

September 30, 2019

To: His Worship the Mayor
And Members of City Council

Re: Regina Planning Commission: Application for Zoning Bylaw Amendment (19-Z-10)
Text Amendment to Allow for Private Utilities as a Public Use

RECOMMENDATION

**RECOMMENDATION OF THE REGINA PLANNING COMMISSION
– SEPTEMBER 11, 2019**

1. That the application to amend *Regina Zoning Bylaw No. 9250* by amending section 4C.2.1 by adding subsection (e) and consequential amendments as specified in Appendix A, be approved.
2. That the City Solicitor be directed to prepare the necessary bylaw to authorize the respective Zoning Bylaw amendment.

REGINA PLANNING COMMISSION – SEPTEMBER 11, 2019

The Commission adopted a resolution to concur in the recommendation contained in the report.

Recommendation #3 does not require City Council approval.

Councillors: Jerry Flegel, Bob Hawkins and Barbara Young (Chairperson); Commissioners: Frank Bojkovsky, Andre Kroeger, Adrienne Hagen Lyster, Steven Tunison and Celeste York were present during consideration of this report by the Regina Planning Commission.

The Regina Planning Commission, at its meeting held on September 11, 2019, considered the following report from the Administration:

RECOMMENDATION

1. That the application to amend *Regina Zoning Bylaw No. 9250* by amending section 4C.2.1 by adding subsection (e) and consequential amendments as specified in Appendix A, be approved.
2. That the City Solicitor be directed to prepare the necessary bylaw to authorize the respective Zoning Bylaw amendment.

3. That this report be forwarded to the September 30, 2019 meeting of City Council for approval, which will allow sufficient time for advertising of the required public notices for the respective bylaws.

CONCLUSION

The Administration is proposing an amendment to the *Regina Zoning Bylaw No. 9250* (Current Zoning Bylaw) to clarify that a private utility that delivers services for public benefit can be considered as a “Public Use.” The proposed *The Regina Zoning Bylaw, 2019 (No. 2019-19)* (Proposed Zoning Bylaw), which was approved by Council on August 26, 2019 and is awaiting ratification by the Government of Saskatchewan Ministry of Government Relations, will regulate a private utility the same as a public utility. The amendment is being proposed to the Current Zoning Bylaw in advance of the formal approval of the Proposed Zoning Bylaw to provide certainty to respondents to a SaskPower Solar Energy Program Request for Proposals (RFP) that lands within the City limits may accommodate a solar generation project.

The proposal complies with the development standards and regulations contained in Current Zoning Bylaw and is consistent with the policies in *Design Regina: The Official Community Plan Bylaw No. 2013-48* (OCP). Accordingly, the Administration recommends approval.

BACKGROUND

Administration has initiated a Zoning Bylaw amendment application concerning Public Use Regulations in the Current Zoning Bylaw. On August 26, 2019 City Council approved the Proposed Zoning Bylaw, which contains similar regulations as the subject proposal. The Proposed Zoning Bylaw will take effect 30 days after the Minister of Government Relations approval, but it is unclear when the Government of Saskatchewan will be ready to issue the approval. The Proposed Zoning Bylaw may take effect as early as October 2019, but potentially later in 2019.

This application is being considered pursuant to the Current Zoning Bylaw, OCP and *The Planning and Development Act, 2007*.

DISCUSSION

Zoning and Land Use Details

The Current Zoning Bylaw allows for a “Public Use” in all zones. The purpose of allowing a public use in all zones is to ensure that certain public functions that support the population are unconstrained and allowed to operate in the most efficient locations for the public benefit. Examples of public uses that are utilities include City water reservoirs or sewage pump stations, SaskPower substations, or SaskEnergy distribution infrastructure. The existing regulations reference provision of government or public undertakings and it is unclear if private infrastructure that supports a public utility can be considered as a “Public Use” within the Current Zoning Bylaw. The proposed amendment is specified in Appendix A. The existing regulations would remain intact, but subsection (e) would be added to clarify that a private entity

that dispenses utility services for public benefit can be considered under the Public Use regulations.

The Proposed Zoning Bylaw (pending Governmental of Saskatchewan approval) does not require that utility infrastructure be publicly owned. This bylaw may take effect as early as October 2019, but timing will depend on the progress of the review by the Provincial Ministry of Government Relations. SaskPower has issued a Request for Proposals (RFP) to add 10-megawatts of solar power generation by mid-October 2019. This is part of SaskPower's goal to reduce carbon emissions 40 per cent below 2005 levels by 2030. Administration has spoken to proponents that are interested in lands within the City limits. These discussions have raised concern that the existing zoning regulations are ambiguous with respect to accommodating a private utility as a public use. Proponents of the RFP require certainty before they will commit to land within the City limits. Therefore, the Administration is recommending that the current Zoning Bylaw be amended in case delays in the approval of the Proposed Zoning Bylaw may occur, which may complicate the review of the SaskPower solar power RFPs.

RECOMMENDATION IMPLICATIONS

Financial Implications

None with respect to this report.

Environmental Implications

Approval of the recommendations will ensure that proponents to the SaskPower RFP for solar power may be considered within the City limits. Failure to approve the amendment may result in loss of an otherwise suitable location for renewable power generation that supports the growing demand for electricity within Regina. If sites within the City limits cannot be considered, then SaskPower would be forced to consider potentially less suitable locations for the project.

Policy/Strategic Implications

The proposal is consistent with the policies contained within Part A of the OCP with respect to:

Section D2 - Environment

Goal 4 – Resiliency: Build a resilient city and minimize contributions to climate change.

4.14 Work with stakeholders to

4.14.2 improve Regina's air quality, including reduction of corporate and community greenhouse gas (GHG) emissions;

4.14.5 Encourage the reduction of greenhouse gas emissions through the use of alternative energy sources.

Other Implications

None with respect to this report.

Accessibility Implications

None with respect to this report.

COMMUNICATIONS

The proposed amendment is consistent with the Proposed Zoning Bylaw which contained extensive public engagement and opportunity for feedback. No further public consultation was conducted for this application.

The application will be advertised in *The Leader-Post* on September 14 and 21 in accordance with *The Planning and Development Act, 2007*.

DELEGATED AUTHORITY

City Council's approval is required, pursuant to Part V of *The Planning and Development Act, 2007*.

Respectfully submitted,

REGINA PLANNING COMMISSION



Elaine Gohlke, Secretary

9/25/2019