



ORIENTAL PLANNING BOARD WORKSHOP MINUTES

Wednesday, October 3, 2019 1:00PM
Oriental Town Hall – 507 Church Street, Oriental, NC

CALL MEETING TO ORDER AND ESTABLISH QUORUM

PRESENT: Chairman Aeschleman, , Member Barrow, Member Willi, Member Lohmar, LUA Miller, Vice Chair Lohmar, Mayor Pro Tempore White, Commissioner Overcash. Commissioner Simmons. Members of the Public. Absent: Member Flaherty.

Chairman Aeschleman called the meeting to order at 3:04PM

Chairman Aeschleman chose to take Public Comment at the beginning of the meeting instead of later.

Resident: Asks the scope of the meeting and what exactly the aim of the Board is in this workshop. Chairman Aeschleman notes that the Planning Board will take into account all sources available in order to make a recommendation to the Board when and if the PB feels like something needs to be added to the current code. He noted that several documents have been discussed- School of Govt regulation, Georgia model Ordinances, Pamlico County Ordinance and various other documents.

BUSINESS- SOLAR POWER REGULATION

Chairman Aeschleman notes this meeting was scheduled for the time period when Hurricane Dorian hit.

He sent out summary of previous workshop discussion items. We had identified three categories: (1) roof mounted/integrated systems as an accessory use, (2) ground mounted systems as an accessory use, (3) ground mounted systems as a primary use of the land (commercial). Member Lohmar notes we had not defined “large systems” or “small systems”.

Followup communication noted that we should expand these categories from 3 to 5- roof and ground mounted systems with **NEW CONSTRUCTION** vs roof and ground mounted systems that are added **AFTER** construction:

- (1) Roof/ Integrated systems as part of **NEW** construction
- (2) Ground mounted systems in **NEW** construction
- (3) Roof/ Integrated systems added after construction to existing home.
- (4) Ground mounted systems added after construction to existing structure.
- (5) Ground mounted panels as a primary use (solar farms)

Grace Evans (asks if the permit is being considered as the fee for installing solar panels. LUA Miller notes that the permit fee is dependent on the square footage of the structure to be erected- <200 sqft is \$25, >200sqft is \$150- same as houses, sheds, etc. Urges the PB to encourage solar.

Vice Chair Barrow asks if we had decided that the roof mounted/integrated to be limited to the footprint of the roof- Chairman Aeschleman notes that was where we had started. We may need additional discussion when separating into new construction and retrofitted construction- would it require a different building permit? If changing the roof structure, how does that differ from retrofitting? Building permit is issued in new construction, but we do not permit roof replacement. Does retrofit for solar panels require additional permit? Vice Chair Barrow “gets it” for ground mounted, but not roof mounted. Chairman Aeschleman has concerns that there may be additional issues that require new to be separated from existing. Regardless, ground mounted systems will require permit, regardless.

Member Lohmar agrees with this plan of attack. She questions how you find the difference between a residential capacity and a public utility.

- (1) *New construction- roof mounted/ integrated systems:* Pamlico County Building Inspector inspects electrical connection for solar installation. This is an accessory that does not require additional permitting. Again Member Lohmar asks when is the installation for residential use and when does it become a public utility. Member Barrow notes that if you produce more than needed, it is required to go back to the utility. Concern is utility guideline. LUA Miller notes that you have to be registered as a utility company- amount given back has no impact. Public Utility is affected differently and is regulated by General Statutes. Tideland is not capable of receiving- Town is split about 2/3 to 1/3 Duke to Tideland providing power. New construction- compliance form from us in order to get building permit. What we are suggesting is that no additional permitting is required. Do we want any zoning restrictions? Member Lohmar (referencing Dublin document) regulated color of solar panels- (Board consensus) that would not be a good recommendation. LUA Miller suggests possibility of restricting to street side (or water side) to “make it pretty”. There are also corner lots. There is also the potential desire to perhaps restrict from using on the water side. Member Lohmar suggests that we may be too small to be taking those kinds of restrictions into account. Vice Chair Barrow asks that the Board remember that we are talking about 5 different zones. Chairman Aeschleman notes that we are not making recommendations to restrict permitting nor zoning in any zone for roof-mounted/integrated systems.
- (2) *Roof-mounted or integrated systems on existing construction:* Do we want to require new permitting for that. LUA Miller confirms we do not require additional permitting for re-roofing a house. (with traditional asphalt or metal roofing). Replacing asphalt shingles with solar panels/shingles will require county building permit for installation. We are suggesting that no permitting would be required. Some additional roof construction might require new rafters/plywood in order to support. The Town would not require permits for replacing plywood/rafters. LUA Miller notes that the only permit that would be required is if that roof pitch or elevation changes due to the changes to accommodate solar panels/shingles. Member Barrow notes that anything that extends the existing roof to increase impervious surface DOES already require permitting. If the roof is compliant with existing restrictions of roofline, then there is no mechanism that would require for extending the solar, but would need to be permitted as extending the roofline (impervious surface). Any zoning restriction? NO.
- (3) *Ground mounted panels in new construction:* Accessory to primary use/principal structure. Examples show the footprint to be regulated as a percentage of the existing roofline square footage. Some recommend 50% or smaller of the principal structure. Is that 50% panel area or yard space? Combined footprint of the panels. Even though panels are at

an angle to the ground, when you count them as square footage if they were laid flat. Would still have to meet all the existing setbacks. Member Lohmar concerned with small properties being covered with large fields of solar fields. Member Willi notes the numbers being used amount to another 3 car garage. Resident Hines: Once changing the angle for the winter sun, it takes up more space. Vice Chair Barrow suggests to use a footprint within which they could be erected- it restricts number of panels by accounting for the angles. Chairman Aeschleman notes the question: What is the reason for any restriction? Appearance? Safety? LUA Miller- setbacks are instituted for safety and drainage purposes. Solar is considered permeable surface. Member Lohmar- it is considered an appearance issue- do you really want lots taken up by all solar. Chairman Aeschleman attempts to get consensus. Member Willi notes that it can be mitigated by the combination of roof mounted and ground mounted panels. Chairman Aeschleman asks that we hold off on the size restriction, but that there will likely be SOME restriction on the amount of ground mounted panels. All agreed. Permitting: LUA Miller notes that any ground mounted vertical structure is permitted- and must be separated from the primary structure and any other structure on the property by 14 feet- adding into the original permitting. Member Lohmar asks if a permit is approved and decide to add a shed, do they have to come back to the Town to amend the permit? YES. Member Lohmar- please define ground mounted panels. That panels cannot be lying on the ground- permanently affixed- safety issue. Also- what, if anything will we have to say about those panels that move during the day to track the sun? Again conversation goes to space in which panels can be erected vs footprint area into which it can be installed. Outstanding questions: clear definition of ground mounted, size of space for installation. Chairman Aeschleman- are we in agreement that no permitting, other than the original building permitting would be required. Zoning? Fencing- Member Lohmar suggests fencing/screening an attractive nuisance, buried and conduit for cabling. LUA Miller- suggests that properties at water's edge spend energy on water side, which would leave the street side for development. Do you want to restrict in some zones that it cannot be on street side, or minimum setback from the right-of-way. Vice Chair Barrow notes that even if street side is restricted on street side, roof mounted would not be. Chairman Aeschleman notes that other accessories like propane tanks, hvac units, etc are not regulated. LUA Miller notes that new zoning does not have to be consistent according to new General Statute 160A-383. Chairman Aeschleman notes we should be careful in making aesthetic decisions. Manager Miller notes that there are very real distinctions between R-1 and R-2,R-3- short term rentals, etc- land use- takes into account land values. We only rejected the restrictions that were not legally allowed. Chairman Aeschleman- Are we going to have restrictions on where it can be placed, screening requirements, etc? LUA Miller notes can restrict kind of screening as well- screening on front/rear. Member Lohmar states restrictions depend on allowable size. Chairman Aeschleman notes that proposed restrictions are not welcoming to solar- Member Lohmar states that no restrictions on roof mounted solar nullify restrictions on ground mounted. Member Lohmar notes that not everybody's house faces the right direction for roof mounted, so ground mounted is the only alternative available to residents. Mayor Pro Tempore White notes the power generated (generally) and the power generated by ground mounted vs the less restricted roof mounted. Vice Chair Barrow notes that enough power has to be generated to cover the electrical need. Member Lohmar notes the technology is changing and the power generated out of today's panels may not be the same as panel power in the future. RESIDENT Hines: Please consider the issue of height restrictions- can I drive under it? To drive under it at a slant, then it goes up further. TREES: Recent developments in General Assembly note leaning toward not

being able to regulate clear cutting- private land is private WRT trees. Member Barrow notes the possibility of restricting ground based solar in residential zones. Member Lohmar asks if it can be restricted to ground based if lot is bigger than X. LUA Miller notes that areas currently NOT part of the Town annexed in would be eligible for a few of the more restricted uses- campgrounds, RV lots, etc. Impervious surface issues would restrict enlargement of uses of existing parcels in MU/MU-1. Solar is considered permeable. Vice Chair Barrow notes that the discussion concerning MU/MU-1 areas that might be affected by these restrictions. RESIDENT Hines: If restrict ground mounted to lot size, you effectively restrict it to roof-mounted. Chairman Aeschleman notes that there is some issue in allowing ground mounted in residential- what about houses turned into commercial? Use current use or potential use? Vice Chair Barrow- do not want to restrict to the point where we made lots unable to be annexed. LUA Miller notes you can say none in R-1, R-2, R-3, and restrict areas for MU, MU-1. Chair Aeschleman asks why we are not allowing ground mounted in residential. Chair notes aesthetics is entirely inconsistent with GMO. Vice Chair Barrow notes we cannot restrict solely on whether the installation is cost-effective. Chair Aeschleman notes we do not take financial responsibility into account. LUA Miller notes that we do by signing onto Pamlico County Flood Ordinance, by complying with CAMA. On ground mounted panels at water edge- we do have specific restrictions- would not want to erect a glass-filled sail at the water's edge. Residential mounted panel is more likely to do damage to private property. Same as recreational equipment- your swing set may blow away, but the ones in the park are constructed to withstand. Member Willi notes that they're less desirable at water to some, less desirable at water's edge to others. RESIDENT Hines: There's a reason you see roof mounted more often than ground mounted- more likely to sustain environmental conditions. RESIDENT: Is the objective to burn less fossil fuel? Solar is one way of burning less fossil fuel. Efficiency is relative to residents' beliefs and needs. What is the right thing to do? RESIDENT: Grace Evans: started because people of Oriental have had to be self-sufficient and some choose to do what they can to do so. RESIDENT: Could Town put up solar panels to sell back for residents collectively- offsite- offset. LUA Miller notes the process and the consistency statement that is required to accompany any recommendation has 3 options: is consistent, recommended; is not consistent, not recommended; is not consistent, recommended anyway. Chairman Aeschleman notes that whatever is decided for new construction will also be in effect for additional construction, in fact likely to have additional. In summary (Chairman Aeschleman: some restriction as to size would be recommended on safety basis, fencing/screening required, vegetative buffers. Member Lohmar notes the Dublin Ordinance is for a different community, so likely would have to be adjusted before adopted.

Chairman Aeschleman asks if we can schedule another meeting next week. Chair Aeschleman suggests Oct 9, 2019 1PM. All agreed. Homework is focusing on ground mounted systems.

Last category is solar farms. LUA Miller distributed Pamlico County's solar farm Ordinance. Safe bet that nobody wants farms inside. Pamlico's is consistent- could we just adopt those. LUA Miller notes you cannot restrict any use totally from limits. We have been justified (legally defensible) in restricting heavy industry at water's edge. So you would have to classify it as heavy industrial to outlaw. Noting that it is more likely light or medium industrial. As such, several large parcels not currently annexed in are eligible. If using our water, requires a petition for annexation. Such a large parcel of

value (once developed) would be a desirable annexation as it uses no extra resource from the Town, yet yields additional property tax. An interior lot that does not drain to water- can restrict to X acres- she suggests farmland near firehouse- big enough lot, interior, does not drain to water, doesn't affect us otherwise. Vice Chair Barrow- if we were to annex that in, we get benefit without problems. Requiring same long setbacks as County prevents intrusion to private property. Chairman Aeschleman asks if we reference other Ordinances? LUA Miller notes we reference Flood Ordinance. Recommends that if you want to adopt theirs, that those portions are copy/pasted in- if they change theirs, ours would be automatically changed without a Public Hearing- which presents legal complications. LUA Miller notes again that not consistent, but recommended anyway is now an option since 2017- allows Planning Board to recommend policies/ordinances that move forward without touching older adopted plans.

NON-AGENDA ITEMS / PUBLIC COMMENT

ADJOURN Meeting was adjourned at 4:55 PM on a MOTION by Member Lohmar with second from Member Willi . 4-0.

Stan Aeschleman, Chairman

Diane Miller, Clerk to the Board

Approved: _____