

Subject: **Bylaw 1889 – Land Use Bylaw 1808 Amendment**
 Meeting Date: Tuesday, December 12, 2023
 Prepared By: Barb Hazelton, Manager of Planning & Development
 Presented By: Barb Hazelton, Manager of Planning & Development

RECOMMENDED MOTION:

1. That Council give second reading to Bylaw 1889 as presented for the amendments to replace sections 71 and 74 of Land Use Bylaw 1808.
2. That Council consider further readings of Bylaw 1889.

STRATEGIC PLAN ALIGNMENT: (Check all that apply)

	<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>
High Quality Infrastructure		Economic Resilience		Quality of Life		Effective Leadership		Level of Service	

RELEVANT LEGISLATION:

Provincial (cite)- Municipal Government Act, Renewable Energy Act, Alberta Utilities Commission Act

Council Bylaw/Policy (cite)- Bylaw 1829, Municipal Development Plan, Land Use Bylaw 1808

BACKGROUND/PROPOSAL:

Council has noted several concerns they have with renewable energy projects and the amount of high classification farmland that is being taken out of production for these projects in many municipalities. Council is also aware of the sections of the MGA that empowers the province with greater authority in approving these projects. (These sections have been attached for reference.) Council has chosen to make changes to the Land Use Bylaw in order to protect these high classification lands and also to ensure that the Land Use Bylaw provides greater clarity to developers regarding the expectations of Kneehill County for these projects.

Council directed Administration to initiate an amendment to the Land Use Bylaw 1808 to revise the sections relating to wind and solar renewable energy. Council further scheduled a Committee of the Whole for July 18, 2023, to discuss what they would like to see included in these proposed sections. A draft Bylaw 1889 was presented to Council at the July 25, 2023, Council meeting. Additional amendments were made based on the direction of Council at this meeting.

Revisions have continued over the last several months. These revisions will replace sections 71 and 74 in our current Land Use Bylaw 1808. These amendments are directed at protecting the high classification farmland as well as environmentally significant lands that fall within Kneehill County. The amendments also address setbacks and provide a list of information required to be submitted with an application.

We have provided a revised Bylaw 1889 as per the direction received. It is attached to your package.



“On August 3, 2023, the government enacted the *Generation Approvals Pause Regulation* through an order-in-Council.

Under this regulation, the AUC is prohibited from issuing project approvals related to renewable energy until March 1, 2024. During this pause, the AUC will initiate an inquiry into policies and procedures for the development of renewable electricity generation.

More specifically, the inquiry will inform government policy decisions around the ongoing economic, orderly, and efficient development of electricity generation in Alberta and will look at issues, including:

- Development of power plants on specific types or classes of agricultural or environmental land.
- The impact of power plant development on Alberta’s pristine viewscales.
- Mandatory reclamation security requirements for power plants.
- Development of power plants on lands held by the Crown.
- The impact of the increasing growth of renewables on Alberta’s generation supply mix and electricity system reliability.”

We are on target to complete this bylaw amendment prior to the expiration of the pause. It should be noted that the outcome of this inquiry may impact policies and procedures currently in place at the AUC. It may also impact the process and policies of municipalities.

Advertising and a public hearing were held in accordance with the requirements of the MGA. Administration is open to any additional amendments Council would like to make to this bylaw.

FINANCIAL & STAFFING IMPLICATIONS:

This amendment has been drafted in house so there were no financial implications beyond staff time. Due to the legislated requirements to make changes to Land Use Bylaws, and the enhanced engagement for the Municipal Development Plan, staff have not been able to proceed with some of the Intermunicipal Development Plan reviews that were proposed to be done in this fiscal year. Some legal costs will be incurred during the review.

RECOMMENDED ENGAGEMENT:

Consultative Decision (Consulting the Public- Two Way Communication)

Tools:	Public Hearing	Other:	
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ATTACHMENTS:

Bylaw 1889 with proposed amendments and maps

Kneehill County current LUB sections

Image of measurements from road allowance

MGA section 619 & 620

COUNCIL OPTIONS:

1. That Council move second reading to Bylaw 1889 as presented.
2. That Council move second reading to Bylaw 1889 as amended.
3. That Council consider further readings to Bylaw 1889.
4. Council may reject the changes to Bylaw 1889 and further request Administration to present the proposed amended Bylaw to a Committee of the Whole meeting for further discussion.

FOLLOW-UP ACTIONS:



Administration will ensure that the direction of Council is followed, and all advertising and notification requirements are met throughout this process.

APPROVAL(S):

Mike Haugen, Chief Administrative Officer

Approved-

