



## ADMINISTRATIVE REPORT

### Topic: Bylaw 2021-22 to amend Land Use Bylaw (2017-18) for Solar Farms

#### Introduction:

Administration has received an application to amend Land Use Bylaw (2017-18) to add “Solar Farm” as a discretionary use to the Agricultural General District and the Agricultural Restricted District, and to outline specific use regulations for Solar Farm developments. Bylaw 2021-22 will amend Land Use Bylaw (2017-18) to support expanded opportunities for Solar Farm developments in Parkland County.

Bylaw 2021-22 was brought before council on August 24, 2021, at which time Council voted in favor of tabling the motion for a first reading until after the October 18, 2021 municipal election. On October 26, 2021 Bylaw 2021-22 received first hearing and set a Public Hearing date of December 14, 2021 at 9:30am in Council Chambers.

#### Background Information:

The Alberta Utilities Commission (AUC) is the provincial body which regulates electric, gas and water utilities. Companies who wish to construct or rebuild electric generation, transmission or distribution facilities in Alberta must apply to the AUC for siting approval. Any proposal for a Solar Farm must obtain AUC siting approval, however, municipalities still retain land use authority through Land Use Bylaw regulations. As such, a Land Use Bylaw Amendment Application from Eins Development Consulting Ltd. and Voltarix Group was received by County Administration on May 27, 2021. The application proposes an amendment to Land Use Bylaw (2017-18) that would expand opportunities for solar farm developments beyond the existing permitted use within the AGI – Agricultural Industry Development District.

The proposed amendment will add “Solar Farm” as a discretionary use to the AGG – Agricultural General District and the AGR – Agricultural Restricted District and outline new specific use regulations to ensure land use compatibility. Adding the “Solar Farm” Use Class as a discretionary use to the above noted agricultural districts provides the County with the authority to review “Solar Farm” proposed uses in these districts on a case-by-case basis and ensures that the County retains the oversight necessary to ensure that any proposed “Solar Farm” use does not run contrary to the MDP and other guiding legislation.

#### Analysis:

**As part of the Land Use Bylaw Amendment Application, the applicant was required to submit a summary of research used to inform the amendment and a summary of the public consultation that was completed.**

#### Background Research Summary

The applicant assessed the Land Use Bylaws of each of the municipalities within the Edmonton Metropolitan Region and throughout southern Alberta to determine if and how solar farms are incorporated within existing policy in the area. They provided County Administration with sections from four Land Use Bylaws dealing with solar energy production from municipalities across Alberta. These examples were selected based on the following criteria:

- Municipalities with a blend of rural/agricultural and urban areas.

- Municipalities with recently amended Land Use Bylaws to include solar or renewable energy generation.
- Municipalities that have had large-scale solar projects proposed or approved.

The regional assessment of rural counties revealed that solar farms and equivalent uses are typically considered discretionary uses and located within agricultural and industrial districts.

The detailed findings of the applicant's review are shown in **Attachment 7 – Background Report**.

### **Public Engagement**

As per Council Policy C-AD51, a public open house is required to inform any amendment to Land Use Bylaw (2017-18). Public engagement for this amendment was conducted by the applicant via a virtual open house (Microsoft Teams presentation) on June 17<sup>th</sup>, 2021. Notification of the amendment and virtual open house was provided to the public through newspaper advertisements and social media posts and residents within 800 m of two proposed development locations were notified via telephone and direct mail outs. Direct mailouts were completed as the applicant intends to apply for future development permit approval for Solar Farm use on two parcels within Parkland County. Overall, three County residents attended the virtual open house. No project comments were made during the open house. Comments expressing concern were received from one landowner adjacent to one of the proposed development locations in response to the direct mail outs.

The applicant provided Parkland County with a Community Consultation Report summarizing public engagement action and response. This report can be found in **Attachment 8 – Land Use Bylaw Text Amendments Community Consultation Summary**.

Following the August 24, 2021 council meeting, additional records of public engagement were provided to administration by the applicant. These can be found in **Attachment 9 - Public Engagement: additional submission**.

### **Proposed Amendment**

Bylaw 2021-22 would support expanded opportunities for solar farm developments in Parkland County. At this time, Solar Farm use can only be considered on lands districted AGI – Agricultural Industry Development District. The applicant proposes that “Solar Farm” use be considered on a Discretionary basis in the AGG - Agricultural General District and the AGR – Agricultural Restricted District.

In order to provide additional oversight and to ensure land use compatibility when considering “Solar Farm” use, specific use regulations have been developed to address items such as site grading and draining, weed and erosion mitigation, visual screening measures, site fencing, and public safety measures (i.e. emergency services).

The proposed Land Use Bylaw amendment is shown as red font in **Attachment 6 – Land Use Bylaw with Redlined Amendment**.

Administration is in support of encouraging Solar Farm developments throughout the County, where appropriate. Through Administration's review of the proposed amendment, two areas of concern were identified prior to the August 24, 2021 council meeting. Administration has addressed these concerns in preparation for first reading of Bylaw 2021-22.

1. Decommissioning and reclamation of Solar Farm developments

The AUC requires that applicants provide an overview of how the operator will ensure sufficient funds are available at the project end of life to cover the cost of decommissioning and reclamation. However, there is currently no mechanism for the AUC to hold a security in the form of a deposit or letter of credit to ensure proper decommissioning and reclamation occur.

**Administration obtained legal counsel on the risk posed to the County if no security is required to ensure Solar Farm developments are appropriately decommissioned and reclaimed. Through a review of relevant provincial legislation and recent AUC solar power plant decisions legal counsel determined that while the County may include a requirement that an applicant for a Solar Farm development provide security, the County is not obliged to address reclamation and therefore, the risk of exposure to legal liability is low.**

2. Solar Farm development within prime agricultural land

Administration acknowledges the County's goals of preserving prime agricultural land, as laid out in the MDP. **To facilitate the preservation of identified areas of prime agricultural land the specific use regulations encourage Solar Farm use on land with lower capability soils and soil characteristics. When this is not possible, Administration has added a specific use regulation stating that Solar Farm development should be designed in such a manner as to maintain the agricultural productivity of the subject lands where not used by Solar Energy Systems.**

**Policy Framework Review:**

The *Parkland County Long-term Strategic Plan* establishes economic diversification as a priority area. Integral to this priority is fostering current activities while making space for new and emerging activities that support a diverse local economy and sustainable growth.

The *Municipal Development Plan Bylaw 2017-14* supports protecting prime agricultural lands while also balancing economic development. The MDP articulates the importance of power generation facilities to local employment and discusses Renewable Energy and Sustainable Development and their role in helping the County to reduce greenhouse gas emission and to diversify its economic base.

**Public Consultation:**

Notice of the December 14 Public Hearing was posted to the Parkland County website and published in the *Pembina Post*, *Spruce Grove Examiner*, and the *Stony Plain Reporter* for two weeks, as per the requirements of the *Municipal Government Act*. Notification was also sent directly to municipalities adjacent to the AGG and AGR land use districts.

As of December 1, 2021, eleven written submissions for the Public Hearing have been received by Administration. Included in these submissions are six letters of support from Parkland County residents and local MLAs, two letters of concern from Parkland County residents and three submissions from adjacent municipalities.

All written submissions are included in **Attachment 2 – Written Submissions**.

**Recommendation:**

Administration supports the proposed amendment and recommends that Council give second and third readings to Bylaw 2021-22.

**Attachments:**

- Attachment 1: Chair's Notes
- Attachment 2: Written Submissions
- Attachment 3: List of Speakers for Public Hearing
- Attachment 4: Bylaw 2021-22
- Attachment 6: Land Use Bylaw with Redlined Amendment
- Attachment 7: Background Report
- Attachment 8: Land Use Bylaw Text Amendments Community Consultation Summary
- Attachment 9: Public Engagement (additional submission)
- Attachment 10: Administration PowerPoint Presentation
- Attachment 11: Voltarix Group PowerPoint Presentation (registered speaker)
- Attachment 12: Eins PowerPoint Presentation (registered speaker)

**AUTHORS: Rachelle Trovato, Senior Planner, Development Planning  
Seghan MacDonald, Development Planner, Development Planning**

Department: Planning and Development Services

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