

## The Rural Municipality of Cartier

BY-LAW NO. 1591-07

BEING a By-law of the Rural Municipality of Cartier to amend the R.M. of Cartier Zoning By-law, being By-law No. 1153, of the Rural Municipality of Cartier, as amended.

**WHEREAS**, Section 80(1) of The Planning Act of the Province of Manitoba provides that the Council of a municipality may amend a zoning by-law;

**AND WHEREAS** the Council of the Rural Municipality of Cartier deems it in the best interests of the municipality to amend the R.M. of Cartier Zoning By-law No. 1153, as amended;

**NOW THEREFORE**, the Council of the Rural Municipality of Cartier, in meeting duly assembled, enacts as follows:

**THAT** the following be added to the R.M. of Cartier Zoning By-law Part I, Definitions:

### **Section 2(115) Definitions**

- (a) Wind Energy Generation System (WEGS): any device or group of devices such as a wind charger, windmill or wind turbine that converts wind energy to electrical energy whether it is for personal use or for generation of power for sale by a private commercial enterprise.
- (b) Wind Energy Generation System Accessory Facilities: facilities, equipment, machinery and other devices necessary to the proper operation and maintenance of a wind energy generation system including, but not limited to, access roads, collector and feeder lines and power substations.
- (c) Participating Landowner: A landowner who has wilfully entered into an agreement with a wind farm developer/owner/operator through the signing of a lease agreement or a consent agreement or other agreement that clearly defines his rights and obligations with respect to the wind farm.

**THAT** “WIND ENERGY GENERATION SYSTEMS” (WEGS) be added to the zoning by-law as a **CONDITIONAL Use** in the “AR80” Restricted Agricultural Zone, “A80” Agricultural Zone and in the “AL” Agricultural Livestock Zone, under Part V: Agricultural Zones Table V-I Agricultural Use Table;

**AND THAT** the following be added to the R.M. of Cartier Zoning By-law Part V Agricultural Zones: Section 4.3. Wind Energy Generation System

Prior to the construction of WEGS, plans illustrating the siting location of each WEGS device and associated works including accessory buildings or structures, electrical lines (above or below ground), on-site roads and driveways providing access to the public road system must be submitted to the Municipality for site approval and shall conform to the following criteria:

- (a) In addition to satisfying the minimum yard requirements, all WEGS shall be set back in compliance with governing noise regulations, or a minimum of 500-metres, whichever is greater, from all existing residential dwellings.
- (b) In addition to satisfying the minimum yard requirements, all WEGS shall be set back a minimum of one and one half (1.5) times the total height of the WEGS from all accessory buildings.
- (c) In addition to satisfying the minimum yard requirements, newly constructed residences in the vicinity of a WEGS shall be separated from the nearest adjacent WEGS by a minimum distance of 200 meters, or one and one half (1.5) times the total height of the nearest adjacent WEGS whichever is greater. This setback is deemed to be a required yard for the purposes of this by-law and variances may be considered provided all affected residences are notified of the variation hearing.

- (d) Any proposed WEGS sites located adjacent to a municipal road shall have a setback requirement of a minimum of 50 metres or the swept rotor radius plus 10 metres which ever is greater from the affected roadways.
- (e) Any proposed WEGS sites located adjacent to provincial highways (PTH) or provincial road (PR) shall be circulated to Manitoba Transportation and Government Services for review and shall be subject to the requirements of the regulations affecting those roadways.
- (f) The total height of any WEGS shall be the distance measured between the ground and the uppermost point extension of any rotor blade.
- (g) Wind turbines must be a minimum of 200 metres from a property boundary located outside a proposed WEGS Project area. This setback does not apply where the owner of the adjoining property consents in writing by becoming a Participating Landowner thus waiving this requirement.
- (h) Wind turbines must be a minimum of 1.1 times the total height of the WEGS from a property boundary located within a proposed WEGS Project area. This setback does not apply where the owner of the adjoining property consents in writing by becoming a Participating Landowner thus waiving this requirement.
- (i) Proponents of WEGS must obtain a permit for each WEGS from the municipality and are responsible for obtaining any required Federal and/or Provincial permits or approval from any agencies and a copy must be remitted to the Municipality.
- (j) Where a proponent locates a WEGS on lands not under their ownership, they will be required to enter into an easement agreement with the owner of the property in order to secure on-going access to the WEGS.
- (k) Where, in the opinion of the Municipality, the setbacks or separation distances referred to in this section are not sufficient to reduce the potentially negative impact of WEGS due to the proposed number or density of WEGS, the existing number or density of other uses in the general vicinity, the proximity to a public road or any other reason that the Municipality believes is relevant, Council may increase/decrease the required setbacks and separation distances.
- (l) The construction, operation and maintenance of the wind turbine generating system must comply with all of Canada's, Manitoba's and Municipal laws, regulations and permit and licensing conditions regulating the wind turbine generating system.
- m) Should a wind turbine generating system located on a site appear to Council to have discontinued producing power for a minimum of 2 years, the system's operator must upon request of Council, prepare a status report. Following review of the status report, if in the opinion of Council power will not be produced on the site within a reasonable period of time, Council may order that the wind turbine generating system located on the site be decommissioned in accordance with the decommissioning plan at the time of the issuance of the development permit.

**DONE AND PASSED** by the Council of the Rural Municipality of Cartier in the Province of Manitoba this \_\_\_\_\_ day of \_\_\_\_\_, AD, 2007.

\_\_\_\_\_  
Roland Rasmussen  
Reeve

\_\_\_\_\_  
Lynn Kauppila  
Chief Administrative Officer

Read a first time on the 9<sup>th</sup> day of April, 2007.

Read a second time on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

Read a third time on the \_\_\_\_\_ day of \_\_\_\_\_, 2007.