



Development Permit: Condition Expiry Time Extension Agreement Request

Electoral Division: 6

Rolls: 03314001/2 &
03311001/2/3/6
PRDP20226218

Date:	April 9, 2024		
Presenter:	Jacqueline Targett, Senior Development Officer		
Department:	Planning		
Approved by:	<input checked="" type="checkbox"/> Executive Director / Director	and/or	<input checked="" type="checkbox"/> Chief Administrative Officer

REPORT SUMMARY

The purpose of this report is to request a time extension agreement to the expiry deadline applied under development permit application PRDP20226218, for a Solar Farm.

The Indus Solar Farm development permit was approved by Council on February 21, 2023. Within the transmittal of decision, Condition #22 required that all prior to release conditions be completed by December 31, 2023. The Applicant/Owner has submitted a written request to Administration to extend the expiry deadline one year, to December 31, 2024, to keep the development permit active and allow for the additional time to meet all conditions. This is the first extension agreement request for this application. All the prior to release conditions remain outstanding. The Applicant's reasoning for the delay in the project is due to the Alberta Government's moratorium placed on all wind and solar projects on August 3, 2023. The transmittal of decision can be found in Attachment B.

This item was presented to Council on January 23, 2024, and referred to the April 9, 2024, meeting date, to include an update on the provincial moratorium status and any policy updates for renewal projects.

The moratorium was lifted on February 29, 2024. New policy direction for any new or pending Alberta Utilities Commission applications was released by the province. After consideration of these new policy updates, the Applicant has confirmed their request to continue with the County's Development Permit and pending AUC application process. The Applicant's time extension agreement request and re-confirmation of project commitment is set out in Attachment C.

In accordance with Section 6.0 of Direct Control District 166 Bylaw C-7996-2020 (DC 166), Council is the regulated Development Authority for this type of Development Permit application. Per Section 2.0 of DC 166, the Applicant/Owner may request a time extension agreement in accordance with the rules and provisions of Part Two, Regulations 52 & 66 of the County's *Land Use Bylaw C-8000-2020* (LUB). DC 166 can be found in Attachment D.

ADMINISTRATION'S RECOMMENDATION

THAT Council approve the time extension agreement request for development permit application PRDP20226218 to December 31, 2024.

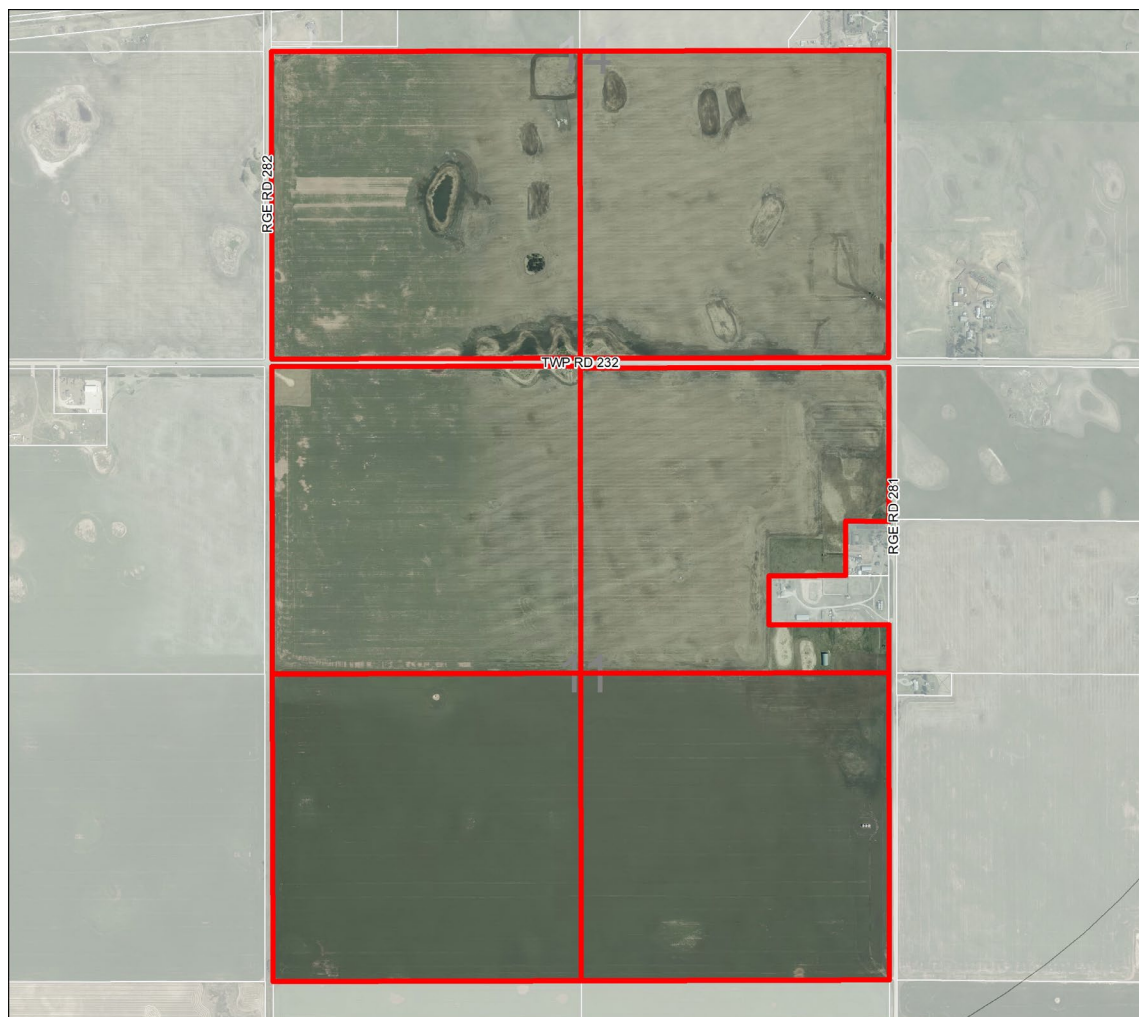
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BACKGROUND

Location (Attachment A)

Located approximately 3.23 kilometres (± 2.01 miles) north of Indus; approximately ± 3.23 kilometres (± 2.01 miles) north of Indus and northeast of the junction of Range Road 282 and Township Road 232. within the SE-NE-SW-NW-11-23-28-W4M & SW-SE-14-23-28-W4M.

Total Gross Area: ± 384.14 hectares (± 949.24 acres); Total Development Area: ± 326.93 hectares (± 807.88 acres).



Site History

The subject lands were approved by Council on February 12, 2019, for a site-specific amendment under planning application PL20180033, to include a discretionary Solar Farm use within the Agricultural, General land use district. Additionally, through County File 1015-565, on July 28, 2020, Council approved the redesignation of the subject lands from Agricultural, General to DC 166.

Development Permit PRDP20214577 for this Solar Farm application was refused by Council on March 31, 2022. A second Development Permit application for this Solar Farm application was resubmitted with revision considerations and was approved by Council on February 21, 2023.

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Direct Control Bylaw

DC 166 notes:

2.1. Unless otherwise specified, the rules and provisions of Parts 1, 2, 3, 4, 5, 6, 7, and 8 of Bylaw C-8000-2020 apply to this Direct Control District Bylaw

6.1. Notwithstanding Section 5.1 of this Direct Control District, the following shall be additional discretionary uses where Council is the Development Authority:

6.1.1. Solar Farm

Land Use Bylaw

The LUB notes:

52 The Development Authority may: (b) Provide a written Time Extension Agreement, in alignment with the Bylaw,

66 'Time Extension Agreements' on any Prior to Release conditions related to an approved Development Permit may be granted for a period of twelve (12) months to a maximum of three (3) extensions.

ANALYSIS

Policy Review

The written request to extend the conditional deadline with payment was received and completed by December 15, 2023, prior to development permit expiry deadline of December 31, 2023. The decision is required to be provided by Council.

Municipal Government Act (MGA)

The MGA does not provide specific guidance on the nature of this type of application and request.

Provincial Renewable Project Policy Updates

On February 29, 2024, the Province lifted a provincial moratorium applied for new and in-processing AUC applications for renewable solar and wind developments and announced new policy direction.

The changes for AUC applications included:

- Restricting renewable development on agricultural lands, identified as Class 1 and Class 2, in accordance with the Provincial Land Suitability Rating System (LSRS)
- Reclamation Security
- Crown land engagement requirements
- Future transmission regulations costs
- 35 kilometre buffer zone to protect pristine views
- Municipalities can now participate in the AUC application hearing for the pending renewable development

The subject lands are outside of the identified 35-kilometre buffer zone. The LSRS notes that the subject property is part of a wider area categorized to comprise 60% Class 2 lands and 40% Class 5 lands, indicating both slight and very severe limitations to agricultural growth. As the LSRS does not define whether the subject property contains any lands of a higher agricultural value (Class 2), further clarification would be required from the Province.

An additional assessment may be required by AUC for their application requirements to determine suitability and co-existence with agriculture (crops and/or livestock) over any identified Class 2 lands. A full summary of the changes, LSRS rating and Viewscape & Visual Impact Assessment Zone Map can be found in Attachment E.

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COMMUNICATIONS / ENGAGEMENT

There are no wider engagement requirements undertaken by the County.

IMPLICATIONS

Development Status

If the time extension agreement is not approved by Council, the development permit will be considered to have expired, and the file will be closed. The Solar Farm will not have a valid Development Permit with the County. In order for the Solar Farm to commence, the Applicant/Owner will need to submit a new development permit application to Administration, that will be presented to Council for direction.

Financial

No financial implications have been identified at this time.

STRATEGIC ALIGNMENT

This request is allowed to be considered by Council under the Direct Control District 166 Bylaw C-7996-2020 and *Land Use Bylaw C-8000-2020*.

ALTERNATE DIRECTION

THAT Council refuse the time extension agreement request for development permit application PRDP20226218.

ATTACHMENTS

Attachment A: Map Set
Attachment B: Transmittal of Decision PRDP20226218
Attachment C: Time Extension Agreement Written Request
Attachment D: Direct Control District 166
Attachment E: Provincial Renewable Application Policy Updates