

Date: Friday September 11, 2015

To: Honourable Mayor Bevilacqua and Members of Council

From: Paul Jankowski, Commissioner of Public Works and
John Mackenzie, Commissioner of Planning

**RE: COMMITTEE OF THE WHOLE – SEPTEMBER 9, 2015
REPORT 31, ITEM 24**

**POWERSTREAM REQUEST FOR FEED IN TARIFF (FIT 4.0) SUPPORT:
GROUND MOUNT SOLAR PROJECT AT VAUGHAN LANDFILL SITE
WARD 1**

C	<u>9</u>
Item #	<u>24</u>
Report No.	<u>31 (cw)</u>
<u>Council - September 16/15</u>	

RECOMMENDATIONS:

The Commissioner of Public Works and the Commissioner of Planning recommend:

1. That Council authorize the Mayor and City Clerk to execute the attached IESO Prescribed Form: Land Use Exemption Resolution.
2. That Council authorize the Mayor and City Clerk to execute the attached IESO Prescribed Form: Municipal Council Support Resolution.
3. That Council authorize the City Clerk execute the attached IESO Prescribed Form: Municipal Council Resolution Conformation.
4. That staff continue to work with PowerStream, and the Ministry of Environment and Climate Change and other stakeholders to develop the proposed project on the closed Vaughan Landfill.
5. This report and attachments be forwarded to PowerStream and York Region.

BACKGROUND:

At the Committee of the Whole meeting on September 9, 2015, Committee of the Whole directed that staff bring a report outlining the City staff response to PowerStream's request to permit a ground mounted solar energy project at the closed Vaughan Landfill.

PowerStream is planning on applying for the Independent Electricity System Operators (IESO) Feed-in-Tariff (FIT) 4 program to proceed with such a project

The IESO administers the FIT program which is designed to encourage and promote greater use of renewable energy sources for electricity generating projects in Ontario. PowerStream is preparing an application to develop a ground mount solar energy project on the former City of Vaughan landfill site. The solar energy project would be a 500kWac utilizing 1875 320watt 72-

cell modules and 25 20kWac string inverters and require an approximate area of 200 x 50 metres plus any necessary access roads. The FIT 4 program's application window is commencing on September 30th, 2015 and early application is encouraged.

PowerStream requires that the City of Vaughan's Council support this project and application to the FIT 4 Program through the execution of three documents:

1. IESO Prescribed Form: Land Use Exemption Resolution – the form will allow PowerStream to construct the ground mounted solar panels on the old Vaughan Landfill as, when executed, PowerStream will be exempt from the FIT 4 rule regarding the ineligibility of building a non-rooftop solar panel facility on property which abuts a non-rural residential property. (Attachment 1)
2. IESO Prescribed Form: Municipal Council Support Resolution – this form, when executed, will award PowerStream priority points in the FIT 4 application process, which may result in PowerStream being offered a FIT contract prior to others applying for a FIT contract. (Attachment 2)
3. IESO Prescribed Form: Municipal Council Confirmation Resolution – this form, when executed, confirms support for the program and must include the two forms listed above. (Attachment 3)

The proposed project is proposed to be located on a portion of the land that was the former City of Vaughan landfill site. The property is bordered by an unopened road allowance (projection of Teston Rd) to the south and sits between major streets of Keele Street to the west and Dufferin Street to the east. The subject property is much larger than the actual space needed or required to develop the proposed solar project. As described above only a 200 x 50 metre space is required, excluding access roads. Please see Attachment 4.

City Staff will work with the Ministry of Environment and Climate Change (MOECC) and the Regional Municipality of York to address other considerations

Land Use Restrictions on Closed Landfill

The Vaughan Landfill was closed in 1984. The Ontario Environmental Protection Act (EPA) does not require formal approval for the use of Lands Previously used for Disposal of Waste after a period of twenty-five years has passed from the year in which the land ceased to be used as a waste disposal site. City staff will work with the Ministry of the Environment and Climate Change (MOECC), and PowerStream in order to determine any additional considerations for the proposed solar energy system on the landfill.

The MOECC Guideline D-4 'Land Use On or Near Landfills and Dumps' applies to all proposals for land use on or near a landfill or dump which contains municipal solid waste. There are several factors to consider when land use is proposed on or near a closed landfill including: leachate, odour and litter issues, contaminant discharges from associated vehicular traffic, visual impact, dust, noise, other air emissions, fires, surface runoff, and vectors and vermin. The guideline does suggest that particular attention shall be given to the production and migration of methane gas. In addition, where technical controls for leachate, or leachate and gas are required surrounding a fill area, no land use may take place within 30 metres of its perimeter. The distance may be reduced to 20 metres in cases where only gas controls are necessary.

The closed Vaughan Landfill has a landfill gas collection system which extracts methane gas through wells connected to two vacuum blowers. The extracted landfill gas burns at an enclosed flare. The post-closure care of the landfill incorporates a monitoring program to inspect the operation and effectiveness of the landfill gas control system as well as monthly inspections of the landfill cover.

The proposed solar energy project in the Vaughan Landfill site will be designed to incorporate the characteristics of the landfill cap and other landfill systems (groundwater monitoring, gas collection, etc.) Staff will work closely with the MOECC, the City's landfill consultant and PowerStream to ensure all monitoring and post-closure activities are taken into account during the development of the project.

Planned Teston Road connection

Both the Regional Municipality of York and the City have identified a need to build a Teston Road between Keele Street and Dufferin Street. The Region of York will be developing a Terms of Reference in 2016 for an Individual Environmental Assessment (IEA) to complete the connection. The IEA is set to commence in 2017.

If the project is approved, future siting for the solar panels will be determined in conjunction with PowerStream, York Region and other stakeholders. Impacts to adjacent residents, and impacts on the future Teston Road connection will be considered and resolved.

Provincial Land Use Regulations

PowerStream will adhere to the requirements of the Green Energy Act and the policies of the Oak Ridges Moraine referenced in the Green Energy Act and provincial regulations as part of the project.

Vaughan Official Plan

Section 12.3 (Keele Valley Landfill Area” of the Vaughan Official Plan – 2010) provides as follows:

- The subject site is located on the old Vaughan Landfill site.
- It is designated as “Private Open Space” and “Natural Areas”. It is also shown as part of Policy Area 3.
- Policy Area 3 forms part of the buffer area surrounding the Keele Valley Landfill area to the south.
- The primary uses permitted in Area 3 are groundwater, stormwater and landfill gas monitoring and the control and the attenuation of leachate, subject to the provisions of the Environmental Protection Act

The area is subject to MOECC Certificate of Approval A-230610. PowerStream will be required to meet all the requirements of the MOECC in providing for this use.

PowerStream through the FIT application process must submit Council support for the project

Canadian Land Inventory Land Classification considerations

The FIT program restricts the development of ground mount solar projects on prime agriculture lands that are classified as Canadian Land Inventory (CLI) Class 1, 2 or 3 and CLI Organic or Specialty Crop Areas. The subject property has a small portion of CLI class 1 – 3 in its south easterly corner, however the majority of the property is CLI 4 – 7 lands.

The FIT eligibility rules provide an exemption to the CLI classification restrictions for projects to be located on a closed landfill. The Approved Official Plan confirms that the property (PIN) in which the project site is to be developed is within the boundaries of the closed Vaughan Landfill Site.

Considerations regarding adjacent residential properties

The landfill property is eligible under FIT 4 program rules for non-rooftop solar based on land classification because it is located on a closed land fill and exempt from CLI class 1,2 or 3 land restrictions. However, the landfill property is ineligible under FIT 4 program rules for non-rooftop solar since the property abuts a non-rural residential property. The City of Vaughan Council can execute an IESO Prescribed Form: Land Use Restriction Exemption Resolution. The IESO Prescribed Form: Land Use Restriction Exemption Resolution essentially states the following:

Council of the City of Vaughan 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) of the FIT Rules, Version 4.0.

All considerations listed above and otherwise discovered through the investigation must be resolved in a satisfactory answer

City of Vaughan staff and PowerStream, while consulting with the MOECC may identify additional siting considerations. However, City of Vaughan and PowerStream staff will continue work on the items listed above and any new items which may arise through the course of the application process, to achieve mutually satisfying resolutions.

CONCLUSION:

Staff have performed preliminary reviews of the project and the items which need to be considered. Further investigation and review is expected to result in a positive resolution of these considerations. Therefore, staff are comfortable recommending an endorsement of this project.

Supporting ground mounted renewable energy projects is consistent with the priorities previously set out by Council in Green Directions Vaughan, the Community Sustainability and Environmental Plan.

Staff will continue to work with PowerStream and the MOECC throughout the FIT 4 process.

ATTACHMENTS:

1. IESO Prescribed Form: Land Use Restriction Exemption Resolution
2. IESO Prescribed Form: Municipal Council Support Resolution
3. IESO Prescribed Form: Municipal Council Resolution Confirmation
4. Vaughan Landfill Map

Respectfully submitted,



Paul Jankowski
Commissioner of Public Works



John Mackenzie
Commissioner of Planning

Instructions: Land Use Restriction Exemption Resolution

Section 3.8(g) of the FIT Rules, Version 4.0

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IESOMRD/f-FIT-021r2

Capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 4.0.

INSTRUCTIONS APPLICABLE TO ALL RESOLUTIONS

1. The instruction page is not required to be submitted with the hard copy Application materials.
2. The first page of the resolution must be marked, by the Applicant, with the FIT Reference Number associated with the Application.
3. Where the resolution has multiple pages, the resolution should be stapled.
4. Information provided in the resolution must be consistent with the information provided in the electronic Application Form in order for the resolution to be considered eligible.
5. Apart from the completion of any blanks in the template resolution, no amendments, other than those outlined in paragraph 6 below, may be made to the wording of this form.
6. Words in between square brackets (i.e. “[” and “]”) are immaterial to the intent of the template resolution and may be modified to follow standard procedure of the issuing body. Wording not contained within square brackets must not be changed in order for the resolution to be considered eligible.
7. The entirety of the resolution (all blanks) must be completed and it must be signed by an appropriate individual(s) in order for the resolution to be considered eligible, and all Prescribed Forms must be signed to be considered complete.

INSTRUCTIONS SPECIFIC TO THE RESOLUTION

8. Local Municipal councils have the option of drafting the Template: Land Use Restriction Exemption Resolution on the Council or equivalent governing body letterhead. The language of the Template: Land Use Restriction Exemption Resolution must be the same as shown in the template in order for the Applicant to obtain exemption from the residential, commercial or industrial land-use restrictions under the FIT Program. The resolution will not be accepted if the resolution includes additional conditions or delegation of authority to staff for additional approvals.
9. The Template: Land Use Restriction Exemption Resolution must be attached to the separate Prescribed Form: Municipal Council Resolution Confirmation as Exhibit “A”.
10. Where no resolution number exists, insert "N/A" into the appropriate field.
11. Applicant legal name and Project address must match the information provided in the electronic Application.



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FEED-IN TARIFF PROGRAM

120 Adelaide Street West, Suite 1600
Toronto, Ontario M5H 1T1

T 416-967-7474
F 416-967-1947
www.ieso.ca

Template: Land Use Restriction Exemption Resolution

Section 3.8(g) of the FIT Rules, Version 4.0

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Resolution Number: _____

FIT Reference Number: _____

Date Resolution was passed: _____

(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.)

[WHEREAS] Capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 4.0

[AND WHEREAS] PowerStream Inc. (the "Applicant") proposes to construct and operate a Non-Rooftop Solar Project (the "Project") on PIN #033430350 (the "Lands") in City of Vaughan under the Province's FIT Program;

[AND WHEREAS], the Applicant has requested that the Council of City of Vaughan 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 4.0.

[NOW THEREFORE BE IT RESOLVED THAT]:

Council of the City of Vaughan 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) of the FIT Rules, Version 4.0.

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.

Signed:

Signed:

Title:

Title:

Date:

Date:

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

Instructions: Municipal Council Support Resolution

Section 5.1(g)(i) of the FIT Rules, Version 4.0

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Capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 4.0.

INSTRUCTIONS APPLICABLE TO ALL RESOLUTIONS

1. The instruction page is not required to be submitted with the hard copy Application materials.
2. The first page of the resolution must be marked, by the Applicant, with the FIT Reference Number associated with the Application.
3. Where the resolution has multiple pages, the resolution should be stapled.
4. Information provided in the resolution must be consistent with the information provided in the electronic Application Form in order for the Application to be awarded Priority Points.
5. Apart from the completion of any blanks in the template resolution, no amendments, other than those outlined in paragraph 6 below, may be made to the wording of this form.
6. Words in between square brackets (i.e. “[” and “]”) are immaterial to the intent of the template resolution and may be modified to follow standard procedure of the issuing body. Wording not contained within square brackets must not be changed in order for the Application to be awarded Priority Points.
7. The entirety of the resolution (all blanks) must be completed and it must be signed by an appropriate individual(s) in order for the Application to be awarded Priority Points, and all Prescribed Forms must be signed to be considered complete.

INSTRUCTIONS SPECIFIC TO THE RESOLUTION

8. Councils of Local Municipalities have the option of drafting the Template: Municipal Council Support Resolution on the Council or equivalent governing body letterhead. The language of the Template: Municipal Council Support Resolution must be the same as shown in the template in order for the Applicant to obtain Priority Points. Priority Points will not be awarded if the resolution includes additional conditions or delegation of authority to staff for additional approvals.
9. The Template: Municipal Council Support Resolution must be attached to the separate Prescribed Form: Municipal Council Resolution Confirmation as Exhibit “A”.
10. A pre-existing Municipal Council Support Resolution may be provided to the IESO by the Applicant that had received a FIT Rules, Version 3.0 Municipal Council Support Resolution (that was not a blanket support resolution) that was issued by the Municipality and that is still in effect in relation to the Applicant and the Project. In this case the Applicant must attach the pre-existing Municipal Council Support Resolution to the separate Prescribed Form: Municipal Council Resolution Confirmation as Exhibit “A”.

Instructions: Municipal Council Support Resolution

Section 5.1(g)(i) of the FIT Rules, Version 4.0

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11. The Prescribed Form: Municipal Council Resolution Confirmation may not be used as a substitute for a Municipal Council Support Resolution where no Municipal Council Support Resolution was previously issued for the Project.
12. Where no resolution number exists, insert "N/A" into the appropriate field.
13. Applicant Legal Name, Project Address and Renewable Fuel type must be the match the information provided in the electronic application.

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Template: Municipal Council Support Resolution

Section 5.1(g)(i) of the FIT Rules, Version 4.0

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Resolution Number: _____

FIT Reference Number: _____

Date Resolution was passed: _____

(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.)

[WHEREAS] capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 4.0.

[AND WHEREAS] PowerStream Inc. (the "Applicant") proposes to construct and operate a Non-Rooftop Solar Project (the "Project") on PIN 033430350 (the "Lands") in City of Vaughan under the Province's FIT Program;

[AND WHEREAS] the Applicant has requested that Council of City of Vaughan 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 4.0, 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 City of Vaughan supports the construction and operation of Project on the Lands.

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

Signed:

Signed:

Title:

Title:

Date:

Date:

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

INSTRUCTIONS: MUNICIPAL COUNCIL RESOLUTION CONFIRMATION

Section 3.8(g) and 5.1(g)(i) of the FIT Rules, Version 4.0

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Capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 4.0.

INSTRUCTIONS APPLICABLE TO ALL PRESCRIBED FORMS

1. The first page of the Prescribed Form must be marked with the FIT Reference Number associated with the Application.
2. This instruction page is not required to be submitted with the hard copy Application materials.
3. Information provided in the Prescribed Form must be consistent with the information provided in the electronic Application Form.
4. Where the Prescribed Form has multiple pages, the Prescribed Form should be stapled.
5. Where a blank field for a section/page reference is provided in a Prescribed Form, enter the section/page reference of the Application where the substantiating evidence for that particular item can be found.
6. Apart from the completion of any blanks, bullets or similar uncompleted information in the Prescribed Form, no amendments may be made to the wording of this Prescribed Form.
7. Each Prescribed Form must be completed in its entirety. Fields marked 'if applicable' must be completed if applicable to the Application. If not applicable, they should be marked "not applicable".
8. If the signature of the Applicant is required for a Prescribed Form, the Prescribed Form must be signed by a person with authority to bind the Applicant.
9. With the exception of this instruction page, instructions within the Prescribed Form will be enclosed in brackets and italicized.

INSTRUCTIONS SPECIFIC TO THE PRESCRIBED FORM

10. The Template: Municipal Council Support Resolution, the Template: Land Use Restriction Exemption Resolution or the FIT 3.0 Municipal Council Support Resolution previously issued by the Municipality in support of the Project must be attached as Exhibit "A" if applicable.
11. A pre-existing Municipal Council Support Resolution may be provided to the IESO by an Applicant that had received a FIT Rules Version 3.0 Municipal Council Support Resolution (that was not a blanket support resolution) that was issued by the Municipality and that is still in effect in relation to the Applicant and the Project.
12. The Prescribed Form: Municipal Council Resolution Confirmation may not be used as a substitute for a Municipal Council Support Resolution where no Municipal Council Support Resolution was previously issued for the Project.
13. The Prescribed Form: Municipal Council Resolution Confirmation is not required to be used for a Template: Municipal Council Blanket Support Resolution.
14. The Prescribed Form: Municipal Council Resolution Confirmation must be completed by an authorized representative of a Local Municipality.
15. All fields in items 3 of the Prescribed Form must contain the same information as stated in any resolution provided.
16. If Project details have changed from the previously granted Municipal Council Support Resolution, a new Municipal Council Support Resolution is required.
17. The original ink signature must be provided on the Prescribed Form included with the hard copy Application materials.
18. Applicant legal name, Project address and Renewable Fuel type must match the information provided in the electronic Application.

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PRESCRIBED FORM: MUNICIPAL COUNCIL RESOLUTION CONFIRMATION

Section 3.8(g) and 5.1(g)(i) of the FIT Rules, Version 4.0

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1 Resolution number: _____ Date resolution(s) was passed: _____	FIT Reference Number: _____ <i>(The FIT Reference Number must be inserted by the Applicant in order for the resolution to comply with the FIT Rules.)</i>
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2	Capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 4.0. I am the/an _____ (insert title or position with the Local Municipality) of the _____ City of Vaughan (the "Municipality"), and have the delegated authority to provide this confirmation on behalf of the Municipality and without personal liability.
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3	_____ PowerStream Inc. (the "Applicant") proposes to construct and operate a <i>(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)</i> _____ Non-Rooftop Solar Project (the "Project") on <i>(This must be the same description as stated in the Municipal Council Support Resolution or Land Use Restriction Exemption Resolution provided as attached)</i> _____ PIN #033430350 (the "Lands") in the Municipality under the province's FIT Program. <i>(This must be the same description as the Lands in the Municipal Council Support Resolution or Land Use Restriction Exemption Resolution provided, as attached)</i>
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4	The resolution(s) provided with this Confirmation is (check one or both as applicable): a) <input checked="" type="checkbox"/> A Municipal Council Support Resolution (if selected, check one of the following): 1) <input checked="" type="checkbox"/> A new FIT 4.0 Municipal Council Support Resolution. (if selected the resolution must be attached as Exhibit "A") 2) <input type="checkbox"/> A pre-existing FIT 3.0 Municipal Council Support Resolution which has not been rescinded. (if selected the resolution must be attached as Exhibit "A") ii) 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) <input checked="" type="checkbox"/> A Land Use Restriction Exemption Resolution (if selected the resolution must be attached as Exhibit "A").
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5	Name: _____ Signed: _____ Title: _____ Date: _____ <i>(Signature block for authorized signee. Must be an original ink signature)</i>
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PRESCRIBED FORM: MUNICIPAL COUNCIL RESOLUTION CONFIRMATION

Section 3.8(g) and 5.1(g)(i) of the FIT Rules, Version 4.0

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EXHIBIT "A" RESOLUTION(S)

(Attach one or more of the new FIT 4.0 Municipal Council Support Resolution, the FIT 3.0 Municipal Council Support Resolution previously passed in support of the Project, and the Land Use Restriction Exemption Resolution, as applicable.)

LOCATION MAP



OLD VAUGHAN LANDFILL

LEGEND

Project Area

Note: Aerial photography acquired Spring, 2015



NOT TO SCALE

F:\Common\ENG\ATTACHMENTS\ENVIRONMENTAL SERVICES\VAUGHAN LANDFILL