

MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
BYLAW NO. 1269-16

Being a bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta, to amend Bylaw No. 1140-08, being the Land Use Bylaw.

WHEREAS Section 639 of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, provides that a municipality must pass a Land Use Bylaw;

AND WHEREAS the Municipal District of Pincher Creek No. 9 has conducted a review of the Land Use Bylaw with regard to Solar Energy land use;

AND WHEREAS the number of changes will better reflect the land use requirements for solar systems in the municipal district;

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipal District of Pincher Creek No. 9, in the Province of Alberta, duly assembled does hereby enact the following:

1. Amendments per Schedule A attached.
2. This bylaw comes into force and effect upon third and final passing thereof.

READ a first time this 11th day of October, 2016.

A PUBLIC HEARING was held this 1st day of December, 2016.

READ a second time this 14th day of March, 2017.

READ a third time and finally PASSED this 14th day of March, 2017.



Reeve - Brian Hammond



Chief Administrative Officer - Wendy Kay

1. Add to the Land Use Bylaw new definitions under Part I Section 6 as follows:

Solar energy system, commercial/industrial A system using solar technology to collect energy from the sun and convert it to energy that is intended for off-site consumption, distribution to the marketplace, or a solar energy system that does not meet the definition of solar energy systems, household.

Solar energy system, household A photovoltaic system using solar panels to collect solar energy from the sun and convert it to electrical, mechanical, thermal, or chemical energy that is primarily intended for sole use and consumption on-site by the landowner, resident or occupant.

2. Add to Part III Section 14.1 to include the following:

(q) Solar energy system, household to an installation capacity maximum of 150kW;

3. Revise Part VII – Special Land Use Provisions by adding Section 55 as follows:

SECTION 55 SOLAR ENERGY SYSTEMS

1. SOLAR ENERGY SYSTEM, HOUSEHOLD:

(a) Development permit applications for solar energy system, household, shall be accompanied by the following additional information:

- (i) documentation demonstrating the system is designed to produce energy primarily for sole use and consumption on-site by the landowner, resident or occupant;
- (ii) manufacturer's specifications for system design and rated output;
- (iii) orientation of the solar panels;
- (iv) for panels mounted to the roof of a building or accessory structure or affixed to the wall of a building or accessory structure, a description of how the panels are to be mounted or affixed, maximum projection from roof or wall, and structural capacity of the building/wall to support the proposed development;
- (v) for free-standing solar panels, a description of the proposed ground mount design and maximum height from existing grade.
- (vi) all systems for mounting and securing solar panels shall meet to all Safety Codes requirements.

(b) Solar panels must be located such that they do not create undue glare on neighbouring parcels or public roadways.

(c) Solar panels mounted to the roof of a building or accessory structure must not extend beyond the outermost edge of the roof.

(d) The maximum projection of solar panels affixed to the wall or mounted to the roof of a building or accessory structure shall be 1.5 ft (0.45m).

(e) Setback requirements are as prescribed in the applicable land use district. In land use districts where accessory building setbacks are defined, those setbacks shall prevail and be applied.

(f) The maximum height of a free-standing solar panels shall not exceed 13.8' (4.2m).

- (g) Solar panel installations may be affixed to a building wall (principal and/or accessory), mounted to the roof of a building (principal and/or accessory) or mounted to the ground as a free standing structure. The maximum number of solar panel installations per parcel and location may be regulated based on the existing use of the parcel and/or adjacent parcels.

2. SOLAR ENERGY SYSTEM, COMMERCIAL/INDUSTRIAL:

- (a) Development permit applications for solar energy system, commercial/industrial shall be accompanied by the following additional information:
 - (i) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental or topographical features which may be present on the parcel;
 - (ii) an accurate site plan depicting the titled parcels and location of the solar energy system; the site plan must also depict the required setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land;
 - (iii) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;
 - (iv) any information regarding general public safety and security measures;
 - (v) a site suitability analysis including but not limited to, topography; soils characteristics and classification; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land, operations and pursuits; potential visual impacts, and consistency with the policies of the Municipal Development Plan;
 - (vi) preliminary grading/drainage plan;
 - (vii) any impacts to the local road system including required approaches from public roads having regard to Municipal District of Pincher Creek No. 9 standard;
 - (viii) post-construction reclamation plan and decommissioning plan detailing how the developed lands will be returned to as natural a state as possible, including removal of subsoil structures;
 - (viii) if required by the Development Authority, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
 - (ix) an application shall be submitted for each titled parcel;
 - (x) prior to a decision being made, the applicant shall hold a public meeting in order to solicit the views of the public in regard to the application and report the information received to the Development Authority;
 - (xi) the applicant shall forward to the Municipal District of Pincher Creek No. 9 copies of all regulatory and utility permits, approvals, and conditions prior to commencement of construction.
- (b) In the “Agriculture — A”, “Wind Farm Industrial – WFI” and “Urban Fringe — “UF” land use districts, applicants shall consider the following when selecting sites:
 - (i) use of the lowest productive land, dry corners, and poor agricultural land with Canada Land Inventory (CLI) soil classification of 4 through 7, is preferred.
 - (ii) to the extent possible, use of irrigated land, native prairie grassland and high quality agricultural soils with a CLI classification of Class 1 through 3, is not preferred.

4. Add to the Land Use Bylaw under Part VIII – Wind Farm Industrial as follows:

2.1 Permitted Uses

Solar energy system, household (see Section 14.1(q))

2.2 Discretionary Uses

Solar energy system, commercial/industrial (see Section 55)

Solar energy system, household (greater than 150kW)

5. Add to the Land Use Bylaw under Part VIII – Districts the use Solar energy system, household in the Agriculture – A, Urban Fringe – UF, Grouped Country Residential – GCR, Airport Vicinity Protection – AVP, Hamlet Single-detached Residential – HR-1, Hamlet Residential – HR-2, Hamlet Manufactured Home Park – HR-3, Hamlet Commercial – HC, Hamlet General Industrial and Warehousing – HGIW, Hamlet Highway Commercial– HHC, Hamlet Public and Institutional – HPI, Hamlet Transitional/ Agricultural – HTA, Landfill Industrial – LI, Castle Mountain Resort Medium Density Residential – MDR, Multi-Lot Heavy Rural Industrial – MHRI, Parks and Open space – POS, Castle Mountain Resort Residential 1 – CMR-1, Castle Mountain Resort Residential 2 – CMR-2, Castle Mountain Resort Public Utility – RPU, Rural Highway Commercial – RC, Rural Recreation 1 - RR-1, Rural Recreation 2 - RR-2, Castle Mountain Resort Seasonal Residential – SR, Castle Mountain Resort Ski Resort - SR-1, Castle Mountain Resort Ski Resort Core – SRC as follows:

2.1 Permitted Uses

Solar energy system, household (see Section 14.1(q))

2.2 Discretionary Uses

Solar energy system, household (greater than 150kW)