

The regular meeting of the Council of The Municipal District of Willow Creek No. 26 was held in the Administration Building on the above date with Reeve Sandberg, Deputy Reeve Alm, Councillors Berger, Kroetsch, Sundquist and Van Driesten, CAO Vizzutti and Executive Assistant MacOdrum as recording secretary present.

Councillor Markle entered later in the meeting.

Lawrence Gleason – Reporter entered the meeting.

Director of Finance Hannas entered the meeting

1. Reeve Sandberg called the meeting to order at 11:44 a.m.

2. **MINUTES:**

(a) December 13, 2017 Council Meeting Minutes

Moved by Councillor Van Driesten the December 13, 2017 Council meeting minutes be accepted as presented.

Carried.

3. **FINANCIAL MANAGEMENT:**

(a) Cheque Register

Director of Finance Hannas presented the cheque register for cheque #'s 23143 – 23160 and EFT #'s 282 – 293 in the amount of \$244,762.62 as information.

(b) Uncollectable Education Property Taxes on Oil & Gas

Properties

Moved by Deputy Reeve Alm to cancel the 2015 to 2017 property taxes for properties identified on the attached appendix as uncollectable and direct administration to apply to the Province of Alberta for the Provincial Education Requisition Credit for Uncollected Education Property Taxes on Oil and Gas Properties identified in the attached appendix.

Carried.

Director of Finance Hannas left the meeting at 11:54 a.m.

4. **COUNCIL MANAGEMENT:**

(a) Appoint Members at Large on Agricultural Service Board

Moved by Councillor Sundquist to appoint Jordie Waters, Josh Fankhauser and Jan Walker as members of the Agricultural Service Board effective January 1, 2018.

Carried.

Appoint 4 Council Members on the Agricultural Service Board

Five Councillors put their names forward to be appointed to the Agricultural Service Board, Deputy Reeve Alm, Councillors Berger, Kroetsch, Sundquist and Van Driesten.

CAO Vizzutti handed out ballots to each Councillor to vote on the four Councillors to be appointed to the Agricultural Service Board.

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CAO Vizzutti collected the ballots and left the room with Executive Assistant MacOdrum to count the votes.

CAO Vizzutti and Executive Assistant MacOdrum returned to the Council Chambers and CAO Vizzutti announced Deputy Reeve Alm, Councillors Berger, Sundquist and Van Driesten are the four Council members to be appointed to the Agricultural Service Board for the ensuing year.

Moved by Deputy Reeve Alm to appoint Deputy Reeve Alm, Councillors Berger, Sundquist and Van Driesten as members of the Agricultural Service Board for the ensuing year.

Carried.

Moved by Councillor Sundquist the ballots for the positions on the Agricultural Service Board be destroyed.

Carried.

(b) Intermunicipal Collaboration Framework Regulation

CAO Vizzutti advised the Town of Fort Macleod applied for an Intermunicipal collaborative grant on behalf of the five towns and the MD and will be hiring Debra Howes of High Clouds as facilitator. She advised the CAO's will meet in spring 2018.

(c) 2018 Rural Health Professionals Action Plan (RhPAP) Conference – April 11 & 12, 2018 in Brooks

Received as information.

(d) Municipal Sustainable Initiative (MSI) Capital Program

CAO Vizzutti advised the following projects have been approved under the MSI Capital Program

CAP-9605	Road Rehabilitation	\$ 678,575.00
CAP-9650	Common Equipment Purchases	\$2,615,000.00

(e) Nanton Quality of Life Foundation – Indoor Walking Program

CAO Vizzutti presented a letter from the Nanton Quality of Life Foundation requesting \$1,500.00 annually to sponsor an indoor walking program during the winter months at the Bomber Command of Canada Museum.

Moved by Councillor Berger the request from the Nanton Quality of Life Foundation, for funding to provide an indoor walking program in the winter months, be tabled to January 24, 2018 for more information.

Carried.

Meeting recessed at 12:10 p.m. for lunch

Meeting reconvened at 1:30 p.m.

Councillor Markle entered the meeting at 1:30 p.m.

Manager of Planning and Development Chisholm, Mike Burla – MD Planner and Development Officer Stockton entered the meeting at 1:30 p.m.

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Reeve Sandberg recessed the Council meeting at 1:30 p.m.

5. **PUBLIC HEARING**

(a) **Land Use Bylaw Amendment – Claresholm Solar Inc. – ‘Rural General – RG’ to ‘Rural Industrial 0 RI’ Applications A-15-17 to A-22-17**

Reeve Sandberg called the Public Hearing to order at 1:30 p.m.

Leonard Hofer – Hutt. Brethren of Granum, Philip Andres – Claresholm Solar Inc., Art & Delores Lange, Dustin & Carmen Sippola, Hugh Campbell – Claresholm Solar Inc., Darryl Jarina – Bear Tracks Environmental, Jason Pigeon – Scott Land & Lease Ltd., Justin Sweeney – Town of Claresholm, Daniel Andres – Claresholm Solar Inc., George Tschetter – Hutt. Brethren of Granum, Glen Roemmele, Jeff & Lisa Darch, Russ & Sierra Stewart, Norm Elford, Andy Kent – Remax R/E (Central), Todd Beasley, Alvin Valin – Remax R/E (Central) and Kelvin Grabowsky were present.

Manager of Planning and Development Chisholm presented Applications A-15-17 to A-22-17 being Land Use Bylaw Amendments from ‘Rural General – RG’ to ‘Rural Industrial – RI’, put forth by Claresholm Solar Inc. c/o Scott Land & Lease Ltd. on the following lands owned by the Hutterian Brethren Church of Granum:

NE 1-13-26-4	160.00 acres
SE 1-13-26-4	159.88 acres
NW 1-13-26-4	149.30 acres
NE 6-13-25-4	160.00 acres
SE 6-13-25-4	160.00 acres
SW 6-13-25-4	152.02 acres
NE 31-12-25-4	160.00 acres
SE 31-12-25-4	<u>160.00 acres</u>
Total Acres	1,261.20 acres

Manager of Planning and Development Chisholm advised the redesignation will allow for the development permit applications to be processed, being a request for ‘grazing and ground mounted solar photovoltaic facility for electricity generation within the subject lands. She stated the lands are located approximately 10 km’s east of the Town of Claresholm. The lands are bounded to the north, east, south and west by predominantly agricultural lands. There are no confined feedlots in close proximity to the subject lands.

Manager of Planning and Development Chisholm presented the following sections of the Municipal Development Plan Bylaw No. 1765 as information: **Section 7 The Environment**, pg. 14/15 which identifies natural areas and the sensitive features of the landscape within the MD aims to encourage and promote environmental protection at all levels of government.

Objectives are as follows:

- To protect natural and unique features, river valleys, flood plains, floodways, flood fringe, flood prone, riparian areas and wetlands from inappropriate development;
- To provide for appropriate and compatible development of recreational, historical and cultural resources;
- To comply with the requirements established in the SSRP and other pertinent legislation;
- To provide policies to provide for the development of non-renewable resources and to encourage and support the proper reclamation of extraction sites; and
- To cooperate with other agencies involved in the management of natural resources, the preservation of habitat areas and the protection of water quality.

Policies are as follows (noted only 7.1 and 7.2):

- 7.1** The MD shall endeavor to protect environmentally significant areas and other significant natural areas and resources from inappropriate development.
- 7.2** The MD may consult with other agencies to develop management plans which integrate land use development, and recreational activities.

MDP: Section 14, Alternative Energy Systems, Pg. 20/21 – Alternative energy shall include, but not be limited to, the following: wind, solar, bio-mass, bio-fuel, water turbines, natural gas generation and geothermal. In order to regulate these innovative land uses within the MD, the following objectives and policies have been incorporated into this Plan.

Objectives are as follows:

- To ensure that alternative energy systems are compatible with adjacent land uses; and
- To ensure the approval, erection, construction and decommissioning of alternative energy systems comply with the Land Use Bylaw and appropriate provincial and federal requirements regulating the alternative energy system.

Policies are as follows:

- 14.1** The protection of agricultural lands shall be considered when decisions regarding alternative energy systems are made.
- 14.2** Where possible, the MD shall coordinate the approval and ongoing monitoring of alternative energy systems with the appropriate government departments and agencies.
- 14.3** The MD shall ensure obsolete or abandoned alternative energy developments are decommissioned.
- 14.4** The Land Use Bylaw shall be amended to address alternative energy systems in this section.

Environmentally Significant Areas in the Oldman River Region: MD of Willow Creek (Cottonwood Study, February 1989)

- Neither maps 1, 3 or 4 (natural areas of significance, prehistoric sites or paleontological sensitivity zones) are applicable to the site.
- The subject lands are covered by Environmental Significant Area (ESA) Hazards mapping (map 2). The hazard mapping for the lands indicated the site is within an area of artesian flow. Areas of artesian flow are identified from the hydrological maps and are subsurface features which the cottonwood report states can be problematic during excavation, especially in low lying areas.

Manager of Planning and Development Chisholm advised the intent of the 'Rural Industrial – RI' land use district is to accommodate isolated or grouped noxious, rural industrial, resources extraction or other compatible uses in the municipality without compromising the conservation of agricultural land for agricultural purposes. She said there is only one permitted use within this district:

- 'accessory buildings and uses to an approved use'.

Manager of Planning and Development Chisholm advised notice of the Public Hearing was placed in the Claresholm Local Press for two consecutive weeks (December 6th & 13th, 2017) pursuant to Sections 230, 606 and 592 of the Municipal Government Act. Adjacent landowners were notified of the Public Hearing by mail and the following government agencies were also notified, Alberta Utilities Commission, Alberta Environment & Parks, Alberta Culture and Tourism – Historical Resources, Alberta Health Services, Alberta Agriculture and Rural Development, Willow Creek Regional Landfill and Oldman River Regional Services Commission. The Public Hearing Notice and application were posted on the MD website.

Manager of Planning and Development Chisholm advised comments were received from Alberta Health Services, Willow Creek Regional Landfill, Charles Kuntz, Doug, Olive & Jeff Darch, Dustin and Carmen Sippola and Russ & Sierra Stewart. She advised the following delegations would like to speak and make a presentation at the Public Hearing:

Daniel Andres and / or Philipp Andres – Claresholm Solar Inc.

Robert McCallum – McCallum Environmental Ltd.

Jason Pigeon – Scott Land and Lease Ltd.

Leonard Hofer and / or George Tschetter – Hutterian Brethren Church of Granum

Stephen Todd Beasley – MD Resident

Manager of Planning and Development Chisholm advised Claresholm Solar Inc. submitted eight Land Use Bylaw Amendment applications with supporting documentation including cover letters, applications, approval letter from titled landowners, addenda for the proposed land use amendment and Appendix A to Appendix O.

Comments Received**Alberta Health Services – David Crowe - Senior Advisor**

Manager of Planning and Development Chisholm read a letter from David Crowe, Senior Advisor of Alberta Health Services suggesting implementation of a dust control strategy during site development to ensure minimization of dust generation during site preparation and construction. He stated AHS supports a hydrogeological assessment to ensure adequate supplies of groundwater for the anticipated uses of the solar farm and that a plan be in place to ensure no contamination of surface or groundwater occurs through site construction and operation activities. AHS understands electrical transformers may contain various hazardous materials and or liquids and therefore suggest a strategy be implemented to ensure these materials are handled and stored safely and to ensure that any spills be promptly identified and remediated. He also recommended a program be in place to ensure safe storage of all products or equipment that may contain hazardous substances (e.g. pesticides). He stated AHS understands glint and glare from the solar installation are usually assessed as part of the AUC application process. If this is not the case AHS recommended a glint and glare study that would confirm no adverse impacts on neighboring residents and traffic in the area and to ensure all mitigation strategies are properly implemented.

Charles Kuntz – VP Operations, Global Flow

Manager of Planning and Development Chisholm read a letter from Charles Kuntz of Global Flow stating his support of the Land Use Bylaw Amendment Applications by Claresholm Solar Inc. as the project will benefit the Town of Claresholm and the MD of Willow Creek.

Kelvin Grabowsky

Manager of Planning and Development Chisholm read a letter from Kelvin Grabowsky stating he is opposed to the proposed solar farm east of Claresholm or anywhere else in the M.D. He is not in favor of his tax dollars being spent on green energy schemes by the province due to the various countries and regions that have tried and failed with ‘green energy white elephant projects’ and the citizens are now living with what is called ‘Energy Poverty’. He expressed concern when the solar company walks away leaving the cleanup and disposal of the toxic panels up to the landowner. He requested Council to research the subject and help break the cycle of misspent taxpayer funds.

Dustin & Carmen Sippola

Carmen Sippola advised their acreage is located in the middle of the proposed Claresholm Solar Project. They operate a family business called Sippola Colt Starting and Performance Horses at this location. She stated they were informed in July 2017 a solar farm would possibly be going in around them. She said in all of their research no one volunteered to live in the middle of a solar farm, so why should they.

She advised they tried to reach an agreement with Perimeter Solar however was unsuccessful and the agreement would prevent them from vocalizing their concerns.

Carmen Sippola stated if the Council approves the rezoning they are requesting a minimum ½ mile to 1 mile setback in all directions with trees and upkeep to enhance sell ability of their acreage or Granum Colony and/or Perimeter Solar should buy them out at appraised value including costs of moving their business and inconvenience.

Carmen Sippola presented a list of concerns they have regarding the Claresholm Solar Project. She advised some concerns were answered and documented and some were not. Their concerns are as follows:

1. The value of their land and sale ability of their acreage;
2. Stormwater management plan and soil erosion;
3. Weed control;
4. Recycling and safe disposal of solar panels;
5. Dust, traffic, glare and visibility;
6. Hazardous material used in panel construction and health risks as documented by the World Health Organization;
7. type of panels being used;
8. type of fence to be erected and will it be an eyesore;
9. Durability of panels and can they withstand 130 km/hr winds and golfball size hail;
10. Re-zoning of agricultural land and the impact on their land value; and
11. Health risks and putting their family at risk by living in the middle of a solar farm.

Carmen Sippola stated the proposed land is zoned for agricultural use and projects of this magnitude are usually restricted to land not suitable for agriculture, such as a desert.

Carmen Sippola stated they have many questions and concerns and will probably have more as they continue with their research. She said if the project proceeds they will have to relocate their family and business. She stated they are concerned for the wellbeing of their family and community.

Carmen Sippola recommended possible solutions to allow the solar farm and not affect any families and stay on less travelled roads.

McCallum Environmental Ltd. response to Dustin & Carmen Sippola's concerns

Manager of Planning and Development Chisholm read a letter from Robert McCallum of McCallum Environmental Ltd. to Dustin & Carmen Sippola to address a question asked at the Open House on August 17, 2017 "What is the risk of surface contamination of soils and surface and ground water from heavy metals and other components inside solar panels if they were to break?"

Manager of Planning and Development Chisholm advised Robert McCallum's summary of information provided was taken from a 2012 report issued by Environment Canada, titled "Assessment of the Environmental Performance of Solar Photovoltaic Technologies."

Heavy Metals and Other Chemicals (Section 6.1.1 – Impact – Page 36)

Robert McCallum advised of the PV CYCLE, which is an international PV industry program that is addressing the recycling challenge in Europe and the target is to collect at least 65% of modules at the end of life, with 85% of the module content to be recycled. He stated the heavy metals such as lead and cadmium, and tellurium and selenium which are considered hazardous are used in small quantities in the manufacturing of PV modules. He stated there are no expected emissions associated with the operational or use of PV modules. He advised the potential exposure to cadmium telluride (CdTe) during limited atmospheric releases or rainwater leaching of broken modules would be below exposure guidelines and highly unlikely to pose a potential health risk.

Section 6.6 – Areas for Further Work – Page 49

Robert McCallum stated while some substances in manufacturing PV solar cells are considered toxic, they do not pose a risk because they are used in small quantities.

Section 7.3 Operations and Maintenance – Page 52

Robert McCallum advised during the operation and maintenance of PV systems, water is used to wash dust and dirt off modules, as cell efficiency is reduced when the modules are dirty and that would have little to no impact on the water quality.

Section 8.3.1 – Land Use – Page 56

Robert McCallum stated PV solar farms (ground mounted) with grass cover underfoot can reduce soil erosion concerns.

Solar Panel Recycling (Module Supplier Information from Claresholm Solar Inc.)

Robert McCallum advised the preferred supplier of solar PV panels for the project is First Solar and explained the recycling technology process used.

Robert McCallum advised an Environmental Protection Plan ('EPP') is being created for the project and will be included in Claresholm Solar Inc.'s AUC application. He stated the EPP will serve as a guide to ensure successful conservation and reclamation of valued ecosystem components in the area and ensure regulatory compliance during construction, operations, and reclamation at the Claresholm Solar Project.

Russ & Sierra Stewart – NW 31-12-25-4

Russ Stewart read a letter on behalf of the Stewart Family living on the NW 31-12-25-4 stating their strong opposition to the change in land use for the proposed solar complex being presented by Claresholm Solar Inc. He stated they moved to the location in 2006 to raise their family. He stated the surrounding area was all

agricultural use when they bought their property. He suggested the Granum Colony has substantial land holdings closer to their home base that would have little to no impact on surrounding homeowners. He stated there is little known about the effects on the health of people and animals living in close proximity to this new solar technology. He discussed the effect on land values and ability to sell neighboring properties. He asked Council to educate themselves prior to making a decision in this regard. He stated there are no Provincial Government regulations governing solar projects; therefore it is left up to the individual municipalities to create the legislation that will govern the construction, placement and operation of these solar projects. He advised a seminar hosted by Rob Harlan, Executive Director of Solar Energy Society of Alberta, indicated multiple companies should be consulted before installation, references should be requested from the company for 3 to 6 projects of similar scale, and ask how long the company has been in business. He said Perimeter Solar Inc. is a relatively new company and asked what type of experience they have with projects of this magnitude.

Russ Stewart advised they were offered an indemnity agreement by Claresholm Solar Inc. and if they signed the agreement they could not oppose the project and a restrictive covenant would have been registered on their title, making their property hard to sell. He discussed the indemnity regarding the appraised value today and if they sold after the project goes ahead the company would pay for any loss below the appraised value.

Russ Stewart discussed their frustrations researching PV solar as there is very little information available because it is relatively new to North America. He discussed failed and bankrupt solar companies in Germany and the UK and the downside to the construction of the panels and the chemical used to make them. He stated there are a number of consequences to creating these panels and they may not be as green as we would like to believe.

Russ Stewart advised energy produced by solar takes up more space per unit of power generation than that of traditional sources and air temperature around large scale solar facilities is 3 – 4 degrees warmer. He provided pictures of damaged panels due to wind, hail and fire with no grass growing under the panels.

Russ Stewart stated they still have questions and concerns that were never answered at the Open House:

- health issues;
- planting trees to block the view;
- glare issues;
- increase in crime in the area;
- noise generated by the 407,000 panels;
- invasion of privacy with motion sensor cameras;
- height and visual impact of panels/fences;
- will there be onsite housing for employees;

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- erosion control and cleanup of garbage on the fences;
- how are damaged panels recycled;
- leaching of toxic chemicals into the air and ground due to damaged panels; and
- employees entering onto private lands without permission.

Russ Stewart requested the M.D. consider the following conditions if the solar project is approved:

- minimum setback of 1 mile from any residence;
- a bond to ensure cleanup and site remediation;
- an irrevocable bond be required for the end of life recycling of dead panels and remediation of the land;
- comprehensive storm water management plans;
- Environmental protection plans in the case of broken or damaged panels due to potential health threats to people, livestock and wildlife; and
- Dust control due to lack of natural cover under panels.

Russ Stewart stated the approval of this development will negatively impact his family and neighbors.

Doug, Olive & Jeff Darch

Manager of Planning and Development Chisholm read a letter from Doug, Olive & Jeff Darch stating they are concerned the Land Use Bylaw amendment Application No. A-15-17 to A-22-17 will devalue their acreage which is less than 800 meters from the proposed property. They feel neighboring areas should be compensated accordingly if adjacent agricultural land is redesignated to industrial.

Willow Creek Regional Waste Management Services Commission– Cheryl Friesen, CAO

Manager of Planning and Development Chisholm read a letter from Cheryl Friesen, CAO of the WCRWMS stating the landfill does not accept hazardous waste for landfilling and stated it is the responsibility of the waste generator to determine if their waste is non-hazardous or hazardous and where it can be disposed of. She provided a copy of the Waste regulation and the Alberta User Guide for Waste Managers as information.

Manager of Planning and Development Chisholm advised all of the comments received were forwarded to Philipp Andres and other parties associated with the application and they sent back comments which will be read into the record.

ENcome Energy Performance – Dr. Robin Hirschl

Manager of Planning and Development Chisholm read a letter from Dr. Robin Hirschl to Claresholm Solar Inc. regarding the impact of photovoltaic installations on neighboring properties.

Dr. Robin Hirschl stated ENcome Energy Performance is a leading provider of technical services including technical operation and maintenance, of photovoltaic plants which cares for more than one thousand installations across Europe

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and Australia and there have been very few occasions where any neighbors have been negatively impacted by PV installations. There has never been any complaints/impact of noise from PV plants. He advised there have been rare instances of glaring, never more than a few minutes per day during a small fraction of the year. A simple mitigation is to build a solid fence if glaring is an issue. He stated they are unaware of any negative impact on property values caused by a solar facility. He concluded that neighbors are extremely unlikely to be lastingly impacted by the PV installation.

Philipp Andres response to Cheryl Friesen's comments on behalf of WCRWMS

Manager of Planning and Development Chisholm read an email from Philipp Andres clarifying that any defective panels or panels at the end of their useful life after 25+ years of services would not be sent to the local landfill. He stated their supplier First Solar has a recycling facility in the US and would sign up to the recycling option under any supply and service agreement and therefore any panels would be returned to First Solar for recycling.

COMMENTS BY APPLICANT:

Daniel Andres – Claresholm Solar Inc.

Daniel Andres, Vice President of Perimeter Solar advised the request for redesignation to Rural Industrial – RI is on poor agricultural land. He advised the land will have a dual use; the production of energy as well as sheep can graze on the grass under the panels. He stated after the useful life of the project (25 years) the site can easily be remediated by removing piles from the ground and collector cables and any roads.

Daniel Andres advised he is an ecologist and scientist and used his expertise in selecting the site due to a high soil salinity and low crop production. He advised that planting of perennial grasses and grazing by sheep will improve the soil conditions on site.

Daniel Andres requested time to address the Sippola's and Stewart's concerns in writing as they had less than 24 hours to address the topics.

Mike Burla advised the Council can recess the hearing to a later date to afford time to respond to the landowner concerns in writing and would also allow additional information to be presented.

Daniel Andres advised they are not taking away the use of the agricultural land just adding an additional use of electricity production. He advised the decrease of property value was previously discussed with the landowners and they had an agreement in principle. He advised the property value agreement is available for the MD to review.

Art & Delores Lange left the meeting at 2:41 p.m.

Daniel Andres advised the MD Planning Dept. recommended the rezoning application to 'Rural Industrial – RI'. He said a storm water management plan is not available as it is contingent upon final design by the engineers. He said the

reclamation obligations are in the contract between Claresholm Solar Inc. and the project hosts. The contract would be transferred to any entity that takes over the project. The main access perimeter roads would be built on site and graveled and there would be limited traffic on the site between the perimeter rows, and minimal impact on the grass. He said the environmental protection plan includes how soil will be conserved on site and how the roads on site would be remediated. He said no weed issues are anticipated and any issues will be resolved through the Weed Control Act. He advised they will be following best practices in planting the grass to eliminate the weed issues. He felt recycling and dust control issues have already been discussed with the landowners. Establishing perennial grasses should reduce the dust issues near Sippola's land and dust control will be implemented on local roads. He advised there will be minimal equipment on site, 3 to 4 people will be on site daily and no one will be living on the site permanently. He said any costs associated with road repairs required due to construction will be the responsibility of Claresholm Solar Inc. and a bond must be in place to ensure the roads are maintained in original condition. He advised they are willing to coordinate haul routes with the MD to ensure road safety during construction. He advised the concerns with glare are handled through the AUC and AEP processes and the statement that there are no regulations in Alberta for solar energy projects is not true. He stated solar energy projects are regulated in the same manner as other utility projects, such as coal and gas fired power plant. He stated all concerns of the neighbors will be addressed by the AUC. He advised all landowners within 800 meters of the project have been offered free residential power if the project is completed.

Daniel Andres stated they have been developing wind projects since the early 1990's and solar more recently. They have lots of experience with large projects and details of hazard materials are listed in their environmental protection plan. Electromagnet frequencies from a solar project do not represent a health risk to the public according to the World Health Organization. He stated they will do modeling exercise that will look at the noise impacts from the project but the AUC regulations do not require studies for the generation of noise.

Andy Kent – Realtor

Andy Kent stated he is a real estate agent representing Dustin and Carmen Sippola and Russ and Sierra Stewart regarding the values of their properties if affected by the solar project. He advised they tried to reach a buyout agreement with the Granum Colony and the solar company with no exchange of money until construction of the project begins. He stated once the approval for the rezoning and application are in place he would be required to disclose to any potential buyers that the project is approved whether it goes ahead or not. He stated in his opinion that would have a negative impact on the property values. He presented facts of property value which was affected by this type of project and the property sold at a reduction of 40% from original value. He also discussed property located in the middle of two feedlots appraised at

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\$880,000.00 and the best offer so far is \$600,000.00 and still did not sell. He advised these young families cannot afford to lose 40% of their equity.

Daniel Andres advised they are still open to discuss compensation with no risk with the landowners and they will be compensated in full.

Philipp Andres advised wind and solar are a complimentary use to agriculture and want to make things right with the adjacent landowners.

Mike Burla suggested the hearing recess to a future date to allow time for additional information and clarification.

Dustin Sippola

Dustin Sippola advised they listed their property because of the intent of the solar project being developed and they were told that it wouldn't affect the sale and they have had two people come with realtors and the realtors want to know how soon the solar project will be started. He feels that it has already affected the sale of their land.

Jason Pigeon – Scott Land and Lease Ltd.

Jason Pigeon advised he is a land agent and part of the public consultation for the project and as part of the application to the Alberta Utilities Commission they must consult with landowners within 800 meters of the project boundary and then notify everyone within 2000 meters from the project boundary. Scott Land and Lease held the Open House on August 17th had additional consultations and continue to address additional concerns as they arise. He advised the adding of vegetation to lessen the visual impacts, addressing dust control concerns during construction, fencing of project area and providing free electricity within 800 meters of the boundary reflects the commitment to make things right.

Jason Pigeon advised they received positive comments in support of the solar project. He said many prefer this project compared to wind energy. He stated some landowners are interested in adding their land to the project.

Darryl Jarina – Bear Tracks Environmental

Darryl Jarina provided the history of Bear Tracks Environmental and experience. He advised there is a wildlife solar assessment required. He said they meet with Alberta Wildlife and Parks to discuss the project and approvals. Migratory surveys are required in the spring and fall and include various species ranges. He said they were required to complete three rounds of migration surveys however completed five to get a better sense of activity. Based on the findings they provide constraint analysis from an environment perspective such as nests, dancing grounds or a den and a setback buffer from industrial disturbance has to be met. He advised the Environmental Assessment report is provided to Alberta Environmental Protection and then they provide a report if the area is a high, medium or low risk with regards to wildlife habitat. The Alberta Environmental Protection referral letter is sent with the AUC application and the Environmental Protection Plan to the Alberta Utilities Commission for secondary

approval. He stated the review process on this project is very stringent from an environmental standpoint, the wildlife and vegetation components. He stated the Environmental Protection Plan covers wildlife, sedimentation, erosion and dust control and must be signed off by the Alberta Utilities Commission.

Lisa Darch

Lisa Darch expressed their opposition to the solar project. There will be 18 months of construction. This is very emotional for them and they do not want this in their backyard. She felt there must be another less populated location that could be investigated for the project.

Todd Beasley

Todd Beasley considered an expert in the field of science referred to as gas treating. He advised he has testified to the Canadian Environmental Protection Agency on Canada's Strategy on Green House Gases. He advised the current government has a project in place called the Alberta Climate Leadership Plan. They are going to change our grid from 15,000 mw of primarily coal fired electrical generation to replace with 30% of wind and renewals of which this project is one of them. He advised last year there were two applications that made their way through the regulatory process and now there are 60 projects seeking regulatory approval. He advised his presentation is based on the current government environment and what will happen over the next while. He cautioned the MD on the legal implications of these projects said the M.D. will want to get some legal advice. He stated he is currently working with Johnathon Denis, the former Solicitor General of Alberta and looking at the socioeconomic impact of the NDP's Climate Leadership Plan. He said the reason these projects are happening is because of massive ratepayer subsidies, power rates in Alberta will triple, quadruple or increase ten times at worst. This process today is the second rung of a six step process. The first is landowners, and once they agree to the project, then it goes to rural approval and then up the ladder to the AUC, AESO, Alberta Environment and Alberta Environmental Protection. He discussed the political aspects and the changes that could come with a change in government.

Todd Beasley discussed compensation to affected landowners as the legal precedent in Alberta referred to as Rylands v Fletcher; they are responsible for every bit of economic harm that is caused to surrounding landowners. If the county signs onto these projects they are also culpable in that harm and suggested the MD get legal advice. He referred to the legal precedent of the Redwater Case. He stated if the contracts are cancelled there is no relationship between a corporation called Claresholm Solar Inc. and anybody. Those contracts are null and void under the Redwater Case. The Redwater precedent stated all first, second and third tier assets of Claresholm Solar Inc. will go to the creditors and what is left behind is the liability. There is no orphan well program for wind and solar. There is no legislation currently existing in Alberta regarding how these projects will be decommissioned. The essence of the review of the

Redwater Case is, the landowner is on the hook, the municipality is on the hook, and the people who live next to these projects can legally compel the cleanup of those sites on nickel of the Municipal District and fundamentally the landowners themselves. He said it has been characterized that using the example of Hutterite farms, they are betting the colony if these projects go sideways and the environmental liability that is associated with them is going to remain, not with the corporation because that corporation no longer exists, but with the landowner.

Todd Beasley implored everyone to get legal advice as the NDP government's legislation is not in place to protect the municipalities, the landowners or the people of Alberta. He discussed what happened in Ontario and advised that the Ontario government is currently reversing the legislation and cancelling contracts.

Todd Beasley discussed the United States and Canada Free Trade Agreement and how recyclables are dealt with are very specific. He advised the panels that are sent to the US for recycling must be returned to Canada.

Todd Beasley said Jim Ellis, Head of the Alberta Utilities Commission, has stated the entire process is broken and not one contract under wind and solar renewables should be signed until regulations catch up.

Todd Beasley thanked the Council for allowing his presentation and would be pleased to come back to provide additional information.

Meeting recessed at 3:30 p.m.

Meeting reconvened at 3:36 p.m.

Philipp Andres

Philipp Andres responded to Todd Beasley's presentation and stated the power rates will not increase. The AESO just finished round one for 400 mg of renewable energy however procured 600 mg because the price was so cheap, the average price was 3.7 cents/kwh which is a record low for Canada. He advised that wind and solar energy are the marginal power source in many jurisdictions. He advised at the end of 2016 there were over 300,000 mw of solar panels installed with 60,000 to 70,000 more by the end of 2017 creating over 3 million jobs due to solar installations. He advised China is leading and India is catching up on the solar installations. He stated he believes in a mix of renewables being wind and solar. He advised the price of solar power has reduced by 90% and in southern climates it is coming in below 3 cents and feels it can be very competitive in Alberta.

Reeve Sandberg asked if anyone else would like to speak to the rezoning matter.

Carmen Sippola

Carmen Sippola stated her objection to the pictures posted of top soil and stated the photos are very deceiving. She stated she asked a lot of questions at the Open House of which they were not prepared to answer. She requested a recess of the

Public Hearing and asked Council to review the information provided and requested setback from a residence of ½ mile to 1 mile be considered.

Andy Kent

Andy Kent advised they have spoken to various landowners who would be interested in having this project on their land and it wouldn't affect anyone. He advised his clients would be agreeable to further discussions regarding a buyout of their property.

Deputy Reeve Alm asked if approved how long would construction take from start to finish.

Philipp Andres stated 12 – 18 months depending on the season and bidding of contracts.

Deputy Reeve Alm asked if the proposed panels meet Restriction of Hazardous Substances (RoHS) Standards.

Philipp Andres stated he would be happy to follow up on the question, but he does not know the answer.

Deputy Reeve Alm asked where the comments from Brandy Downey and Christine Kline of Alberta Environmental Protection are.

Darryl Jarina advised Brandy Downey is the Senior Species at Risk Biologist and Christine Kline is assisting Brandy Downey. They let them know of a potential project in their area and they are not required to respond.

Deputy Reeve Alm asked if Alberta Environment and Parks have input regarding the fencing that will be used to exclude wildlife.

Darryl Jarina advised certain wildlife will be excluded with the higher fence. There will still be habitat for grassland birds and other birds.

Daniel Andres stated they will work with Alberta Environmental Protection and could put in special crossing sections to allow free movement of wildlife.

Darryl Jarina advised this project is outside the migratory corridor and AEP will provide comments on the project.

Deputy Reeve Alm asked what the pictures are in Appendix B – Visualization Farmstead.

Daniel Andres advised they are simulations of what the solar site would look like from the Stewart and Sippola residences and different vantage points.

Councillor Van Driesten asked the Hutterian Brethren of Granum what the rate of production is on the land included in the proposal.

George Tschetter advised the land is a lot of salinity grass land and yields approximately 50 to 60 bushels with fertilizer and moisture.

John Van Driesten asked if they had any issues grazing 250 cattle on the land.

George Tschetter advised they move the cattle in and out.

Councillor Sundquist asked what type of dust control will be provided during construction.

Daniel Andres advised they will consult with the M.D. however in Saskatchewan they have used vegetable oil.

Manager of Planning and Development Chisholm advised the dust control would be dealt with at the development application stage and in consultation with the Superintendent of Public Works.

Councillor Sundquist asked where they are in the connection que.

Philipp Andres advised they are at stage 3 and are in the connection que, there are six stages and have posted their bond security to Altalink. It cannot just move from one site to another as it is very site specific. The site was chosen for its immediate access to transmission so they won't have to build a radial line. Stage 5 is basically the construction stage.

Reeve Sandberg asked what is the risk of solar panels causing fires in a very dry season.

Philipp Andres advised the risk of fire from the solar panels is very low and very rare, but they will have a proper fire plan in place.

Daniel Andres advised the solar panels are not flammable like oil & gas however the requirements for fire plans are similar.

Reeve Sandberg asked if the wind reduces the effectiveness of the solar panels and creates a noise.

Philipp Andres advised the wind creates a surface roughness on the panels which creates a low turbulence. The panels will not create a lot of noise, the noise emissions are from the inverters and transformers. The exterior edges of the site will be over engineered for additional wind load.

Reeve Sandberg asked about the issue of reflection misleading birds to think it is a large pond or lake as it was mentioned in the report and asked how big of a problem this is.

Daniel Andres advised it is documented mainly in desert climates and suspect the polarized light misleads the birds that it is an oasis.

Darryl Jarina advised it is referred to as the lake effect and part of the migratory survey. The birds that are affected are the ones that require water to take off. If they land in the area they may not affect the panels however cannot reach flight again from within the project area.

Reeve Sandberg referred to the solar sites in Nevada and Arizona and said it does look like a lake from the air.

Daniel Andres advised this is a photovoltaic facility not a concentrating solar facility. Most of the ones in the deserts in California and Nevada have mirrors that reflect the light to small point to create boiling water for a heated steam turbine. The ones they are proposing are not mirrors.

Philipp Andres stated having the sheep in the site will create some movement and contrast that will assist with this issue.

Reeve Sandberg asked who is responsible for reclamation of the site. She asked what the trust bond is with the landowner and asked if the MD could be held responsible for reclamation.

Philipp Andres advised they are open to discuss this matter with the M.D.

CAO Vizzutti stated this is a huge document and questions dealing with subdivision and development matters were asked for clarification. She read Section 617 of the Municipal Government Act, under the Planning purpose, which applies to subdivision and development applications and Sections 6 & 7 of the MGA, making it clear the powers the Council has with regards to bylaws and the purpose for which bylaws are created. CAO Vizzutti made a recommendation from Administration to recess the Public Hearing to allow for additional information from opponents and proponents, to allow the MD to determine liability according to case law and research the recycling requirements under NAFTA.

Mike Burla requested those in attendance to not contact the Council members as information can only be presented during the Public Hearing and all additional information be provided to Administration.

Daniel Andres advised Mr. Todd Beasley was discussing matters related to the Public Hearing with Councillors during the recess and he seems to be very familiar with the law and other matters and he just wanted to point this out for the record.

Deputy Reeve Alm advised Mr. Todd Beasley approached him in the Council Chambers and he advised Mr. Beasley this needs to be discussed in a public forum not individually.

Mike Burla asked Daniel Andres if there was anyone else that talked to Mr. Beasley.

Daniel Andres said no Mr. Beasley was just over at the table discussing matters.

Mike Burla said this issue is closed based on Deputy Reeve Alms' comments to Mr. Beasley.

Moved by Deputy Reeve Alm the Public Hearing recessed at 4:13 p.m. to a future date to allow for the presentation of additional information.

Leonard Hofer – Hutt. Brethren of Granum, Philip Andres – Claresholm Solar Inc., Dustin & Carmen Sippola, Hugh Campbell – Claresholm Solar Inc., Darryl Jarina – Bear Tracks Environmental, Jason Pigeon – Scott Land & Lease Ltd., Justin Sweeney – Town of Claresholm, Daniel Andres – Claresholm Solar Inc., George Tschetter – Hutt. Brethren of Granum, Glen Roemmele, Jeff & Lisa Darch, Russ & Susie Stewart, Norm Elford, Andy Kent – Remax R/E (Central),

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Todd Beasley, Alvin Valin – Remax R/E (Central) and Kelvin Grabowsky left the meeting at 4:13 p.m.

Manager of Planning and Development Manager of Planning and Development Chisholm, Development Officer Stockton and Mike Burla – MD Planner left the meeting at 4:13 p.m.

Reeve Sandberg reconvened the Council meeting at 4:17 p.m.

6. **ADJOURNMENT:**

Moved by Councillor Kroetsch to adjourn the meeting.

Carried.

Meeting adjourned at 4:17 p.m.

Reeve

Chief Administrative Officer