

PLANNING

TO: Council
DATE: July 26, 2022
FILE: 03314001/2/03311001/2/3/6
SUBJECT: Waiving of Development Permit Re-Application Interval

DIVISION: 6
APPLICATION: N/A

GENERAL LOCATION: Located approximately 3.23 kilometres (±2.01 miles) north of Indus, at the northeast junction of Range Road 282 and Township Road 232.

LAND USE DESIGNATION: Direct Control District Bylaw C-7996-2020 (DC-166) under Land Use Bylaw C-8000-2020 (LUB).

EXECUTIVE SUMMARY: On May 31, 2022, an application for a Solar Farm was refused by Council as the Development Authority. Based on the discussion in Council, the concerns are broadly related to the absence of an operational expiry limit, the lack of securities for land reclamation and site decommission, and the inadequate promotion of agricultural practices alongside the solar farm use. As Council was the designated Development Authority under DC-166, there was no ability under Section 685(4)(a) of the Municipal Government Act to appeal the refusal decision to the Subdivision & Development Appeal Board.

In the event of a refusal decision, Section 83 of the Land Use Bylaw (LUB) prevents Owners/Applicants from re-applying for a Development Permit of the same or similar use for a period of six months; a Council decision to waive the six month re-application interval is required should the Owners/Applicants wish to apply within that six month timeframe.

In support of their application to waive the six-month waiting period for re-application, the Applicant is proposing to amend their development proposal by including a decommission plan, providing an appropriate decommissioning security, supporting a permit time expiry, and including additional agricultural practices through the subject lands. While the new development proposal is similar to the development refused by the Council, proposed amendments have been included in the revised development permit application responding directly to the reasons for refusal.

On the basis of the revised scope of the proposed development, Administration recommends that the six-month re-application interval be waived in accordance with Option #1.

ADMINISTRATION RECOMMENDATION: Administration recommends approval in accordance with Option #1.

OPTIONS:

- Option #1: THAT the requirement of a six-month waiting period for re-application under Section 83 of the County's Land Use Bylaw C-8000-2020 be waived.
- Option #2: THAT the waiver of the six month re-application interval be denied.

Administration Resources

Jacqueline Targett, Planning & Development Services

**BACKGROUND:**

A land use application was approved by Council on February 12, 2019, to add the subject lands to the Solar Farm discretionary use under the previous Land Use Bylaw C-4841-97 zoning of Ranch and Farm District. Upon adoption of the County's current LUB, the subject lands were redesignated from Ranch and Farm to DC-166. A development permit application was received on September 30, 2021, for a Solar Farm. The proposal would consist of a maximum of 550,000 solar panels and include a control substation over a development area of ± 326.93 hectares (± 807.88 acres). Between 20 and 30 people would be employed as a result of the proposal. Within the substation area, portable buildings would be placed onsite for operations and ancillary storage purposes. The application was assessed by administration and presented to Council on May 31, 2022, as per regulations of DC-166. A refusal was issued by Council, who noted several requests to be included within the application proposal before it can be reconsidered.

Sections 83 and 85 of the LUB state:

"Where an application for a Development Permit is refused, the submission of a second application for the same or similar development on the same parcel, may not be made for a period of six (6) months from the date of issue of the refusal, except where waived by Council.

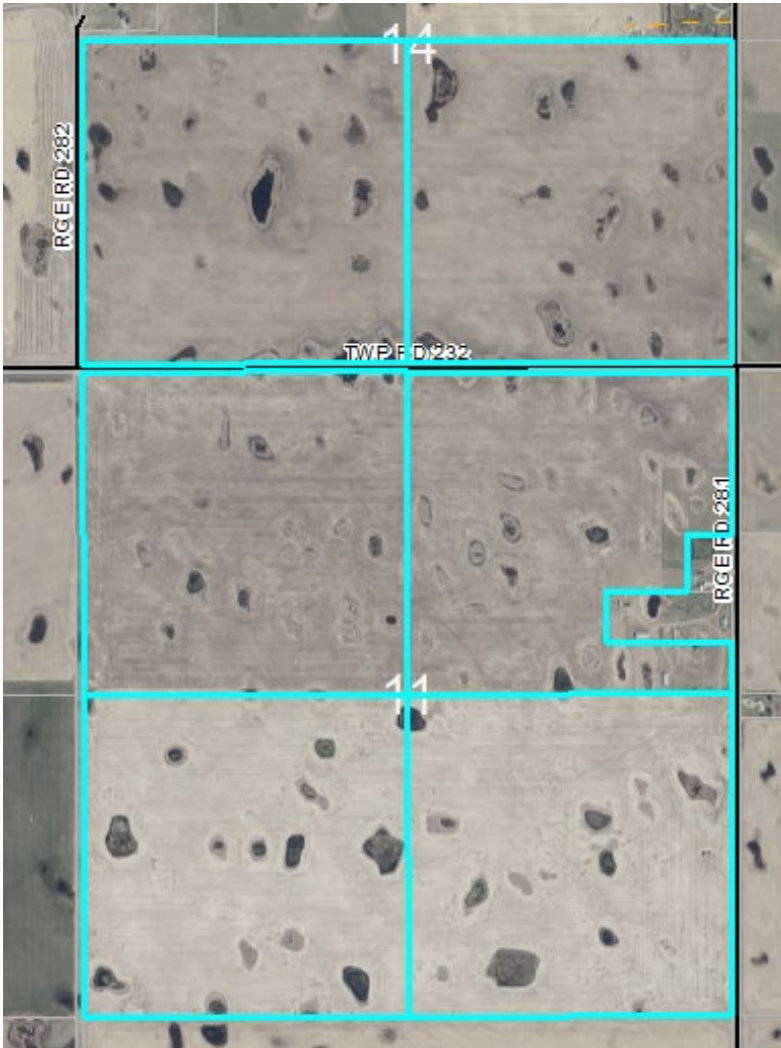
The determination of what constitutes the same or similar development shall be made by the Development Authority."

As the Applicant is looking to incorporate the requests of Council and resubmit their revised application, Administration considers that the proposed revised application is for the same or similar use as the previous development permit submission. The six-month re-application interval period does not conclude until November 30, 2022; therefore, a Council decision is required to waive this waiting period to allow for the development permit re-application to move forward with the standard development permit process.



ROCKY VIEW COUNTY

AIR PHOTO & DEVELOPMENT CONTEXT:



Respectfully submitted,

"Brock Beach"

Acting Executive Director
Community Development Services

JT/rp

Concurrence,

"Dorian Wandzura"

Chief Administrative Officer

ATTACHMENTS:

ATTACHMENT 'A': Waiver Request Letter

ATTACHMENT 'B': Map Set