

RURAL MUNICIPALITY OF SNIPE LAKE NO. 259

BYLAW #06-2014

A BYLAW TO PROVIDE FOR WIND TOWER SYSTEMS

The Council of the Rural Municipality of Snipe Lake No. 259, in the Province of Saskatchewan, enacts as follows:

TITLE

1. This bylaw shall be known and may be cited as "The Wind Tower Bylaw".

DEFINITIONS:

1. Decommissioning - means the final shutting down, dismantling and removal of any infrastructure once it has reached the end of its operation life.
2. Domestic Wind Energy System - any structure used for the transmission or production of electrical energy which is intended primarily to produce electricity for private on-site consumption.
3. Commercial Wind Energy System – any structure(s) used for the transmission or production of electrical energy for industrial, commercial, or public uses and related facilities connected to a substation or metering point.
4. Total Wind System Height – shall mean the height from ground level to the tip of the rotor at its highest point.
5. Tower – shall mean any structure used for the transmission or reception of radio, television, telecommunications, mechanical or electrical energy for industrial, commercial, private or public uses, or for the storage of any substance or liquid.
6. Tower Height – shall mean the height above-ground of the fixed portion of the tower, excluding any wind turbine and rotors.
7. Wind Energy Conversion System: A system composed of a wind turbine, tower and associated control electronics with a capacity of less than 100 kw for non-residential use or 10 kW for residential use. It will be considered an accessory use and is intended to provide on-site power for a principal use.
8. Wind Energy Conversion System, Private Use: Means a system consisting of a wind turbine, tower, and associated control or conversion electronics for the purpose of providing electrical power to a lawful principal use. A system having a rated capacity of 10 kW or less for residential use or 100 kW or less for non-residential uses shall be considered a private use system for the purposes of the regulations.
9. Wind Energy System – a structure that converts wind energy to electrical energy, including but not limited to a wind charger or wind turbine.
10. Wind Turbine: The individual component of a Wind Energy Conversion System that converts kinetic energy from the wind into electrical energy, independent of the electrical conductors, electrical storage system, electrical metering, or electrical inverters.

1. CRITERIA FOR PRIVATELY OWNED WIND ENERGY SYSTEMS

- a. The Developer shall submit a site plan that shows the legal land description, the size of the site, the location of the domestic wind energy system in relationship to

the property lines and other structures or buildings, including roads, underground cabling, overhead lines, fencing and access.

- b. Council may require the developer to consult with the adjacent property owners surrounding the proposal prior to reviewing the development permit application. The Rural Municipality, at its discretion, may seek approval of this development from both internal and external referral agencies.
- c. Development and Building Permit applications for Wind Energy Facilities shall be accompanied by a manufacturer's engineering certificate of structural safety and certification of structural safety from a Saskatchewan Professional Engineer.
 - i. Installation plans (concrete specifications, anchoring specifications) shall be certified by a Saskatchewan Professional Engineer & must meet with R.M. approval.
 - ii. An approval Electrical Permit from Sask. Power shall be obtained and provided to the municipality for all wind energy systems.
- d. Roads
 - i. All buildings and structures shall be set back at least 90.0 meters from an intersection of any Municipal road allowance and at least 50.0 meters from any Municipal road allowance, or Provincial highway or such greater distance as required by the Department of Highways.
 - ii. All infrastructure, roads and accesses required to facilitate the implementation of the wind energy facilities shall be proposed by the developer as part of the Development Permit application.
 - iii. Any proposed development within a municipal road allowance, ie" underground lines or overhead poles/lines, must be proposed by the developer as part of the Development Permit application and adhere to the Rural Municipality road crossing policy.
- e. Setbacks
 - i. The setback distance for the Domestic Wind Energy System shall be a minimum distance of the height of the wind energy system plus 50 meters (164 feet) from the property line.
 - ii. The minimum distance from residence shall be a minimum distance of:
 - a) 500 metres (1,604 feet) for up to two towers, where the residences owner is hosting the tower(s).
 - b) 1500 metres (4,921 feet) for up to two towers, where the residences owner is not hosting the tower(s) and from any neighboring residences.
 - c) 2,000 metres (6,561 feet) for all residences, where three or more towers are combined in a quarter section. This applies to residences on the subject lands and on neighboring properties.
 - iii. Upon request, where council considers that a lesser separation distance than described above will not negatively impact the specific use or surrounding development, Council may consider a reduction of the required separation distance. Prior to granting a reduction, Council may consult with appropriate agencies.
 - iv. Where Council considers a lesser separation distance than required above, the developer of the wind energy system may be required to enter into an agreement with the owner of any residence that does not meet the

required distance and the Municipality consenting to the proposed development, as a condition of the approval. Council may require that an interest protecting the parties to the agreement be registered against the title of the residence and the titles of any other affected parcels.

- f. **Maximum noise level:** Council may require the developer to take mitigating measures to ensure the development produces minimal disturbances to the surrounding lands as per Saskatchewan Environment guidelines.
- g. **Height:** The proposed height of the domestic wind energy system shall be included in the development permit application.
- h. **Other Specifications:**
 - i. There shall be no sounds, light, glare, heat, dust or other emissions that will, in Council's opinion, detract from the amenity of the area other than those that are necessary for the operation of the system. Council may require the developer to take mitigating measures to ensure the development produces minimal disturbance to the surrounding lands.
 - ii. Sites having potentially dangerous or hazardous developments shall have visible signs stating any potential dangers. No hazardous waste shall be stored on the site.
 - iii. Substations are required to be fenced. All wind energy facilities shall be enclosed within a locked protective chain link fence of a minimum height of 1.85 meters (6.0 feet) and the design shall be included in the Development Permit application.
 - iv. Council may require the developer to take mitigating measures to ensure the development produces minimal environmental impacts to the surrounding lands.
 - v. A post-construction reclamation plan as well as a decommissioning plan shall be submitted with the development application.
 - vi. Any changes to the original development permit shall require a new permit to be issued.

1.1 HAMLETS (Unorganized or Organized): All of the above apply, as well as:

- i. The separation distance from a Hamlet dwelling to a wind energy generator (turbine) shall be a minimum distance of 550 meters.
- ii. The maximum total tower height shall be 6.0 meters above grade level in a Hamlet Residential Districts.
- iii. A maximum of one domestic wind energy system per lot may be permitted.
- iv. For residential applications, wind energy components and towers shall be erected in rear-yards only.

2. CRITERIA FOR COMMERCIAL WIND ENERGY SYSTEMS: In addition to the regulations for Private Wind Energy Systems, the following regulations shall apply:

- a. The Developer shall submit a site plan that shows the legal land description, the size of the site, the location of the commercial wind energy system in relationship to the property lines and other structures or buildings, including roads, underground cabling, overhead lines, fencing and access.
- b. Council may require the developer to consult with the adjacent property owners surrounding the proposal prior to reviewing the development permit application. The Rural Municipality, at its discretion, may seek approval of this development from both internal and external referral agencies.
- c. Development and Building Permit applications for Wind Energy Facilities shall be accompanied by a manufacturer's engineering certificate of structural safety and certification of structural safety from a Saskatchewan Professional Engineer.
 - i. Installation plans (concrete specifications, anchoring specifications) shall be certified by a Saskatchewan Professional Engineer & must meet with R.M. approval.
 - ii. An approval Electrical Permit from Sask. Power shall be obtained and provided to the municipality for all wind energy systems.
 - iii. Development applications must be accompanied by a report of any public information meetings or other process conducted by the developer.
 - iv. Council will require the developer to consult with the adjacent properties within a 5 kilometre (8 mile) radius surrounding the proposal prior to reviewing the development permit application.
 - v. The proposed height of the wind energy system shall be included in the development permit application.
- d. Roads
 - i. All buildings and structures shall be set back at least 90.0 meters from an intersection of any Municipal road allowance and at least 50.0 meters from any Municipal road allowance, or Provincial highway or such greater distance as required by the Department of Highways.
 - ii. All infrastructure, roads and accesses required to facilitate the implementation of the wind energy facilities shall be proposed by the developer as part of the Development Permit application.
 - iii. Any proposed development within a municipal road allowance, ie" underground lines or overhead poles/lines, must be proposed by the developer as part of the Development Permit application and adhere to the Rural Municipality road crossing policy.
- e. Setbacks
 - i. The setback distance for the Domestic Wind Energy System shall be a minimum distance of the height of the wind energy system plus 50 meters (164 feet) from the property line.
 - ii. The minimum distance from residence shall be a minimum distance of:
 - a. 500 metres (1,604 feet) for up to two towers, where the residences owner is hosting the tower(s).

- b. 1500 metres (4,921 feet) for up to two towers, where the residences owner is not hosting the tower(s) and from any neighboring residences.
 - c. 2,000 metres (6,561 feet) for all residences, where three or more towers are combined in a quarter section. This applies to residences on the subject lands and on neighboring properties.
 - iii. Upon request, where council considers that a lesser separation distance than described above will not negatively impact the specific use or surrounding development, Council may consider a reduction of the required separation distance. Prior to granting a reduction, Council may consult with appropriate agencies.
 - iv. Where Council considers a lesser separation distance than required above, the developer of the wind energy system may be required to enter into an agreement with the owner of any residence that does not meet the required distance and the Municipality consenting to the proposed development, as a condition of the approval. Council may require that an interest protecting the parties to the agreement be registered against the title of the residence and the titles of any other affected parcels.
 - v. The developer shall undertake the required consultations and/or studies to determine appropriate setback distances from environmentally sensitive areas, wetlands, or other protected or sensitive areas.
 - vi. Accessory outdoor storage shall be screened from adjacent residential dwellings and public highways and the location of the storage shall be shown on the sketch that forms part of the development permit application.
 - f. Maximum noise level: Council may require the developer to take mitigating measures to ensure the development produces minimal disturbances to the surrounding lands as per Saskatchewan Environment guidelines.
 - g. Height: The proposed height of the domestic wind energy system shall be included in the development permit application.
 - h. Other Specifications:
 - i. There shall be no sounds, light, glare, heat, dust or other emissions that will, in Council's opinion, detract from the amenity of the area other than those that are necessary for the operation of the system. Council may require the developer to take mitigating measures to ensure the development produces minimal disturbance to the surrounding lands.
 - ii. Sites having potentially dangerous or hazardous developments shall have visible signs stating any potential dangers. No hazardous waste shall be stored on the site.
 - iii. Substations are required to be fenced. All wind energy facilities shall be enclosed within a locked protective chain link fence of a minimum height of 1.85 meters (6.0 feet) and the design shall be included in the Development Permit application.
 - iv. Council may require the developer to take mitigating measures to ensure the development produces minimal environmental impacts to the surrounding lands.

- v. A post-construction reclamation plan as well as a decommissioning plan shall be submitted with the development application.
- vi. Any changes to the original development permit shall require a new permit to be issued.
- vii. The minimum site size for the allowance of any wind energy system shall be 2.0 hectares (5.08 acres).
- viii. Landscaping shall be provided by the developer, where deemed necessary by Council, to maintain safety, protection and the character of the surrounding area.
- ix. Where a number of Wind Energy System's are proposed to operate in close proximity to each other as a Wind Farm and the electrical power that is generated will be sold to a Public or Private utility, the proposed development shall be deemed a Discretionary Use in the Agricultural District.

EFFECTIVE DATE

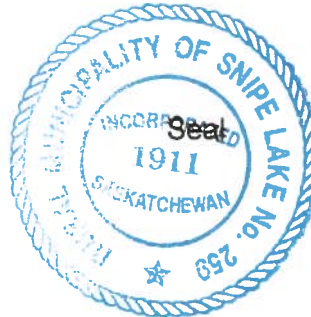
This bylaw shall come into force and take effect on the date of final reading by the Council of the Rural Municipality of Snipe Lake No. 259.

J. O. Kest
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Reeve

D. Shaw
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Administrator



Certified as a true copy of Bylaw 06-2014 adopted

By resolution of Council on December 9, 2014.

D. Shaw
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Administrator

