

BYLAW NO. 1001/DEV/2023

**BEING A BYLAW OF THE MUNICIPAL DISTRICT OF FAIRVIEW NO. 136 IN THE
PROVINCE OF ALBERTA TO AMEND THE
MUNICIPAL DISTRICT OF FAIRVIEW NO. 136 LAND USE BYLAW NO. 876**

- WHEREAS** the Municipal District of Fairview No. 136 has adopted the Municipal District of Fairview No. 136 Land Use Bylaw No. 876 to regulate land use and development within the Municipal District; and
- WHEREAS** the Council of the Municipal District of Fairview No. 136 may amend the Land Use Bylaw; and
- WHEREAS** The Council of the Municipal District of Fairview No. 136, in the Province of Alberta, has deemed it desirable to amend the Municipal District of Fairview No. 136 Land Use Bylaw, to enable and regulate solar energy development;
- NOW
THEREFORE,** Pursuant to Sections 230, 606 and 692 of the Province of Alberta *Municipal Government Act*, the Municipal District of Fairview No. 136 Council, duly assembled, hereby enacts as follows:

TITLE

This Bylaw may be referred to as "Land Use Amendment Bylaw No. 1001/DEV/2023"

AMENDMENTS

1. **Add the following definitions to Section 1.5 DEFINITIONS under Part 1 ADMINISTRATION:**

"SOLAR ENERGY SYSTEM, MICRO" means a small-scale system containing or including technology specifically designed to convert light and heat energy from the sun into electricity primarily intended for sole use and consumption on-site by the landowner, resident or occupant. Typical uses include free-standing, roof and wall mounted solar panels.

"SOLAR ENERGY SYSTEM, MACRO" means a large-scale system, approved or required to be approved by the Alberta Utility Commission, containing or including technology specifically designed to convert light and heat energy from the sun into electricity primarily intended for off-site consumption or distribution to the marketplace. Typical uses include solar farm.
2. **Add subsection 14 to section 3.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT, as follows:**

(14) Roof mounted solar panels provided they comply with section 7.33 of this Bylaw.
3. **Add section 7.33 under Part 6 GENERAL LAND USE PROVISIONS, as follows:**

7.33 SOLAR ENERGY DEVELOPMENT, MICRO

(1) Solar panel installations may be affixed to the wall of a building (principal and/or accessory), mounted to the roof of a building (principal and/or accessory), or affixed to a pole or tower and/or mounted to the ground as a free-standing structure.

- (2) Free-standing solar panels shall comply with the setback regulations for accessory buildings in the applicable land use district.
- (3) The height restrictions for free-standing solar panels shall be at the discretion of the Development Authority.
- (4) Roof mounted solar panels:
 - a) may not project more than 1.3 metres (4.3 feet) from the surface of the roof of the building;
 - b) shall not exceed the maximum height requirements of the applicable land use district;
 - c) shall not extend beyond the outmost edge of the roof.
- (5) Wall mounted solar panels:
 - a) may not project more than 1.8 metres from the surface of the wall, when the wall faces the front or rear property line;
 - b) may not project more than 1.6 metres from the surface of the wall, when the wall faces the side property line;
 - c) shall be located a minimum of 2.4 metres above grade when accessible to the public;
 - d) shall comply with the setback requirements of the applicable land use district.
- (6) Ground mounted solar panels shall not be located in the front yard of a parcel smaller than 1.2 hectares (3 acres).
- (7) Solar Energy system, micro installations shall not create undue glare that interferes or affects the use or enjoyment of neighbouring parcels or public roadways.
- (8) The location and maximum number of solar panel installations per parcel may be regulated based on the existing use of the land and/or adjacent parcels.

4. Add section 7.34 under Part 6 GENERAL LAND USE PROVISIONS, as follows:

7.34 SOLAR ENERGY DEVELOPMENT, MACRO

- (1) Subject to section 3.4, the Development Authority may require the following additional information as part of a development permit application for Solar Energy System, Macro:
 - a) Detailed information about the site, including any sensitive environmental and topographical features which may be present on the parcel, soil characteristics and classification, and accessibility to a road access;
 - b) Detailed information about the proposed system type, number of structures, height of structures, the energy generation process and expected output;

- c) Anticipated impacts, including but not limited to glare and visual impact, and proposed mitigation measures;
 - d) An Environmental Assessment Review prepared by a qualified professional as well as other studies and reports to demonstrate site suitability and impact mitigation;
 - e) Emergency response plan for the construction and operation of the system;
 - f) Decommissioning and reclamation plan detailing how the lands will be returned to their pre-development state, including removal of subsoil structures;
 - g) Any other information or document considered pertinent to the development.
- (2) The Development Authority shall provide notification of proposed Solar Energy System, Macro development to adjacent landowners for comments prior to issuing a decision on an application.
 - (3) The Development Authority may require the applicant of a proposed Solar Energy System, Macro to hold a public meeting or forum in order to obtain views of the public regarding the application and report the information to the Development Authority.
 - (4) There shall be a minimum distance separation of 500 meters between the Solar Energy Development, Macro and the boundary of a multi-parcel residential subdivision or hamlet.
 - (5) The maximum height of a Solar Energy System, Macro is at the discretion of the Development Authority.
 - (6) All Solar Energy Systems, Macro shall be subject to the approval of Alberta Utility Commission and such approval shall be obtained prior to submitting a Development Permit Application for a Solar Energy System, Macro to the Municipal District.
 - (7) The Development Authority shall require, as a condition of Development Permit approval, that the applicant acquire all necessary Provincial permits and approvals pertinent to the proposed development. Copies of such permits and approvals be submitted to the Municipal District for its records.
 - (8) In making a decision on an application for Solar Energy System, Macro the Development Authority shall consider the following:
 - a) suitability of the site for the proposed development;
 - b) relevant guidelines and applications made for provincial approval;
 - c) public feedback and/or comments from adjacent landowners;
 - d) conservation of topsoil for agricultural use;
 - e) conservation of designated historical resources;
 - f) conservation of trees and maintenance of habitat;

- g) protection of environmentally significant and sensitive areas;
- h) protection of water bodies and watercourses;
- i) public safety and security measures, including, where appropriate, fencing;
- j) nuisance effects on adjacent properties;
- k) consistency with the policies of applicable statutory plans.

(9) The Municipal District of Fairview No.136 shall require a performance bond, letter of credit, or some other form of security, in order to guarantee that reclamation proposals are carried out and completed to the satisfaction of the municipality.

5. Add “Solar Energy System, Micro” as a permitted use within the following Districts:

- 9.5 (2) (a) Permitted Uses Agricultural Conservation District (AG-1)
- 9.6 (2) (a) Permitted Uses Agricultural – Industrial District (AG-2)
- 9.9 (2) (a) Permitted Uses Rural Industrial District (RM)

6. Add “Solar Energy System, Micro” as a discretionary use within the following Districts:

- 9.4 (2) (b) Discretionary Uses Crown Land Management (CLM)
- 9.7 (2) (b) Discretionary Uses Country Residential District (CR)
- 9.8 (2) (b) Discretionary Uses Highway Development District (HD)
- 9.10 (2) (b) Discretionary Uses Rural Recreational District (R-REC)
- 9.11 (2) (b) Discretionary Uses Rural Settlement District (RS)
- 9.12 (2) (b) Discretionary Uses Hamlet Residential District (H-R)
- 9.13 (2) (b) Discretionary Uses Hamlet Manufactured Homes Park District (H-MHP)
- 9.14 (2) (b) Discretionary Uses Hamlet Commercial District (H-C)
- 9.15 (2) (b) Discretionary Uses Hamlet Industrial District (H-M)

7. Add “Solar Energy System, Macro” as a discretionary use within the following Districts:

- 9.5 (2) (b) Discretionary Uses Agricultural Conservation District (AG-1)
- 9.6 (2) (b) Discretionary Uses Agricultural – Industrial District (AG-2)
- 9.9 (2) (b) Discretionary Uses Rural Industrial District (RM)

SEVERABILITY

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed;

ENACTMENT

The adoption of this bylaw is effective upon the date of the passing of the third and final reading of this bylaw.

First reading given on the 11th day of April, 2023.



Phil Kolodychuk, Reeve
M.D. of Fairview No. 136



Robert Jorgensen, CAO
M.D. of Fairview No. 136

Second reading given on the 25th day of April, 2023.



Phil Kolodychuk, Reeve
M.D. of Fairview No. 136



Robert Jorgensen, CAO
M.D. of Fairview No. 136

Third reading and adoption given on the 25th day of April, 2023.



Phil Kolodychuk, Reeve
M.D. of Fairview No. 136



Robert Jorgensen, CAO
M.D. of Fairview No. 136