

BYLAW NO. 91.2024

RURAL MUNICIPALITY OF BENGOUGH NO.40

A BYLAW TO AMEND BYLAW NO. 39.2016, KNOWN AS THE ZONING BYLAW OF THE RURAL MUNICIPALITY OF BENGOUGH NO. 40.

The Council of the Rural Municipality of Bengough No.40 in the Province of Saskatchewan, enacts to amend Bylaw No. 39.2016 as follows:

1. Section 3, General Regulations, is amended by adding the following directly after 3.23:

3.24 Solar, Accessory

- a. Solar energy systems may be permitted as an accessory use to an existing principal use if the solar system is:
 - i. Subordinate to the principal use and located on the same site as the principal use;
 - ii. Used solely to produce electricity for the principal use(s) on the same site, including net metering;
 - iii. Does not exceed a rated capacity of more than 100 kW; and
 - iv. Complies with all applicable electrical and building codes.

3.25 Solar Farm

- a. A site plan shall be submitted as part of the development permit application that includes:
 - i. Property lines, existing uses and vegetation on the site;
 - ii. Proposed solar energy system including all equipment, machinery and structures used for the collection, conversion and transmission of solar energy to electrical energy;
 - iii. The number and size of photovoltaic panels and the height of the photovoltaic panels and racking system;
 - iv. Associated development including but not limited to roads and access, parking, cabling, distribution and transmission lines, power grid connections, fencing and proposed landscaping;
 - v. Site topography and any potential hazard lands within and adjacent to the site and the proposed methods of mitigating any hazards; and
 - vi. An inventory of current land uses adjacent to the proposed development.
- b. Confirmation of site ownership by the applicant or, where the land is not owned by the applicant, evidence of site control and right to access through provisions of a lease or easement agreement with the landowner.
- c. The size, height and location of the solar farm shall not inordinately remove high quality agricultural land from production or detract from the amenity of the area. Council may apply development standards in issuing a development permit limiting the size, height and location of the solar farm.
- d. The solar energy system shall comply with all applicable electrical code. Applicants are responsible for obtaining any required federal and provincial permits, licenses and approvals for construction and maintenance of the solar energy system and must remit a copy to the Rural Municipality of Bengough No. 40.

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- e. Reasonable accessibility for emergency service vehicles and personnel shall be required. Emergency response plans shall be required as a condition of the development permit.
- f. Solar energy systems shall be designed to maximize the preservation of onsite and abutting natural areas to the greatest extent.
- g. Solar energy system setbacks from property lines not directly involved in the solar farm shall be a minimum of 30 metres.
- h. Solar energy system setbacks from any dwelling shall be 805 metres (0.5 miles).
 - i. Council, at its discretion, may apply a lesser separation distance. Prior to granting a reduction, Council may require consultation with adjacent landowners, and may consider any written agreement to a lesser separation distance by adjacent owners.
 - ii. Where Council approves a lesser separation distance, a written agreement between the developer and landowner agreeing to the lesser separation distance may be registered against the applicable parcel titles at the cost of the developer.
- i. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the solar energy system and shall not occur on any slopes greater than 15% to minimize erosion.
- j. Vegetative screening and/or a security fence shall be required as a condition of the development permit. No unscreened outdoor storage shall be permitted.
- k. Landscaping and maintenance plans shall be required as a condition of the development permit. Landscaping and maintenance plans shall include control measures to address weeds, rodents, refuse removal, and soil erosion.
- l. An environmental impact analysis by a qualified professional may be required. Mitigating measures may be attached as development permit conditions.
- m. Lighting of a solar energy system shall be limited for safety and operational purposes and shall be reasonably shielded from abutting properties and directed downward to reduce light glare and pollution.
- n. There shall be no noise, vibration, light, glare, heat or dust that will, in Council's opinion, detract from the amenity of the area. Council may require the developer to implement mitigating measures to ensure the solar energy system produces minimal disturbance to the surrounding lands.
- o. A decommissioning plan shall be required to address the manner of physical removal of the system, removal of any hazardous materials, and site restoration to the same or better land capability should the solar energy system, in part or full, become abandoned or defective.
- p. Any or all parts of the solar energy system is considered to be abandoned or defective if:

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- i. It is not in operational condition, capable of collecting and converting solar radiation into electrical energy, for a period of one year; or
- ii. It is in operational condition and is not used to generate and supply electricity for a period of two years.
- q. A financial guarantee equal to the cost of the restoration of the site shall be required in a form approved by Council.
- r. An agreement entered into with the developer will be required to ensure the development complies with any relevant requirements of this bylaw including the terms and conditions of the financial guarantee.
- s. The agreement and any documents associated with the financial guarantee will be required to be caveated on applicable parcel titles, at the cost of the developer, to protect municipal and public interests.
- t. Any changes to the original development permit shall require a new permit to be issued.

2. Section 5.2, Discretionary Uses, in the Agricultural District is amended by adding the following directly after 5.2.j:

- k. Solar Farm
- l. Solid & Liquid Waste Facilities

3. Section 9, Definitions, is amended by adding the following definitions in appropriate alphabetical order:

Net Metering: A billing arrangement that allows customers with grid-connected electricity systems to receive credit for any excess electricity generated onsite and provided to the utility grid.

Solar Energy System: a system capable of collecting and converting solar radiation into electrical energy by the use of semiconductor devices, called photovoltaic cells, which generate electricity when exposed to sunlight. The system includes the electrical generating and accessory facilities including but is not limited to photovoltaic panels, mounting racks and hardware, cable and wiring, collection and supply equipment, transformer and a substation.

Solar Energy System, Roof-Mount: a solar energy system consisting of solar panels installed directly on the roof of a building. Solar panels are mounted and secured using racking systems specifically designed to minimize the impact on the roof and prevent any leaks or structural damage.

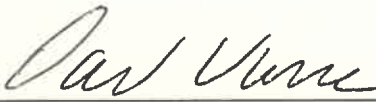
Solar Energy System, Ground-Mount: a solar energy system that is directly installed on specialized solar racking systems, which are attached to an anchor in the ground.

Solar Farm: A ground-mounted solar energy system designed to provide for commercial distribution of electricity to a utility or other entities with a rated capacity of more than 100 kW.

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4. This bylaw shall come into force on the date of final approval by the Minister of Government Relations.



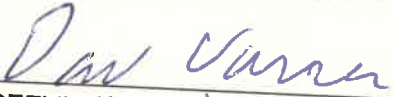

Reeve (Deputy)


Administrator

APPROVED
REGINA, SASK.
MAY 23 2024

Minister of Government Relations

Certified a true copy of
Bylaw No. 91.2024 adopted by
Resolution of Council on
The 9 day of MAY, 2024


REEVE (DEPUTY)


ADMINISTRATOR

