

RM OF LAKEVIEW NO. 337

BYLAW NO. 03/10

A Bylaw to amend Bylaw No. 05/06 known as the Zoning Bylaw of the RM of Lakeview No. 337.

The Council of the RM of Lakeview No, 337, in the Province of Saskatchewan, enacts as follows:

1. Part II, Definitions, is amended by adding the following definitions in the correct alphabetical order:

Wind Energy System: a structure that converts wind energy to electrical energy, including but not limited to wind charger or wind turbine.

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.

Tower Height: Shall mean the height above-ground of the fixed portion of the tower, excluding any wind turbine or rotors.

Total Wind System Height: Shall mean the height from the ground level to the tip of the rotor at its highest point.

2. Part 3, General Regulations, is amended by adding the following:

3.13 Wind Energy Systems

- a) Where a number of Wind Energy Systems 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.
- b) All roads and accesses required to facilitate the development shall be proposed by the developer as part of the development permit application. As a condition of development the Developer shall enter into an agreement with the municipality to ensure all roads and accesses are constructed to municipal standards.
- c) The developer may be required to enter into a road maintenance agreement, in accordance with the regulations of The Municipalities Act.
- d) Site Suitability:

- i) The minimum site size for the allowance of any wind energy system shall be 2.0 hectares (5.08) acres.
 - ii) The wind energy system shall not be located on environmentally sensitive lands.
 - iii) For residential applications, wind energy components and towers shall be erected in rear-yards only.
 - iv) All wind energy systems and towers shall be enclosed within a locked protective fencing of a minimum height of 1.85 meters (6.0 feet).
 - v) Council may require the developer to take mitigating measures to ensure the development produces minimal environmental impacts to the surrounding lands,
 - vi) Lands will be subject to Part 3, Section 3.1 of this Zoning Bylaw regarding Development on Hazard Lands.
- e) The minimum distance from a residence shall be a minimum distance of:
- i) 500m (1604 feet) for up to two towers, where the resident is hosting the tower(s)
 - ii) 1500m (4921 feet) for up to two towers, where the resident owner is not hosting the tower(s) and from any neighboring residences.
 - iii) 2000m (6561 feet) from 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.
 - iv) 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 the appropriate agencies.
 - v) Where Council considers a lesser separation distance than requires 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) Height Specifications:
 - i) Development Permit Applications for wind energy systems shall be accompanied by a manufacturer's engineering certificate of structural safety or certifications of structural safety via a Saskatchewan Professional Engineer.
 - ii) Installation plans (concrete specifications, anchoring specifications) shall be certified by a Saskatchewan Professional Engineer.
 - iii) An approved Electrical Permit shall be obtained and provided to the Municipality for all wind energy systems.
 - iv) Maximum total wind tower height or total system height shall be at the discretion of the council.
- g) Maximum noise levels:
 - i) Council may require the developer to take mitigating measures to ensure the development produces minimal disturbance to the surrounding lands.

3. Part 5 A-Agricultural District, is amended by adding the existing provision as follows:

5.2 (4) (m) Wind Energy System as part of 3.13 of this Bylaw.

4. This Bylaw shall come into force and take effect when it has been approved by the minister of Municipal Affairs.

SEAL

Reeve

Administrator

Date