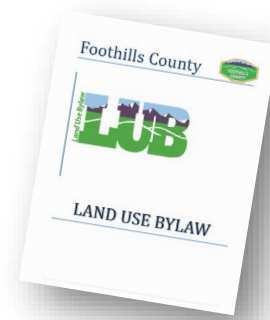


PUBLIC HEARING NOTICE

October 21, 2026 AT 1:30 P.M.



Proposed Amendments to the Land Use Bylaw 60/2014 & Redesignation of Ptn. SE 35-19-28-W4 from Agricultural District to Direct Control District #34 (DC#34) to facilitate development approval for the operation of an existing power generation plant on site.

Foothills County Council will hold a public hearing on Wednesday, October 21, 2026, at 1:30 p.m. for two (2) concurrent applications:

1. APPLICATION FOR AMENDMENTS TO THE LAND USE BYLAW 60/2014

Purpose:

- Creation of a new definition for Energy Generation Facility;
- Updating of terminology within the definition of Utility Services, Major;
- Amendment to the Direct Control District #34 including:
 - Expansion of the purpose and intent of the district to permit energy generation facilities and associated infrastructure, including commercial renewable energy systems and utility power generation facilities;
 - Change Utility Services, Major from a permitted use to a discretionary use, requiring future proposals to be considered by direct control of Council through a discretionary approval process; and
 - Make minor amendments to district regulations to ensure consistency with the revised purpose and intent.

A detailed summary of the proposed Land Use Bylaw Amendments is available in Appendix A.

2. APPLICATION FOR REDESIGNATION – AGRICULTURAL DISTRICT TO DIRECT CONTROL DISTRICT #34 (DC#34)

- An application has been submitted by NVS Engineering on behalf of Journey Energy Inc. to redesignate approximately 9.74 acres within SE 35-19-28-W4M from the Agricultural District to Direct Control District #34 (DC#34).
- The redesignation would formally enable the applicants to apply for Development approval to allow for operation of the existing 16.5 MW natural gas power generation facility located on the site.
- No subdivision is proposed as part of this application. The redesignation applies only to the identified 9.74-acre portion of the parcel.

The subject lands are located approximately 2.5 miles (4 km) east of Highway 2, one-half mile (0.8 km) south of 434 Avenue E, on the west side of 160 Street E, within Council Division 1.

Click here to view the advertisement: [LUB Advertisement](#)

For more information on the public hearing, including how to submit information or participate, click here: [Public hearing information.](#)

DRAFT AMENDMENTS TO THE LAND USE BYLAW 60/2014

A. DEFINITIONS UNDER SECTION 2.4 OF THE LAND USE BYLAW

The following new definition is proposed in Section 2.5 of the Land Use Bylaw:

ENERGY GENERATION FACILITY is an industrial site or building equipped with generators, turbines, and auxiliary equipment designed to convert mechanical, chemical, or natural energy sources into electric power or thermal energy for distribution and does not include Battery Energy Storage Systems or Anaerobic Digester Facilities

The following amendment is proposed to the current definition of Utility Services, Major:

UTILITY SERVICES, MAJOR means development for public or private utility infrastructure purposes which is likely to have a major impact on the environment or adjacent land uses by virtue of their emissions, effect, or appearance. Typical facilities would include sewage and/or water treatment plants, sewage lagoons, dams, **energy generation facilities** ~~power generating stations~~, cooling plants, incinerators, and, and high voltage electrical transmission towers.

B. AMENDMENTS TO THE DIRECT CONTROL DISTRICT #34 (DC#34)

The following amendments are proposed to the Direct Control District #34:

**18.34 DIRECT CONTROL DISTRICT #34 (DC34) COMMERCIAL-
SOLAR POWER UTILITY ENERGY SYSTEMS**

DC#34

18.34.1 PURPOSE AND INTENT

The purpose and intent of this district is to ~~provide for energy generation facilities and associated infrastructure, including renewable energy systems and utility facilities, while allowing Direct Control by Council over development to ensure compatibility with surrounding land uses and address site-specific development considerations.~~ ~~allow for the operation of Commercial Solar Power systems and to allow Direct Control by the Council over development on the following lands:~~ **provide for energy generation facilities and associated infrastructure, including renewable energy systems and utility facilities, while allowing Direct Control by Council over development to ensure compatibility with surrounding land uses and address site-specific development considerations.**

18.34.2 PERMITTED USES

Accessory Buildings not requiring a development permit
Administration Office (for principal use)
Agricultural general
Public works
Signs not requiring a Development Permit
Solar Power System, Private (Not requiring a Development Permit)
~~Utility Services, major (service types accessory to principal use)~~
~~i.e. Electrical Transmission towers, power generating stations~~
Utility services, minor

18.34.3 DISCRETIONARY USES

Accessory buildings requiring a Development Permit
Accessory uses (accessory to the principal use)
Data Processing Facilities (Small Scale)
Dwelling single family

- no more than 2 such dwellings are permitted on a lot that is 32.4 ha (80 acres) or more in size;
- no more than 1 such dwelling is permitted on a lot that is less than 32.4 ha (80 acres) in size.

Dwelling, mobile home
Dwelling, moved on
Educational and Interpretive use
Lot grading
Signs requiring a development permit
Solar Power System, Commercial
Solar Power System, Private (Requiring a Development Permit)
Telecommunication Towers (non federally regulated)
Utility Services, Major
Wind Energy Conservation Systems

18.34.4 LAND USE REQUIREMENTS

18.34.4.1 Standards of the land use shall be at the discretion of Council.

18.34.5 DEVELOPMENT REQUIREMENTS

18.34.5.1 Maximum Height of Structures:

- a. Dwellings
 - i. 12m (39.37 ft.).
- b. Accessory Buildings and associated energy generation structures
 - i. 10.67m (35 ft.).
- c. Radio antennas, internet towers, transformers, or stacks;
 - i. 16m (52.49 ft.).
- d. ~~Free-standing solar array or solar array mounted to any structure other than a roof or wall of a building must not exceed 10.67m (35ft.) in height when oriented at a maximum tilt position unless specifically allowed by the Approving Authority.~~
- e. Or as determined by Council.

18.34.5.2 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings, and impervious surfaces shall cover more than sixty(60) percent of the development area.
- b. ~~Free-standing~~ solar array ~~not mounted to the roof or wall of a structure~~ are not considered in the lot coverage area unless they are mounted to the ground in a very impermeable manner (cemented completely and not using piles or some form of elevated racking)
- c. Or as determined by Council.

18.34.5.3 Minimum Yard Setback Requirements: for all Structures and solar array.

- a. Front Yard Setback:
 - i. 15m (49.21 ft.) from the right of way of an Internal Subdivision Road.
 - ii. 48m (157.48ft.) from the centre line of a Municipal Road.
 - iii. 64m (209.97 ft.) from the centre line of a Municipal Road, Major.
 - iv. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centre line of a Provincial highway, whichever is greater.
 - v. Or as determined by Council.
- b. Side Yard Setback:
 - i. 15m (49.21 ft.) from property line.
 - ii. Or as determined by Council.
- c. Rear Yard Setback:
 - i. 15m (49.21 ft.) from property line.
 - ii. Or as determined by Council.

- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

18.34.5.4 Corner Parcel Restrictions:

- a. In accordance with Sections 9.27.9 - 9.27.12.C

18.34.5.5 Other Minimum Setback Requirements:

- a. See Section 9.27 “Special Setback Requirements” of Land use bylaw for additional setback requirements that may apply.
- b. The Approving Authority may require a setback of 300 metres from the solar installation to all adjacent residences, or a distance that minimizes the visual impact of the solar installation from the adjacent residences to the satisfaction of the Approving Authority.
- c. The Approving Authority may require a greater minimum setback for any use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses having regard for the location of the development, potential environmental impacts, adjacent land uses, and any determined natural, scenic, or ecologically significant feature of the landscape.

18.34.5.6 Minimum habitable area per Dwelling:

- a. 100 m² (1,077 sq. ft.)

18.34.6 SPECIAL PROVISIONS

18.34.6.1 Energy generation facilities and associated infrastructure shall be designed and located to minimize adverse impacts on adjacent lands with respect to visual appearance, lighting, noise, traffic, drainage, emissions, and other potential nuisances.

18.34.6.2 Landscaping and Screening:

- a. landscaping shall be completed in accordance with the Municipal Screening Standards or as determined by Council.
- b. levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards or as determined by Council.

18.34.6.3 Noise

- a. Any energy generation facility shall be designed and operated so as to comply with applicable provincial legislation and approvals respecting noise (Alberta Utilities Commission approvals and Alberta Environment noise requirements.)

18.34.6.4 Nuisance:

- a. Every attempt shall be made to design the site so that the ~~solar power system~~ energy generation facilities will have limited undo interference or effect on the enjoyment or value of neighbouring parcels.
- b. Solar array shall be located such that it does not create undue glare on neighbouring property or public roadways.

18.34.6.5 The Approving Authority, may, as a condition of issuing a Development Permit, impose any condition that addresses a relevant planning and development matter, including but not limited to:

- a. Location and maximum size of facilities to be constructed.
- b. Development setbacks.
- c. Hours of operation.
- d. Number of employees.
- e. Number of vehicle visits per day.
- f. Noise.
- g. Buffering.
- h. Lighting.
- i. Site drainage.
- j. Potential impact to neighbouring properties.
- k. Outdoor storage.
- l. Parking requirements.
- m. Screening of facilities.
- n. Decommissioning and reclamation.

18.34.6.6 Lighting:

- a. all lighting must be in accordance Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

18.34.6.7 Lot Drainage:

- a. a Development Agreement shall be entered into for any lot grading to the satisfaction of the Director, Public Works and Engineering.
- b. the Approving Authority may require, as a condition of Development Permit, redesignation, or land use amendment, that the developer submit a stripping and grading and/or drainage or stormwater management plan, completed by a qualified engineer, to the satisfaction of the County.
- c. lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw unless otherwise approved by the Approving Authority.

18.34.6.8 Utility Services, Major

- a. All principal buildings, generators, substations, transformers, switchgear, fuel supply infrastructure and associated equipment shall be located within the approved development area.
- b. Ancillary buildings and structures necessary for the operation of the facility are considered part of the approved Utility Services, Major use.

18.34.6.9 Other Approvals:

- a. ~~Approval from the Alberta Utilities Commission (AUC), Alberta Electric Systems Operator (AESO) and any other provincial or federal agency or utility company is required prior to the operation of the solar power system.~~
- b. The development shall obtain and maintain all approvals required by the Alberta Utilities Commission, Alberta Electric System Operator and any other applicable provincial or federal authority.

18.34.6.10 Decommissioning and Reclamation

- a. A decommissioning and reclamation plan shall be submitted with the application for review and approval identifying how the site will be reclaimed back to the same or better condition than prior to project commencement.
- b. A Development Agreement ~~shall~~ may be entered into for any work required as part of the decommissioning and reclamation. This agreement may include requirements for cost estimate for the decommissioning and reclamation prepared by a professional engineer or contractor. The agreement may also require an irrevocable letter of credit, surety bond, or cash deposit to be secured and submitted to the County, prior to commencement of any development on the site, for the decommissioning and reclamation of the site.
- c. If the ~~solar power system~~ energy generation facility is out of service or not producing energy for a period of six months, the operator shall provide evidence to the Development Authority, with respect to the reason for the facility being out of service or non-operational and provide a detailed plan for bringing the ~~solar system~~ facility back into service, if the intention is to continue operation. If within six months of non-operation, the operator has not provided the Development Authority with a clear intent and timeline to bring the ~~solar power system~~ facility back on line, the Development Authority shall deem the ~~solar power system~~ facility non-operational, and decommissioning, removal, and reclamation will need to commence in accordance with decommission and reclamation plan approved with the application, returning the site to the same or better condition as prior to project commencement.
- d. Where required by the Alberta Utilities Commission, decommissioning and reclamation shall occur in accordance with all applicable provincial approvals.

18.34.7 PROCEDURE

- 18.34.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.34.1 may be referred by the Development Officer to the Council for its approval or refusal.
- 18.34.7.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council or their delegate shall decide on all applications for development permits with respect to lands referred to in Section 18.34.1. The council or their delegate may approve a development permit application with or without conditions or may refuse an application for development permit.
- 18.34.7.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.34.1.