

Feedback Form

LT2-RFP Joint Session, February 22, 2024

Feedback Provided by:

Name: Melissa Jort-Conway

Title: Planner III

Organization: City of Ottawa

Date: March 6, 2024

To promote transparency, feedback submitted will be posted on the LT RFP engagement webpage unless otherwise requested by the sender. If you wish to provide confidential feedback, please mark as "confidential".

Following the February 22, 2024, LT2-RFP joint engagement with Ministry of Municipal Affairs and Housing (MMAH) and Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) webinar, the Independent Electricity System Operator (IESO) is seeking feedback on items discussed during the webinar. The webinar presentation and recording can be accessed from the LT RFP [engagement web page](#).

Please submit feedback to engagement@ieso.ca by **March 7, 2024.**

Topic	Feedback
What are some considerations if certain technology types were limited, or restricted from being developed on Ontario's prime agricultural areas?	Large-scale provincially regulated wind turbines are not permitted within Ottawa's prime agricultural areas. OMAFRA's <i>Guidelines on Permitted Uses in Prime Agricultural Areas</i> explain provincial policy on on-farm diversified uses (and other permitted uses) and recommend best practices for satisfying provincial policy, such as area limits for OFDU. The definition of on-farm diversified uses in the PPS specifies that ground-mounted solar facilities are permitted in prime agricultural areas, only as on-farm diversified uses (OFDU). However, with OMAFRA recommending a maximum area of 1 hectare for such uses, many 'land extensive' uses will simply not be possible in prime ag areas.
Topic	Feedback
Given the limited amount of specialty crop areas in the province, how would diverting or restricting energy projects from these areas impact your ability to develop your energy project?	n/a (energy developer question)
Topic	Feedback
What would the impact be if there were requirements to avoid, minimize and mitigate agricultural impacts in prime agricultural areas?	n/a (energy developer question)
Topic	Feedback
Based on what you heard today, do you require additional clarity on agriculture land restrictions? Why or why not?	Yes, it would be appropriate for the province to advise municipalities whether there are any plans to bring the proposed Provincial Planning Statement into effect, and to advise how renewable energy generation facilities are to be regulated in prime ag areas.

General Comments/Feedback

As the government's first procurement of renewable energy generation projects since the repeal of the Green Energy Act, there is duplication in provincial and municipal authority for siting of projects between the Planning Act and provincial Renewable Energy Approval requirements under [O.Reg 359/09](#). This has raised a lot of questions and requests for provincial guidance and direction on the

key milestone steps for the LT2 procurement that takes the municipal role into account. The following is a specific summary of concerns:

1. It is putting the cart before the horse by making it mandatory for proponents to obtain a Municipal Support Resolution before an REA when project site details and the preparation and review of plans and studies are not anticipated to be carried out until a contract with IESO is issued. The municipal approvals process under the Planning Act will also require similar studies to be undertaken and it is not known if timelines for the LT2 are able to take these timelines into account. Municipal approval processes can take up to 2 years depending on the type of application required and will take proponents sometimes up to a year to put together a complete application where field studies and additional background work may be required.
2. When the GEA was repealed, it removed a pre-existing exemption for RE projects from needing to go through some form of subdivision control or consent where land lease arrangements were more than 21 years (Planning Act, Section 50). These types of consents are not permitted under the PPS in prime agricultural areas and would result in additional fragmentation and loss of agricultural land. This also adds another layer of approval to a complicated process and without protection from appeals. Council refusal of OPAs and ZBAs related to renewable energy undertakings are protected from appeal.
3. Some criteria in O.Reg 359/09 does not align with the PPS (e.g. prime ag land and assessing groundwater impacts) or includes different legal tests or standards, while also having overlapping study requirements (e.g. EIS/NHA, cultural heritage studies, etc).
4. Provincial (MNRF) approval of natural heritage assessments is required before an REA application can even be submitted; however it is not clear how this will align with local EIS requirements under the PPS. Similarly, where municipal zoning would establish the location and therefore may limit the ability for proponents to revise their application for an REA to address MECP requirements, yet the zoning is required to be in place before proponents can apply for the REA.
5. We request guidance on how the procurement process will be designed in the event of appeals to the Ontario Land Tribunal of municipal council decisions approving either Official Plan Amendments or Zoning By-law Amendments related to renewable energy generation facilities, whether in the long or medium term.
6. At a minimum, the IESO should incorporate land use planning criteria into the IESO LT2 process to direct land intensive energy uses (e.g. ground mounted solar, battery storage facilities), to lands outside of prime agricultural areas and/or sites of existing non agricultural use that may be compatible in an agricultural area. Siting criteria that is mandatory for REA approval should also be specified with clear guidance on provincial and/or municipal authorities related to the siting of projects.