



PUBLIC MEETING CONCERNING A PROPOSED ZONING BY-LAW AMENDMENT

under section 34 of The Planning Act

TAKE NOTICE that the Council of the Corporation of the Municipality of Shuniah will hold a public meeting on **June 25, 2007** at **5:00 p.m.** at the Shuniah Municipal Building, 420 Leslie Avenue, Thunder Bay, Ontario to consider a proposed zoning by-law amendment under section 34 of the Planning Act.

The purpose of the proposed zoning amendment would be to allow the permitted use of wind energy systems for electricity production and to set regulations thereto within specified zones. The amendment will effect all lands within the Municipality of Shuniah therefore no key map is provided.

ANYONE who wishes to support or oppose the amendment will be given the opportunity to be heard. Written comments may be filed with the Municipal Clerk at the meeting or may be submitted to the Clerk, at the address below, before the meeting. Please be sure to include your return address. Any comments received will become public information and will be maintained for the purpose of creating a record that is available to the general public.

Take notice that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Municipality of Shuniah before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council of the Municipality of Shuniah to the Ontario Municipal Board.

And take further notice that if a person or public body does not make oral submissions at a public meeting, or make written submissions to the Municipality of Shuniah before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so. Note: a submission before the by-law is adopted does not constitute an appeal.

ADDITIONAL INFORMATION relating to the proposed zoning by-law amendment is available for inspection between 8:30 a.m. and 4:30 p.m. at the Municipal Office.

DATED AT THE MUNICIPALITY OF SHUNIAH
THIS 4th DAY OF JUNE, 2007

Wendy Hamlin, Clerk
Municipality of Shuniah
420 Leslie Avenue
Thunder Bay ON P7A 1A8
Phone: 807-683-4545
Fax: 807-683-6982
Email: shuniah@shuniah.org

PURPOSE AND EFFECT OF THE BY-LAW

1. The lands affected by this by-law are located within the Rural, Hazard Lands, Highway Commercial, Agricultural, Extractive, Forestry, Commercial, Industrial land use zones within the Municipality of Shuniah.
2. The purpose and effect of this by-law is to amend By-law No. 2038-00, the zoning by-law, allow for the development of wind energy systems to produce electricity, as a source of renewable energy.
3. Ventus Energy Inc. is currently preparing to develop a wind farm in the Township of MacGregor, Municipality of Shuniah.
4. The use and by-law apply to various properties within the Municipality of Shuniah and therefore no key map is provided.

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THE CORPORATION OF THE MUNICIPALITY OF SHUNIAH

BY-LAW NUMBER _____

A By-law to amend By-law No. 2038-00, the Zoning By-law to allow for a wind farm use.

WHEREAS Council has been requested to amend By-law 2038-00 to permit development of wind energy resources within the Municipality of Shuniah;

AND WHEREAS the Municipality of Shuniah supports the development of wind energy systems for electricity production, as a source of renewable energy for the economic and environmental benefit of the Municipality and the Province;

AND WHEREAS Council conducted a public meeting on 8 pursuant to Section 34 I Planning Act, R.S.O. 1990, c. P.13, as amended;

AND WHEREAS Council has determined to amend By-law 2038-00;

NOW THEREFORE THE COUNCIL OF THE MUNICIPALITY OF SHUNIAH ENACTS FOLLOWS;

1. Section 5 Definitions is hereby amended with the addition of the following:

Wind Farm shall mean one or more wind turbines, which are connected to the transmission or local distribution grid. In addition to the wind turbines, wind farms may include, but are not limited to, temporary construction facilities, operations and maintenance buildings, meteorological towers, collector grids (above ground and below ground), roads (both public and private) and other civil works, communications equipment, substations, electrical pole lines, and interconnection facilities.

Wind Farm Sub-station shall mean an electrical construction designed to collect and modify electrical energy produced by the wind turbines for the purpose of supplying it to the local electrical utility.

Wind Tower shall mean the tubular structure or solid structure, above grade, that supports the nacelle and rotor assembly. (Ventus wants to know if this covers a concrete tower or base - what if they decide to build concrete towers vs. steel towers)

Wind Tower Foundation shall mean the tower support structure, below grade, that supports the entire weight of the wind turbine.

Wind Turbine shall mean a Wind energy convertor designed to extract kinetic energy from the wind and convert to electrical energy.

Wind Turbine Blade shall mean a component of a wind turbine, which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

Wind Turbine Rotor shall mean the rotating part of a wind turbine.

Wind Turbine Total Height shall mean the height from grade to the highest vertical point of the swept rotor arc. In the case of a wind turbine with a horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter.

2. That Section 4. GENERAL PROVISIONS, is hereby amended by adding the following section to regulate wind farms:

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WIND ENERGY RESOURCES

Wind Energy Resource shall include the permitted use of Wind Farms and may be permitted within the Rural, Hazard Lands, Highway Commercial, Agricultural, Extractive, Forestry, Commercial, Industrial land use zones.

- a) Maximum height restrictions shall not apply to wind farms including, components and related buildings located therein.
- b) Wind farm owner/operators shall be permitted to maintain and/or rebuild equipment within a wind farm without restriction so long as such maintenance and/or rebuild does not reasonably alter the original permitted design and configuration of the wind farm.
- c) The construction of any dwelling unit shall be prohibited within the greater of 200 metres or Ministry of the Environment NPC 232 for all new dwellings from any wind turbine within a wind farm, as measured from the nearest surface of the wind turbine support tower at grade.
- d) Notwithstanding the lot requirements and the other standard regulations and requirements specific to each zone in this By-law, the following requirements shall apply to wind farms, subject to conformity with provincial noise regulations whereupon distances determined by sound characteristics shall govern should those distances be greater than those listed in this section:

The placement of all Wind Turbines shall comply with the following:

- a) Setback distances with respect to property lines shall not apply to wind turbines located within a wind farm where the property lines nearest to any given wind turbine define and separate properties belonging to two or more participating landowners.
- b) With respect to a wind turbine all setback and separation distances shall be defined relative to the tower center of the wind turbine support tower as measured at the natural ground level.
- c) Notwithstanding any other consideration including calculated sound levels no wind turbine shall be located at a distance less than 200 metres from the nearest occupied dwelling.

Minimum Setback / Separation Item (Defined as "Accessory Structure")	Separation distance from dwellings	<u>Participant</u> Property line setback	<u>Non-Participants</u> Property line setback*	Setback from road right-of-way line*	Separation distance from non-dwelling principal and accessory structures
Wind turbine (Measured from tower center)	Greater of: a) 200 m or b) Ministry of Environment – Certificate of Approval Requirement – (NPC 232)	0 m	Rotor Radius plus 10 m	Rotor Radius plus 10 m	Rotor Radius plus 10 m

- 3. Schedule "A" of By-law No. 2038-00 – List of Amendments is herein amended by the addition of the following new text at the end of the current text;
- 4. "By-law Number _____; amending Section 4. General Provisions of By-law No. 2038-00 to add regulations for "Wind Energy Resources".

