

TOWN OF KILLAM

BYLAW NO 888

A BYLAW OF THE TOWN OF KILLAM IN THE PROVINCE OF ALBERTA TO AMEND THE LAND USE BYLAW #880.

The Council of the Town of Killam, duly assembled enacts as follows:

1. This Bylaw shall be referred to as the “Land Use Bylaw Amending Bylaw”.
2. That Bylaw #880 be amended by deleting from of the definition of “Accessory Building/Structure” in Section 9 the following:

“(Solar panels are considered an accessory structure)”.
3. That Bylaw #880 be amended to delete **Solar Power – Commercial Use** in Section 9 and replace with the following in Section 9:

“Solar Energy Facility” means a solar energy power plant that uses sunlight to generate electric energy for commercial distribution.
4. That Bylaw #880 be amended to add the following to Section 9:

“Solar Energy - Personal” means a solar energy power plant that uses the sunlight to generate electric energy exclusively for personal use on-site use and is an Accessory Structure to an already authorized principal use, structure or building.
5. That Bylaw #880 be amended by deleting heading “Section 10: Designated Officer” and replacing it with “Section 10: Development Authority”.
6. That Bylaw #880 be amended by deleting sections 10.1 -10.3 and replacing them with the following:

10.1 The office of Development Authority is hereby established as the development authority for the Town to exercise the powers and perform duties on behalf of the Town.

10.2 The Development Officer and the Municipal Planning Commission are Development Authorities for the Town and shall have duties and responsibilities as outlined in this Bylaw and the Act.

10.3 The Development Officer is a designated officer for the purpose of carrying out the development powers and duties in this Bylaw and the Act, including, but not limited to, undertaking municipal inspections and enforcement and issuing orders.

10.4 The Development Officer is authorized to develop all forms, notices and acknowledgements required by the Act and this Bylaw, and amend the same as required from time to time.

7. That Bylaw #880 be amended to delete section 14.1 and replace with the following:

The fees to be charged by the Town on all applications and other matters arising under this Bylaw are set out in the Town's Master Rates Bylaw.

8. That Bylaw #880 be amended by deleting sections 37.1(e) and (f) and sections 37.2(e) and (f) and replacing them with the following:

(e) Solar Energy – Personal panels and equipment may be mounted on the roof or wall of a building or structure or may be ground mounted in the side yard or rear yard, provided the Solar Energy - Personal Use complies with all other minimum requirements of the district, as determined by the Development Officer.

(f) Solar Energy – Personal panels and equipment mounted on a roof or wall of a building or structure must be wholly mounted within the surface area of the roof or wall and shall not extend beyond the eave or peak of the roof or the beyond the surface area of the wall, as determined by the Development Officer.

9. That Bylaw #880 be amended to delete Sections 52.10 – 52.14 and replace with the following:

52.11 A Solar Energy Facility development requires a development permit.

52.11 All lands proposed for a Solar Energy Facility must be re-districted to a Direct Control District.

52.12 A Solar Energy Facility

52.12.1 shall not be located on Class 1 or Class 2 lands as classified by the Alberta Land Suitability Rating System (LSRS), unless the development meets provincial government regulations to demonstrate coexistence with crops and/or livestock;

52.12.2 shall preferably be located on Class 3 to Class 7 lands, as classified by the LSRS.

52.13 Applicants shall ensure the following is provided to the satisfaction of the Town:

52.13.1 Site layout provides sufficient access, egress, and circulation for emergency service vehicles unless on-site fire suppression services are provided; and

52.13.2 Emergency response requirements including proactive and reactive measures.

52.14 The Development Officer will determine if an application for a Solar Energy Facility is complete.

52.15 Development permit applications for a Solar Energy Facility will not be accepted if the proposed Solar Energy Facility has not been approved by the Alberta Utilities Commission or other appropriate provincial or federal body.

52.16 In addition to the application requirements outlined in Section 17, all applications for a Solar Energy Facility may be required to include the following:

52.16.1 a copy of the approval from the Alberta Utilities Commission or appropriate provincial body for the proposed Solar Energy Facility;

52.16.2 a utilities plan (to address municipal utilities including water and storm water management as well as third party utilities). It may be necessary to address not only the servicing of the lands on which the development is intended, but also address appropriate dedications of public utility lots or otherwise to ensure appropriate servicing for the grading and manage drainage and storm water;

52.16.3 an emergency response plan which may require:

a) plans for providing on-site water (or chemicals) for fire suppression during construction, operation and decommissioning phases of the development;

b) emergency response requirements (design and operations) including proactive and reactive measures;

c) a site layout which provides sufficient access, egress, and circulation for emergency service vehicles unless on-site fire suppression services are provided

52.16.4 a construction and decommissioning plan which must include days and hours of construction and decommissioning and plans for waste management, noise mitigation, dust suppression, road use and traffic management and other related matters for the construction and decommissioning phases of the development;

52.16.5 a traffic impact assessment;

52.16.7 a weed, vegetation, pest, soil and dust management plan for the construction, operational and decommissioning phases of development;

52.16.8 a landscaping plan which includes strategies to minimize any negative visual impact of the Solar Energy Facility;

52.16.9 a decommissioning and reclamation assessment outlining the costs of decommissioning and reclaiming the lands to the equivalent land capability; and

52.16.10 any other relevant document or information necessary for the Development Authority to review the application.

52.17 All reports or plans required as part of the application must be completed by the appropriate accredited professional in the Province of Alberta to the satisfaction of the Town.

52.18 All reports or plans provided with an application must be to the satisfaction of the Town, acting reasonably.

52.19 If the Town requires expert review of reports or plans required by the Development Authority as part of the application, the cost of such review shall be a cost owing by the applicant for the Solar Energy Facility.

52.20 The Development Authority may impose any condition the Development Authority considers appropriate. Without limiting the generality of the foregoing, the Development Authority will consider conditions respecting:

52.20.1 a utility plan;

52.20.2 an emergency response plan;

52.20.3 a construction and decommissioning plan;

52.20.4 a traffic impact assessment;

52.20.5 a weed, vegetation, pest, soil and dust management plan;

52.21 The applicant may be required to enter a road use agreement with the Town and comply with the terms of the agreement to address protection and maintenance of the Town's road infrastructure. The road use agreement must be executed and security must be provided to the Town prior to any equipment or material being hauled on or off the lands or any construction or decommissioning of the development.

52.22 The applicant may be required to enter into a development agreement with the Town and comply with the terms of the agreement. The development agreement must be executed and security must be provided to the Town prior to any equipment or material being hauled on or off the lands or any construction of the development.

52.23 At the end of life of a Solar Energy Facility, the applicant must decommission and reclaim the lands to the same land capability and quality as prior to the development. The applicant must provide the Town with a reclamation certificate from Alberta Environment and Protected Areas or the equivalent provincial body.

52.24 The applicant may be required to provide security for decommissioning and reclamation, as determined by the Development Authority, unless security for decommissioning and reclamation is already provided in accordance with a provincial government regulation or requirements.

52.25 All solar panels and related infrastructure for a Solar Energy Facility development must be set back a minimum of 35 metres from the centre line of all Town roads, as determined by the Development Authority.

52.26 The applicant is responsible for obtaining all necessary permits and approvals under the *Safety Codes Act* and any other relevant provincial or federal agencies prior and as a condition of the development permit may be obliged to provide them to the Town prior to construction or operation of the development.

10. That Bylaw #880 be amended to add Solar Energy – Personal as a Permitted Use to an already approved principal use, structure or building in the following districts: R1A Residential Single Detached District; R1 Residential General District; R2 Residential Mobile Home Subdivision District; R3 Residential Low Density District; and R4 Residential Low Density District.
11. That Bylaw #880 be amended to delete Policy E002 – Development Permits Fees, Schedule B – Development Permit Application form and Schedule C – Bylaw Amendment Form.

12. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, the invalid portion must then be severed and the remainder of the Bylaw is deemed valid.

13. This Bylaw becomes effective upon third and final reading.

READ a first time this _____ day of _____2024.

READ a second time this _____ day of _____2024.

READ a third and passed this _____ day of _____2024.

MAYOR

CAO