



DEVELOPMENT PERMIT DECISION

DATE OF DECISION: July 31, 2024

THIS IS NOT A DEVELOPMENT PERMIT OR BUILDING PERMIT. PLEASE REFER TO THE NOTES SECTION BELOW FOR ADDITIONAL INFORMATION.

APPLICATION FILE NUMBER: 24D 127

LANDOWNER(S): LISA ADLER & JOSEPH KRYSL

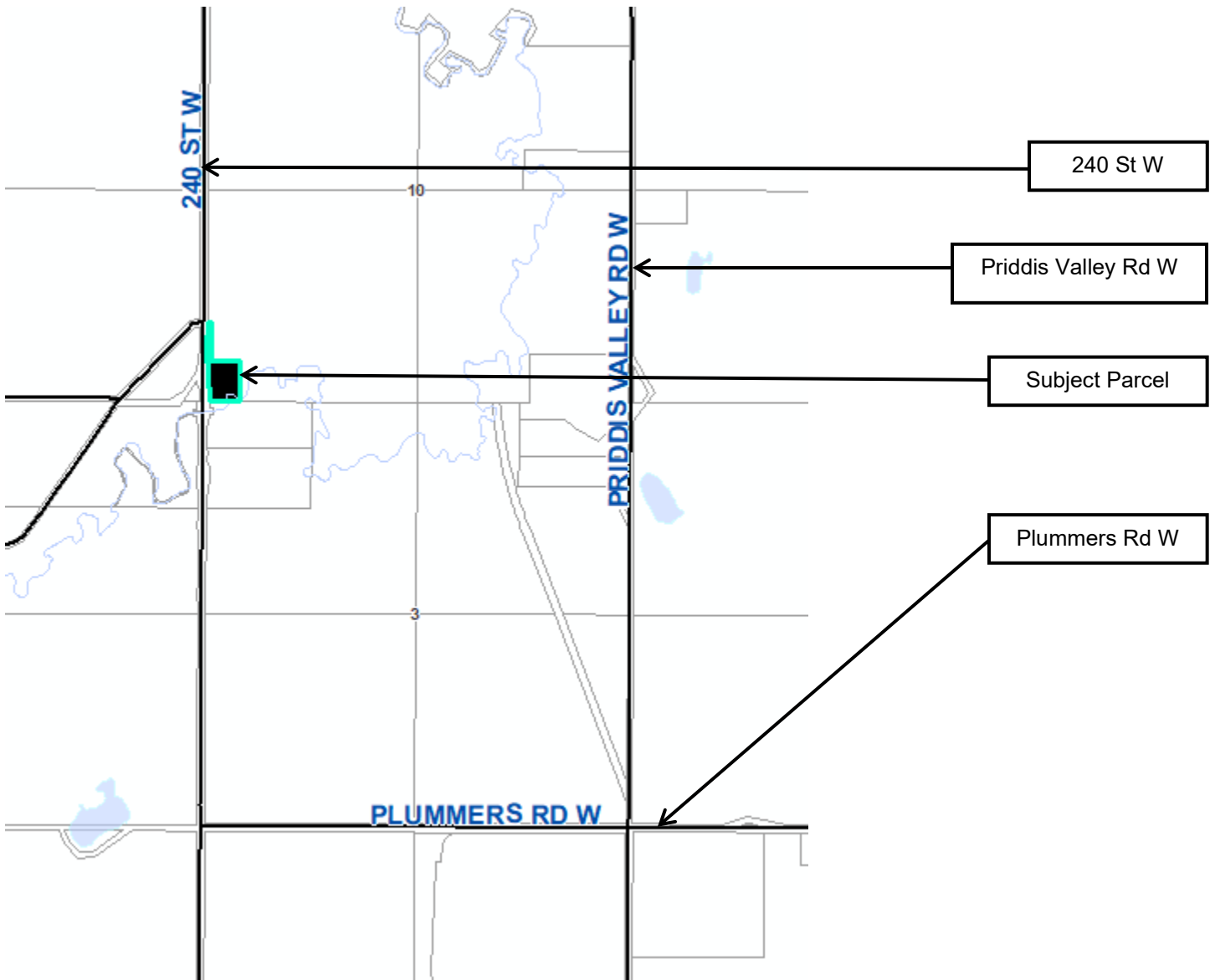
PROPOSAL DESCRIPTION: GROUND MOUNT SOLAR POWER SYSTEM, PRIVATE; RELAXATION OF SETBACKS

LEGAL DESCRIPTION: PTN. SW 10-22-03, W5M; PLAN 9311120, LOT 1

LOCATION AND DESCRIPTION OF SUBJECT PARCEL:

The subject property is an existing 5.10-acre Country Residential District parcel located on 240 St W, approximately 1.5 km west of Priddis Valley Road W, and approximately 1.6 km north of Plummers Road W.

Location Map:



INTENT OF THE DEVELOPMENT PERMIT APPLICATION:

An application for Development Permit has been submitted to allow for the installation of a +/- 12.0 kw ground mounted solar array on the subject parcel.

The proposed system consists of four ground mounted arrays with a total area of 21.0 sq. m. [226.0 sq. ft] by 3.81 m [12 ft 6 in.] (height/elevation from ground).

The application further requests that the array be located within the northeast corner of the parcel set back 11.5 m from the north property line, requiring a relaxation to setback distances of 3.5 m or 25%.

Ground Mount Solar Power System, Private is a Discretionary Use under the Country Residential Land Use District; therefore, decisions on applications for Development Permit for this use are to the discretion of the Development Officer, and subject to a 21-day appeal period.

Section 5.6.4 and 5.6.5 of the Land Use Bylaw states that: The Development Authority may allow with respect to a proposed development, a variance of any yard setback to a maximum of 25% of the setback required by this Bylaw.

The variance power given to the Development Authority under Section 5.6.4 of this Bylaw shall not be exercised with respect to a proposed development unless the landowner can demonstrate that the proposed location is the most appropriate site for the proposed development.

The application for a Development Permit in accordance with the provisions of Land Use Bylaw 60/2014 of Foothills County in respect to a Ground Mount Solar Power System, Private, and Relaxation of Setbacks to the Proposed Solar Power System on the subject parcel being a portion of SW 10-22-03 W5M; Plan 9311120, Lot 1, has been considered by the Development Officer and is **APPROVED** subject to the following.

APPROVAL DESCRIPTION:

This approval allows for the development and use of Ptn. SW 10-22-03 W5M; Plan 9311120, Lot 1:

- a. One +/- 12 kW, 21.0 sq. m [226.0 sq. ft] by 3.81 m [12 ft 6 in.] (height/elevation from ground) ground mounted solar power system, private, in accordance with the submitted and accepted Development Permit application.
- b. A relaxation of setbacks of 3.5 m or 25% from the proposed ground mounted solar power system, private, to the north property line.

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 applicant 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 future development shall be located as to adhere to Municipal setback requirements from the boundaries of the legally titled property.
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. Notification of this Development Permit Decision will be advertised in two issues of the Western Wheel and circulated to area landowners (according to County Records at this time) within the subject quarter-section and for one-half mile surrounding the subject parcel. Development Permit Notices can also be viewed on our website, **www.foothillscountyab.ca**.
4. This Development Permit Decision is subject to a 21-day appeal period. Pursuant to Section 685(2) of the Municipal Government Act, a person affected by this decision has a right of appeal.
5. 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.
6. 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.