



## ORIENTAL PLANNING BOARD MINUTES

Wednesday, November 20, 2019 3:00PM  
Oriental Town Hall – 507 Church Street, Oriental, NC

### CALL MEETING TO ORDER AND ESTABLISH QUORUM

PRESENT: Chairman Aeschleman, Member Flaherty, Member Lohmar, Member Willi, LUA Miller, Commissioner Overcash, Mayor Pro Tempore White.

Chairman Aeschleman called the meeting to order at 3PM.

**Approve Minutes from Workshop October 25, 2019.** Having made two minor corrections to the October 25, 2019 Minutes, Member Lohmar made a MOTION to accept the amended Minutes. Member Flaherty Seconded. 4-0.

### OLD BUSINESS

- Solar Ordinance progress/ potential review of language (included email from Cherry Point). Draft documents were provided to all members and the Public prior to the meeting. Need to define primary structure- and also redefine footprint: “The area covered by the roof of a building”(existing)ADD: “inclusive of an enclosed and attached garage or carport”
  - LUA Miller draws attention to the compliance forms attached today- shed is larger than primary structure- we have no regulation preventing that.
  - Solar 2 document: Last bullet changed and moved up to #1.
  - Solar 3: 'TPU: make S's X's in R-1, R-2, R-3- no commercial solar enterprise in residential zones.
  - Somehow make the E's in PUT in Ground mounted accessory to new principal construction clearer that it is not a SEPARATE permit required, but must be included in the new construction paperwork.
  - Note literature that is supportive of property values.
  - What about those panels used for boats/R/Vs.
  - What is an array?- any not roof mounted panels used for stationary buildings- RV and boat panels are removable/mobile.
  - Dr. Aeschleman recaps that Diane will add the sections from the Pamlico Ordinance and then recirculate for any issues that need to be addressed before we send a final draft to the Town Board.
  - LUA Miller notes that Cherry Point has finally responded and forwarded us direction to the Onslow County Ordinance. Also had conversation with member of the Pamlico County Planning Board. Confirmed the identity of the entity to contact at Cherry Point. Also raised the issue that if approving solar farms, would require that the controlling software/hardware be manufactured in the United States so as not to be able to be hacked from an outside entity. Dr. Willi: Why would I care if someone hacks Stan's solar farm? If the controller is providing energy back to the energy company, which is then redistributed and becomes dependent on that source of energy, then that energy is removed, the grid does not have enough supply to meet the demand- hence the grid fails. This is a longer range potential problem. Would like to see the agreement with the potential farm in the County for the exact requirements. Mayor Pro Tempore White- most of

these controllers are enabled with Bluetooth, so the potential for hacking a widespread network increases.

- Dr. Aeschleman asks for a motion to send to the Town Board a request to set a Public Hearing following the holidays, where they can look at/approve an addition of a solar ordinance. Member Lohmar moves, Member Willi seconds. 4-0
  - LUA Miller asks that the request be made for February to ensure more Public participation- usually we have little until after the holidays and this is an issue we want to hear from the public prior to enactment. Chairman Aeschleman agrees.
  - LUA Miller notes that the Minutes from 10/31 clearly says WITH Public participation and should say WITHOUT public participation- asks for that to be amended. Chairman Aeschleman proposes the correction be made- Board agrees.
- Sign Ordinance revision (see attached Cary Ordinance, Minutes from 10/25, TB Minutes 10/31)
    - Chairman Aeschleman asks for requests from the Board concerning the Sign Ordinance revision- where are we?
    - LUA Miller notes that the discussion has gone back and forth between the Board and the Planning Board several times. After giving the Town Board what they requested, the unintended consequences of following their direction has led to additional discussion and direction. Member Lohmar and Member Barrow attended the last Board meeting where clarification of what was desired was passed.
    - We enforce what becomes obstructive in the ROW- not ALL signs in the ROW. We need to be more specific. The last draft eliminated sites from normal use that were still desirable. The Town Board wants to ban signs on Town HALL property, not all Town property, and also on our waterfront properties. This eliminates the problems with the banner over the street, Lou Mac Park, directional signage and waterfront issues.
    - Chairman Aeschleman notes that if someone wants to put a banner on the street for a controversial issue (which has yet to happen), then we have to do that also. In making a banner resolution, similar to the closing of streets resolution for annual events, each individual organization that normally annually puts up a banner would have to get on the list without the possibility of additional banners being able to be put up without the Board approving them ahead of time.
    - Also- the attorney is concerned with MANY things in this Ordinance- we are NOT currently charging nonprofits for erection of a sign, but charging FOR-profits- that's discriminatory. He suggested we look at Cary's, cut out the superfluous, put our stuff into their framework, and try again. Chairman Aeschleman notes that they appear not to allow ANYTHING in the ROW either- this would require additional time/personnel to enforce. Member Lohmar notes that likely it would only take a few times of the signs being removed for those doing it would get the problem solved. LUA Miller agrees except for the places where we have no sidewalks. If we do not provide sidewalks, people should not be walking on that area anyway- and then the signs tend to proliferate in those areas- and also those areas where- after the ROW, there is a precipitous drop in the grade into deep ditchline- no other alternative. Chairman Aeschleman noted one community was removing the same signs daily. This community spends 8 hrs/week removing signs. Of course we do not have the same amount of geography to cover.

- Chairman Acschleman notes the next step is for the LUA to draft something, run it past the attorney and then bring it to the Planning Board, then we ask for the Public Hearing. Yes.

## **NEW BUSINESS**

- Compliance forms for review: Rost (addition)- bathroom extension on a very large lot- meets all of the setbacks, Collins (Addition/carport enclosed)Ragan Rd- existing carport- to be enclosed and also extend and enclose a rear deck- meets all standards, Ricker (shed-large) corner of Ragan and Lupton. Note- LUA had changed a setback from 12' (from neighboring property line) to 14' from existing shed, but the shed is no longer there, so approved at 12' from neighboring property. The empty property next to it is not the Fulcher property- that's further down the street, but it is still currently undeveloped property. Already spoke to CAMA- it is outside of the 75' setback. Everything about the proposed building is within our regulations. Driveway to the garage/shed was approved two years ago, and it is lined up with this proposal. Other small shed on property is still in place.
- Potential SUP request coming for construction of new hardware store on currently vacant lot. Hardware store currently is owned by someone other than the owner of the lot/building and it is leased. They are looking to consolidate into one building. Current trailers will not be permitted on new lot. Owner says they are likely not to carry it once moved over. Trailer not secured in any way from wind/flood damage. Likely that the Planning Board/Town Board would require sidewalk be required and they would have to comply with the Broad Street Overlay district regulations. Concerns on parking/movement. Curb is currently not cut- they would have to get permission from NCDOT to cut that curb- also may be outlet on Mildred- there are already issues with cars leaving Mildred onto Broad- may be more/less of an issue with increased traffic. Were told to have a basic plan of building/traffic flow and parking requirements.
- Planning Board Member vacancy: Martin was elected to "Higher Office" and will be stepping down from the Planning Board and also Member Lohmar will be leaving the Planning Board. We happen to have two applications- Julie Rahm and Dan Allen. We will forward those to the Town Board for appointment. We also have to look at upcoming term limits as well. Forwarded to the Town Board recommended for appointment.

## **NON-AGENDA ITEMS / PUBLIC COMMENT**

**ADJOURN:** Member Lohmar makes a MOTION that the meeting be adjourned. Member Flaherty seconds. 4-0. **Next Meeting scheduled for December 18, 3PM**

# Section 137. Solar Energy Development Ordinance

## 137.1 Purpose

The purpose of this ordinance is to facilitate the construction, installation, and operation of Solar Energy Systems (SESS) in the Town of Oriental in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands<sup>4</sup>. It is the intent of this ordinance to encourage the development of SESS that reduce reliance on foreign and out-of-state energy resources, bolster local economic development and job creation, support the diversification of the state's energy portfolio, strengthen energy and grid security, reduce greenhouse gas emissions, reduce local air and water pollution, and aid North Carolina in meeting its Renewable Portfolio Standard. This ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

## 137.2 Applicability

137.2.1 This ordinance applies to the construction of any new SES within the jurisdiction of the Town.

137.2.2 An SES established prior to the effective date of this ordinance shall remain exempt:

137.2.3 Exception: Modifications to an existing SES that increases the SES area by more than 5% of the original footprint or changes the solar panel type (e.g. photovoltaic to solar thermal) shall be subjected to this ordinance.

137.2.4 Maintenance and repair are not subject to this ordinance.

137.2.5 This ordinance does not supersede regulations from local, state, or federal agencies.

Some important examples of such regulations include, but are not limited to:

137.2.5.1 Building/Electrical Permits Required

Nothing in this ordinance modifies already established building standards required to construct a SES.

137.2.5.2 Onsite Wastewater System Avoidance

Nothing in this ordinance modifies already established Department of Health and Human Services requirements. A SES shall not be constructed over onsite waste water systems (e.g. septic systems) unless approved by the Department of Health and Human Services.

137.2.5.3 Stormwater/ CAMA Permit Required

Nothing in this ordinance modifies the requirements or exempts any SES of complying with the various stormwater jurisdictions and regulations established by the Department of Environment and Natural Resources or with the Coastal Area Management Act. North Carolina statute requires the acquisition of stormwater permits for construction projects that impact stormwater runoff.

## 137.3 Permits Required

The type of permit required for an SES is displayed in Table of Permissible Uses (Section 60)

## 137.4 Parcel Line Setbacks

137.4.1 Section 113.4.1 provides the Parcel Line setback to ground mounted Level I SES equipment, including any security fencing, poles, and wires necessary to connect to facilities of the electric utility.

137.4.1.1 SESs may not be installed within the area set off by a line running across the façade of the structure extending to the property boundaries on either side of the facade, and those areas of common or public access faced by the structure.

137.4.2 The following provisions shall apply to the location of all Level 2 SESs and Improvement Areas:

137.4.2.1 Improved areas shall not be located in a federally designated Special Flood Hazard Area.

137.4.2.2 All site plans for Solar Energy Systems located in areas covered by the most recent AICUZ report or subsequent reports must be sent to the North Carolina Department of Military and Veterans Affairs and the North Carolina Commanders' Council for comment within 30 days from the date the site plans are sent.

137.4.2.3 All Improved Areas shall be at least 100 feet from a public road and 25 feet from the fence line.

137.4.2.4 Improved Areas shall be at least 100 feet from any contiguous property line not associated with a Solar Energy System.

137.4.2.5 All access roads and storage areas shall be established on a 30-foot minimum easement to a public right-of-way.

137.4.2.6 All Solar Energy Systems shall have a minimum landscape buffer containing evergreen vegetation screening where existing buffers do not obscure solar energy system perimeters from dwelling units on adjacent parcels. At maturity required vegetative screening shall not be less than 15 feet tall regardless of line of sight.

## 137.5 Enclosure Fencing and Security

Solar energy systems shall be fenced completely by a continuous barrier extending from the surface of the ground to a uniform height of not less than 6 feet from the ground at any given point, constructed of dirt, wood, stone, steel, or other metal, or any substance of a similar nature and strength. The perimeter fence shall be designed to restrict unauthorized access.

## 137.6 Height Limitations

The height of ground mounted systems may not exceed sixteen (16) feet in height as measured from the front property line abutting a public roadway. Roof mounted systems are subject to the same height restrictions as roof structures listed in section 114.

## 137.7 Wind Rating

All Systems must be able to withstand 140MPH wind load.

## 137.8 Aviation Notification

The requirements below apply to all systems:

137.8.1 A map analysis showing a radius of five (5) nautical miles from the center of the SES with any airport operations within this area highlighted shall be submitted with permit application.

137.8.2 For consideration of potential impacts to low altitude military flight paths, notification of intent to construct the SES shall be sent to the NC Commanders Council<sup>1</sup> at least 30 days

before the SUP hearing for Level 2 SESs and at least 45 days before starting construction for applicable Level 1 systems. Proof of delivery of notification and date of delivery shall be submitted with permit application. Notification shall include:

- 137.8.2.1 Location of SES (i.e. map, coordinates, address, or parcel ID)
- 137.8.2.2 Solar technology (i.e. polycrystalline PV, monocrystalline PV, Cadmium Telluride PV, evacuated tube solar thermal, flat plate solar thermal, etc.)
- 137.8.2.2A Approximate number of solar modules/panels
- 137.8.2.3 System mounting (i.e. fixed-tilt on flat roof, fixed-tilt ground-mount, 1-axis tracking ground- mount, etc.)
- 137.8.2.4 The maximum height of the array from the ground or roof surface
- 137.8.2.5 Power capacity of the system, in both DC and AC Watts where applicable
- 137.8.2.6 Acreage of array and acreage of total project
- 137.8.2.7 How will the project connect? (i.e. net meter, to existing distribution line, to new distribution line, to transmission line)
- 137.8.2.8 Will a substation be constructed? If so, provide location and size
- 137.8.2.9 Is the site with five nautical miles of aviation operations? If so, provide the required SGHAT analysis results.

137.8.3 The latest version of the Solar Glare Hazard Analysis Tool (SGHAT) or equivalent<sup>2</sup> shall be used per its user's manual to evaluate the solar glare aviation hazard. The full report for each flight path and observation point, as well as the contact information for the zoning administrator, shall be sent to the authority indicated below at least 30 days before the SUP hearing for Level 2 SESs and at least 45 days before starting construction for Level 1 SESs. Proof of delivery of notification and date of delivery shall be submitted with permit application.

137.8.4 Airport operations at airport *not* in the NPIAS, including military airports, within 5 nautical miles of the center of SES: provide required information to the NC Commanders Council for military airports and to the management of the airport for non-military airports. Any applicable SES design changes (e.g. module tilt, module reflectivity, etc.) after initial submittal shall be rerun in the SGHAT tool and the new full report shall be sent without undue delay to the contact specified in 137.7.2 above for accurate records of the as-built system.

<sup>1</sup> Mail: Commanding General MCIEAST; Attn: Mr. Bill Meier (NC Commanders Council); Marine Corps Installations East G-7 (MCIEAST); PSC Box 20005; Camp Lejeune, NC 28542

Email: Subject: NC Commanders' Council Notification of Solar Development Project in "*Town of Oriental*"

Address: Meier CIV William A [William.meier@mcw.usmc.mil], Ayers CIV Bryan C [bryan.ayers@usmc.mil]

<sup>2</sup> <http://sandia.gov/glare> (as of May 2016 Sandia licensed the technology of the SGHAT to Forge Solar ([www.SolarForge.com](http://www.SolarForge.com)) who offers a subscription-based software called GlareGauge based on the same technology used in SGHAT. This software offers one free trial to new users then charges over \$100/month to use the software. As of October 2016, the free SGHAT is available at the Sandia glare website. It is not known how long it will remain available. GlareGauge analysis should be accepted anywhere this ordinance requires use of the SGHAT.)

## 137.9 Level I and Level 2 Solar Energy System Additional Requirements

137.9.1 **Level I Ground Mounted System Requirements:** These are in addition to height, setback, aviation, and other applicable district standards.

137.9.1.1 The size of the area in which an array can be installed may not exceed 50% of the primary structure's footprint. The footprint of the primary structure is the ground area covered by the primary structure inclusive of an attached garage or carport.

137.9.1.2 Systems are subject to setbacks in section 113.4.1

137.9.1.3 Systems must be configured in a contiguous manner

137.9.1.4 Systems must be mounted above the flood zone.

137.9.1.5 Systems may not exceed sixteen (16) feet in height as measured from the front property line abutting a public roadway.

137.9.1.6 Systems must be permanently affixed.

137.9.2 **Level 2 Requirements:** These requirements are in addition to height, setback, aviation notification, and applicable district standards.

137.9.2.1 Site Plan<sup>3</sup>: site plan shall be submitted to the Land Use Administrator demonstrating compliance with:

-Setback and height limitations established in Sections 137.4.2 and 137.6 ,

-Applicable zoning district requirements such as lot coverage,

-Applicable solar requirements per this ordinance.

137.9.2.2 Visibility- Public signage (i.e. advertising, educational, etc.) as permitted by local signage ordinance (Article X, Signs), including appropriate or required security and safety signage.

137.9.2.3 If lighting is provided at site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.

<sup>3</sup> Applicants may choose to provide a sketch plan to the Land Use Administrator ahead of a site plan, as sketch plans do not require much investment and are an opportunity for the Land Use Administrator to point out design changes ahead of more expensive site planning.

## 137.10 Abandonment and Decommissioning Plans

### 137.10.1 Abandonment

137.10.1.1 A Solar Energy System that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the Solar Energy System provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Building Inspector or his designee of the intent to maintain and reinstate the operation of that facility. It is the responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the parcel to its condition prior to development of the Solar Energy System.

137.10.1.1 Upon determination of abandonment, the Building Inspector shall notify the party (or parties) responsible they must remove the Solar Energy System and restore the site to its condition prior to development of the Solar Energy Facility within 360 days' of notice by the Building Inspector or his designee.

137.10.1.2 If the responsible party (or parties) fails to comply, the Building Inspector or his designee may remove the Solar Energy System, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the Solar Energy System and restore the site to a non-hazardous pre-development condition.

### 137.10.2 Decommissioning

137.10.2.1 A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted prior to the issuance of the development permit:

137.10.2.2 Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, abandonment etc.)

137.10.2.3 Removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations.

137.10.2.4 Restoration of property to condition prior to development of the Solar Energy System.

137.10.2.5 The timeframe for completion of decommissioning activities.

137.10.2.6 Description of any agreement (e.g. lease) with landowner regarding decommissioning.

137.10.2.7 The party currently responsible for decommissioning.

137.10.2.8 Plans for updating this decommissioning plan.

137.10.2.9 A form of surety equal to 125% of the entire cost of decommission under the plan, as estimated by a North Carolina licensed engineer under seal, and approved by the County Building Inspector and Town Attorney, either through cash, a surety performance bond, irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Town or in escrow with a financial institution designated as an official depository of the Town. This surety shall be retained by the Town to cover the cost of the decommissioning requirements herein. Following initial submittal of the surety, the cost calculation shall be reviewed annually, and adjusted



accordingly based upon an updated estimate of a North Carolina licensed engineer under seal, of the estimated decommissioning costs; provided however, any such periodic adjustment must be approved by the Planning Board. Failure to comply with any requirement of this paragraph shall result in the immediate termination and revocation of all prior approvals and permits; further, Town shall be entitled to make immediate demand upon, and/or retain any proceeds of, the surety, which shall be used for decommissioning and/or removal of the Solar Energy System, even if still operational.

<b>SOLAR</b>	R1	R2	R3	MU1	MU
Level 1 Solar Energy System (SES)					
Integrated and Roof Mounted SESs	E*	E*	E*	E*	E*
Ground mounted SES which is an accessory to a new principal construction	E*	E*	E*	E*	E*
Ground mounted SES added as an accessory to an existing principal construction	L	L	L	L	L
Level 2 SES	X	X	X	S	S
E* Plans for the Solar Energy System included as accessory under the permit for the principle use					

Definitions to be added to the GMO:

- Integrated Solar Energy System is an SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building, or other structure. An Integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light, or parking meter.
- Rooftop Solar Energy System is an SES that is permanently affixed to a roof.
- Ground Mounted Solar Energy System is an SES that is permanently affixed to the ground. The Footprint of a Ground Mounted SES is calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the functioning of the SES, such as transformers and inverters.
- Level 1 SESs are systems that are an accessory to a principal use (see Sections 251.3 and 64). These include Integrated, Roof Mounted, and Ground Mounted Systems.
- Level 2 SESs are Ground Mounted Systems that are an accessory to a principal use and exceed 50% of the primary structure footprint or are the principal use of the property (e.g., a Solar Farm).

# Tourism Board Monthly Meeting

November 19, 2019 – Oriental Town Hall

Meeting was called to order by Chair Marsha Paplham at 5:30PM.

Members in Attendance: Marsha Paplham, Carol Mabe, Suzanne Gwaltney and Town Board liaison Dianne Simmons. A broad array of others interested in the Spirit of Christmas planning and operations were also present, as were Town Manager, Assistant Town Manager and Police Chief.

## Discussion: Group discussed upcoming 2019 Spirit of Christmas event including:

Parade timing and execution: There was discussion of moving the parade to later in the afternoon - 2:30 or so – to shorten the gap from parade end to lighting of tree and other events. Parade sign-up forms will be at the Hardware Store and Keith will do online @ Town Dock as well. The parade Marshal needs five assistant parade marshals and five “cadets” to help line up participating floats/groups and manage corners where floats are turning.

There was some discussion of the theme for this year’s parade, with the group concluding that a traditional Spirit of Christmas theme was best. Basically, traditional colors, decorations, apparel etc.

The parade ends at the park/riverfront where there can be the official lighting of a town Christmas Tree after the parade - about 4:15 to 4:30. There was discussion of whether to do a traditional evergreen tree or to buy a permanent large crab pot tree to reflect our coastal/fishing heritage.) Diane Miller will see if we have funds available to purchase. (If so, Keith thinks it can be stored with the dragon.) There was also discussion about having Grace Evans do the angel tree ornaments in memory of folks as a fundraising effort. She used to charge \$5 per ornament which she hand-makes. They would be displayed on the tree. Donations could go to help Ocracoke Island or other. Order forms for the ornaments be provided in the newspaper and on Town Dock. There can also be donations to Fishes & Loaves or Toys for Pamlico Kids at the lighting event.

It was suggested we consider the Pamlico Chorale performing for the lighting event.

The Cantata at First Baptist Church is at 5:00, so people should be able to move there from the lighting.

Friday night is the annual star lighting at the harbor with the lighted kayak parade organized by Larry Summers. Diane Miller will handle the star lighting this year and Larry can focus on the lighted boats.

Luminaries prep on Tuesday night and assembly on Thursday night as well as placement and lighting on Friday evening will again be coordinated by Marsha. Everyone is invited to volunteer for this massive project. Chrissy Fulcher has contacted Marsha about doing

luminaries on Saturday night as well. She will coordinate the project. It was suggested they be placed along the riverfront and park to coordinate with the tree lighting and caroling.

Street utility pole decorations will be lit the day after Thanksgiving. Nautical themed decorations will be concentrated along the harbor. Some were damaged in recent storms, but hopefully we will have most working.

All event info from various organizations on Spirit of Christmas events should contact Jeannine at Pamlico News to be included in printed info.

Other Discussion Points:

A reminder was given that Pamlico County is collecting kids toys/stuff for local children. Heartworks is coordinating. Call them for info.

It was noted that the next planning meeting for Cycle NC 2020 is Thursday, Nov.21, 8:15 at Town Hall. All interested parties are encouraged to attend.

The meeting was adjourned at 6:45PM.

Minutes submitted by Carol Mabe