

Proposed Amendment to Bill 1165

Proposed by: Councilman Foster

Date: July 14, 2009

Proposed amendment:

To eliminate Small Wind Turbine Systems from the Bill and restrict construction and operation to a single experimental Wind Turbine Production Facility owned and operated by Talbot County, Maryland, located adjacent to an existing septage receiving and treatment facility.

KEY

UnderliningAdded to existing law by amendment.

~~Strikethrough~~.....Deleted from existing law by amendment.

* * *Existing law or bill unaffected.

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8 **Article I General Provisions**

9 190-12

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11 D. Historic Preservation Commission

12 The Historic Preservation Commission shall have the following powers and duties:

- 13 (1) Decide applications for the construction, alteration, reconstruction, moving or
14 demolition of any structure within a designated historic district. (See Article IV.)

- 15 (2) Make recommendations to the County Council on the establishment of Historic
 16 District Overlay Districts and Historic Rehabilitation Overlay Districts. (See
 17 Article IV.)
- 18 (3) Provide comments to the Planning Director on site plans and subdivision plans
 19 affecting a historic resource identified in the Comprehensive Plan. (See Articles
 20 IV, IX, and X.)
- 21 (4) Provide comments to the Planning Director on certain applications for wireless
 22 communication towers and small wind turbine production facilities. (See Article
 23 III.)

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25 **Article III Land Uses**

26 Table III-1. General Table of Land Uses

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	AC	CP	WRC	RC	RR	TC	TR	VC	LC	GC	LI
<u>Wind Turbine System, Small</u> <u>See regulations for specific land uses in this Article</u>	<u>A</u>										
Wind Turbine Production Facility, Small <u>See regulations for specific land uses in this Article</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>							

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35 **§ 190.104.1. Wind Turbine Tower**

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37 A. Talbot County, Maryland, shall be and is hereby authorized to construct and operate an
 38 experimental wind turbine production facility on property owned by Talbot County,
 39 Maryland located adjacent to an existing septage receiving and treatment facility, subject
 40 to the following conditions and requirements.

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42 A.B. Small Wind Turbine ~~Uses~~ Production Facilities

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44 The following are specific requirements for ~~Small Wind Turbine Systems and~~ Small
 45 Wind Turbine Production Facilities.

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47 (1) ~~Small Wind Turbine Systems:~~

- ~~(a) — Must comply with all general requirements listed in B below.~~
- ~~(b) — Are limited to a maximum of two small wind turbine towers on parcels 20 acres or less.~~
- ~~(c) — Shall be limited to single site consumption.~~
- ~~(d) — Shall not exceed metering rates with a cumulative total of 100 kilowatt hours.~~

(21) Small Wind Turbine Production Facilities:

- (a) Must comply with all general requirements listed in B below.
- (b) Shall provide an engineering report stating the proposed small wind turbine tower does not exceed the minimum height necessary to accomplish the purpose for which it is constructed.
- (c) Shall be limited to off-site or a combination of both off-site and single-site consumption.
- (d) May result in metering rates with a cumulative total greater than 100 kilowatt hours.

B. General requirements

~~All Small Wind Turbine Systems and~~ Small Wind Turbine Production Facilities shall be subject to the following general requirements:

~~(1) — All small wind turbine systems with a total height of 75 feet or higher shall be subject to a Major Site Plan review.~~

~~(2)~~(1) All small wind turbine production facilities shall be subject to a Major Site Plan review.

~~(3)~~(2) Prior to the Planning Commission meeting for a small wind turbine production facility, the applicant shall perform a highly visible balloon test lasting a minimum of 30 minutes. The date, location, and beginning and ending time of the test shall be published in a local newspaper at least one week prior to the test. The Planning Director shall approve the newspaper notice. The results of the balloon test shall be incorporated into a computerized simulation submitted to the Planning Office 10 days prior to the Planning Commission meeting. The computerized simulation shall illustrate the small wind turbine tower at the proposed height and color scheme.

~~(4)~~(3) All small wind turbine towers shall comply with all guidelines and procedures provided by the Talbot County Department of Permits and Inspections.

~~(5)~~(4) The ground base of any small wind turbine tower shall be setback from any property lines, road rights-of-way and overhead utility lines, a distance that is the total height of the small wind turbine tower plus 10 feet.

- 94 | ~~(6)~~(5) Small wind turbine towers shall be located a minimum distance of 30 feet from
95 | any other structure on the same lot or parcel.
96 |
- 97 | ~~(7)~~(6) The distance between small wind turbine towers shall be a minimum of 10 times
98 | the length of blade.
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- 100 | ~~(8)~~(7) The total height of a small wind turbine tower shall be no higher than necessary to
101 | access adequate winds, but in no case shall exceed 150 feet at tip of blade from
102 | natural grade.
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- 104 | ~~(9)~~(8) The blade tip of any small wind turbine tower shall, at its lowest point, have
105 | ground clearance of no less than 25 feet, as measured at the lowest point of the arc
106 | of the blades from natural grade.
107 |
- 108 | ~~(10)~~(9) The Building Permit or Major Site Plan application shall be accompanied by a
109 | letter from local utility company acknowledging the applicants intent to install a
110 | small wind turbine tower.
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- 112 | ~~(11)~~(10) All Electrical wires associated with a small wind turbine tower, other than
113 | wires necessary to connect the wind generator to the wind tower wiring, the wind
114 | tower wiring to the disconnect junction box, and the grounding wires shall be
115 | located underground.
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- 117 | ~~(12)~~(11) The small wind turbine tower shall be designed to minimize adverse visual
118 | and environmental impact.
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- 120 | ~~(13)~~(12) The small wind turbine tower shall not be used for the displaying of any
121 | advertisements or unauthorized signage.
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- 123 | ~~(14)~~(13) Appropriate warning signs and signs identifying the manufacturer,
124 | installer, or owner of the small wind turbine tower may be attached.
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- 126 | ~~(15)~~(14) The small wind turbine tower shall be a self-supporting monopole or
127 | lattice structure.
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- 129 | ~~(16)~~(15) The small wind turbine tower shall not be lit unless required by federal or
130 | state regulations. If lighting is required, the least intensive lighting shall be used.
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- 132 | ~~(17)~~(16) The small wind turbine tower shall be designed so as to prohibit step bolts
133 | or a ladder readily accessible to the public for a minimum height of 12 feet above
134 | natural grade.
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- 136 | ~~(18)~~(17) The applicant must include a copy of the maintenance contract with the
137 | Major Site Plan application for small wind turbine towers 75 feet or higher.
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139 | ~~(19)~~(18) Any small wind turbine tower found to be abandoned or unsafe by the
140 County Engineer shall be repaired or removed by the landowner. A small wind
141 turbine tower that fails to operate or is out of service for a continuous 12-month
142 period shall be deemed to be abandoned.

144 | ~~(20)~~(19) The small wind turbine tower must comply with all regulations of the
145 Federal Aviation Administration (FAA), if applicable, including any necessary
146 approvals for installations within the airport overlay zone.

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149 **Article V Development Standards**

150 190-113. Structure height

151 Structures shall comply with the following height limits.

152 **Table V-1. Structure height**

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Type of structure	Maximum height	Additional requirements
I. <u>Wind Turbine Towers (see Article III).</u>	<u>150 feet</u>	<u>Minimum required setback shall be 10 feet greater than the total height of the tower.</u>

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157 **Article XI Definitions**

158 §190-208. Definitions

159 * * *

161 TOTAL HEIGHT – The distance of a wind turbine tower measured from ground level (natural
162 grade) to the tip of blade extended at its highest point.

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165 WIND TURBINE PRODUCTION FACILITY, SMALL – A facility producing primarily off-site
166 electricity or a total rated capacity greater than 100 kilowatts ~~hours~~.

168 ~~WIND TURBINE SYSTEM, SMALL – A wind energy conversion system that is used to~~
169 ~~generate electricity; has a total rated capacity of 100 kilowatt (kW) hours or less; consisting of a~~
170 ~~wind turbine, a single tower, base and associated control or conversion electronics.~~

172 WIND TURBINE TOWER, SMALL - Consists of a monopole or lattice that supports the turbine
173 for a ~~small wind turbine system and~~ small wind turbine production facility. The turbine includes
174 the blades, generator, and tail.

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