

Public Hearing - Bylaw 1436-23:

A G E N D A: Public Hearing to be held on
Thursday, May 11, 2023 at 1:15 P.M.
Virtual - Meeting ID: 118422661

<https://video.businessconnect.telus.com/join/118422661>

And with Council physically present in the County Council Chambers, Smoky Lake.

1. Opening:

- Public Hearing is called to order.
- Public wishing to be heard sign in on the sign-in sheet.
- Confirmation is provided that the Public Hearing was advertised and notice was provided in accordance with the applicable legislation.
- Purpose of the hearing is summarized:
To obtain public input in regard to Bylaw No. 1436-23: a bylaw for the purpose of Amending Municipal Development Plan (MDP) Bylaw No. 1249-12 with provisions dealing with major alternative energy developments
- Ground rules of the hearing and order of speaking are reviewed.

2. Staff Presentation:

- Smoky Lake County Planning Staff make their presentation(s).
Bylaw 1436-23: was given first reading on April 13, 2023.
- Council asks questions and/or request points of clarity.

3. Public Presentations via Written Submissions:

- Written submissions are read.
- Council asks questions and/or request points of clarity.

4. Public Presentations at the Public Hearing:

- Persons signed in whom are **in opposition** to the proposed bylaw are called upon to speak.
- Council asks questions and/or request points of clarity.
- Persons signed in whom are **in support** of the proposed bylaw are called upon to speak.
- Council asks questions and/or request points of clarity.
- Anyone else who has not spoken and wishes to speak is called upon to speak.
- Council asks questions and/or request points of clarity.

5. Questions and Answers:

- Any Council member having any additional questions of any speaker or of the staff or those who have spoken may speak.

6. Closing Remarks:

- Declare the Public Hearing closed.



Public Hearing Date: May 11, 2023
Public Hearing Time: 1:15 p.m.

BYLAW NO. 1436-23
PUBLIC HEARING BACKGROUND

PROPOSED BYLAW NAME & NO.: Smoky Lake County Bylaw 1436-23: A Bylaw of *Smoky Lake* to amend *Smoky Lake County Land Use Bylaw No. 1272-14* & *Smoky Lake County Municipal Development Plan Bylaw No. 1249-12*, for the purposes of providing regulations for major alternative energy developments.

BACKGROUND:

- On March 16, 2023, Smoky Lake County Council adopted Motion #424-23: *"That Smoky Lake County's Administration brings forward a Municipal Development Plan (MDP) amendment relating to major alternative energy considerations, based in-part on information obtained through Parkland County, and others."*
- During its research and preparation of this amendment, administration determined that a concurrent amendment to the County's Land Use Bylaw was necessary to ensure that the amendment made to the MDP was consistent with the Land Use Bylaw as is required by the *Municipal Government Act*.
- The proposed changes to the **Municipal Development Plan** are as follows:
 - Inclusion of policies supporting alternative/renewable energy projects provided that they do not compromise high-quality agricultural lands;
 - Inclusion of policies relating to integrated watershed management, including support for the completion of the North Saskatchewan Regional Plan;
 - Inclusion of policies supporting the protection of important/sensitive environmental features within the County; and
 - Inclusion of policies seeking the preparation of sub-watershed management plans for areas around highly-developed lakes within the County.
- The proposed changes to the **Land Use Bylaw** are as follows:
 - Removal of existing definitions for solar and wind energy collection systems developments;
 - Addition of new definitions for Alternative Energy Systems, both commercial and personal scale, for solar, wind and geothermal developments;
 - Removing existing provisions for solar and wind energy collection developments and replacing them with more detailed and robust provisions/requirements for both commercial and personal scale Alternative Energy Systems;
 - Addition of requirement to conduct public consultation/engagement for commercial scale Alternative Energy Systems developments;
 - Addition of policies relating to decommissioning of commercial scale Alternative Energy Systems developments;
 - Addition of policies relating to the information/technical studies required when submitting an application for a Development Permit for both commercial and personal scale Alternative Energy Systems developments; and
 - Removal of existing solar and wind energy collection development from each land use District and adding commercial and personal scale Alternative Energy Systems developments as Discretionary Uses in appropriate land use Districts.

- Proposed Bylaw No. 1436-23 received First Reading on April 13, 2023.
- A Notice has been posted on the County's website since April 14, 2023 and has also appeared on the County's social media platforms, on April 19, 2023, and been advertised in the Redwater Review, the week of April 19, 2023 & April 26, 2023, in accordance with Section 606 of the Municipal Government Act and Smoky Lake County policies and Bylaws.
- This Hearing has been scheduled to obtain public input on proposed Bylaw No. 1436-23 in accordance with Section 216.4 of the Municipal Government Act.

ATTACHMENTS:

1. Draft Bylaw No. 1436-23
2. Written Submissions
3. Relevant Legislation
4. Notice of Public Hearing

Bylaw No. 1436-23

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1436-23**

A Bylaw of Smoky Lake County, in the Province of Alberta for the purpose of Amending Municipal Development Plan (MDP) Bylaw No. 1249-12 with provisions dealing with major alternative energy developments.

WHEREAS Council has adopted Smoky Lake County Bylaw No. 1249-12 to be the Municipal Development Plan (MDP);

WHEREAS it is deemed expedient to amend Bylaw No. 1249-12 as set out in Section 692 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

WHEREAS a Public Hearing has been held pursuant to Section 216.4 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

WHEREAS said Public Hearing has been advertised pursuant to Section 606 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

NOW THEREFORE under the authority and subject to the provisions of the *Municipal Government Act*, and by virtue of all other enabling powers, the Council of Smoky Lake County, duly assembled, enacts as follows:

1. Title

a. This Bylaw may be cited as:

‘Smoky Lake County Major Alternative Energy Bylaw, Amending Land Use Bylaw No. 1272-14 and Municipal Development Plan Bylaw No. 1249-12.’

2. Smoky Lake County Municipal Development Plan Bylaw No. 1249-12 is hereby amended as follows:

a. By adding the following under Objective 3.2.3 (Alternative/Renewable Energy):

***Policy 3.2.3.3** The County supports the development of alternative/renewable energy industries as an economic generator and will support partnerships with industry and education institutions to establish energy pilot projects in Smoky Lake County.*

***Policy 3.2.3.4** The County promotes partnerships with industry to transition to alternative energy development by promoting the adaptive reuse of existing energy infrastructure, including previously disturbed lands and transmission networks.*

***Policy 3.2.3.5** The County encourages the microgeneration of renewable energy sources in all areas of the County, including the use of agricultural land for small scale production of renewable energy.*

b. By adding the following under Section 3 General Objectives and Policies:

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Section 3.9 Integrated Watershed and Regional Planning**Objective 3.9.1 To support the completion of the North Saskatchewan Regional Plan.**

Policy 3.9.1.1 *The County will partner with the Government of Alberta, Indigenous communities, industry, non-government organizations and the public to ensure the protection of environmental features within and connected to Smoky Lake County.*

Policy 3.9.1.2 *The County supports and will participate in regional environmental planning initiatives such as the development of the North Saskatchewan Regional Plan (NSRP).*

Objective 3.9.2 To support Lake and Watershed Management.

Policy 3.9.2.1 *The County will continue to participate in regional watershed alliance groups to support regional watershed planning initiatives and management plans.*

Policy 3.9.2.2 *The County will seek to protect, enhance, and restore the water quality and aquatic ecosystems in the region whenever possible by:*

- i. retaining natural areas along waterbodies and watercourses;*
- ii. incorporating best practices to minimize soil erosion, to protect and enhance riparian zones and to conserve and enhance areas that contain habitat for federally or provincially listed plant or wildlife species; and*
- iii. conserving wetlands and establishing riparian setbacks around wetlands.*

Policy 3.9.2.3 *The County shall seek to prepare Sub-Watershed Lake Plans for priority areas which are under stress, such as Smoky Lake, Hanmore Lake, Mons Lake, Cache Lake, Garner Lake, and Whitefish Lake.*

c. By adding the following under Section 8 Definitions:

Alternative/Renewable Energy Resources means energy generated from renewable natural sources such as wind, solar or geothermal process.

3. Smoky Lake County Land Use Bylaw No. 1272-14 is hereby amended as follows:**a. By removing the following definitions under Section 1.7 Interpretation/Definitions:**

- i. Solar Array;*
- ii. Solar Energy Conversion System;*
- iii. Wind Energy Conservation System, Large;*

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iv. *Wind Energy Conservation System, Micro; and*

v. *Wind Energy Conservation System, Small.*

b. By adding the following definitions under Section 1.7 Interpretation/Definitions:

i. *Alternative Energy, Commercial means any system, device or structure that is used to collect natural energy resources, such as the sun, wind, or geothermal, to generate thermal, electrical, or mechanical energy to use as an alternative to fossil fuels and other non-renewable resources. Typical examples are, but not limited to, commercial solar energy conversion systems, commercial wind energy conversion systems, and commercial geothermal energy conversion systems. A commercial alternative energy system is intended to provide power primarily for resale.*

Includes:

Geothermal Energy Conversion System, Commercial means a power generation facility consisting of any system, device or structure that utilizes a heat pump to warm or cool air by utilizing the constant temperatures of the Earth, to generate energy primarily for resale.

Solar Energy Conversion System, Commercial means a power generation facility consisting of active or passive solar panels and related facilities. This system is connected to the same substation or metering point used for the production of electrical power, and is primarily for resale.

Wind Energy Conversion System, Commercial means multiple wind energy systems developed to generate energy primarily for resale.

ii. *Alternative Energy, Personal means any system, device or structure that is used to collect natural energy resources, such as the sun, wind, or geothermal, to generate thermal, electrical, or mechanical energy to use as an alternative to fossil fuels and other non-renewable resources. Typical examples are, but not limited to, personal solar energy conversion systems, personal wind energy conversion systems, and personal geothermal energy conversion systems. A personal alternative energy system is intended to provide power for onsite consumption requirements, either on or off-grid, and may provide residual power to the grid but is not intended to produce power primarily for resale.*

Includes:

Geothermal Energy Conversion System, Personal means a power generation facility consisting of any system, device or structure that utilizes a heat pump to warm or cool air by utilizing the constant temperatures of the Earth, to generate electrical power for onsite consumption requirements, either on or off-grid, and may provide residual power to the grid but is not intended to produce power primarily for resale.

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Solar Energy Conversion System, Personal means a power generation facility consisting of active or passive solar panels and related facilities. It is intended to provide electrical power for onsite consumption requirements, either on or off-grid, and may provide residual power to the grid but is not intended to produce power primarily for resale.

Wind Energy Conversion System, Personal means a single wind energy conversion system developed to generate electrical power for onsite consumption requirements, either on or off-grid and may provide residual power to the grid but is not intended to produce power primarily for resale. The system and supporting structure is less than 25 m (82 ft.) in height.

- c. By removing Section 7.35 Solar Energy Collection Systems.
- d. By removing Section 7.38 Wind Conversion Systems, Large.
- e. By Removing Section 7.39 Wind Conversion Systems Micro.
- f. By removing Section 7.40 Wind Conversion Systems Small.
- g. By adding the following under Section 7 Special Provisions:

- i. **Commercial Alternative Energy (CAE) Development**

Jurisdiction

The Province of Alberta and its agencies. Regulates large scale /commercial energy projects. Under Sections 619 and 260 of the *Municipal Government Act (MGA)*, the County's regulatory role is very limited. The MGA (Sec. 619(2)) is very clear that "A license permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC prevails..." over "... any statutory plan, land use bylaw, subdivision decision or development decision..." of a municipality.

Purpose

The purpose of this Section is to establish local standards for Commercial Alternative Energy (CAE) developments, including but not limited to, solar, wind and geothermal, and other energy producing technologies whose purpose is to produce energy for the commercial market.

Provincial or Other Approvals

1. Where Provincial or Federal Government or other Agency approval has been received for a CAE, a copy of the said approval and supporting documents, shall be submitted to the Development Authority. The supporting information provided to the Province, Federal Government or other Agency may be used to satisfy some or all of the requirements of the County.

Protection of Agricultural Lands

2. In compliance with the Agricultural Objectives (3.2.3) and Policies (3.2.3.3, 3.2.3.4, & 3.2.3.5) of the Municipal Development Plan:

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- a. the siting of an CAE should take place on lands considered to be low production, or on poor agricultural land; and
- b. the use of high quality agricultural soils should be discouraged.

General Requirements

- 3. A development permit application shall be made for every title upon which the CAE is proposed.
- 4. A site plan(s) shall be required for each title but a single, master set of supporting documents may be submitted for the overall project.

Public Consultation

- 5. Prior to the submission of a development permit application the applicant shall:
 - a. arrange and host at least one (1) open house or public meeting, in the general area of the site proposed for the CAE;
 - b. advertise the time, date, and place of the open house or public meeting:
 - i. in a newspaper circulating in the area of the proposed development, with the advertisement appearing a minimum of two (2) weeks in advance of the open house or public meeting, and
 - ii. mail a written notice of the time, date, and place of the open house or public meeting to all landowners within the area proposed for the development, and all landowners within 2 km (1.2 miles) of the boundary of the area proposed for the development;
 - c. the information provided at the open house or public meeting shall be all the information that would be required as part of a Development Permit application for the proposal;
 - d. Opportunities for questions and input from the public shall be allowed; and
 - e. A summary of the presentation and the public input shall be recorded and submitted to the Development Authority when applying for a development permit application.
- 6. If public consultation was held as part of the Provincial approval process, the Applicant may submit the details of that consultation to the County to satisfy the requirements of **Section 7.35.5**.

Safety

- 7. All applications shall include:
 - a. an emergency response plan; and

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- b. a detailed safety plan identifying any special rescue needs for workers that is beyond the local emergency responders' equipment and training capability.
- 8. All applicable Safety Codes permits are required to be obtained.

Transmission Lines

- 9. All collector lines, (less than 69kV) on the site of a CAE generating electrical power, shall be underground, except where the Development Authority approves otherwise.

Colour and Finishes

- 10. The buildings, supporting structures, and accessory buildings shall be painted or coated in in non-reflective and non-glossy tones and / or colors which minimize the obtrusive impact of a CAE.
- 11. No brand names, lettering or advertising shall appear on buildings, towers, blades, support structures or accessory buildings and structures.
- 12. The lettering or imagery that may appear on the lowest 3 m (10 ft.) of a tower or building of a CAE are the manufacturer's identification and contact information, the operator's identification and contact information, emergency contact information, and municipal symbol.

County Standards

- 13. All roads, approaches, culverts, fences, or other County infrastructure to be replaced, constructed, upgraded, or reconstructed, shall be built to the County's standards current at the time of construction.

Noise

- 14. During construction, operation, and decommissioning the sound level from any CAE shall not exceed 60dB(A), or more than 5dB(A) above the background noise, whichever is lower, as measured at the exterior of the closest inhabited Dwelling.
- 15. The CAE can utilize berms, deflectors, sound blankets, walls, vegetation, fences, buildings, or other sound mitigative measures or any combination of these items to achieve the sounds levels described in **Section 7.35 14**.

Referral

- 16. Prior to deciding upon an application for a CAE, the Development Authority may refer for the review, comment, and any input provided from any of the following entities:
 - a. Alberta Utilities Commission;
 - b. Alberta Transportation;
 - c. Transport Canada;
 - d. NavCanada;

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- e. Alberta Electrical Systems Operator;
- f. adjoining municipalities (f the application area is within the Intermunicipal Development Plan boundary for a municipality); and
- g. any other person, departments, agency, commission, or government the Development Authority deems necessary.

Decommissioning

17. Decommissioning and reclamation shall take place in compliance with the applicable provincial standards of the day the site is decommissioned. If no standards are in place at the time of a development permit application, the applicant shall provide a plan outlining how the site will be decommissioned and reclaimed to the site's predevelopment state as part of the Development Permit application. The decommissioning plan shall include information on the following:

- a. treatment of buildings, footings, foundations, structures, and wires;
- b. reclamation of access roads, driveways, pathways, storm ponds, drainage systems, and other similar disturbances;
- c. The type and suitability vegetation and / or ground cover to be planted and / or seeded;
- d. Notice to be given to landowners and the County;
- e. Containment of hazardous materials;
- f. Site security;
- g. Haul routes for disposal materials;
- h. Control of noise, dust, particulates, and weeds; and
- i. Discussion of the timetable for decommissioning the plan.

Financial Security

18. As a condition of development approval, the County may require financial security, in the form satisfactory to the Development Authority, to ensure the Reclamation / Decommissioning Plan is implemented and to cover assignment and bankruptcy. The condition may include a periodic review of the security to ensure the amount is sufficient to implement the Reclamation /Decommissioning Plan.

Discontinuance

19. Should an Alternative Energy Development discontinue producing power for a minimum of two consecutive years, or two cumulative years over a five-year period, the operator shall provide a report on the status of the System to the County. A review of the status report by the County may result in the request for the System to be decommissioned. Failure to comply with a decommissioning request may result in the issuance of a stop order by the County in accordance with the provision of the Municipal Government Act

Commercial Solar Energy Conversion Systems Applications

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20. Development Permit applications for a solar collector system shall be accompanied by the following information:
- a. a plan showing the location of overhead and / or underground utilities on or adjacent to the subject lands;
 - b. Location and identification of environmentally sensitive areas on the project lands;
 - c. A detailed site plan showing:
 - i. the titled parcel(s),
 - ii. the location of the system on the parcel(s),
 - iii. the required setbacks,
 - iv. existing structures, if any,
 - v. the existing or proposed approach(es), and,
 - vi. the orientation of the solar collectors.
 - d. The application shall also include details regarding:
 - i. the system type,
 - ii. number of structures,
 - iii. height of structures,
 - iv. energy process,
 - v. grid connection,
 - vi. rated output in megawatts,
 - vii. signage,
 - viii. public safety,
 - ix. security measures,
 - x. a site suitability analysis,
 - xi. topography,
 - xii. soil characteristics,
 - xiii. agricultural capability,
 - xiv. potential impacts on agricultural land,
 - xv. stormwater management plan,
 - xvi. surface drainage plan,
 - xvii. the results of the public consultation process,
 - xviii. weed control plan, and
 - xix. an environmental impact assessment prepared by a qualified professional demonstrating site suitability, impact mitigation and reclamation requirements.

Glare

21. Solar panels must be located such that they do not create glare on neighboring properties or public roadways.

Projections

22. Solar collectors mounted to the roof of a building or structure shall not extend beyond the outermost edge of the roof.

Height and Setbacks

23. The maximum heights and setbacks of building mounted or ground mounted solar collection systems shall be subject to the height and setback requirements of the applicable Land Use District

Fire Protection

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24. The spacing and height of solar collectors shall be designed to provide access for firefighting

Density

25. The location of and maximum number of solar collectors per Title may be regulated by the Development Authority.

Commercial Wind Energy Conversion Systems Applications

26. An individual development permit application shall be submitted for each titled parcel.
27. Development Permit applications for a wind energy conversion system shall be accompanied by the following information:
- a. an accurate site plan showing and labeling the information outlined in this section and the location of overhead and / or underground utilities on or adjacent to the subject lands;
 - b. a digital version of the site plan showing the exact location and base elevation of each WECS in UTM coordinates with NAD datum, Zone X;
 - c. a visual representation of the WECS project including scale elevations, photographs and / or digital projections of the project showing height, rotor diameter, color and landscape;
 - d. a digital version of the site plan showing the exact location and base elevation of each WECS in UTM coordinates and NAD datum, Zone AA;
 - e. the specifications indicating:
 - i. the type of material used in tower, blade, and rotor construction,
 - ii. grid connections and size of any substations,
 - iii. signage,
 - iv. security measures,
 - v. site suitability analysis,
 - vi. topography;
 - vii. soil characteristics,
 - viii. agricultural capability,
 - ix. potential impacts on agricultural land,
 - x. stormwater management plan,
 - xi. surface drainage plan,
 - xii. the location of any dwellings or structures on the property,
 - xiii. setbacks;
 - xiv. weed control plan, and
 - xv. an environmental impact assessment prepared by a qualified professional demonstrating site suitability, impact mitigation and reclamation requirements;
 - f. the manufacturer's specifications indicating:
 - i. the proposed systems rated output in megawatts,
 - ii. the safety features,
 - iii. the type of material used in the tower, blade, and rotor construction, and

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- iv. foundation design and / or anchor design, including the location and anchoring of any guy wires;
- g. an analysis of the potential for noise and shadow / flicker effect, both at the site of the installation, at the boundary of the property containing the development, and at any habitable residence within 2 km (1.2 miles) of any Wind Energy Conversion System in accordance with Alberta Utilities Commission Rule 12;
- h. the results of the public consultation process;
- i. the potential for electromagnetic interference;
- j. the nature and function of over speed controls which are provided;
- k. the status of the applicant's circulation to NavCanada, Transport Canada, Alberta Utilities Commission, and any other government department or agency required for provincial approval;
- l. information related to public safety;
- m. identification of any roads to be used or constructed for use during construction of the project and any impacts to the existing road system including required approaches from public roads; and
- n. a copy of the Wire Service Provider (WSP) approval if the Wind Energy Conversion System is proposed to be connected to the provincial power grid.

Density

28. The Development Authority may approve one or more Commercial Wind Energy Conversion System structures on a titled parcel having regard for:
- a. the proximity to other adjacent land uses;
 - b. the overall density of the WECS project;
 - c. a consideration of the cumulative effect of all Wind Energy Conversion System approved or proposed within 5 km (3miles) of the proposal;
 - d. the underlying utilities; and
 - e. the information received through the circulation process, public consultation process and through the redistricting public hearing.

Setbacks

29. The setback distance between a Wind Energy Conversion System and a dwelling, within and without the project boundary, shall be as established by the Alberta Utilities Commission through the calculations of AUC Rule 12.
30. The Wind Energy Conversion System's tower shall be setback from the boundary of all County Road rights of way (developed or undeveloped), a minimum distance equal to the total height of the tower plus 10 percent.
31. A Wind Energy Conversion System shall be setback not less than 7.5 m (24.6 ft.) from all other property lines, as measured from the rotor's arc (rotor diameter).

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32. If the tower utilizes guy wire anchors, the anchors, but not the tower, may be located no closer than 3.0 m (10 ft.) to the property lines.

Minimum Blade Clearance

33. The minimum vertical blade clearance from grade shall be 7.6 m (25 ft.) for a Wind Energy Conversion System employing a horizontal rotor.

Tower Access and Safety

34. To ensure public safety, the Development Authority may require that:
- a. if the tower is climbable, a security fence with a lockable gate, not less than 1.9 (6 ft.) in height, shall be installed around a Wind Energy Conversion System tower;
 - b. no ladder or permanent tower access device shall be located less than 3.7 m (12 ft.) from grade;
 - c. a locked device shall be installed on the tower to preclude access to the top of the tower;
 - d. additional access control features or such additional safety mechanisms or procedures may be required by the Development Authority; and
 - e. the use of tubular towers, with locked door access, will preclude the above requirements.

Speed Control

35. The system shall be equipped with manual and automatic over speed controls.
36. The conformance of rotor and over speed control design and fabrication to good engineering practices shall be certified by a licensed mechanical, structural or civil engineer.

Electro-Magnetism

37. The system shall be operated such that any electro-magnetic interference is dealt with as per the permit issued by the AUC. If electro-magnetic interference is determined during operation, the developer will work with the affected stakeholder (s) to mitigate any issues.

Other Commercial Alternative Energy Systems Applications

38. Development Permit applications for all other types of Alternate Energy production systems shall be accompanied by the following information:
- a. an accurate site plan showing and labelling:
 - i. the legal location(s) of the proposed system,
 - ii. the location of the proposed system on the property or properties in relation to property lines and existing or proposed buildings or structures,
 - iii. the location of the existing or proposed access,

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- iv. the identification of any sensitive environmental features,
- v. the topography of the site,
- vi. the method of exporting the energy off site – power lines, pipelines, vehicles, etc.;
- b. detailed information on the type of facility, structure, or system of the energy process involved;
- c. the manufacture's specifications, indicating (if applicable):
 - i. the rated output in megawatts or gigajoules, and,
 - ii. the safety features;
- d. any information regarding public safety;
- e. information or verification of:
 - i. the volume of water, if required,
 - ii. the source of the water, if required,
 - iii. the reclamation process of any water utilized by the system,
 - iv. the stormwater management system, if required,
 - v. the method of disposal of any waste material generated by the system,
 - vi. the generation and mitigation of any noise, vibration, odor, light, particulate that results from the production process;
- f. an analysis of the potential fire, explosive, or other hazards of the proposed system; and
- g. a Traffic Impact Assessment or other information / analysis of traffic volumes and any impacts to the local road system.

Setbacks

39. The buildings and structures of non-solar and non-wind based Commercial Alternate Energy development(s) shall comply with all the setbacks established in the district in which it is located with the following modifications:
- a. a minimum of 250 m (820 ft.) from any residential dwelling, food establishment, institutional use or public use, facility or building; and
 - b. a minimum of 100 m (328 ft.) from the boundary of any creek, stream, river, lake shore or water body.

Commercial Geothermal Energy Conversion Systems

40. All geothermal systems shall be Closed Loop systems. Open Loop systems (pump & dump) are not allowed.
41. Must comply with CSA-C448 and subsequent amendments. Exceptions may be allowed, at the discretion of the Development Authority, provided documented proof is provided showing that the exception meets or exceeds CSA-C448 standard.
42. Installations must be stamped by a qualified Professional Engineer registered under the "Engineering, Geological, or Geophysical Professions Act" of Alberta or have the system and installer certified by the Canadian GeoExchange Coalition (CGC) or other future governing body having jurisdiction within the Province of Alberta.

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43. Heat-transfer fluids within a geothermal system shall be of the most environmentally friendly type available at the time of installation. In no case may an ethylene glycol-based fluid be used nor shall any flammable or combustible agent such as methanol, ethanol, natural gas, or propane be used.

Conditions of Approval for Any Commercial Alternative Energy System

44. Depending on the type of Commercial Alternative Eenergy System proposed, the Development Authority shall consider, as limited by Sections 619 and 620 of the Municipal Government Act, or not as the case may be, in addition to any other conditions authorized under other sections of this Bylaw or Statutory Plan, attaching conditions related to any of the following:
- a. entering into a development agreement with the County in accordance with the Municipal Government Act;
 - b. preparing by qualified professionals and at the Applicant's expense, all the necessary studies, maps, diagrams, reports, and analysis, whether printed and / or digital, required in support to their application;
 - c. confining all surface drainage on site and protecting any adjacent water bodies from runoff;
 - d. treating any wastewater on site and / or disposing of any wastewater as required by the County;
 - e. disposing of any non-wastewater liquids in accordance with the requirements of the County;
 - f. storing / containing all feedstock and materials within buildings or containment facilities;
 - g. disposing of any other waste materials;
 - h. restricting vehicle / truck traffic, whether owned or contracted by the Applicant, that transport construction material, raw material or feedstock or finished / processed goods associated with the development to designated haul routes and times through an agreement and the provision of securities;
 - i. dust control measures;
 - j. sound control measures;
 - k. installing underground all energy transmission (whether electrical, liquid or gas) lines from the site to the applicable collection point;
 - l. securing all necessary approvals from any other agency with jurisdiction on the type Commercial Alternative Energy development proposed and providing the County with a copy of the approval required;
 - m. identifying and providing for a staged or phased development;
 - n. placing restrictions on parts or elements of the proposed development, such as but not limited to locations, heights, colors, densities, setbacks, etc.;
 - o. constructing or paying for the construction of any new or the upgrading of any existing municipal infrastructure related to the project, such as but not

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- limited to roads, approaches, signage, water lines, and sewage lines;
- p. requiring ground cover, weed control, grading, soil erosion control emergency / fire suppression, and drainage measures;
- q. specifying time periods to:
 - i. start, suspend, and complete construction activities,
 - ii. trigger decommissioning activities;
- r. providing for the amenity of the site or development through improvements such as landscaping, berming, and buffering; and,
- s. any other condition or conditions necessary to give form and effect to the project.

ii. Personal Alternative Energy (PAE) Systems**Purpose**

The purpose of this Section is to establish local standards for Personal Alternative Energy (PAE) developments, including but not limited to, solar, wind and geothermal, and other energy producing technologies for use by households, agricultural operators, or individual business to meet some or all of their energy needs on the subject site, or a site immediately adjacent to the subject site.

General Requirements for all Personal Alternative Energy Systems

1. No re-districting is required for a lot or site for an Alternative Energy System, Personal.
2. A development permit is required for any Alternate Energy System, Personal, and such Systems shall be considered a Discretionary Use.
3. All applicable Safety Codes permits are required.
4. If the subject site is located within lands subject to Alberta Transportation's jurisdiction, an approved Roadside Development Permit from Alberta Transportation shall be required and included with the Development Permit application. (For the purposes of Section 683.1(1) of the Municipal Government Act, an application shall not be considered as received unless the Roadside Development Permit is included with the application.)

Personal Solar Energy Conversion Systems Applications

5. In addition to the requirements of **Section 2.4** of this Bylaw, the application shall include:
 - a. information of any impacts to the County Road system such as, but not limited to:
 - i. identification of the roads to be used to construct and operate the development,
 - ii. number, type of vehicle movements, and load weights,
 - iii. expected time-period of movements: short-term, periodic, or ongoing,
 - iv. need for any upgrading of an existing road,

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- v. need for new approach or expansion of existing approach;
- b. for systems that are to be tied into the grid, evidence that the Utility Operator has been informed of the Applicant's intent to install an interconnected customer-Owner generator;
- c. documentation demonstrating that the system is designed to produce energy primarily for the sole use and consumption on-site by the landowner, resident, occupant, or business;
- d. the manufacturer's specifications for the proposed system and rated output in kilowatts;
- e. a site plan showing the location, setbacks, and orientation of the solar collectors;
- f. for panels to be affixed to the wall of a building or accessory structure:
 - i. a description of how the panels are to be mounted or affixed,
 - ii. the maximum projection from the wall, and,
 - iii. the structural capacity of the building and / or wall to support the proposed development;
- g. for free-standing solar panels:
 - i. a description of the proposed ground mount design,
 - ii. the clearance to the bottom of the collectors, and,
 - iii. the maximum height from existing grade,
 - iv. the method of vegetation / weed control.

Glare

- 6. Solar panels must be located such that they do not create glare onto neighboring properties or public roadways.

Mounting and Projection

- 7. Solar collectors mounted to the roof of a building or structure shall not extend beyond the outermost edge of the roof.
- 8. The maximum projection of any solar collectors affixed to a wall of a building or structure in a residential District shall be:
 - a. 1.5 m (5 ft.) from the surface of a wall that faces a rear lot line; and,
 - b. in all other cases 0.6 m (2 ft.) from the surface of any other wall.

Setbacks

- 9. Freestanding solar collectors shall be subject to the setback requirements of the applicable Land Use District or as required by Alberta Transportation, whichever is greater.

Height

- 10. The maximum height of a freestanding solar collector shall not exceed 2.4 m (8 ft.).

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11. For freestanding solar collectors, sufficient clearance shall be retained under the structure to allow for weed control, grass cutting and for fire suppression.

Density

12. The location of and maximum number of solar collectors per Title may be regulated by the Development Authority.

Personal Wind Energy Conversion Systems Applications

13. Development Permit applications for a wind energy conversion system shall be accompanied by the following information:
 - a. documentation demonstrating that the system is designed to produce energy primarily for the sole use and consumption on-site by the landowner, resident, occupant, or business;
 - b. the manufacturer's specifications including:
 - i. the proposed systems rated output in kilowatts,
 - ii. the safety features,
 - iii. the sound characteristics,
 - iv. the type of material used in the tower, blade, and / or rotor construction;
 - c. a site plan showing the location and setbacks of the Wind Energy Conversion Systems on the property;
 - d. drawings, drawn to scale, of the wind turbine structure, including the tower, base, footings, and anchoring method. An engineering analysis of the Wind Turbine Tower showing compliance with the International Building Code and certified by a licensed professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted;
 - e. the potential for electromagnetic interference;
 - f. the nature and function of over speed controls which are provided;
 - g. the specifications on the foundations and / or anchor design, including the location and anchoring of any guy wires;
 - h. the location of any existing buildings or improvements on the property in relation to the Wind Energy Conversion System;
 - i. evidence of compliance with applicable air traffic safety regulations. (Transport Canada must be notified of the location – latitude and longitude – and height of all wind turbine installations through the aeronautical clearance application process.)
14. Prior to deciding upon an application for a Wind Energy Conversion System, the Development Authority may refer for the review and comment, and consider any input received from the following entities:
 - a. Alberta Utilities Commission;
 - b. Alberta Transportation;
 - c. Alberta Utilities Commission and the Alberta Energy Systems Operator for applications proposing to connect to the grid;

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- d. Transport Canada;
- e. Navigation Canada; and
- f. any other person, departments, agency, or commission the Development Authority deems necessary.

15. Personal Wind Energy Conversion Systems shall comply with the following standards:

- a. There shall be a limit of one (1) Wind Energy Conversion System per Titled area.

Setbacks

16. The Personal Wind Energy Conversion System's tower shall be setback from all property lines a minimum distance equal to the height of the tower, or the minimum setbacks set out in the applicable Land Use District, or as required by Alberta Transportation, whichever is greater.

17. If the tower utilizes guy wire anchors, the anchors, but not the tower, may be located no closer than 3.0 m (10 ft.) to the property lines.

Height

18. A Personal Wind Energy Conversion System tower shall not exceed a maximum height of:
- a. 12.1 m (40 ft.) on a parcel of less than 0.4 ha (less than 1 acre);
 - b. 19.8 m (65 ft.) on a parcel 0.4 – 2.0 ha (1 – 5 acres); or
 - c. 24.4 m (80 ft.) on a parcel greater than 2.0 ha (5 acres).

Finish and Markings

19. The tower and supporting structures shall be painted or coated in tones and / or colors matching the existing tones and / or colors of the principal building that are non-reflective and non-glossy.
20. Brand names or advertising associated with the System or the System's installation shall not be visible from any public place.

Illumination

21. Small Wind Turbine Towers shall not be artificially lit except as required by NavCanada.

Speed Controls

22. The System shall be equipped with manual and automatic over speed controls.
23. The conformance of rotor and over speed control design and fabrication to good engineering practices shall be certified by a licensed mechanical, structural or civil engineer.

Bylaw No. 1436-23**Tower Access and Public Safety**

24. If the tower is climbable, a security fence with a lockable gate, not less than 1.9 (6 ft.) in height, shall be installed around a Wind Energy Conversion System tower.
25. No ladder or permanent tower access device shall be located less than 3.7 m (12 ft.) from grade.
26. A locked device shall be installed on the tower to preclude access to the top of the tower.
27. Additional access control features or such additional safety mechanisms or procedures may be required by the Development Authority.
28. The use of tubular towers, with locked door access, will preclude the above requirements.

Electro-Magnetism

29. The System shall be operated such that any electro-magnetic interference is dealt with as per the permit issued by the AUC. If electro-magnetic interference is determined during operation, the developer will work with the affected stakeholder (s) to mitigate any issues.

Output

30. The System's maximum power output shall not exceed 5 kilowatts.

Noise Level

31. The noise generated by the System shall not exceed 60dB(A) or exceed more than 5dB(A) above background sound, as measured at the exterior of the closest inhabited Dwelling (at the time of installation or during operation), for wind speeds below 10 m per second (22 mph) and except short-term event such as utility outages and / or severe windstorms.

Discontinuance

32. Upon abandonment or termination of the System's use, the entire facility, including the System's tower, turbine, supporting structures and all equipment, shall be removed and the site shall be restored to its pre-Wind Energy Conversion System condition.

Applications for Other Individual Alternate Energy Systems

33. Development Permit applications for all other types of Alternate Energy production systems shall be accompanied by the following information:
 - a. documentation demonstrating that the system is designed to produce energy primarily for the sole use and consumption on-site by the landowner, resident, occupant, or business;

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- b. an accurate site plan showing and labelling:
 - i. the location of the proposed system on the property,
 - ii. the location of the proposed system in relation to any other buildings or structures on the property,
 - iii. the location of the existing or proposed access,
 - iv. detailed information on the type of facility, structure, or system, and
 - v. the energy process involved;
- c. the manufacture's specifications, indicating (if applicable):
 - i. the rated output in megawatts or gigajoules,
 - ii. the safety features, and,
 - iii. the sound characteristics;
- d. information regarding public safety regarding such aspects as fire hazards, chemicals used, storage of hazardous materials, exposure to corrosive or and hazardous fumes;
- e. information or verification of:
 - i. the source of the water, if required,
 - ii. the reclamation process of any water utilized by the system,
 - iii. the stormwater management system, if required, and,
 - iv. the method of disposal of any waste material generated by the system.

Geothermal Systems

- 34. All geothermal systems shall be Closed Loop systems. Open Loop systems (pump & dump) are not allowed.
- 35. Must comply with CSA-C448 and subsequent amendments. Exceptions may be allowed, at the discretion of the Development Authority, provided documented proof is provided showing that the exception meets or exceeds CSA-C448 standard.
- 36. Installations must be stamped by a qualified Professional Engineer registered under the "Engineering, Geological, or Geophysical Professions Act" of Alberta or have the system and installer certified by the Canadian GeoExchange Coalition (CGC) or other future governing body having jurisdiction within the Province of Alberta.
- 37. Heat-transfer fluids within a geothermal system shall be of the most environmentally friendly type available at the time of installation. In no case may an ethylene glycol-based fluid be used nor shall any flammable or combustible agent such as methanol, ethanol, natural gas, or propane be used.

Conditions of Approval

- 38. Depending on the type of Personal Alternative Energy System proposed, the Development Authority shall consider, as limited by Sections 619 and 620 of the Municipal Government Act, or not as the case may be, in addition to any other conditions authorized under other

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sections of this Bylaw or Statutory Plan attaching conditions related to the following:

- a. entering into a development agreement with the County in accordance with the Municipal Government Act;
- b. preparing by qualified professionals and at the Applicant's expense, all the necessary studies, maps, diagrams, reports, and analysis, whether printed and / or digital, required in support to their application;
- c. confining all surface drainage on site and protecting any adjacent water bodies from runoff;
- d. treating any wastewater on site and / or disposing of any wastewater as required by the County;
- e. disposing of any non-wastewater liquids in accordance with the requirements of the County;
- f. the methods of disposing of any other waste material;
- g. storing / containing all feedstock and materials within buildings or containment facilities;
- h. restricting vehicle / truck traffic, whether owned or contracted by the Applicant, that transport construction material, raw material or feedstock or finished / processed goods associated with the development to designated haul routes and times;
- i. require the entering of a road use agreement and the provision of security;
- j. constructing or paying for the construction on any new road or approach required for the development and / or upgrading or paying for the upgrading of an existing road or existing approach required for the development;
- k. dust control;
- l. sound control;
- m. installing underground all energy transmission (whether electrical, liquid or gas) lines from the site to the applicable collection point;
- n. securing all necessary approvals from any other agency with jurisdiction on the type AES proposed and providing the County with a copy of the approval required;
- o. identifying and providing for a staged or phased development;
- p. placing restrictions on parts or elements of the proposed development, such as but not limited to locations, heights, colors, densities, setbacks, etc.;
- q. constructing or paying for the construction of non-municipal infrastructure related to the project;
- r. requiring ground cover, weed control, grading, soil erosion control emergency / fire suppression, and drainage measures;
- s. specifying time periods to:
 - i. start, suspend, and complete construction activities,
 - ii. trigger decommissioning activities;
- t. providing for the amenity of the site or development through improvements such as landscaping, berming, and buffering; and,
- u. any other condition or conditions necessary to give form and effect to the project.

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- h. By removing the following under Section 8.2.2:**
 - i. Solar Energy Collection Systems; and*
 - ii. Wind Energy Conversion System, Micro.*
- i. By removing the following under Section 8.2.3:**
 - i. Wind Energy Conversion System, Small; and*
 - ii. Wind Energy Conversion System, Large.*
- j. By adding the following under Section 8.2.3:**
 - i. Alternative Energy, Commercial; and*
 - ii. Alternative Energy, Personal.*
- k. By removing the following under Section 8.3.2:**
 - i. Solar Energy Collections Systems; and*
 - ii. Wind Energy Conversion Systems, Micro.*
- l. By adding the following under Section 8.3.3:**
 - i. Alternative Energy, Personal.*
- m. By removing the following under Section 8.4.2:**
 - i. Solar Energy Conversion System; and*
 - ii. Wind Energy Conversion System, Micro.*
- n. By removing the following under Section 8.4.3:**
 - i. Wind Energy Conversion System, Small.*
- o. By adding the following under Section 8.4.3:**
 - i. Alternative Energy, Personal.*
- p. By removing the following under Section 8.5.2:**
 - i. Solar Energy Conversion System; and*
 - ii. Wind Energy Conversion System, Micro.*
- q. By removing the following under Section 8.5.3:**
 - i. Wind Energy Conversion System, Small.*
- r. By adding the following under Section 8.5.3:**
 - i. Alternative Energy, Personal.*
- s. By removing the following under Section 8.6.2:**
 - i. Solar Energy Conversion System; and*

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- ii. *Wind Energy Conversion System, Micro.*
- t. By removing the following under Section 8.6.3:
 - i. *Wind Energy Conversion System, Small.*
- u. By adding the following under Section 8.6.3:
 - i. *Alternative Energy, Personal.*
- v. By removing the following under Section 8.7.2:
 - i. *Solar Energy Conversion System; and*
 - ii. *Wind Energy Conversion System, Micro.*
- w. By adding the following under Section 8.7.3:
 - i. *Alternative Energy, Personal.*
- x. By removing the following under Section 8.8.2:
 - i. *Solar Energy Conversion System; and*
 - ii. *Wind Energy Conversion System, Micro.*
- y. By removing the following under Section 8.8.3:
 - i. *Wind Energy Conversion System, Small.*
- z. By adding the following under Section 8.8.3:
 - i. *Alternative Energy, Personal.*
- aa. By removing the following under Section 8.9.2:
 - i. *Solar Energy Conversion System; and*
 - ii. *Wind Energy Conversion System, Micro.*
- bb. By removing the following under Section 8.9.3:
 - i. *Wind Energy Conversion System, Small.*
- cc. By adding the following under Section 8.9.3:
 - i. *Alternative Energy, Personal.*
- dd. By removing the following under Section 8.10.2:
 - i. *Solar Energy Collection System; and*
 - ii. *Wind Energy Conversion System, Micro.*
- ee. By removing the following under Section 8.10.3:
 - i. *Wind Energy Conversion System, Small; and*
 - ii. *Wind Energy Conversion System, Large.*

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ff. By adding the following under Section 8.10.3:

i. Alternative Energy, Commercial; and

ii. Alternative Energy, Personal.

gg. By removing the following under Section 8.11.2:

i. Solar Energy Collection System; and

ii. Wind Energy Conversion System, Micro.

hh. By removing the following under Section 8.11.3:

i. Wind Energy Conversion System, Small; and

ii. Wind Energy Conversion System, Large.

ii. By adding the following under Section 8.11.3:

i. Alternative Energy, Commercial; and

ii. Alternative Energy, Personal.

jj. By adding the following under Section 8.13.3:

i. Alternative Energy, Commercial.

4. Severability

- a. If any portion of this Bylaw is found to be invalid, the remaining portions remain in effect.

5. Effect

- a. This Bylaw takes effect upon Third Reading.

6. Amendment

- a. This Bylaw may be amended by Bylaw in accordance with the *Municipal Government Act* R.S.A. 2000, c. M-26, as amended.

READ a First Time this ____ day of _____, AD 2023.

S E A L

REEVE

CHIEF ADMINISTRATIVE OFFICER

A Statutory Public Hearing having been held this _____ day of _____, AD 2023.

Bylaw No. 1436-23
READ a Second Time this _____ day of _____, **AD 2023**.

READ a Third and Final Time this _____ day of _____, **AD 2023** and finally passed by Council.

S E A L

REEVE

CHIEF ADMINISTRATIVE OFFICER

Jordan Ruegg

From: Richard Haas [REDACTED]
Sent: April 24, 2023 9:35 AM
To: Kyle Schole; Gwen Krawczyk
Cc: Jordan Ruegg
Subject: RE: Proposed Bylaw 1436-23

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Kyle,

Thank you for the invite and making me aware of the upcoming public input.

I do plan to attend virtually, and will likely speak on behalf of my project partners, and industry as a whole.

While I've not done a thorough review of the proposed bylaw, a couple things that immediately jumps out to me that warrant further discussion are:

Public Consult:

Great prescriptive requirements! This is clear and appreciated – it would be nice if more municipalities did this.

Financial Security:

I recognize the bylaw states “may require”; however, project applicants are required to comply with legislative requirements pertaining to decommissioning and reclamation. Project lands are subject to the Environmental Protection and Enhancement Act, RSA 2000 c E-12, the Conservation and Reclamation Regulation, Alta Reg 115/1993, and the Conservation and Reclamation Directive for Renewable Energy Operations. Section 137 of the EPEA requires operators to conserve and reclaim “specified land,” which is defined to include land that is being or has been used or held for or in connection with the construction, operation or reclamation of a renewable energy operation. Project decommissioning and reclamation are subject to provincial legislation and regulations, and current legislation does not require renewable power plant approval applicants or approval holders to provide a financial security upon municipal request and to my understanding, a municipal government has no legislative means to collect and hold these funds. I can only speak to solar, but it may be worthwhile to discuss how solar projects are typically reclaimed and the relatively low risk of abandonment.

Glare:

There is currently no adopted legislation for assessing the impacts of glare for solar energy development in Alberta or Canada, and standardized guidance only specifies what receptors to include in an assessment. The AUC have released an update to Rule 007 that states that solar glare assessment reports must include receptors within 800m from the boundary of the project and aerodromes within 4,000m from the boundary of the project. Glare is categorized into three thresholds (low potential for after-image, potential for after-image, potential for permanent eye damage), as such, not all glare is harmful (wet roads while driving, view over a lake on a sunny day, etc. produce higher glare than a solar array). The modelling software used by glare consultants does not have the abilities to consider existing or future mitigation (ie. screening), and WILL likely result in predicted glare at some receptors. Solar modules are specifically designed to absorb light rather than reflect it. Moreover, most modules are now manufactured with anti-reflective coatings that help further mitigate the intensity of reflections. I would strongly propose rephrasing section 21 to state “...located such that predicted glare on receptors can be mitigated to a low risk for minimum annual hours).

Density:

What is the objective here? This is typically something that will be dictated by wire service providers constraints and a prevailing AUC decision.

Noise:

I do not feel the 60dB limit during construction is practical. It is reasonable during steady state activities and long durations; however, it is extremely prohibitive for installation of driven pile foundations. The noise produced from pile driving is a "strike" lasting a short period of high intensity, for a relatively short period of time during construction. There are alternate foundation types that could be installed with less noise (screw piles, ballast foundations), but that will result in an economic disadvantage for project developers, making Smokey Lake a less competitive market to project owners to invest. The AUC Rule 012 governs noise, and construction falls under an exemption for the noise consideration, where Rule 012 considers operational noise in greater depths and construction noise is not specifically modelled for consideration. I'm not sure what the solution is here, but I feel there should be a path to permit acceptable deviations for short periods of time. Good applicants should address this with adjacent residents and offer to schedule activities during day hours to minimize disruption, and offer to provide hearing protection.

Let @Gwen Krawczyk and I know if your team would like to meet to discuss anything in greater detail prior to the public input session. Or if there's anything specific I must do to speak that day.

Richard A. Haas

Managing Partner

Cell +1-780-655-2552

Address 16011 116 Ave NW #200, Edmonton, AB T5M3Y1

Web ohara.partners

Mountain Standard Time (UTC-6:00)



I Support Inclusion | I Stand Against Racism

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From: Kyle Schole <kschole@smokylakecounty.ab.ca>

Sent: Monday, April 24, 2023 7:48 AM

To: Richard Haas [REDACTED]

Cc: Jordan Ruegg <jruegg@smokylakecounty.ab.ca>

Subject: Proposed Bylaw 1436-23

Good Morning Richard,

I hope you've been very well since we last spoke in November!

Smoky Lake County is giving consideration to [Proposed Bylaw 1436-23](#), which would amend the Land Use Bylaw (LUB) 1272-14 and Municipal Development Plan (MDP) Bylaw 1249-12 with provisions pertaining to major alternative energy developments. A Public Hearing has been scheduled for May 11, 2023. We are welcoming any input as part of the public participation process.

It is certainly worth noting that the proposed amendments are **not** intended to be anti-alternative energy, but to the contrary, better-prepare the County in this sphere for consideration of future development applications.

Best Regards,

Kyle Schole

Planning Technician | Planning & Development Services | Smoky Lake County

Vice Chair | Member-at-large, Board of Directors | [North Saskatchewan Watershed Alliance \(NSWA\)](#)

River Manager: [North Sask. \(Alberta\) Canadian Heritage Rivers System Designation Initiative](#) (718 km / 57,000 km² of Stories)



Smoky Lake County

4612 - McDougall Drive, PO Box 310
Smoky Lake, Alberta, T0A 3C0

office: 780-656-3730 | toll free 1-888-656-3730

cell: 780-650-2059 | web: www.smokylakecounty.ab.ca

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ᑭᓴᓴᓐᓂᓐ ᓴᑭᓐᓂᓐ (kaskapatau sakahigan) / Димних Озеро (Дымных Озеро) / Lac qui Fume / Smoky Lake
on Treaty 6 Territory, and Homeland of the Métis Nation

Recent studies show that trees live longer if they aren't cut down - please only print this email if truly necessary!



Public Hearing Date: May 11, 2023
Public Hearing Time: 1:15 p.m.

BYLAW 1436-23 RELEVANT LEGISLATION

PUBLIC HEARINGS

Municipal Government Act, R.S.A. 2000

When to hold public hearing

216.4(1) When this or another enactment requires council to hold a public hearing on a proposed bylaw or resolution, the public hearing must be held, unless another enactment specifies otherwise,

(a) before second reading of the bylaw, or

(b) before council votes on the resolution.

(2) When this or another enactment requires a public hearing to be held on a proposed bylaw or resolution, council must

(a) give notice of the public hearing in accordance with section 606, and

(b) conduct the public hearing during a regular or special council meeting.

(3) A council may, by bylaw, establish procedures for public hearings.

(4) In the public hearing, council

(a) must hear any person, group of persons or person representing them who claims to be affected by the proposed bylaw or resolution and who has complied with the procedures outlined by the council, and

(b) may hear any other person who wishes to make representations and who the council agrees to hear.

(5) After considering the representations made to it about a proposed bylaw or resolution at the public hearing and after considering any other matter it considers appropriate, the council

(a) pass the bylaw or resolution,

(b) make any amendment to the bylaw or resolution it considers necessary and proceed to pass it without further advertisement or hearing, or

(c) defeat the bylaw or resolution.

(6) The minutes of the council meeting during which a public hearing is held must record the public hearing to the extent directed by council.

REQUIREMENTS FOR ADVERTISING

Municipal Government Act, R.S.A. 2000

Section 606(1) The requirements of this section apply when this or another enactment requires a bylaw, resolution, meeting, public hearing or something else to be advertised by a municipality, unless this or another enactment specifies otherwise.

(2) Notice of the bylaw, resolution, meeting, public hearing or other thing must be

- (a) published at least once a week for 2 consecutive weeks in at least one newspaper or other publication circulating in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held, or
- (b) mailed or delivered to every residence in the area to which the proposed bylaw, resolution or other thing relates, or in which the meeting or hearing is to be held.

(3) A notice of a proposed bylaw must be advertised under subsection (2) before second reading.

(4) A notice of a proposed resolution must be advertised under subsection (2) before it is voted on by council.

(5) A notice of a meeting, public hearing or other thing must be advertised under subsection (2) at least 5 days before the meeting, public hearing or thing occurs.

(6) A notice must contain

- (a) a statement of the general purpose of the proposed bylaw, resolution, meeting, public hearing or other thing,
- (b) the address where a copy of the proposed bylaw resolution or other thing, and any document relating to it or to the meeting or public hearing may be inspected,
- (c) in the case of a bylaw or resolution, an outline of the procedure to be followed by anyone wishing to file a petition in respect of it, and
- (d) in the case of a meeting or public hearing, the date, time and place where it will be held.

(7) A certificate of a designated officer certifying that something has been advertised in accordance with this section is proof, in the absence of evidence to the contrary, of the matters set out in that certificate.

(8) The certificate is admissible as evidence without proof of the appointment or signature of the person who signed the certificate.

PLANNING BYLAWS

Municipal Government Act, R.S.A. 2000

Section 692(1) Before giving second reading to

- (a) a proposed bylaw to adopt an intermunicipal development plan,
- (b) a proposed bylaw to adopt a municipal development plan,
- (c) a proposed bylaw to adopt an area structure plan,
- (d) a proposed bylaw to adopt an area redevelopment plan,
- (e) a proposed land use bylaw, or
- (f) **a proposed bylaw amending a statutory plan or land use bylaw referred to in clauses (a) to (e),**

a council must hold a public hearing with respect to the proposed bylaw in accordance with section 216.4 after giving notice of it in accordance with section 606.

- (2) Despite subsection (1), if a proposed development relates to more than one proposed bylaw referred to in subsection (1), the council may hold a single public hearing.
- (3) Despite subsection (1), in the case of a public hearing for a proposed bylaw adopting or amending an intermunicipal development plan,
 - (a) councils may hold a joint public hearing to which section 184 does not apply, and
 - (b) municipalities may act jointly to satisfy the advertising requirements of section 606.
- (4) In the case of an amendment to a land use bylaw to change the district designation of a parcel of land, the municipality must, in addition to the requirements of subsection (1),
 - (a) include in the notice described in section 606(2)
 - (i) the municipal address, if any, and the legal address of the parcel of land, and
 - (ii) a map showing the location of the parcel of land.
 - (b) give written notice containing the information described in clause (a) and in section 606(6) to the assessed owner of that parcel of land at the name and address shown on the assessment role of the municipality, and
 - (c) give a written notice containing the information described in clause (a) and in section 606(6) to each owner of adjacent land at the name and address shown for each owner on the assessment role of the municipality.
- (5) If the land referred to in subsection (4)(c) is in another municipality, the written notice must be given to that municipality and to each owner of adjacent land at the name and address shown for each owner on the tax roll of that municipality.
- (6) Despite subsection (1), a bylaw referred to in subsection (1) may be amended without giving notice or holding a public hearing if the amendment corrects clerical, technical or grammatical or typographical errors and does not materially affect the bylaw in principle or substance.
- (6.1) Subsection (1)(f) does not apply in respect of a proposed bylaw amending a statutory plan or land

use bylaw to specify the purposes of a community services reserve.

(7) In this section,

- (a) “adjacent land” means land that is contiguous to the parcel of land that is being re-designated and includes
 - (i) land that would be contiguous if not for a highway, road, river or stream, and
 - (ii) any other land identified in the land use bylaw as adjacent land for the purpose of notifications under this section;
- (b) “owner” means the person shown as the owner of land on the assessment roll prepared under Part 9.

(8) If an ALSA regional plan requires a council to pass a bylaw referred to in this section, the council must,

- (a) consider whether, in view of the requirement in the ALSA regional plan, consultation is necessary, desirable or beneficial, and
- (b) decide whether or not to proceed with consultation.

(9) If a council decides under subsection (8) that consultation is neither necessary nor desirable or would not be beneficial, subsections (1) to (7) do not apply to the council in respect of the bylaw concerned.

NOTICE – PUBLIC HEARING
on Proposed Smoky Lake County Bylaw 1436-23:
Major Alternative Energy Developments



TAKE NOTICE THAT in accordance with sections 606 of the Municipal Government Act, the Council of Smoky Lake County is giving consideration of Proposed Bylaw 1436-23 which would amend Land Use Bylaw 1272-14 and Municipal Development Plan Bylaw 1429-12 in relation to major alternative energy development.



A Statutory Public Hearing will be held in relation to Bylaw 1436-23, both in-person *and* via videoconference on Thursday, May 11, 2023, at 1:15 p.m. (or as soon as practical thereafter) at: Smoky Lake County Council Chambers, 4612 McDougall Drive, Smoky Lake, AB T0A 3C0 or online: <https://video.businessconnect.telus.com/join/118422661> Meeting ID: 118422661

In-person Speakers:

If you intend on participating in person, you are encouraged to pre-register for the Public Hearing by contacting Legislative Services at 780-656-3730.

Speakers participating through Telus Business Connect videoconference:

If you wish to speak at the Public Hearing via videoconference, you are asked to register 24 hours prior to the opening of the Public Hearing by contacting Legislative Services at 780-656-3730. This is to ensure that virtual participants receive instructions to access the videoconference.

Requirements for all Speakers:

All speakers will be given a 5-minute time limit and are encouraged to provide a written copy of their submission in advance of the Public Hearing.

Written Submissions:

All interested parties are encouraged to express their views by providing a written submission to Legislative Services by email at patti.priest@smokylakecounty.ab.ca.

Persons wishing to view the Bylaw and/or the Public Hearing are invited to attend in person or view the Meeting at the County website at <http://www.smokylakecounty.ab.ca>.

Questions? Contact:

Jordan Ruegg or Kyle Schole, of Planning & Development Services, Smoky Lake County at 780-656-3730 / pd@smokylakecounty.ab.ca

Freedom of Information and Protection of Privacy Act: By submitting comments on this bylaw, either orally or in writing, the personal information you provide may be recorded in the minutes of the Public Hearing, or otherwise made public. This information is collected in line with section 33(c) of the Freedom of Information and Protection of Privacy Act. If you have any questions, please contact the Smoky Lake County Access and Privacy Officer at 4612 McDougall Drive Box 310, Smoky Lake, AB T0A 3C0, 780-656-3730, or county@smokylakecounty.ab.ca.

