

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 2012-032

SOLAR FARM FEE POLICY

WHEREAS, Section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a lower-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS, Section 9 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act or any other Act;

AND WHEREAS, Section 5 (3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power, including a municipality's capacity, rights, powers and privileges under Section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

AND WHEREAS, the Council of the Corporation of Tay Valley Township deems it desirable to provide a mechanism to ensure that costs associated with repairs to roads, bridges, drainage infrastructure, fire protection and other municipal responsibilities related to solar farm projects are borne by the project proponent;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of Tay Valley Township enacts as follows:

1. GENERAL REGULATIONS

1.1 **THAT**, the Solar Farm Fee Policy, attached hereto as Schedule "A", be adopted.

2. ULTRA VIRES

2.1 Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

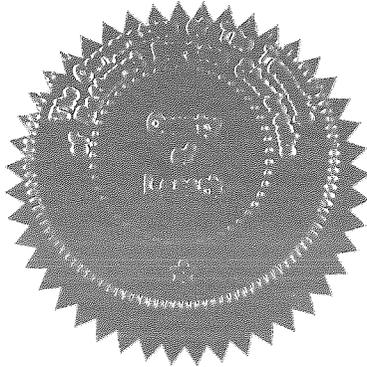
**THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2012-032**

3. EFFECTIVE DATE

ENACTED AND PASSED this 26th day of June, 2012.



Keith Kerr, Reeve





Amanda Mabo, Clerk

THE CORPORATION OF TAY VALLEY TOWNSHIP
BY-LAW NO. 2012-032

SCHEDULE "A"



Tay Valley Township

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SUBJECT: SOLAR FARM FEE POLICY

1.0 PURPOSE

To provide a mechanism to ensure that costs associated with repairs to roads, bridges, drainage infrastructure, fire protection and other municipal responsibilities related to solar farm projects are borne by the project proponent, described by means of an agreement between the municipality and the project proponent.

2.0 LEGISLATIVE AUTHORITY

Section 11(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a lower-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public.

3.0 SCOPE

This policy applies to any new solar project created under the *Green Energy Act* within Tay Valley Township.

4.0 DEFINITIONS

"Agreement" – shall mean a legal and binding contract between the Municipality and the Project Proponent outlining the terms, conditions and financial responsibilities of the parties in relation to the solar farm project.

"Chief Administrative Officer" – shall mean the Chief Administrative Officer (CAO) or designate duly appointed by the Municipality as prescribed in Section 229 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

"Council" – shall mean the Council of the Municipality.

"Fire Department" – means the Drummond/North Elmsley Tay Valley Fire Rescue.

"Municipality" – shall mean the Corporation of Tay Valley Township.

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“Project Proponent(s)” – shall mean the person(s) or organization that is proposing the solar farm project.

“Single Family Dwelling Development Charge” – shall mean the development charge applied by the Municipality for single family dwellings as per the Development Charges By-Law.

“Site Decommissioning” – shall mean to restore the solar farm project site back to its original state prior to the solar farm project, including equipment dismantling and removal, site restoration to pre-development state and environmental responsible management of waste and excess materials.

“Tariff of Fees By-Law” – shall mean the Tariff of Fees By-Law for the municipality.

5.0 APPROVAL AUTHORITY

- 5.1 The Chief Administrative Officer is authorized to negotiate an Agreement with the Project Proponents based on the approved Components as outlined in Section 6 of this policy.
- 5.2 Council shall, by by-law, approve the negotiated Agreement.

6.0 AGREEMENT COMPONENTS

The following components shall be included in the Agreement, and may include the following items and/or be calculated as described:

6.1 Community Amenity Contribution

A “good corporate citizen” contribution for community enhancement purposes for such items at park upgrades, trail development, recreation, etc.

Calculation

- 35% of the total Agreement cost

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6.2 Site Decommissioning Security Deposit

A site decommissioning security deposit will be refunded when the site is restored to its original condition, less interest earnings equal to all expenses not captured in the legal agreement.

Calculation

- net cost to decommission the site, expressed as present day value
- calculated using a 2.5% annual inflation rate over the duration of the project

6.3 Fire

Site access and perimeter roads shall be required for the project to ensure adequate access by the Fire Department and will be separate from the Agreement. The costs shall be borne by the Project Proponent.

Calculation

- materials and equipment for access and a perimeter road, if not included in the site plan and installed
- training for the Fire Department
- unforeseen special equipment/material costs contingency
- dry-hydrant or water storage reservoir, as required

6.4 Infrastructure Renewal

Each 500 kW of plated capacity generates the same requirement for capital funding as a single family dwelling.

Calculation

- 500 kW x single family dwelling development charge in effect at the time of Agreement execution

6.5 Drainage

Calculation

- materials, equipment and labour to ensure adequate drainage for water run-off and water quality from the project site

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6.6 Loss of Existing Tax Revenue

Calculation

- a contingency amount for the probable loss of tax revenue over the duration of the project resulting from a decrease in the market value of residential properties directly impacted by the project

6.7 Administration

Calculation

- legal costs related to the agreement, etc.
- Planning Department costs above the Application Review fees
- Building Department costs above any permit fees
- other

7.0 AGREEMENT REGISTRATION

7.1 The Agreement shall be registered against the title of the Lands upon which the Solar Farm Project is located.

8.0 ADDITIONAL FEES/COSTS

8.1 Application Review

All applicable fees as set out in the Tariff of Fees By-Law.

8.2 Permits

All applicable permit fees shall apply and shall be separate from the Agreement:

- Civic Address
- Building
- Planning
- Other

9.0 POLICY REVIEW

9.1 This Policy shall be reviewed at least once per term of Council.

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