

**BYLAW NO. 2016-03**

**BEING A BYLAW OF BIRCH HILLS COUNTY IN THE PROVINCE OF ALBERTA**

**TO AMEND THE BIRCH HILLS COUNTY LAND USE BYLAW NO. 02-08**

**WHEREAS**, the Council of Birch Hills County has adopted Birch Hills County Land Use Bylaw No. 02-08 to regulate land use and development in Birch Hills County, and

**WHEREAS** The Council of Birch Hills County, in the Province of Alberta, has deemed it desirable to amend the Birch Hills County Land Use Bylaw to add Ground Mounted Solar Panel/Projects;

**NOW THEREFORE** Pursuant to Sections 230, 606 and 692 of the Province of Alberta Municipal Government Act, the Council of Birch Hills County, duly assembled, hereby enacts as follows:

**1. Add a new definitions to the Land Use Bylaw as follows:**

SECTION 2 DEFINITIONS

“solar panel, ground mount” means a panel to collect solar energy: is a standalone structure mounted on the ground or a tower/pole.

“solar panel, roof mount” means a panel to collect solar energy: mounted on the roof of a structure such as, a dwelling, accessory building or school.

**2. Add the following to section 4 Need for a Development Permit:**

SECTION 4 NEED FOR A DEVELOPMENT PERMIT

4.2 (h) Roof Mounted Solar Panels

(i) A roof mounted solar panel will not require a development permit as long as it meets the height requirements of the structure and district. If the solar panels exceed the height requirement a variance will be required prior to issuance of a development permit.

(ii) Safety code permits are required.

**3. Add the following to section 9 General Regulations:**

SECTION 9 GENERAL REGULATIONS

9.14 SOLAR ENERGY

## BYLAW NO. 2016-03 Solar Energy

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- 9.14.1 In addition to all other applicable General Regulations in this Part 9, the following provisions shall apply to Ground Mounted Solar Panels/Projects.
- 9.14.2 Applications for ground mounted solar panels/projects will only be considered in currently zoned Agricultural (A), Agricultural Restricted District (AR), Country Residential District (CR), Highway Development District (HD) or Hamlet Industrial District (HI) zoned districts.
- 9.14.3 Ground mounted solar panels and associated equipment which covers a total area of less than 10 m<sup>2</sup> (100 ft<sup>2</sup>) will not require a development permit, but still need to meet setbacks for the district.
- 9.14.4 No subdivision of land will be permitted to accommodate solar projects.
- 9.14.5 Ground mounted solar panels shall only cover up to 8 ha (20ac) of land on a parcel.
- 9.14.6 Approval from the Alberta Utilities Commission (AUC) and any other provincial or federal agency or utility company is required prior to the operation of the ground mounted solar panels/project as required.
- 9.14.7 In no way is a ground mounted solar panel/project to unduly interfere or effect the enjoyment or value of neighboring parcels.
- 9.14.8 The Approving Authority may require the applicant to provide an Environmental Assessment Review to be prepared by a qualified professional.
- 9.14.9 If the panels/project is decommissioned the applicant is required to return the project location to the same or better land capability it had before the project started. For example; top soil, altered drainage systems, or compacted soil resulting from construction, operation, or decommissioning of the site should be mitigated. A decommissioning and or mitigation plan may be required.
- 9.14.10 If the solar panels are being mounted on a tower/pole the applicant will have to adhere to the height requirements of the district.

9.14.11 Safety code permits are required.

**4. Add the following to the District Uses:**

11.1 Agricultural (A) District

**11.1.1 a) Permitted Uses**

Solar Panel, ground mounted

11.2 Agricultural Restricted (AR) District

**11.2.1 a) Permitted Uses**

Solar Panel, ground mounted

11.3 Country Residential (CR) District

**11.3.1 a) Permitted Uses**

Solar Panel, ground mounted

11.4 Highway Development (HD) District

**11.4.1 a) Permitted Uses**

Solar Panel, ground mounted

11.8 Hamlet Industrial (HI) District

**11.8.1 a) Permitted Uses**

Solar Panel, ground mounted

**5. This Bylaw shall be passed and become effective when it receives third reading and final passage, and is signed by the Reeve and the Chief Administrative Officer.**

READ a first time this 11<sup>th</sup> day of February, 2016.

READ a second time this 10<sup>th</sup> day of March, 2016.

READ a third and final time this 10<sup>th</sup> day of March, 2016.

SIGNED this 10<sup>th</sup> day of March, 2016.

Original Signed By

**Reeve  
Marvin Doran**  
Birch Hills County

Original Signed By

**Interim Chief Administrative Office  
Shelley Braun**  
Birch Hills County