will be required from any residence, unless otherwise negotiated by the property owner.

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**Landscaping and Site Design Guidelines for Large-Scale, Ground-Oriented Solar Energy Facilities**

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- c) Additional setbacks may be required, if identified through the review process, to address certain issues, including, but not limited to, mitigating noise or glare impacts, providing for road or utility corridors, or protecting significant natural or cultural heritage features.

### **3. Visual Appearance and Impact**

- a) No solar energy facility will produce glare that would constitute a nuisance to occupants of neighbouring properties, to persons traveling on public roads, or within known local flight routes to the Kingston Municipal Airport. Glare resistant solar panels should be used wherever possible.
- b) The visual impact of electrical lines and all other utility connections will be minimized wherever possible (refer to Section 5. Utility Connections).
- c) Appropriate landscaping, screening materials, and architectural treatments will be required to help screen or buffer the impact of the solar energy facility and accessory structures from public roads and adjacent properties (refer to Section 4. Accessory Structures, Section 7. Landscaping, Section 8. Berms, and Section 9. Fencing).

### **4. Accessory Structures**

- a) All solar energy facility buildings and accessory structures, including, but not limited to, equipment shelters, storage facilities, transformers and substations, will be screened from view, particularly when adjacent to a public road or residential property, using a combination of landscaping elements (refer to Section 7. Landscaping, Section 8. Berms, and Section 9. Fencing).
- b) Where buildings or accessory structures are visible from a public road or adjacent property, and cannot be appropriately screened, additional architectural treatments will be required to help the structure blend into the surrounding landscape.

### **5. Utility Connections**

- a) In designing the plans for the connection of the solar energy facility to the electricity grid, the proponent will consider all options, including placing all utility connections (e.g. electrical lines and wires) from the solar energy facility underground, as well as the feasibility of running the lines overhead in the rear of properties, away from public roads.
- b) The placement of utility connections underground will have to take into consideration soil conditions, shape and topography of the site, and any adjacent natural or cultural heritage features.
- c) The proponent will consult with the City regarding its plans for utility connections. The City will confirm whether the utility connections should be underground or overhead, as there may be the possibility of using existing pole systems, and it may not always be suitable to have private infrastructure buried within the municipal right-of-way.

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**Landscaping and Site Design Guidelines for Large-Scale, Ground-Oriented Solar Energy Facilities**

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- d) Electrical transformers or substations for utility interconnections may be above ground, if required, but any of these facilities that are visible from a public road or an adjacent property will be appropriately screened or architecturally treated (refer to Section 3. Visual Appearance and Impact and Section 4. Accessory Structures).

## **6. Site Alteration and Stormwater Management**

- a) Any removal of topsoil, placement of fill, or alteration of the grade of the land required for the construction or operation of a solar energy facility will require a Site Alteration Permit, in accordance with the City's Site Alteration By-Law.
- b) There will be no negative impact on public rights-of-way or adjacent properties with respect to stormwater runoff from solar energy facilities.
- c) Fixed panel solar arrays will be considered pervious surfaces for the purposes of calculating stormwater runoff and detention. The impervious surfaces will include the support posts and bases of the panels, any roads or impervious driveway surfaces, parking areas, and buildings on the site.

## **7. Landscaping**

- a) A full landscape plan, prepared by a Landscape Architect, will be submitted to the municipality for review and comment.
- b) Where solar energy facilities are visible from a public road or adjacent property, appropriate screening and buffering will be employed to mitigate the presence of the facility through a combination of landforming, vegetation and fencing. This may include wrapping the landscaping treatments from the road frontage around to a portion of the side yards of the property.
- c) Wherever possible, mature trees and vegetation will be preserved, particularly where it can be used to screen and buffer adjacent properties and public roads from the solar energy facility.
- d) The structures comprising the solar energy facility will be constructed and located in a manner so as to minimize the necessity to remove existing trees upon the lot.
- e) Any tree removal on the property will require a Tree Permit, in accordance with the City's Tree By-Law.
- f) Any trees to be retained on-site will be protected from development activity in accordance with the *City's Guidelines for Tree Preservation and Protection*.
- g) Accessory structures on the property that will be visible from a public road or adjacent property will be screened or architecturally treated so that they blend in with the surrounding landscape (refer to Section 4. Accessory Structures).

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**Landscaping and Site Design Guidelines for Large-Scale, Ground-Oriented Solar Energy Facilities**

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- h) The chain link fence surrounding the solar energy facility will be screened from view using a variety of landscaping options, such as berms, vegetation, wood fencing, or living fences/walls (refer also to Section 8. Berms and Section 9. Fencing).
- i) Within the fenced enclosure, and on the grounds of the facility around the solar panel arrays, there should be vegetated groundcover, preferably drought-tolerant species. Interior to the site, the vegetated groundcover, as well as any granular or hard surfaces, should not require any herbicide treatment for maintenance or growth control. A management plan for sustainable maintenance of the site should be produced.
- j) Plantings on the property used to screen and buffer public roads and adjacent properties should include a mix of native coniferous and deciduous trees and shrubs, and allow for the landscaping material to be visually effective in a short period of time.
- k) The planted size of trees and shrubs may vary from site to site, based on proximity, land elevations, and soil types in order to have a greater mitigating effect for the solar energy facility.
- l) Emphasis on year-round screening should be prioritized in plant material selection.
- m) Multi-storey plant material for screening and habitat should be integrated into the design.
- n) There is a preference for native vegetation and heritage species to be planted. Non-native species may be considered for more landscaped areas. However, whatever species are chosen, they should not be invasive, and they should be appropriate to the existing landscape and natural environment. The Cataraqui Region Conservation Authority (CRCA) and City of Kingston Forestry Division and Parks Development staff should be consulted when determining appropriate plant species.
- o) Wherever possible, landscaping elements used to screen and buffer public roads and adjacent properties should be installed prior to construction.

## **8. Berms**

- a) Berms should be used in appropriate situations, where they will not impact drainage on the site and adjacent sites.
- b) Berms that are constructed should not be so large as to look out of place. Instead, they should be appropriate to the location and surrounding environment.
- c) Contoured landforms with a naturally undulating design, ranging in height from 0.5 metres to 2.4 metres, with cross-sectional slopes not exceeding 1:5, are encouraged to blend (feather out) into the landscape and not present an obvious and jarring intrusion into the landscape.

**Landscaping and Site Design Guidelines for Large-Scale, Ground-Oriented Solar Energy Facilities**

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- d) Any berms that are installed will be fully landscaped with appropriate vegetation (refer to Section 7. Landscaping).
- e) All berms will be constructed on private property and will not be permitted in the municipal right-of-way.

**9. Fencing**

- a) While chain link fencing is required by the proponent around the perimeter of all solar energy facilities, it should be screened from view from public roads and adjacent properties.
- b) Additional types of fencing may be used to act as a buffer and screen the chain link fencing. Examples include wood fencing or a living fence/wall.
- c) Any solid fencing used should be installed with other landscaping elements, including vegetation, to soften the appearance of the fence.
- d) All fencing is to be properly installed and maintained in good repair.

**10. Lighting**

- a) Lighting of a solar energy facility, including entrances and accessory structures, will be limited to that required for safety and operational purposes, and will be reasonably shielded from abutting properties.
- b) Where feasible, lighting of the solar energy facility will be directed downward and will incorporate full cut-off fixtures to reduce light pollution.
- c) Lighting of large-scale, ground-oriented solar energy facilities will be consistent with applicable local, provincial and federal law.

**11. Signage**

- a) Signage posted on the property will comply with the City's Sign By-Law and may require a permit.
- b) Signage will be posted at the entrance to the site, so that it is clearly visible from a public road or right-of-way.
- c) Signs will only identify the manufacturer, installer, owner and/or operator of the system, and any operational or public health and safety information applicable to the facility.

## 12. Site Plan Drawings

Site plan drawings will be submitted to the municipality for review and comment, and should contain the following information:

- An aerial plan of the solar energy facility location, including all properties within 120 metres of the site;
- Property lines, public roads and other physical features of the site;
- Location of access roads;
- Location and spacing of solar panels;
- Location of all accessory structures, including inverters, transformers and substations;
- Location of underground or overhead electrical lines connecting the solar energy facility to any buildings, substations, or other electric load;
- Proposed changes to the landscape of the site, such as grade changes and the removal of vegetation, including the grade six metres onto any adjacent properties;
- Drawing of the solar energy installation showing the proposed layout of the system and the proximity to adjacent properties, and potential shading from nearby structures or trees; and,
- A landscape plan, prepared by a Landscape Architect, showing all landscape elements that will be installed on the site, including, but not limited to, trees and other plantings, fences, berms, exterior lighting, and signage.

Approved by Council: May 1, 2012

Prepared by: City of Kingston  
Planning and Development Department  
613-546-4291, ext. 3180

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## Landscape and Site Design Guideline Agreement

This Agreement made this X day of X, 2015

Between:

**The City of Kingston**  
(the "City")

-and-

**Company Name**  
(“Shortened Company Name”)

Whereas:

- A. **Company Name** has made applications to permit the development of renewable energy projects comprised of ground-oriented solar energy facilities (the “**Facilities**”) on lands located in the City, attached as Schedule “A”;
- B. It is an objective of the City to ensure that the visual impacts of such Facilities are appropriately mitigated; and
- C. The City has adopted Landscaping and Site Design Guidelines for Large-Scale, Ground-Oriented Solar Energy Facilities (the “**Guidelines**”), and a copy of the Guidelines is attached as Schedule “B” to this Agreement;

**Now Therefore this Agreement Witnesses** that in consideration of the sum of Two Dollars (\$2.00), the receipt and adequacy of which is hereby acknowledged by the parties, and in consideration of the mutual covenants set out herein, the parties agree as follows:

1. **Shortened Company Name** agrees that, in the event development of the Facilities proceeds, **Shortened Company Name** will adhere to the Guidelines and the Facilities will be constructed in accordance with the Guidelines.
2. The City agrees to provide a municipal support resolution in accordance with the Large Renewable Procurement (LRP) program, which **Shortened Company Name** may provide to the Independent Electricity Systems Operator to demonstrate municipal support in principle for application to permit the facilities.
3. Nothing in this Agreement is intended to waive **Shortened Company Name's** obligations to obtain such permits, approvals, or authorizations as may be required by law in order to develop and operate the Facilities.
4. It is acknowledged that Schedule "B" attached forms part of this Agreement.
5. If any notice is required to be given with respect to this Agreement, such notice shall be in writing and shall be deemed to be sufficiently given if delivered or sent by facsimile transmission or email transmission to the addresses below, which may be subject to change from time to time:

City of Kingston:  
216 Ontario Street  
Kingston, ON K7L 2Z3  
Located at: 1211 John Counter Boulevard

Attn: Paige Agnew  
cc: Gerard Hunt  
Phone: (613) 546-4291, Extension 3252  
Facsimile: (613) 542-9965

**Company Name**

Attention:

6. Any such notice given as aforesaid shall be conclusively deemed to have been given and received, if delivered, on the date of delivery or if sent by facsimile or email transmission, on the date of transmission.
7. This Agreement shall be binding upon **Shortened Company Name** and the City and upon their successors and assigns. This agreement can be assigned by **Shortened Company Name** without the consent of the City provided that **Shortened Company Name** delivers to the City an assignment and assumption agreement executed by the assignee.
8. The parties hereto acknowledge that each is satisfied as to the jurisdiction of the other to enter into this Agreement. Therefore, **Shortened Company Name** agrees that it shall not question the jurisdiction of the City to enter into this Agreement, nor question the legality of any portion hereof and likewise the City

agrees it shall not question the jurisdiction of the **Shortened Company Name** to enter into this Agreement, nor question the legality of any portion hereof.

9. This Agreement may be executed and delivered in counterparts and any such counterpart may be delivered in its original form or by facsimile transmission and each of which when so executed and delivered shall be deemed to be an original and such counterparts together shall constitute one and the same Agreement.
10. Nothing in the this agreement fetters the City's ability to make comments in the municipal consultation form as it sees fit in accordance with the Renewable Energy Approval process, or to require **Shortened Company Name** to enter into other agreements of any sort at a future date relating to any municipal authority.

**In Witness Whereof** the parties hereto have signed this Agreement as of the date noted below opposite their respective name.

Date:

**The City of Kingston**

Per: \_\_\_\_\_  
Name: Bryan Paterson  
Title: Mayor, City of Kingston

Per: \_\_\_\_\_  
Name: John Bolognone  
Title: City Clerk, City of Kingston

(We have the authority to bind the corporation)

Date:

**Company Name**

Per: \_\_\_\_\_  
Name:  
Title

Per: \_\_\_\_\_  
Name:  
Title

Per: \_\_\_\_\_  
Title

(We have the authority to bind the corporation)

**Schedule "A"**

**Proposed Location(s) of Ground-Oriented Renewable Energy Facilities**

Municipal Address Or Legal Description Of Proposed Facility Location(s)

**Schedule “B”**

**Landscaping And Site Design Guidelines For Large-Scale, Ground- Oriented  
Solar Energy Facilities**

## Instructions for the Prescribed Template – Municipal Council Support Resolution

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IESORP/f-LRPIRFP-013r2

This page sets out the instructions for completing the Prescribed Template – Municipal Council Support Resolution.

All capitalized terms used in these instructions and the Prescribed Template – Municipal Council Support Resolution, unless otherwise stated, have the meanings ascribed to them in the LRP I RFP.

### INFORMATION FOR THE SIGNING PARTIES:

- a. The purpose of this Prescribed Template is to provide a template for a Local Municipality to provide support for a Large Renewable Project and/or proposed Connection Line which is proposed to be located in the Local Municipality. The support will be shown in the form of a resolution and which may be used for the purposes of awarding Rated Criteria points under the LRP I RFP.

### INSTRUCTIONS APPLICABLE TO THE PRESCRIBED TEMPLATE – MUNICIPAL COUNCIL SUPPORT RESOLUTION:

- b. This instruction page is not required to be submitted with the Proposal.
- c. Information provided in each Prescribed Template must be consistent with the information provided in the Proposal.
- d. Where the Municipal Council Support Resolution has multiple pages, the pages of the Municipal Council Support Resolution should be kept together in the Proposal in sequential order.
- e. Words in between square brackets (i.e. “[” and “]”) are immaterial to the intent of the Prescribed Template and may be modified to follow standard procedure of the issuing body. Wording not contained within square brackets must not be changed for the Proposal to be awarded Rated Criteria points.
- f. The entirety of the Prescribed Template (all blanks) must be completed in order for the Proposal to be awarded Rated Criteria points, and the Prescribed Templates must be signed to be considered complete.
- g. With the exception of this instruction page, instructions within a Prescribed Template will be enclosed in brackets.
- h. An original ink signature must be provided on the Prescribed Template – Municipal Council Support Resolution included with the hard copy Proposal marked "Original Copy". For clarity, other than the Original Copy, any additional hard copies of this Prescribed Template must be signed but need not be originals (photocopies may be provided as well).
- i. The Local Municipality has the option of drafting the Prescribed Template – Municipal Council Support Resolution on the council letterhead. The language of the Municipal Council Support Resolution must be the same as shown in the Prescribed Template – Municipal Council Support Resolution in order for the Proposal to obtain Rated Criteria points. The IESO will not award Rated Criteria points if the resolution includes additional conditions or delegation of authority to staff for additional approvals.

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**Prescribed Template – Municipal Council Support Resolution**

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IESORP/f-LRPIRFP-013r2

Capitalized terms not defined herein have the meaning ascribed to them in the LRP I RFP.

Resolution NO: \_\_\_\_\_ Date: \_\_\_\_\_

**[WHEREAS]:**

1. The Registered Proponent is proposing to develop, construct and operate a Large Renewable Project, with the characteristics outlined in the table below, under the LRP I RFP.

Name of the Large Renewable Project:	<u>&lt;insert name of Large Renewable Project&gt;</u>
Registered Proponent:	<u>&lt;insert legal name of the Registered Proponent&gt;</u>
Renewable Fuel of the Large Renewable Project:	<u>&lt;select one&gt;</u>
Contract Capacity of the Large Renewable Project <MW>:	<u>&lt;insert the Contract Capacity of the Large Renewable Project in MW&gt;</u>
Description of the Properties within the geographic bounds of the Local Municipality on which the Site and/or Connection Line is located <PIN(s) (if a PIN is not available, use legal description), Grid Cell(s) and/or Waterpower Site Number>:	<u>&lt;insert the applicable description of the Site of the Large Renewable Project&gt; (the “Lands”)</u>

2. The Registered Proponent acknowledges that the Large Renewable Project and/or proposed Connection Line, either in whole or in part is to be located on lands under the jurisdiction of <insert name of Local Municipality>;
3. The Registered Proponent has requested that the council of <insert name of Local Municipality> indicate by resolution their support for the Large Renewable Project and/or proposed Connection Line on the Lands;
4. Pursuant to the LRP I RFP, Proposals that receive the formal support of the local jurisdictional authorities of all the Project Communities in which the Large Renewable Project and proposed Connection Line are being located in the form of a support resolution will be awarded Rated Criteria points for the purpose of ranking the Proposal in relation to other Proposals for a contract under the LRP I RFP; and

**[NOW THEREFORE BE IT RESOLVED THAT]:**

5. The council of <insert name of Local Municipality> supports the development, construction and operation of the Large Renewable Project and/or proposed Connection Line on the Lands.
6. This resolution's sole purpose is to enable the Registered Proponent to receive Rated Criteria points under LRP I RFP and may not be used for the purpose of any other form of approval in relation to the Proposal or Large Renewable Project and/or proposed Connection Line or for any other purpose. Rated Criteria points will be used to rank the Registered Proponent’s Proposal in relation to other Proposals received by the IESO under the LRP I RFP.

**Prescribed Template – Municipal Council Support Resolution**

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7. Though this resolution may impact the rank of the Registered Proponent’s Proposal in relation to other Proposals received by the IESO, it does not guarantee a contract will be offered to the Registered Proponent under the LRP I RFP.

**[DULY RESOLVED BY THE LOCAL MUNICIPALITY]**

on the \_\_ day of \_\_\_\_\_, 20\_\_

1.	Name:	Title:
	Signature:	
2.	Name:	Title:
	Signature:	
3.	Name:	Title:
	Signature:	
4.	Name:	Title:
	Signature:	
5.	Name:	Title:
	Signature:	

<Signature lines for elected representatives. At least one signature is required.>

## Instructions for the Prescribed Form – Municipal Agreement

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This page sets out the instructions for completing the Prescribed Form – Municipal Agreement.

All capitalized terms used in these instructions and the Prescribed Form – Municipal Agreement, unless otherwise stated, have the meanings ascribed to them in the LRP I RFP.

### INFORMATION FOR THE SIGNING PARTIES:

- a. The purpose of this Prescribed Form is to confirm that a binding agreement was reached between the Local Municipality and the Registered Proponent pertaining to the Large Renewable Project. The terms of the agreement are not required to be disclosed in this document. The agreement may be used for the purposes of awarding Rated Criteria points under the LRP I RFP.

### INSTRUCTIONS APPLICABLE TO ALL PRESCRIBED FORMS:

- b. The first page of a Prescribed Form must be marked with the name of the Large Renewable Project that is the subject of the Proposal. The Registered Proponent should use the name given to the Large Renewable Project in the Prescribed Form-Registration Form.
- c. This instruction page is not required to be submitted with the Proposal.
- d. Information provided in each Prescribed Form should be consistent with the information provided in the Proposal.
- e. Where the Prescribed Form has multiple pages, the pages of the Prescribed Form should be kept together in the Proposal in sequential order.
- f. Where a blank field for a section/page reference is provided in a Prescribed Form, enter the section/page reference of the Proposal where the substantiating evidence for that particular item can be found.
- g. Apart from the completion of any blanks, drop down lists, check boxes or similar uncompleted information in a Prescribed Form, no amendments may be made to the wording of a Prescribed Form.
- h. Each Prescribed Form must be completed in its entirety. Fields marked <if applicable> must be completed if applicable to the Proposal. If not applicable, they should be marked "not applicable".
- i. If the signature of the Registered Proponent is required for a Prescribed Form, the Prescribed Form must be signed by a person with authority to bind the Registered Proponent.
- j. With the exception of this instruction page, instructions within a Prescribed Form will be enclosed in brackets.

### INSTRUCTIONS SPECIFIC TO THE PRESCRIBED FORM – MUNICIPAL AGREEMENT:

- k. An original ink signature must be provided on the Prescribed Form – Municipal Agreement included with the hard copy Proposal marked "Original Copy". For clarity, other than the Original Copy, any additional hard copies of this Prescribed Form must be signed but need not be originals (photocopies may be provided as well).

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**Prescribed Form – Municipal Agreement**

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Name of the Large Renewable Project	<u>&lt;insert name of Large Renewable Project&gt;</u>
Renewable Fuel of the Large Renewable Project:	<u>&lt;select one&gt;</u>
Contract Capacity of the Large Renewable Project <MW>:	<u>&lt;insert the Contract Capacity of the Large Renewable Project in MW&gt;</u>

All capitalized terms not defined herein have the meanings ascribed to them in the LRP I RFP;

**WHEREAS** the Registered Proponent intends to submit a Proposal for a Large Renewable Project under the LRP I RFP;

**NOW THEREFORE:**

1. The Registered Proponent acknowledges that it is proposing to develop, construct and operate a Large Renewable Project, with the characteristics outlined in the table above, under the LRP I RFP.
2. The Local Municipality of <insert name of the Local Municipality> acknowledges that it has entered into a binding agreement with the Registered Proponent in respect of the Large Renewable Project effective on the \_\_ day of \_\_\_\_, 20\_\_.
3. The Registered Proponent and the Local Municipality acknowledge that the binding agreement may be conditional only on the Registered Proponent being awarded an LRP I Contract for the Large Renewable Project.
4. The Registered Proponent and the Local Municipality acknowledge that the Registered Proponent’s Proposal may be awarded Rated Criteria points by the IESO under the LRP I RFP where the Registered Proponent and every Project Community completes this Prescribed Form.
5. The Registered Proponent acknowledges that the binding agreement may not be used for the purpose of any other form of approval in relation to the Proposal or the Large Renewable Project or for any other purpose.

Registered Proponent: <u>&lt;insert legal name of Registered Proponent&gt;</u>	Local Municipality: <u>&lt;insert legal name of the Local Municipality&gt;</u>
Signature:	Signature:
Name:	Name:
Title:	Title:
I have the authority to bind the Registered Proponent.	I have the authority to bind the Local Municipality.
Dated this __ day of ____, 20__	Dated this __ day of ____, 20__