

Committee of the Whole

Discussion Report

Subject: **Bylaw 1889 Amendment to Land Use Bylaw Public Hearing Discussion**

Meeting Date: Tuesday, January 16, 2024






Prepared By: Barb Hazelton, Manager of Planning & Development

Presented By: Barb Hazelton, Manager of Planning & Development

RECOMMENDATION:

That the Committee of the Whole recommend to Council that administration bring back Bylaw 1889 with amendments for third reading at the February 13, 2024, Council meeting.

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

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

BACKGROUND/PROPOSAL:

Council initiated an amendment to the Land Use Bylaw specific to the sections relating to renewable energy. These amendments are seeking to protect the amount of high classification agricultural land that is being taken out of production to accommodate these projects. Currently the MGA empowers the Province with greater authority in approving these projects. However, changes may be made to the existing process due to an inquiry that has been required by the Province which will specifically look at current policies and procedures for the development of renewable electricity generation. This inquiry has also triggered a pause on any approvals for these projects until March 1, 2024.

Council also requested that the bylaw be reformatted to clarify the requirements for each category size projects for both wind and solar. This has been completed and is attached for your review. No content has been changed from the previous draft.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES/OTHER CONSIDERATIONS:

Revisions to this bylaw have continued over the last several months, and a public hearing was held on December 12, 2023. Council wanted to schedule an opportunity to discuss the feedback that was received during the hearing. Specifically, Council wanted to discuss the following:

- setbacks to an urban that would not allow a brownfield site to be utilized,
- setbacks to residences
- setbacks to waterbodies
- human and livestock health

Regarding the livestock health question, administration has reached out to Jayson Galbraith, PhD, P.Ag., who is the Acting Manager for the Office of the Chief Provincial Veterinarian for Alberta Agriculture and



Irrigation. He has provided several studies which have been attached for your information. Two of his studies relate to human health.

Administration has also reached out as a general inquiry to the Government of Alberta health minister to see whether or not there are any Alberta based scientific studies that have researched the effects of solar and wind facilities on human health.

Administration wanted to further discuss the stormwater requirement under solar section 6(c). Discussions with an Industrial Approvals Engineer and a Water Approvals Engineer with Alberta Environment noted the following:

They do not require an EPEA approval for these sites. However, if there are impacts to any water body, they would be subject to the *Water Act*. There would be no oversight otherwise. If we require them to either retain or test water prior to release, it would be the responsibility of the municipality to oversee this. Since there is no *Water Act* approval required, the trigger would be a complaint. Alberta Environment would determine whether or not the applicant needs to demonstrate they are not impacting.

Administration is proposing the following wording for this section.

“The applicant must submit a Stormwater Management Plan that outlines how they will mitigate offsite impacts to adjacent lands, roads or waterbodies (either permanent or intermittent), located in proximity to the site. This plan will be reviewed by municipal engineers to ensure that it meets the protection necessary for these adjacent lands.”

Administration will incorporate any amendments Council chooses to make to Bylaw 1889 prior to third reading taking place. Administration proposes to have the revised document ready for the February 13, 2024 Council meeting.

FINANCIAL & STAFFING IMPLICATIONS:

This bylaw has been drafted in house so there were minimal financial implications beyond staff time, however, we did have a legal review done of an earlier draft so some cost was incurred for that review.

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.

ATTACHMENTS:

Reformatted draft of Bylaw 1889

A preliminary investigation of the effect of solar panels and rotation frequency on the grazing behaviour of sheep.

Wind turbines and adverse health effects: Applying Bradford Hill's criteria for causation.

Ontario's Experience of Wind Energy Development as Seen through the Lens of Human Health and Environmental Justice.

APPROVAL(S):

Mike Haugen, Chief Administrative Officer

Approved- ☒

Kevin Gannon, Director of Community Services

Approved- ☒

