

## SCHEDULE A – GENERAL UPDATES FOR THE LUB 698-21

### 7. Application for a Development Permit

- (1) Only the owner of a lot or their agent may make an application for a development permit.
  - (a) An agent must provide an owner authorization form or have the owner's signature on the application form provided
    - i) Current copy of title may be requested to be submitted with application
- (2) An application for a development permit shall be made to the Development Officer using the approved form and shall be accompanied by, including but not limited to, the following:
  - (a) a site plan showing the legal description and the front, rear and side yards, if any, and any provisions for off-street loading and vehicle parking and access and egress points to the site.
  - (b) floor plans, elevations and sections of any proposed buildings.
  - (c) any other reasonable information that the Development Officer/Municipal Planning Commission deems is necessary to render a decision on the application such as:
    - i) Geotechnical or engineering reports;
    - ii) Location of proximate buried services or AER approved facilities;
    - iii) other required provincial, federal, or trade association approvals specific to the particular development application;
  - (d) a development permit fee as established by Council which receipt – or lack of - does not impact the determination of the application's completeness.
- (3) The Development Officer / Municipal Planning Commission may request as part of an application for a development permit for an intensive livestock operation that the applicant provide the following:
  - (a) Details on the type of sewage system proposed for the development, including geotechnical information for sites where lagoon construction is proposed.
  - (b) Calculations on the quantity of surface runoff from the development, site drainage flow patterns and site runoff storage retention.
  - (c) Tests on subsurface soil structures to determine if the site is suitable for the proposed development.
  - (d) Information as to the location of land for manure disposal and soil tests to determine its suitability for manure disposal.
  - (e) Tests on the availability of ground water to determine if quantities are sufficient to meet the needs of the development.
- (4) The Development Authority may require the applicant for a development permit to advertise and conduct a public meeting for the purpose of exchanging information regarding the proposed development with the community. Further, the Development Authority may specify the date, time, and/or location of such a public meeting. The costs of advertising and conducting such a public meeting shall be born by the applicant for the development permit.
- (5) If a public meeting as specified in subsection (4) is required, the application for the development permit shall not be deemed complete until the conclusion of the public meeting.
- (6) Upon submitting an application for a development permit, the Development Authority must indicate within 20 days:
  - (a) the completeness of the application by processing the fee payment and issuing receipt for such either in person or by mail; or
  - (b) the incompleteness of the application and request for missing or incomplete information required, along with any required circulation responses that the application may

be “subject to” by either mail or email to the applicant’s addresses given on the application;

(c) If an applicant fails to provide the information requested in (b) above within the specified time frame as provided in the notice communicated, the application will be refused, and returned to the applicant by mail stating such.

(d) The Development Officer as the Development Authority will make the determination of whether an application is complete or incomplete.

*Rationale: Updates to Sec 7 are recommended by legal as a result of our last two appeals where more information was required, incomplete information was received, and who makes the completeness determination as in the DiGirolamo appeal the MPC made the determination when in actuality the DO should have. Also, a best practice is define whether the receipt of the application fee is a part of the application documents or just a fee charged for the service.*

## **8. Deciding on Development Permit Applications**

- (1) The Development Officer shall:
  - (a) receive, consider and decide on an application for a development permit for those uses listed as a permitted use for the relevant land use district and comply with the minimum standards for that district, or as allowed by Bylaw 650-17 a maximum 10% variance of such standards;
  - (b) refer, with his/her recommendations to the Municipal Planning Commission, any application for a development permit for those uses listed as a permitted use for the relevant land use district and which do not comply with the minimum standards for that district;
  - (c) refer, at his/her discretion, a permit application for any development for comments to those authorities (provincial, regional and municipal) whose interest or jurisdiction may be affected, for comments on the proposed development;
  - (d) refer with his/her recommendations, to the Municipal Planning Commission for its consideration and decision, applications for a development permit for those uses which constitute discretionary uses and which have been assigned to it for consideration and decision;
  - (e) refer to the Municipal Planning Commission at his discretion any application which in his opinion should be decided by the Commission.
- (2) The Municipal Planning Commission shall:
  - (a) decide on applications for a development permit for those uses listed as discretionary uses for the relevant district;
  - (b) decide on any application referred to it by the Development Officer;
  - (c) approve the application unconditionally or impose conditions considered appropriate, permanently or for a limited period of time or refuse the application.
- (3) The Development Authority may approve an application for a development permit even though the proposed development does not comply with the regulations of this Bylaw, or if the development is to be a rebuilding, an enlargement, an addition, or a structural alteration of a non-conforming building, if, in the opinion of the Development Authority:
  - (a) The proposed development would not:
    - (i) Unduly interfere with the amenities of the neighborhood, or
    - (ii) Materially interfere with or affect the use, enjoyment or value of neighboring lots, and
  - (b) The proposed development conforms to the use prescribed for that land or building in this Bylaw.

- (4) Where the proposed use is not listed in a land use district, the Municipal Planning Commission may consider it to be so listed if, in its opinion, it is sufficiently similar in character and purpose to a listed use.
- (5) The Development Authority may impose as a part of the approval of a development permit, such conditions as are deemed appropriate, including, but not limited to the following:
  - (a) that the applicant to enter into an agreement to construct or pay for:
    - i) public roadways or parking facilities
    - ii) the installation of utilities or to pay an off-site levy or redevelopment levy imposed by Bylaw.
  - (b) that the applicant enter into and abide by an agreement for:
    - i) road use, accesses/approaches and damage repair to such
    - ii) weed or vegetation management
    - iii) reclamation or damages security and/or bonding
- (6) If a development permit application is refused, the Development Officer need not accept another application for the same or similar use on the same parcel for six months after the date of refusal.
- (7) If a decision is not made on a development permit applications within 40 days after its receipt by the Development Officer, the applicant may deem it to be refused at the end of the 40 day period.
- (8) The Development Officer or Municipal Planning Commission may issue a temporary Development Permit, for a period not exceeding one year.

*Rationale: Updates to Sec 8 are housekeeping items and better define as recommended by legal the various conditions and requirements for conditions within an agreement with the developers of projects such as what we have been doing with the renewables industry.*

#### **49. WECS and SECS regulations**

##### (5) Solar Energy Conversion Systems - Macrogeneration - LUB requirements

- a) Solar power plants shall be considered a discretionary use in the Agricultural Land Use District only.
- b) An application for a development permit to support a solar farm's application to the AUC will follow the same process and regulations (where applicable) as a WECS as outlined in sections 1, 2, and 3 above.
- c) Lands suitable and preferred for use:
  - i) lands with soil classification of AB Soil Classes 3 to 4 or lower. No solar installations shall be permitted to occupy lands with soil classifications of 2 or higher
  - ii) lands not currently being cropped or in production of hay. Grazing lands would be preferred lands for minimal soil disturbance or erosion issues
- d) Emergency Response Planning & Access

i) A site-specific ERP is to be submitted which identifies preliminary emergency response measures during construction and operation. Such an ERP shall outline site monitoring and communication protocols. Local responders and authorities are to be provided a copy of the ERP

ii) Layout considerations - internal access roads shall be shown on a layout of the solar arrays and shall include space for:

1) perimeter access of the arrays for adequate fire fighting apparatus; and

2) internal access roads spaced at intervals within the arrays for adequate fire fighting apparatus;

3) separation distance of at least 50 m from a property line for any substation or inverter collection points.

e) Reclamation – all soil conservation and post-facility operation reclamation plans shall:

i) meet the AEP Conservation and Reclamation Directive for Renewable Energy Operations, and;

ii) provide an overview of how sufficient funds are available at the project end of life to cover the cost of decommissioning and reclamation

iii) the Development Authority may require the establishment of a security trust to be held for decommissioning purposes at a value determined by its discretion.

f) Glare and reflectivity – all macro solar installations shall use an anti-reflective coating on the project solar panels.

g) Setbacks and Separation Distances will aid in the access of property by emergency vehicles and keep hazards at a distance from County residences. All developments must meet the minimum standards:

i) from any provincial highway – as per Alberta Transportation

ii) from any County road – 75 m from the centerline of the road

iii) from any property line – 50 m from the edge of the boundary

iv) from any dwelling – the greater of 200 m or as meets AUC rule 12 permitted sound levels

Whereas in the opinion of the Development Authority, the setbacks are not sufficient to reduce the impact of a solar plant from any road, boundary or dwelling, the Dev Authority may increase the requirement.

h) Screening or Visual Landscaping – at its discretion the Development Authority may require all or any portion of the project to be screened from view or to prevent interference with sightlines of intersections, roadways, or residences by use of vegetation or privacy fencing.

i) Site security – all lands hosting macro solar farm installations shall be perimeter fenced with a minimum of 4' high barbed wire fence (4 wire) and all equipment collection points and substation facilities are to be enclosed with a chain link security fence of at least 6'.

j) Collaborative agricultural use – where possible all macro solar installations are encouraged to allow grazing or animal access use.

k) Vegetation management plans are to be submitted as part of the application detailing procedures for weed control, and fire hazard mitigation of dead vegetation.

*Rationale: Sec 49 updates for macro solar – otherwise referred to commonly as solar farms – are the result of review of AUC decisions where common developer commitments were identified, research of County and MD LUB's with solar farm applications, and also with neighbouring similar Counties/MD's to get their input on their own LUB details pertaining to solar macro.*