

**FOOTHILLS COUNTY
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
Development Appeal Board Decision**

HEARING DATE: JUNE 11, 2025

BOARD ORDER: D15/2026

LANDOWNERS: JOHN AND CATHERINE BYE

APPELLANTS: MARK AND SHANNON KHARFAN, YOLANDA ZHONG

APPLICANT/AGENT: NUVO RENEWABLES

APPEAL AGAINST: THE APPROVAL OF DEVELOPMENT PERMIT 26D 075 FOR A GROUND MOUNT SOLAR POWER SYSTEM, PRIVATE

SUBJECT PROPERTY: PLAN 0110200, BLOCK 3, LOT 7; PTN. NW 26-21-01 W5M

BEFORE: CHAIRMAN G. BEACOM; BOARD MEMBERS B. ESTES, D. MACDONALD, M. REID, B. SALTMAN, AND RECORDING SECRETARY G. STANLEY

DECISION

Having been satisfied that notice of this hearing was provided in accordance with the Municipal Government Act, R.S.A. 2000, Chapter M-26;

And upon having read the materials provided, and upon having heard the representations from the Appellants, Landowners, Applicant, Appellants Agent, Affected Parties and the Development Authority for Foothills County with respect to the appeal filed by the Appellants in accordance with Section 685 of the Municipal Government Act against the approval of Development Permit 26D 075 for a Ground Mount Solar Power System, Private on Plan 0110200, Block 3, Lot 7; Ptn. NW 26-21-01 W5M (The "Property").

The Subdivision and Development Appeal Board for Foothills County (the "Board") has decided to:

DENY the appeal and UPHOLD the Development Authority's decision to approve Development Permit 26D 075 for a Ground Mount Solar Power System, Private on Plan 0110200, Block 3, Lot 7; Ptn. NW 26-21-01 W5M.

The application is thereby APPROVED.

APPROVAL DESCRIPTION:

This approval allows for the development and use of Ptn. NW 26-21-01 W4M; Plan 0110200, Block 3, Lot 7 for:

- a. One 35.42 +/- sq. m (1,744 sq. ft) by 3.65 m (11.9 ft.) in height at the highest angle, 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.
4. Natural drainage of the property must be maintained. Alteration to natural drainage may only proceed under the authorization of an approved Development Permit for Lot Grading permit;
5. The applicant shall install screening which includes the planting of no less than 4 mature (8 to 9 foot) evergreen trees along the east side of the property to the satisfaction of the Development Authority.

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. 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;
5. 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;
6. 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;
7. 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. 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.
3. 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 Subdivision and Development Appeal Board Order D15/2026.

INTRODUCTION

- i. The subject property is an existing 4.57 acre Country Residential District parcel located within Eden Park Estates, directly south of 262 Avenue West and west of Eden Park View West, and approximately 400 metres east of Highway 552,
- ii. On May 6, 2026, the Development Authority for Foothills County approved Development Permit 26D 075 for a Ground Mount Solar Power System, Private.
- iii. An appeal was received on May 28, 2026, from M. and S. Kharfan and Y. Zhong against the approval of Development Permit 26D 075.
- iv. Neither party had any objections to the composition of the Board for the June 11, 2026 Subdivision and Development Appeal hearing for Development Permit 26D 075.

ISSUES

1. APPLICATION

- i. The Development Authority submitted that the application sought approval for a Ground Mount Solar Power System, Private, with the proposed array identified as approximately 1,744 sq. ft. in area and 11.9 ft. in maximum height at its highest angle.
- ii. The Development Authority reviewed a photo showing the proposed location of the array and noted it met all minimum setback requirements of the Country Residential District, including the required setbacks to all property lines and adjacent roads.
- iii. The Development Authority submitted that under Land Use Bylaw 60/2014, Section 4.2.1.18, certain private solar power systems do not require a development permit; when it is used for on-site personal household, business or agricultural purposes only, is mounted on the wall or roof of an approved building and does not exceed the maximum building height when placed at its highest proposed angle, is ground, pole or fence mounted, is at least 1m² in size but not greater than 10m², does not exceed maximum building height when at its highest angle and is setback double the minimum side and rear yard setback.

- iv. The Development Authority submitted that because the proposed system is ground-mounted and exceeds 10m² in size, development permit approval was required in order to consider and manage any off-site impacts.
- v. The Appellants' Agent submitted that, while the proposal complied with setback requirements, the Board was required to consider the broader discretionary use test, including compatibility with the surrounding area, neighbouring use and enjoyment, and the planning direction contained in the Municipal Development Plan and Eden Park Estates Area Structure Plan.
- vi. The Appellants' Agent submitted that the proposal is inconsistent with the intended character of the area, referring to the Municipal Development Plan and the Eden Park Estates Area Structure Plan, which speaks to the community and development with emphasis on maintaining rural character, open space, attractive residential environments, while maintaining visual integrity.
- vii. The Appellants' Agent reviewed the subdivision plan, identifying the lots that are primarily affected by the application.
- viii. The Appellants' Agent submitted that, although unusual, the area structure plan brings the characteristics of the restrictive covenant into the area structure plan and that the intention of both the area structure plan and the restrictive covenant is to create a community that does not have a quasi-industrial look.
- ix. The Landowners' Agent submitted that the restrictive covenant is a private matter and is not determinative of the Board's jurisdiction or decision.
- x. The Landowners' Agent submitted that the landowners consulted area neighbours in advance and obtained several letters of support, including from the property directly south of the subject parcel.

2. SITING, DIMENSIONS AND PHYSICAL CHARACTERISTICS

- i. The Development Authority reviewed the proposed location of the array and noted that it met all minimum setback requirements of the Country Residential District, including the required setbacks to all property lines and adjacent roads.
- ii. The Development Authority submitted that discussions were held with the landowner and agent regarding the size and location of the proposed array, and that the agent advised the proposed size was selected to achieve an offset as close as possible to net-zero for the landowner's energy goals while remaining consistent with applicable utility interconnection requirements and industry standards.
- iii. The Development Authority submitted that the chosen location was selected due to the connection to the existing electrical meter, site constraints, and compliance with setback requirements.

- iv. The Landowners' Agent submitted that the landowners' residence was developed with geothermal heating and cooling, resulting in significant electricity consumption and high monthly power costs, and that the proposed solar system was specifically sized to offset approximately 107% of the property's electricity usage.
- v. The Landowners' Agent submitted that the proposed location is the most viable location on the property due to the presence of existing geothermal and septic systems, electrical servicing considerations, and the need to avoid underground conflicts.
- vi. The Landowners' Agent submitted that relocation to the roof or west side of the parcel was not a viable option due to system performance requirements, servicing issues, and underground constraints.
- vii. The Development Authority submitted that Fortis was circulated the application and provided a response indicating no concerns.
- viii. The Development Authority submitted that the landowner, as part of the conditions of approval for solar arrays, is responsible for ensuring any required safety code permits are obtained from the County and ensuring compliance with any provincial or federal regulatory body having jurisdiction.
- ix. The Appellants' Agent submitted that the proposed array is substantial in size, approximately 1,744 sq. ft., and would function visually as a large structure on the east side of the Landowners' parcel, on land that slopes toward the neighbouring properties, making it highly visible.
- x. The Landowners' Agent submitted that the proposed system is intended solely for private on-site use and falls squarely within the definition of a private solar power system under the Land Use Bylaw.
- xi. The Landowners' Agent submitted that the system would occupy less than one percent of the total site area of the 4.57-acre parcel.
- xii. The Landowners' Agent submitted that the array is not a commercial solar farm, but a single private array, and that the narrow end of the array would face the cul-de-sac with a maximum height of 11.9 ft.

3. VISUAL IMPACT, NEIGHBOURHOOD CHARACTER USE AND ENJOYMENT

- i. The Appellants' Agent submitted that the appeal was brought on behalf of the adjoining landowners most directly affected by the proposed installation, being the M. and S. Kharfan and Y. Zhong properties located east and southeast of the subject parcel.
- ii. The Appellants' Agent submitted that the primary issue was the visual impact of the solar array on neighbouring properties and the character of the rural residential community.

- iii. The Appellants' Agent submitted that the proposed solar array is industrial-looking in nature and not compatible with the existing residential character or aesthetic expectations of the neighbourhood.
- iv. Appellant M. Kharfan submitted that he and his family built their home approximately 14 years ago and chose the location for its country residential lifestyle and the associated character of Eden Park Estates.
- v. Appellant M. Kharfan submitted that the proposed structure would be seen regularly from the main entry and second storey of the home, and while travelling to and from the property on a daily basis.
- vi. Appellant M. Kharfan submitted that the proposed structure would significantly affect the family's daily experience and visibility from the property, and he requested that the Board overturn the approval.
- vii. Appellant M. Kharfan submitted video and photographic evidence intended to demonstrate the visibility of the proposed installation from the Kharfan residence and while travelling along the cul-de-sac.
- viii. Appellant S. Kharfan submitted that she supports renewable energy generally but opposes the current location of the proposed structure due to its direct impact on the neighbouring properties most affected.
- ix. Appellant S. Kharfan submitted that the neighbouring properties who signed in support of the proposal were not those most directly impacted by the installation, as their homes do not share the same line of sight or grade relationship to the proposed array.
- x. Appellant S. Kharfan submitted that the structure does not fit the residential nature of the community and resembles a commercial or industrial installation.
- xi. Appellant H. Kharfan, speaking on behalf of Y. Zhong, submitted that the Zhong family chose the community for its rural setting, natural landscapes, and scenic views, and that the proposed solar array would severely impact those views from the Zhong property.
- xii. Appellant H. Kharfan submitted that photographs provided by the Zhong family demonstrate that the array would be visible even with some summer foliage, and would be more visible throughout the year during the long leaf-off season.
- xiii. The Appellants' son L. Zhong submitted that her family moved to the community for its peaceful rural lifestyle, open views, and natural surroundings, and that the proposed array would become a dominant feature in their western view due to the elevation of the site and limited screening.
- xiv. The Appellants' son L. Zhong submitted that while her family is not opposed to solar energy, the proposed location is inconsistent with the rural residential

character of the community. This will fundamentally change the experience of the property.

- xv. The Landowners' Agent submitted that the proposal would have no impacts related to noise, traffic, pollution, or other common land use nuisances, and that the primary issue raised by the appeal is visual impact.
- xvi. The Landowners' Agent submitted that the visual impact of the array on the neighbouring properties would be limited in duration and extent, particularly when viewed from the roadway or driveways, and that existing vegetation already provides a degree of screening.
- xvii. The Landowners' Agent submitted photographic evidence intended to demonstrate the limited visibility of the proposed array from the neighbouring parcels and argued that some of the Appellants' evidence overstated the degree of visual impact.

4. ALTERNATIVE LOCATIONS, SCREENING AND MITIGATIONS

- i. The Appellants' Agent submitted that the Board should allow the appeal and overturn the approval, and in the alternative, require the array to be relocated to the roof or west side of the parcel, or require substantial evergreen screening and/or berming to the east if the array were to remain in the proposed location.
- ii. The Appellants submitted that screening from existing deciduous vegetation is limited for a significant portion of the year and that more substantial mitigation would be required to address the visual impact of the installation.
- iii. The Landowners' Agent submitted that, if the Board considered additional screening appropriate, the landowners were not opposed to planting trees. Further, the proposal as submitted is compatible with the district and should be upheld.

REASONS FOR DECISION

The Board is DENYING the appeal and UPHOLDING the Development Authority's decision to approve Development Permit 26D 075 for a Ground Mount Solar Power System, Private on Plan 0110200, Block 3, Lot 7; Ptn. NW 26-21-01 W5M.

The Board considered the application and the testimony of the Development Authority, the Appellants, the Appellants' Agent, the Landowners, the Landowners' Agent, and the written and visual materials submitted at and prior to the hearing.

The Board heard from the Development Authority that the proposed development is a discretionary use under the Country Residential District land use rules and complied with the requirements of the Land Use Bylaw, including applicable setbacks. The Board further heard that the proposed location was selected based on servicing and site-specific considerations.

The Board also heard extensive evidence from the Appellants and their Agent concerning the location, scale, and visibility of the proposed array from the neighbouring parcels immediately east and southeast of the subject property. The Appellants emphasized the visual impact of the installation on the use and enjoyment of their properties, the importance of maintaining the rural residential character of Eden Park Estates, and the planning direction contained in the Municipal Development Plan and Area Structure Plan regarding compatibility, visual integrity, and minimal visual impact on adjoining lands.

The Board heard from the Landowners' Agent that the proposed system is private in nature and that alternate locations were constrained by underground servicing, including geothermal and septic infrastructure. The Board further considered that support to the proposed solar array was provided by five area landowners, three of which are adjacent to the subject lands.

The Board found that the central issue in this appeal is visual impact and compatibility with the surrounding residential area. In their deliberations, the Board considered the cumulative impacts of the development and whether any adverse effect or nuisance could be adequately mitigated by conditions.

The Board was not persuaded that the visual impact of the proposed array rises to the level that would make the development incompatible with the area or materially interfere with the use and enjoyment of neighbouring lands, and that concerns related to visibility can be adequately addressed through the conditions of approval, specifically increased screening.

CLOSING

This decision can be appealed to the Court of Appeal on a question of law or jurisdiction. If you wish to appeal this decision you must follow the procedure found in Section 688 of the Municipal Government Act, R.S.A. 2000 Chapter M-26 which requires an application for leave to appeal to be filed and served within 30 days of this decision.

Dated at the Town of High River, in the Province of Alberta, this 26th Day of June, 2026 and signed by the Chairman of the Subdivision and Development Appeal Board, who agrees that the content of this document adequately reflects the appeal hearing, deliberations and decision of the Subdivision and Development Appeal Board.



Mr. Gar Beacom, Chairman

RELEVANT LEGISLATION**FOOTHILLS COUNTY LAND USE BYLAW 60/2014****2.5 DEFINITIONS****DISCRETIONARY USE**

means the use of land, or a building provided for in this Bylaw for which the Approving Authority may issue a Development Permit with or without conditions as provided for in this Bylaw.

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. More information can be found in Section 10.22.

5.5 DISCRETION

5.51 A Development Authority may approve a discretionary use provided that it can be demonstrated by information provided by the applicant, that the proposed development:

- a) Is consistent with the Municipal Development Plan, an applicable area structure plan or area redevelopment plan, and policies adopted by County.
- b) Is compatible with the general purpose of the district.
- c) Should not cause traffic impacts (in terms of daily and peak hour trip generation and parking) or public transit impacts unsuitable for the area.
- d) Is serviceable with adequate capacity for drainage, water, sewage, and other utilities.
- e) Is compatible with surrounding areas in terms of land use (including the use, function, enjoyment, and value of adjacent lots), scale of development, and potential effects on the stability or rehabilitation of the area.
- f) Is appropriate having regard for geotechnical considerations such as flooding and slope stability.
- g) Will not cause a negative effect on community services and facilities such as schools, parks, fire protection, and health.
- h) Any potential adverse effect can be adequately mitigated by conditions; and
- i) Is consistent with municipal land, right of way or easement requirements.

5.5.2 In determining the significance of an adverse effect or nuisance factor, a Development Authority may consider:

- a) The expected magnitude and consequence of the effect or nuisance.
- b) The expected extent, frequency, and duration of exposure to the effect or nuisance.
- c) The use and sensitivity of adjacent or nearby sites relative to the effect or nuisance.
- d) Adherence to relevant environmental legislation or widely recognized performance standards; and
- e) The reliability and record of the proposed methods, equipment, and techniques in controlling or mitigating detrimental effects or nuisances.

5.5.3 A Development Authority may be guided in the exercise of discretion through reference to reports prepared by an accredited professional that justify alternatives to Bylaw requirements.

5.6 VARIANCES

5.6.4 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.

5.6.5 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”.

13.1 COUNTRY RESIDENTIAL DISTRICT

13.1.1 PURPOSE AND INTENT

To provide for acreage development consistent with the policies outlined in the Municipal Development Plan.

13.1.2 SUB-DISTRICT

13.1.2.1 Parcels may include the following sub-district in cases where Council feels that there is a need. Not all parcels will be separated into sub-districts. Should a parcel include the sub-district, all district rules apply with the addition of the special provisions noted in accordance with the sub-district.

13.1.2.2 Sub-district “A” is a designation added to the land use district indicating a requirement for special consideration on the development of the site and/or placement and construction of buildings or structures on the lands through approval of a development permit. Reference Section 2.4 of this Bylaw for more details on special provisions for parcels with sub-district “A”.

13.1.3 GENERAL REQUIREMENTS:

13.1.3.1 Refer to Section 4.2 “No Development Permit Required” in the Land Use Bylaw for uses not requiring a development permit.

13.1.3.2 Refer to Section 9 and Section 10 respectively for the general and specific land use regulations and provisions that apply to this District.

13.1.4 PERMITTED USES	13.1.5 DISCRETIONARY USES
Accessory buildings not requiring a development permit	Accessory buildings requiring a development permit
Accessory uses	Agricultural intensive – on lots 3 acres or more in size
Agricultural (general)	Agricultural specialty
Dwelling, single family	Antenna structures, private
Home Based Business Type I	Arenas, private
Home office	Bed and Breakfast
Signs not requiring a development permit	Day home services
Solar Power System, Private (Not requiring	

a Development Permit)	Dwelling, moved on
Temporary storage of no more than 1 unoccupied recreation vehicles (within Hamlet boundary)	Dwelling, temporary
Temporary storage of up to 5 unoccupied recreation vehicles (outside a Hamlet boundary)	Home based business Type II
Public works	Home based business Type III
Secondary Suite, Principal	Intensive vegetation operation
Utility services, minor	Kennels, private
	Lot grading
	Manmade water bodies, private
	Secondary Suites, Detached
	Signs requiring a Development Permit
	Solar Power System, Private (Requiring a Development Permit)

13.1.6 LAND USE REQUIREMENTS

- 13.1.6.1 A person who wishes to subdivide land in this district into additional lots must first apply for and be granted approval of a land use bylaw amendment.
- 13.1.6.2 In order to facilitate the purpose and intent of this district and ensure the comprehensive development of country residential uses within the District, the following applies to applications for subdivision:
 - a. Parcel Density:
 - i. Maximum one lot per 2.02 ha (5 acres) of existing land contained under the same title to a maximum of 32 lots per quarter section.
 - b. Minimum Parcel Size:
 - i. The area in title at the time of passage of this Bylaw; or
 - ii. A parcel of land no less than 0.81 ha (2.0 acres).
 - c. Maximum Parcel size:
 - i. 8.49 ha (20.99 ac); or.
 - ii. The area in title at the time of passage of this Bylaw.
- 13.1.6.3 Required Developable Area:
 - a. In accordance with Section 9.8 of this Bylaw.
- 13.1.6.4 Utility Servicing Criteria
 - a. Individual wells and individual wastewater disposal systems;
 - b. Communal water and communal wastewater disposal systems; or

- c. A combination of a. and b. as determined by Bylaw amending this section.

13.1.7 DEVELOPMENT REQUIREMENTS

13.1.7.1 Maximum Lot Coverage

- a. No building or group of buildings including their accessory buildings and impervious surfaces shall cover more than forty (40) percent of the lot area.

13.1.7.2 Maximum Dwelling Unit Density

- a. Maximum dwelling unit density for a parcel under 80 acres is one Dwelling, Single Family and either one Dwelling, Secondary Suite in accordance with Section 10.25, or one Dwelling, Temporary in accordance with Section 10.26 Secondary Suites and Section 10.10.
- b. Or as determined by the Approving Authority in accordance with an approved Area Structure Plan or Outline Plan.

13.1.7.3 Minimum Yard Setbacks Requirements

- a. Front Yard Setbacks:
 - i. 40m (131.23 ft.) from the ultimate right of way or 70 meters from the centreline of a Provincial highway, whichever is greater;
 - ii. 48m (157.48 ft) from the centreline of a Municipal road;
 - iii. 15m (49.21 ft.) from the right of way of an internal subdivision road.
- b. Side Yard Setbacks:
 - i. 15m (49.21 ft.) from the property line.
- c. Rear Yard Setbacks:
 - i. 15m (49.21 ft.) from the property line.
- 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.
- e. See Section 13.1.8 "Exceptions" for any setbacks exemptions that have been approved by Bylaw.

13.1.7.4 Corner Parcel Restrictions

a. In accordance with Section 9.27.9 - 9.27.12.

13.1.7.5 Other Minimum Setback Requirements:

a. See Section 9.27 “Special Setback Requirements” of this bylaw for additional setback requirements that may apply.

13.1.7.6 Maximum Height of Structures:

a. Principal buildings, first vehicle garage, and car ports:

i. 12m (39.37 ft.)

b. Accessory buildings and arenas:

i. 10.67m (35 ft)

c. Radio antennas, internet towers and wind turbines:

i. 16m (52.49 ft.);

13.1.7.7 Minimum habitable area per dwelling

100 m² (1,077 sq. ft.)

10.22 SOLAR POWER 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 Systems, Private on lands in the County. All other instances requiring 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 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 for ensuring that any required safety code permits are obtained from the County and ensuring compliance with any Provincial or Federal regulatory body having jurisdiction with respect to such installations.

10.22.4 A Development Permit is required for all Solar Power Systems, Private within the Airport Protection Overlay, unless otherwise waived as per Section 11.2.4.7.

Solar Power Systems, Commercial

- 10.22.5 All solar power systems, commercial require 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 The following are required by the Developer for public consultation:
- a. The Developer shall conduct public consultation within 60 days prior to submitting a Development Permit Application to the satisfaction of the Development Officer, for all solar power systems capable of producing power of 10MW and less, which are exempt from filing any application with AUC or that require only the filing of an AUC checklist application, in accordance with the following:
 - i. Notification of the meeting is sent to occupants and landowners within a 1-mile radius of the project boundary as well as those landowners who are situated along the proposed construction haul route, a minimum 21 days prior.
- 4.2.1.15 *In the agricultural or country residential district, a maximum of one radio antennas or internet towers per parcel, for personal use only provided they meet the minimum setback distances for the appropriate land use and height restrictions of 16m.*
- 4.2.1.16 *On an agricultural or country residential zoned parcel, a maximum of one wind energy conversion system per parcel developed to generate electrical power for a single parcel for domestic and/or agricultural uses.*
- 4.2.1.17 *A satellite dish used for personal use only provided:*
- a. *It meets the minimum building setback for the appropriate land use district.*
 - b. *It is within the maximum height restrictions of the appropriate land use district; and*
 - c. *It meets all provision outlined in Section 10.20 pertaining to satellite dish, personal.*

Provisions on Satellite dishes can be found under Section 10.21 of this of this Bylaw.

- 4.2.1.18 Solar power system, 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 and it meets all other policies under Section 4.2.1.18.
 - b. The solar array is mounted on the wall or roof of an approved building, and:
 - i. does not exceed the maximum building height when the array

is placed at its highest proposed angle; and
ii. all equipment meets all minimum setback requirements for the applicable land use district.

c. Solar array ground/pole/ or fence mounted, provided:

i. solar panels and associated equipment for low-voltage systems (for example but not limited to solar fence chargers, trickle chargers, and gate systems) where the solar array is no greater than 1m² in size and all equipment does not exceed the maximum building height when the array is placed at its highest proposed angle; and

ii. solar panels and associated equipment where the solar array is in excess of 1m² but no greater than 10m² in size and meets the following.

a. does not exceed the maximum building height when the array is placed at its highest proposed.

b. is setback 2X (double) the minimum side and rear yard setback requirement for the applicable land use district.

d. The lot coverage, including all new structures constructed in conjunction with the solar equipment does not exceed the overall lot requirements for the site as outlined in the development requirements of the applicable land use district.

e. There is no alteration to drainage or the overland flow of water within, or off of a property without prior approval from the County or Alberta Environment.

MUNICIPAL GOVERNMENT ACT, R.S.A. 2000, CHAPTER M-26

Hearing and Decision

687(3) In determining an appeal, the subdivision and development appeal board

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

APPENDIX “A”

PERSONS WHO WERE IN ATTENDANCE, MADE SUBMISSIONS OR GAVE EVIDENCE AT THE HEARING:

	<u>NAME</u>	<u>CAPACITY</u>
1.	B. Smith	Foothills County - Development Officer
2.	M. and S. Kharfan	Appellants
3.	Y. Zhong	Appellant
4.	L. Zhong	Son of Appellant
5.	C. Davis	Appellants Agent (Chris Davis Law)
6.	H. Kharfan	Daughter of Appellants (Read Y. Zhong Statement)
7.	J. and C. Bye	Landowners
8.	L. Kelly	Agent for Landowners (Witten LLP)
9.	R. Papworth	Applicant (Nuvo Renewables)

APPENDIX “B”

I. DOCUMENTS RECEIVED PRIOR TO THE HEARING AND MADE AVAILABLE AT THE HEARING:

NO.	ITEM
1.	Decision from the Foothills County Development Officer 26D 075
2.	Notice of Appeal submitted by M. and S. Kharfan and Y. Zhong
3.	Development Permit 26D 075 File Documents
4.	Written Submission (Landowner/Applicant) - Witten LLP - L. Kelly
5.	Written Submission (Appellants) - Chris Davis Law - C. Davis
6.	Written Submission - D. Gersten

APPENDIX “C”

EXHIBITS MADE AVAILABLE AT THE HEARING

NO.	ITEM
1.	Presentation by Foothills County Development Officer B. Smith
2.	Videos - Chris Davis Law - C. Davis