

THE BOARD OF GARRETT COUNTY COMMISSIONERS

203 South Fourth Street – Courthouse –Room 207, Oakland, Maryland 21550

www.garrettcounty.org • countycommissioners@garrettcounty.org

301-334-8970

301-895-3188

FAX 301-334-5000

Board of Commissioners

Paul C. Edwards
James C. Hinebaugh, Jr
S. Larry Tichnell

County Administrator

Kevin G. Null

County Attorney

Gorman E. Getty III

RESOLUTION 2021 – 11

WHEREAS, Article 66B of the Code of Public General Laws of Maryland empowers the County to prepare, enact, amend, and provide for the administration and enforcement of a Zoning Ordinance within its territorial limits; and

WHEREAS, The Garrett County Planning Commission, acting with the advice and assistance of the citizens of the County has caused to be prepared a “Deep Creek Watershed Zoning Ordinance” which The Board of County Commissioners formally adopted and became effective on June 1, 1997; and

WHEREAS, said Zoning Ordinance may be amended from time to time to ensure that the intended standards are relevant to the changing physical and economic environment of Garrett County; and

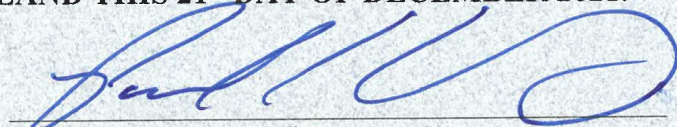
WHEREAS, The Board of Garrett County Commissioners acting with the advice and assistance of the Planning Commission and citizens of the County has considered certain amendments to the Deep Creek Watershed Zoning Ordinance as proposed by the Garrett County Planning Commission; and

WHEREAS, said Ordinance amendments have been subject to public review and to public hearings pursuant to Article 66B.

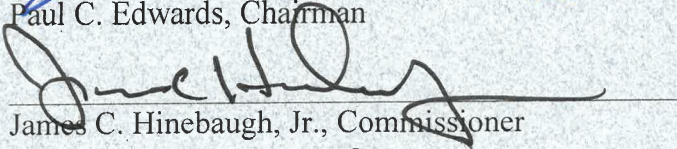
NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Garrett County does hereby enact the following text amendments to the Deep Creek Watershed Zoning Ordinance as set forth on Exhibit A of this Resolution. Said Amendments were duly adopted by a unanimous vote of the Board of County Commissioners of Garrett County, Maryland this 21st day of December 2021.

BE IT FURTHER RESOLVED that the Garrett County Planning Commission shall cause said amendments to be filed with the Clerk of the Circuit Court of Garrett County.

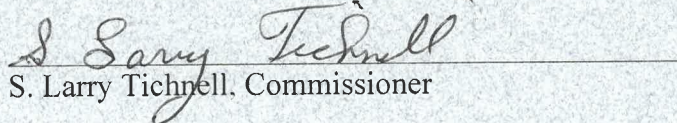
DULY ADOPTED BY A UNANIMOUS VOTE OF THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY MARYLAND THIS 21st DAY OF DECEMBER 2021.



Paul C. Edwards, Chairman

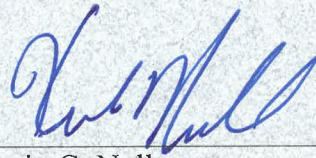


James C. Hinebaugh, Jr., Commissioner

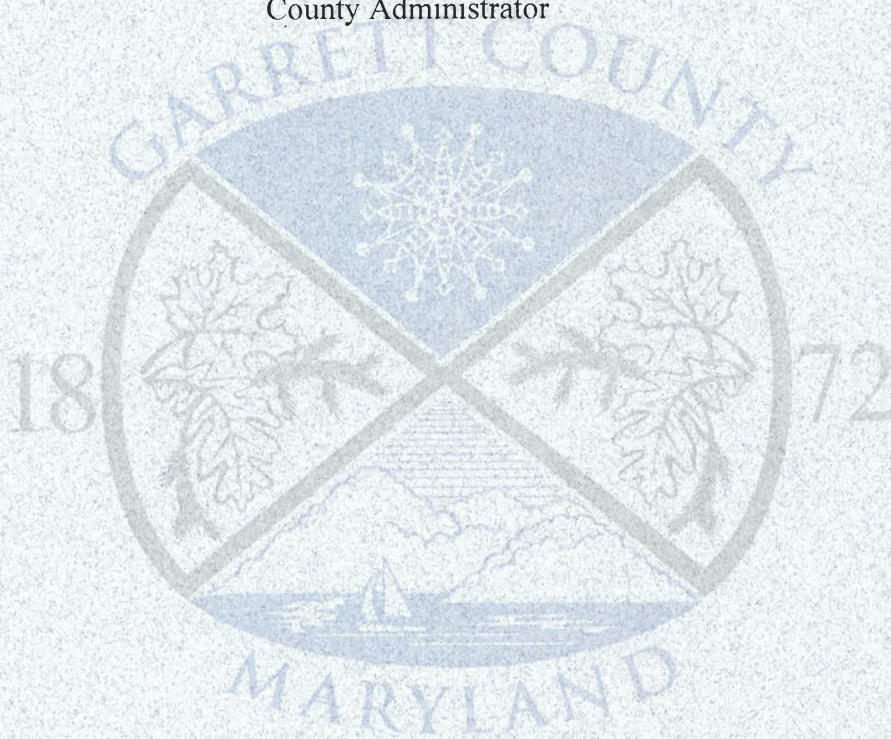


S. Larry Tichnell, Commissioner

I certify that the foregoing resolution was duly passed and adopted by the Board of County Commissioners at a regular meeting held December 21, 2021; I further certify that this is the original resolution; that I am the County Administrator for the said County Commissioners charged with the responsibility of keeping and recording all minutes, records and acts of the said County Commissioners; and I further certify Paul C. Edwards, James C. Hinebaugh, Jr., and S. Larry Tichnell to be the appropriate officials to sign the said resolution.



Kevin G. Null
County Administrator



DEEP CREEK WATERSHED ZONING ORDINANCE AMENDMENTS

Adopted December 21, 2021

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 or INDUSTRIAL**: A facility of solar energy collectors with the primary purpose of wholesale or retail sales of generated electricity with a generating capacity greater than 2 megawatts. Solar energy collectors may include photovoltaic, concentrated solar thermal, or solar hot water devices.
3. Add a new Definition to read as follows:
157.007.B.(64)c **SOLAR ENERGY GENERATING SYSTEM, COMMUNITY**: A facility of solar energy collectors meeting the definition given in Maryland Public Utilities Codes 7-306.2 as of December 1, 2021. Such a system shall have a generating capacity that does not exceed 2 megawatts as measured by the alternating current rating of the system's inverter.
4. Amend Section 157.024 Table of Use Regulations by adding a new Section 157.024(D) 10.b. "Commercial or Industrial Solar Energy Generating System". The use shall be "not permitted" in all zoning districts.
5. Amend Section 157.024 Table of Use Regulations by adding a new Section 157.024(D) 10.c. "Community Solar Energy Generating System, subject to the provisions of Section 157.080." The use shall be permitted by special exception in all zoning districts.
6. 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.
7. 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.
8. 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 permitted by special exception in all zoning districts.

9. 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 use shall be subject to the same setbacks as the primary use found in Section 157.041.
 2. 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.
 3. 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.
 4. A parapet shall be provided to screen roof-mounted solar energy systems located on flat roofs of permitted nonresidential uses.
 5. No accessory solar energy system shall produce glare that would constitute a nuisance to occupants of neighboring parcels or persons traveling neighboring roads.
 6. Screening from adjoining properties and adjacent roads may be required around the perimeter of non-residential ground mounted solar energy systems. The Board of Appeals may require a detailed landscaping plan that includes any existing vegetation and the type, location and spacing of any plantings.
- B. The following requirements apply to all Community Solar Energy Generating Systems:
1. Community ground-mounted solar collection systems shall be setback a minimum of 100 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. A viewshed analysis is required and shall be considered by the Board of Zoning Appeals for approval of a Special Exception.
 4. The solar energy system shall be screened from adjoining properties and adjacent public roads. A detailed landscaping plan that includes any existing vegetation and the type, location and spacing of any plantings shall be submitted. The plan shall result in year-round screening and shall be maintained until the site is decommissioned.
- C. The following decommissioning standards apply to all Community Solar Energy Generating Systems:
1. "Decommissioning" means the removal and legal disposal of a Community Solar Energy Generating System and any other components related to the system.
 2. "Restoration of pad site" means, at the location of the Community 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 Community Solar Energy Generating System, the Garrett County Department of Planning and Community Development 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 form of financial surety acceptable to the County (e.g. bond, letter of credit, cash, etc.) 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 financial surety.

4. Financial surety 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 Community Solar Energy Generating System.
5. On completion of the construction of a Community Solar Energy Generating System, and every 10 years thereafter, the Garrett County Department of Planning and Community Development, 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 Community Development may alter the amount of the financial surety determined under this subsection to provide adequate security for the costs of decommissioning and restoration of the site.
6. If a Community Solar Energy Generating System is sold, the financial surety posted in accordance with this subsection shall be released if the new owner posts financial surety with the Garrett County Finance Department that is equal to the amount of the financial surety posted by the seller; or is a greater amount if the Garrett County Department of Planning and Community Development determines that additional security is necessary to provide for the cost of decommissioning and restoration of the site.
7. If a Community Solar Energy Generating System has not generated electricity for a continuous period of 365 days or an owner has abandoned a Community Solar Energy Generating System, the Garrett County Department of Planning and Community Development may require the owner to decommission and restore the site. If the owner fails to comply with these requirements, the financial surety shall be used by Garrett County to cover the costs of decommissioning and restoration of the site.