

GARRETT COUNTY COMMISSIONERS

203 South Fourth Street – Room 207

Oakland, MD 21550

(301) 334-8970

PUBLIC NOTICE

The GARRETT COUNTY COMMISSIONERS will conduct a public hearing on **Thursday, November 4, 2021**, starting at **6:00 pm** in the Garrett College meeting room, 687 Mosser Road, McHenry, Md. 21541. The Board will review the following:

PROPOSED AMENDMENTS TO THE DEEP CREEK WATERSHED ZONING ORDINANCE

1. Add a new Definition to read as follows:

157.007.B.(64)a **SOLAR ENERGY GENERATING SYSTEM, ACCESSORY**: A solar collection system consisting of roof and/or ground-mounted solar collection devices incidental to, and located on the same lot as, a permitted principal use. Solar energy collectors may include photovoltaic, concentrated solar thermal, or solar hot water devices. Such system shall generate electricity for the use and/or benefit of the principal use on the property except incidental excess generated electricity may be provided to the utility company in exchange for a credit.

2. Add a new Definition to read as follows:

157.007.B.(64)b **SOLAR ENERGY GENERATING SYSTEM, COMMERCIAL**: A facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity. Solar energy collectors may include photovoltaic, concentrated solar thermal, or solar hot water devices. This definition includes community solar systems where customers buy or lease a portion of the energy produced by the system.

3. Amend Section 157.024 Table of Use Regulations by adding a new Section 157.024(D) 10.b.

“Commercial Solar Energy Generating System, subject to the provisions of Section 157.080.” The use shall be permitted by special exception in all zoning districts.

4. Amend Section 157.024 Table of Use Regulations by adding a new Section 157.024 (G) 4.k. “Roof-mounted Accessory Solar Energy Generating System, subject to the provisions of Section 157.080.” The use shall be a permitted accessory use in all zoning districts.

5. Amend Section 157.024 Table of Use Regulations by adding a new Section 157.024 (G) 4.l. “Ground-mounted Accessory Solar Energy Generating System accessory to a permitted residential use, subject to the provisions of Section 157.080.” The use shall be a permitted accessory use in all zoning districts.

6. Amend Section 157.024 Table of Use Regulations by adding a new Section 157.024 (G) 4.m. “Ground-mounted Solar Energy Generating System accessory to a permitted non-residential use.” The use shall be “not permitted” in all zoning districts.

7. Add a new Section 157.080 **STANDARDS FOR SOLAR ENERGY GENERATING SYSTEMS**

A. The following requirements apply to all Accessory Solar Energy Generating Systems:

1. Ground mounted solar collection devices accessory to a permitted residential use shall be subject to the setbacks found in Section 157.046 ACCESSORY BUILDINGS.
 2. The maximum solar panel surface area of a ground-mounted solar system accessory to a permitted residential use shall be 120 square feet.
 3. The total height of ground-mounted solar energy collectors, including any mounts and framework, shall not exceed 10 feet above the ground when orientated at maximum tilt.
 4. A roof-mounted solar energy system shall not project vertically above the peak of the sloped roof to which it is attached, or project vertically more than 5 feet above a flat roof.
 5. A parapet shall be provided to screen roof-mounted solar energy systems located on flat roofs of permitted nonresidential uses.
 6. No accessory solar energy system shall produce glare that would constitute a nuisance to occupants of neighboring parcels or persons traveling neighboring roads.
- B. The following requirements apply to all Commercial Solar Energy Generating Systems:
1. Ground-mounted solar collection systems shall be setback a minimum of 500 feet from any property line.
 2. The total height of ground-mounted solar energy collectors, including any mounts or framework, shall not exceed 20 feet above the ground when oriented at maximum tilt.
 3. No solar energy system shall produce glare that would constitute a nuisance to occupants of neighboring parcels or persons traveling neighboring roads.
 4. A strip of dense evergreen planting no less than 25 feet in width and 10 feet in height shall be required around the perimeter of the solar energy system.
- C. The following decommissioning standards apply to all Commercial Solar Energy Generating Systems:
1. “Decommissioning” means the removal and legal disposal of a commercial solar energy generating system and any other components related to the system.
 2. “Restoration of pad site” means, at the location of the commercial solar energy generating system, stabilizing, grading, and seeding disturbed areas to grow ground cover; and replacing the excavated foundation areas with topsoil that is free of noxious weeds, rocks, root mat, or foreign objects larger than 2 inches in size; and has proper soil nutrients to provide and sustain the growth of ground cover.
 3. Before a use permit is issued for a Commercial Solar Energy Generating System, the Garrett County Department of Planning and Land Management shall:
 - a. At the applicant’s expense, retain an independent and certified professional engineer to prepare a net cost estimate for decommissioning and restoration of the site.
 - b. Require the applicant to post a bond equal to 100% of the cost estimate determined above and adjusted by an estimated construction pricing index to ensure that cost increases during the following 5–year interval will not decrease the value of the bond.
 4. A bond posted in accordance with this subsection shall be held by the Garrett County Finance Department to be used as surety in the event of noncompliance with a requirement under this section by an owner of a Commercial Solar Energy Generating System.
 5. On completion of the construction of a Commercial Solar Energy Generating System, and every 10 years thereafter, the Garrett County Department of Planning and Land Management, at the applicant’s expense, shall retain an independent certified professional engineer to prepare a net cost estimate for decommissioning and restoration of the site. The Garrett County Department of Planning and Land Management may alter the amount

of the bond determined under this subsection to provide adequate security for the costs of decommissioning and restoration of the site.

6. If a Commercial Solar Energy Generating System is sold, the bond posted in accordance with this subsection shall be released if the new owner posts a bond with the Garrett County Finance Department that is equal to the amount of the bond posted by the seller; or is a greater amount if the Garrett County Department of Planning and Land Management determines that additional security is necessary to provide for the cost of decommissioning and restoration of the site.
7. If a Commercial Solar Energy Generating System has not generated electricity for a continuous period of 365 days or an owner has abandoned a Commercial Solar Energy Generating System, the Garrett County Department of Planning and Land Management may require the owner to decommission and restore the site. If the owner fails to comply with these requirements, the bond shall be used by Garrett County to cover the costs of decommissioning and restoration of the site.

Interested persons are invited to attend.

By the authority of the Board of Zoning Appeals