

Subject: Municipal Support Resolution Protocol for Utility Installations	Effective Date: 24/06/2025
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Schedule 'A' to By-law # 2025-049

Municipal Support Resolution Protocol for Utility Installations

Purpose

This protocol applies to the proponents of utility installations including but not limited to such energy projects as wind turbines, solar farms, hydroelectric generating stations, biogas power plants and energy storage systems where a Municipal Support Resolution (MSR) is requested or required to obtain any approval(s) for these projects.

Legislative Authority

Municipal Act, 2001, S.O. 2001, C. 25, as amended.

Acronyms

EIA - Environmental Impact Assessment
 IESO – Independent Electricity System Operator
 MSR - Municipal Support Resolution
 PRF - Pre-consultation Request Form

1. Preliminary Consultation

- a) The proponent shall submit a Pre-consultation Request Form (PRF), including payment of any applicable fees. The PRF shall include a brief description of the proposed development, the site details, the proponent's name and contact information, property owner name and contact (if different from the proponent), along with conceptual development plan(s), elevation drawings and other requested information.
- b) A pre-consultation meeting will be scheduled by Planning staff and include Township/County representatives, agencies and First Nation representatives. A meeting will only be scheduled when a site has been identified. The purpose of this meeting is to:
 - i. Determine if any building permits are required;
 - ii. Explore preferred siting and options;

- iii. Obtain input from Township Departments and external agencies, including First Nations;
 - iv. Identify issues of concern;
 - v. Identify requirements for public consultation and notice;
 - vi. Provide guidance on the MSR request submission requirements; and
 - vii. Review and discuss applicable federal, provincial and/or municipal approvals.
- c) During or after the preliminary consultation meeting, Township staff will provide the proponent with an information package that includes:
- i. This protocol
 - ii. A summary of the meeting
 - iii. A checklist of required reports and/or plans
 - iv. List of contacts for Township Departments, agencies and First Nations.
 - v. Any applicable deposits/costs for peer review.
- d) The proponent will submit the MSR request in accordance with the information requirements outlined in Appendix A attached to this Protocol. Each MSR request will be limited to one site.
- e) Planning discussions will flow through staff, i.e. there will be no engagement with individual Council members. Council will be invited to public information sessions/open houses and will be engaged directly when the MSR request is brought forward to Council at a sanctioned Council meeting.

2. Public Consultation

- a) Proponents will be required to arrange and host a local public information session/open house for members of the public, affected property owners etc.. to learn about their proposal, receive feedback and address concerns. Members of the Pre-consultation team and members of Council will be invited to the public information session/open house.
- b) A minimum of 30-days notice in advance of the scheduled public information session/open house the proponent shall provide a public notice to be sent by prepaid first-class mail, with all costs to be borne by the proponent to all landowners within 300 metres of the subject property. In addition, the proponent shall provide the notice to the Township and any other agencies/organizations to be posted on websites, social media etc.. The notice will include:
- i. The date, time and location of the meeting;
 - ii. A description of the proposed project;

- iii. A description of the subject land, a key map showing the subject land;
 - iv. Where and when additional information and material about the proposed utility installation may be obtained;
 - v. The name, email and telephone number of a contact person for the proponent to which written comments or questions may be submitted; and
 - vi. A statement indicating the deadline that written comments must be received by.
- c) The Township will provide the proponent with the required mailing list required under Section 2(b). Information supplied to the proponent will be kept confidential in accordance with the Municipal Freedom of Information and Privacy Act and will not be used for any other purpose than notification.
 - d) The proponent will provide an affidavit to the Township confirming that notice has been given as required under this section.
 - e) The proponent shall be responsible for responding, in writing, to all written comments received.
 - f) The proponent will provide the Township with copies of written comments from the public along with the proponent's responses thereto.

3. Location of Utility Installations

Location criteria apply to the proponents of utility installations seeking an MSR to locate an energy project on public or private lands in the Township of Selwyn. All proposals will be reviewed by staff and considered by Township Council on a case-by-case basis.

The location (siting) of utility installations within the Township of Selwyn shall be consistent with any in-effect Provincial policy including the Provincial Planning Statement as well as conform with in-effect Official Plan policy and local zoning by-law regulations.

4. Council Consideration of MSR

The proponent will submit a justification report. This will include:

- i) a summary of the public and agency/organization consultation, including responses and any recommended mitigation measures to address comments.
- ii) requirements noted in Appendix A.
- iii) details about any potential community benefit contributions.

The proponent will arrange to attend a Council meeting as a delegation to present their proposal and report. The Planning Department will prepare a report for Council's consideration.

5. Form of MSR

- a) Council will make a decision whether or not a MSR:
 - i) should be granted,
 - ii) should be granted with conditions,
 - iii) should be denied, or
 - iv) should be deferred pending further information, analysis or discussion as a result of an issue arising from Council's consideration.
 - If granted, the MSR is provided to the proponent.
 - If granted conditionally, the project proponent must fulfill any conditions as moved by Council and listed in the MSR.
 - If denied, the proponent is advised in writing by staff citing the applicable Council resolution.
 - If at any time further information or analysis is required, staff will contact the proponent to determine next steps.
- b) Reports and plans identified as being required at pre-consultation or as a condition of the MSR shall be peer reviewed at the discretion of the Manager of Public Works or the Manager of Building and Planning. Peer review shall be at the expense of the proponent.
- c) Where a MSR request is recommended by staff for approval, staff will prepare the MSR in an acceptable format (e.g. IESO template). The draft MSR will be included as part of the agenda items at the scheduled Council meeting for decision on the MSR.
- d) A Development Agreement will generally be required should the proposal be approved by the IESO. The Development Agreement may include clauses regarding, but not limited to, the following topics:
 - i) Plans and reports – shall include a clause and schedule of the plans and reports that have been reviewed by the Township of Selwyn in support of the facility that are to be adhered to.
 - ii) Haul Routes- shall include details on haul routes which shall be approved by the municipality and any other agency having jurisdiction.

- iii) Private Access Roads - shall include locations.
- iv) Electrical Distribution System – shall address any electrical distribution system required as part of the development including easements.
- v) Environmental Impacts – shall meet requirements for environmental impacts mitigation and replacement plan.
- vi) Grading and Drainage – shall meet the municipal requirements and approvals.
- vii) Municipal Road Use – shall meet all municipal requirements for utilizing municipal roads.
- viii) Operation and Maintenance – The municipality acknowledges that the operation is regulated by IESO and it is not the intent of the municipality to attempt to regulate operations through the agreement.
- ix) The developer shall notify the municipality of all operational changes and maintenance windows. The developer shall meet the requirements for the safe operation and maintenance of the development including fire protection and emergency response plans.
- x) Commissioning and Decommissioning – shall include a plan for provisions related to the commissioning and decommissioning including removing all installed facilities and restoring the lands, including securities acceptable to the municipality.
- xi) Costs – any cost incurred by the municipality with respect to the development shall be borne by the developer. The Developer shall deposit an amount as indicated in the Municipal Fees and Charges By-Law.
- xii) General Provisions – shall include all other requirements of the municipality.
- xiii) Insurance – shall include any requirements the municipality may require.
- xiv) Liability – shall save harmless the municipality and its representatives from all actions, causes of actions, suits, claims, cost, interest and demands whatsoever which may arise either directly or indirectly by reason of the agreement.
- xv) Noise – shall include information detailing the expected noise levels, noise propagation distances and any proposed abatement measures such as setback distances to sensitive land uses (e.g. residential, daycares, health centres, livestock farms etc).
- xvi) Legislative compliance – that the developer will obtain and comply with all applicable legislative and regulatory approvals and requirements.

- xvii) Security – shall include all securities as may be required, but will include, and shall not be limited to, construction, repairs/maintenance to public infrastructure as a result of the project, general maintenance, and decommissioning.

6. Commencement

This protocol will come into effect immediately upon approval by Council.

7. Amendments

This protocol may be amended in order that it remains current and applicable. Such amendments or additions shall be approved by Resolution of Council and be coordinated with, and form part of this protocol.

Appendix A: Minimum Information Requirements

The following items and any others as identified on a Pre-Consultation Checklist, are to be submitted to the Township as part of a MSR request:

- A project brief describing the project including the type, size and generating capacity of the proposed facility
- Confirmation of whether the energy project is subject to the Ontario Environmental Assessment Act, R.S.O 1990, c. E18, as amended, including a summary of the applicable EA process with section references to the EA Act and regulations such as the Class Environmental Assessment for Minor Transmission Facilities (needed for transformer substation ≥ 115 kV)
- Confirmation of whether any of the Planning Act exemptions, as per section 62.0.1 of the Act, for projects subject to the EA Act apply
- Confirmation of whether the energy project is subject to the Ontario Environmental Protection Act R.S.O 1990, c. E19, as amended, including a summary of applicable EPA approvals that may be required such as Environment Activity Sector Registry (EASR) and summary details thereof.
- Letter from the property owner (if different from the proponent) affirming approval of the proposal.
- A summary of applicable legislation for the energy project including required approvals.
- Survey or scaled drawing(s) showing:
 - The boundaries of the subject lands, including each legal parcel, with dimensions;
 - The legal description and PIN numbers of the subject lands;
 - The location, size and use of all existing buildings, structures and services, with dimensions and setbacks from lot lines, on the lands and on adjacent lands;
 - The general topography of the lands and the site within 300 m of the subject lands, including elevations, contours, drainage features, land uses, and vegetation cover;
 - The location, type and size of the energy installation with dimensions and relationship to parcel boundaries clearly illustrated;
 - The location and nature of any mitigation features proposed; and,
 - The location and nature of any servicing features, buildings, structures, driveways, power lines, etc. required to support the proposal (may be shown as preliminary subject to further technical studies).
- A preliminary Environmental Impact Assessment (EIA) which identifies any natural heritage features or functions on the lands and lands within 300 m of the subject lands and identifies any potential impacts which may require further investigation and analysis.

- A preliminary construction and operation plan addressing the anticipated construction schedule and impacts and operational considerations such as lighting, snow removal, fire and emergency response etc.
- A preliminary decommissioning plan outlining the anticipated lifespan of the project, the decommissioning process, site rehabilitation, and estimated decommissioning costs.
- A preliminary land use compatibility impact assessment which documents land uses and potential impacts which may require further investigation and analysis, such as:
 - Agricultural Impact Assessment for proposals on Prime Agricultural lands
 - Stormwater Management
 - Traffic Impact Assessment
 - Green House Gas benefits
 - Emergency Response Plan (completed in consultation with emergency services)
- A preliminary visual and emissions (noise/vibration/odours/lighting) impact study.
- Any other reports or plans as identified at a pre-consultation meeting.