



*North County Preservation, Inc*  
*P.O. Box 537 • Monkton, MD 21111*

January 7, 2010

Baltimore County Planning Board  
105 W Chesapeake Ave, Suite 101  
Towson, MD 21204

Re: Wind Turbines

Dear Planning Board Member,

North County Preservation is an organization that strives to support rural life in northern Baltimore County by promoting responsible development and preservation, with a careful balance between potentially competing ideals.

We have examined the proposed legislation to allow small, residential Wind Turbines in Baltimore County as a way to increase the use of renewable energy to offset the need for additional power plants and transmission lines. We have especially studied the changes recommended by the Planning Board committee as described in their report to the full Planning Board on November 18.

While NCP believes that there are places within Baltimore County where wind turbines could be appropriate and could be installed with minimal and acceptable impacts on nearby residents, we do not believe that the current draft is complete or desirable. It restricts the use of wind turbines to residential use. It does not provide for sufficient protection for neighboring properties and might allow inappropriate systems. It does not adequately address building-mounted systems.

We are surprised that some of the limits originally proposed by the Office of Planning were eliminated, such as the one for height.

On the positive side, we are pleased that the committee recognized the need for the opportunity for citizen input on larger systems, but we believe that the Use Permit process for larger systems is inadequate as defined.

Attached are details regarding specific issues and changes which we believe are necessary to provide acceptable legislation.

We also recognize that it is important for Wind Turbine specific legislation to be enacted since, without it, the Zoning Commissioner could resume issuing height variances for each individual request with no legislative guidance, thus initiating a long legal battle with an unknown and inconsistent outcome in each case. This would not be to anyone's benefit.

It is also extremely important for Baltimore County to develop an overall energy policy with emphasis on renewable sources, wind being only one of the components. This legislation would then become a part of the bigger picture. We encourage the Planning Board to take whatever steps it can to bring about the development of such a renewable energy policy for the county.

Thank you for consideration of our comments.

Regards,

Michael A Pierce  
President, North County Preservation

**Comments on specific issues:**

**Applicability:** While the original draft would allow wind turbines "in any zone", the revision restricts them to "accessory to a residential use". There is no reason to prohibit their use on farms, institutions, small businesses, etc, as long as other provisions are met.

Recommended change: Allow use as an accessory to more than just residential.

**Size (maximum rated power):** The original draft limited the power to 100 kW, but the revision removed the limit, thus leaving it up to a zoning hearing to decide. It should be noted that Frederick, Carroll, and Harford Counties all set a limit at 50 kW, and experts have referred to 10-20 kW as "large". In Carroll County, the average size, according to BGE testimony, is 2 kW and BGE reports that the average residential electricity usage is 1.5 kW.

Recommended change: Reinstate the limit on rated power capacity based on further research, preferably to significantly less than 100 kW.

**Height:** The original draft set a maximum 150 ft height. The revision removed this limit, again leaving it up to the zoning hearing. There may be places where greater than 150 ft is appropriate (e.g., the middle of a large farm property), but there should be appropriate limits in the legislation, above which the Zoning Commissioner can not issue variances.

Recommended change: See notes under Use Permit process.

**Viewsheds:** The requirement in the original for a special exception for wind turbines in areas within the viewshed of scenic routes was deleted, resulting in no process for consideration of their appropriateness in these areas, which would then be by right.

Recommended change: Reconsider the need for a use permit in some areas officially designated as a viewshed.

**Use Permit process:** It is appropriate to require a use permit for systems above a particular size, but only allowing abutting property owners to request a hearing is not sufficient. There is no other case in the present code which restricts requests for a hearing in this way. In all other cases of use permits and special exceptions, requests for hearings may be made either by property owners within 1000 feet or sometimes by any interested party.

In addition, the described process would allow the Zoning Commissioner to grant use permits for systems above the previously stated height and power limits, as well as granting variances for setbacks. Nearby residents should not have to petition or seek court action to retain these basic protections.

Recommended changes:

1. Allow any property owner within 1000 ft of the proposed system to request a hearing.
2. Establish limits which the Zoning Commissioner can not exceed.
3. Prohibit variances to the minimum setback requirements.

**Building-mounted systems:** The draft is rather vague concerning the limits for building-mounted systems. The limit in the original draft of one third of the building height was replaced by a statement that the total maximum height is "per zoning classification", implying, but not clearly stating, that a "by-right" system must be within the existing building height limits. It is unclear how setback requirements would apply, since existing buildings themselves may not comply. There is no stated height limit for building-mounted systems allowed by use permit.

Recommended change: Clarify regulations for building-mounted systems.