

The Corporation of the Township of Huron-Kinloss



BY-LAW

2010-97

**BEING A BY-LAW TO ADOPT A
WIND TURBINE DEVELOPMENT POLICY
FOR THE TOWNSHIP OF HURON-KINLOSS**


WHEREAS the Council of the Corporation of the Township of Huron-Kinloss deems it expedient to establish policies;

AND WHEREAS the Municipal Act S.O. 2001, c25, Section 5(3), as amended, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law;

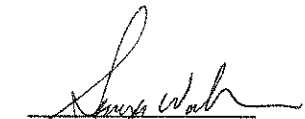
NOW THEREFORE the Council of the Township of Huron-Kinloss enacts as follows:

- 1.0 The Corporation of the Township of Huron-Kinloss hereby adopts a Wind Turbine Development Policy contained in the attached Schedule "A" to this by-law.
- 2.0 This By-Law shall come into full force and effect upon its final passage.
- 3.0 This By-law may be cited as the "Wind Turbine Development Policy By-Law".

READ a **FIRST, SECOND** and **THIRD** time and **FINALLY** passed this 20th day of September, 2010.



Mayor



Clerk



The Corporation of the Township of Huron-Kinloss

Policies & Procedures Manual

Section: 5.0 General

Date: September 2010

Policy: Wind Turbine Development

Pages: 1 of 3

By-Law: 2010 - 97

Revision:

Coverage: This policy will govern all development under the jurisdiction of the Township of Huron-Kinloss.

Policy Statement: The Township of Huron Kinloss shall protect the public and municipal infrastructure from the impact of the development of Wind Generation Systems.

Contents: 1. Definitions

Commercial Wind Generation Systems (CWGS): means one or more Wind Generating Systems (WGS) that singly or collectively produce more than a total of 40 kilowatts (kW) based on 'nameplate rating capacity' and are connected to the provincial grid.

Wind Generation System (WGS): means any device such as a wind charger, windmill, or wind turbine that converts wind energy to electrical energy.

Wind Generation System Accessory Facilities: means those facilities, equipment, machinery, and other devices necessary to the proper operation and maintenance of a wind energy conversion system, including access roads, collector and feeder lines, and substations.

2. Responsibility of the Developer

That the Developer enters into an agreement with the Township of Huron-Kinloss to satisfy all the requirements, financial and otherwise, of the Township concerning the development.

3. The Agreement

That agreement shall include but not be limited to the following clauses. This is a general description and more or less detail and requirements maybe included in the final agreement.

Construction Part - which shall include all requirements prior to commencing

Schedule 'A' to By-law 2010-97
construction.

Haul Routes – which shall include details on haul routes which shall be approved by the municipality.

Private Access Roads – shall include locations.

Electrical Distribution System – shall address any electrical distribution system required as part of the development. All collection and distribution lines shall be underground.

Tree Preservation – shall include address a tree replacement plan.

Grading – shall address municipal requirements.

Lights – shall address municipal requirements.

Municipal Road Use – shall address all requirements for utilizing municipal roads.

Operation & Maintenance – shall address requirements for the safe operation and maintenance of the development including emergency response plans.

Decommission – shall include a plan for decommissioning and securities acceptable to the municipality.

Community Development Contribution – shall include a negotiated payment to the municipality to be used for community betterment projects as determined by the municipality.

Costs – any costs incurred by the municipality with respect to the development shall be borne by the developer. The Developer shall deposit an amount of \$5000 with the Township.

General Provisions – shall include all other requirements.

Insurance – shall include any requirements the municipality may require.

Liability – shall save harmless the municipality and its representatives from all actions, causes of actions, suits, claims, costs, interest and demands whatsoever which may arise either directly or indirectly by reason of the agreement.

Security – shall include all securities as may be required but will include and not be limited to construction, maintenance, and decommissioning.

4. Site Guidelines

Council will evaluate the suitability of the location and land use compatibility of proposed commercial wind generating systems and require the following:

Schedule 'A' to By-law 2010-97

Commercial Wind Generation Systems are permitted in Rural Areas and may be permitted in Agricultural Areas where they can be located on land of lower agricultural capability or ensure the continued use of prime agricultural land for farm use and minimize the loss of production farm land.

The Township of Huron-Kinloss has established the following General Provisions for Wind Generation Systems:

Site Provisions:

	Feature	Provision
1	'CWGS' Minimum Setback to: Urban Area Boundary as defined in the Township of Huron Kinloss Official Plan	2000 meters (6600 ft.)
2	'WGS' minimum setback to: Residential uses or structures designated for human habitation.	1000 meters (3300 ft.)(1)
3	'WGS' Minimum setback to: County or Provincial road or highway	1.25 times the 'Total WGS Height' from the right-of-way line
4	'WGS' Minimum setback to: Front Yard or Exterior Side Yard	'Total WGS Height' minus the untraveled portion of the municipal right-of-way
5	'WGS' Minimum setback to: Interior Side Yard or Rear Yard of Non-participating Properties	1.0 times the 'Total WGS Height'
6	'WGS' Minimum setback to: Interior Side Yard or Rear Yard of participating Properties	Length of turbine blade
7	Minimum setback for 'Wind Generation System Accessory Facilities' (buildings and structures only)	10 meters (33 ft.) from all lot lines or in accordance with the setback provisions for buildings/structures adjacent to a Provincial or County road, whichever is greater
8	Maximum 'Total WGS Height'	120.0 meters (393.7 ft.)
9	Signs/Advertising/Logos	No advertising sign or logo on any 'WGS'; no more than 2 project identification signs not to exceed 1.49 square meters (16 sq.ft.) in area or 2.44 meters (8 ft.) in height.

Note 1. Setback to residential structures may be greater if the structure lies within the line of prevailing winds or multiple 'WGS'. Dampening software may be required on 'WGS' to mitigate noise issues.

Note 2. 'Total WGS Height' is measured from average grade to the uppermost extension of any blade, or maximum height reached by any part of the turbine whichever is greater.

5. Miscellaneous

- All wiring between Wind Turbines and Wind Energy Facility substations shall be underground