AUC
Alberta Utilities Commission

UK LS 1 Ltd. and UK LS 3 Ltd.

Little Smoky 1 and Little Smoky 3 Solar Projects

March 17, 2026

Alberta Utilities Commission
Decision 30013-D01-2026
UK LS 1 Ltd. and UK LS 3 Ltd.
Little Smoky 1 and Little Smoky 3 Solar Projects
Proceeding 30013
Applications 30013-A001 to 30013-A004

March 17, 2026

Published by the:
Alberta Utilities Commission
Eau Claire Tower
1400, 600 Third Avenue S.W.
Calgary, Alberta T2P 0G5

Telephone: 310-4AUC (310-4282) in Alberta
1-833-511-4AUC (1-833-511-4282) outside Alberta
Email: info@auc.ab.ca
Website: www.auc.ab.ca

The Commission may, no later than 60 days from the date of this decision and without notice, correct typographical, spelling and calculation errors and other similar types of errors and post the corrected decision on its website.

Contents

1 Decision summary 1

2 Summary of UK LS's applications 2
2.1 Interveners 4

3 How the Commission assessed the proposed projects 4
3.1 How does the Commission consider municipal planning instruments? 5

4 Discussion and findings 6
4.1 Are UK LS's emergency response plans adequate? 6
4.1.1 Did UK LS adequately consult with emergency response authorities and why is this important? 6
4.1.2 Did UK LS identify site-specific fire risks and mitigate them to an acceptable degree? 11
4.2 Is UK LS's non-compliance with residential setbacks appropriate? 12
4.3 Environmental impacts 14
4.3.1 Is a 15-metre setback from wetlands appropriate? 14
4.3.2 Are there environmental impacts that would not be mitigated? 16
4.4 What are the impacts of siting the projects on agricultural lands? 16
4.5 What are the potential noise impacts? 17
4.6 What are the potential glare impacts? 18

5 Conclusion 18

6 Decision 19

Appendix A – Proceeding participants 20

Appendix B – Oral hearing – registered appearances 21

List of figures

Figure 1. Little Smoky 1 and Little Smoky 3 solar projects 3

1 Decision summary

1. In this decision the Alberta Utilities Commission denies applications from UK LS 1 Ltd. and UK LS 3 Ltd. (collectively, UK LS) to construct and operate the Little Smoky 1 and Little Smoky 3 solar projects (the projects). For the reasons set out in this decision, the Commission finds that the projects are not in the public interest.

2. In terms of impacts, the Commission is not satisfied with UK LS's emergency response plans, or its approach to residential setbacks in light of the Municipal District of Greenview No. 16 (Greenview) land use bylaw.

3. First, the projects are in a forest protection area as defined by the Alberta Government, which necessitates notification and consultation with the Ministry of Forestry and Parks in the Province of Alberta (the Province). While UK LS consulted with Greenview, it failed to notify and consult with the Province, as required under Rule 007: *Applications for Power Plants, Substations, Transmission Lines, Industrial System Designations, Hydro Developments and Gas Utility Pipelines*.[1] Because of this, there is insufficient information on the record regarding fire emergency response roles and responsibilities, and any site-specific risks or requirements the Province may identify. Without this information, the Commission is unable to determine whether the siting of the projects is suitable, and whether the Province has any unresolved safety concerns.

4. Second, the Commission finds the Little Smoky 1 Solar Project (LS1) contains project infrastructure that is within the 1,000-metre residential setback requirement identified in Greenview's current land use bylaw. There is no evidence on the record indicating that UK LS attempted to modify the project to adhere to or come close to adhering to the residential setbacks. The Commission finds this significant non-compliance to be unacceptable.

5. UK LS submitted that the benefits of the projects outweigh any potential negative impacts, which supports a finding that the projects are in the public interest. It advised that the projects would result in approximately $33 million in municipal tax revenue over their lifetime; approximately 180 jobs and 116 indirect jobs during construction with six or more full-time operational jobs over the life of the projects;[2] a local economic boost due to spin-off opportunities created by the projects during development, construction and operation; and emission-free electricity for approximately 75,000 homes annually. UK LS did not commit to providing any community benefits such as creating or supporting a community fund.

---

[1] On November 6, 2025, a new version of Rule 007 came into effect. Among other changes, the name of the rule was revised to Rule 007: *Facility Applications*. The new version of Rule 007 does not apply to the applications, as the applications were filed before the new rule came into effect.

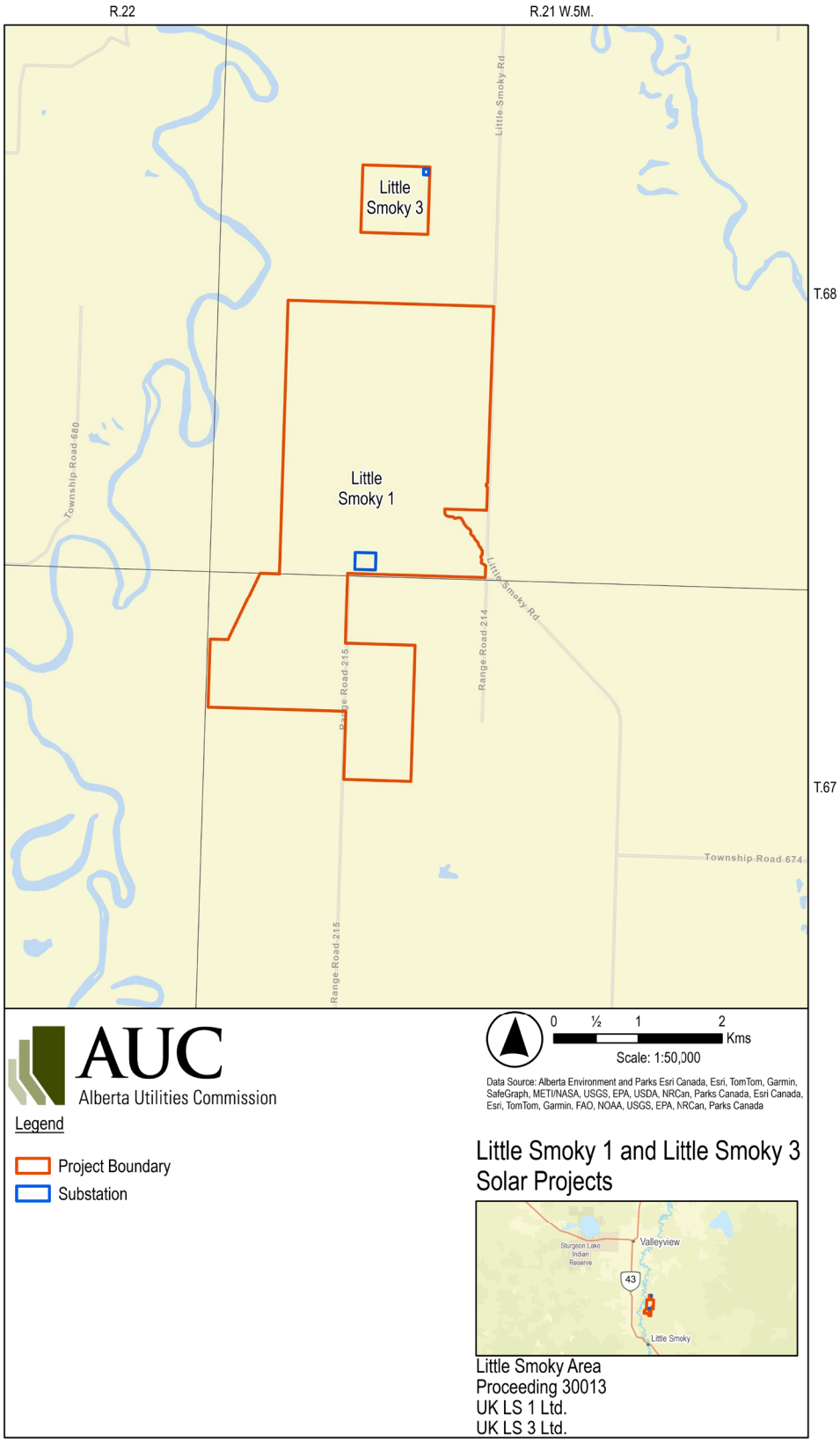
[2] Transcript, Volume 3, page 382, lines 17 to 25.

6. Even if the Commission were to accept UK LS's submissions as to why the projects would be in the public interest, including consideration of benefits, the lack of sufficient information in relation to fire safety and emergency response, along with the significant non-compliance with Greenview's current land use bylaw, cannot be effectively mitigated by conditions. As a result, the Commission finds that the projects are not in the public interest and denies the applications.

2 Summary of UK LS's applications

7. The LS1 project would consist of a 448-megawatt (MW) solar power plant and an associated substation, located on 2,786 acres of private cultivated land, approximately 10 kilometres north of the hamlet of Little Smoky. The LS1 project plans to connect to the ATCO Electric Ltd. transmission system although this connection was not applied for at this time. The Little Smoky 3 Solar Project (LS3) would consist of a 25.2-MW solar power plant, located on 164.3 acres of private cultivated land, approximately 17 kilometres north of the hamlet of Little Smoky, and an interconnection to the ATCO Electric Ltd. distribution system. The projects would be located within the municipal boundaries of Greenview. The projects' locations are shown in Figure 1.

Figure 1. Little Smoky 1 and Little Smoky 3 solar projects



8. UK LS submitted that the projects would offer social, environmental and economic benefits if approved, including:

- Property taxes: approximately $33 million in municipal tax revenue over the lifetime of the projects, supporting improved public infrastructure, schools, hospitals and emergency services.
- Local employment: approximately 180 jobs and 116 indirect jobs during construction; six or more full-time jobs during operation supported by periodic local service contracts over the life of the projects.
- Local economic boost: spin-off opportunities created by the projects during development, construction and operation.
- Clean energy generation: emission-free electricity for approximately 75,000 homes annually,[3] diversifying Alberta's energy mix and reducing greenhouse gas emissions.

2.1 Interveners

9. The Greenview Concerned Citizens Group (GCCG), which is comprised of persons living near the projects and which the Commission granted standing, submitted evidence and argument on issues such as fire safety and emergency response plans; noise, glare, residential and social impacts; and impacts on agricultural land, property value, viewscapes, environment and wildlife. GCCG requested that the Commission deny UK LS's applications or, if approved, include specific conditions as outlined in its submissions.

10. The Commission granted Greenview full participation in the proceeding.[4] Greenview opposed the conversion of agricultural land for use in renewable energy projects. Greenview raised concerns about the projects not complying with its current land use bylaw, and specifically the residential and environmental setback requirements. It also raised concerns relating to fire risk and fire protection. Greenview requested, should the Commission approve the projects, that the Commission impose the conditions sought by Greenview, or clearly direct that Greenview retain the jurisdiction to impose those conditions through Greenview's municipal development process.

11. The Commission held a hearing to hear these concerns.

3 How the Commission assessed the proposed projects

12. In this section of the decision, the Commission describes the legal framework in which its decisions are made. First, the Commission explains its mandate and powers when considering facility applications. Then, the Commission describes how it assesses the public interest.

[3] In Exhibit 30013-X0215, Appendix A - UK LS Response to Undertaking 1, UK LS updated the number of the homes from 75,000 to 72,000 after conducting production simulations based on the updated layout of the Little Smoky 1 Solar Project.

[4] Exhibit 30013-X0071, AUC letter - Ruling on standing and initial process steps.

13. The Commission is an independent regulator responsible for considering applications for power plants and substations in accordance with the legislative framework.[5, 6] When the Commission receives an application to construct and operate a power plant, Section 17(1) of the *Alberta Utilities Commission Act* is engaged. This provision states that, in addition to any other matters it may or must consider, the Commission must give consideration to whether the proposed project is in the public interest, having regard to its social, economic, environmental and other effects. The Commission must also take into consideration the purposes of the *Hydro and Electric Energy Act* and the *Electric Utilities Act*.

14. As a starting point, a power plant application filed with the Commission must comply with Rule 007 and Rule 012: *Noise Control*. These rules set out a comprehensive set of requirements for a facility application.

15. The applicant bears the onus of demonstrating that approval of its project is in the public interest. Interveners may attempt to show that the applicant has not met its onus by demonstrating the effects of the project on their interests and explaining what a better balancing of the public interest might be. The Commission's role is to test and assess the evidence before it and engage in a multi-faceted analysis established by the regulatory regime, to determine if the project should be approved, and if so, whether any conditions should apply.

16. On December 6, 2024, the *Electric Energy Land Use and Visual Assessment Regulation* was enacted. The regulation was established to protect high-quality agricultural land, irrigable land and valued viewscapes from the impacts of electric energy generation development. As a result, the Commission issued Bulletin 2024-25[7] on December 18, 2024, to update its interim information requirements for power plant applications depending on their nature and location. Both the *Electric Energy Land Use and Visual Assessment Regulation* and Bulletin 2024-25 apply to the projects because they came into effect before UK LS filed its applications on May 1, 2025, and May 7, 2025.

3.1 How does the Commission consider municipal planning instruments?

17. Municipalities play a unique role in land use planning and have a strong interest in upholding local objectives. The Commission considers municipalities' land use authority and planning instruments when determining if a project is in the public interest[8] and values the insights that municipalities can provide on the potential effects of projects including the regional context of their planning instruments.[9] While the Commission considers municipal land use planning policies in making its public interest determination, these land use planning policies are also assessed against existing provincial laws, project impacts (social, economic and environmental effects), and compliance with Rule 007 and Rule 012.

---

5 *Hydro and Electric Energy Act*, sections 11, 13.01, 14, 15 and 19.

6 *Alberta Utilities Commission Act*, Section 17.

7 Bulletin 2024-25: Changes to interim information requirements for power plant applications, December 18, 2024.

8 Decision 27842-D01-2024: Aira Wind Power Inc. – Aira Solar Project and Moose Trail 1049S Substation, Proceeding 27842, Applications 27842-A001 and 27842-A002, March 21, 2024, paragraph 28; Decision 27486-D01-2023: Foothills Solar GP Inc. – Foothills Solar Project, Proceeding 27486, Applications 27486-A001 and 27486-A002, April 20, 2023, paragraph 23.

9 Decision 28086-D01-2024: Three Hills Solar Power Corp. – Three Hills Solar Project, Proceeding 28086, Application 28086-A001, June 12, 2024.

18. Although the Commission endeavors to achieve consistency with municipal planning instruments, pursuant to sections 619 and 620 of the *Municipal Government Act*,[10] the Commission's decision on applications takes precedence over municipal planning instruments.[11] This approach aims to reduce regulatory burdens and ensures that issues heard and determined at the provincial level are not reheard at the municipal level.[12]

4 Discussion and findings

19. The Commission finds that UK LS has not demonstrated that approval of the projects is in the public interest according to Section 17 of the *Alberta Utilities Commission Act*. In particular, the Commission considers that UK LS provided insufficient information to assure the Commission that adequate emergency response programs will be in place. Given that the projects are in a forest protection area, and given the lack of consultation with and feedback from the Province regarding any fire safety and emergency response, the Commission is unable assess these issues.

20. In the following subsections, the Commission provides its findings regarding consultation with emergency response authorities, fire risk and compliance with the municipal land use bylaw. The Commission also comments on environmental impacts, agricultural impacts, noise and solar glare.

4.1 Are UK LS's emergency response plans adequate?

4.1.1 Did UK LS adequately consult with emergency response authorities and why is this important?

21. In this section, the Commission first discusses the role of the Province and Greenview in relation to fire emergency response. Next, the Commission identifies Rule 007 requirements regarding emergency response and explains why UK LS did not satisfy consultation requirements in relation to emergency response under Rule 007, SP13.[13]

[10] *Municipal Government Act*, sections 619 and 620.

[11] *Borgel v Paintearth (Subdivision and Development Appeal Board*), 2020 ABCA 192, paragraph 22. This was affirmed most recently by the Court of Appeal of Alberta in *Canmore (Town of) v Three Sisters Mountain Village Properties Ltd*, 2023 ABCA 278, paragraphs 74 and 75.

[12] Decision 29226-D01-2025: Fox Meadows Wind Inc. - Fox Meadows Wind Project, Proceeding 29226, Applications 29226-A001 to 29226-A003, June 20, 2025, paragraphs 30 and 31.

[13] The SP13 requirements are located in SP17 of the new version of Rule 007.

22. The projects are sited in a "forest protection area," under the *Forest and Prairie Protection Act*. The image below shows a map of Alberta, with forest protection areas shaded in pink.[14]



23. Greenview submitted that the jurisdictional authority for fighting and controlling fires within forest protection areas is the Province, and not Greenview.[15] For example, Section 7(1) of the *Forest and Prairie Protection Act* states that rural municipalities are responsible for fighting and controlling all fires within their boundaries except the part that is within a forest protection area.

24. The Minister of Forestry and Parks is designated as the Minister responsible for the *Forest and Prairie Protection Act*.[16] The Forestry Division operates under Alberta Forestry and Parks. Greenview advised that the Alberta Forest Protection Branch is responsible for wildfire suppression in the forest protection area.[17] The Commission appreciates that the names of these operational units may change from time to time.

[14] *Forest Protection Area Regulation*, Schedule 2.
[15] Exhibit 30013-X0135, 2025-10-27 Evidence and Attachments of the MD of Greenview, PDF pages 40 and 41.
[16] *Designation and Transfer of Responsibility Regulation*, Section 10(1).
[17] Exhibit 30013-X0135, 2025-10-27 Evidence and Attachments of the MD of Greenview, PDF page 41.

25. Christopher Power, Regional Fire Chief and Manager of Protective Services for Greenview,[18] explained, in practical terms, that if a fire occurs in a forest protection area, when a 911 call is made, typically the nearest municipal fire hall is dispatched. In this case, if a fire occurred at the projects' sites, the Valleyview Fire Department would be dispatched to respond and would be able to arrive at the site in approximately 30 to 40 minutes.[19] C. Power testified that Greenview has a memorandum of understanding (MOU) to provide fire emergency response assistance to the Province, within its capabilities, but ultimately it falls to the Province to manage a fire incident in the forest protection area. Once the Province assumes command of the fire, typically the Valleyview Fire Department would stay engaged by shuttling water and providing structural protection.[20] The Commission places significant weight on C. Power's testimony, given his role, regarding how the Province and Greenview work practically and collaboratively to provide effective emergency fire response in the forest protection area.

26. UK LS submitted that in the unlikely event of a fire, it expects Greenview firefighting resources would be deployed to the projects' sites in the same way that any other municipality would operate with respect to projects of this nature.[21] However, this position does not recognize that rural municipalities are not responsible, under the *Forest and Prairie Protection Act*, for fighting and controlling fires in a forest protection area. Further, UK LS's argument regarding the emergency services it should be entitled to receive as a taxpayer does not override the clear language in the *Forest and Prairie Protection Act* that the Province, not the municipality, has primary responsibility for firefighting and control in a forest protection area.

27. The Commission recognizes that Greenview, under its MOU, would likely be a first responder to a fire at the projects' sites and would provide emergency response assistance to the Province as requested and as within its capabilities. However, under the *Forest and Prairie Protection Act* Greenview does not have primary responsibility for firefighting and control within that area.

28. Rule 007 requires solar power plant proponents to satisfy minimum information requirements in relation to emergency response. SP13, which contained the relevant provision at the time UK LS filed its applications, states:

> SP13) Confirm that local responders and authorities have been contacted or notified regarding the project emergency response plan. Describe any requirements or feedback received and describe how the applicant intends to address the requirements and feedback received.

29. UK LS submitted that it complied with Rule 007 requirements as it notified local responders prior to filing its applications. UK LS emailed draft emergency response plans to Greenview's Regional Fire Chief Wayne Brown on November 2, 2024. UK LS advised that it responded to some questions from the Fire Chief, and the Fire Chief subsequently confirmed there were no further questions.[22] At the hearing, UK LS committed to providing its emergency response plans to the Province prior to construction to ensure an understanding of any concerns,

[18] Exhibit 30013-X0186, 2025-11-26 CV of C. Power.
[19] Transcript, Volume 2, page 355, lines 19 to 22.
[20] Transcript, Volume 2, pages 356 to 358.
[21] Exhibit 30013-X0106, UK LS - Responses to MD IRs, PDF page 21.
[22] Exhibit 30013-X0017, 2025-04-30 Little Smoky 1 - AUC Application_FINAL, PDF page 13.

and submitted that the emergency response plans will be updated as future consultation occurs with relevant authorities.[23]

30. The Commission finds that UK LS's consultation with Greenview's fire chief is insufficient to satisfy SP13. The Province has jurisdiction in relation to fire emergency response in forest protection areas. At the time of the oral hearing, UK LS had not consulted with the Province.[24] To comply with SP13, UK LS needed to specifically contact or notify the Province regarding its emergency response plans prior to filing its applications.

31. UK LS is responsible for being aware of legal requirements that apply to its business. In the Commission's view, UK LS ought to have identified that the Province has jurisdiction in relation to fire response and control in a forest protection area, through reasonable diligence, when siting its projects and when preparing its applications.

32. Even if UK LS lacked knowledge of the Province's authority prior to filing its applications, Greenview raised this matter in information requests issued on September 2, 2025,[25] and in its evidence on October 27, 2025.[26] Despite this, when UK LS was asked if it considered contacting the Province after receiving information requests from Greenview on this issue, UK LS's witness Daniela Louback[27] responded that UK LS did not, referencing the 2024 information provided by the Regional Fire Chief during UK LS's consultation process, and stating "it is still our understanding that those are the correct departments to be consulting with."[28] It appears to the Commission that neither Nicholas Petrakis,[29] UK LS's independent witness who provided emergency response reply evidence, nor D. Louback, considered the *Forest and Prairie Protection Act* in developing emergency response evidence for this proceeding.

33. The Commission finds the lack of inquiry into the authority responsible for providing fire emergency response for the projects concerning. It is not reasonable for UK LS to continue to rely on information initially presented by Greenview, despite being provided updated information, and to not make further inquiries to understand who the proper emergency response authorities are. This failure to satisfy information requirement SP13 for these projects is not merely a technical deficiency; the lack of consultation with the Province results in the Commission not knowing how fire response will be co-ordinated between the Province and Greenview; what concerns, if any, the Province may have regarding the siting of the projects; and what requirements, if any, the Province may have in relation to on-site equipment or fire mitigation measures.

34. The *Forest and Prairie Protection Act* sets out various requirements that may materially impact UK LS's emergency response planning. For example, Section 23(1) of the *Forest and Prairie Protection Act* states: "A person carrying on or having charge of an industrial or commercial operation on public land or within one kilometre of any public land shall at the request of a forest officer submit a fire control plan satisfactory to the forest officer, within the

[23] Transcript, Volume 3, page 401, lines 12 to 15.
[24] Transcript, Volume 1, page 189, lines 1 and 2.
[25] Exhibit 30013-X0093, 2025-09-02 UK LS-GREENVIEW-2025SEP02-001-026.
[26] Exhibit 30013-X0135, 2025-10-27 Evidence and Attachments of the MD of Greenview, Section 5.
[27] Business Developer of Universal Kraft Canada Renewables, on behalf of UK LS.
[28] Transcript, Volume 1, page 189, lines 18 to 20.
[29] Director of Engineering, PE, FPE, Energy Safety Response Group LC.

time determined by the forest officer."[30] The potential requirement to submit a fire control plan was also noted by Greenview.[31] Since there is public land within one kilometre of the projects' sites, the requirement for, and contents of, a fire control plan is information material to the Commission's assessment of UK LS's emergency response plans.

35. As another example, Section 24 of the *Forest and Prairie Protection Act* requires "A person carrying on or having charge of an industrial or commercial operation in or within one kilometre of any public land shall have on hand fire fighting equipment in accordance with the regulations capable of controlling and suppressing any fire that may occur directly or indirectly as a result of the operation." There is nothing on the record about the firefighting equipment that UK LS plans to keep at the projects' sites pursuant to this requirement. One of the regulatory requirements is to keep a sufficient water supply at site for immediate use for firefighting purposes.[32] The provision of a water supply on site for firefighting purposes was a contested issue in this proceeding. Feedback from the Province in relation to water supply and other equipment requirements for fire emergency response, and if UK LS was willing or able to meet those requirements, is important information for the Commission.

36. Since UK LS did not contact the Province, the opportunity for consultation and feedback did not occur, and therefore, it is unknown what the Province's requirements or feedback would be, and how UK LS would address these. This results in a significant piece of missing information.

37. While UK LS committed to engaging the Province prior to construction, given the primary fire response jurisdiction of the Province, along with the fact that various emergency response requirements may be imposed on UK LS, the absence of this information is not mitigable.

38. UK LS's lack of consultation with the Province resulted in additional time and resources for parties to investigate the issue, provide evidence, conduct questioning, and deliver argument.

39. The Commission takes safety seriously and expects project proponents to take fire risk and response planning seriously as well.[33] For the reasons provided above, the Commission finds that UK LS did not satisfy SP13 of Rule 007 and as a result did not meet its onus to convince the Commission that approval of its projects is in the public interest.

---

30 According to the *Forest and Prairie Protection Act*, Section 1(b), "'forest officer' or 'officer' means a forest officer under the *Forests Act.*"

31 Transcript, Volume 1, page 190, lines 4 to 17; Exhibit 30013-X0135, 2025-10-27 Evidence and Attachments of the MD of Greenview, PDF page 41.

32 *Forest and Prairie Protection (Ministerial) Regulation*, Section 11.1 "11(1) For the purposes of section 24 of the Act, a person carrying on or having charge of an industrial or commercial operation in or within one kilometre of any public land shall (a) subject to subsection (2), keep all equipment listed in the Schedule in working order at the site of the operation, and (b) keep a sufficient supply of water at the site available for immediate use for firefighting purposes."

33 Transcript, Volume 3, page 399, lines 6 to 10.

4.1.2 Did UK LS identify site-specific fire risks and mitigate them to an acceptable degree?

40. In this section of the decision, the Commission discusses whether UK LS's emergency response plans have adequately identified the site-specific fire risks of the projects and mitigated these to an acceptable degree.

41. Emergency response planning is an integral part of mitigating fire risks. SP11 of Rule 007 requires a proponent to confirm that it has or will have an emergency response plan for the proposed power plant. As part of this, SP12 of Rule 007 requires that a proponent identify site-specific risks identified at the time its application is filed with the Commission.

42. The siting of the projects in a forest protection area has the potential to create heightened fire risks. The Commission has several outstanding concerns with the adequacy of site-specific risks identified in the emergency response plans and UK LS's emergency response evidence.[34]

43. First, the emergency response plans do not mention the term forest protection area and there are no specific risks or concerns identified in the emergency response plans regarding siting the projects in a forest protection area.

44. Second, Greenview does not have primary jurisdiction for emergency fire response in a forest protection area. However, the emergency response plans neither identify this, nor that the Province has jurisdiction for fire emergency response, with Greenview assisting under a MOU. Under "Emergency Response agency contacts" for the emergency response plans, no Provincial contacts are identified. This is concerning to the Commission because, as stated in the emergency response plans, the document's purpose is to provide an outline of process and responsibilities for personnel in case of an emergency situation.[35]

45. Because the Province was not consulted, the Commission lacks information as to whether the Province has any concerns or has specific requirements for UK LS in terms of fire prevention measures and the availability of firefighting equipment on site.

46. Third, UK LS's emergency response plans rely heavily on Greenview to provide fire emergency response. However, Greenview had several outstanding concerns with UK LS's fire emergency response plans, which the Commission considers to be significant. As an example, Greenview does not provide industrial firefighting services, pursuant to its policy.[36] This is not mentioned or addressed in the emergency response plans. Greenview was willing to accept UK LS's commitment to train local responders, but on the express understanding that Greenview's response to fires at the projects' sites would be limited to defensive action. This is also not acknowledged or addressed in the emergency response plans. Greenview requested that UK LS revise its emergency response plans to ensure it provides an adequate firefighting water

[34] Exhibit 30013-X0010, Appendix G - Emergency Response Plan; Exhibit 30013-X0033, Appendix H - Emergency Response Plan.

[35] Exhibit 30013-X0010, Appendix G - Emergency Response Plan, PDF page 3; Exhibit 30013-X0033, Appendix H - Emergency Response Plan, PDF page 3.

[36] Exhibit 30013-X0135, 2025-10-27 Evidence and Attachments of the MD of Greenview, PDF pages 331 to 334, Greenview Fire-Rescue Services Levels of Service Policy No. 3010, effective February 9, 2021, Section 7.1: "Industrial Fire Fighting in general may not be engaged in at any industrial facility, these include but are not limited to wells, pipelines, tank farm/storage, and battery/plant facilities. Support may be provided for these types of sites and operations given the complexity and risk involved in the incident. The Incident Commander will determine the degree of support and involvement of fire crews based on a complete risk evaluation."

supply on the projects' lands. UK LS would not commit to this on the basis that water would only be used to cool operations or wet vegetation[37] although it did commit to consulting with Greenview further. However, there are statutory requirements for industrial facilities in forest protection areas such as having certain firefighting equipment on site and keeping water on site for firefighting.

47. UK LS made commitments to engage in further consultation in relation to these risks after Commission approval. For example, UK LS submitted that it would share its emergency response plans with Greenview and the Province prior to construction to ensure an understanding of any concerns.[38] UK LS also committed to contracting with a qualified emergency response planning company to update the emergency response plans prior to construction commencement. The Commission recognizes that emergency response plans are living documents which require updating through the planning, construction and operation phases of projects. However, UK LS's assurance does not overcome the Commission's concerns with the lack of site-specific risk evidence and whether proposed mitigations will be adequate.

48. Overall, the Commission finds that given UK LS's decision to site the projects in a forest protection area, the lack of information on the record regarding any fire emergency response risks and concerns that the Province may have is significant. Without this information, the Commission is unable to determine whether the siting of the projects is suitable from a safety perspective and whether fire risks have been mitigated to an acceptable degree.

4.2 Is UK LS's non-compliance with residential setbacks appropriate?

49. In this section of the decision, the Commission provides its findings in relation to the project's non-compliance with Greenview's land use bylaw setbacks for residential dwellings.

50. Municipal input is important to the Commission's understanding of the context, background and local concerns about a project. The Commission considers municipal requirements, including land use bylaws, planning bylaws, and setbacks when evaluating project applications. While the Commission is not bound by a municipal land use bylaw (whether proposed or in force) that might prohibit or impose limitations on the development of a power plant on certain lands, the Commission will consider, and has considered, municipal concerns in its overall public interest assessment of the project.

51. In accordance with Rule 007, applicants must consult with relevant municipalities, and requirements, concerns and questions must be addressed during continuous consultation with the municipalities.[39] The Commission endeavors to achieve consistency with municipal planning instruments and has repeatedly said that it considers municipalities' land use authority and planning instruments when determining if a project is in the public interest. If a project is unable to satisfy municipal bylaws or setback requirements, wherever necessary and practical, the Commission expects the applicant to obtain an approval for land use rezoning or setback variances from the relevant municipality.

---

37 Exhibit 30013-X0170, Appendix F - ESRG Reply Evidence, PDF page 5.
38 Transcript, Volume 3, page 401, lines 12 to 15.
39 See, for example: Decision 29712-D01-2025: Settler Solar Inc. – Settler Solar and Storage Project and Interconnection, Proceeding 29712, Applications 29712-A001 to 29712-A003, October 27, 2025, paragraph 76.

52. Greenview's Land Use Bylaw 18-800 (old bylaw), adopted in April 2019,[40] was effective at the time UK LS filed its applications with the AUC. The LS1 project complied with the old bylaw's residential setback of 15 metres from a property line, with the exception of property lines internal to the project. UK LS explained that it intended to apply for a waiver in respect of those non-compliances.[41]

53. On July 8, 2025, Greenview repealed the old bylaw and replaced it with Land Use Bylaw 25-1000[42] (current bylaw).[43] UK LS did not apply for or obtain a development permit for the projects under the old bylaw.[44] Therefore, the current bylaw applies to the projects if and when UK LS files an application for a development permit.

54. Section 6.44(6) of the current bylaw requires a minimum setback for a project of 1,000 metres from any residential dwelling.[45] The closest distance from the LS1 project to an intervener's residence is 155 metres. The Commission finds that UK LS's non-compliance with the 1,000-metre setback is material.

55. Greenview explained that it ultimately preferred a larger setback to address landowner concerns in respect of solar projects.[46] These considerations, which include a regional perspective on land conflict concerns, led to Greenview establishing the new residential setback distance of 1,000 metres.

56. The Commission acknowledges that when the applications were filed, UK LS met the substantially smaller residential setback distance in the old bylaw. Approximately two months after the applications were filed, the current bylaw came into effect. The Commission does not expect proponents to be able to predict such changes; however, the Commission does expect proponents to react to such new information. This is particularly so given that UK LS chose not to apply for development permits prior to filing its applications with the Commission. The Commission also expects proponents to engage in ongoing consultation through the life of a project.

57. After the current bylaw was adopted, the Commission finds that UK LS did not make any effort to satisfy the requirements of its residential setback, which may have included moving project infrastructure, obtaining consent from persons residing within the residential setback non-compliance area, or engaging with Greenview to determine if a compromise could be reached on a reduced setback distance. Greenview indicated that it was willing to waive the setback requirement if UK LS produced letters indicating a reduced setback is agreed to by the current occupants and owners of the affected residences.[47] UK LS did not provide any such agreements.

---

40 Exhibit 30013-X0135, 2025-10-27 Evidence and Attachments of the MD of Greenview, PDF page 369.
41 Exhibit 30013-X0017, 2025-04-30 Little Smoky 1 - AUC Application_FINAL, PDF page 27; Exhibit 30013-X0135, 2025-10-27 Evidence and Attachments of the MD of Greenview, PDF pages 19 and 20.
42 Exhibit 30013-X0135, 2025-10-27 Evidence and Attachments of the MD of Greenview, starting on PDF page 118.
43 Exhibit 30013-X0135, 2025-10-27 Evidence and Attachments of the MD of Greenview, PDF page 17.
44 Exhibit 30013-X0135, 2025-10-27 Evidence and Attachments of the MD of Greenview, PDF page 18.
45 Exhibit 30013-X0135, 2025-10-27 Evidence and Attachments of the MD of Greenview, PDF page 25.
46 Transcript, Volume 2, page 369, lines 14 to 17.
47 Exhibit 30013-X0135, 2025-10-27 Evidence and Attachments of the MD of Greenview, PDF page 26.

58. As noted above, the Commission endeavors to achieve consistency with municipal planning instruments, but ultimately the Commission's decision on applications takes precedence over municipal planning instruments. In other words, the Commission is not required to adhere to Greenview's setbacks; however, the Commission does place significant weight on the planning instruments and the rationale provided by Greenview for the increased setback. In this case, the Commission is faced with a 1,000-metre residential setback from Greenview with the significantly lower setbacks proposed by UK LS. This is a large discrepancy and one for which UK LS appears to have made no attempt to reduce once the current bylaw was enacted. In this case, the Commission finds that this disregard for the residential setbacks in the current bylaw is not in the public interest.

4.3 Environmental impacts

59. In this section, the Commission discusses some of the projects' impacts to the environment, specifically risks to wildlife and wetlands. The Commission finds that the blanket 15-metre setback from all Class III+ wetlands was insufficient, and that increased consideration for wildlife movement would be a benefit.

4.3.1 Is a 15-metre setback from wetlands appropriate?

60. UK LS proposed a 15-metre setback from dugouts and Class III+ wetlands where the uplands (i.e., lands upslope of wetlands) have been historically altered by cultivation, tilling and/or grazing.[48]

61. Section 6.44(6) of Greenview's current bylaw requires all solar major development to be located 500 metres from environmentally sensitive areas (e.g., wetlands, wildlife corridors). In contrast, Standard 100.1.9 of the Alberta Environment and Protected Areas (AEPA) *Wildlife Directive for Alberta Solar Energy Projects* (the Wildlife Directive)[49] states that a solar energy project must not occur within 100 metres of any wetland class identified in Table 1 of the Alberta Wetland Classification System except for wetland classes with water permanence listed as Temporary (i.e., Class III+). Accordingly, the projects' proposed 15-metre setback is not in compliance with the Wildlife Directive or Greenview's current bylaw.

62. As described in Section 3.1 of this decision, the Commission considers municipal planning instruments in making its decision and values the input of municipalities on the potential of impacts of a project within their municipal boundaries. In this case, Greenview's current bylaw sets a substantially greater setback than AEPA does through the Wildlife Directive.

63. In considering these two documents the Commission considered the role and expertise of Greenview and AEPA. In simple terms, the Commission considers that Greenview has broad expertise in land use planning, while AEPA's expertise is environmental matters. Given the role of AEPA and its expertise, the Commission defers to the Wildlife Directive's guidance on setbacks from environmental features.

---

48 Exhibit 30013-X0011, Appendix F - Environmental Evaluation, PDF page 47.

49 Alberta Environment and Parks, *Wildlife Directive for Alberta Solar Energy Projects*, October 4, 2017. The Wildlife Directive is a document created by AEPA. Its intent is to inform solar energy project developers of potential wildlife issues and AEPA guidance for avoiding and minimizing negative impacts to wildlife, and to help provide consistent wildlife-related information in solar energy project applications submitted to the AUC.

64. Before applying to the AUC, applicants must provide project details related to wildlife and environmental matters to AEPA to ensure compliance with wildlife policies. AEPA assesses the completeness and sufficiency of the information and, if necessary, identifies any additional information that may be required. Following AEPA's receipt and review of the project details, it will prepare a standardized referral report under the Wildlife Directive.

65. An applicant must file the AEPA referral report as part of its application and the Commission considers the referral report as part of its public interest determination. The submitted AEPA reports assigned an overall low risk to wildlife and wildlife habitat because of project siting and commitments made by UK LS.[50] The Commission interprets this ranking as confirmation that these projects have been assessed in accordance with the intent and desired outcomes of the Wildlife Directive.

66. The AEPA referral report includes a tiered risk ranking used to quantify the risk of a project to wildlife and wildlife habitat based on how closely a project aligns with the guidance provided in the Wildlife Directive.[51] However, the report does not identify specific risks to standards and best management practices (e.g., wetlands and wildlife movement).

67. Despite the overall low risk ranking provided in the AEPA referral reports, in this case the Commission has outstanding concerns with UK LS's proposal for a blanket 15-metre setback for all Class III+ wetlands. Varying classes of wetlands are present within the projects' areas, ranging between dugouts, marshes, swamps and fens. All of these contain various vegetative differences, water permanence (e.g., seasonal, permanent), and associated hydrology.[52] Therefore, wetlands should be considered both from their associated wildlife habitat and from the perspective of protection of the wetland itself. Rather than a blanket wetland setback, the Commission instead finds it appropriate to consider:

a. Each wetland's degree of impacts and the habitat suitability of uplands adjacent to wetlands (i.e., tame pasture versus cultivation). The evidence provided by UK LS shows that not all lands are cultivated and therefore, warrants a more nuanced approach for determining setbacks.

b. Each wetland's classification (e.g., fens versus marshes and swamps) and associated characteristics, when considering mitigations and setbacks appropriate for the protection of the wetland's health. In this case, the Commission was not persuaded that appropriate consideration had been given to the potential for roads to create impacts to fens as a result of changes in hydrology.

68. Given the above, the Commission finds that the 15-metre setback from all Class III+ wetlands is not sufficiently protective. The Commission would expect something significantly greater than the setback proposed by UK LS, taking into account the factors noted above.

[50] Exhibit 30013-X0006, Appendix K - AEPA Referral Report; Exhibit 30013-X0037, Appendix L - AEPA Referral Report.

[51] Government of Alberta. 2023. Renewable Energy Risk Framework. Alberta Environment and Protected Areas. PDF page 4, https://open.alberta.ca/publications/renewable-energy-risk-framework (Accessed March 2026).

[52] Exhibit 30013-X0011, Appendix F - Environmental Evaluation, PDF pages 90 to 95.

4.3.2 Are there environmental impacts that would not be mitigated?

69. The projects are sited within two Key Wildlife Biodiversity Zones. This means the area is of greater importance to wildlife. UK LS proposed mitigation measures including avoiding certain construction activities during designated restricted activity periods. UK LS committed to investigate opportunities to use wildlife friendly fencing if and where possible but lacked detail on what fencing would be used and where. With the mitigation measures proposed, UK LS submitted that minimal adverse impacts to wildlife would occur.

70. While siting a project in a Key Wildlife Biodiversity Zone is not prohibited, it does signal that additional mitigation measures may be warranted to reduce impacts on wildlife and wildlife movement. Depending on the circumstances, it may also warrant closer adherence to the Wildlife Directive standards and best management practices. Given the Commission's decision that the projects are not in the public interest, it is not necessary for the Commission to assess whether all potential environmental impacts would be sufficiently mitigated by UK LS's commitments. However, the Commission finds that increased consideration by UK LS for wildlife movement would have been a benefit.

4.4 What are the impacts of siting the projects on agricultural lands?

71. In this section, the Commission addresses the applicability of the *Electric Energy Land Use and Visual Assessment Regulation*.

72. One of Greenview's primary concerns was the loss of agricultural land due to the projects and the lack of a plan by UK LS to achieve coexistence with agricultural operations.

73. The *Electric Energy Land Use and Visual Assessment Regulation* defines high-quality agricultural land under the Land Suitability Rating System (LSRS) as land classified as Class 1 or Class 2, as well as Class 3 land located within municipalities listed in Schedule 1 of the regulation.[53] Lands that are defined as high-quality agricultural land require an agricultural impact assessment.[54]

74. The LSRS for the projects' lands range from Class 3 to Class 7, and the projects' lands are not located in a municipality where Class 3 lands are considered high-quality agricultural land under the *Electric Energy Land Use and Visual Assessment Regulation*.[55] Therefore, the Commission accepts that an agricultural impact assessment is not required by the regulation. Regardless, the Commission recognizes that preserving high-producing land for agriculture is a public interest objective. This is a factor that the Commission must balance as part of its public interest determination. Given the Commission's decision to deny the projects for other reasons, the Commission has not assessed the agricultural impacts of the projects.

---

[53] Province of Alberta, Order in Council – *Electric Energy Land Use and Visual Assessment Regulation*, December 2024.

[54] An "agricultural impact assessment" is defined under the *Electric Energy Land Use and Visual Assessment Regulation* as "an assessment that evaluates the anticipated effects of a wind power plant or solar power plant on agricultural productivity, including measures to achieve coexistence with agricultural operations."

[55] Exhibit 30013-X0011, Appendix F - Environmental Evaluation, PDF page 31; Exhibit 30013-X0168, Appendix D - Tannas Reply Evidence.

4.5 What are the potential noise impacts?

75. UK LS retained RWDI to complete individual noise impact assessments (NIAs) for the LS1 and LS3 projects, as well as a combined cumulative NIA, which was later updated as part of UK LS's rebuttal evidence.[56]

76. The combined NIA predicted that, without mitigation, noise from the projects would be non-compliant with the nighttime permissible sound level. To achieve compliance, the NIA recommended installing noise barriers at five inverter/transformer units. With these mitigation measures in place, cumulative sound levels at some receptors are predicted to have a zero-compliance margin with Rule 012 requirements.

77. The GCCG raised concerns about noise from both construction and operation of the projects and retained Henk de Haan of dBA Noise Consultants Ltd. to review UK LS's combined NIA. H. de Haan identified concerns related to noise mitigation, modelling conservatism, sound directivity, tonality and construction noise. H. de Haan recommended that UK LS conduct a post-construction comprehensive sound level (CSL) survey to verify compliance with Rule 012 and implement appropriate construction noise mitigation.

78. In response, UK LS committed to:[57]

- Implement mitigation measures recommended in the final combined NIA before operations.
- Orient inverter/transformer units so the quietest side faces the nearest receptor, where practical.
- Incorporate directivity and tracker noise in the final NIA.
- Conduct a post-construction CSL survey at receptors with less than a one A-weighted decibel (dBA) compliance margin.
- Implement construction noise mitigation measures in accordance with Rule 012.

79. The Commission accepts the conclusion of the combined NIA that, with effective mitigation, noise from the projects could comply with Rule 012. However, some receptors are predicted to have a zero-compliance margin even with noise barriers installed for certain inverter/transformer units. The Commission notes that an increased distance between project sound sources and receptors may provide a more effective and straightforward mitigation measure than installing noise barriers.

[56] Exhibit 30013-X0007, Appendix J - Noise Impact Assessment; Exhibit 30013-X0036, Appendix K - Noise Impact Assessment; Exhibit 30013-X0119, LS1 and LS3 Combined NIA – October 3, 2025; Exhibit 30013-X0175, Appendix J - Updated Combined NIA.

[57] Exhibit 30013-X0216, Appendix B - UK LS 1 Updated Commitment List, PDF pages 4 and 5; Exhibit 30013 X0217, Appendix C - Updated UK LS 3 Commitment List, PDF pages 5 and 6.

4.6 What are the potential glare impacts?

80. UK LS retained RWDI to complete individual glare assessments for the LS1 and LS3 projects, as well as a combined cumulative glare assessment.[58] The solar panels were proposed to be mounted on single-axis trackers with a backtracking function that tilts the panels toward a horizontal position when the sun is low. Because some glare would occur during backtracking, adjusting the panels' resting angle (i.e., the minimum rotation angle relative to horizontal during the backtracking operation) was considered as a potential mitigation measure.[59]

81. The combined glare assessment predicted that with a resting angle of three degrees, all receptors except a residential receptor (R7) would experience no glare or only green glare.[60] R7 is predicted to receive up to 980 minutes of yellow glare per year, with a maximum of 25 minutes on any given day.

82. RWDI's modelling indicates that increasing the resting angle to eight degrees would eliminate glare for all receptors. However, UK LS would not commit to an eight-degree backtracking angle on the basis that the predicted glare at receptors does not exceed the limits in the new Rule 007 (effective as of November 6, 2025). The Commission notes that the applications were filed on May 1 and 7, 2025; therefore, the new Rule 007 does not apply. Regardless, while the new Rule 007 sets out limits for glare impacts, it also states that "Applicants are to design their solar power plants with an aim to eliminate or mitigate predicted glare on transportation routes, runways, flight paths and residences as much as possible."[61]

83. The GCCG expressed concerns regarding glare from the projects, and requested the Commission require UK LS to implement a resting angle to eliminate any glare for nearby residences and roads.[62] The Commission notes that based on the evidence provided by UK LS, adjusting the resting angle would likely eliminate glare at the affected residences.

5 Conclusion

84. In accordance with Section 17 of the *Alberta Utilities Commission Act*, in addition to any other matters it may or must consider, the Commission must consider whether approval of the LS1 and LS3 projects is in the public interest having regard to the social and economic effects and the effects on the environment. In general, the Commission considers that the public interest will be largely met if an application complies with existing regulatory standards, and the project's public benefits outweigh its negative impacts, including effective mitigation of impacts.

---

[58] Exhibit 30013-X0009, Appendix H - Solar Glare Hazard Analysis Report; Exhibit 30013-X0034, Appendix I - Solar Glare Hazard Analysis Report; Exhibit 30013-X0075, Attachment B - Combined Solar Glare Hazard Analysis.

[59] Exhibit 30013-X0009, Appendix H - Solar Glare Hazard Analysis Report, PDF page 15; Exhibit 30013-X0075, Attachment B - Combined Solar Glare Hazard Analysis, PDF page 17.

[60] The glare assessment used a colour-coded classification system from the Federal Aviation Administration to assess solar glare from the project. The classification system consists of three categories for glare effects, which are described with three colours (green, yellow and red):
- green glare: glare with low potential for temporary after-image;
- yellow glare: glare with potential for temporary after-image;
- red glare: glare with potential for permanent eye damage.

[61] Rule 007: *Facility Applications*, PDF page 34.

[62] Transcript, Volume 3, page 441, lines 16 to 25, and page 442, lines 1 to 2.

85. The Commission finds that UK LS has not adequately complied with Rule 007 requirements regarding consulting emergency response authorities. The result is incomplete emergency response plans and outstanding fire safety concerns related to the siting of the projects in a forest protection area. In addition, the Commission finds the significant non-compliance of the LS1 project with Greenview's 1,000-metre residential setback to be unacceptable.

86. UK LS stated that the projects would provide a number of benefits, including municipal property tax, job creation, local economic boost and emission-free electricity to tens of thousands of homes annually. However, these benefits do not outweigh the Commission's outstanding concerns.

87. As a result, the Commission finds that the LS1 and LS3 projects are not in the public interest and denies the applications.

6 Decision

88. For reasons outlined in the decision, the Commission finds that approval of the applications is not in the public interest, and in accordance with sections 11, 14, 15 and 19 of the *Hydro and Electric Energy Act*, the Commission denies the applications.

Dated on March 17, 2026.

Alberta Utilities Commission

(original signed by)

Renée Marx
Panel Chair

(original signed by)

Vincent Kostesky
Acting Commission Member

Appendix A – Proceeding participants

Name of organization (abbreviation) Company name of counsel or representative
Osler, Hoskin & Harcourt LLP Scott Birse Austin Sevalrud **UK LS 1 Ltd. and UK LS 3 Ltd.** Kristina Sweet Samantha Brown, SABR Energy Consulting Inc. Bryce Dawson, RWDI
Ackroyd LLP Richard Secord Chinedu Kema **Greenview Concerned Citizen Group (GCCG)** Participants with standing Barbara McMillan Flora Richards and Rockie Nichol Beverly Smith/Black Beauty Enterprises Ltd. dBA Noise Consultants Ltd.
Reynolds, Mirth, Richards & Farmer LLP C. Randall McCreary Breanne Schwanak **Municipal District of Greenview No. 16 (Greenview)** Martino Verhaeghe
Alberta Utilities Commission **Commission panel** Renée Marx, Panel Chair Vincent Kostesky, Acting Commission Member **Commission staff** Jaimie Graham (Commission counsel) Sarah Rezazadeh (Student-at-law) Sophie Jiang Mustakimul Hoque Joan Yu Derek Rennie Glenn Harasym

Appendix B – Oral hearing – registered appearances

Name of organization (abbreviation) Name of counsel or representative	Witnesses
UK LS 1 Ltd. and UK LS 3 Ltd. Scott Birse, Osler, Hoskin & Harcourt LLP, counsel Austin Sevalrud, Osler, Hoskin & Harcourt LLP, counsel	Jacob Roth Daniela Louback Kristina Sweet Ajay Mann Nicholas Doane Steven Tannas Teresa Drew Ryan Danks Nicholas Petrakis
Greenview Concerned Citizens Group (GCCG) Richard Secord, Ackroyd LLP, counsel Chinedu Kema, Ackroyd LLP, counsel	Barbara McMillan Flora Richards and Rockie Nichol Beverly Smith/Black Beauty Enterprises Ltd. Cliff Wallis Henk De Haan
Municipal District of Greenview No. 16 (Greenview) C. Randall McCreary, Reynolds, Mirth, Richards & Farmers LLP, counsel Breanne Schwanak, Reynolds, Mirth, Richards & Farmers LLP, counsel	Martino Verhaeghe Wendy Unger Christopher Power Sheila Kaus Roger Autio Sonja Raven