

SCHEDULE B – PROPOSED AMENDMENTS TO LAND USE BYLAW FOR SOLAR POWER

SOLAR POWER SYSTEM, COMMERCIAL any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy for uses not located on-site (the lands containing the system and/or adjacent lands owned by the same owner) or for distribution and/or sale off-site.

SOLAR POWER SYSTEM, PRIVATE means any device used to collect sunlight that is part of a system used to convert radiant energy from the sun into thermal or electrical energy for a single landowner, resident, business, or occupant of a site, for personal, domestic, business use, and/or agriculture uses on-site. Annual electricity produced for the site is generally expected to be equal to consumption and is not for distribution and/ or sale off-site.

(All references within LUB using the previous terminology of Solar Power System, Personal should be amended to Solar Power System, Private).

SECTION 4.2. NO DEVELOPMENT PERMIT REQUIRED

4.2.1.18 Solar power system, personal-private which meets the following criteria:

- a. The installation is to be used for on-site personal household, business use, and/or agricultural purposes only where it meets all other policies under Section 4.2.1.18;

10.22 SOLAR POWER EQUIPMENT, PERSONAL SYSTEMS

Solar Power Systems, Private

- 10.22.1 Section 4.2.1.18 of this bylaw outlines where no Development Permit is required for the construction of solar power equipment systems, Private on lands in the County. All other instances require a Development Permit. It is the landowner's responsibility to ensure that they have obtained all necessary permits.
- 10.22.2 All Solar Power Systems, Private requiring a development permit are considered a discretionary use and will require an approved Development Permit prior to commencement of construction in order to manage off site impacts of these facilities.
- 10.22.3 The landowner is responsible to ensure any required safety code permits are obtained from the County and compliance with all Provincial or Federal regulatory bodies having jurisdiction with respect to such installations.
- 10.22.4 Solar Power Systems, Private installed on lands within the Highway 2A Industrial Area ASP are considered a discretionary-permitted use when constructed in conjunction with an approved development and shall meet the following criteria:
 - a. All installations must meet minimum setback distances in accordance with the applicable land use district.
 - b. Equipment (including roof mounts) overall height may not exceed the maximum building height when the array is placed at its maximum proposed angle.
 - c. Installation and construction are in accordance with the Highway 2A Corridor Design Guidelines.

Solar Power Systems, Commercial

- 10.22.5 Solar Power Systems, Commercial ~~will all require approval by Council through redesignation to Direct Control and subsequent a~~ Development Permit approval.

10.22.6 Where Solar Power Systems, Commercial is not listed as a use under the current land use district, a bylaw must be enacted to redesignate the lands to the appropriate land use district prior to the development authority considering the development permit complete.

10.22.7 Development permit applications for Solar Power Systems, Commercial shall be accompanied by the following information:

- a. The full written approval by the Alberta Utilities Commission for the Solar Power System, Commercial.
- b. A detailed site plan including:
 - (i) the entire parcel with north at the top of the page
 - (ii) all existing structure (inclusive of temporary structures and structures without foundations).
 - (iii) any proposed buildings and the proposed array(s)
 - (iv) all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and
- c. Detailed information showing any proposed temporary storage and/or laydown yard locations on the property during the construction phase(s),
- d. Detailed information about the system type, number of structures, height of structures, and the energy process, storage (grid tied or battery storage), and rated output.
- e. Descriptions, drawings, with dimensions, showing the footings system, the mounting system, racking and/or tethering that is to occur, the type and size of solar panels, the minimum clearance of solar collectors from grade within the proposed installation.
- f. A site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a developed or undeveloped road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Municipal Development Plan, Area Structure Plan, and the Land Use Bylaw. .
- g. a grading and drainage plan for the entire site, completed and stamped by an appropriate professional.
- h. Detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- i. Identification of any sensitive, environmental, or topographical features which may be present on the parcel.
- j. A post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14)).
- k. A cost estimate prepared by a qualified professional that details the costs of decommissioning the full installation and reclamation of the entire subject lands. This cost estimate must be submitted to the satisfaction of the

Municipality and may be subject to third party review at the cost of the applicant.

- l. A vegetation, weed and pest management plan that addresses how invasive plant, weeds, and pest such as Richardson Ground Squirrel, will be controlled during the construction period and the projected lifespan of the development, to be submitted for review and approval by the Foothills Agricultural Fieldman.
- m. A soils erosion management plan to address:
 - (i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
 - (ii) The details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction
 - (iii) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.
- n. A landscaping and screening plan showing how the installation will be visually screened from neighboring parcels and adjacent roadways is to be submitted to the satisfaction of the County and in accordance with any screening standards or guidelines applicable on the subject lands. This plan will include sufficient construction details, plant lists and minimum sizes, and cost estimates.
- o. Copies of executed Crossing Agreements for all collector lines that are proposed within the Municipal rights of way.
- p. An Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation.
- q. A Fire Safety Plan submitted with the application for review and approval by the Safety Codes Officer prior to project commencement.
- r. A Fire Mitigation Strategy submitted for review and approval by the Foothills Fire Department. Any changes to the fire mitigation plan, the solar installation layout, spacing between solar collectors, the screening plan or any other aspect of the project as requested by the Foothills Fire Department must be undertaken and resubmitted to the satisfaction of the Foothills Fire Department prior to the submission of the development permit for consideration.
- s. An Emergency Response Plan prepared by a qualified professional and approved by the County's Emergency Management Department prior to the submission of the development permit.
- t. A Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and emergency response plans for the benefit of landowners and businesses within the vicinity of the solar installation is to be submitted to the satisfaction of the County's Director of Emergency Management prior to the submission of the development permit for consideration.

10.22.8 The Approving Authority may impose as a condition, any reasonable measure to ensure suitability, compatibility and to mitigate potential impacts.

- 10.22.9 The Approving Authority may, upon review and acceptance of all the approvals, plans, studies, and cost estimates required to be submitted as part of the application, impose any or all of the following as pre-release conditions or conditions of a development permit:
- a. A Municipal Development Agreement shall be executed for the following:
 - i. for interior and/or exterior road construction, or upgrades contemplated or necessary to support the development of the site. Engineered drawings, cost estimates, letters of credit and necessary insurance will be required to be submitted.
 - ii. for the purposes of requiring the developer to undertake the actions as noted in the approved Screening Plan, including letters of credit to be held by the County to ensure proper construction, maintenance, and plant material replacement as necessary.
 - iii. for the purposes of requiring the developer to undertake the actions as noted in the approved Soil Management and Erosion Control Plan and the approved Vegetation, Weed and Pest Management Plan are met. A letter of credit in the amount of approximately \$50,000 per quarter section, subject to cost estimates as deemed appropriate by the County, will be required to be submitted to the County to ensure compliance with these plans. Portions of the security may be released upon satisfactory completion of all actions and recommendations as noted in these plans, to the satisfaction of the Municipality.
 - iv. for the purposes of requiring the developer to undertake the actions as noted in the approved Decommissioning and Reclamation Plan. This agreement may require the submission of an irrevocable letter of credit, surety bond, or cash deposit to ensure the decommissioning and reclamation of the site.
 - b. A Municipal Road Use Agreement is to be executed for the duration of construction of solar power systems, commercial to the satisfaction of the County's Public Works department.
 - c. The operator and/or landowner shall be responsible for preventing soil loss, erosion and deterioration from taking place in accordance with the approved Soil and Erosion Management Plan.
 - d. The operator and/or landowner shall be responsible for controlling invasive plant threats and weeds in accordance with the vegetation, weed and pest management plan approved by the Foothills County Agricultural fieldman.
 - e. All recommendations and actions noted in the approved Fire Safety Plan, Fire Mitigation Plans, Emergency Response Plans and Neighbour Response Plans will be required to be undertaken to the satisfaction of the County.
- 10.22.11 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.

Direct Control #34 shall be amended as follows:

- Solar power system, Private and commercial shall be moved from a permitted use to a discretionary use.