

APPENDIX E
SETBACKS AND SCREENING DEVICES

KINGSTON SOLAR LP

9th Fl. 55 Standish Court, Mississauga, ON L5R 4B2 Canada TEL: 905-817-6498 FAX: 905-285-1852

August 27, 2012

Grant Bain
City of Kingston (Planning and Development Department)
216 Ontario Street
Kingston, Ontario
K7L 2Z3
Located at: 1211 John Counter Boulevard

**RE: Sol-Luce Kingston Solar PV Energy Project
Landscaping and Site Design Guidelines for Large - Scale, Ground – Oriented Solar Energy
Facilities
Location: Multiple lots, City of Kingston and Loyalist Township**

Dear Mr. Bain:

We would like to thank you for meeting with us on Thursday, August 23 to discuss the "Landscaping and Site Design Guidelines for Large-Scale, Ground Oriented Solar Energy Facilities" (the "**Guidelines**"), approved by the City of Kingston City Council as of May 1, 2012. As you are aware, Kingston Solar LP (the "**Developer**") is in the process of developing a 100 MW ground-mount solar energy electricity generation facility located on multiple lots within the municipalities of the City of Kingston (the "**Municipality**") and Loyalist Township, known as Sol-Luce Kingston Solar PV Energy Project (the "**Project**").

We understand that the purpose of the Guidelines is to outline the minimum standards that the Municipality would ask for with respect to the landscaping and site design for solar energy facilities located within the Municipality and are intended to be a starting point in helping to mitigate visual impacts that such facilities may have on surrounding landscapes. Although compliance with the Guidelines are not required as part of the Renewable Energy Approval ("**REA**"), O. Reg. 359/09 under the *Environmental Protection Act*, the Developer acknowledges the value and role of municipalities in the development of renewable energy projects in Ontario and will take the necessary steps to implement certain aspects of the Guidelines, including design aimed to address setbacks, visual appearance and impacts, landscaping, and berms in the Project. The implementation of setbacks and screening devices will be an integral part of our detailed engineering design as follows:

Mitigation plan in properties adjacent to public road rights-of-way

For Project sites abutting:

- Unity Road
- Rock Road
- The west side of Highway 38
- The west side of Howes Road

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In order to avoid an open view of the Project, appropriate screening and buffering, including a berm or vegetative screening, will be employed to mitigate the presence of the Project. If vegetative screening is used, emphasis will be placed on year-round screening in selecting plant material and multi-story plant material for screening and habitat will be integrated into the design. Refer to Figure 1 for the preliminary mitigation measure.

Mitigation plan in interior properties

The Ministry of Tourism Culture and Sport (MTCS) stated in their letter dated June 11, 2012, "Where interior properties (i.e., those without direct road frontage) are proposed to be developed for solar energy purposes these properties are considered to have less visual exposure within the rural Landscape,". In order to mitigate any potential visual impact of such interior properties that will be used for the project, the Developer will undertake the following measures:

a) The Eastern Side of Quabbin Road or western border of property 11A

The Developer will take the necessary steps to install the necessary visual buffers. At minimum a dense vegetative screening will be planted to avoid any visual exposure to the solar facility. An emphasis will be placed on year-round screening in selecting plant material and multi-story plant material for screening and habitat will be integrated into the design.

b) Abutting properties

- I. *Utilities*: If one of the Project's sites abuts a property owned by a utility company (or by the crown on behalf of such utility company), the Developer will consider setbacks specifically required by such utility company or by applicable law. If no setbacks are required under the aforementioned scope, during the detailed engineering stages, the Developer will make commercially reasonable efforts to meet the setback requirements set out in the Guidelines from the properties boundary to the Project's solar panels.
- II. *Participating land owners*: If one of the Project's sites abuts a property owned by a landowner who is participating in the Project (on that specific property or elsewhere in the Project area), then during the detailed engineering stages, the Developer will make commercially reasonable efforts to meet the setback requirements set out in the Guidelines from the property boundary to the Project's solar panels.
- III. *Land Owners participating in ground mount solar development with other companies*: If one of the Project's sites abuts a property where a solar developer has been granted an interest in such property and such interest has been registered on title to such property, then during the detailed engineering stages, the Developer will make commercially reasonable efforts to meet the setback requirements set out in the Guidelines from the property boundary to the Project's solar panels.
- IV. *Non Participating land owners*: If one of the Project's sites abuts a property that does not fit into one of the above mentioned categories, the Developer will ensure that the Project's solar panels are setback 20 m from such property's boundaries, unless otherwise agreed to between such Land Owner and the Developer.

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Mitigation plan for adjacent inhabited residential properties

For the most part the Developer has already implemented the 100 m setback from residential properties as outlined in the Guidelines; in those rare instances where such setback has not been met then the Developer will undertake the following measures:

a) Abutting Participating residential Land Owners

The Developer and Land Owners participating in the Project have negotiated acceptable setbacks from residences located on such properties and will not be further adjusted.

b) Abutting Non participating residential Land Owners

The Developer will meet with each individual Land Owner where the applicable setback set out in the Guidelines may not be met and will negotiate alternative arrangements acceptable to both the Land Owner and the Developer.

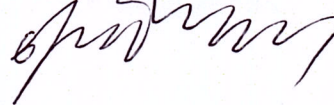
c) Abutting Residential properties not yet built

The Developer crystallized the Project's layout months ago, if a building permit was obtained any time after crystallization, then during the detailed engineering stages, the Developer will make commercially reasonable efforts to meet the applicable setbacks set out in the Guidelines from such new residence.

In connection with the development of the Project, the Developer appreciates the role of the Municipality in identifying potential community concerns in connection with the development of renewable energy projects. We have endeavored to address the most critical aspects of the Guidelines in the development and design of the Project and will continue to work with the Municipality and such development and design continues.

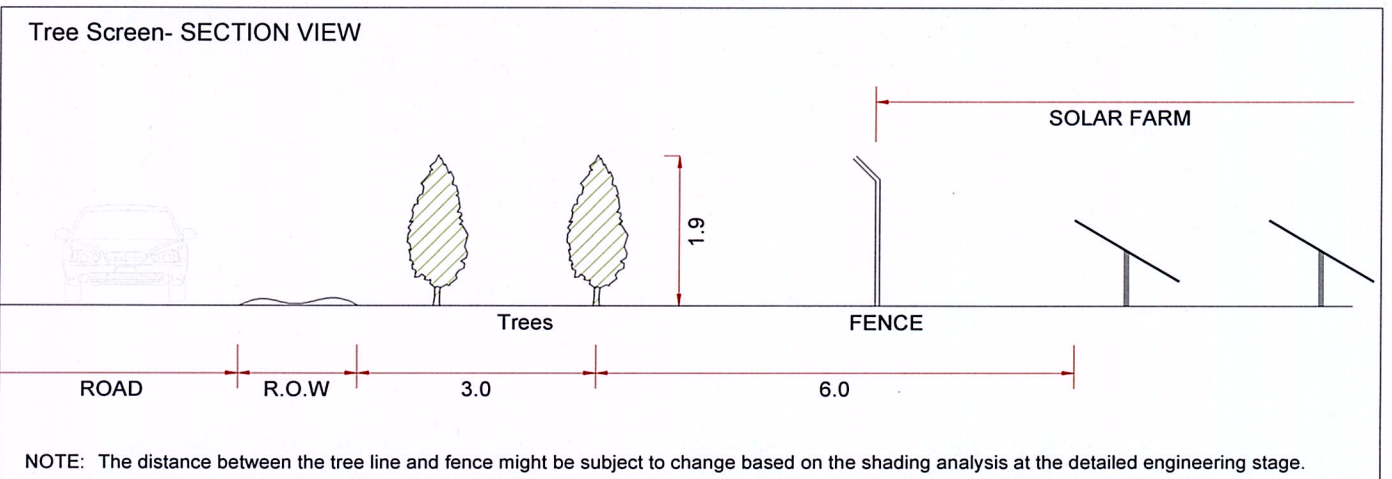
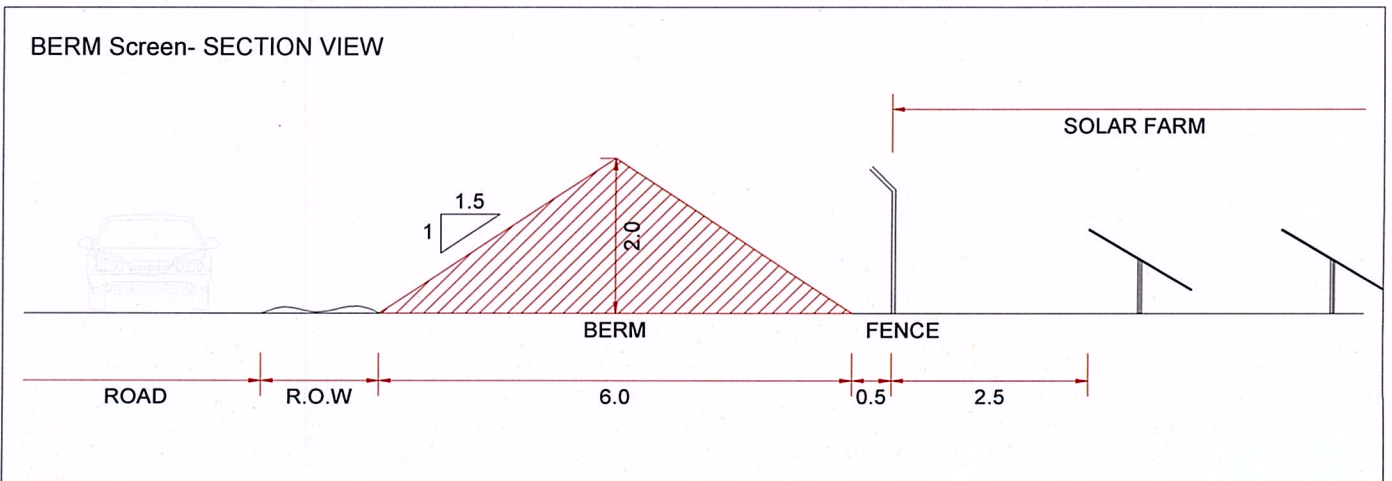
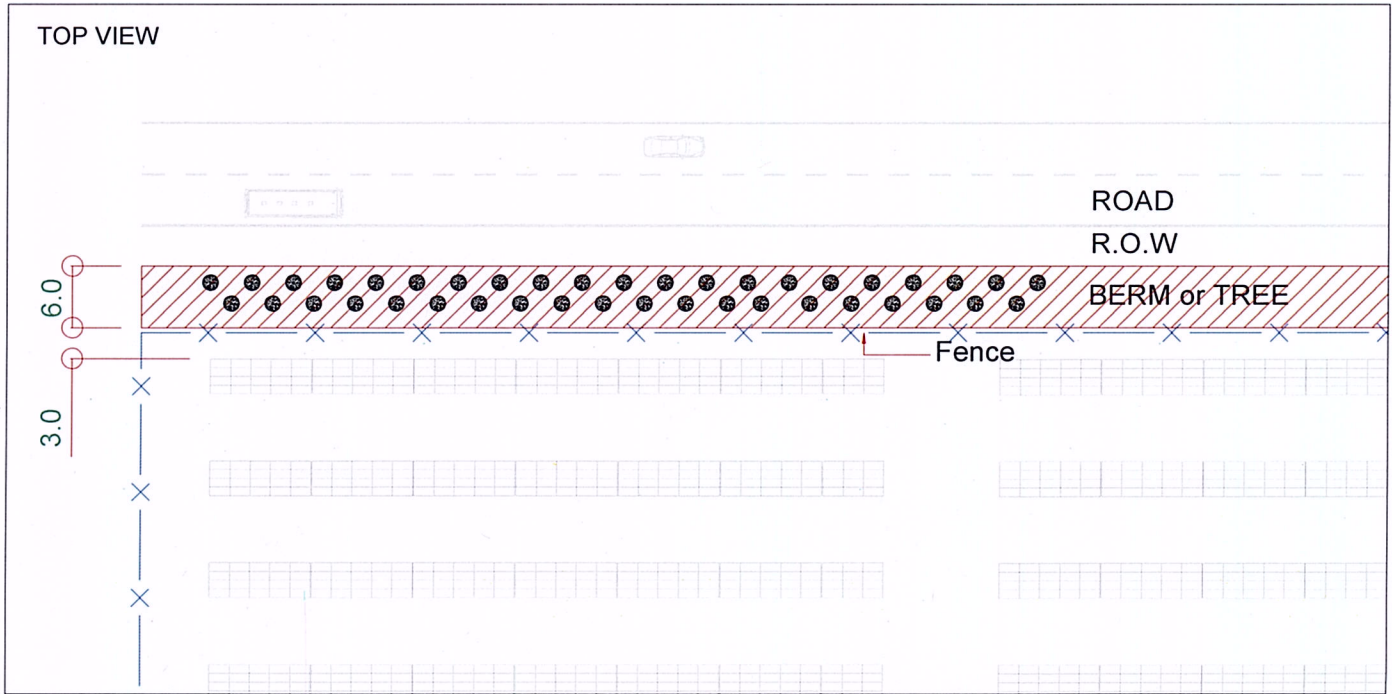
Yours very truly,

KINGSTON SOLAR LP, by its general partner,
KINGSTON SOLAR GP INC.



Jeong Tack Lee
President

Figure 1. Mitigation Measure in properties adjacent to public ROW



NOTE: The distance between the tree line and fence might be subject to change based on the shading analysis at the detailed engineering stage.