

Athens City Planning Commission
Minutes of Regular Meeting

August 20, 2020, 12:00 p.m.

The regular meeting of the Athens City Planning Commission was held virtually on August 20, 2020.

Attendees: G. Decker/Sands Decker, Rob Delach

1. **Call to Order**

RJ Sumney called the regular meeting of the Planning Commission to order at 12:00 p.m. and administered the oath to those in attendance wishing to speak before the commission. Quorum was established.

PLANNING COMMISSION MEMBERS:

RJ Sumney, Chair	Present
Christy Zempter	Present
Nancy Bain, Vice Chair	Present
Steve Patterson, Mayor	Present
Tom Pyle, Interim Service-Safety Director	Absent

STAFF:

Paul Logue, City Planner	Present
David Riggs, Code Enforcement Director	Present

2. **Disposition of Minutes**

RJ Sumney moved to accept the August 6, 2020 minutes. Nancy Bain seconded. All present voted aye. Motion passed 4:0.

3. **Cases**

Case #20-08 Title 41 - Athens Middle School Renovation

David Riggs/Summary

There are no significant changes from the communication presented at the last meeting. City review staff added no additional comments since the last meeting.

With no questions from the commission, Christy Zempter made a motion to approve Case #20-08. RJ Sumney seconded. All present voted aye. Motion passed 4:0.

Case #20-09 Solar Zoning Changes - Recommendation from Environment and Sustainability Commission

Paul Logue/Summary

He is the mayoral appointee to the Environment and Sustainability Commission, one of 11 members on the commission. About a year and a half ago, the city was working with Upgrade Athens County on the SolSmart designation that was awarded (received a bronze status). We were looking to do more, and one of the recommendations was to evaluate our zoning code to see where we might have small barriers to solar deployment. The E & S Commission reviewed zoning code, and with guidance from SolSmart organization, they were going to advance this in April 2020 for earth month but it was postponed due to the pandemic. Trying to bring this back now.

Discussion

Steve Patterson: In 2017 he entered in with many mayors across the U.S. to uphold and continue down the path of the Paris Climate Accord, has been involved with the carbon fee initiative, and was also involved with the SolSmart designation effort. Feels strongly that we should continue to pursue all efforts to improve our stewardship of the earth. This will allow residents easier access to solar energy.

RJ Sumney: Question on 23.03.26 - Solar Access Easement. "Owners of accessory solar energy systems are solely responsible for negotiating with other property owners for any desired solar easements..." If someone has a beef about a neighbor's attempt to put in a system that may obstruct their property rights, and they get nowhere, what is the next step for them, small claims court?

Paul Logue: The solar access easement language is describing the situation where somebody has solar panels on their rooftop, and they want to talk to the property owner about continued access to solar (the future need to trim back trees). The default is that if you have a tree that is creating shade, it will be able to continue to grow and create shade. The city will not intervene to negotiate the situation/access to sunlight. There is solar access easement language in the ORC (since 1979). If a property owner is allowed to put up solar on their property, the adjoin property owner has no grounds to argue.

RJ Sumney: Rooftops are the only location for residents to build solar, not in the yard.

Paul Logue: Yard installation would be considered as an accessory structure on their own, and will need to follow existing rules in city code.

Christy Zempter: Semantics question about 23.03.07, when you say solar energy systems on flat roofs. Talking about roofs with an appropriate residential pitch as well?

Paul Logue: For example, if you have a flat roof and the max roof height in your zone is 35', and your flat roof is at 35', any solar panels that you add won't need to get a variance. Same way as treating church spires, antennas, etc.

Christy Zempter: If there is a pitched residential roof and it goes above the max height, that counts too, correct?

Paul Logue: Didn't consider a pitched roof and so may consider a change for that and add "and pitched roofs".

Steve Patterson: Agrees to make the change to amend to include both pitched and flat roofs.

Paul Logue: Pointed out a typo in 23.03.26 in the third line, add "be" after "must" and before "consistent".

Steve Patterson moved to approve Case #20-09 and recommend to City Council the solar zoning changes to City Code, with the caveat that there be included an amendment to under 23.03.27 to change “flat roofs” to “flat and pitched roofs”, and the typo noted by Paul Logue be corrected. Christy Zempter seconded. All present voted aye. Motion passed 4:0.

4. **Communications**

2040 Comprehensive Plan – Paul Logue

The draft plan and survey document are available for public comment through tomorrow. Has received a lot of feedback in the last few weeks. Met with the west side community association and has a meeting coming up with the far-east side neighborhood association.

Paul Logue shared his screen and began to review his PowerPoint presentation. Due to a power fluctuation, the connection was lost. The commission continued with other agenda items (below). After Paul Logue reconnected it was decided that this would be tabled and presented at the next Planning Commission meeting.

Discussion while reconnection was being established during agenda item 4.

Steve Patterson: OU off campus students beginning to return, be mindful of this and plan your errands accordingly. Reminder about mask ordinance that is still in effect.

RJ Sumney: Efforts to fill the void that the university might be leaving behind?

Steve Patterson: Menards will be opening in September, which will create jobs and draw people in to Athens. Bailey’s Trail System 15 miles open and 11 miles under construction – this will diversify the economic profile by attracting tourists. Open to other businesses to come to Athens. Open to attracting people to come to Athens to live and work remotely.

5. **Report from City Planner and Director of Code Enforcement**

Paul Logue

- No report

David Riggs

- No report

Steve Patterson asked David Riggs if he has been approached by any businesses wanting to come to Athens. David Riggs replied that he has been contacted by a smaller “big box” store. They are also working with an annexation which will result is a senior living center.

7. **Opportunity for Citizens to Speak**

No comments

8. **Announcements & Other Business**

The next meeting will be September 3, 2020.

9. **Adjournment**

The meeting was adjourned at 12:39 p.m.

RJ Sumney, Planning Commission

Patricia Witmer, City of Athens