



## Staff Report

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**Report To: Council Meeting**

**From: Heather James, Planner**

**Date: 2022-05-12**

**Subject: Interim Control By-law to Prohibit New Large Scale Renewable Energy Facilities**

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### **Recommendation:**

That West Elgin Council hereby receives the report from Heather James, Planner regarding a proposed interim control by-law to prohibit new large scale renewable energy facilities in the Municipality of West Elgin for up to one year;

And that West Elgin Council approve the interim control by-law, in accordance with the draft by-law attached to this report; and

Further That West Elgin Council consider the by-law, as presented in the by-law portion of the May 12, 2022 Council Agenda.

### **Purpose:**

The purpose of this report is to provide Council with current information on new large renewable energy facilities and an interim control by-law to prohibit new large scale renewable energy facilities in the Municipality of West Elgin.

### **Background:**

In the past 10 years, the Municipality of West Elgin has had Wind Energy companies lease agricultural land within its boundaries, for the purposes of developing large scale Industrial Wind Turbine facilities. On October 24, 2013, the Municipality of West Elgin passed a resolution declaring the Municipality of West Elgin, not a willing host to Industrial Wind Turbine projects.

The Green Energy Repeal Act 2018 (Bill 34) provides for the restoration of municipal authority over the siting of renewable energy generation facilities within its boundaries. The Independent Electricity System Operator (IESO) is undertaking a new Request For Proposals process this year, and expedited proposals will be awarded this fall for large scale renewable energy facilities. The IESO is encouraging developers to approach Municipal Councils as soon as possible, to obtain resolutions of support.

At the April 14, 2022 Council meeting, Councillor Rowe brought forward a Notice of Motion for an interim control by-law to prohibit new large scale renewable energy facilities in the municipality for a period of up to one year (see attached in Appendix One). The motion contained the information listed above. Council carried the motion.

**Financial Implications:**

Newspaper notice cost (\$200 to \$300) should Council pass the interim control by-law.

**Policies/Legislation:****Ontario Planning Act**

Section 38(1) of the *Planning Act, R.S.O. 1990, c. P.13* states the following with respect to Interim Control By-laws:

*'Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law.'*

Council has the authority under Section 38(1) to pass an interim control by-law to place a hold on new large scale commercial wind generation facilities for a period of up to one year in order to give staff time to undertake a study of this land use and prepare land use policies to be considered in the new West Elgin Official Plan.

Should Council pass a by-law under Section 38(1), no notice or hearing is required prior to the passing of a by-law under subsection but the clerk of the municipality shall, in the manner and to the persons and public bodies and containing the information prescribed, give notice of a by-law passed within thirty days of the passing thereof.

**Municipality of West Elgin Official Plan**

In the current Official Plan, there are no policies pertaining to regulations and the siting of large scale renewable energy facilities. Should Council pass the interim control by-law for a period of up to one year, this would provide staff the necessary time to research and prepare land use policies for the new Official Plan which will be completed in 2023.

**Report Approval Details**

Document Title:	Interim Control By-law to Prohibit New Large Scale Renewable Energy Facilities - 2022-14-Planning.docx
Attachments:	- Planning Report 2022-14 Appendix One Notice of Motion - interim control bylaw.pdf - Planning Report 2022-14 Appendix Two By-law 2022-xx - Interim Control By-law.pdf
Final Approval Date:	May 9, 2022

This report and all of its attachments were approved and signed as outlined below:

Jana Nethercott