

# SENATE BILL 2

C5, L2

4lr0311

(PRE-FILED)

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By: **Senator Edwards**

Requested: July 8, 2013

Introduced and read first time: January 8, 2014

Assigned to: Finance

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## A BILL ENTITLED

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; and generally relating to setback requirements for  
8 industrial wind energy conversion systems in Garrett County.

9 BY repealing and reenacting, without amendments,  
10 Article – Local Government  
11 Section 13–706(a) and (b)  
12 Annotated Code of Maryland  
13 (2013 Volume)

14 BY repealing and reenacting, with amendments,  
15 Article – Local Government  
16 Section 13–706(c)  
17 Annotated Code of Maryland  
18 (2013 Volume)

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

21 **Article – Local Government**

22 13–706.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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