

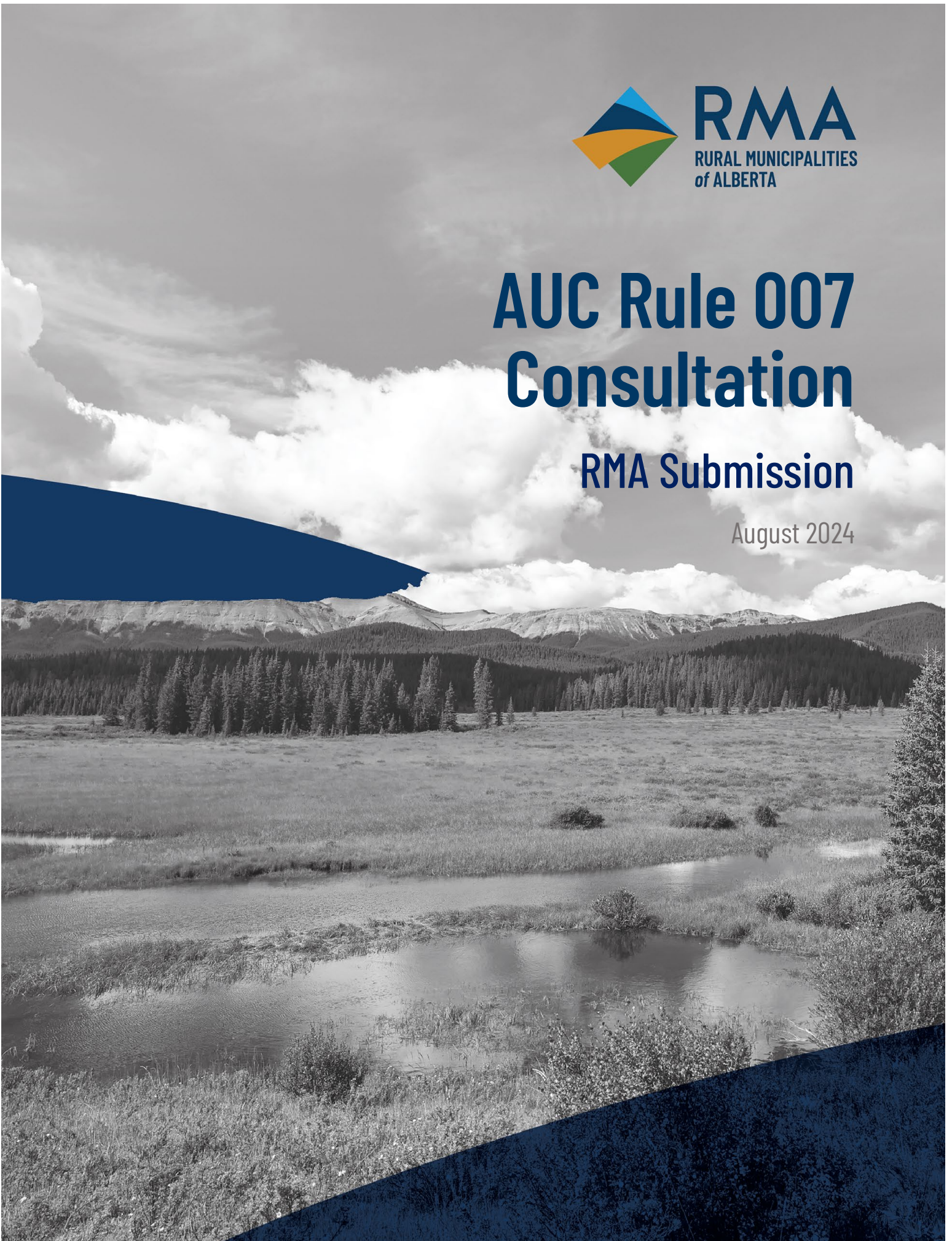


RMA
RURAL MUNICIPALITIES
of ALBERTA

AUC Rule 007 Consultation

RMA Submission

August 2024



Introduction

Who is the RMA?

The Rural Municipalities of Alberta (RMA) advocates on behalf of Alberta’s rural municipalities. RMA’s members consist of 63 municipal districts and counties, five specialized municipalities, and the Special Areas Board. Although each municipality is unique, the RMA’s 69 members have several common traits: large land masses, small populations, and a lack of a traditional “population center.” RMA members provide municipal governance to approximately 85% of Alberta’s land mass.

RMA position and member resolutions

In recent years, the approval process for wind and solar projects has become an important advocacy issue for RMA and its members. Alberta leads the country in renewable energy development, which results in benefits and challenges for rural municipalities. While wind and solar developments provide property tax revenue and rural employment opportunities, they also cause local challenges related to land use planning, infrastructure strain, environmental risks, sterilization of agricultural land, reclamation, and others. While nearly any development will include benefits and challenges, the AUC’s existing approval process for renewable energy projects does not adequately consider municipal plans and perspectives, which results in projects being approved without the application of a municipal lens. As Alberta’s renewable energy “boom” intensifies, municipalities are faced with increasing instances of land use conflicts and developments that do not align with planning priorities. RMA is cautiously optimistic that recent policy decisions made by the Government of Alberta as well as changes being contemplated by the AUC as part of this engagement will ensure that rural municipalities will have a role in the approval process that aligns with the extent to which they are impacted by projects.

Concern with the AUC approval process is reflected in several RMA resolutions, including the following:

- ◆ [Resolution 9-22F](#): Renewable Energy Project Reclamation Requirements
- ◆ [Resolution 21-22F](#): Loss of Agricultural Land to Renewable Energy Projects
- ◆ [Resolution 6-22S](#): Responsiveness of Service Delivery by Quasi-independent Agencies in Alberta
- ◆ [Resolution 7-20F](#): Amendments to Municipal Government Act Section 619
- ◆ [Resolution 11-19F](#): Requirement for Municipal Authority Input on Energy Resource Development Projects
- ◆ [Resolution 20-18F](#): Decommissioning Costs for Wind Energy Developments
- ◆ [Resolution 6-18S](#): Wind Energy Regulations Required at Provincial Level
- ◆ [Resolution 11-18S](#): Recycling of Solar Panels

Draft Municipal Engagement Form

RMA supports the creation of a municipal engagement form. Making this form mandatory will encourage early and detailed engagement by proponents with municipalities. While this does not guarantee municipal support for a proposed project, it does require the proponent to consider local planning policies. What remains unclear is how the AUC will proceed if the municipality disagrees with the proponent about the project aligning with local planning policies and refuses to sign the engagement form. The RMA suggests that an accompanying document be created by the AUC to guide proponents and municipalities on the use of the form and how it is considered by the AUC. In the case of disagreement between the municipality and the proponent on whether a project is in alignment, the AUC should consider the municipal perspective to have priority, as they are the owner of the planning policies. This could be achieved by creating an additional voluntary form for municipalities to complete if they disagree that the proposed project aligns with their planning policies. This would allow municipalities to demonstrate their concerns

The form should be completed by the proponent, as they should be able to demonstrate how a project aligns with local land use bylaws as part of the approval process. This places the work of seeking compliance with local planning policies on the proponent. However, the form must include sufficient time, at least 30 days, for the municipality to review and sign off if they agree the project aligns with their planning policies.

More clarity is needed on the MDP, IDP, and LUB sections. The engagement form should be modified to make it clear if and how the proposed project aligns with these various plans. This could be achieved by asking clearly if the proposed project is aligned with each planning policy followed by details of how it aligns. Demonstrating alignment is critical for building trust in the process, rather than simply asking for if the proposed project is in alignment. The form should be amended to ask if there is an area structure plan (ASP) or area concept plan (ACP) in the area where the project is proposed. If so, the form should ask if the proposed project is in alignment with these plans as well. While it may be covered in the compliance checklists for the various planning policies, RMA suggests that the engagement form include a section where the proponent specifically addresses whether they are in compliance with municipal setbacks.

The draft engagement form poses the question “was consultation conducted with the municipality?” The RMA suggests there is room for more specificity with this question. Consultation could mean anything from sending a letter to a series of meetings with council and planning administrators. The RMA suggests that proponents be asked to describe their consultation process, including specific steps taken. This can be supported by modernizing Rule 007 to specify what consultation is required of a proponent. Additionally, RMA’s Quasi-judicial Agency Committee (QJAC) report recommends that the regulator also be involved in early engagement with municipalities. Similar to comments made previously about an accompanying document explaining how the AUC will consider alignment with local planning policies, it is necessary for the AUC to explain to proponents and municipalities what they consider to be sufficient consultation. This will allow both municipalities and proponents to understand their respective rights and responsibilities.

While this may be outside the scope of review of the municipal engagement form, the RMA is requesting clarification from the AUC on how alignment with municipal planning policies will be considered. It is critical that municipalities and proponents understand their rights and responsibilities when consulting on proposed renewable energy projects.

Methodology for Visual Impact Assessment

While the technical methodology for developing visual impact assessments (VIAs) is outside of the RMA’s expertise to comment on, the RMA is interested in understanding how VIAs will be evaluated. The RMA supports

the use of VIAs as a regulatory tool rather than blanket development bans, as VIAs will likely allow for site specific considerations to be taken into account.

The evaluation of visual impact assessments should include socio-economic considerations. For example, the methodology should consider the economic impact of blocking development in a significant portion of a municipality. The evaluation should balance this against the loss of a pristine viewscape. Municipalities should be involved in the discussion about how renewable energy projects contribute to the local economy and how they may align with economic development and land use plans. While not all municipalities will seek to encourage renewable energy development, some may take steps to support their development in their policy documents.

Furthermore, the RMA is seeking clarification on how VIAs will be considered in the overall approval process. If a proposed project satisfies other AUC requirements, but fails a VIA, will the project be denied? Additionally, in the project exploration phase, it will be helpful to understand how the AUC weighs VIAs compared to agricultural land assessments. For example, will a proposed project need to meet each criteria individually, or will the AUC allow projects to proceed if satisfies the majority of the requirements?

Setbacks for Renewable Energy Facilities

Municipalities use their planning documents to establish setbacks for various types of development. As municipalities can determine their own setbacks in their planning documents, the AUC implementing setbacks has the potential to create confusion for proponents when siting a project, which may in turn increase the risk of their plan not being in compliance with local planning policy. If the AUC does implement provincewide setbacks, they must function as backstops that set the minimum setback required, allowing municipalities to place additional setback requirements if it fits the local context. At the same time, a municipality should be empowered to reduce the AUC setbacks through a bylaw to meet their local needs.

Additional renewable energy considerations

Agriculture and Environment

The province has indicated they intend to adopt an “agriculture first” approach, which would place a restriction on class 1 and 2 soil based on the Land Suitability Rating System (LSRS). This could restrict development on nearly all agricultural land in some municipalities, and impact no land in others, leaving land that may be class 3, but highly valued locally, open to development. A one-size fits all approach will not work when preserving agricultural lands in Alberta.

A blanket restriction on soil classes also removes accountability from the AUC and proponent to understand and weigh the value of the specific land being developed. Factors such as historical production, relative production on a local and regional level, etc. provide a more relevant lens to evaluate the impact of development on a particular piece of land. Therefore, the RMA suggests that agricultural value be assessed using a variety of metrics in addition to soil classification.

While it is not clear how agrivoltaics are defined or if agrivoltaics are within the jurisdiction of the AUC, RMA suggests proceeding cautiously to ensure that agrivoltaics projects truly meet the intent of using land for two purposes without creating unintended consequences. There are two considerations with regards to agrivoltaics. First, if the type of agricultural production is changed from field cropping to livestock, it is unclear how

equivalency will be calculated. This will require considerable research to compare the production of crops to livestock, or other types of agricultural production. Second, if the type of agricultural production does not change, a minimum level of production post-development will need to be established. In the field cropping example, it is foreseeable that production will decline when co-located with a solar power plant; if agrivoltaics is within the AUCs jurisdiction, the AUC should establish how much of a loss in production is acceptable.

Reclamation Security

The RMA is pleased to see that securities will be required for developments. Reclamation securities are necessary to protect the public interest and ensure that industry is held accountable. While based on RMA's understanding, the details of how reclamation security amounts are measured and the process for determining them are beyond the scope of the AUC, Rule 007 should clarify at what point in the project approval process proponents are required to provide verification that their reclamation security obligations have been met. Proponents should be required to verify adherence to reclamation securities as early in the approval process as possible to avoid creating unnecessary work for the AUC, municipalities, and other stakeholders.