

BYLAW NO. 814
OF THE
TOWN OF KILLAM
IN THE PROVINCE OF ALBERTA

BEING A BYLAW OF THE TOWN OF KILLAM, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AMENDING THE TOWN OF KILLAM LAND USE BYLAW NO. 809.

WHEREAS the Council of the Town of Killam considers it necessary to amend the Land Use Bylaw No. 809, and

WHEREAS the Council has the authority pursuant to the provisions of the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M26, to amend the said Land Use Bylaw No. 809.

NOW THEREFORE the Council of the Town of Killam, duly assembled, enacts as follows:

THAT the Land Use By-law No. 809 be hereby amended as follows:

AMEND Section 9: Definitions

“**ACCESSORY BUILDING**” means a building or structure, which, in the opinion of the Development Authority, is incidental, subordinate and exclusively devoted to the principal use or building and is located on the same parcel. Examples include, but are not limited to, garages, decks, sheds and carports. *Solar panels are considered accessory structures.* An accessory building or structure does not include extensions that are physically attached to the principal building.

“**WIND POWER FACILITY**” means the processes, installations, and any other structures or systems required to convert power in wind to electrical or mechanical energy, where the tower height is more than 10 ft (3m). The power facilities include the tower(s), supporting structures, and accessory buildings.

- i. “**Tower**” means the structure which supports the rotor above grade level.
- ii. “**Tower Height**” means the height of the structure measured from grade level to the highest point of the rotor’s arc.

ADDITION of Section 51: Wind Power Facility

- 51.1 Unless otherwise required by the Development Authority, all development applications for a wind power facility shall be accompanied by:

- (a) An accurate site plan showing and labeling the information outlined in this section, and the location of overhead utilities on or abutting the site;
- (b) Scale elevations or photographs of the proposed wind power facilities showing total height, tower height, rotor diameter, and colour;
- (c) Potential for electromagnetic interference;
- (d) Specifications for the foundations and/or anchor design, including location and anchoring of any guy wires;
- (e) Whether or not the applicant intends to interconnect the wind power facilities with an existing electrical distribution or transmission system;
- (f) Any analysis of the visual impact of the project, especially with respect to the scenic qualities of the Town of Killam landscape;
- (g) An analysis of the potential for noise, both at the site of the installation and at the boundary of the property containing the development;
- (h) Environmental considerations dealing with land disturbance, impacts on wildlife and vegetation, and other identified issues;
- (i) Any information regarding general public safety; and
- (j) Any impacts to the local road system including required approached from public roads having regard to the municipal standard.

51.2 A wind power facility shall meet the following minimum setbacks:

- (a) A wind power facility shall comply with all the setbacks related to roadways as specified in this Bylaw.
- (b) A wind power facility shall be setback the height of the tower from all property lines. If the topography of a site warrants a lesser setback, the Development Authority may reduce the required setback provided mitigative measures are employed, to the satisfaction of the Development Authority.
- (c) A wind power facility shall be located not less than twice the height of the tower from a dwelling unit not belonging to the owner of the land containing the wind power facility.

51.3 Where, in the opinion of the Development Authority, the minimum setbacks referred to in section (2) are not sufficient to reduce the impact of a wind power facility, the Development Authority may increase the required setback.

51.4 Wind power facilities employing a horizontal axis rotor shall have a minimum blade clearance of 25 ft (7.6 m), as measured from the lowest point of the rotor's arc to grade level, unless otherwise required by the Development Authority.

- 51.5 Wind power facilities shall be fenced to the satisfaction of the Development Authority, which may include:
- (a) a security fence with a lockable gate surrounding the tower not less than 6 ft (1.8 m) in height,
 - (b) no ladder or permanent tower access device shall be located less than 12 ft. (3.7 m) from grade level, and/or
 - (c) a locked device installed on the tower to preclude access to the top of the tower.
- 51.6 Unless otherwise required by the Development Authority, a wind power facility shall be finished in a non-reflexive matte and in a color which minimized the obtrusive impact of a wind power facility to the satisfaction of the Development Authority.
- 51.7 No lettering or advertising shall appear on the towers or blades. In other parts of the wind power facilities, the only lettering will be the manufacturer's identification or municipal symbol.
- 51.8 The Development Authority may establish a maximum density for wind power facilities on a parcel of land.
- 51.9 The Development Authority may require a reclamation / decommission plan to form part of a Development Agreement. Unless otherwise required by the Development Authority, this plan shall include:
- (a) treatment of footings;
 - (b) reclamation of roads and other disturbances;
 - (c) notice to land owners and the Special Areas Board;
 - (d) containment of hazardous materials
 - (e) site security; and
 - (f) timeline indicating when reclamation / decommissioning would commence after the wind power facility ceases power conversion.

Amend Section 67 of the Town of Killam Land Use By-Law No. 809: R1A Residential Single Detached District to include Wind Powered Facility as a Discretionary Use under this section.

Amend Section 68 of the Town of Killam Land Use By-Law No. 809: R1 Residential General District to include Wind Powered Facility as a Discretionary Use under this section.

Amend Section 69 of the Town of Killam Land Use By-Law No. 809: R2 Residential Mobile Home Subdivision District to include Wind Powered Facility as a Discretionary Use under this section.

Amend Section 70 of the Town of Killam Land Use By-Law No. 809: R3 Residential Multi Family District to include Wind Powered Facility as a Discretionary Use under this section.

Amend Section 71 of the Town of Killam Land Use By-Law No. 809: R4 Residential Low Density District to include Wind Powered Facility as a Discretionary Use under this section.

Amend Section 72 of the Town of Killam Land Use By-Law No. 809: C1 Commercial Central District to include Wind Powered Facility as a Discretionary Use under this section.

Amend Section 73 of the Town of Killam Land Use By-Law No. 809: LIB Light Industrial Business District to include Wind Powered Facility as a Discretionary Use under this section.

Amend Section 74 of the Town of Killam Land Use By-Law No. 809: P Parks District to include Wind Powered Facility as a Discretionary Use under this section.

Amend Section 75 of the Town of Killam Land Use By-Law No. 809: I Institutional District to include Wind Powered Facility as a Discretionary Use under this section.

Amend Section 76 of the Town of Killam Land Use By-Law No. 809: UR Urban Reserve District to include Wind Powered Facility as a Discretionary Use under this section.

This Bylaw shall come into force and effect upon the date that it is finally passed.

READ a first time this 7th day of June 2012.

READ a second time this 21st day of June 2012.

READ a third and final time and finally passed this 21st day of June 2012.

Mayor

Chief Administrative Officer