

# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • Chair • 248-3308  
PAULINE ANDERSON • District 1 • 248-5220  
GRETCHEN KAFOURY • District 2 • 248-5219  
CAROLINE MILLER • District 3 • 248-5217  
POLLY CASTERLINE • District 4 • 248-5213  
JANE McGARVIN • Clerk • 248-3277

AGENDA OF  
MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
FOR THE WEEK OF  
June 20 - 24, 1988

Tuesday, June 21, 1988 - 9:30 AM - Planning Items . . . . . Page 2  
Tuesday, June 21, 1988 - 1:30 PM - Executive Session  
followed by - Informal Meeting . . . . . Page 3  
Wednesday, June 22, 1988 - Board Retreat, Blue Lake Park Lakehouse  
Thursday, June 23, 1988 - 9:30 AM - Formal Meeting . . . . . Page 4

Tuesday, June 21, 1988 - 9:30 AM  
Multnomah County Courthouse, Room 602

PLANNING AGENDA

Auto Wrecker License Application submitted by Planning & Development Division with recommendation that same be approved for Tony Schneider dba A-1 Discount Auto Wrecking, 12010 North Columbia Blvd.

Second Reading - An ordinance protecting solar access to new single family residential lots and to new and existing single family houses  
First Reading approved 6/07 (C 9-86)

Tuesday, June 21, 1988 - 1:30 PM

Multnomah County Courthouse, Room 602

Executive Session - Consult with legal counsel regarding pending EMS litigation permitted by ORS 192.660(1)(h)

INFORMAL MEETING

AGENDA

1. Informal Review of Bids and Requests for Proposals:
  - a) AIDS Counseling, Education, & Support Services for Gay and Bi-Sexual Men
2. Informal Review of Formal Agenda of June 9

Thursday, June 22, 1988, 9:30 AM

Multnomah County Courthouse, Room 602

FORMAL AGENDA

REGULAR ITEMS

BOARD OF COUNTY COMMISSIONERS

- R-1 In the matter of presentation of Certificate of Appreciation to Ben Gruetter and Robert Van Speybrock
- R-2 Budget Modification Nondepartmental #16 making an appropriation transfer in the amount of \$600 within Board of County Commissioners (Commissioner Kafoury) from Materials and Services to Capital Equipment to purchase a typewriter

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-3 Budget Modification DES #17 making appropriation transfer within Road Fund from Road Fund Contingency (\$307,000) and Capital Projects (\$400,000 and delaying two projects until next fiscal year, to County Supplements in order to make 1987-88 Road Fund Payment to the City of Portland
- R-4 Order in the matter of the Conveyance of County-owned real property to the Housing Authority of Portland; authorizing execution of Bargain and Sale Deed
- R-5 Resolution in the Matter of Adopting a Budget Policy to Carry Over Appropriations for Certain Projects to Following Fiscal Year

DEPARTMENT OF GENERAL SERVICES

- R-6 Resolution in the matter of the Authorization to Issue Certificates of Participation to Finance the Acquisition and Remodeling of the Gill Building

ORDINANCES - DEPARTMENT OF GENERAL SERVICES

- R-7 First Reading - An Ordinance relating to the Investment Advisory Board, and amending Ordinance No. 409
- R-8 Second Reading of an Ordinance in the Matter of Adoption of Salary Ranges for Fiscal Year 1988-89 for Employees Covered by the Exempt Classification/Compensation Plan
- R-9 Second Reading of an Ordinance making certain revisions to the Risk Management Code MCC Chapter 2.60

DEPARTMENT OF HUMAN SERVICES

- R-10 In the matter of approving a \$150,000 grant agreement from the U.S. Department of Health and Human Services by Aging Services Division, to work with hospitals and community service providers to set up a night and weekend response system for older people who go to hospital emergency rooms for non-medical problems, for period September 1, 1987 through December 1, 1988 (original agreement misplaced)
- R-11 In the matter of ratification of Amendment #13 to the State Mental Health Intergovernmental revenue agreement whereby net total of \$23,866 is reduced for FY 87-88, to reflect anticipated service levels and expenditures through June 30, 1988
- R-12 Budget Modification DHS #52 making various adjustments to the Social Service Division budgets for a net reduction of \$23,866 to reflect Amendment #13 to the State Mental Health Intergovernmental revenue agreement
- R-13 In the matter of the ratification of an intergovernmental agreement with State Health Division whereby the State will continue to provide hepatitis testing for Multnomah County clients from July 1, 1988 through June 30, 1989
- R-14 In the matter of the ratification of an intergovernmental revenue agreement with State Department of Education whereby the State will provide \$58,195 for intensive in-home developmental screening and follow-up to 35 new born babies born to drug abusing mothers for period July 1, 1988 to June 30, 1989
- R-15 In the Matter of the ratification of an intergovernmental revenue agreement with State Adult and Family Services whereby the State will continue the "Refugee Early Employment Project" through June 30, 1989 (Amendment #3)

- R-16 In the matter of the ratification of an intergovernmental revenue agreement with State Adult and Family Services whereby the termination date of the "Physician Care Organization Agreement" (Medicaid Capitation) is extended from June 30, 1988 to September 30, 1988
- R-17 In the matter of the ratification of an intergovernmental agreement with State Adult and Family Services whereby the State will reimburse the County for provision of dental services to Title 19 eligible clients for the period of July 1, 1988 through June 30, 1989
- R-18 In the matter of the ratification of an intergovernmental agreement with Oregon Health Sciences University whereby University will provide physicians (chest fellows) to diagnose, treat, evaluate and consult in County's T.B. Clinic at \$120 for each half day clinic from July 1, 1988 to June 30, 1989
- R-19 In the matter of the ratification of an intergovernmental agreement with Oregon Health Sciences University whereby the University will continue to provide dental care for low income County residents from July 1, 1988 through June 30, 1989
- R-20 In the matter of the ratification of an intergovernmental agreement with Oregon Health Sciences University whereby University will develop standard operating procedures for the Emergency Medical on-line medical direction system and trauma communications coordination system; establish a peer review process; provide in-service training for Emergency Medical Technicians from July 1, 1988 to June 30, 1989
- R-21 In the matter of the ratification of an intergovernmental agreement with Washington and Clackamas Counties whereby Multnomah County will provide detention bed space and supervision for juveniles at the Donald E. Long Home from July 1, 1988 through June 30, 1989
- R-22 Budget modification DHS #53 reflecting a revenue increase in the amount of \$24,794 from Private Industry Council (PIC) to Juvenile Services Federal/State Fund (\$23,278) and Insurance Fund (\$1,516) for High Risk and Summer Employment Program

- R-23 Budget modification DHS #54 making appropriations transfers within Human Services: from salary savings Personal services to Professional Services to fund Fraud Investigation position in Public Guardian Office (\$26,727), Professional Services/Materials & Services (\$199,454) to fund possible over-expenditures in the Emergency Hold/Corrections Health Outside Referrals, plus various other transfers to cover possible over-expenditures (\$150,911)

SHERIFF'S OFFICE

- R-24 In the matter of ratification of an intergovernmental agreement between the Sheriff's Office and the City of Wood Village, whereby Sheriff's Office will perform law enforcement functions within the City of Wood Village for period July 1, 1988 to June 30, 1989

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:  
Thursday, 10:00 PM, Channel 11 for East and West side subscribers  
Friday, 6:00 P.M., Channel 27 for Rogers Multnomah East subscribers  
Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers



# MULTNOMAH COUNTY OREGON

46  
5160

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • Chair • 248-3308  
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POLLY CASTERLINE • District 4 • 248-5213  
JANE MCGARVIN • Clerk • 248-3277

June 21, 1988

State of Oregon  
Motor Vehicle Division  
Salem, OR 97310  
Attn: Dealer Section

Tony Schneider  
dba A-1 Discount Auto Wrecking  
12010 North Columbia Blvd.  
Portland, OR 97203

Ms. Lorna Stickel, Planning Director  
Division of Planning & Development  
2115 SE Morrison  
Portland, OR

Dear Ms. Stickel:

Be it remembered, that at a meeting of the Board of County Commissioners held June 21, 1988, the following action was taken:

Auto Wrecker License Application submitted by )  
Planning & Development Division with recommenda- )  
tion that same be approved for Tony Schneider, )  
dba A-1 Discount Auto Wrecking, 12010 North )  
Columbia Blvd. )

Upon motion of Commissioner Miller, duly seconded by Commissioner Kafoury, it is unanimously

ORDERED that the recommendation be adopted as the Order of the Board.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By Barbara E. Jones  
Barbara E. Jones  
Asst. Clerk of the Board

bj





# MULTNOMAH COUNTY OREGON

6/21/88  
~~11/1/88~~

DEPARTMENT OF ENVIRONMENTAL SERVICES  
DIVISION OF PLANNING  
AND DEVELOPMENT  
2115 S.E. MORRISON STREET  
PORTLAND, OREGON 97214  
(503) 248-3047

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER  
CAROLINE MILLER • DISTRICT 3 COMMISSIONER  
POLLY CASTERLINE • DISTRICT 4 COMMISSIONER

## BOARD OF COUNTY COMMISSIONERS

Tuesday, June 21, 1988

9:30 a.m., Room 602

BOARD OF  
COUNTY COMMISSIONERS  
1988 JUN 13 AM 10:57  
MULTNOMAH COUNTY  
OREGON

## A G E N D A

### Public Hearing - Second Reading

C 9-86      An Ordinance protecting solar access to new single family  
residential lots and to new and existing single family houses.

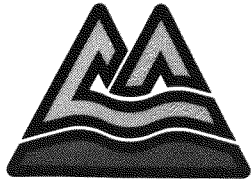
### Other Item for Board Action

### Auto Wrecker's License - Renewal

Submitted to the Board with a recommendation that the same be approved

Tony Schneider  
dba A-1 Discount Auto Wrecking  
12010 North Columbia Blvd.

0808P



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES  
DIVISION OF PLANNING  
AND DEVELOPMENT  
2115 S.E. MORRISON STREET  
PORTLAND, OREGON 97214  
(503) 248-3047

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
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GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER  
CAROLINE MILLER • DISTRICT 3 COMMISSIONER  
POLLY CASTERLINE • DISTRICT 4 COMMISSIONER

June 7, 1988

Honorable Board of County Commissioners  
Room 605, Multnomah County Courthouse  
1021 SW Fourth Avenue  
Portland, Oregon 97204

RE: Auto Wrecker's License - Renewal

Tony Schneider  
(dba A-1 Discount Auto Wrecking)  
12010 North Columbia Blvd.

Recommend: Approval of Business Location

Dear Commissioners:

The staff of the Division of Planning and Development respectfully recommends that the above license be approved, based upon findings that they satisfy the locational requirements for same as contained in ORS 822.110 and .135.

Sincerely,

MULTNOMAH COUNTY DIVISION OF PLANNING AND DEVELOPMENT

Robert N. Hall, Senior Planner

RNH:sec/1097L

Enclosure - Wrecker's License Application  
Department of Public Safety's Report



# **Multnomah County Sheriff's Office**

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

**FRED B. PEARCE**  
SHERIFF

(503) 255-3600

## MEMORANDUM

To: Sharon Cowley, Administrative Assistant  
Planning and Development

From: Sgt. E.T. Hausafus  
Intelligence Unit

Date: June 8, 1988

Subject: Wreckers License Renewal

Attached is an application for a business certificate as a wrecker of motor vehicles at 12010 N. Columbia Blvd., Portland, Ore., the A-1 Discount Auto Wrecking.

The Sheriff's Office would recommend for the license providing that zoning requirements have been satisfied. Thank you for your attention in this matter.

RECEIVED  
JUN 9 1988

Multnomah County  
Zoning Division



# APPLICATION FOR BUSINESS CERTIFICATE

AS A WRECKER OF MOTOR VEHICLES OR SALVAGE POOL OPERATOR

☐ ORIGINAL  
☐ RENEWAL ★

NOTES: FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY  
PLEASE TYPE OR PRINT LEGIBLY WITH INK  
DO NOT SUBMIT APPLICATION WITHOUT YOUR SURETY BOND AND THE REQUIRED FEE.

CERTIFICATE NO: \_\_\_\_\_

1	NAME (CORPORATION AND/OR ASSUMED BUSINESS NAME) <b>A-1 Discount Auto Wrecking</b>			BUSINESS TELEPHONE <b>283-2925</b>
2	MAIN BUSINESS LOCATION (STREET AND NUMBER) <b>12010 N. Columbia Blvd.</b>	CITY <b>Portland</b>	ZIP CODE <b>97203</b>	COUNTY <b>MULT</b>
3	MAILING ADDRESS <b>12010 N. Columbia Blvd.</b>	CITY <b>Portland</b>	STATE <b>OREGON</b>	ZIP CODE <b>97203</b>

LIST THE ADDRESSES OF ALL ADDITIONAL BUSINESS LOCATIONS. A SEPARATE APPLICATION FORM MUST BE COMPLETED FOR ANY ADDITIONAL LOCATIONS IN A DIFFERENT CITY.

4	STREET ADDRESS	CITY	ZIP CODE	COUNTY	TELEPHONE
5	STREET ADDRESS	CITY	ZIP CODE	COUNTY	TELEPHONE
6	CHECK ORGANIZATION TYPE: <input checked="" type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> CORPORATION		IF CORPORATION, LIST THE STATE UNDER WHOSE LAW BUSINESS IS INCORPORATED		

LIST NAME AND RESIDENCE ADDRESS OF ALL INDIVIDUAL OWNERS, PARTNERS OR PRINCIPAL CORPORATE OFFICERS

7	NAME <b>Tony Schneider</b>	TITLE <b>OWNER</b>	DATE OF BIRTH <b>5-4-63</b>	RESIDENCE TELEPHONE <b>(503) 283-4908</b>
8	RESIDENCE ADDRESS <b>7516 N. Columbia Blvd.</b>	CITY <b>Portland</b>	STATE <b>OREGON</b>	ZIP CODE <b>97203</b>
9	NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
10	RESIDENCE ADDRESS	CITY	STATE	ZIP CODE
11	NAME	TITLE	DATE OF BIRTH	RESIDENCE TELEPHONE
12	RESIDENCE ADDRESS	CITY	STATE	ZIP CODE

13 THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE **100** ft. x **300** ft.

I CERTIFY THAT I AM THE APPLICANT OR AN AUTHORIZED REPRESENTATIVE AND THAT ALL INFORMATION ON THIS APPLICATION IS ACCURATE AND TRUE. I ALSO CERTIFY THAT THE RIGHT OF WAY OF ANY HIGHWAY ADJACENT TO THE LOCATION(S) LISTED ABOVE IS USED FOR ACCESS TO THE PREMISES AND PUBLIC PARKING.

14	NAME <b>Tony Schneider</b>	TITLE <b>OWNER</b>	RESIDENCE TELEPHONE <b>(503) 283-4908</b>
15	ADDRESS, CITY, STATE, ZIP CODE <b>7516 N. Columbia Blvd.</b>	SIGNATURE <i>Tony Schneider</i>	DATE <b>6-2-88</b>

16 APPROVAL: I CERTIFY THAT THE GOVERNING BODY OF THE ☐ CITY ☒ COUNTY OF **MULTnomah** HAS:

- A) APPROVED THE APPLICANT AS BEING SUITABLE TO ESTABLISH, MAINTAIN OR OPERATE A WRECKING YARD OR BUSINESS (ORIGINAL APPLICATIONS ONLY).
- B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR LOCATION UNDER SECTION 802, CHAPTER 338, OREGON LAWS 1983 (AS AMENDED BY CHAPTER 16, OREGON LAWS 1985).
- C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY PROHIBITION UNDER SECTION 806, CHAPTER 338, OREGON LAWS 1983 (AS AMENDED BY CHAPTER 16, OREGON LAWS 1985).
- D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER SECTION 807, CHAPTER 338, OREGON LAWS 1983 (AS AMENDED BY CHAPTER 16, OREGON LAWS 1985).

I ALSO CERTIFY THAT I AM AUTHORIZED TO SIGN THIS APPLICATION AND AS EVIDENCE OF SUCH AUTHORITY DO AFFIX HEREON THE SEAL OR STAMP OF THE CITY OR COUNTY

PLACE STAMP OR SEAL HERE

17	NAME <b>Barbara E. Jones</b>	TITLE <b>Asst. Clerk of the Board</b>
18	SIGNATURE <i>Barbara E. Jones</i>	DATE <b>6/21/88</b>

FEE: \$54.00

**SURETY BOND**Registration Date: June 30, 1988  
Premium : \$100.00

FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY

BOND NO.: 28969

CONTINUATION CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT Tony Schneider  
(INDIVIDUAL, PARTNERS, CORPORATION NAME)DOING BUSINESS AS A-1 Discount Auto Wrecking  
(ASSUMED BUSINESS NAME, IF ANY)HAVING PRINCIPAL PLACE OF BUSINESS AT 12010 N. Columbia Blvd. Portland, Oregon 97203  
(ADDRESS, CITY, STATE, ZIP CODE)WITH ADDITIONAL PLACES OF BUSINESS AT \_\_\_\_\_  
(ADDRESS, CITY, STATE, ZIP CODE)\_\_\_\_\_  
(ADDRESS, CITY, STATE, ZIP CODE)STATE OF OREGON, AS PRINCIPAL(S), AND American Bonding Company  
(SURETY NAME)  
0123 S.W Hamilton Portland, Oregon 97201 (503 ) 226-6444  
(ADDRESS, CITY, STATE, ZIP CODE) TELEPHONE NUMBER

A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF Nebraska,  
AND AUTHORIZED TO TRANSACT A SURETY BUSINESS IN THE STATE OF OREGON, AS SURETY, ARE HELD AND FIRMLY  
BOUND UNTO THE STATE OF OREGON IN THE PENAL SUM OF \$2,000.00 FOR THE PAYMENT OF WHICH WE HEREBY BIND  
OURSELVES, OUR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY AND SEVERALLY, FIRMLY BY THESE PRESENTS.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT WHEN THE ABOVE NAMED PRINCIPAL HAS BEEN ISSUED A  
CERTIFICATE TO CONDUCT, IN THIS STATE, A BUSINESS WRECKING, DISMANTLING AND SUBSTANTIALLY ALTERING THE  
FORM OF VEHICLES, SAID PRINCIPAL SHALL CONDUCT SUCH BUSINESS WITHOUT FRAUD OR FRAUDULENT REPRESENTA-  
TION, AND WITHOUT VIOLATION OF ANY OF THE PROVISIONS OF THE OREGON VEHICLE CODE SPECIFIED IN ORS 822.120(2)  
THEN AND IN THAT EVENT THIS OBLIGATION TO BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT UNLESS  
CANCELLED PURSUANT TO ORS 743.755.

THIS BOND IS EFFECTIVE June 30, 19 88 AND EXPIRES June 30, 19 89

ANY ALTERATION VOIDS THIS BOND

IN WITNESS WHEREOF, THE SAID PRINCIPAL AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED  
BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO  
AFFIXED THIS 23rd DAY OF May 19 88.

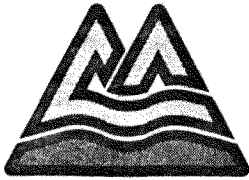
Tony Schneider Tony Schneider Owner  
SIGNATURE OF PRINCIPAL/REPRESENTATIVE TITLEMary-Anne Skinner Mary-Anne Skinner Attorney-In-Fact  
SIGNATURE OF SURETY/REPRESENTATIVE TITLE

SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:

IN THE EVENT A PROBLEM ARISES CONCERNING THIS BOND, CONTACT:

NAME	Skinner Bonding of Oregon, Inc.	TELEPHONE	503 226-6444
ADDRESS	0123 S.W Hamilton		
CITY, STATE, ZIP CODE	Portland, Oregon 97201		

PLACE SURETY SEAL BELOW



**MULTNOMAH COUNTY OREGON**

46  
5160

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
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JANE McGARVIN • Clerk • 248-3277

June 21, 1988

Ms. Lorna Stickel, Planning Director  
Division of Planning & Development  
2115 SE Morrison  
Portland, OR

Dear Ms. Stickel:

Be it remembered, that at a meeting of the Board of County Commissioners held June 21, 1988, the following action was taken:

Second Reading - An ordinance protecting solar	)	
access to new single family residential lots and	)	
to new and eexisting single family houses	)	ORDINANCE
(C 9-86)	)	NO. 579

Copies of the above-entitled Ordinance were available to all persons wishing a copy. Ordinance was read by title only.

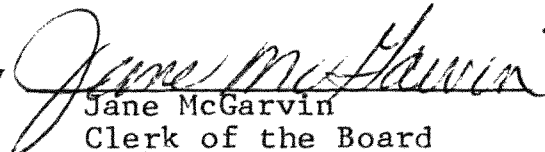
A hearing was held; no one wished to testify.

Upon motion of Commissioner Casterline, duly seconded by Commissioner Miller, it is unanimously

ORDERED that said Ordinance be adopted.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By   
Jane McGarvin  
Clerk of the Board

jm  
cc: County Counsel

CU 9-88

Approve, subject to conditions, conditional use request to allow an operation and expansion of an existing roadside produce stand, consisting of a 24' x 36' building, the major portion of which would house a walk-in cooler, for property at 34926 East Crown Point Highway.

MC 1-88

Approve, subject to a condition, change in a pre-existing use from the present auto body and repair shop to a limousine service, consisting of an office and limousine storage building, for property at 13635 SE Division Street.

Other Item for Board Review.

*orig to print shop  
6/24/88*

Public Hearing

C 9-86

An Ordinance protecting solar access to new single family residential lots and to new and existing single family houses.

First Reading June 7, 1988 at 9:30 a.m.

Second Reading June 21, 1988 at 9:30 a.m.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF MULTNOMAH COUNTY, OREGON

Ordinance No. 579

An Ordinance protecting solar access to : new single family residential lots;  
and to new and existing single family houses.

Multnomah County ordains as follows:

Section 1. AMENDMENT. Multnomah County Code Chapter 11.15 is amended by the addition of new Sections .6805 through .6899, which shall provide as follows:

SOLAR ACCESS PROVISIONS FOR NEW DEVELOPMENT

11.15.6805. Purpose.

The purposes of the solar access provisions for new development are to ensure that land in the urban portions of Multnomah County is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.

11.15.6810. Applicability.

The solar design standard in Section .6815 shall apply to applications for a development to create lots in LR-40, LR-30, LR-20, LR-10, LR-7.5, LR-7, LR-5, R-40, R-30, R-20, R-10, and R-7 zones and for single family detached dwellings in any zone, except to the extent the approval authority finds that the applicant has shown one or more of the conditions listed in Sections .6820 and .6822 exist, and exemptions or adjustments provided for therein are warranted.

11.15.6815. Design Standard.

At least 80 percent of the lots in a development subject to this Ordinance shall comply with one or more of the options in this Section.

A. Basic Requirement (See Figure 9). A lot complies with Section .6815 if it:

1. Has a north-south dimension of 90 feet or more; and
2. Has a front lot line that is oriented within 30 degrees of a true east-west axis.



B. Protected Solar Building Line Option (See Figure 10). In the alternative, a lot complies with Section .6815 if a solar building line is used to protect solar access as follows:

1. A protected solar building line for the lot to the north is designated on the plat, or documents recorded with the plat;
2. The protected solar building line for the lot to the north is oriented within 30 degrees of the true east-west axis;
3. There is at least 70 feet between the protected solar building line on the lot to the north and the middle of the north-south dimension of the lot to the south, measured along a line perpendicular to the protected solar building line;
4. There is at least 45 feet between the protected solar building line and the northern edge of the buildable area of the lot, or habitable structures are situated so that at least 80 percent of their south-facing wall will not be shaded by structures or non-exempt vegetation.

C. Performance Option. In the alternative, a lot complies with Section .6815 if:

1. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis and at least 80 percent of their ground floor south wall protected from shade by structures and non-exempt trees; or
2. Habitable structures built on that lot will have at least 32 percent of their glazing and 500 square feet of their roof area which faces within 30 degrees of south and is protected from shade by structures and non-exempt trees.

11.15.6820 Exemptions from Design Standard.

A development is exempt from Section .6815 if the Planning Director finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from Section .6815 to the extent the Planning Director finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with Section .6815.

- A. Slopes. The site, or a portion of the site for which the exemption is sought, is sloped 20 percent or more in a direction greater than 45 degrees east or west of true south, based on a topographic survey by a licensed professional land surveyor.

B. Off-site shade. The site, or a portion of the site for which the exemption is sought, is within the shadow pattern of off-site features, such as but not limited to structures, topography, or non-exempt vegetation, which will remain after development occurs on the site from which the shade is originating.

1. Shade from an existing or approved off-site dwelling in a single family residential zone and from topographic features is assumed to remain after development of the site.
2. Shade from an off-site structure in a zone other than a single family residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.
3. Shade from off-site vegetation is assumed to remain after development of the site if: the trees that cause it are situated in a required setback; or they are part of a developed area, public park, or legally reserved open space; or they are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law.
4. Shade from other off-site sources is assumed to be shade that exists or that will be cast by development for which applicable local permits have been approved on the date a complete application for the development is filed.

C. On-site shade. The site, or a portion of the site for which the exemption is requested, is:

1. Within the shadow pattern of on-site features such as, but not limited to structures and topography which will remain after the development occurs; or
2. Contains non-exempt trees at least 30 feet tall and more than 6 inches in diameter measured 4 feet above the ground which have a crown cover over at least 80 percent of the site or relevant portion. The applicant can show such crown cover exists using a scaled survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50 percent of the trees that cause the shade that warrants the exemption. The applicant shall file a note on the plat or other document in the office of the County Recorder binding the applicant to comply with this requirement.

The county shall be made a party of any covenant or restriction created to enforce any provision of this ordinance. The covenant or restriction shall not be amended without written county approval.

11.15.6822 Adjustments to Design Standard.

The Planning Director shall reduce the percentage of lots that must comply with Section .6815 to the minimum extent necessary if it finds the applicant has shown one or more of the following site characteristics apply.

- A. Density and cost. If the design standard in Section .6815 is applied, either the resulting density is less than that proposed, or on-site site development costs (e.g. grading, water, storm drainage and sanitary systems, and roads) and solar related off-site site development costs are at least 5 percent more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with Section .6815 would reduce density or increase per lot costs in this manner. The applicant shall show which if any of these or other similar site characteristics apply in an application for a development.
1. The portion of the site for which the adjustment is sought has a natural grade that is sloped 10 percent or more and is oriented greater than 45 degrees east or west of true south based on a topographic survey of the site by a professional land surveyor.
  2. There is a significant natural feature on the site, identified as such in the comprehensive plan or development ordinance, that prevents given streets or lots from being oriented for solar access, and it will exist after the site is developed.
  3. Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access.
  4. An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.
- B. Development amenities. If the design standard in Section .6815 applies to a given lot or lots, significant development amenities that would otherwise benefit the lot(s) will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) would result from having the lot(s) comply with Section .6815 is relevant to whether a significant development amenity is lost or impaired. Development amenities which may merit design adjustments include, but are not limited to the following:

- views of volcanic peaks in the Cascade Range;
- substantial open space, recreation or aesthetic features added by the applicant;
- existing Goal 5 Features identified in the Comprehensive Framework Plan.

C. Existing shade. Non-exempt trees at least 30 feet tall and more than 6 inches in diameter measured 4 feet above the ground have a crown cover over at least 80 per cent of the lot and at least 50 percent of the crown cover will remain after development of the lot. The applicant can show such crown cover exists using a scaled survey of non-exempt trees on the site or using an arial photograph.

1. Shade from non-exempt trees is assumed to remain if: the trees are situated in a required setback; or they are part of an existing or proposed park, open space, or recreational amenity; or they are separated from the developable remainder of their parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law; and they do not need to be removed for a driveway or other development.
2. Also, to the extent the shade is caused by on-site trees or off-site trees on land owned by the applicant, it is assumed to remain if the applicant files in the office of the County Recorder a covenant binding the applicant to retain the trees causing the shade on the affected lots.

#### 11.15.6825 Protection from Future Shade.

Structures and non-exempt vegetation must comply with the "Solar Balance Point" sections for existing lots (reference 11.15.6840 - .6868) if located on a lot that is subject to the solar design standard in Section .6815, or if located on a lot south of and adjoining a lot that complies with Section .6815.

The applicant shall file a note on the plat or other documents in the office of the County Recorder binding the applicant and subsequent purchasers to comply with the future shade protection standards in Section .6825. The county shall be made a party of any covenant or restriction created to enforce any provision of this ordinance. The covenant or restriction shall not be amended without written county approval.

#### 11.15.6828 Application.

An application for approval of a development subject to this ordinance shall include:

- A. Maps and text sufficient to show the development complies with the solar design standard of Section .6815, except for

lots for which an exemption or adjustment from Section .6815 is requested, including at least:

1. The north-south lot dimension and front lot line orientation of each proposed lot.
  2. Protected solar building lines and relevant building site restrictions, if applicable.
  3. For the purpose of identifying trees exempt from Section .6825, a map showing existing trees at least 30 feet tall and over 6 inches in diameter at a point 4 feet above grade, indicating their height, diameter and species, and stating that they are to be retained and are exempt.
  4. Copies of all private restrictions relating to solar access.
- B. If an exemption or adjustment to Section .6815 is requested, maps and text sufficient to show that given lots or areas in the development comply with the standards for such an exemption or adjustment in Section .6820, or .6822 respectively.

11.15.6830 Procedure.

Development requests subject to Solar Access Provisions in the preceding sections (11.15.6805-.6828) shall be decided as prescribed by Chapter 11.45, Land Divisions.

11.15.6832 Appeal and Review Procedures.

- A. A Planning Director decision on a Land Division request subject to Sections 11.15.6810-.6828 may be appealed to the Planning Commission pursuant to Sections 11.15.8290-.8295.
- B. A Planning Commission decision on a Land Division request subject to Sections 11.15.6810-.6828 may be reviewed by The Board of County Commissioners as prescribed by Sections 11.15.8260-.8285.

## SOLAR BALANCE POINT PROVISIONS

### 11.15.6835 Purpose.

The purposes of these provisions are to promote the use of solar energy, to minimize shading of structures by structures and accessory structures, and, where applicable, to minimize shading of structures by trees. Decisions related to these provisions are intended to be ministerial.

### 11.15.6840 Applicability.

This ordinance applies to an application for a building permit for all structures in LR-40, LR-30, LR-20, LR-10, LR-7.5, LR-7, LR-5, R-40, R-30, R-20, R-10, R-7, and all single family detached structures in any zone, except to the extent the approval authority finds the applicant has shown that one or more of the conditions listed in Sections .6855 or .6858 exists, and exemptions or adjustments provided therein are warranted. In addition, non exempt vegetation planted on lots subject to the provisions of Section .6825 of the Solar Access Provisions for New Development shall comply with the shade point height standards as provided in Sections .6850 and .6855 of this ordinance.

### 11.15.6845 Solar Site Plan Required.

An applicant for a building permit for a structure subject to this ordinance shall submit a site plan that shows the maximum shade point height allowed under Section .6850 and the allowed shade on the proposed structure's solar features as provided in .6860. If applicable, the site plan shall also show the solar balance point for the structure as provided in Section .6865.

### 11.15.6850 Maximum Shade Point Height Standard.

The height of the shade point shall comply with either subsection A or B below.

- A. Basic Requirement. The height of the shade point shall be less than or equal to the height specified in Table A or computed using the following formula. If necessary, interpolate between the 5 foot dimensions listed in Table A.

$$H = \frac{(2 \times SRL) - N + 150}{5}$$

Where: H = the maximum allowed height of the shade point (see Figures 4 and 5);  
SRL = shade reduction line (the distance between the shade point and the northern lot line, see Figure 6); and  
N = the north-south lot dimension, provided that a north-south lot dimension more than 90 feet shall use a value of 90 feet for this section.

Provided, the maximum allowed height of the shade point may be increased one foot above the amount calculated using the formula or Table A for each foot that the average grade at the rear property line exceeds the average grade at the front property line.

TABLE A - MAXIMUM PERMITTED SHADE POINT HEIGHT (In Feet)

Distance to Shade Reduction Line from northern lot line (in feet)	North-South lot dimension (in feet)												
	100+	95	90	85	80	75	70	65	60	55	50	45	40
70	40	40	40	41	42	43	44						
65	38	38	38	39	40	41	42	43					
60	36	36	36	37	38	39	40	41	42				
55	34	34	34	35	36	37	38	39	40	41			
50	32	32	32	33	34	35	36	37	38	39	40	41	42
45	30	30	30	31	32	33	34	35	36	37	38	39	40
40	28	28	28	29	30	31	32	33	34	35	36	37	38
35	26	26	26	27	28	29	30	31	32	33	34	35	36
30	24	24	24	25	26	27	28	29	30	31	32	33	34
25	22	22	22	23	24	25	26	27	28	29	30	31	32
20	20	20	20	21	22	23	24	25	26	27	28	29	30
15	18	18	18	19	20	21	22	23	24	25	26	27	28
10	16	16	16	17	18	19	20	21	22	23	24	25	26
5	14	14	14	15	16	17	18	19	20	21	22	23	24

- B. Performance Option. The proposed structure, or applicable nonexempt vegetation, will shade not more than 20 percent of the south-facing glazing of existing habitable structure(s), or, where applicable, the proposed structure or non-exempt vegetation comply with Section .6815(B) or .6815(C) the Solar Access Provisions for New Development. If Section .6815(B), Protected Solar Building Line, is used, non-exempt trees and the shade point of structures shall be set back from the protected solar building line 2.5 feet for every 1 foot of height of the structure or of the mature height of non-exempt vegetation over 2 feet.

11.15.6855 Exemption from the Maximum Shade Point Height Standard.  
The Planning Director shall exempt a proposed structure or non-exempt vegetation from Sections .6845 and .6850 of this ordinance if the applicant shows that one or more of the conditions in this Section exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, suncharts or photographs, or other substantial evidence submitted by the applicant.

- A. Exempt Lot. When created the lot was subject to the Solar

Access Provisions for New Development and was not subject to the provisions of Section .6825 of that ordinance.

B. Pre-existing shade. The structure or applicable non-exempt vegetation will shade an area that is shaded by one or more of the following:

1. An existing or approved building or structure;
2. A topographic feature;
3. A non-exempt tree that will remain after development of the site. It is assumed a tree will remain after development if it: is situated in a building setback required by local law; is part of a developed area or landscaping required by local law; is within a public park, or landscape strip, or legally reserved open space; is in or separated from the developable remainder of a parcel by an undevelopable area or feature; or is on the applicant's property and not affected by the development. A duly executed covenant also can be used to preserve trees causing such shade.

C. Slope. The site has an average slope that exceeds 20 percent in a direction greater than 45 degrees east or west of true south based on a topographic survey by a licensed professional land surveyor.

D. Insignificant benefit. The proposed structure or nonexempt vegetation shades one or more of the following:

1. An undevelopable area;
2. The wall of an unheated space, such as a typical garage;
3. Less than 20 square feet of south-facing glazing.

E. Public Improvement. The proposed structure is a publicly owned improvement.

#### 11.15.6858 Adjustments to the Maximum Shade Point Height Standard.

The Planning Director shall increase the maximum permitted height of the shade point determined using Section .6850 to the extent it finds the applicant has shown one or more of the following conditions exist, based on plot plans or plats, corner elevations or both topographical data, shadow patterns, sun-charts or photographs, or other substantial evidence submitted by the applicant.

A. Physical conditions. Physical conditions preclude development of the site in a manner that complies with Section .6850, due to such things as a lot size less than 3000 square feet, unstable or wet soils, or a drainage way, public or private easement, or right-of-way.



B. Conflict between the Maximum Shade Point Height and Allowed Shade on the Solar Feature Standards. A proposed structure may be sited to meet the solar balance point standard described in Section .6865 or be sited as near to the solar balance point as allowed by Section .6865, if:

1. When the proposed structure is sited to meet the maximum shade point height standard determined using Section .6850, its solar feature will potentially be shaded as determined using Section .6960; and
2. The application includes a form provided by the county that:
  - a. Releases the applicant from complying with Section .6850 and agrees that the proposed structure may shade an area otherwise protected by Section .6850.
  - b. Releases the county from liability for damages resulting from the adjustment;
  - c. Is signed by the owner(s) of the properties that would be shaded by the proposed structure more than allowed by the provisions of Section .6850.
3. Before the county issues a permit for a proposed structure for which an adjustment has been granted pursuant to Section .6858(B), the applicant shall file the form provided for in Subsection (B)2 above in the office of the County Recorder with the deeds to the affected properties.

11.15.6860 Analysis of Allowed Shade on Solar Feature

- A. The applicant is exempt from Section .6860 if the lot(s) south of and adjoining the applicant's property is exempt from Section 6850 of this ordinance.
- B. Applicants shall be encouraged to design and site a proposed habitable structure so that the lowest height of the solar feature(s) will not be shaded by buildings or non-exempt trees on lot(s) to the south. The applicant shall complete the following calculation procedure to determine if the solar feature(s) of the proposed structure will be shaded. To start, the applicant shall choose which of the following sources of shade originating from adjacent lot(s) to the south to use to calculate the maximum shade height at the north property line:
  1. Existing structure(s) or non-exempt trees; or
  2. The maximum shade that can be cast from future buildings or non-exempt trees, based on Table C. If the lot(s) to the south can be further divided, then the north-south dimension shall be assumed to be the minimum lot width required for a new lot in that zone.

C. The height of the lowest point of any solar feature of the proposed structure shall be calculated with respect to either the average elevation or the elevation at the mid-point of the front lot line of the lot to the south.

D. The applicant shall determine the height of the shadow that may be cast upon the applicant's solar feature by the source of shade selected in Subsection (B) by using the following formula or Table B.

$$\text{SFSH} = \text{SH} - (\text{SGL}/2.5)$$

Where:

SFSH = the allowed shadow height on the solar feature (see Figure 8)

SH = the height of the shade at the northern lot line of lot(s) to the south as determined in Section Table C.

SGL = the solar gain line (the distance from the solar feature to the northern lot line of adjacent lot(s) to the south, see Figure 7)

**TABLE B - MAXIMUM PERMITTED HEIGHT OF SHADOW AT SOLAR FEATURE (In Feet)**

		Allowed Shade Height at Northern Lot Line of Adjacent Lot(s) to the South (In Feet)										
Distance from Solar Gain Line to lot line (in feet)		22	21	20	19	18	17	16	15	14	13	12
50		2	1									
45		4	3	2	1							
40		6	5	4	3	2	1					
35		8	7	6	5	4	3	2	1			
30		10	9	8	7	6	5	4	3	2	1	
25		12	11	10	9	8	7	6	5	4	3	2
20		14	13	12	11	10	9	8	7	6	5	4
15		16	15	14	13	12	11	10	9	8	7	6
10		18	17	16	15	14	13	12	11	10	9	8
5		20	19	18	17	16	15	14	13	12	11	10

Table C may be used to determine (SH) in the above formula.

**TABLE C**

North-south lot

dimension of adjacent lot(s) to the south	100	95	90	85	80	75	70	65	60	55	50	45	40
allowed shade height at the north property line of adjacent lot(s) to south	12	12	12	13	14	15	16	17	18	19	20	21	22

- E. If the allowed shade height on the solar feature calculated in Subsection (D) is higher than the lowest height of the solar feature calculated in Subsection (C) the applicant shall be encouraged to consider any changes to the house design or location which would make it practical to locate the solar feature so that it will not be shaded in the future.

11.15.6865 Solar Balance Point.

If a structure does not comply with the maximum shade point height standard in Section .6850 and the allowed shade on a solar feature standard in Section .6860, then the solar balance point of the lot shall be calculated (see Figure 8). The solar balance point is the point on the lot where a structure would most nearly comply with both of these standards, (i.e. the variation from both standards is minimized.).

11.15.6868 Yard Setback Adjustment.

The county shall grant an adjustment to the side, and/or rear yard setback requirement(s) by up to 50 percent and up to 25 percent to a front yard setback, if necessary to build a proposed structure so it complies with either the shade point height standard in Section .6850, the allowed shade on a solar feature standard in Section .6860, or the solar balance point standard in Section .6865 as provided herein (see Figure 8). This adjustment is not intended to encourage reductions in available solar access or unnecessary modification of setback requirements, and shall apply only if necessary for a structure to comply with the applicable provisions of this ordinance. (The following list illustrates yard adjustments permitted under this section:)

A. LR-5 Zone(s):

1. A front yard setback may be reduced to not less than (15) feet.
2. A rear yard setback may be reduced to not less than (7.5) feet.
3. A side yard setback may be reduced to not less than (3) feet.

B. LR-7 Zone(s):

1. A front yard setback may be reduced to not less than (15) feet.
2. A rear yard setback may be reduced to not less than (7.5) feet.
3. A side yard setback may be reduced to not less than (3) feet.

C. R-10 Zone(s):

1. A front yard setback may be reduced to not less than (22.5) feet.
2. A rear yard setback may be reduced to not less than (12.5) feet.
3. A side yard setback may be reduced to not less than (5) feet.

11.15.6870 Review Process.

A Planning Director determination on a Building Permit request subject to the preceding Solar Balance Point Provisions (Sections 11.15.6835-.6868) may be appealed as provided by Sections 11.15.8290-.8295.

## SOLAR ACCESS PERMIT PROVISIONS

### 11.15.6875 Purpose.

The purpose of the following sections is to protect solar access features on lots designated or used for a single family detached dwelling under some circumstances. It authorizes owners of such lots to apply for a permit that, if granted, prohibits solar features from being shaded by certain future vegetation on and off the permittees site.

### 11.15.6878 Applicability.

An owner or contract purchaser of property may apply for and/or be subject to a solar access permit for a solar feature if that property is in a LR-40, LR-30, LR-20, LR-10, LR-7.5, LR-7, LR-5, R-40, R-30, R-20, R-10, R-7, or is or will be developed with a single family dwelling. The county's decision whether or not to grant a solar access permit is intended to be ministerial.

### 11.15.6880 Approval Standards for a Solar Access Permit.

The Planning Director shall approve an application for a solar access permit if the applicant shows:

- A. The application is complete;
- B. The Information it contains is accurate; and
- C. Non-exempt vegetation on the applicant's property does not shade the solar feature.

### 11.15.6885 Duties Created by Solar Access Permit.

- A. A party to whom the county grants a solar access permit shall:
  - 1. Record the permit, legal descriptions of the properties affected by the permit, the solar access height limit, and the site plan required in Section .6888(C) with such modifications as required by the County Recorder, with the deeds to the properties affected by it, indexed by the names of the owners of the affected properties, and pay the fees for such filing;
  - 2. Install the solar feature in a timely manner as provided in Section .6895; and
  - 3. Maintain non-exempt vegetation on the site so it does not shade the solar feature.
- B. An owner of property burdened by a solar access permit shall be responsible and pay all costs for keeping non-exempt vegetation from exceeding the solar access height limit. However, vegetation identified as exempt on

the site plan required in Section .6888(C) (e.g., vegetation an owner shows was in the ground on the date an application for a solar access permit is filed, and solar friendly vegetation) are exempt from the solar access permit.

11.15.6888      Application Contents.

An application for a solar access permit shall contain the following information:

- A. A legal description of the applicant's lot and a legal description, owners' names, and owners' addresses for lots all or a portion of which are within 150 feet of the applicant's lot and 54 degrees east and west of true south measured from the east and west corners of the applicant's south lot line. The records of the County Tax Assessor shall be used to determine who owns property for purposes of an application. The failure of a property owner to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons who may be affected.
- B. A scaled plan of the applicant's property showing:
  - 1. Vegetation in the ground as of the date of the application if, when mature, that vegetation could shade the solar feature.
  - 2. The approximate height above grade of the solar feature, its location, and its orientation relative to true south.
- C. A scaled plan of the properties on the list required in Subsection (A) above showing:
  - 1. Their approximate dimensions; and
  - 2. The approximate location of all existing vegetation on each property that could shade the solar feature(s) on the applicant's property.
- D. For each affected lot, the requested solar access height limit. The solar access height limit is a series of contour lines establishing the maximum permitted height for non-exempt vegetation on lots affected by a Solar Access Permit (see Figure 11). The contour lines begin at the bottom edge of a solar feature for which a permit is requested and rise in five foot increments at an angle to the south not less than 21.3 degrees from the horizon and extend not more than 54 degrees east and west of true south. Notwithstanding the preceeding, the solar access height limit at the northern lot line of any lot burdened by a solar access permit shall allow non-exempt vegetation on that lot whose height causes not more shade on the benefited property than could be caused by a structure that complies with the Solar Balance Point Provisions for existing lots.

- E. A fee as required by 11.15.9015.
- F. If available, a statement signed by the owner(s) of some or all of the property(ies) to which the permit will apply if granted verifying that the vegetation shown on the plan submitted pursuant to Section .6888(C) above accurately represents vegetation in the ground on the date of the application. The county shall provide a form for that purpose. The signed statements provided for herein are permitted but not required for a complete application.

11.15.6890 Application Review Process.

- A. Unless waived by the Planning Director, prior to filing an application for a solar access permit, an applicant or applicant's representative shall pay the fee required in Section 11.15.9015 and meet with the Planning Director or his/her designate to discuss the proposal and the requirements for an application. If a meeting is held, the Planning Director shall convey a written summary of the meeting to the applicant by mail within 7 calendar days of the meeting.
- B. After the pre-application meeting is held or waived, the applicant may file an application containing the information required in section .6888 above.
- C. Within 10 calendar days after an application is filed, the Planning Director or his/her designate shall determine whether the application is complete and if it is not complete notify the applicant in writing, and specify what is required to make it complete.
- D. Within 14 calendar days after the Planning Director decides an application for a solar access permit is complete, the Planning Director or his/her designate shall issue a written decision tentatively approving or denying the request, together with reasons therefore, based on the standards of Section .6880.
  - 1. If the tentative decision is to deny the permit, the Planning Director shall mail a copy of the decision to the applicant.
  - 2. If the tentative decision is to approve the permit, and the owners of all affected properties verified the accuracy of the plot plan as permitted under Section .6888(F), the Planning Director shall send a copy of the tentative decision to the applicant and to the owners of affected properties who did not sign the verification statement pursuant to Section .6888(F) by certified mail, return receipt requested. If the Planning Director determines that the owners of a given property, affected by the permit are not the occupants of that property, then the Planning Director

shall also send a copy of the notice to the occupants of the property.

- a. The notice sent to the applicant shall include a sign that says..."a solar access permit for the property has been tentatively approved" and that informs readers where to obtain more information. The applicant shall be instructed to conspicuously post the sign so it is visible from right-of-way adjoining the property, and to sign and return a form provided by the Planning Director certifying that the sign was posted as provided herein not more than 14 days after the tentative decision was mailed.
  - b. The notice shall include the plot plans required in Sections .6888(B) and (C) above, the proposed solar access height limits, and duties created by the permit.
  - c. The notice shall request recipients to verify that the plot plan shows all non-exempt vegetation on the recipient's property, and to send the Planning Director comments in writing within 14 calendar days after the tentative decision is mailed if the recipient believes the applicant's plot plan is inaccurate.
4. Within 28 days after notice of a tentative decision is mailed to affected parties, the Planning Director shall consider responses received from affected parties and/or an inspection of the site, modify the plot plan and the permit to be consistent with the accurate information, and issue a final decision. The Planning Director shall send a copy of the permit and solar access height limits to the owners of each property affected by the permit by certified mail, return receipt requested.
- E. If the application is approved, the applicant shall record the permit, associated solar access height limits, legal descriptions for the affected properties, and the site plan required in Section .6888(C) with such modifications as required by the Planning Director and the office of the County Recorder, with the deeds to the properties affected by it before the permit is effective.

11.15.6892

Permit Enforcement Process.

- A. Enforcement request. A solar access permittee may request the county to enforce the solar access permit by providing the following information to the Planning Director:
  1. A copy of the solar access permit and the plot plans submitted with the permit;



2. The legal description of the lot(s) on which alleged non-exempt vegetation is situated, the address of the owner(s) of that property, and a scaled site plan of the lot(s) showing the non-exempt vegetation; and
  3. Evidence the vegetation violates the solar access permit, such as a sunchart photograph, shadow pattern, and/or photographs.
- B. Enforcement process. If the Planning Director determines the request for enforcement is complete, he/she shall initiate an enforcement action pursuant to zoning violation procedures. Provided the Planning Director shall not enforce the permit against vegetation the owner of which shows was in the ground on the date the permit application was filed with the county.

11.15.6895 Expiration and Extension of a Solar Access Permit.

- A. Expiration. Every permit issued by the Planning Director under the provisions of Section .6890 shall expire if the construction of the solar feature protected by such permit is not commenced within 180 days from the date of such permit, or if the construction of the solar feature protected by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. If the permittee does not show construction of the solar feature will be started within 180 days of the date of the permit or the extension, or if the solar feature is removed, the Planning Director shall terminate the permit by recording a notice of expiration in the office of the County Recorder with the deeds to the affected properties.
- B. Extension. Any permittee holding an unexpired permit may apply for an extension of the time within which he or she may commence work under that permit when he or she is unable to commence work within the time required by this Section for good and satisfactory reasons. The Planning Director may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented actions from being taken. No permit shall be extended more than once.

## SOLAR ACCESS ORDINANCE

### DEFINITIONS

11.15.6899 The following definitions shall apply to MCC 11.15.6805-.6895.

#### Crown Cover:

The area within the drip line or perimeter of the foliage of a tree.

#### Development:

Any short plat, partition, subdivision or planned unit development that is created under the county's land division or zoning regulations.

#### Exempt Tree or Vegetation:

The full height and breadth of vegetation that the Planning Director has identified as "solar friendly" and listed in the Solar Friendly Tree Report, 1987; and any vegetation listed on a plat map, a document recorded with the plat, or a solar access permit as exempt.

#### Front Lot Line:

For purposes of the solar access regulations, a lot line abutting a street. For corner lots the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the lot line that is most parallel to and closest to the street, excluding the pole portion of the flag lot (see Figure 1).

#### Non-Exempt Tree or Vegetation.

Vegetation that is not exempt.

#### Northern Lot Line:

The lot line that is the smallest angle from a line drawn east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an undevelopable area other than a required yard area, the northern lot line shall be at the north edge of the undevelopable area. If two lot lines have an identical angle relative to a line drawn east-west, then the northern lot line shall be a line 10 feet in length within the lot parallel with and at a maximum distance from the front lot line (see Figure 2).

#### North-south Dimension:

The length of a line beginning at the mid-point of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a property boundary (see Figure 3).

Protected Solar Building Line:

A line on a plat or map recorded with the plat that identifies the location on a lot where a point two feet above may not be shaded by structures or non-exempt trees (see Figure 10).

Shade:

A shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.

Shade Point:

The part of a structure or non-exempt tree that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south; except a shadow caused by a narrow object such as a mast or whip antenna, a dish antenna with a diameter of 3 feet or less, a chimney, utility pole or wire. The height of the shade point shall be measured from the the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If the shade point is located at the north end of a ridgeline of a structure oriented within 45 degrees of a true north-south line, the shade point height computed according to the preceding sentence may be reduced by 3 feet. If a structure has a roof oriented within 45 degrees of a true east-west line with a pitch that is flatter than 5 feet (vertical) in 12 feet (horizontal) the shade point height will be the eave of the roof. If such a roof has a pitch that is 5 feet in 12 feet or steeper, the shade point will be the peak of the roof (see Figures 4 and 5).

Shade Reduction Line:

A line drawn parallel to the northern lot line that intersects the shade point (see Figure 6).

Shadow Pattern:

A graphic representation of an area that would be shaded by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging between 22.7 degrees east and west of true south (see Figure 12).

Solar Access Height Limit:

A series of contour lines establishing the maximum permitted height for non-exempt vegetation on lots affected by a Solar Access Permit (see Figure 11).

Solar Access Permit

A document issued by the county that describes the maximum height that non-exempt vegetation is allowed to grow on lots to which a solar access permit applies.

#### Solar Feature:

A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Examples of a solar feature include a window that contains at least 20 square feet of glazing oriented within 45 degrees east and west of true south, a solar greenhouse, or a solar hot water heater. A solar feature may be used for purposes in addition to collecting solar energy, including but not limited to serving as a structural member or part of a roof, wall, or window. A south-facing wall without windows and without other features that use or collect solar energy is not a solar feature for purposes of this ordinance.

#### Solar gain line:

A line parallel to the northern property line(s) of the lot(s) south of and adjoining a given lot including lots separated only by a street, that intersects the solar feature on that lot (see Figure 7).

#### South or South Facing:

True south, or 20 degrees east of magnetic south.

#### Sunchart:

One or more photographs that plot the position of the sun between 10:30 a.m. and 1:30 p.m. on January 21, prepared pursuant to guidelines issued by the Planning Director. The sunchart shall show the southern skyline through a transparent grid on which is imposed solar altitude for a 45-degree and 30 minute northern latitude in 10-degree increments and solar azimuth from true south in 15-degree increments.

#### Undeveloped Area:

An area that cannot be used practicably for a habitable structure because of natural conditions, such as slopes exceeding 20 percent in a direction greater than 45 degrees east or west of true south, severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or man-made conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

Section 5. Adoption.

This Ordinance, being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on the seventy-first (71st) day after its adoption, pursuant to Section 5.50 of the Charter of Multnomah County Commissioners and authentication by the County Chair.

ADOPTED this 21st day of June, 1988, being the date of its second reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

(SEAL)

By Gladys McCoy  
Gladys McCoy  
Multnomah County Chair

APPROVED AS TO FORM

LAURENCE KRESSEL, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By John DeBay  
John DeBay, Deputy County Counsel

02970/P15-36

Figure 1

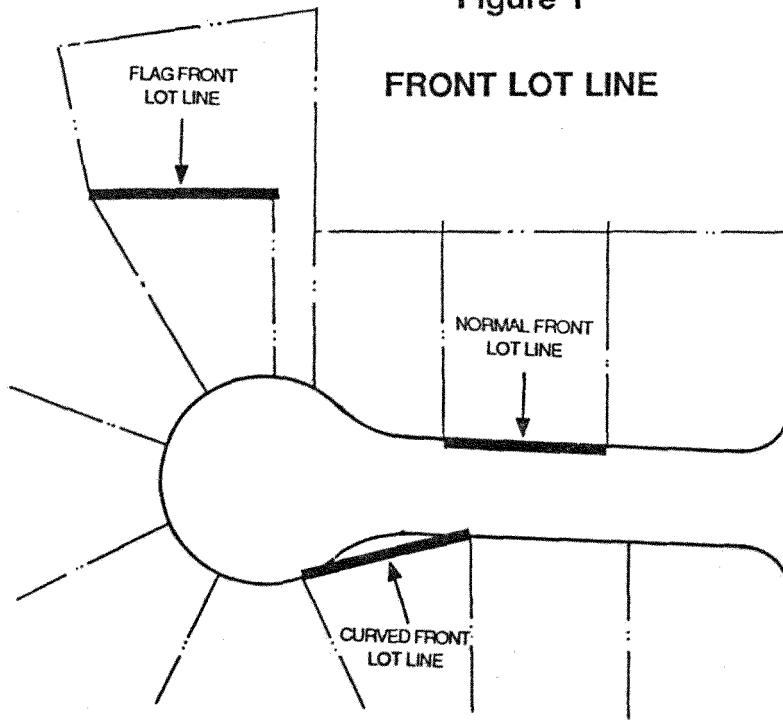


Figure 2

**NORTHERN LOT LINE**

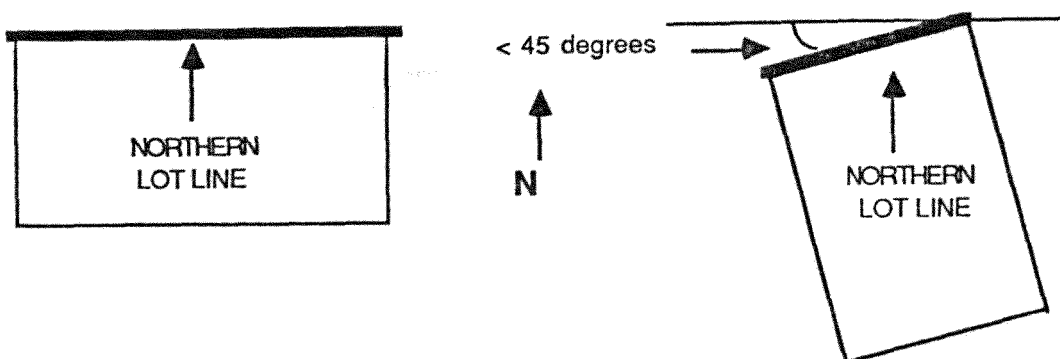


Figure 3

NORTH-SOUTH DIMENSION OF THE LOT

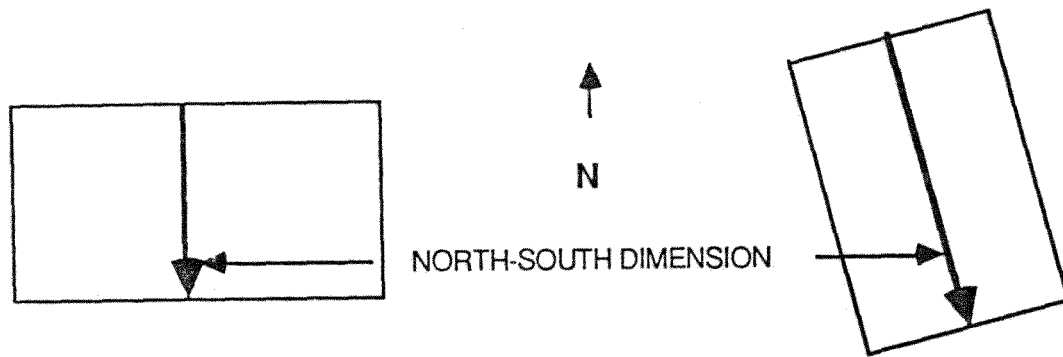


Figure 4

HEIGHT OF THE SHADE POINT OF THE STRUCTURE

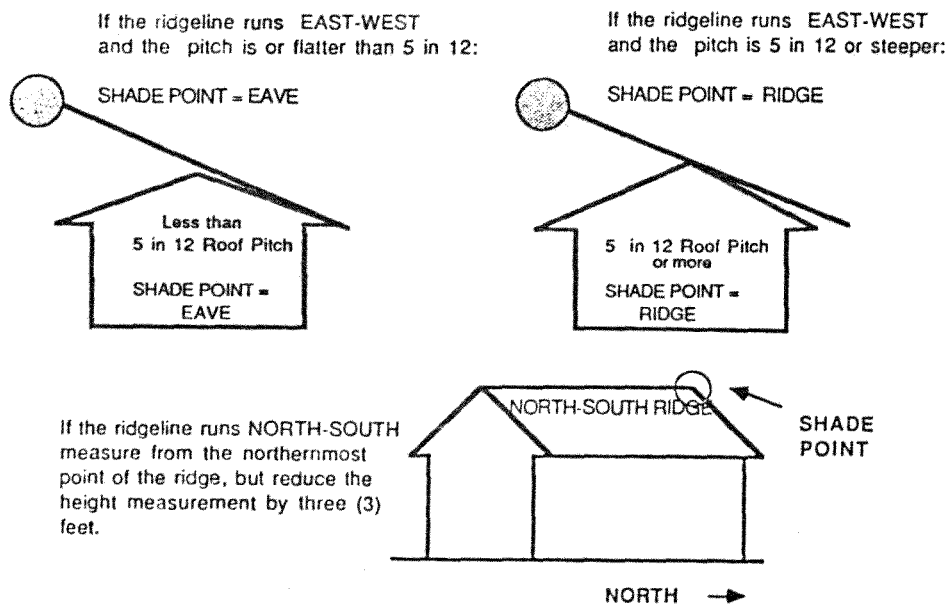


Figure 5

SHADE POINT HEIGHT

Measure to average grade at the front lot line.

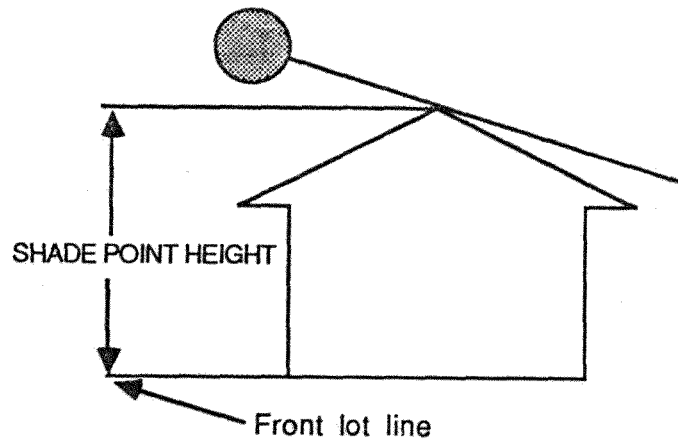


Figure 6

SHADE REDUCTION LINE

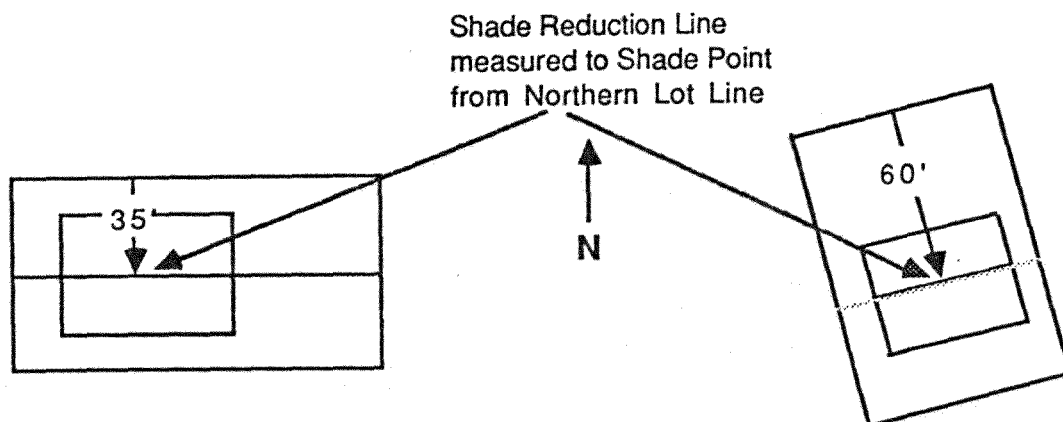




Figure 7

### SOLAR GAIN LINE

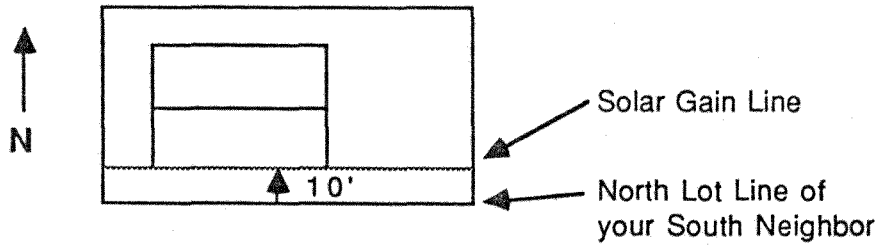


Figure 8

### SOLAR BALANCE POINT STANDARD

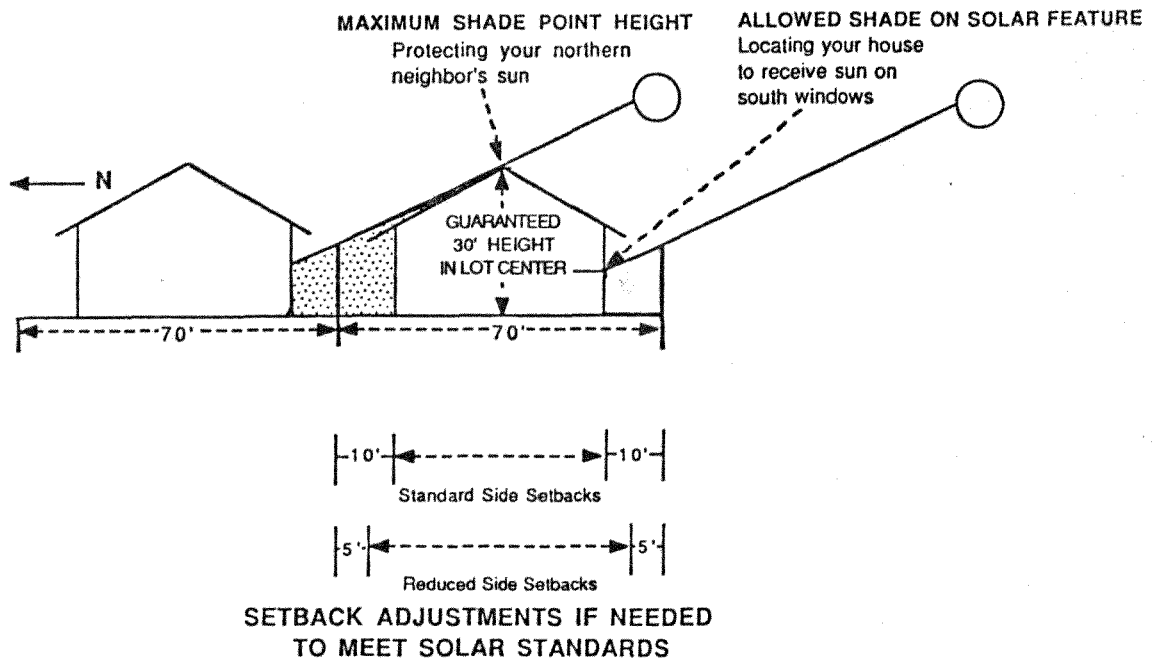


Figure 9

**SOLAR LOT OPTION 1: BASIC REQUIREMENTS**

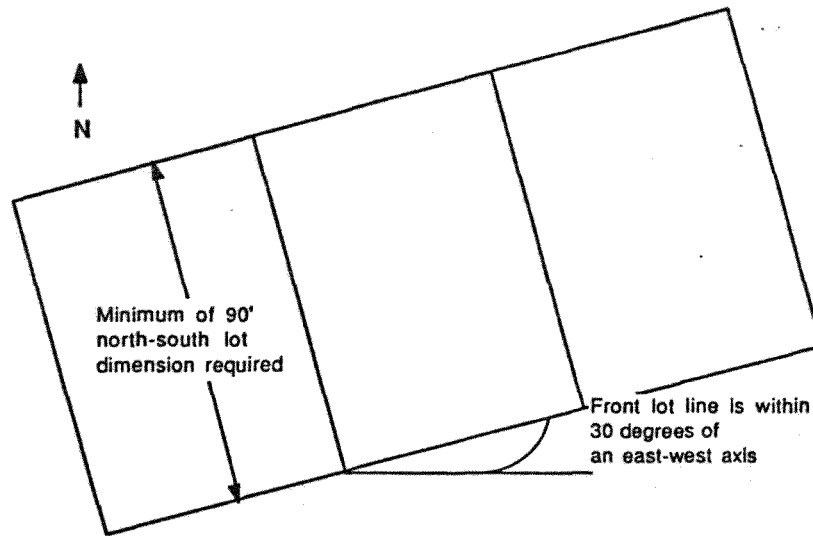


Figure 10

**SOLAR LOT OPTION 2: PROTECTED SOLAR BUILDING LINE**

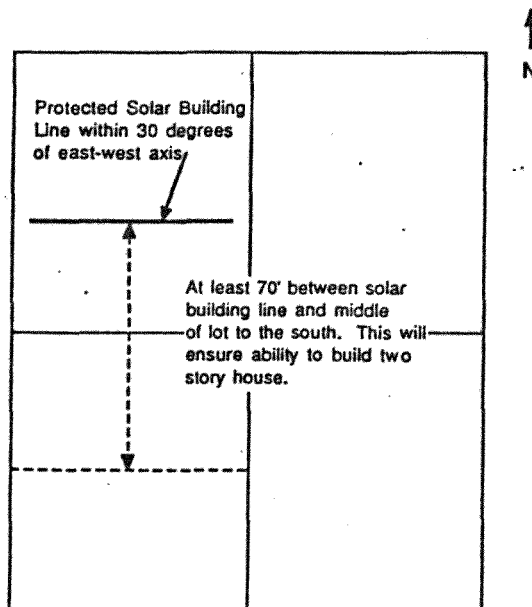


Figure 11

SOLAR ACCESS HEIGHT LIMIT

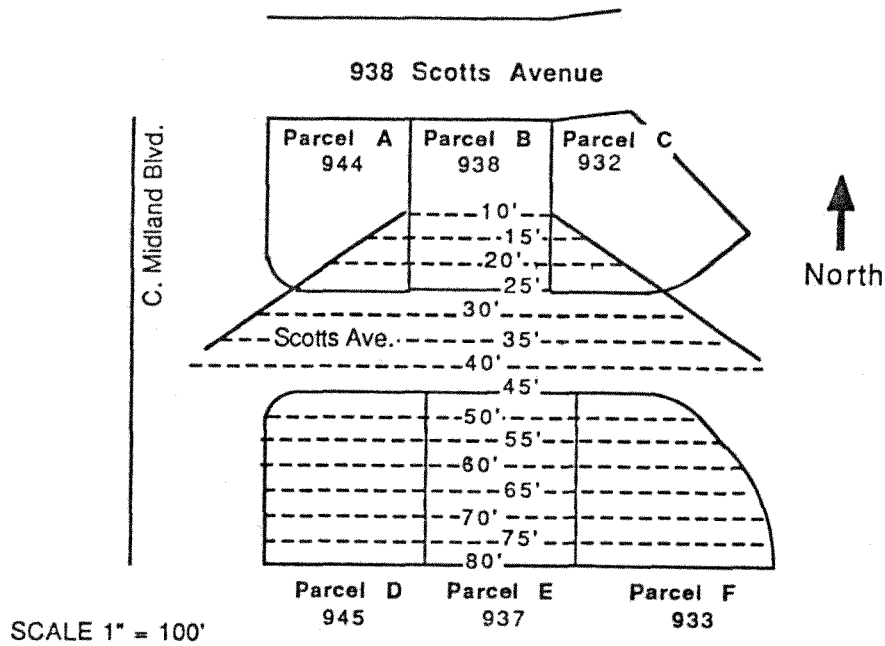
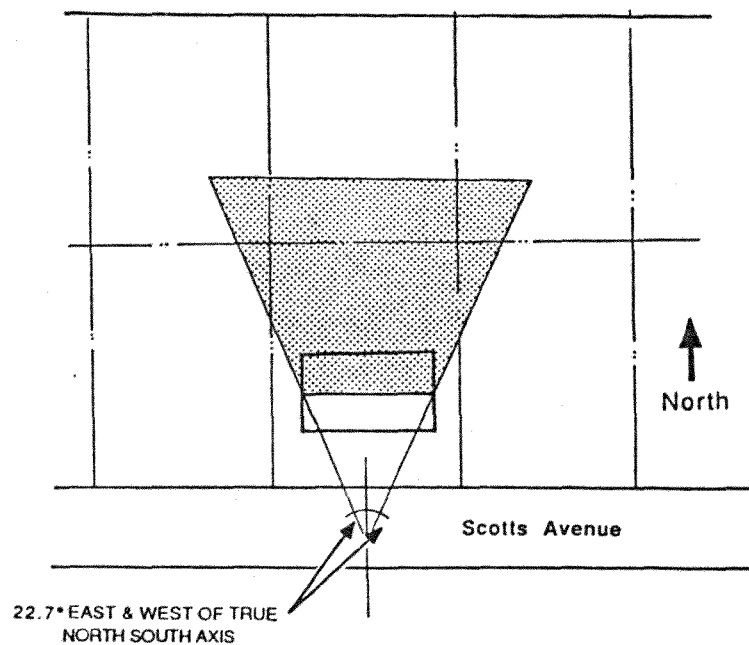


Figure 12

SHADOW PATTERN



BEFORE THE PLANNING COMMISSION

OF MULTNOMAH COUNTY, OREGON

In the Matter of proposed)  
Solar Access Protection )  
Ordinances )

RESOLUTION  
IN SUPPORT OF ADOPTION  
C 9-86

- I. There is a public need for and a public health, safety and general welfare interest in having local governments adopt solar access protection regulations.

WHEREAS, traditional property law does not protect solar energy access in the absence of a private agreement or a public law that requires such protection. Existing local land use laws in the Portland-Vancouver Metropolitan Area do not expressly protect solar energy access. Private easements and incentives in those laws to encourage the use of solar energy have not resulted in significant protection of solar energy access.

WHEREAS, because local laws do not require protection of solar energy access, many cost-effective energy savings measures and future options have been lost forever. They will continue to be lost in the future unless new land use laws are adopted. The potential impact of this loss amounts to millions of dollars during the life of new development in the region and to a waste of non-renewable resources.

WHEREAS, federal laws and plans promote conservation of energy by such means as solar access protection.

1. The Northwest Electric Power Planning and Conservation Act of 1980 directed the Northwest Power Council and Bonneville Power Administration to give priority to conservation and renewable resources in their resource planning and acquisition.
2. The Northwest Power Plan recommends "acquisition of cost-effective lost opportunity resources which, if not secured now or in the near term, could be lost forever to the region. The primary example is incorporating energy efficient features into new buildings when they are constructed, since many of these measures cannot be installed later and the buildings will consume energy long after the surplus is over."

The Northwest Power Plan supports adoption of Solar Access Ordinances by local governments region-wide because it develops the capability to deliver energy conservation in the future.

The Northwest Power Planning Council's Model Conservation standards include minimum solar access requirements for sun-tempered and passive solar homes.

WHEREAS, state statutes recognize there is a public interest in protecting solar energy access and authorize local governments to enact solar access protection regulations.

1. ORS 469.010 declares that "continued growth in demand for non-renewable energy forms poses a serious and immediate, as well as future, problem. It is essential that future generations not be left a legacy of vanished or depleted resources, resulting in massive environmental, social and financial impact. It is the goal of Oregon to promote the efficient use of energy resources and to develop permanently sustainable energy resources."
2. ORS 227.190 and 215.044 authorize City and County government bodies, respectively, to adopt and implement ordinances "protecting and assuring access to incident solar radiation" provided they do not conflict with acknowledged comprehensive plans and land use regulations. State statutes provides that a solar access ordinance "shall provide and protect to the extent feasible solar access to the south face of buildings during solar heating hours, taking into account latitude, topography, microclimate, existing development, existing vegetation and planned uses and densities."

"The governing body shall consider for inclusion in any solar access ordinance, but not be limited to, standards for:

  - (a). the orientation of new streets, lots and parcels;
  - (b). the placement, height, bulk and orientation of new buildings;
  - (c). the type and placement of new trees on public street rights-of-way and other public property; and
  - (d). planned uses and densities to conserve energy, facilitate the use of solar energy, or both."
3. Oregon Statewide Planning Goal No. 13 is to conserve energy. It promotes land use controls that "maximize the conservation of all forms of energy, based upon sound economic principles." It directs that comprehensive plans "should consider the potential of renewable energy sources, including solar energy, and may use implementation techniques which affect such factors as lot size, siting, building height, bulk, surface area and availability of light."

WHEREAS, the Multnomah County Comprehensive Framework Plan contains the following policies that promote energy conservation and solar energy:

Policy No. 2 (Off-Site Effects) provides conditions should prevent land uses from causing or exacerbating deleterious off-site effects (Volume 2, Page 14).

Policy No. 16 (Natural Resources) provides the long-range availability of energy resources should not be impaired by a land use law or action (Volume 2, Page 66).

Policy No. 22 (Energy Conservation) provides the County will promote use of renewable energy resources in land use, street layout, lotting and design. Strategies in that Policy promote solar access protection and solar conscious design in County regulations and land use decision-making (Volume 2, Page 87-89).

Policy No. 33a (Transportation System) recognizes energy efficiency as a design standard for streets (Volume 2, Page 145-146).

WHEREAS, Federal, State and local governments, with help from interested members of the public and the development industry, created and carried out a project to address the need for solar energy access protection in the Portland-Vancouver Metropolitan Area. The project provides a foundation on which local governments can assume authority provided by statute to encourage, protect and provide solar access. The project is summarized in the following findings.

- A. In 1985, 21 governments in the Portland-Vancouver Metropolitan Area, including Multnomah County, passed Resolutions to join together to ask the Bonneville Power Administration (BPA) for funds to develop solar access protection laws that would be considered for adoption by each government in the project. BPA agreed to fund the two-year project. It was administered by the Washington Energy Office and Oregon Department of Energy. A 22nd government, the City of Portland, joined the project late in 1987. The 21 original project participants are listed below:

Beaverton	Canby	Clackamas County	Clark County
Cornelius	Fairview	Forest Grove	Gresham
Happy Valley	Lake Oswego	Milwaukie	Multnomah County
Oregon City	St. Helens	Scappoose	Tigard
Troutdale	Vancouver	Washington County	West Linn
Wilsonville			

- B. A structure for the participants in the project was created; it is summarized below.

1. Each participating government appointed two or three "liaisons" to the project, generally one each from the government body, planning commission and planning staff. The liaisons participated on project committees, attended project seminars, regularly received information about the project and relayed information and concerns between the project staff and their govern-

ment. The liaisons for Multnomah County were:

Richard Leonard, Planning Commission;  
Lori Fulton, Succeeded by Mark Hess, Design Review Planner;  
Chris Moir, Commissioner's Assistant

2. The liaisons in turn appointed a 12-member Steering Committee of local government officials. The Steering Committee appointed technical committees, managed the project, undertook public involvement and public attitude studies, synthesized the work of the technical committees, and made policy choices involved in the project, such as adopting design principles, and recommending the Solar Access Protection Ordinances. Multnomah County liaison Richard Leonard was Vice-Chairman of the Steering Committee.
  3. The Steering Committee appointed liaisons, industry representatives and other people with related skills and experience to two technical committees. The committee members represented a balanced cross section of interests and operated by consensus. The Research Committee was responsible primarily for research about the factors that affect solar access and about the benefits of solar access protection. The Ordinance Committee was responsible for researching existing land use laws, drafting model solar access protection ordinances, and estimating the costs of implementing those ordinances. Multnomah County liaisons Lori Fulton and Mark Hess served on the Ordinance Committee.
- C. Public involvement activities were undertaken. These included an attitude survey and a review of studies about public and builder attitudes toward solar energy. Project staff prepared a quarterly publication describing project activities and meeting schedules. It was sent by mail to about 1,000 residents, firms and agencies in the area. Also governing bodies and Planning Commissions throughout the area received briefings about the project periodically; their meetings were open to the public. Press releases were distributed prior to each meeting of the Steering Committee and before other project events. All meetings of the committees were open to the public. Several briefings and work sessions were held with groups and individuals from the development industry. Broadcast media coverage and a community cable television videotape also informed the public about the project.
- D. Drafts of the Solar Access Ordinances were evaluated by the Ordinance Committee. Also they were tested by 11 jurisdictions and industry officials by applying them to "real world" land use requests in those jurisdictions. As a result, the Ordinances were changed to be more clear, to ease administration and to comply more with the project design principles.
- E. The following reports and studies were produced and considered during the project, and form the basis for the technical recommendations in the Solar Access Protection Ordinances. They are incorporated herein by reference; several are summarized in attachments for convenience.

1. Research Committee, An Analysis of 402 Sites to Determine the Major Factors Influencing Solar Access in the Portland-Vancouver Metropolitan Area, June, 1987.
2. Research Committee, Potential Benefits of Solar Access, September, 1987.
3. Pihas, Schmidt, Westerdahl, Solar Energy, Solar Access and Energy Conservation: Research Compilation, May, 1987.
4. Ames Associates, Solar Friendly Tree Report, June, 1987.
5. Ordinance Committee, New Development Standard Cost Report, January, 1988.
6. Ordinance Committee, Potential Costs of the Solar Balance Point Standard, January, 1988.
7. Columbia Information Systems, Public Attitude Survey, March, 1987.
8. Fleitell, Paula, Survey of Experiences in Communities with Solar Access Ordinances, August, 1987.
9. Boe and Tumidaj, Comparative Solar Setback Analysis of 80 Metro Area Site Plans, April, 1987.
10. Portland Bureau of Planning, Solar Access Ordinance Evaluation: Support Document, August, 1987.
11. Columbia Information Systems, A Survey of the Building Community on the Solar Access Ordinances, n.d.
12. Benkendorf Associates, Plat Re-design Case Studies: Waterhouse, Dawn Crest, and Bridgeport, February-June, 1987.
13. Benkendorf Associates, Solar Re-Design Cost Comparison - Waterhouse and Dawn Crest, May, 1987.
14. Mark Johnson, BPA, Residential Standards Demonstration Program Solar Access Report (Draft), December, 1987.



15. Salem Department of Community Development, Solar Access Program Final Performance Report, October, 1987.
16. Bureau of Governmental Research and Service, An Evaluation of the City of Portland's Solar Access Ordinance, 1986.
17. Larry Epstein, PC, Summary of Land Use Ordinances for Jurisdictions in the Metro Solar Access Project, 1987.
18. Conservation Management Services, Impact of the Solar Balance Point Standard, January, 1988.

F. The most important products of the project are the four Solar Access Protection Ordinances.

1. One Ordinance - the Solar Access Standard for New Development - applies to land divisions and planned unit developments in single family zoning districts and to single family detached dwelling developments in any zone. It promotes proper lot orientation for solar access as well as generally preventing structures and some new trees from significantly shading neighbors.

The basic requirement for new developments is that 80 percent of lots front on streets oriented within 30 degrees of a true east-west line and have a north-south dimension of 90 feet or greater. This will maximize the number of lots with good solar access characteristics and minimize the potential problems of protecting solar access to homes on north-south streets. Two alternative requirements and provisions for exemptions and adjustments also are included.

2. A second Ordinance - the Solar Balance Point Standard for Existing Lots - applies to new structures and additions in single family zoning districts and to single family detached dwellings in all zones. It prevents new structures from significantly shading neighbors and balances solar rights and development rights of affected property owners. It also applies to certain trees planted on lots that are created after the effective date of the Ordinance.

The Solar Balance Point Ordinance protects full south wall solar access on lots that have good solar characteristics, and allows more shade on lots with poor solar access characteristics.

3. A third Ordinance - the Solar Access Permit Ordinance - enables the jurisdiction to issue a permit on a case by case basis at the request of a property owner in an existing neighborhood to prevent neighbors from planting new trees that would significantly shade a solar energy feature on the applicant's property.

4. A fourth Ordinance contains definitions used throughout the other three Ordinances.
5. The Ordinances protect homes in new and existing developments from shade caused by "solar unfriendly" trees planted after a certain date. A list of "Solar Friendly Trees" has been developed to assist in landscaping lots to protect solar access without significantly restricting the public's range of landscape options.
6. The Solar Access Ordinance for New Development and the Solar Access Balance Point Ordinance are mandatory in the sense that development subject to either of the two Ordinances must comply with them or comply with standards for exemptions and adjustments. The Ordinances do not require the use of solar energy features; they merely protect solar access so that the option to use solar energy in the future is preserved.

WHEREAS, in the project's early stages, the Steering Committee adopted eight "design principles". The participating governments and Home Builders Association of Metropolitan Portland agreed that the solar access protection program they would draft should comply with these principles. The program also has to comply with applicable State statutes and with the local comprehensive plan. The eight design principles commit project participants to draft a solar access program that will:

- A. Be efficient to administer and comply with and easy to enforce;
- B. Have a clear rationale supported by credible project research;
- C. Provide certainty to property owners regarding the extent and limitations of their sun and shade rights;
- D. Provide flexible enough standards to deal with a variety of development situations, including providing exceptions for difficult circumstances;
- E. Provide an easy means to inform the public about its provisions and effects;
- F. Provide effective solar access protection for properties;
- G. Provide equitable treatment to all property owners; and
- H. Be coordinated and balanced with other local Ordinances, standards and policies.

WHEREAS, the proposed Ordinances are consistent with and help implement federal law and comply with applicable State statutes and comprehensive plan policies, based on the following:

- A. The proposed Ordinances are consistent with the Northwest Electric Power Planning and Conservation Act of 1980 and with the Northwest Power Plan, because they promote use of energy efficient features and design principles in new residential development and will help new residential development comply with the Northwest Power Planning Council's Model Conservation Standards.
- B. The proposed Ordinances are consistent with State enabling legislation, because they protect solar access to south-facing windows during winter to the extent feasible, considering existing and potential physical features and land uses.
- C. The proposed Ordinances are consistent with the Statewide planning goals listed below. Remaining Statewide planning goals are not relevant.
  - a. Goal 1 (Public Involvement), because of the public involvement conducted as part of the project and the public hearings conducted by the Planning Commission and governing body;
  - b. Goal 2 (Land Use Planning), because they result from a consensus-oriented planning process in which issues and needs were identified, existing conditions were inventoried, alternatives were considered, and recommendations were made based on broad public review of options;
  - c. Goal 5 (Open Spaces, Scenic and Historic Areas and Natural Resources) and Goal 13 (Energy Conservation), because they conserve non-renewable energy resources and promote use of renewable energy resources; and
  - d. Goal 10 (Housing), because the Ordinances do not reduce permitted densities or reduce availability of housing for any segment of the public and they do not significantly increase the cost of housing. On the contrary, solar access can reduce operating costs for heating and cooling of residential structures, thereby reducing housing costs.

WHEREAS, the proposed Ordinances also are consistent with the "design principles" adopted by the Steering Committee, based on the following Findings:

- A. The Ordinances are efficient to administer and comply with and easy to enforce because:
  - 1. The Ordinances reflect the experience of other jurisdictions with solar access protection laws, and include features that avoid problems and complexities in those cases.
  - 2. The Ordinances have been tested by the development industry and by 11 local governments in the project. The lessons learned from this preliminary testing have reduced uncertainty and increased the ease of administration.

3. The project staff will train staff and the public and development community before the Ordinances are implemented, reducing the time and effort it takes to implement and comply with the Ordinances.
4. The costs of implementing the Ordinances have been estimated. Compared to costs of other land use regulations, the proposed Ordinances should not increase the cost of complying with those regulations. The Ordinances allow adjustments, if compliance increases development costs in a given case by a minimum amount.
5. The Ordinances include clear and objective approval standards, reducing the need for administrative discretion and extensive public review procedures. All terms are defined and many are illustrated by drawings, reducing the potential for confusion and misunderstanding. Exceptions and adjustments are provided for, reducing the need for variances to the proposed Ordinances. The Ordinances minimize new procedures; rather, they are to be integrated into existing land use procedures, reducing the potential for delay or increased administrative cost.
6. Research showed a voluntary or incentive-based solar access program is more costly to implement and more difficult to evaluate than a mandatory one.

B. The proposed Ordinances have a clear rationale supported by credible project research.

1. The research shows there is a need for solar access protection regulations. Existing development codes of participating governments do not protect solar access. Therefore, any solar access opportunities in the Metro Area have been lost. If existing development trends toward smaller lots and taller houses continue without regard for solar access, many more opportunities will be lost in the future.
2. The research shows it is practicable to develop land so that less solar access is lost.
  - a. While only 40 percent of existing lots have optimum solar orientation and access, research shows new developments in the region generally can be designed so that at least 80 percent of new lots can have optimum solar orientation and access without significantly increasing development costs.
  - b. Increased solar access can result in substantial energy savings over the life of a typical residential structure. BPA research shows homes with good solar access use 10 percent less energy for heating than other homes. Project research shows solar access protection will cause average savings of about \$1,150 in heating costs over the life of a home and can provide as much as \$4,000 in savings. The gross energy savings to owners of new houses in the region from implementing the Ordinances is estimated to be \$150 million over the next 20 years. Savings could increase to \$325 million if more people use solar energy design principles and features in new construction.

- c. The solar access Ordinances cost the consumer about \$20 per lot in a new development or \$55 per new structure in an infill development. They cost the government \$4 to \$7 per lot.
- 3. Project research shows solar energy access protection has values that are difficult to quantify, but benefit from adoption of the proposed Ordinances. For instance, the proposed Ordinances will protect solar access not only for immediate use for passive solar space heating, but also for the present and future use of solar water heating and the future use of photovoltaic cells.

Also, solar access protection provides certainty that makes solar energy a more reliable source of alternative energy. It establishes a qualified property right to solar access; this right can motivate people to use solar energy. In fact research shows that people use solar energy several times more in a jurisdiction that has solar access regulations, compared to a jurisdiction that does not. Lastly solar energy is environmentally nonpolluting. Use of solar technology promotes a wide range of positive environmental values.

- 4. Research about existing solar access conditions in the Portland-Vancouver Metropolitan Area shows:
  - a. The major factor influencing solar access orientation of homes and windows is street orientation. Compared to homes on north-south streets, homes on east-west streets:
    - (1). had less shading;
    - (2). had more south window area for solar heating benefits;
    - (3). had more south roof, yard and wall area to accommodate solar additions;
    - (4). are shaded more from on-site sources under a homeowner's own control; and
    - (5). are less affected by slope, the placement and design of neighboring homes, and north-south lot dimension.
  - b. Solar access to homes on north-south streets is significantly affected by such factors as north-south lot dimension, setback, height, and ridgeline orientation of neighboring homes.
  - c. The historical trend has been toward smaller lots and two-story homes. If this trend continues, solar access increasingly will be affected by neighboring homes, particularly on north-south streets.
  - d. There is no discernible trend toward development on steeper slopes.

- e. There are some minor differences in solar access between counties. However, they were not of a nature as to require different policy treatment between counties.
- 5. The research showed a voluntary or incentive-based solar access program does not have demonstrable results. Therefore, the research does not provide a rationale for a voluntary or incentive-based program. The research shows the force of law is needed to provide effective solar access protection over time.
- 6. Public attitudes surveys and other research indicates strong and consistent public support for solar access. The public attitudes surveys completed for the project showed that:
  - a. The majority of people favored solar energy and/or solar access in their answers to all the survey questions, and on many questions, the rate of support for solar access exceeded 70 percent.
  - b. The vast majority of people will accept local solar access regulations, and they place a positive economic and noneconomic value on lots and homes with good access to direct sunlight.
- C. The proposed Ordinances provide certainty to property owners regarding the extent and limits of their rights to cast shade and to receive direct sunlight.
  - 1. The standards are clear and objective and depend on such tangible measures as street orientation, lot dimensions, house height and setback.
  - 2. Property owners can reasonably predict the amount of shade that will be allowed to fall on their property.
  - 3. Property owners and the private sector development community can reasonably predict the development guarantees the Ordinances provide.
  - 4. A mandatory program provides the same guarantees to owners of all similarly situated properties. Property owners do not have certainty about their solar rights or duties if a solar program is voluntary or incentive-based.
- D. The proposed Ordinances are flexible enough to deal with a variety of development situations.
  - 1. The more difficult the situation, the more lenient the standard; the easier the situation, the more solar access to be protected.

2. The Ordinances provide exceptions for difficult circumstances, including steep slopes, pre-existing road and lotting patterns, pre-existing vegetation, and circumstances where a negligible solar benefit would be protected by meeting the standards.
  3. Normal avenues of appeal or variance are still available to persons seeking relief from the Ordinances.
- E. The Solar Access Protection Ordinances and associated training provide an easy means to inform the public about its provisions and effects.
1. Extensive public information programs were conducted with interested groups during the project.
  2. A training and education program for local government staff and the building industry will be available during a 90-day period between Ordinance adoption and implementation.
  3. Information about the solar access standards for new development can be provided to developers during the Pre-Application Conference for new subdivisions and PUDs.
  4. Notice to future purchasers of property subject to the Solar Ordinances will be provided by filing appropriate records with the title of each lot affected by the new development and Solar Access Permit Ordinances.
  5. Public information materials will be developed by the project consultants and made available to local governments for distribution.
  6. Notice of and information about the solar access standards will be provided with every building permit application.
- F. The proposed Ordinances will be provided with effective solar access protection to properties.
1. The Ordinances protect solar access to the extent feasible in keeping the Research Committee's analysis of the major factors affecting solar access.
  2. The Ordinances protect solar access between 10:30 a.m. to 1:30 p.m. on January 21. This is the level of solar access required for homes to qualify under the solar options of the Model Conservation Standards.
  3. It is estimated that the number of lots meeting minimum solar access criteria can be increased from 40 percent to 80 percent in new developments by implementing the Solar Access Ordinance for new development.
  4. The proposed Ordinances will provide substantial economic and non-economic benefits over time.

5. The Ordinances are mandatory because voluntary and incentive-based programs, such as the one in Salem and the ones reported in the Washington State Energy Office report, do not result in significant solar access protection. For instance, after 18 months of operation, the Salem program had distributed more than 4,000 brochures and guidebooks, held meetings attended by 950 people including 129 home builders, and reviewed 252 building permits. Nevertheless, Salem could not show that any of their good work informing the public resulted in more solar access or solar access protection, and no one applied for the incentives in the program. Jurisdictions with mandatory programs, such as in Ashland and Central Oregon, showed positive results.

G. The proposed Ordinances provide equitable treatment to all property owners.

1. The standards benefit both the subject property and neighboring properties and require consideration of effects of solar access on both properties.
2. Lots are categorized by clear, well-defined criteria. Lots of similar characteristics must meet the same standards and are guaranteed the same levels of solar access. A mandatory solar access program is recommended because it treats similarly situated properties the same; a voluntary or incentive-based program does not.
3. Existing development densities are protected.
4. Owners of all lots to which the Ordinances apply are guaranteed the right to build a structure that produces as much shade as a 30-foot tall building in the middle of every lot.
5. Existing and solar-friendly trees are exempt from the standards.
6. Exemptions are allowed when benefits can be shown to be insignificant, as when there is pre-existing shade from other sources or the area being protected is an unheated area of the home, such as a garage.
7. The Ordinances protect solar access in new and existing development settings. Since the potential benefits of solar access are available in both settings, to do otherwise would provide inequitable benefits.

H. The proposed Ordinances are coordinated and balanced with other local Ordinances, standards and policies.

1. The standards help implement comprehensive plan policies to conserve energy. Also, they do not reduce permitted density, require use of environmentally sensitive or significant land, or violate other plan policies.



2. The standards modify existing standards and land use tools for the additional purpose of protecting solar access in a manner that is consistent with existing land use laws.
3. Exceptions are provided to allow for cases where conflicts arise between solar access and other comprehensive plan Ordinances or policies. Such conflicts include density, affordable housing, tree preservation, infrastructure needs, consistency with surrounding street layouts, natural features and topograhly.
4. The Ordinances are consistent with implementation techniques specifically allowed in Oregon Statutes and LCDC Goal No. 13. Also, the Ordinances rely predominately on existing review procedures.
5. The Ordinances will provide a consistent set of solar access standards throughout the region, resulting in more coordinated development practices and more consistent development patterns and facilitating ease of implementation for builders who work in more than one jurisdiction in the region.

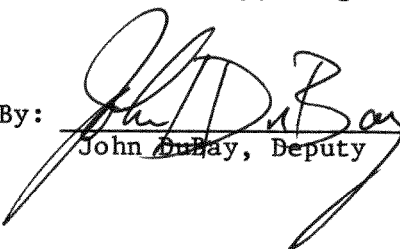
Dated this 9th day of May, 1988

MULTNOMAH COUNTY PLANNING COMMISSION

By   
Ruth Spetter, Chairman

APPROVED AS TO FORM

Laurence Kressel,  
County Counsel for  
Multnomah County, Oregon

By:   
John D. Bay, Deputy

02970/P3-16

BEFORE THE STEERING COMMITTEE OF THE  
PORTLAND-VANCOUVER METROPOLITAN AREA  
SOLAR ACCESS PROJECT

In the matter of proposed	) RESOLUTION RECOMMENDING
Solar Access Protection Ordinances for the	) ADOPTION
Portland-Vancouver Metropolitan Area	) January 20, 1988 draft

WHEREAS it is state and federal policy to promote energy conservation and the use of renewable resource, and Washington and Oregon statutes authorize local governments to encourage, protect and provide solar access;

WHEREAS the comprehensive plans in the Portland-Vancouver Metropolitan Area include policies to conserve energy including, in many cases, protection of solar energy access rights;

WHEREAS traditional property law principles do not protect solar energy access in the absence of a private agreement or public law that requires such protection. Existing land use laws in the Portland-Vancouver Metropolitan Area do not protect solar energy access. Private easements and incentives in those laws to encourage the use of solar energy have not resulted in significant protection of solar energy access.

WHEREAS without protection of solar access, many opportunities to use solar energy have been lost forever and will continue to be lost in the future.

WHEREAS 22 local governments and interested agencies, firms, organizations, and individuals in the Portland-Vancouver Metropolitan Area have joined together with the goal of developing uniform land use ordinances to protect solar access throughout the area.

WHEREAS a detailed program of technical research and public involvement was conducted. The ordinances were drafted by consensus with broad and representative input from local governments and the private development community. The benefits of implementing the ordinances were determined to exceed the costs, and the ordinances were determined to comply with state and local laws and the eight design principles set forth early in the process.

NOW, THEREFORE, BE IT RESOLVED:

The Steering Committee recommends that the governments taking part in the project adopt the four model solar access protection ordinances, based on this resolution and the accompanying model findings and conclusions.

DATED this 28 day of January, 1988.

STEERING COMMITTEE  
METROPOLITAN SOLAR ACCESS PROJECT

By: Richard L. Durham  
Richard L. Durham, Chair