

## **SUBDIVISION AND DEVELOPMENT APPEAL HEARING DECISION**

### **Appeals of Development Permit SA3-12-18**

#### **Public Hearing HELD October 23, 2018 at Canalta Hotel, Oyen AB**

**PURSUANT TO:** Section 687(2) of the *Municipal Government Act* being Chapter M-26 of the Revised Statutes of Alberta 2000.

#### **AND IN THE MATTER OF**

- Notice of Appeal filed Sept 5, 2018 by Aaron & Nadine Rude
- Notice of Appeal filed Sept 5, 2018 by Cory & Nicole Blair
- Notice of Appeal filed Sept 5, 2018 by Clearview Environmental Group
- Notice of Appeal filed Sept 5, 2018 by Dawne Beaudoin
- Notice of Appeal filed Sept 5, 2018 by Sheldon & Kelly Kroker
- Notice of Appeal filed Sept 5, 2018 by Glenn & Lorelee Kroker
- Notice of Appeal filed Sept 4, 2018 by Kathy & Darren Simpson
- Notice of Appeal filed Sept 4, 2018 by Gene & Viola Olsen
- Notice of Appeal filed Sept 4, 2018 by Juanita Wagstaff
- Notice of Appeal filed Sept 4, 2018 by Barry Wagstaff
- Notice of Appeal filed Sept 4, 2018 by Jamie Wagstaff
- Notice of Appeal filed Sept 4, 2018 by Quinn Wagstaff
- Notice of Appeal filed Aug 30, 2018 by Hugh G. Ross
- Notice of Appeal filed Aug 28, 2018 by Brad Kuich
- Notice of Appeal filed Aug 28, 2018 by Dennis Fischbuch
- Notice of Appeal filed Aug 28, 2018 by Daryl Wood
- Notice of Appeal filed Aug 27, 2018 by Wendy & Ray Girletz
- Notice of Appeal filed Aug 27, 2018 by Lloyd & Louise Wagstaff

(collectively the “Appeals”)

**APPEALS OF** the Development Permit SA3-12-18 with conditions issued to EDP Renewables SH Project Limited Partnership (EDP or EDPR) to build the Sharp Hills Wind Project, including 83 wind turbines and associated infrastructure situated near the Hamlets of Sedalia and New Brigden in Alberta (the “proposed development”). The site of the proposed development is located on multiple parcels outlined in Schedule “A” to this Decision.

**BEFORE:** The Special Areas Subdivision and Development Appeal Board (the SDAB), members as follow:

Jay Slempp, Member at Large Hanna, Chairman  
Brian Berg, Member at Large, SA2  
Daryl Swenson, Special Areas Councilor SA3  
Gary Peers, Member at Large, Acadia Valley  
Stratton Peake, Member at Large, SA2

**DECISION:** Development Permit SA3-12-18 is APPROVED subject to the conditions set out in Schedule “B” to this Decision and the following additional conditions should be included:

1. The Road Utilization Agreement required to be entered into between the developer and the Special Areas Board (SAB) shall include, at minimum, the following requirements with respect to the construction phase of the project:
  - i. Dust abatement at residences;
  - ii. Limitations on speed of construction vehicles while meeting local traffic and when travelling past residences;
  - iii. Increased maintenance grading;
  - iv. Set response times for repair to road failures that exceed maintenance grading;
  - v. Increased warning signage at uncontrolled intersections as they become active during construction;
  - vi. EDP to provide one point of contact for the public, and
  - vii. Copies of the road utilization agreement be made available to the public at Special Areas 3 and 4 District Offices.
  
2. In the SDAB’s opinion the Emergency Response Plan which the Alberta Utilities Commission (AUC) decision requires the developer to prepare in consultation with local emergency responders and the SAB prior to commencing construction should include the following:
  - i. Requirement for onsite water tanker equipped with a spray nozzle during construction of the proposed development to provide a more immediate response to any fire incidents that cannot be handled by a normal fire extinguisher, and;
  - ii. A secure and available secondary water supply in event of a fire that exceeds the currently available mobile water supply of Special Areas Fire Departments. If it is identified that additional secondary water sources are inadequate, then the developer will work with local emergency responders and the SAB to develop alternative sources to provide the community with greater fire suppression security.

## PROCEDURAL BACKGROUND AND HEARING PROCEDURES

The SDAB convened the hearing of the Appeals on September 26, 2018 but adjourned the hearing to October 23, 2018 on the basis that the SDAB did not have quorum.

The hearing of the Appeals continued October 23, 2018. The Chairman confirmed with the parties in attendance that there was no opposition to the composition (members) of the panel of the SDAB. The Chairman also outlined the hearing procedures; no opposition to the hearing procedures was raised.

## SUMMARY OF HEARING

At the hearing of the Appeals, the appellant(s) presented their reasons for opposing the proposed development as follows:

1. Concerns with decommissioning process.
  - i. What are the standards to be used.
  - ii. Are future salvage values of steel enough for funding future decommissioning costs.
  - iii. Large chunks of cement will be left in ground and this will restrict future development on those sites.
2. Concerns with independent 3<sup>rd</sup> party analysis and submissions brought forward to (AUC) hearing.
3. Wildlife studies not conducted to a more detailed level. Wildlife studies did not appear to be utilizing correct wildlife numbers and the migratory bird counts in particular appear to be low. Project will disrupt wildlife behaviors, and this impacts many people, not only those within project areas but also those travelling for hunting and other recreational activities. That the studies were conducted from desktop modelling and actual results may vary greatly from information derived from studies conducted on-site.
4. Impact of low frequency noise will be negative for individuals and domestic animals located in the area. In addition, any loud noise coming from the construction activities can and will disrupt cattle.
  - i. Concerns that all studies have been desktop studies and what will impacts actually be when project is built. Impacts will then be very hard to mitigate if done at all.
5. Strobing effect from night time lighting is a distraction effecting quiet enjoyment of neighboring properties. This may impact nighttime operation of calving cameras.
6. Shadow flicker will be a distraction for those that are carrying on farming and ranching in fields located adjacent to the project.
7. Special Areas Land Use Order (SAB LUO) setbacks at 800meters to residences were based on smaller towers not the size proposed by this project. Opponents to the project had met with Special Areas Council and Board to request setbacks be increased due to size of towers being considered for this project.
  - i. Setback from roads is insufficient to protect the travelling public from ice throws and mesmerizing effect of rotating blades.

8. Not all SAB LUO setbacks are being adhered to.
9. The types of generators and the height and size of the towers and turbine blades are new to North America and little is known of the actual impacts of their operation. It is not appropriate for this area and community to be used as a test facility and suffer any unintended consequences should the operation of these facilities not meet the specification used by the planners of the project. It was also requested that a plebiscite or additional consultation be held to determine the views of ratepayers on this issue, especially the height and size of towers and turbine blades. That the setback distance in the SAB LUO may also not be appropriate due to this size
10. Development process is flawed when a checklist is appropriate for a project of this size and scope. Impossible for the Municipal Planning Commission (MPC) to be able to properly evaluate impacts of such a project in the time frame allowed and followed in this instance. Do MPC members have the required expertise for projects of this size.
  - i. Are developers for these larger projects following the same rules and processes that smaller local developers must adhere to.
  - ii. Why is there only one Development Permit when there are 83 proposed turbine sites.
  - iii. Was there proper process followed for the MPC to approve the development permit. Was there enough documentary evidence that Development Officer brought forward permit application and recommendations to MPC for their decision.
  - iv. Was there bias in the Development Officer actions is bringing application to the MPC. Would this cause the resulting permit to be deemed null and void and start application process over.
11. Negative impact on road infrastructure from increased traffic and resulting increased dust.
12. Health issues to human, domestic animals, and wildlife.
  - i. Impacts will be greater to those individuals already dealing with health issues. Will wind turbine operation cause those suffering from anxiety and depression additional hurt.
  - ii. Why does the community and individuals have to prove these types of facilities may cause or negatively impact health vs. the government and the developers proving they do not negatively impact health?
13. Complete eyesore. Visual impact will cause loss of quiet enjoyment of neighboring properties. Local community are the ones who have to look at whereas others in the cities do not.
14. Negative environmental impacts for:
  - i. Wildlife birds, bats, and mammals. Future carcass monitoring practices do not cover a wide enough area.
  - ii. Groundwater resources. Groundwater resources in this area are very shallow and such large cement bases for towers may impact them.
  - iii. Topography and landscape support many species including protected species. Wind turbines and their operation will disrupt the animal's normal cycles.
  - iv. Many sloughs and wetlands are in close proximity to towers and will be negatively impacted.

15. Financial impact – land values will be negatively impacted. Doubtful that if values decrease that property taxes will decrease as well.
16. Community's Return to Rural and in-migration of youth to this area will be negatively impacted. Project is not an incentive for people to return to this area.
  - i. Forrest of industrial wind turbines is not going to attract youth, retirees, or professionals.
  - ii. Project has already divided community.
17. Non-resident landowners who have land in the project will receive financial compensation but not have to endure any of the negative impacts.
18. Emergency response planning and mitigation strategies are not adequate.
  - i. Ice throw issues will be a public hazard. Local icing conditions have not been adequately studied and potential mechanical de-icing processes are not being put on this generation system.
  - ii. On tower fire suppression systems and shutdown process from remote control and monitoring station is inadequate for relatively remote location with extended fire response times.
  - iii. Inappropriate for Safety and Emergency Response plans to be developed after the project is initiated.
  - iv. Local volunteer fire resources are not able to fight fires from towers with the height of this project. Sparks and flames from a tower fire can spread rapidly and travel many miles from original fire site.
  - v. Native prairie and grasslands that exist in this area offer a great fuel source which makes controlling fires of greater concern to the local community.

The SDAB did not take into consideration the evidence submitted by the developer with respect to the developer's contributions to the community, which the SDAB determined to be irrelevant considerations.

The SDAB also did not take into consideration the concerns raised by the appellants regarding the independent third-party analysis and submissions before the AUC, which the SDAB did not consider within the scope of its authority to review.

The SDAB did not take into consideration any impacts to property taxes as those rates are set by the SAB and are not within the scope of its authority. The SDAB noted that assessments for farmland are determined by a regulated rate process and farm residential property is determined by a fair market value process. Neither process is within the purview of the SDAB.

## REASONS FOR DECISION

### (A) Authority of the SDAB

The Minister of Municipal Affairs has broad powers under s. 7 of the *Special Areas Act*. Section 30 of the *Special Areas Act* requires the Special Areas Board to exercise those powers and perform those functions and duties assigned or delegated to it by the Minister of Municipal Affairs.

Ministerial Order 009/15 delegates the duties, powers and functions of the Minister of Municipal Affairs with respect to s. 627 of the *Municipal Government Act* to the Special Areas Board. Section 627 of the *Municipal Government Act* requires every municipality to establish a subdivision and development appeal board. The Special Areas Subdivision and Development Appeal Board membership was established by Special Areas Board Order No. 18/18 of the Special Areas Board.

The Special Areas SDAB, having been established under s. 627 of the *Municipal Government Act*, and is required to exercise its powers and perform its functions and duties in accordance with the requirements of Part 17 of the *Municipal Government Act*.

The SDAB finds that the Appeals were filed by affected persons and were filed within 21 days of the issuance of the development permit in question, in accordance with the requirements of ss. 685 and 686 of the *Municipal Government Act*.

On September 21, 2018, the AUC issued a decision approving the Sharp Hills Wind Project (Decision 22665-D01-2018) (the “AUC decision”). The effect of s. 619 of the *Municipal Government Act* is that projects approved by the AUC cannot be refused or altered at the SDAB level based on issues already considered and addressed by the AUC. The SDAB continues to have powers with respect to planning considerations and issues that were not considered or addressed by the AUC.

In making its decision, the SDAB also took into account ss. 687(3) of the *Municipal Government Act* and Part IV of Special Areas Board Land Use Order – MSL: 007/15.

### (B) Alleged Defects in Development Permit Process

#### *Allegation of Bias (Municipal Planning Commission)*

Counsel for the Clearview Environment Group argued that the Development Permit should be set aside on the basis that one of the members of the MPC was in a position of conflict of interest.

An appeal to the SDAB is *de novo*, and is decided on the basis of the evidence put before the Board during the course of the hearing. The SDAB may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision permit of its own (*Municipal Government Act*, s. 687(c)). The *de novo* appeal hearing before the SDAB cures any defect in the MPC decision making process. The SDAB therefore considers it unnecessary to address this allegation.

### *Requirement to Refer Applications for Discretionary Uses to the Municipal Planning Commission*

Counsel for the Clearview Environment Group argued that the Development Permit should be set aside on the basis that the procedure set out in the SAB LUO, which requires applications for development permits for discretionary uses to be referred to the MPC, was not followed.

The SDAB finds, on the basis of the evidence before it, that the application for the permit in question was referred to and decided upon by the MPC. This finding of fact is based on the evidence given by the Development Officer at the appeal hearing and the minutes of the MPC meeting in question.

The SDAB noted that SAB LUO 49.(3)(a) directs developers to submit one permit application for the entire project.

Furthermore, as set out above, the *de novo* appeal hearing before the SDAB cures any defect in the MPC decision making process.

### **(C) Requests for Plebiscite and Delay in Proceedings**

Several appellants requested a plebiscite regarding this proposed development and/or the setback requirements for developments of this nature in the SAB LUO, and that a decision on the proposed development be delayed pending the results of the plebiscite or further consultation with ratepayers regarding the applicable setback requirements for developments of this nature.

A SDAB's powers, duties and functions are set out in the *Municipal Government Act*. The SDAB does not have the authority to require a plebiscite or public consultation prior to making its decision. Furthermore, ss. 686(2) of the *Municipal Government Act* requires SDABs to hold an appeal hearing within 30 days after receipt of a notice of appeal and ss. 687(2) of the *Municipal Government Act* requires the SDAB to give its decision in writing together with reasons within 15 days after concluding the hearing. The SDAB concludes that delaying its decision on the proposed development as requested by the appellants would be inconsistent with the clear legislative intent of the SDAB that appeals be heard and decided upon in a timely fashion.

### **(D) Other Matters Raised at Hearing of Appeals**

In considering the matters set out below, the SDAB has considered and taken into account s. 619 of the *Municipal Government Act*, the AUC decision, and where appropriate the extent to which the conditions attached to Development Permit SA3-12-18 address the concerns that have been raised.

#### 1 *Decommissioning process*

The SDAB finds that the AUC decision considers and addresses this matter (see, for example AUC decision Appendix "F", Item 6).

#### 2 *Environmental Effects and Wildlife*

The AUC decision covers the environmental and wildlife issues extensively and included expert witnesses from both the developer and Clearview Environment Group (see AUC decision, Section 3 (Environment)). The SDAB finds that the AUC decision considers and addresses these matters.

### 3 *Low Frequency Noise*

Paragraph 395 of the AUC decision states as follows:

“395. Having regard to the foregoing, the Commission concludes that noise from the project is expected to satisfy the nighttime and daytime PSL values at all receptors and the project is unlikely to cause an LFN condition at any noise receptor. However, the Commission will require EDP to conduct a post-construction CSL survey, including an evaluation of LFN, at receptors R16, R28 and R35 under representative operating conditions and in accordance with Rule 012.”

The SDAB finds that the AUC decision considers and addresses this matter.

### 4 *Strobing Lighting*

Paragraph 113 of the AUC decision states as follows:

“... The Commission notes that EDP has committed to minimizing the number of lights required on the wind turbines and using the minimum number of synchronized flashes per minute and the minimum flash duration, to the extent allowable by Transport Canada.”

The SDAB finds that the AUC decision considers and addresses this matter.

### 5 *Shadow Flicker*

Paragraph 504 of the AUC decision states as follows:

“504. EDP’s shadow flicker map outlined areas where shadow flicker could occur. No contrary evidence was provided by the Clearview Group to indicate that shadow flicker would be an issue at their residences. While the Commission recognizes that shadow flicker could occur when Clearview Group members are near turbines, such as in fields adjacent to the project, there was no expert evidence submitted to the effect that there may be any negative health impacts.”

The SDAB finds that the AUC decision considers and addresses this matter.

### 6 *Setbacks*

A number of appellants identified concern that the proposed wind towers did not meet the minimum setbacks as outlined in the Special Areas Land Use Order

The SDAB members sought clarification from the developer asking if any of the tower locations did not meet the minimum setback as outlined in the SAB LUO. The developer confirmed all towers sites met the SAB LUO requirements. The SDAB accepts the developer’s evidence in this regard;

Paragraph 531 of the AUC decision specifically confirms that “the project will be subject to the existing land use constraints and application process set out in the Special Areas Board Land Use Order”.



7 *Setbacks for roads are not in compliance*

Questions were raised during the course of the hearing as to the applicable road setback requirements. The SDAB finds that the applicable provision in the SAB LUO is s. 49.(4)(e)(i)2, and that the project complies with the requirements set out therein.

The SDAB finds that the AUC decision considers and addresses this matter.

8 *Size of tower height and blade length*

Paragraph 108 of the AUC decision states as follows:

“108. The Commission acknowledges that the project’s turbines are the tallest turbines currently applied-for or constructed in Alberta. However, the Commission views the height of the turbines proposed in the project as a function of developing and evolving technology and recognizes that although the turbines are taller, the project requires fewer turbines, given their size and capacity. Accordingly, this may increase the visual impact of a project on a per-turbine basis while decreasing the visual impact of the project overall. The Commission has taken this potential trade-off into account when weighing the visual impact of this project.”

The SDAB finds that the AUC decision considers and addresses this matter.

9 *Impact on Road Infrastructure*

The AUC decision contains the following:

“515. EDP also noted that the Clearview Group raised concerns with the project regarding road impacts, farming impacts and telecommunications interference. In response to concerns with road impacts, EDP explained that it committed to entering into a Road Use Agreement with the Special Areas Board to ensure that the condition of public roads used in the construction of the project would be left in the same or better condition than existed prior to construction.

...

528. The Commission finds that EDP’s approach to mitigate potential road impacts and telecommunication impacts is reasonable. In arriving at this conclusion, the Commission has taken into account EDP’s commitment to enter into a Road Use Agreement with the Special Areas Board, and to work with local residents should they experience problems with telecommunications services after construction and operation of the project.”

Additionally, Appendix “F” of the AUC contains the following commitments on behalf of the developer:

“a) EDPR will enter into a Road Use Agreement, or similar agreement, with the SAB that will cover matters such as transportation plans for construction, construction impacts to roads, and compensation, road upgrades, and road use for Project infrastructure.

b) EDPR will complete pre-construction road surveys. EDPR may upgrade some public roads. EDPR will complete post-construction road surveys and commits to ensuring that road condition is maintained or improved in accordance with the Road Use Agreement.

c) EDPR will enter into crossing agreements with third-party facility (e.g. pipelines) owners, and road use agreements as required to support Project construction.”

The requirements of the AUC decision are in addition to the requirements of conditions 5 and 6 of the Development Permit which require the developer to enter into road utilization and development agreements with the SAB.

Taking into account the concerns raised by appellants regarding road impacts, the SDAB orders that the road utilization agreement required to be entered into by the developer should include, at a minimum, the following requirements and information with respect to the construction phase of the project:

- a) Dust abatement at residences;
- b) Limitations on speed of construction vehicles while meeting local traffic and when travelling past residences;
- c) Increased maintenance grading;
- d) Set response times for repair to road failures that exceed maintenance grading;
- e) Increased warning signage at uncontrolled intersections as they become active during construction;
- f) EDP to provide one point of contact for the public, and
- g) Copies of the road utilization agreement be made available to the public at Special Areas 3 and 4 District Offices.

## *10 Health Issues*

Paragraph 505 and 539 of the AUC decision states as follows:

“505. Based on the record of this proceeding, the Commission finds no persuasive evidence that the project, operating as proposed in the application, is likely to result in adverse health effects for nearby residents.

539. Regarding the social and economic effects of the project, the Commission finds that the construction and operation of the project is not likely to cause adverse health effects to residents in or near the project area, and the Commission does not consider that the project will affect the safety of residents, based on the monitoring and safety measures proposed by EDP.”

The SDAB finds that the AUC decision considers and addresses this matter.

## 11 *Visual Impact*

The AUC decision states as follows:

“108. The Commission acknowledges that the project’s turbines are the tallest turbines currently applied-for or constructed in Alberta. However, the Commission views the height of the turbines proposed in the project as a function of developing and evolving technology and recognizes that although the turbines are taller, the project requires fewer turbines, given their size and capacity. Accordingly, this may increase the visual impact of a project on a per-turbine basis while decreasing the visual impact of the project overall. The Commission has taken this potential trade-off into account when weighing the visual impact of this project.

...

116. Overall, the Commission is not convinced that the visual impact that would be caused by the project is prohibitive in and of itself. Nonetheless, it is one of the factors the Commission has considered when making its overall public interest determination for the project.”

The SDAB finds that the AUC decision considers and addresses this matter.

## 12 *Land Value Impact*

The AUC decision states as follows:

“527. With respect to the project’s potential impact on property values, the Commission was not presented with sufficient evidence in this proceeding to conclude that the project will result in an adverse impact on property values for parcels adjacent to the project. With respect to the concerns raised by the Clearview Group that the OTPP recently turned down the opportunity to acquire land in the area, the Commission does not consider that there is sufficient evidence on the record to demonstrate that the OTPP did so because of the presence of the project or other proposed projects in the area. There is also insufficient evidence to draw a conclusion that the OTPP’s decision indicates, or has had the effect of, lowering property values. The Commission cannot conclude based on the evidence before it, that the project will depress property values in the area.

With regard to property value impacts, the Commission cannot conclude, based on the evidence before it, that the project will depress property values in the area, nor that land use such as agricultural operations will be impacted by the project.”

The SDAB finds that the AUC decision considers and addresses this matter.

### 13 *Impact of Return to Rural and Non-Resident Landowners*

The AUC decision states as follows:

“532. The Commission will weigh the social impact of the project on the community in its overall determination of whether the project is in the public interest having regard to the social, economic, and other effects of the project, including its effects on the environment. However, this social impact must be weighed against the other social benefits of the project, such as additional tax revenues for the Special Areas Board and job creation, and in light of the fact that the project is being developed on private land upon which landowners have given their consent for the use of their land. In this instance, the Commission is not convinced that the negative social impacts raised by the Clearview Group are outweighed by the social benefits of the project.”

The SDAB finds that the AUC decision considers and addresses this matter.

### 14 *Safety Concerns and Emergency Response Plan*

The AUC heard evidence from the parties regarding safety concerns including fire safety and ice throws, and concluded as follows:

“506. With respect to the safety concerns raised by the Clearview Group, the Commission accepts EDP’s submission that it will develop a site-specific emergency response plan prior to commencing construction of the project. The Commission acknowledges that EDP consulted with the local fire chief in the project area. The Commission finds that EDP’s approach to developing an emergency response plan, particularly as it applies to potential turbine fires, is adequate

507. Similarly, the Commission finds that the evidence before it indicates that there is a low risk that ice shedding or ice throw events will create a public safety issue. EDP’s assurance that the project turbines will be equipped with sensors able to detect ice build-up, coupled with the turbines’ placement in relation to residences and roads, indicates to the Commission that the likelihood of an ice throw or shedding event occurring, or causing damage should it occur, is low. The Commission is satisfied that with the monitoring and safety measures proposed by EDP, possible ice events from wind turbines can be adequately mitigated.”

In addition, Appendix “F” includes the following commitment on behalf of the developer:

“EDPR will work with the local emergency responders and the Special Areas Board ("SAB") to ensure there is a site-specific emergency response plan in place prior to commencing construction.”

The SDAB finds that fire risk is often very high around the proposed development due to dry conditions in the area and frequent windy conditions. The proposed development is located on the outer service area(s) of a number of local fire departments.

In the SDAB opinion the Emergency Response Plan which the AUC decision requires the developer to prepare in consultation with local emergency responders and the SDAB prior to commencing construction should include the following:

- a) Requirement for onsite water tanker equipped with a spray nozzle during construction of the proposed development to provide a more immediate response to any fire incidents that cannot be handled by the normal fire extinguisher, and;
- b) A secure and available secondary water supply in event of a fire that exceeds the currently available mobile water supply of Special Areas Fire Departments. If it is identified that additional secondary water sources are inadequate, then the developer will work with local emergency responders and the SAB to develop alternative sources to provide the community with greater fire suppression security.

### **(E) Conclusion**

Taking into account the evidence and submissions before the SDAB during the course of the appeal hearing, the SDAB concludes that the impacts from this proposed development will be minimized due to the distances involved and that the proposed development would not have a significant or material impact on adjacent landowners or their property. The Board therefore concludes that that the setbacks outlined in the Special Areas Board Land Use Order – MSL: 007/15 are sufficient as applied to Wind Energy Conversion Systems - Commercial.

The SDAB finds that the concerns raised by the appellants and set out under the heading of “Other Matters Raised During the Hearing”, above, relate to matters which were considered and addressed by the AUC in its decision. Further, the SDAB finds and concludes that the AUC decision adequately dealt with each of these matters.

However, the SDAB continues to have powers with respect to planning considerations and issues that were not considered or addressed by the AUC. The AUC did not address the specific details of the road utilization agreement to be entered into between the developer and the Special Areas Board as a condition of development. The SDAB therefore considers it appropriate to include further direction regarding the details to be included in the road utilization agreement required as a condition of the development, as set out in this decision.

In light of the evidence and information presented to it during the course of the hearing regarding safety concerns and specifically the fire risk arising from the proposed development, the SDAB also considers it appropriate to provide its opinion regarding emergency response plan which the AUC decision requires the developer to prepare in consultation with local emergency responders and the Special Areas Board, as set out in this decision.

Dated at Hanna, AB this 6<sup>th</sup> day of November 2018

Original Signed by Jay Slempp

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Jay Slempp, Chairman Subdivision and Development Appeal Board

Schedule A

WECS-TURBINE LOCATIONS CHECKLIST SPECIAL AREAS BOARD

\*Clearly note and highlight all exceptions

	LUO reference 3(d)	LUO reference 3 (d)	LUO reference 3 (d)	LUO reference 4e(i)1.	LUO reference 4 e (i) 2.	LUO reference 4 e (i) 3.	LUO reference 4e(i) 4.	LUO reference 4 e (i) 5.
Sequential Turbine Number	Latitude DMS (NA083) Degrees North	Longitude OMS (NAD83) Degrees West	Elevation (m)	AJoe .rta Transportation minimum setbacks maintained from highway	Municipal Road Allowance >30.48 m from rotors Arc	Property Line (not road allowance) > 7.62 m from rotors arc	Adjacent Parcel outside dev. Boundary >550m plus sound constrain OR consent	Residence Setback >800m
1	515138.92637055	110 39 52.38502134	900.0	Yes	Yes	Yes	Consent	Yes
2	51 5140.13964973	110 39 24.14580870	890.3	Yes	Yes	Yes	Consent	Yes
3	515144.59170428	110 38 57.18794169	879.1	Yes	Yes	Yes	Consent	Yes
4	51 51 51.61613273	110 38 25.18909865	860.0	Yes	Yes	Yes	Consent	Yes
5	515158.33129465	110 37 58.57525918	857.3	Yes	No 1-1.6m overlap)	Yes	Consent	Yes
6	51 52 06.65530868	110 37 21.16184604	851.3	Yes	Yes	Yes	Yes	Yes
7	5152 11.68388326	110 36 43.11906181	840.0	Yes	Yes	Yes	Consent	Yes
8	51 50 20.4193089.1	110 40 35.59906676	90S.6	Yes	Yes	Yes	Consent	Yes
9	51 50 30 .93 345681	110 39 52.44102492	890.0	Yes	Yes	Yes	Consent	Yes
10	5149 38.10060934	110 4116.76044535	914.5	Yes	Yes	Yes	Consent	No. Participating landowner consent provided
11	5149 43.15930650	110 40 45.74923318	919.6	Yes	Yes	Yes	Consent	Yes
12	5149 47.96006207	110 40 12.69584486	911.7	Yes	Yes	Yes	Consent	Yes
13	5149 53.75491552	110 39 37.02317541	900.0	Yes	Yes	Yes	Consent	Yes
14	5150 01.00980833	110 38 56.21651638	895.0	Yes	Yes	Yes	Consent	Yes
15	5150 03.18003670	110 38 24.59023242	899.8	Yes	Yes	Yes	Consent	Yes
16	51 50 08.56629141	110 37 47.08498242	899.1	Yes	Yes	Yes	Consent	Yes
17	5150 13.69457202	110 37 21.49249152	892.8	Yes	Yes	Yes	Consent	Yes
18	51 50 22.61723077	110 36 47.66230339	897.2	Yes	Yes	Yes	Consent	No. Participating landowner consent provided
19	5149 04.93818112	110 40 22.82887002	920.0	Yes	Yes	Yes	Consent	Yes
20	5149 14.19474196	110 39 36.85064836	915.0	Yes	Yes	Yes	Yes	Yes
21	5148 11.35521277	110 4117.67263538	894.4	Yes	Yes	Yes	Consent	Yes
22	5148 17.43541125	110 40 51.62865066	914.9	Yes	Yes	Yes	Consent	Yes
23	5148 23.18959770	110 40 25.32398978	930.0	Yes	Yes	Yes	Consent	Yes
24	5149 10.10423170	110 38 27.41565619	912.3	Yes	Yes	Yes	Consent	Yes
25	5149 30.09008964	110 36 20.53137872	907.9	Yes	Yes	Yes	Consent	Yes
26	5149 34.53159039	110 35 53.90355618	895.5	Yes	Yes	Yes	Consent	Yes
27	5147 20.46162698	110 38 45.51065446	925.0	Yes	Yes	Yes	Consent	Yes

	LUO reference 3 (d)	LUO reference 3 (d)	LUO reference 3 (d)	LUO reference 4 e (I) 1.	LUO reference 4 e (i) 2.	LUO reference 4 e (i) 3.	LUO reference 4 e (I) 4.	LUO reference 4 e (I) 5.
Sequential Turbine Number	latitude OMS (NA083) Degrees North	Longitude OMS (NAD83) Degrees West	Elevation (m)	Alberta Transportation minimum setbacks maintained from highway	Municipal Road Allowance >30.48 m from rotors Arc	Property Line (not road allowance) >7.62m from rotors arc	Adjacent Parcel outside dev. Boundary >550m plus sound constrain or consent	Residence Setback >800m
28	5147 44.73749066	110 38 07.34040334	949.8	Yes	Yes	Yes	Consent	No. Participating landowner consent provided
29	5147 52.93324444	110 37 44.38518034	937.5	Yes	Yes	Yes	Consent	Yes
30	5148 00.24470874	110 37 19.73368349	934.8	Yes	Yes	Yes	Consent	Yes
31	51 48 28.48166936	110 37 26.39193636	935.9	Yes	Yes	Yes	Consent	Yes
32	51 46 28.30383915	110 42 37.79766961	860.0	Yes	Yes	Yes	Consent	Yes
33	5146 34.36460806	110 42 02.14125424	865.8	Yes	Yes	Yes	Consent	Yes
34	5146 4L40316903	110 41 30.19016882	867.6	Yes	Yes	Yes	Consent	Yes
40	5143 49.28008354	110 44 02.74122414	865.5	Yes	Yes	Yes	Yes	Yes
42	514455.52268142	110 41 17.19609381	875.0	Yes	Yes	Yes	Consent	Yes
43	514512.03451890	110 40 31.97383121	875.0	Yes	Yes	Yes	Yes	Yes
44	5145 22.13560242	110 39 4S.47762367	877.8	Yes	Yes	Yes	Consent	Yes
49	5143 21.14675108	110 42 1L.89200990	876.3	Yes	Yes	Yes	Consent	Yes
50	51 43 32.04800383	110 41 31.37432759	880.0	Yes	Yes	Yes	Consent	Yes
51	514338.11013145	110 40 58.28683682	880.0	Yes	Yes	Yes	Yes	Yes
52	5143 47.71888187	110 40 21.10546572	880.0	Yes	Yes	Yes	Consent	Yes
53A	51 4415.81005161	110 37 46.82100461	932.5	Yes	Yes	Yes	Yes	Yes
54A	5144 18.57657474	110 37 20.95942017	925.0	Yes	Yes	Yes	Consent	Yes
56	51 41 42.85502662	110 43 36.21852380	880.0	Yes	Yes	Yes	Yes	Yes
57	51 41 55.25807888	110 42 55.71924152	880.0	Yes	Yes	Yes	Consent	Yes
58	51 42 13.35296012	110 41 16.95699292	885.0	Yes	Yes	Yes	Consent	Yes
59	51 42 20.40323991	110 40 50.54656439	885.0	Yes	Yes	Yes	Consent	Yes
60	51423 0.35908988	110 40 21.976744.58	885.0	Yes	Yes	Yes	Yes	Yes
61	5142 37.68376022	110 39 39.56315320	885.0	Yes	Yes	Yes	Consent	Yes
62	5142 45.99724505	110 39 04.53727142	89LO	Yes	Yes	Yes	Consent	Yes
63	51 42 55.55055313	110 38 12.56226924	898.3	Yes	Yes	Yes	Yes	No. Participating landowner consent provided
64	5143 02.55115276	110 37 44.31348586	902.3	Yes	Yes	Yes	Consent	Yes
65	514102.79444796	110 37 37.11695638	871.0	Yes	Yes	Yes	Yes	Yes
66	51 4110.43927956	110 36 58.67377721	874.8	Yes	Yes	Yes	Yes	Yes
69	5140 32.16632691	110 33 40.94455899	865.0	Yes	Yes	Yes	Yes	Yes
70	51 40 34.98332871	110 33 06.86666385	866.2	Yes	Yes	Yes	Yes	Yes
71	51 40 36.99705305	110 32 36.44029252	873.0	Yes	Yes	Yes	Yes	Yes

	LUO reference 3 (d)	LUO reference 3(d)	LUO reference 3 (di)	LUO reference 4 e(i) l.	LUO reference 4 e (i) 2.	LUO reference 4e (!) 3.	LUO reference 4 e(i) 4.	LUO reference 4e(i) S.
Sequential Turbine Number	Latitude DMS (NAD83) Degrees North	Longitude DMS (NAD83) Degrees West	Elevation (m)	Alberta Transportation minimum <b>setbacks</b> maintained from highway	<b>Municipal Road Allowance</b> >30.48m from rotors Arc	Property Line (not road allowance) >7.62m from rotors arc	<b>Adjacent Parcel outside dev. Boundary &gt;550m <u>plus sound constrain</u> or consent</b>	<b>Residence Setback &gt;800m</b>
72	5140 45.11334113	110 32 07.04409917	870.0	Yes	Yes	Yes	Yes	Yes
73	5140 49.21179566	110 3140.61705217	863.7	Yes	Yes	Yes	Consent	Yes
74	51 40 47.70771990	110 29 32.78800588	877.3	Yes	Yes	Yes	Yes	Yes
75	51 4112.29543025	110 28 16.42814304	873.7	Yes	Yes	Yes	Yes	No. Participating landowner consent provided
76	51 41 20.26271916	110 27 48.83715206	873.3	Yes	Yes	Yes	Consent	Yes
77	51 4127.25571914	110 27 20.94264833	849.2	Yes	Yes	Yes	Consent	Yes
78	5137 58.73487630	110 3635.32446998	870.0	Yes	Yes	Yes	Yes	Yes
79	51 38 07.03898871	110 36 02.01363578	860.0	Yes	Yes	Yes	Yes	Yes
80	51 3812.09381641	110 35 25.91954641	855.0	Yes	Yes	Yes	Yes	Yes
81	513927.04196715	110 31 52.80211362	874.3	Yes	Yes	Yes	Yes	Yes
82	51 39 34.28284547	110 3102.39894312	870.7	Yes	Yes	Yes	Consent	Yes
83	51 39 39.32530071	110 30 29.45127606	870.0	Yes	Yes	Yes	Consent	Yes
84	5139 51.46303524	110 29 51.00995573	865.0	Yes	Yes	Yes	Consent	Yes
85	51 40 05.49276889	110 2916.70600891	867.8	Yes	Yes	Yes	Consent	Yes
86	5140 30.74973538	110 27 51.55679460	875.0	Yes	Yes	Yes	Consent	No. Participating landowner consent provided
87	51 38 38.89716913	110 30 54.24632947	870.0	Yes	Yes	Yes	Yes	Yes
88	5138 45.92573952	110 30 24.20170005	861.8	Yes	Yes	Yes	Yes	Yes
89	51 38 52.71573020	110 29 52.05099088	863.4	Yes	Yes	Yes	Yes	Yes
90	5143 47.36120272	110 31 45.83686662	875.0	Yes	Yes	Yes	Yes	Yes
91	51 44 04.48061579	110 30 51.39386799	870.0	Yes	Yes	Yes	Yes	Yes
92	5144 16.56966857	110 3016.43740248	862.2	Yes	Yes	Yes	Consent	Yes
93A	514442.05696426	110 30 15.36949112	875.6	Yes	Yes	Yes	Consent	Yes
94	5145 24.82413386	110 29 40.94897731	875.0	Yes	Yes	Yes	Consent	Yes
STW_1	5149 16.48536761	110 37 57.43601743	910.0	Yes	Yes	Yes	Consent	Yes
STW_4	5140 47.94835345	110 26 50.90108371	875.0	Yes	Yes	Yes	Consent	Yes



Schedule B

APPLICATION FOR DEVELOPMENT PERMIT

SPECIAL AREAS 2, 3 AND 4
LAND USE ORDER M.O. #MSL:007/15
Rev. 2015

Fee: \$ 50.00
Receipt #: 996445
D.P.#: 593-12-13

The undersigned hereby makes application for a development permit in accordance with the plans and supporting information submitted herewith as outlined below.

APPLICANT: EDP Renewables SH Project Limited Partnership
ADDRESS: 395 11th Avenue SW, Suite 1320B, Calgary, Alberta, T2R 0C5
PHONE NO.: 6472034906

Proposed development and dimensions: Give specific information - size, type of building, etc. (If mobile home, type, name and C.S.A. standard) EDP Renewables SH Project Limited Partnership (Proponent) is proposing to build the Sharp Hills Wind Farm, which is a 298.8MW wind power project. The Project includes 83 wind turbines with a hub height of 132m, and rotor diameter of 136m. The Project will be situated on private land and in municipal ROWs near the Hamlets of Sedalia and New Brigen.

\*\*\* For your information, as of Feb. 1, 2014, all new homes will require warranty coverage as per the New Home Buyer Protection Act which is a requirement to obtain a building permit

LEGAL DESCRIPTION: Lot(s) Please see attached Block Please see attached Plan Please see attached HAMLET: Sedalia and New Brigen

Part Please see attached Sec. Please see attached Twp. Please see attached Range Please see attached W4th.
SIZE OF PARCEL: Acres or dimensions: Multiple parcels (Please see attached)

OBTAINED ABANDONED WELL SITE INFORMATION WITHIN THIS PROPERTY Yes [checked]
(see AER's Abandoned Well Viewer at http://portal.aer.ca/portal/site/srp or call 1-855-297-8311)

EXISTING LAND USE: General Agriculture [checked] Intensive [ ] Residential [ ] Other [ ]
PROPOSED LAND USE: General Agriculture [ ] Intensive [ ] Residential [ ] Other [checked]

REGISTERED OWNER OF LAND: Same as above: [ ]
Other: Multiple (Please see attached)
Address: Multiple (Please see attached)

ESTIMATED COMMENCEMENT DATE: Q4 2018 COMPLETION DATE: Q2 2020
ESTIMATED COST: \$500 million

SITE PLAN ATTACHED: YES [ ] NO [ ] HOME OCCUPATION: YES [ ] NO [ ]
IS THE PROPOSED DEVELOPMENT WITHIN 2 MILES OF AN ADJACENT MUNICIPALITY?
YES [ ] NO [ ]

I hereby give my consent to allow all authorized persons the right to enter the above land and/or buildings, with respect to this application only.

Signature of Applicant: [Signature] Date: 7/24/2018
Development Officer: [Signature] Date: August 7/2018

FOR OFFICE USE

NOTICE OF DECISION: The above application has been:
[checked] APPROVED: Subject to the following conditions: checked, and to the 14 day appeal period if applicable.

- Applicant to obtain:
[ ] Approved Building Permit & Inspections from Palliser Regional Municipal Services.
[ ] Approved Plumbing and/or Sewage Disposal Permit from Palliser Regional Municipal Services.
[ ] Approved Electrical Permit & Inspection from Palliser Regional Municipal Services.
[ ] Approved Gas/Propane Hook-up Permit & Inspection from Palliser Regional Municipal Services.
Municipal Setbacks to be maintained as follows:
[ ] feet/meters from the boundary of the municipal road
[ ] feet/meters from the front and rear boundaries and [ ] feet/meters from the side lot boundaries
[ ] 25 feet (7.5 meters) from adjacent parcel
[checked] Other: See attached list of conditions

[ ] REFUSED FOR THE FOLLOWING REASON(S):

Date of Decision: August 7/2018
Development Officer: [Signature]

(SEE REVERSE FOR IMPORTANT NOTE)

**IMPORTANT NOTE**

1. The issuance of a Development Permit in accordance with the Notice of Decision is subject to the condition that it **does not become effective until 21 days after the date of issue of the Notice of Decision**. Any work completed by the applicant during this 21 day period is done entirely at the risk of the applicant. This does not apply to permits issued for permitted uses, where no appeal is available and the permit comes into effect on the day that the decision is communicated to the applicant.
2. You may appeal this decision to the Subdivision and Development Appeal Board in accordance with part IV, Section 11 of this Bylaw, with the exception of a permit issued for a permitted use in a land use district, where an appeal is not available. Such an appeal shall be made in writing and shall be delivered personally or mailed so as to reach the secretary of the Subdivision and Development Appeal Board at the Special Areas Administration Office in Hanna, NO LATER THAN 14 DAYS FOLLOWING THE DATE OF ISSUE OF THIS NOTICE. The Notice of Appeal shall contain a Statement of the grounds of the appeal.
3. Should the decision be appealed within 14 days after the Notice of Decision has been issued, this permit shall not become effective until the Subdivision and Development Appeal Board has determined the appeal and the permit may be modified or nullified thereby.
4. A permit issued in accordance with the notice of decision is valid for a period of twelve (12) months from the date of issue. If at the expiry of this period, the development has not been commenced, this permit shall be null and void.
5. Every application for a permit shall be accompanied by the following information:
  - a) Site plan showing:
    - (1) the legal description of the property;
    - (2) the dimensions of the site;
    - (3) the dimensions and relationship to property lines of all existing and proposed buildings and shelterbelts.
    - (4) where applicable, the location of all existing and proposed wells, septic tanks, disposal fields, culverts and crossings;
    - (5) on applications for development in Hamlets; the front, rear and side yards, off-street parking and loading facilities, access locations to and from the site, proposed exterior finishing materials for all buildings.
6. Failure to complete this form in full, and to supply the required information and plans may mean that this application for a permit will not be considered and may cause delays in the processing of the application.
7. For the purposes of obtaining building, plumbing, gas, electrical or fire permits or inspections, the applicant should call Palliser Regional Municipal Services, Safety Codes Services, at 1-800-407-8361.
8. DEVELOPMENT PERMIT APPLICATION FEE:.....\$50.00

**NOTE: This is not a building permit. The applicant is not excused from complying with the requirements of any Federal, Provincial or other municipal legislation, or the conditions of any easement, covenant, building scheme or agreement affecting the building or land.**

## **Development Permit Conditions**

### **EDP Renewables Sharp Hills Wind Power Project**

### **Permit, SA3-12-18**

The Development Permit Application has been APPROVED and must adhere to all aspects of the Special Areas Land Use Order, Ministerial Order No. MSL:007/15, as well as, the following conditions.

- 1) Public and stakeholder consultations undertaken as per the Special Areas Land Use Order, as well as consultations required by all other government departments and regulations:
  - a) Completed, documented, and summarized; and
  - b) Made available upon request.
- 2) Adjacent properties setback reduction agreements on Crown land require each quarter to have:
  - a) Consent of occupant; and
  - b) Special Areas Board approval.

This applies to wind towers.

- 3) Crown land easements for collector lines, access roads, etc., require each quarter to have:
  - a) Consent of occupant;
  - b) Special Areas Board approval.
- 4) Electrical Connector Lines within the Special Areas Road Right-of-Way will require:
  - a) Special Areas Board approval.
- 5) Approved Road Utilization Agreement with Special Areas:
  - a) During construction phase;
  - b) During operational phase;
  - c) During decommissioning.
- 6) Approved Road Development Agreement with Special Areas:
  - a) During construction phase;
  - b) During decommissioning.
- 7) Approved safety code permits, as required, from Palliser Regional Municipal Services for:
  - a) Building permits;
  - b) Plumbing and sewage disposal permits;
  - c) Electrical permits;
  - d) Gas permits;
  - e) Other(s), as applicable.

This applies to all structures/facilities such as: offices, shops, collector sites, towers, MET towers, etc.

8) Approved temporary laydown areas with land owner permission:

- a) During construction phase;
- b) During decommissioning.

9) Approved temporary staging areas with land owner permission:

- a) During construction phase;
- b) During decommissioning.

This will also require arrangements through an approved Special Areas Road Utilization Agreement and with Alberta Transportation.

10) Ensure drainage runoff does not adversely affect neighboring lands:

- a) During construction phase;
- b) During operational phase;
- c) During decommissioning.

This applies to all permanent & temporary sites; towers, laydown areas, offices, shops, etc.

11) Ensure garbage and debris is contained on site and properly disposed of at an approved waste transfer facility:

- a) During construction phase;
- b) During operational phase;
- c) During decommissioning.

12) Disturbance and reclamation of all sites shall be completed in an environmental manner with:

- a) The standard being consistent with the “*Reclamation Criteria for Well Sites and Associated Facilities*”;
- b) The restoration of grassland vegetative cover being completed utilizing species which provide assurance the site will achieve a community similar to the offsite control;
- c) The seed mix being free of noxious weeds;
- d) The development on Special Areas lands following Special Areas Board policy;
- e) The standards being adhered to in all stages (preconstruction, construction, operation, decommissioning);
- f) The Developer providing the Development Authority, prior to construction, a detailed construction plan, including a post construction reclamation plan.

13) All equipment entering project lands must be cleaned prior to arrival (free of dust, soil, plant materials, etc.) to reduce the spread or introduction of weed species or soil borne disease etc.

14) Relocated soils, aggregate, or reclamation materials, must be preapproved by a Special Areas Agricultural Fieldman.

15) Approvals from:

- a) AUC;
- b) Alberta Environment and Parks;
- c) Transport Canada;
- d) NAV Canada;
- e) Environment and Climate Change Canada
- f) Alberta Transportation;
- g) Alberta Electric Systems Operator;
- h) Alberta Culture and Tourism;
- i) Any other approvals or requirements as determined necessary by the Municipal Planning Commission.

16) Adherence to Special Areas Land Use Order Part VII, Section 49, (4);

- a) The applicant shall forward to the Development Authority copies of all regulatory and utility permits, approvals, and conditions prior to commencement of construction.

17) Expiry of an APPROVED Development Permit occurs as per Special Areas Land Use Order Part VII, Section 49, (4) as shown below.

- b) A WECS – Commercial development permit shall have a maximum 5 year development timeline as outlined below:
  - i. Commencement of development shall occur within 2 years of the issuance of the development permit. A time extension as described in subsection (iii) or a timeline suspension as described in subsection (iv) must be applied for prior to the expiration of the 2 year commencement of construction period;
  - ii. Construction shall be completed within 2 years of commencement of construction. The 1 year time extension described in subsection (iii) may be granted by Municipal Planning Commission provided it was not previously granted under subsection (i). A time extension as described in subsection (iii) or a timeline suspension as described in subsection (iv) must be applied for prior to the expiration of the 2 year construction period;
  - iii. A time extension considered by Municipal Planning Commission in subsection (i) and subsection (ii) may be approved for a 1 year term and the applicant must provide reasons why the extension is necessary;
  - iv. The Municipal Planning Commission may consider suspending the 5 year timeline described above where a development hardship is proven to the satisfaction of the Municipal Planning Commission. The Municipal Planning Commission shall specify the duration of any timeline suspension as part of the approval;
  - v. The development permit shall expire if the suspension period in subsection (iv) is not granted and any period described in subsections (i), (ii), (iii), or (iv) lapses.

Applying for a development permit prior to receiving other approvals, establishing financial stability, etc., will not be considered a development hardship.

- 18) Adherence to Special Areas Land Use Order Part VII, Section 49, (4), e., Minimum Setback Requirements for Wind Towers.
  - 19) The installed turbine location tolerances shall vary no more than 50 meters from the approved Special Areas Development Permit location, provided that all Special Areas Land Use Order Setback Requirements are satisfied.
  - 20) Adherence to Special Areas Land Use Order Part VI, Section 19. A- Agricultural District for setback requirements for associated structures such as office, shop, etc.
  - 21) The installed turbine(s) shall be as per specifications outlined in the Development Permit Application or be a similar turbine model:
    - i. With physical dimensions that are not materially different or greater than the proposed turbine;
    - ii. With the sound characteristics differing from the modelled total sound power output, the developer must ensure setback compliance as per the Special Areas Land Use Order setbacks.
- ‘Materially’ will be defined by the Development Authority for deciding how similar/different the turbine(s) are.
- 22) Requiring separate Development Permit Applications and subsequent approvals for temporary structures such as:
    - a) Temporary work camps / offices.
  - 23) Separate Development Permit Applications and subsequent approvals are required for permanent structures such as:
    - a) Maintenance shop and yard;
    - b) Office.
  - 24) The Special Areas Development Authority may tolerate some proposed changes after this approved development permit is in place. However, a developer is NOT authorized to proceed with proposed changes until the change has been reviewed by the Development Authority. The Special Areas Development Authority will determine whether the change is material enough to warrant an amendment or a new development permit.

With respect to changes:

- a) Small Change –
  - Minor and does not require amending;
  - Marginal and does require amending.
- b) Large Change
  - Significant and requires a new development permit application and approval.

(Changes may require corresponding public consultation requirements, etc.)

- 25) Minimum setback requirements from any municipal road allowance shall be 30.48 meters from the vertical extension of the rotor's arc. The Development Authority has decided that Tower 5 must be moved to comply with the above requirement.