

**COUNTY OF TWO HILLS NO. 21  
IN THE PROVINCE OF ALBERTA  
BYLAW NO. 13-2022**

**A BYLAW OF THE COUNTY OF TWO HILLS NO. 21, IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 3-2018 BY ADDING 'ALTERNATE ENERGY', AS OUTLINED IN SCHEDULE A, TO THE MUNICIPAL DEVELOPMENT PLAN.**

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**WHEREAS**, Part 17, Section 632 of the Municipal Government Act R.S.A. 2000, Chapter M-26, as amended, requires that every municipality must pass adopt a Municipal Development Plan; and

**WHEREAS** the Municipal Government Act R.S.A. 2000, Chapter M-26, as amended, empowers a municipality to amend a Municipal Development Plan; and

**WHEREAS** the Council of the County of Two Hills No. 21 deems it desirable to amend Revised Bylaw 3-2018, the Municipal Development Plan.

**NOW THEREFORE**, be it resolved, that the Council of Two Hills No. 21, in the Province of Alberta, duly assembled, does hereby enact the following:

1. That Schedule A – Alternate Energy is added to the Municipal Development Plan.
2. That this bylaw shall come into effect upon passing of third and final reading.

Received first reading this 26<sup>th</sup> day of October, 2022.

Received second reading this \_\_\_ day of \_\_\_\_\_, 2023.

Received third reading this \_\_\_ day of \_\_\_\_\_, 2023.

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# SCHEDULE A

## Municipal Development Plan

### 13 Alternate Energy

#### *Jurisdiction*

*The Province of Alberta and its agencies, regulates large scale / commercial energy projects. Under Sections 619 of the Municipal Government Act (MGA), the County's regulatory role is very limited. The MGA (Sec. 619(2)) is very clear that "A licence, 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. The Objectives and Policies outlined below are written within these limitations.*

#### **Preamble**

Alberta is actively expanding its production of energy through promoting and approving Alternate Energy developments, in parallel to traditional energy production. Alternate Energy developments may include, but are not limited to, wind conversion, solar conversion, bio-mas, biofuel, geo-thermal, water conversion, natural gas generation, cogeneration, waste energy recovery, fuel cells, hydrogen, and other technologies. Some or portions of these technologies are regulated by the Province and some technologies or portions thereof are not regulated by the Province. As well, there is a distinction between commercial scale Alternate Energy developments that produce energy at a large scale for a commercial market, and private Alternate Energy developments that services a single property or business. Given these distinctions, the County deems it appropriate to regulate both categories of Alternate Energy developments in those aspects that fall within municipal jurisdiction.

Outlined below are the County's Goals, Objectives and Policies regarding Alternate Energy developments.

#### **13.1 Goal**

- 13.1.1 To accommodate and integrate the development of Alternate Energy developments with other lands uses in the County.
- 13.1.2 To coordinate the County's Alternate Energy developments approval processes with the Provincial Alternate Energy developments approval processes.

#### **13.2 Objectives**

- 13.2.1 To ensure that Alternate Energy developments are compatible with adjacent land uses and developments.

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- 13.2.2 To protect the County's infrastructure during the construction, operation, and reclamation / decommission of any Alternate Energy development.
- 13.2.3 To coordinate the County's actions and cooperate with the Province and its agencies involved in Alternate Energy production and environmental stewardship when considering energy projects.
- 13.2.4 To ensure that Alternate Energy developments are decommissioned / reclaimed, and the land left in a developable and useable state.
- 13.2.5 To support residents and businesses in the selection, installation, operation, and decommissioning of private, onsite Alternate Energy developments that heat and / or power their property or business.

### **13.3 Policies**

- 13.3.1 Alternate Energy developments shall be divided into two categories: Commercial, where energy is primarily produced for an offsite market, and Individual, where energy is produced and largely consumed on the production site for personal use.
- 13.3.2 The County shall work with a proponent of an application for a new Alternate Energy development or an expansion of an existing Alternate Energy development requiring Provincial approval to coordinate their provincial application submissions and associated activities (studies, public participation processes, research, etc.) with the County at the earliest opportunity.
- 13.3.3 While an Applicant works towards obtaining their Provincial approval, the County will work with the Applicant to identify and satisfy the County's requirements at the same time.
- 13.3.4 A Commercial Alternate Energy development that requires Provincial approval, the Provincial approval must be obtained before the County accepts an application for a development permit.
- 13.3.5 A development permit shall be required for each title of land for which a Commercial or Individual Alternate Energy development is proposed. For a single project spread over multiple titles, individual site plan(s) for each title shall be required but a single master set of supporting documents can be submitted.
- 13.3.6 Applications for new Commercial Alternate Energy developments or expansion of existing Commercial Alternate Energy developments shall include plans for the reclamation / decommission and the method of funding such reclamation / decommission of the development and the restoration of the affected lands to their predevelopment state.

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- 13.3.7 The County shall require road use agreements for any new Commercial Alternate Energy development or the expansion or decommissioning of any existing Commercial Alternate Energy development.
- 13.3.8 Though a public information / consultation process is required as part of the Provincial regulatory processes, the Count may require a public information / consultation process at the development permit application stage.
- 13.3.9 The results of the Provincially required information / consultation process shall be included with any development permit application for a new or expanding Commercial Alternate Energy development.
- 13.3.10 The County shall require appropriate buffering, berms, screening, or other attenuation measures to mitigate sight, sound, vibration, odours, and particulates between any Commercial Alternate Energy development and adjacent residential and / or institutional land uses during the construction and operational phases of the development.
- 13.3.11 Applications for new Commercial Alternate Energy developments or proposing expansion of existing Commercial Alternate Energy developments may be required to include impact studies identifying impacts, positive or negative, and any mitigative measures, for components of the natural or man-made environment deemed required by the County.
- 13.3.12 The County may require the posting of securities to ensure the performance of a task or requirement.
- 13.3.13 Where the Applicant has provided for a requirement of the County in their submission for approval to the Province, and the Province has accepted that provision in their approval to the Applicant, the County will accept that provision as meeting County requirements.
- 13.3.14 The County discourages Commercial Alternate Energy developments on better agricultural lands (lands with a farmland assessment of 60% or higher) or in areas that would sterilize gravel deposits or seriously impede the extraction of gravel.