

**PARKLAND COUNTY
PROVINCE OF ALBERTA**

BYLAW 2021-22

BEING A BYLAW FOR THE PURPOSE OF AMENDING LAND USE BYLAW 2017-18 RELATED TO USE CLASSIFICATIONS AND TO EXPAND SECTION 12 – SPECIFIC USE REGULATIONS TO INCLUDE SOLAR FARMS

WHEREAS the Municipal Government Act, RSA 2000, c.M-26 authorizes council to pass bylaws for municipal purposes respecting regulating and controlling the use and development of land and buildings within Parkland County;

WHEREAS Council of Parkland County wishes to pass a bylaw for the purpose of amending Land Use Bylaw 2017-18 to include solar farms;

WHEREAS Section 692 of the Municipal Government Act requires the Council of a municipality to hold a public hearing and advertise such a bylaw in accordance with Section 230 and Section 606 of the Municipal Government Act, respectively;

NOW THEREFORE the Council of Parkland County, duly assembled and under the authority of the Municipal Government Act, as amended, hereby enacts the following:

LAND USE BYLAW 2017-18 AMENDMENTS

1. That Bylaw 2017-18, being the Land Use Bylaw, is amended as follows:

- a. Addition of Use classifications to Section 4 - Agricultural:
 - i. Subsection 4.1.2 (c), Discretionary Uses: Solar Farm
 - ii. Subsection 4.4.2 (c), Discretionary Uses: Solar Farm
- b. Addition of 12.30 Solar Farm to Section 2 – Specific Use Regulations and the following clauses:
 - i. The Alberta Utilities Commission (AUC) regulates large scale / commercial energy projects. Where AUC approval has been applied for or received, a copy of the application submitted to the AUC may be used to satisfy some or all the requirements for a Development Permit. The Development Authority may also request additional information be submitted as part of the Development Permit Application as outlined under Section 16.3.
 - ii. The Development Authority shall require, as a condition of Development Permit approval, that the applicant(s) acquire all necessary Provincial permits and approvals pertinent to the proposed development. Further, the applicant(s) shall be required to supply a copy of any such Provincial permit or approval to the County for its records.
 - iii. Setbacks for Solar Farms shall comply with the Accessory Building setbacks of the District in which the Development is located. Setbacks from Provincial highways shall be determined in consultation with Alberta Transportation.
 - iv. There shall be a minimum distance separation of 300.0 metres between any Solar Farm and the boundary of a Multi-Parcel Residential Subdivision.
 - v. The maximum height of Solar Energy Systems is 5.0 metres.
 - vi. In determining the appropriateness and suitability of a site for a proposed Solar Farm use, the Development Authority shall consider information required by the AUC as part of applications for power plants, as well as may consider due regard for the following:

- a. the purpose of this Bylaw and the general purpose of the district in which the development is located and future use of the site;
 - b. the provisions of the Municipal Development Plan and any relevant statutory plan;
 - c. relevant guidelines and applications made for provincial approval;
 - d. conservation of topsoil for agricultural use on the site or another site;
 - e. conservation of designated historical resources;
 - f. conservation of trees and maintenance of habitat;
 - g. conservation of environmentally significant and sensitive areas, including areas identified in the Environmental Conservation Plan;
 - h. conservation of watercourses; and
 - i. safety and potential nuisance effect(s) on adjacent properties.
- vii. When evaluating the appropriateness of a proposed Solar Farm use, the Development Authority shall consider:
- a. All surface drainage must be contained on site and any adjacent water bodies must be adequately protected from run-off. The proposed site grade shall, to the extent practical, retain the natural contour of the land, minimize the necessity to use retaining walls, and ensure positive drainage to appropriate receiving water courses.
 - b. For applications involving land excavation, the Development Authority may request additional information as outlined under Section 11.8.
 - c. Suitable fencing must be installed to provide security and discourage trespassing. Fencing must be a minimum height of 1.8 metres and be constructed using durable materials, including chain link.
 - d. Spacing of Solar Farm equipment must provide access for firefighting of both forage and electrical fires.
 - e. Information on potential impacts of solar glare on surrounding land uses and roadways within 800 metres of the boundary of the Solar Farm shall be provided to the Development Authority.
 - f. Landscaping and screening measures may be required at the discretion of the Development Authority to minimize any adverse visual impact to nearby residences and public roadways.
 - g. Solar Farm use will be encouraged where feasible to locate in areas with a soil class of 3-6 when located in Prime Agricultural areas as identified by Parkland County's Municipal Development Plan Bylaw 2017-14.
 - ~~g-h.~~ When locating in Prime Agricultural Areas with a soil class of 1 or 2, the 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. This shall be demonstrated by way of site design and/or operational details to the satisfaction of the Development Authority.
 - ~~h-i.~~ A weed control plan shall be submitted to the satisfaction of Parkland County Agricultural services.
 - ~~i-j.~~ Applicants shall provide information on decommissioning and reclamation plans that outline how sites will be returned to their pre-development state as required by the AUC, demonstrating sufficient funds are available at the end of life to cover the cost of decommissioning and reclamation.
 - ~~j-k.~~ The Development Authority may require the applicant to conduct and document public engagement prior to submitting a Development Permit Application for Solar Farm use if, in the opinion of the Development Authority, the development may present significant adverse impact to nearby properties.
 - ~~k.~~ Solar Farm uses are encouraged to maintain the agricultural productivity of lands not used for Solar Farm Systems where feasible.

ENACTMENT/TRANSITION

- 2. Should any provision of this bylaw be deemed invalid then such invalid provision will be severed from this bylaw and such severance will not affect the validity of the remaining portions of this bylaw, except to the extent necessary to give effect to such severance.
- 3. This bylaw shall come into force and take effect on the day of third reading and signing thereof.

READ A FIRST TIME this _____ day of _____, 2021.

READ A SECOND TIME this _____ day of _____, 2021.

READ A THIRD TIME and finally passed this _____ day of _____, 2021.

SIGNED AND PASSED this _____ day of _____, 2021.

Mayor

Chief Administrative Officer