

## Chapter 466

(Senate Bill 2)

AN ACT concerning

### Garrett County – Industrial Wind Energy Conversion Systems – Setback Requirement

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

BY repealing and reenacting, with amendments,

Article – Local Government  
Section 13–706(a) and (c)  
Annotated Code of Maryland  
(2013 Volume)

BY repealing and reenacting, without amendments,

Article – Local Government  
Section ~~13–706(a) and (b)~~ 13–706(b)  
Annotated Code of Maryland  
(2013 Volume)

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

~~Article – Local Government~~  
~~Section 13–706(e)~~  
~~Annotated Code of Maryland~~  
~~(2013 Volume)~~

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

#### Article – Local Government

13–706.

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

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

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

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

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

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

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

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

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

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

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

(7) “Wind turbine” means the tower, hub, blades, and nacelle.

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

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

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

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

**Approved by the Governor, May 15, 2014.**