

The Subdivision and Development Appeal Board for Foothills County met at Foothills County Administration Building and via electronic means (Zoom video conferencing platform) at 12:52 p.m. on October 24, 2023. Present were Chairman G. Beacom, Board members Barb Castell (by electronic means), D. MacDonald, B. Meyers, C. Stormes (by electronic means) and Subdivision and Development Appeal Board Clerk, M. Beck.

D. MacDonald moved that the Minutes of the September 19, 2023 Subdivision and Development Appeal Board Hearing be adopted as circulated.

**CARRIED**

B. Meyers moved that the approval of the October 5, 2023 minutes be postponed until the next Subdivision and Development Appeal Board meeting.

**CARRIED**

**Myers - PTN. NW 19-17-28 W4M – REFUSAL OF DEVELOPMENT PERMIT 23D 170**

The hearing was opened at 1:00 p.m. In attendance were Appellant/Landowner L. Myers, the Development Authority for Foothills County, B. Smith, Member of the Gallery, B. Loeffler and Subdivision and Development Appeal Board Clerk M. Beck.

An appeal was received from the Appellant L. Myers on September 29, 2023, against the refusal of Development Permit 23D 170 for relaxation of setbacks on an existing structure on Plan 960J, Block 1, Lot 16; Ptn. NW 19-17-28 W4M.

Upon having read the materials provided, and upon having heard the representations from the Appellant/Landowner, Member of the Gallery, and the Development Authority for Foothills County with respect to the appeal filed by the Appellant in accordance with Section 685 of the Municipal Government Act against the refusal of Development Permit 23D 170, the Subdivision and Development Appeal Board for Foothills County has decided to:

ALLOW the appeal and OVERTURN the Development Authority's decision to refuse Development Permit 23D 170 for relaxation of setbacks to an existing structure on Plan 960J, Block 1, Lot 16; Ptn. NW 19-17-28 W4M.

The application is thereby APPROVED subject to the following conditions:

**Approval Conditions:**

The existing 'Garage (12.2 x 18.3)' is permitted to remain, as depicted on the Real Property Report *File No. 23-0493* dated *August 8, 2023* from *Absolute Surveys*. All other existing and future development must meet the County setback requirements.

**Advisory Requirements:**

The following requirements are provided by Foothills County as a courtesy to the applicant(s) and property owner(s). These comments will not form the basis of the decision to approve the development permit application. They are simply provided for information purposes.

1. All development is required to comply with all requirements of the Alberta Building, Plumbing, Electrical, and Fire Codes at all times;
2. The issuance of a development permit by the County does not relieve the landowners of the responsibility of complying with all other relevant County bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;
3. The applicants shall be responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to the implementation of this permit;

**SYNDICATED VENTURES INC./ D. WANDZURA - PTN. NE 14-21-29 W4M –  
APPROVAL OF DEVELOPMENT PERMIT 23D 148**

The hearing was opened at 2:01 p.m. In attendance were Appellant Syndicated Ventures Inc. / D. Wandzura, Applicant/Landowner J. McCormick, Member of the Gallery, the Development Authority for Foothills County, B. Smith, and Subdivision and Development Appeal Board Clerk M. Beck.

An appeal was received from the Appellant Syndicated Ventures Inc. D. Wandzura on September 28, 2023, against the approval of Development Permit 23D 148 for ground mount solar power system, private on Plan 9212071, Lot 1; Ptn NE 14-21-29 W4M.

And upon having read the materials provided, and upon having heard the representations from the Appellant, Applicant/Landowner, and the Development Authority for the Foothills County with respect to the appeal filed by the Appellant in accordance with Section 685 of the Municipal Government Act against the approval of Development Permit 23D 148 the Subdivision and Development Appeal Board for Foothills County has decided to:

DENY the appeal and UPHOLD the Development Authority's decision to approve ground mount solar power system, private on Plan 9212071, Lot 1; Ptn. NE 14-21-29 W4M.

The application is thereby APPROVED subject to the following conditions:

**APPROVAL DESCRIPTION:**

This approval allows for the development and use of Ptn. NE 14-21-29 W4M; Plan 9212071, Lot 1 for:

- a. One +/- 77.4 sq. m [833 sq. ft] ground mounted solar power system, private, in accordance with the submitted and accepted Development Permit application.

**CONDITIONS OF APPROVAL:**

*The following requirements must be completed within twenty-four (24) months from the date the Development Permit is signed and issued unless a time extension is approved under agreement between the Development Authority and the Applicant(s). **Failure to complete the conditions of approval will see the Development Permit be deemed null and void.***

1. The applicant shall maintain the development in accordance with all conditions of approval and plans that have been acknowledged by the municipality to be appropriate. **Any revisions and/or additions to the use of this land shall not proceed unless appropriate approvals and permits have been obtained;**
2. The applicant shall obtain any necessary building and safety code permits and inspections to the discretion of the Safety Codes Officer.
3. The applicants shall provide written notification to the Development Authority upon completion of the development, as approved herein;

**ADVISORY REQUIREMENTS:**

*The following requirements are provided by Foothills County to inform the applicant(s) and landowner(s) of their necessity. It is the responsibility and liability of the applicant(s) and landowner(s) to ensure adherence with these requirements for the life of the development.*

1. The applicant shall comply with all requirements of the Alberta Utilities Commission for this installation;
2. The applicant is required to ensure all installations are located at least 3.0 metres from all FORTIS Alberta Infrastructure;
3. Development on the property shall at all times comply with the requirements of the Alberta Building, Safety, and Fire Codes;
4. Natural drainage of the property must be maintained. Alteration to natural drainage may only proceed only under the authorization of an approved Development Permit for Lot Grading permit;
5. All development shall be located as to adhere to Municipal setback requirements from the boundaries of the legally titled property. No variance for yard setbacks has been considered under this approval;
6. The landowners indemnify and hold harmless the County against the cost of any claims or actions, or awards for loss or damage to the owner, arising from soils being relocated to/on this property;
7. The issuance of a development permit by the County does not relieve the landowners of the responsibility of complying with all other relevant County bylaws and requirements, nor excuse violation of any provincial or federal regulation or act which may affect use of the land;

8. The applicants shall be responsible for payment of any professional costs including legal fees that may be incurred by the County with respect to the implementation of this permit;

**NOTES:**

1. **This is not a Building Permit.** Construction practices and standards of construction of any building or any structure authorized by the Development Permit, once signed, and issued, must be in accordance with the Building and Safety Codes Permits. An application must be made for all required Building and/or Safety Codes Permits.
2. **This is not a Development Permit.** The Development Permit may be signed and issued upon completion of the 21-day appeal period; should no appeals be received, and completion of all Pre-Release Conditions (if any). Development cannot proceed until this permit has been signed and issued.
3. The Development Permit, once signed and issued, shall thereafter be null and void if the development or use is abandoned for a period of six months.
4. The conditions of this Development Permit Decision must be met and adhered to at all times. Fines and/or Enforcement action may occur if operating outside of the Development Permit Decision.

**ADJOURN**

G. Beacom moved that the meeting be adjourned at 2:42 p.m.

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
CLERK