



Garrett County Government Department of Community Development
Planning & Land Management Division

203 South Fourth Street, Room 208, Oakland, Maryland 21550
garrettcounty.md.gov/community-development/planning-land-management

Garrett County Planning Commission Minutes August 5, 2026

1. **Call to Order-** Tony Doerr called the regular meeting of the Garrett County Planning Commission to order at 1:30 pm in the County Commissioners Meeting Room in the Garrett County Courthouse.
2. **Attendance-** Planning Commission members: Tony Doerr, Tim Schwinabart, Liz Georg, and Terah Crawford. Planning staff: Chad Fike & Eli Helbig.
3. **Approval of Minutes-** The previous meeting minutes were approved as presented.
4. **Reports, Updates and Announcements-** None
5. **Deep Creek Watershed Zoning Appeals Cases:**
 - None
6. **Subdivisions:**
 - None
7. **Deep Creek Watershed Zoning Amendments-** Mr. Fike presented amendments regarding solar and Accessory Dwelling Units that are necessary in order to comply with recent State legislation. The amendments are included with these minutes. After discussion the Planning Commission voted unanimously to endorse the amendments and transmit them to the County Commissioners.
8. **Adjournment** – Chairman Tony Doerr adjourned the meeting at 1:57 pm.

Minutes submitted by Chad Fike, Assistant Director

PROPOSED DEEP CREEK WATERSHED ZONING

ORDINANCE SOLAR AMENDMENTS

BACKGROUND & NOTES

The Renewable Energy Certainty Act became effective July 1, 2025. The Act states that a local jurisdiction shall treat solar energy stations up to 5MW as a permitted use. Solar systems of more than 5 megawatts can continue to be prohibited based on Tier Map and density restrictions in the Act. Existing setback, landscaping and decommissioning standards are being deleted because the Act provides standards that either supersede or make redundant our current regulations. The Zoning Ordinance does not currently address energy storage so it is now being addressed. The Act states that a local jurisdiction may not adopt zoning laws that prohibit energy storage. The proposed energy storage definition references Title 20 Public Service Commission, Subtitle 50, Chapter 14 Energy Storage & Public Utilities Article 7-216.

PROPOSED AMENDMENTS

- 1) Revise Section 157.007.B.(64)b containing the Definition of **COMMERCIAL SOLAR ENERGY SYSTEM, COMMERCIAL or INDUSTRIAL** by deleting the words “2 megawatts” and replacing them with “5 megawatts”.
- 2) Revise the definition of 157.007.B.(64)c **SOLAR ENERGY GENERATING SYSTEM, COMMUNITY** to read as follows: A facility of solar energy collectors meeting the definition given in the Maryland Public Utilities Code. Such a system shall have a generating capacity that does not exceed 5 megawatts as measured by the alternating current rating of the system's inverter.
- 3) Amend Table of Use Section 157.024(D)10.c. “Community Solar Energy Generating System” to change the use from “permitted by Special Exception (SE)” in all zoning districts to “Permitted (P)” in all zoning districts.
- 4) Section 157.080.B 1 through 4 is deleted and replaced with the following: “Community Solar Energy Generating Systems shall comply with all requirements of the Renewable Energy Certainty Act and the Maryland Public Utilities Article. This Article includes, but is not limited to, standards for setbacks, height, landscaping, and decommissioning.”
- 5) Delete Section 157.080.C 1-7 related to decommissioning standards.
- 6) Add a new definition to read as follows: 157.007.B.(27)a **ENERGY STORAGE DEVICE**. A resource capable of absorbing electrical energy, storing it for a period of time, and delivering the energy for use at a later time as needed. This includes all types of electric storage technologies including thermal, electrochemical, thermo-mechanical and hydrogen-based. For the purposes of this Ordinance, this definition only includes

“front-of-the-meter” energy storage devices where there is no load on the customer side of the meter beyond loads required to operate the energy storage device and does not include “behind-the-meter” energy storage devices installed on the customer side of an electric company meter.

- 7) Amend Section 157.024 Table of Use Regulations to add a new Section 157.024(D)10.d “Energy Storage Device”. The use shall be “Permitted (P)” in all zoning districts.
- 8) Add a new Section 157.181 **STANDARDS FOR ENERGY STORAGE DEVICES**
 1. Energy Storage Devices shall be setback a minimum of 100’ from all property lines.
 2. The Energy Storage Device shall be screened from adjoining properties and adjacent public roads by a landscaping buffer or vegetative buffer at least 25 feet in depth. 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 visual screening.
 3. Before a Use Permit is issued for an Energy Storage Device, the developer shall post with Garrett County financial surety equal to 100% of the total landscaping cost. The financial surety shall be held by the County for a minimum of five years. After five years, the financial surety shall be released after verification of compliance with the submitted landscaping plan.

PROPOSED DEEP CREEK WATERSHED ZONING

ORDINANCE ADU AMENDMENTS

BACKGROUND & NOTES

HB 1466 states that on or before October 1, 2026, local legislative bodies shall adopt laws authorizing the development of accessory dwelling units. They can be permitted by right or as a special exception (this proposal permits them by right). The Bill does not prohibit the right to limit ADUs from being short-term rentals. ADUs are excluded from density calculations. Local laws cannot establish setback requirements that exceed the existing accessory structure setbacks from side and rear lot lines. This proposal does not limit the number of bedrooms in an ADU, but such a restriction can be considered.

PROPOSED AMENDMENTS

Add a new sub definition to (27) *DWELLING*: ***i. ACCESSORY DWELLING UNIT (ADU)*** A secondary dwelling unit that is located on the same lot as, and is subordinate in use to, an existing primary single-family detached dwelling. An ADU may be a separate detached unit or attached as an addition to the primary single-family detached dwelling.

Add a new Section 157.081 ACCESSORY DWELLING UNITS (ADUs)

The following requirements apply to all Accessory Dwelling Units:

- A. An ADU shall not exceed 75% of the size of the primary single-family detached dwelling.
- B. An ADU shall meet the accessory building setbacks of 157.046A. or B.
- C. A fire sprinkler system is required.
- D. An ADU attached as an addition to the primary single-family detached dwelling shall meet International Residential Code standards for Two-family dwellings.
- E. No ADU shall be used as a Transient Vacation Rental Unit and no Transient Vacation Rental Unit shall be permitted to have an ADU.

Delete Section 157.024 (G) 6. and replaced it with the following:

Detached or Attached Accessory Dwelling Unit (ADU). The use shall be permitted as an accessory use (A) in the following districts: RR, AR, LR1, LR2, TR, TC and CR2 and shall not be permitted (N) in the following districts: C and CR1.