

## **18.34 DIRECT CONTROL DISTRICT #34 (DC34) COMMERCIAL SOLAR POWER SYSTEMS**

**DC#34**

### **18.34.1 PURPOSE AND INTENT**

The purpose and intent of this district is to allow for the operation of Commercial Solar Power systems and to allow Direct Control by the Council over development on the following lands:

### **18.34.2 PERMITTED USES**

Accessory Buildings not requiring a development permit  
Administration Office (for principal use)  
Agricultural general  
Solar power system, commercial  
Solar power system, personal  
Utility Services, major (service types accessory to principal use)  
    i.e. Electrical Transmission towers, power generating stations  
Utility services, minor  
Public works  
Signs not requiring a Development Permit

### **18.34.3 DISCRETIONARY USES**

Accessory buildings requiring a Development Permit  
Accessory uses (accessory to the principal use)  
Dwelling – detached single family

- no more than 2 such dwellings are permitted on a lot that is 32.4 ha (80 acres) or more in size;
- no more than 1 such dwelling is permitted on a lot that is less than 32.4 ha (80 acres) in size.

Dwelling, manufactured home under 6.10m (20 ft.) in length or width or  
Dwelling, relocated or moved on, on lots less than 80 acres in size  
Educational and Interpretive use  
Lot grading  
Signs requiring a development permit  
Telecommunication Towers (non federally regulated)  
Wind Energy Conservation Systems

### **18.34.4 LAND USE REQUIREMENTS**

18.34.4.1 Standards of the land use shall be at the discretion of Council.

### **18.34.5 DEVELOPMENT REQUIREMENTS**

18.34.5.1 Maximum Height of Structures:

- a. Dwellings

- i. 12m (39.37 ft.);
- b. Accessory Buildings
  - i. 10.67m (35 ft.);
- c. Radio antennas, internet towers
  - i. 16m (52.49 ft);
- d. Free-standing solar array or solar array mounted to any structure other than a roof or wall of a building must not exceed 10.67m (35ft.) in height when oriented at a maximum tilt position unless specifically allowed by the Approving Authority;
- e. Or as determined by Council.

### 18.34.5.2 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings, and impervious surfaces shall cover more than forty (60) percent of the development area;
- b. Solar array not mounted to the roof or wall of a structure are not considered in the lot coverage area unless they are mounted to the ground in a very impermeable manner (cemented completely and not using piles or some form of elevated racking)
- c. Or as determined by Council.

### 18.34.5.3 Minimum Yard Setback Requirements: for Structures and solar array;

- a. Front Yard Setback:
  - i. 15m (49.21 ft.) from the right of way of an Internal Subdivision Road;
  - ii. 48m (157.48ft.) from the centre line of a Municipal Road;
  - iii. 64m (209.97 ft.) from the centre line of a Secondary Highway;
  - iv. 40m (131.23 ft.) from a Primary Highway;
  - v. Or as determined by Council.
- b. Side Yard Setback:
  - i. 15m (49.21 ft.) from property line;
  - ii. Or as determined by Council
- c. Rear Yard Setback:
  - i. 15m (49.21 ft.) from property line;
  - ii. Or as determined by Council
- d. If the title to a lot is subject to a caveat in respect of a land dedication or an agreement for the acquisition of land for road widening purposes, the dedicated area or area of future road widening shall be considered the future property boundary for which setback distances set out shall apply.

### 18.34.5.4 Corner Parcel Restrictions:

- a. In accordance with Sections 9.27.9 - 9.27.12.C

### 18.34.5.5 Minimum Environmental Setback Requirements:

- a. Slope:
  - i. Adjacent to a slope of 15% (8.3°) or greater, development shall be setback a minimum of 30m or the distance determined by a Geotechnical Report;
- b. Water body:
  - i. 30 m (98.43 ft) (from the top of bank);
  - ii. Setback determined appropriate by the Approving Authority in accordance with the 'Riparian Setback Matrix Model'; whichever is greater.

### 18.34.5.6 Other Minimum Setback Requirements:

- a. See Section 9.27 "Special Setback Requirements" of Land use bylaw for additional setback requirements that may apply;
- b. The Approving Authority may require a greater minimum setback for any use which, in the opinion of the Approving Authority, may interfere with the amenity of adjacent uses having regard for the location of the development, potential environmental impacts, adjacent land uses, and any determined natural, scenic or ecologically significant feature of the landscape.

### 18.34.5.7 Minimum habitable area per Dwelling:

- a. 100 m<sup>2</sup> (1,077 sq. ft.)

## 18.34.6 SPECIAL PROVISIONS

### 18.34.6.1 Landscaping and Screening:

- a. landscaping shall be completed in accordance with the Municipal Screening Standards or as determined by Council;
- b. levels and methods of screening of the site shall be completed in accordance with the Municipal Screening Standards or as determined by Council.

### 18.34.6.2 Nuisance:

- a. Every attempt shall be made to design the site so that the solar power system will have limited undo interference or effect on the enjoyment or value of neighbouring parcels;
- b. Solar array shall be located such that it does not create undue glare on neighbouring property or public roadways.

### 18.34.6.3 The Approving Authority, may, as a condition of issuing a Development Permit, impose any condition that addresses a relevant planning and development matter, including but not limited to:

- a. Location and maximum size of facilities to be constructed;
- b. Development setbacks;
- c. Hours of operation;
- d. Number of employees;
- e. Number of vehicle visits per day;
- f. Noise;

- g. Buffering;
- h. Lighting;
- i. Site drainage;
- j. Potential impact to neighbouring properties;
- k. Outdoor storage;
- l. Parking requirements;
- m. Screening of facilities;
- n. Decommissioning and reclamation.

### 18.34.6.4 Lighting:

- a. all lighting must be in accordance Section 9.15 of this Land use bylaw and with the Municipal Dark Sky Bylaw.

### 18.34.6.5 Lot Drainage:

- a. a Development Agreement shall be entered into for any lot grading to the satisfaction of the Director, Public Works and Engineering;
- b. the Approving Authority may require, as a condition of Development Permit, redesignation, or land use amendment, that the developer submit a stripping and grading and/or drainage or stormwater management plan, completed by a qualified engineer, to the satisfaction of the Municipality.
- c. lot grading and drainage shall be in accordance with Section 9.17 of the Land use bylaw unless otherwise approved by the Approving Authority.

### 18.34.6.6 Other Approvals:

- a. Approval from the Alberta Utilities Commission (AUC), Alberta Electric Systems Operator (AESO) and any other provincial or federal agency or utility company is required prior to the operation of the solar power system.

### 18.34.6.7 Decommissioning and Reclamation

- a. A decommissioning and reclamation plan shall be submitted with the application for review and approval identifying how the site will be reclaimed back to the same or better condition than prior to project commencement;
- b. A Development Agreement shall be entered into for any work required as part of the decommissioning and reclamation. This agreement may include requirements for cost estimate for the decommissioning and reclamation prepared by a professional engineer or contractor. The agreement may also require an irrevocable letter of credit, surety bond, or cash deposit to be secured and submitted to the Municipality, prior to commencement of any development on the site, for the decommissioning and reclamation of the site.
- c. If the solar power system is out of service or not producing energy for a period of six months, it will be deemed non-operational and decommissioning, removal, and reclamation will need to commence in accordance with decommission and reclamation plan approved with the application, returning the site to the same or better condition as prior to project commencement.

## 18.34.7 PROCEDURE

- 18.34.7.1 Notwithstanding the procedure established for development permit applications in Section 4, an application for development permit in respect of lands referred to in Section 18.34.1 may be referred by the Development Officer to the Council for its approval or refusal.
- 18.34.7.2 Notwithstanding the procedure established for the issuance of development permits in Section 5, the Council or their delegate shall decide on all applications for development permits with respect to lands referred to in Section 18.34.1. The council or their delegate may approve a development permit application with or without conditions, or may refuse an application for development permit.
- 18.34.7.3 There is no appeal to the Development Appeal Board from a decision of the Council on an application for a development permit in respect of the lands referred to in Section 18.34.1.