

Administrative Backgrounder

Mayor Notice of Motion

Title	Regulations for Large-Scale Renewable Energy Utilities (Mayor Hnatiw)
Purpose of Report	To provide information in response to Mayor Hnatiw’s notice of motion made at the January 24, 2023 Regular Council Meeting.
Proposed Motion(s)	There is no recommended motion.
Background / Analysis	<ul style="list-style-type: none"> • At the January 24, 2023 Regular Council Meeting, Mayor Hnatiw provided notice that she would present the following motion at the February 14, 2023 Regular Council Meeting: <ul style="list-style-type: none"> <i>That Council direct Administration to prepare options for Sturgeon County that promote appropriate placement of large-scale renewable energy utilities in consideration of Sturgeon County’s statutory plans, highest and best use of land, quality of life, and the environment.</i> • Administration has reviewed a neighbouring municipality’s (Parkland County) ‘Solar Bylaw’ which brought forward several Land Use Bylaw amendments regarding utility scale solar farms. Upon review: <ul style="list-style-type: none"> ○ Sturgeon County’s current Land Use Bylaw considers most aspects of a Solar Farm proposal in a similar manner to what Parkland County proposed. ○ Parkland County has noted specific requirements within a Solar Utility section; however, Sturgeon County has most of the same requirements within the standard review process. ○ The most significant difference is that Parkland County requires Solar Utilities to avoid class 1 and 2 soil classification lands. • From a regulatory perspective, Utility Scale Solar Farms are reviewed / approved by the Alberta Utilities Commission (AUC) in accordance with its requirements. <ul style="list-style-type: none"> ○ Small solar farms between 1MW and 10MW require a shortened application from the AUC and larger solar farms must meet the complete AUC Rule 007. ○ Power plants (solar farms) are considered by the AUC on a case-by-case basis and any approvals by the AUC are

considered approvals under section 619 of the Alberta *Municipal Government Act* (MGA).

- An AUC approval under section 619 of the MGA effectively means that **if the AUC approves a solar farm application, that carries precedence and the municipality must approve it as well** (including redistricting, development permit, etc.).
- The AUC states that they consider the following in their decisions: *environment impacts, wildlife impacts, property values, noise, visual impacts, land-use considerations, local and municipal economic benefits, other issues raised by participants.*
- Sturgeon County's Land Use Bylaw has taken into account the AUC powers under section 619 of the MGA and has limited County review of solar farm projects to aspects that are fundamentally areas the AUC has likely not considered.

Council's Preliminary Options

- Going forward, Council has the following options to decide the way Sturgeon County governs land use for large-scale renewable energy facilities.
- Option 1 – Status Quo
 - Administration reviews applications for solar farms as per the Land Use Bylaw and jurisdictional precedence set out in section 619 of the MGA.
 - Development review focuses on any aspects of a development that in the site-specific case the AUC did not consider as part of their evaluation. Typically, this would entail detailed review of fencing, road concerns, and access.
- Option 2 – Policy Updates (**Currently Approved Approach**)
 - As part of the Municipal Development Plan (MDP) update project, Administration would consider agricultural protection policies that prioritize lower soil classification / marginal land for renewable energy or solar farm development.
 - Administration would review Land Use Bylaw amendments that may include removing Solar Farm as a discretionary use from AG - Agricultural district, requiring the applicant to pursue redistricting to be able to apply for a development permit.
 - When informed of a Solar Farm proposal, Administration could become an intervener in the AUC approval process and ensure the AUC considers MDP Agricultural Protection policies in its decision.

	<ul style="list-style-type: none"> ○ Following the steps noted above, development review would focus on any aspects of a development that in the site-specific case the AUC did not consider as part of their evaluation. Typically, this would entail detailed review of fencing, road concerns, and access. ● Note: Council would still be required to approve a redistricting if the AUC has approved the project. ● Administration has proactively provided options within this backgrounder for Council consideration. If these options are acceptable and the current approach is supported, the above motion could be amended to read: <p style="text-align: center;"><i>That Council direct Administration to ensure the forthcoming Municipal Development Plan review considers the appropriate placement of large-scale renewable energy utilities in consideration of highest and best use of land, quality of life, and the environment.</i></p>
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<p>Strategic Alignment</p>	<p>Planned Growth Sturgeon County’s current regulatory framework for renewable energy utilities is designed to be competitive, with a focus on new growth and innovation. However, these utilities, such as solar farms, may also impact preservation of prime agricultural land and community aesthetics.</p> <p>Environmental Stewardship Renewable energy utilities, such as solar farms, may have impacts on conservation of natural areas and agricultural lands; however, they may also be credited with supporting overall emission reductions and carbon neutrality.</p> <p>Collaborative Governance Sturgeon County’s land use plans and bylaws are designed to foster transparent decisions on sound rationale.</p> <p>Operational Excellence Construction of renewable energy facilities may assist in the County’s long term financial sustainability through new tax assessment and jobs.</p>
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<p>Anticipated Human Resource Requirements</p>	<p>Administration has the capacity to review the appropriate placement of large-scale renewable energy utilities in consideration of Sturgeon County’s statutory plans, highest and best use of land, quality of life, and the environment. This would be incorporated into the planned Municipal Development Plan amendment process.</p>
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Anticipated Financial Resource Requirements	Further review of this matter may require additional legal opinion.
Attachment(s)	1. Attachment 1: Provincial Paramountcy in Planning Decisions
Report Reviewed by:	Bonnie McInnis, Manager, Planning and Development Services Travis Peter, General Manager, Development and Strategic Services & Acting County Commissioner - CAO