

SENATE BILL 2

C5, L2

4lr0311

(PRE-FILED)

By: **Senator Edwards**

Requested: July 8, 2013

Introduced and read first time: January 8, 2014

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 21, 2014

CHAPTER _____

1 AN ACT concerning

2 **Garrett County – Industrial Wind Energy Conversion Systems – Setback**
3 **Requirement**

4 FOR the purpose of repealing the authorization for a certain applicant to seek a
5 certain variance from a certain setback requirement for an industrial wind
6 energy conversion system from the Garrett County Department of Planning and
7 Land Development; altering a certain definition; and generally relating to
8 setback requirements for industrial wind energy conversion systems in Garrett
9 County.

10 BY repealing and reenacting, with amendments,

11 Article – Local Government

12 Section 13-706(a) and (c)

13 Annotated Code of Maryland

14 (2013 Volume)

15 BY repealing and reenacting, without amendments,

16 Article – Local Government

17 Section ~~13-706(a) and (b)~~ 13-706(b)

18 Annotated Code of Maryland

19 (2013 Volume)

20 ~~BY repealing and reenacting, with amendments,~~

21 ~~Article – Local Government~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~Section 13-706(e)~~
2 ~~Annotated Code of Maryland~~
3 ~~(2013 Volume)~~

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article – Local Government**

7 13-706.

8 (a) (1) In this section the following words have the meanings indicated.

9 (2) (i) “Decommissioning” means the removal and legal disposal of
10 an industrial wind energy conversion system and any other components related to the
11 industrial wind energy conversion system.

12 (ii) Unless the property owner specifies otherwise,
13 “decommissioning” includes the removal and legal disposal of buildings, roads,
14 concrete, fencing, gravel, stone, and foundations to a depth of 36 inches.

15 (3) “Industrial wind energy conversion system” means an aggregation
16 of parts, including the base, wind turbine, generator, supports, guy wires, and
17 accessory equipment in a configuration necessary to convert the power of wind into
18 mechanical or electrical energy that is intended for sale to energy providers through
19 the electric transmission grid.

20 (4) “Restoration of pad site” means, at the location of the industrial
21 wind energy conversion system:

22 (i) stabilizing, grading, and seeding disturbed areas to grow
23 ground cover; and

24 (ii) replacing the excavated foundation areas with topsoil that:

25 1. is free of noxious weeds, rocks, root mat, or foreign
26 objects larger than 2 inches in size; and

27 2. has proper soil nutrients to provide and sustain the
28 growth of ground cover.

29 (5) “Setback distance” means the distance measured from the base of
30 the tower of a wind turbine in an industrial wind energy conversion system to any
31 **NEIGHBORING** residential or school building in all directions.

1 (6) "Structure height" means the measurement from ground level at
2 the base of an industrial wind energy conversion system to the highest point of the
3 structure or the highest point of the blade at its greatest extension.

4 (7) "Wind turbine" means the tower, hub, blades, and nacelle.

5 (b) This section does not apply to any industrial wind energy conversion
6 system that has submitted an interconnection application to the PJM Interconnection
7 queue before March 1, 2013.

8 (c) [(1)] In Garrett County, each individual industrial wind energy
9 conversion system shall comply with a minimum setback distance equal to no less
10 than two and one-half times the structure height.

11 [(2) On written authorization of all property owners of adjoining
12 parcels to a proposed wind turbine in an industrial wind energy conversion system,
13 the applicant of the proposed industrial wind energy conversion system may seek a
14 variance with the Garrett County Department of Planning and Land Development of
15 up to 50% of the minimum setback distance requirements under paragraph (1) of this
16 subsection.]

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2014.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.