

Bryan Allan
1621 N Kilpatrick St.
Portland, OR 97217

Public Utility Commission of Oregon
550 Capitol St NE #215
PO Box 2148
Salem OR 97308-2148

August 25, 2011

Dear Commissioners,

I am writing to request a waiver extending my deadline under Oregon's feed-in-tariff pilot program from October 15, 2011 to January 15, 2012. In brief, I applied to this program without realizing that I live in a conservation district (very similar to a historic district, but with less protections). I learned of my status when my installer informed me that my permit from the city was denied. About the same time the Oregon legislature passed HB 3516, exempting solar installations from historic design reviews. Portland City Council is set to amend city zoning code during a hearing on August 31, 2011 to align city code with state law. After this occurs, I will be able to complete my solar installation.

Ever since applying to this program, I have been actively working on completing this project and overcoming regulatory hurdles. The intent behind HB 3516 is to provide relief and consistency to homeowners in situations similar to my own. I and my installer can complete installation of an operational system with a three month extension. I hope to show that all of these aspects demonstrate good cause for granting a waiver.

I applied for a level 1 capacity reservation (3 kW) with Portland General Electric on October 1, 2010. I was notified of my acceptance into this program on October 15, 2010, my reservation start date. My account number with PGE is 000899245-96943-1 and my confirmation number for my capacity application with PGE is 17D843 (Attachment A: Application and Attachment B: Notice of Award).

I have been pursuing a PV system for my home since early 2010, when I began working with Solarcity. We progressed into the planning process, but I hesitated to install a system relying on tax credits and an Energy Trust rebate due to the upfront cost. In September 2010, I learned about the feed-in-tariff program and a lease option with Solarcity eliminating that upfront cost. This was the perfect situation for my family.

Solarcity projected at least eight months before installation would occur due to the volume of business. During this time, I was actively working toward completing my system. In November 2010, my installer sketched up a layout of PV panels on my roof to guide the design team (Attachment C: Correspondence). On January 25, 2010, my installer visited my home to update an earlier solar site audit. My installer completed a solar design and requested a city permit for installation (permit number: 2011-115036-000-00-RS).

During the months of March and April 2010, three contractors visited my home to bid on replacing my roof, which has about 8 years of life remaining. On April 26, 2011, we signed a contract for installation of a new roof scheduled for May 16 (Attachment D: Roofing Contract). On May 13, I learned from my installer that the permit for installation of my panels was denied because my home is located in a conservation district. I quickly cancelled my roofing installation, since the roof has remaining life, and began researching the issue.

I spent the months of June and July researching the issue and dealing with a family emergency (my father's life was saved by emergency heart bypass surgery). Through conversations with my installer, zoning staff, the Portland city website, and others who shared their similar experiences through Solar Oregon (<http://solaroregon.org/letters-supporting-solar-in-conservation-districts>), I learned more about my situation.

Five conservation districts were created in Portland in the early 1990's and I had no idea of their existence despite living in one for over nine years. The difference between a historic district and a conservation district is that neighborhoods in conservation districts are considered to have less historic significance and therefore fewer restrictions. In the 1990's, solar energy concerns were not at the forefront and regulations in the conservation district regarding PV installations mirrored those of a historic district. However, they were not enforced, permits were issued, and the solar installation community was generally unaware of their existence.

On April 24, 2010 the Portland City Council adopted the Regulatory Improvement Code Amendment Package 5 (RICAP 5), which was intended to "ensure there are no local obstacles to implementing green technology on the neighborhood scale." (RICAP 5 "Green Bundle" – Summary of Proposals, August, 2009) However, the effect on PV installations was the exact opposite and permits soon after began to be denied. This created an absurd situation where a permit would be denied for an installation when the next-door-neighbor had solar PV installed less than a year ago. Awareness of the issue was slow to surface in Portland's solar community and I did not learn of the issue until learning the permit was denied.

During June and July I spoke with zoning staff, I learned that paying a non-refundable fee for a historic design review would very likely be unsuccessful. Finally, after I exhausted all my options and out of sheer frustration, I emailed the entire Portland City Council detailing my situation and asking for a change to the law (Attachment E: Correspondence). This is when I learned that progress had already been made; the legislature has been attempting to address this problem of inconsistency in zoning and zoning that needlessly prevents access to solar PV installations since February 21, 2011 with HB 3516 (Attachment F: legislative history attached). This bill is set to go into effect January 1, 2012. I also learned that the Portland City Council is set to vote on August 31, 2011, preemptively complying with HB 3516 and amending the city code to exempt solar PV installations from historic design review (Attachment G: Recommended Draft of the Amendment). This amendment is set to go into effect October 7, 2011 and my capacity reservation expires October 15, 2011.

Obviously, five business days is insufficient time to permit, install and inspect a solar PV system. I am currently corresponding with city staff in the Portland Bureau of Planning and Sustainability about designating this amendment as an emergency which would move the effective date up to September 2, 2011 (Attachment H: Correspondence). However, I cannot be certain this change will occur until the city council meets on August 31st .

Assuming the amendment to the city code goes into effect on October 7, 2011 my installer and I are requesting a three month extension to January 15, 2012 (Attachment I: Installer Letter). My installer is placing high priority on my project due to the time constraints and unique situation. However we may encounter unexpected delays and it is difficult to plot an exact timeline. A three month extension would allow enough time to replace my roof, obtain a permit, install the system and complete inspection while also providing a buffer for any unexpected delays. I am prepared to be present at the PUC meeting to discuss a shorter extension if the Portland City Council designates the amendment as an emergency with an effective date of September 2, 2011.

I hope that the Commission can act with good cause to extend my deadline because I have worked so hard to complete my project, because our elected officials are attempting to prevent situations like mine, and because just a short extension in my case will allow me to take advantage of this change in law. Thank you for your consideration.

Sincerely,

/S/ Bryan Allan



Confirmation Number: 17D843

Capacity Reservation Application for Solar Payment Option

Capacity for Solar Payment Option is reserved on a first-come, first-served basis until the capacity limit is reached for the current reservation period. We will e-mail you when your reservation is approved and provide your reservation start date.

A deposit is required, but it will be refunded with PGE's first solar payment to you. You must meet the following deadlines or your deposit will be forfeited:

- Interconnection Application submitted within two months of your reservation start date.
- Solar system must be fully operational within 12 months of your reservation start date.

Customer and Facility Information:

Account Type: **Individual**

PGE Customer Name (First, Middle Initial, Last): **Bryan S Allan**

Customer Email Address: **bryallan@gmail.com**

Customer Phone Number: **(503) 516-9360**

PGE account for property where system will be installed (from PGE bill):

PGE Account Number: **000899245-96943-1**

Site Location:

Address: **1621 N Kilpatrick St.**

Portland, OR 97217

County: **Multnomah**

VIR Rate: **\$0.5850 per kWh**

System Capacity Reservation Size:

Systems applying for participation in the Solar Payment Option must be sized to generate 90% or less than existing service's annual usage. If annual usage is unavailable, it will be estimated by PGE based upon the rolling average of three years' usage by a similarly situated site.

Nameplate Capacity (kW DC): **3**

System Production Estimate (annual): **3000 kWh**

The Eligible System is limited to 90 percent of the electric site's previous usage. You can find information about expected generation at <http://energytrust.org/shared-resources/solar-calculator>

Anticipated date when solar system will be fully operational: **11/30/2010**

Anticipated Level of Interconnection Application: **Level 1 (system sized up to and including 25 kW DC)**

System Installer Information:

Installer Company Name: **Solar City**
Installer Phone Number: **(503) 298-8191**
Contact Name: **Sean Larkin**
E-Mail: **slarkin@solarcity.com**

Systems must be installed by an ETO trade ally in good standing.

When submitting your capacity reservation, you agreed to the following statements:

Capacity Reservation Certification:

I hereby certify that I have read and understand the Solar Photovoltaic Pilot Program and Interconnection Services Agreement ("Agreement"). I acknowledge that the rate paid for the generation the solar system produces over the contract period is provide in PGE Schedule 205 and fixed by the Agreement. I acknowledge that I will receive the rate in place at the time the capacity reservation start date.

Interconnection Application Fee:

I hereby attest that an interconnection application fee, if applicable, is required before the interconnection application can be processed. There is no application fee for a Level 1 interconnection. The fee amount for a Level 2 interconnection is \$50 base plus per kW of DC Nameplate Capacity. The Interconnection Application fee is payable to Portland General Electric and will be included with the interconnection application.

Appropriate System Size and Quality:

I hereby attest that system size must be sized to generate 90% or less than existing service's annual usage. If my system is oversized in accordance with my annual usage, I will reduce the size of the system. I will attest that I have control of the site where is system is installed.

Applicant Signature:

I hereby attest that the information submitted on this application is accurate to the best of my knowledge. I certify that the system will be constructed from new components and compliant with Oregon Public Utility Commission quality and reliability requirements for photovoltaic systems. I also certify the system will use all new equipment and is financed without Energy Trust of Oregon payments under ORS 757.612(3)(b)(B) or Oregon tax credits under ORS 469.160 or ORS 469.185 to 469.225, or Blue Sky program grant.

NOTE: Approval for a Solar Payment Option System is contingent upon the applicant's system passing the Interconnection Application screens and completing the review process set forth in OPUC Administrative Rule Chapter 860, Division 084 and is not granted by the submission of this application form. The Capacity Reservation Deposit will be refunded with the first VIR payment to those systems that do not forfeit.



Bryan Allan <bryallan@gmail.com>

Capacity Reservation Awarded | Action Required

solar <solar@pgn.com>

Fri, Oct 15, 2010 at 3:27 PM

To: "bryallan@gmail.com" <bryallan@gmail.com>, "slarkin@solarcity.com" <slarkin@solarcity.com>

Dear Bryan:

Thank you for your recent Capacity Reservation Application for Portland General Electric's Solar Payment Option program. We are pleased to inform you of your acceptance into the pilot program. Attached is a copy of your Capacity Reservation Application (PDF) showing PGE's approval for your records.

Today's date (10/15/2010) is your Reservation Start Date. You now have two months from this date to submit an Interconnection Application and one year from this date to have your solar system operational. If you are unable to meet these milestones, your reservation will be considered withdrawn and you will lose your deposit paid when you submitted the Capacity Reservation Application.

Based on the information you submitted with your online Capacity Reservation Application, your system requires a Level 1 Interconnection Application. Interconnection Applications as well as the Agreement (contract) common to all application levels can be found at <http://PortlandGeneral.com/GenerateYourOwnPower>. You will also find there the Solar Payment Option Customer Checklist which outlines the interconnection process.

At this time, PGE only accepts paper copies of Interconnection Applications and Agreements. Please mail completed documents to:

PGE Solar Payment Option
PO Box 4079
Portland, OR 97208-4079

To track your status at any time during the process, you may log in to our website by visiting <https://www.pgesolarprogram.com/applicationstatus.aspx> and entering your unique confirmation number: 17D843.

Warm regards,
Solar Payment Option
solar@pgn.com
[\(503\) 464-8200](tel:(503)464-8200)

 Allan, Bryan.pdf
6K



Bryan Allan <bryallan@gmail.com>

Sketch up of home

Joseph Hess <jhess@solarcity.com>

Mon, Nov 8, 2010 at 10:43 AM

To: "bryallan@gmail.com" <bryallan@gmail.com>

I know the image is a little blurry but this is 14 panels and it is 2.94KW which is right where you want to be. Please let me know what you think

Best regards,

Joe Hess | Solar Energy Consultant | Phone: [888-765-2489](tel:888-765-2489) x 5841 | Fax: [650-560-6256](tel:650-560-6256) | Jhess@solarcity.com | www.solarcity.com



Bryan Allan Sketch up.pdf

61K





Pacific West Roofing

Name: Mike Allan
 Address: 1621 N Kilpatrick St , Portland , OR 97217
 Jobsite: 1621 N Kilpatrick St , Portland , OR 97217
 Home Phone: _____ Work Phone: _____
 Date: 04/26/2011 Recommended By: _____
 Contract #: 20110407-1-P1-E1-C1

CONTRACT/PROPOSAL

Protect plants & house from debris. Remove existing roof. Install Certaineed Landmark (30yr) shingles.
~~\$40350.00~~ Clean up and haul away all debris. ~~Option: Install Certaineed Landmark Plus (40yr) shingles.~~
~~\$4359.00~~

4035.00. *MA*

See Attached Addendum to Contract and/or Selection Sheets and Layouts

Contract Price: \$4,035.00
(including labor and materials)
 Approximate Start Date: 05/16/2011
 Approximate End Date: 2 day(s) from start
 Pacific West Roofing
 BY: Brian Jarvis
 Date Accepted by Contractor: _____
 Last Date to Cancel: _____

Payment Terms: Cash or Check

\$1,331.55 1/3 deposit
\$2,703.45 2/3 completion

YOU, THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT

Customer Name: Mike Allan
 Customer Signature: *[Signature]*

Customer Name: _____
 Customer Signature: _____

CUSTOMER HAS RECEIVED ONE FULLY FILLED-IN AND SIGNED COPY OF THIS CONTRACT OF SALE CONSISTING OF 3 PAGES AND HAS BEEN INFORMED ORALLY OF ITS RIGHT TO CANCEL. **Client Initial** *MA*

PLEASE SEE ATTACHED ADDITIONAL TERMS AND CONDITIONS



Pacific West
Roofing

Addendum To Contract

Pacific West Roofing

Mike Allan

1621 N Kilpatrick St

Portland, OR 97217

04/26/2011

Contract #:20110407-1-P1-E1-C1

COMP ROOF

TEAR OFF

TO1C 4-712: Tear off 1 layer of composition

Tear off 1 layer composition to deck.

Dump & Clean 1 layer

Clean up and haul away all PWR debris included

COMPOSITION

Diamond Deck Underlayment

Install Diamond Deck Underlayment

Winterguard

Install Winterguard self-sealing membrane to south side of roof.

1CT Landmark 4-6/12

Install CertainTeed Landmark (30) composition shingles according to manufacturer's installation requirements

1/4" coil nails

Using 1/4" coil nails to properly install composition shingles

Drip Metal

Install 26 gauge pre-painted 1"X3" pre-painted hemmed drip flashing into gutters

CT Swiftstart Starter

Install CertainTeed Swiftstart starter shingles under first course of shingles.

Gable/T metal

Install 26 GA baked enamel gable "T" metal on all gable edges to protect decking

W valley metal

Install 26 GA 24" "W" valley metal over underlayment.

8X8 tins

Stepflash all sidewalls with baked enamel 26 gauge pre-painted 4"X4"x8" tin shingles.

1 1/2" NC

Install new 1 1/2" neoprene pipe flashings at pipe penetrations.

4" NC

Install new 4" neoprene pipe flashings at pipe penetrations.

Chimney Step Flashing

Flash chimney with new 26 GA step flashing with front and back pan of the same metal. This does not include counter-flashing brick or stone



Pacific West Roofing

Chimney Counter Flashing

Cut mortar joint & install new counter flashing & reseal

Kitchen Vent (KAV)

Install new 6" baffle sealed unit baked-enamel metal vent for kitchen exhaust fan - north/rear side of roof

Vents Replace RVO-38

Replace existing vents w/RVO-38 baked-enamel metal vents for proper ventilation

4" baffle vent

Install 4" baffle vent to typical bathroom fan motor, air sealed in 4" ducting - north/rear side of roof

Std hip & ridge

Install standard hip and ridge shingles

Fall Protection

Fall protection implemented to meet safety requirements

Clean Up

All work will be cleaned up daily and all debris hauled away

Dry Rot

Any dry rot or carpentry work will be \$70.00 per man hour plus materials cost.

Sanitation

Portable Restrooms Provided

Pacific West Roofing

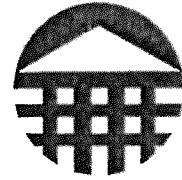
Salesperson Signature

Salesperson Name

_____ : 4/26/11

Owners Signature Date

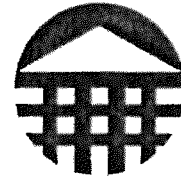
Owners Signature Date



Pacific West Roofing

CONTRACT TERMS & CONDITIONS

1. This contract shall be binding upon Pacific West Roofing ("PWR, LLC") if signed and returned to PWR, LLC by Owner within thirty (30) days after the date of the proposal or, if signed and returned more than thirty days after the date of the proposal, when and if PWR, LLC commences work. This contract shall be binding upon Owner when accepted.
2. A payment of 1/3 of the contract price is due at the time of signing this agreement. 1/3 of remaining balance is due when work starts on the job. Remaining balance of the contract is due upon either the Completion Date as defined herein or upon Substantial Completion as defined herein. Substantial Completion shall mean if only certain minor items of work are incomplete but original usage is obtained; the cost of those items may be withheld from the final payment at the Owner's option until such items are completed.
3. Should Owner cancel this Agreement for any reason on or before the cancellation date _____, Company shall return to Owner all payments made under this Agreement within ten (10) days of receipt of the attached Notice of Cancellation of this Agreement. If the Agreement is breached thereafter without consent of the Company, liquidated damages of 20% of the cash price of the Work, plus a proportionate share of all Work already performed will be due to the Company. To cancel this Agreement, mail or deliver a signed and dated copy of the Cancellation Notice or other written notice to the Company at its address noted on this Agreement no later than midnight of the third business day from the date of this Agreement.
4. Work and materials shall be furnished in a good and workmanlike manner in accordance with applicable building codes and industry standards. PWR, LLC shall provide to Owner any manufacturers' warranties applicable to materials furnished by PWR, LLC. In addition, PWR, LLC warrants its workmanship for a period of ten years after substantial completion, two years on repairs. During this warranty period, PWR, LLC shall correct any defect resulting from work performed by PWR, LLC.
5. PWR, LLC shall use best efforts to commence work on or before _____ except that PWR, LLC shall not be liable for delays caused by weather condition, fires, labor strife or other causes beyond the control of PWR, LLC.
6. If Owner requests any additional work not covered by this contract, a change order must be signed by the Owner before work may commence. Depending on the nature of the additional work, the change order will specify either a fixed price or \$70.00 per man-hour for labor plus material costs and markup. Once the Owner approves and signs the change order, the additional charges become part of the Contract Price, and the Owner thereby agrees to pay PWR, LLC in full for the entire Contract Price, including such additional charges.
7. Owner shall provide PWR, LLC with access to the work site and all utilities necessary to complete the work. If Owner fails or refuses to permit PWR, LLC access, PWR, LLC may terminate or extend the Contract without liability, and may recover from Owner the reasonable value of labor and materials previously furnished together with any profit that has been lost by PWR, LLC as a result of the Owner's failure to permit access.
8. PWR, LLC shall maintain public liability covering death or bodily injury and damage to property arising from conduct of PWR, LLC or its subcontractors with limits of not less than one million dollars (\$1,000,000.) PWR, LLC shall also be registered with the Construction Contractor's Board and shall carry Worker's Compensation Insurance as required by law.
9. Owner shall carry casualty insurance on the property that is subjected to this contract, including damage by fire, windstorm, vandalism, and other risks typically insured against.



Pacific West Roofing

10. If Owner fails to pay amounts due under this Contract when due, interest shall accrue on the unpaid balance at the rate of one and one-half percent (1½%) per month.
11. In the event of a dispute between Owner and PWR, LLC concerning the interpretation and/or enforcement of any provisions of this agreement, including the collection of amounts due to PWR, LLC, Owner agrees to pay any and all expenses incurred by Owner, regardless of whether arbitration, litigation or other proceedings are formally commenced. Such expenses include, but are not limited to, reasonable attorney fees, expenses and court or other forum costs incurred thereby, to the extent allowed by application law, whether incurred prior to or in the course of any hearing, trial or appeal. PWR, LLC will be responsible for any and all of their own legal costs or fees incurred under the same rules listed for Owner above.
12. In the event of a dispute arising as to the interpretation of any provisions of this Contract, or as to the rights, duties or obligations of either party to this Contract, the dispute shall be submitted to arbitration in accordance with the rules and procedures of the Arbitration Service of Portland, Inc. and any decision made in accordance with arbitration shall be binding on the parties.
13. This Contract represents the final integration of the agreement between the parties, and supersedes all prior oral or written statements not included or referenced herein.
14. Owner acknowledges receipt of the Truth in Lending Act "TILA" disclosure & two copies of the TILA Notice of Right to Cancel.

ACCEPTANCE OF PROPOSAL

This proposal is accepted this 26th day of April, 2018~~9~~

By: Mike Allaw

Owner's Name
(Please print)

[Signature]
Owner's Signature



Bryan Allan <bryallan@gmail.com>

Solar regulations in conservation districts

Bryan Allan <bryallan@gmail.com>

Mon, Aug 15, 2011 at 4:36 PM

To: Samadams@portlandoregon.gov

Dear Mr. Mayor

I am writing because I recently learned that a permit to install solar panels on my home would likely be denied because I live in the Kenton Conservation District and the South side of my home faces the street. This is very, very frustrating and I hope that you will take action to help change this barrier to green energy.

First, the conservation district solar regulations are at complete odds with our city's goals toward sustainability. I was so excited to get solar. I worked at it over a year, looking at tax credits, leasing panels, etc. Finally I found an option I could afford when I received an allocation to be part of the Feed-in-Tariff program. Every level of government, federal, state, and local, is attempting to foster green energy solutions. But it only takes one regulation to thwart the will of the people.

Second, Kenton's conservation district goals can't possibly include hiding solar panels. I'll be honest, I had no idea I lived in a conservation district or what a conservation district was. But I'm not alone. None of the neighbors I spoke with knew about our status either. I'm not going to argue about the wisdom of protecting Kenton's historic features (although it's my understanding that this designation did not receive much community attention or deliberate design) but I will say that there's nothing historically charming about the outside of my home. It's not a bungalow or craftsman. It's not even a prairie style. It is so featureless, with vinyl siding, that I don't even think there is a category other than "cheaply built in 1938." Not all the homes on my street are like this, some do have more character, but it is such a far cry from the character in other neighborhoods (I'm sure I don't have to tell you that Kenton basically began as a company town for slaughterhouses and the housing is simple). How on earth would solar panels detract from the character of the neighborhood?

I am very dedicated to living green. I work at Zenger Farm, a non-profit educational urban farm teaching about our food system and environmental stewardship. I have backyard chickens, my front yard is an edible garden, my garage was converted to a greenhouse, My husband and I own one car, a prius. I bike, walk and live near a max station. So far, I have felt that my lifestyle is being nurtured by the city's atmosphere. I am baffled that regulations like this exist in our city.

I do hope you will inform me about any work that is being done to address my concerns.

Sincerely,

Bryan Allan
1621 N Kilpatrick St.
[503-516-9360](tel:503-516-9360)



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FIND YOUR REPS TRACK BILLS COMMITTEES GOVERNOR POLITIFACT JEFF MAPES 2010 ELECTION RESULTS

2011 SESSION

House Bill 3516

RSS FEED FOR THIS BILL

RELATING TO SOLAR ENERGY GENERATION BY RETAIL ELECTRICITY CONSUMERS.

Authorizes installation and use of solar photovoltaic energy system on residential or commercial structure in zones in which residential or commercial structures are authorized.

BILL PROGRESS

INTRODUCED IN HOUSE PASSED HOUSE PASSED SENATE SIGNED INTO LAW

Sponsor

By Representatives CANNON, BAILEY, J SMITH; Representatives BOONE, GARRARD, GARRETT, KRIEGER, MATTHEWS, MCLANE, Senators BOQUIST, DINGFELDER, GEORGE

Full measure text

FROM THE OFFICIAL LEGISLATURE SITE

- Introduced (PDF)
House Amendments (PDF)
A-Engrossed (PDF)
Senate Amendments to A-Engrossed (PDF)
B-Engrossed (PDF)
Enrolled (PDF)
Measure summaries and impact statements

Measure activity

H HOUSE S SENATE

- Feb 21, 2011: First reading. Referred to the desks of the Co-Speakers.
Feb 28, 2011: Referred to Energy, Environment and Water.
Mar 15, 2011: Public Hearing held.
Apr 21, 2011: Work Session held.
Apr 27, 2011: Recommendation: Do pass with amendments and be printed A-Engrossed.
Apr 29, 2011: Second reading.
May 2, 2011: Third reading. Carried by Cannon. Passed.
May 3, 2011: First reading. Referred to President's desk.
May 5, 2011: Referred to Environment and Natural Resources.
May 12, 2011: Public Hearing held.
May 31, 2011: Work Session held.
Jun 2, 2011: Recommendation: Do pass with amendments to the A-Eng. bill. (Printed B-Eng.)
Jun 6, 2011: Second reading.
Jun 7, 2011: Third reading. Carried by Dingfelder. Passed.
Jun 9, 2011: House concurred in Senate amendments and repassed bill.
Jun 14, 2011: Co-Speakers signed.
Jun 15, 2011: President signed.
Jun 21, 2011: Governor signed.
Jun 21, 2011: Chapter 464, (2011 Laws): Effective date January 1, 2012.

Committee meetings on this measure

House Energy, Environment and Water Committee

3:00 pm, March 15, 2011
Public Hearing
Room: HR D
Agenda item: 2
AUDIO

House Energy, Environment and Water Committee

3:00 pm, April 12, 2011
Work Session
Room: HR D
Agenda item: 9
AUDIO

House Energy, Environment and Water Committee

3:00 pm, April 19, 2011
Work Session
Room: HR D
Agenda item: 23
AUDIO

House Energy, Environment and Water Committee

3:00 pm, April 21, 2011
Work Session
Room: HR D
Agenda item: 15
AUDIO

Senate Environment and Natural Resources Committee

3:00 pm, May 12, 2011
Public Hearing
Room: HR C
Agenda item: 3
AUDIO

Votes

House vote MAY 2, 2011

Third reading. Carried by Cannon. Passed.

YES 59

Table with 4 columns: Member, Party, City, Dist. Row: J. Bailey, D, Portland, 42

NO 0


Table with 4 columns: Member, Party, City, Dist. (Empty)

J. Barker	D	Aloha	28
P. Barnhart	D	Eugene	11
C. Bentz	R	Ontario	60
V. Berger	R	Salem	20
T. Beyer	D	Springfield	12
D. Boone	D	Cannon Beach	32
P. Buckley	D	Ashland	5
K. Cameron	R	Salem	19
B. Cannon	D	Portland	46
B. Clem	D	Salem	21
J. Conger	R	Bend	54
J. Cowan	D	Newport	10
M. Dembrow	D	Portland	45
M. Doherty	D	Tigard	35
S. Esquivel	R	Medford	6
K. Eyre Brewer	R	Hillsboro	29
L. Frederick	D	Portland	43
T. Freeman	R	Roseburg	2
B. Garrard	R	Klamath Falls	56
C. Garrett	D	Lake Oswego	38
S. Gelser	D	Corvallis	16
V. Gilliam	R	Silverton	18
M. Greenlick	D	Portland	33
B. Hanna	R	Roseburg	7
C. Harker	D	Beaverton	34
W. Hicks	R	Grants Pass	3
P. Holvey	D	Eugene	8
V. Hoyle	D	Eugene	14
J. Huffman	R	The Dalles	59
D. Hunt	D	Gladstone	40
B. Jenson	R	Pendleton	58
M. Johnson	R	Hood River	52
B. Kennemer	R	Oregon City	39
B. Komp	D	Woodburn	22
T. Kotek	D	Portland	44
W. Krieger	R	Gold Beach	1
S. Lindsay	R	Hillsboro	30
G. Matthews	D	Gresham	50
M. McLane	R	Medford	55
N. Nathanson	D	Eugene	13
M. Nolan	D	Portland	36
A. Olson	R	Albany	15
J. Parrish	R	West Linn	37
T. Read	D	Beaverton	27
D. Richardson	R	Central Point	4
A. Roblan	D	Coos Bay	9
M. Schaufler	D	Happy Valley	48
P. Sheehan	R	Clackamas	51
G. Smith	R	Heppner	57
J. Smith	D	Portland	47
S. Sprenger	R	Scio	17
J. Thompson	R	Dallas	23
C. Tomei	D	Milwaukie	41
M. Wand	R	Troutdale	49
J. Weidner	R	Yamhill	24
G. Whisnant	R	Sunriver	53
M. Wingard	R	Wilsonville	26
B. Witt	D	Clatskanie	31

NOT VOTING 1

Member	Party	City	Dist.
K. Thatcher	R	Keizer	25

Senate Environment and Natural Resources Committee

3:00 pm, May 31, 2011
 Work Session
 Room: HR C
 Agenda item: 5
 AUDIO 

Senate vote JUNE 7, 2011

Third reading. Carried by Dingfelder. Passed.

YES 27

Member	Party	City	Dist.
J. Atkinson	R	Central Point	2
A. Bates	D	Ashland	3
L. Beyer	D	Springfield	6
S. Bonamici	D	Beaverton	17
B. Boquist	R	Dallas	12
G. Burdick	D	Portland	18

NO 2

Member	Party	City	Dist.
T. Ferrioli	R	John Day	30
A. Olsen	R	Canby	20

NOT VOTING 1

Member	Party	City	Dist.
F. Morse	R	Albany	8

P. Courtney	D	Salem	11
R. Devlin	D	Tualatin	19
J. Dingfelder	D	Portland	23
C. Edwards	D	Eugene	7
L. George	R	Sherwood	13
F. Girod	R	Stayton	9
M. Hass	D	Beaverton	14
B. Johnson	D	Scappoose	16
J. Kruse	R	Roseburg	1
L. Monnes Anderson	D	Gresham	25
R. Monroe	D	Portland	24
D. Nelson	R	Pendleton	29
F. Prozanski	D	Eugene	4
D. Rosenbaum	D	Portland	21
C. Shields	D	Portland	22
B. Starr	R	Hillsboro	15
C. Telfer	R	Bend	27
C. Thomsen	R	Welches	26
J. Verger	D	North Bend	5
D. Whitsett	R	Klamath Falls	28
J. Winters	R	Salem	10

House vote JUNE 9, 2011

House concurred in Senate amendments and repassed bill.

YES 55

Member	Party	City	Dist.
J. Bailey	D	Portland	42
J. Barker	D	Aloha	28
P. Barnhart	D	Eugene	11
C. Bentz	R	Ontario	60
V. Berger	R	Salem	20
T. Beyer	D	Springfield	12
D. Boone	D	Cannon Beach	32
P. Buckley	D	Ashland	5
K. Cameron	R	Salem	19
B. Cannon	D	Portland	46
B. Clem	D	Salem	21
J. Conger	R	Bend	54
J. Cowan	D	Newport	10
M. Dembrow	D	Portland	45
M. Doherty	D	Tigard	35
S. Esquivel	R	Medford	6
K. Eyre Brewer	R	Hillsboro	29
L. Frederick	D	Portland	43
B. Garrard	R	Klamath Falls	56
C. Garrett	D	Lake Oswego	38
S. Gelser	D	Corvallis	16
V. Gilliam	R	Silverton	18
C. Harker	D	Beaverton	34
W. Hicks	R	Grants Pass	3
P. Holvey	D	Eugene	8
V. Hoyle	D	Eugene	14
J. Huffman	R	The Dalles	59
D. Hunt	D	Gladstone	40
B. Jenson	R	Pendleton	58
M. Johnson	R	Hood River	52
B. Kennemer	R	Oregon City	39
B. Komp	D	Woodburn	22
T. Kotek	D	Portland	44
W. Krieger	R	Gold Beach	1
S. Lindsay	R	Hillsboro	30
G. Matthews	D	Gresham	50
M. McLane	R	Medford	55
N. Nathanson	D	Eugene	13
M. Nolan	D	Portland	36
A. Olson	R	Albany	15
J. Parrish	R	West Linn	37
T. Read	D	Beaverton	27
D. Richardson	R	Central Point	4
A. Roblan	D	Coos Bay	9

NO 4

Member	Party	City	Dist.
T. Freeman	R	Roseburg	2
B. Hanna	R	Roseburg	7
P. Sheehan	R	Clackamas	51
J. Weidner	R	Yamhill	24

NOT VOTING 1

Member	Party	City	Dist.
M. Greenlick	D	Portland	33

M. Schaufler	D	Happy Valley	48
G. Smith	R	Heppner	57
J. Smith	D	Portland	47
S. Sprenger	R	Scio	17
K. Thatcher	R	Keizer	25
J. Thompson	R	Dallas	23
C. Tomei	D	Milwaukie	41
M. Wand	R	Troutdale	49
G. Whisnant	R	Sunriver	53
M. Wingard	R	Wilsonville	26
B. Witt	D	Clatskanie	31

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Bureau of Planning and Sustainability

Innovation. Collaboration. Practical Solutions.

MEMO

DATE: August 10, 2011
TO: City Council
FROM: Planning and Sustainability Commission
SUBJECT: Solar and Mechanical Equipment Project: Recommended Draft

This memo recommends amendments to the Zoning Code in two areas: rooftop solar energy systems and rooftop mechanical equipment. The changes to the solar regulations are to comply with recent state legislation; the changes to the mechanical equipment regulations will eliminate some design/historic reviews where standards can adequately address the visual impacts of the equipment.

Throughout this memo, we use the terms "standards" and "reviews." "Standards" are regulations in the Zoning Code that are applied during the building permit process, with no notification to neighbors. They are objective, such as "the solar energy system must be parallel to the slope of the roof."

Reviews are a process where discretionary criteria are applied, such as "the solar energy system does not detract from the historic character of the building." Because the criteria are discretionary, neighbors are notified of the proposal, and there may be a public hearing. The time and cost of reviews is significantly greater than the time and cost of using standards.

If you have any questions, please contact Jessica Richman (503-823-7847; Jessica.Richman@PortlandOregon.gov) or Sandra Wood (503-823-7949; Sandra.Wood@PortlandOregon.gov).



City of Portland, Oregon | Bureau of Planning and Sustainability | www.portlandonline.com/bps
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CHANGES TO REGULATIONS FOR SOLAR PANELS

Background

On March 10, 2010, City Council adopted the Regulatory Improvement Code Amendments Package 5 (RICAP 5), a package of amendments to the Zoning Code. Several of the amendments related to "green" energy, including solar energy systems.

The regulations for rooftop solar energy systems currently in effect are summarized below. Even when they are similar, they vary in minor ways from chapter to chapter:

For Historic and Conservation Landmarks, solar energy systems are allowed only through Historic Design Review.

In Historic Districts, solar energy systems are allowed through standards—without a land use review—on flat roofs only if they are screened or set back, and are within 5 feet of the roof. If the system is on a pitched roof, it is allowed only if it faces a rear lot line, is set back, and is within 12 inches of the roof. If the proposal does not meet the standards, the proposal may be approved through Historic Design Review.

In Conservation Districts, solar energy systems are allowed through standards—without a land use review—on flat roofs only if they are screened or set back. If the system is on a pitched roof, it is allowed only if it faces a rear lot line. If the proposal does not meet the standards, the proposal may be approved through Historic Design Review.

In most Design Overlay Zones, solar energy systems are allowed through standards—without a land use review—on flat roofs only if they are set back and are within 5 feet of the roof. If the system is on a pitched roof, it is allowed only if it is set back, and is within 12 inches of and parallel to the roof. In the Design Overlay Zones in the Central City and Gateway plan districts, systems are allowed through standards only if they are on a flat roof, or a roof with a parapet at least 12 inches high. The systems must be set back and within 5 feet of the roof. If the proposal does not meet the standards, the proposal may be approved through Design Review.

Outside of Historic and Conservation Districts and Design Overlay Zones, the only limitation in the Zoning Code is height.

For Scenic Resources, the only limitation in the Zoning Code is height.

Beginning in July 2010, there was increasing concern in the community that these regulations were overly restrictive in Conservation Districts. Some property owners wanted to participate in neighborhood solar purchasing programs, but were unable to because what was allowed without a land use review was insufficient to make the project viable and the cost of a land use review was too high. In addition, it was considered unlikely that the Historic Landmarks Commission or their staff would approve solar panels that were highly visible from the street, especially those on the street-facing slopes of roofs.

As a result of these concerns coupled with other statewide land use issues related to solar, some citizens approached the Oregon Legislature and crafted a bill to address their concerns. In June 2011, the Legislature adopted House Bill 3516, which limits the degree to which municipalities can restrict the location of solar energy systems. The amendments

recommended in this memo will bring the Portland Zoning Code into conformance with House Bill 3516.

Summary of House Bill 3516

Under the provisions of House Bill 3516, solar energy systems must be allowed without review if the footprint of the structure is not increased, the peak height of the roof is not increased, and the system is parallel to the slope of the roof. There are several exceptions where discretionary review is allowed:

1. Historic Landmarks;
2. Conservation Landmarks;
3. Structures in Historic Districts; and
4. In areas designated as a significant scenic resource, where the material is either not designated as anti-reflective, or is more than 11 percent reflective.

Recommended Changes

The changes recommended below are the minimum required to comply with House Bill 3516. The new standards are taken from the bill.

For Historic and Conservation Landmarks, no change from the current regulations.

In Historic Districts, no change from the current regulations.

In Conservation Districts, delete current standards. Add standards to allow solar energy systems without a land use review if the footprint of the structure isn't enlarged, the peak height of the roof is not increased, and the system is parallel to the slope of the roof. If the proposal does not meet the standards, the proposal may be approved through Historic Design Review.

In all Design Overlay Zones, delete current standards for rooftop solar energy systems. Add same standards as recommended for Conservation Districts. If the proposal does not meet the standards, the proposal may be approved through Design Review.

Outside of Historic and Conservation Districts and Design Overlay Zones, no change from the current regulations.

For Scenic Resources, no change from the current regulations. Although HB 3516 allows for some discretionary review, we do not recommend adding regulations where none exist now.

The recommended changes to the code language are shown in Attachment A.

CHANGES TO REGULATIONS FOR ROOFTOP MECHANICAL EQUIPMENT

Background

In conservation and historic districts and design zones, rooftop mechanical equipment is reviewed as part of a new building's design. However, additional rooftop mechanical equipment may be required for some tenants who move in after the building has been constructed. This is common when tenants who have special venting or HVAC needs—such as restaurants—move into ground floor space that did not previously include kitchen equipment or special HVAC.

The code currently exempts rooftop mechanical equipment from review if it is on a building at least 45 feet tall and if the equipment is set back from the roof perimeter. This exemption was added to the Zoning Code in 1997. The intent was to substitute development standards for design/historic review where the standards could achieve the same objective as review: that the equipment not be visible from the street.

However, for buildings that are less than 45 feet tall, the installation of mechanical equipment still triggers a design/historic review. The review may cause a delay in the occupancy of the tenant space, and results in significant costs to the applicant. The Bureau of Development Services (BDS) reports that 10 to 15 percent of all requests for design/historic design review are for rooftop mechanical equipment. The design and historic review planners in BDS have been able to work with applicants so that all of the requests are approved.

Recommended Changes

Based on the work BDS planners have done on the applications, staff from BDS and the Bureau of Planning and Sustainability have developed a set of standards. The recommended standards focus on a few key points, such as setting the mechanical equipment away from roof edges, limiting the total number to eight, and requiring equipment to be painted to match the rooftop color or have a matte finish. These standards will ensure that, even for buildings less than 45 feet tall, the equipment will not be visible from the street, and that it will be less obtrusive viewed from a distance or from above. The recommended standards will also encourage removal of obsolete mechanical equipment.

The recommended changes to the code language are shown in Attachment B.

PLANNING AND SUSTAINABILITY COMMISSION RECOMMENDATION

The Planning and Sustainability Commission recommends that City Council take the following actions:

- Adopt this report;
- Amend Title 33, Planning and Zoning, as shown in this report;
- Adopt the report and commentary as further findings and legislative intent; and
- Adopt the ordinance.

ATTACHMENT A

Recommended Amendments to Zoning Code—Solar

AMEND CHAPTER 33.218, COMMUNITY DESIGN STANDARDS

33.218.100 Standards for Primary and Attached Accessory Structures in Single-Dwelling Zones

The standards of this section apply to development of new primary and attached accessory structures in single-dwelling zones.

A. through M. [No change.]

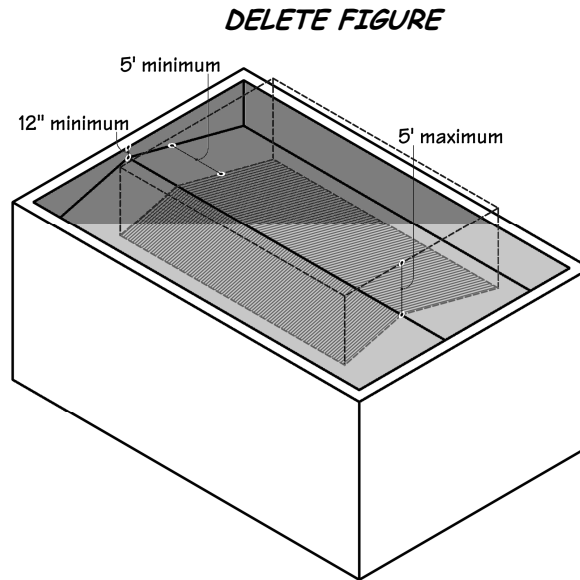
Subsection N applies in the "d" design overlay zone.
--

N. Rooftop sSolar energy systems.

1. Rooftop sSolar energy systems must ~~meet one of the following installation standards; not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;~~
1. ~~Panels on a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface. The panels must be mounted flush or on racks, with the panel or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. The panels must be set back 5 feet from the edge of the roof. See Figure 218-4; or~~
2. ~~Panels on a pitched roof. Panels must be mounted flush, with the plane of the panels parallel with the roof surface, with no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline. See Figure 218-5;~~
- 2.-3. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.
3. 4. Photovoltaic glazing may be integrated into windows or skylights.

O. Water cisterns. [No change]

Figure 218-4
Solar Panels on Flat Roof, Mansard Roof or Roof with Parapet



Subsection P applies to conservation districts and conservation landmarks. However, P.7.c (revised to P.7.b) says that these solar standards do not apply to conservation landmarks.

P. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1-6. [No. change.]

7. Rooftop sSolar panels energy systems.

a. Rooftop sSolar energy systems must meet one of the following installation standards: not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;

a. On a flat roof or horizontal portion of a mansard roof. Solar panels must be screened from the street by:

(1) An existing parapet along the street facing façade that is as tall as the tallest part of the solar panel, or

(2) Setting the solar panel back from the roof edges facing the street 4 feet for each foot of solar panel height.

b. On a pitched roof. Solar panels may be on a pitched roof facing a rear lot line or on a pitched roof surface facing within 45 degrees of the rear lot line. See Figure 218-6.

b. e. Solar ~~panels~~ energy systems may not be installed on a conservation landmark.

8. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

9. [No. change.]

Figure ~~218-5~~ 445-2
Solar Panel Energy System on a Pitched Roof

MOVE FIGURE TO CHAPTER 33.445

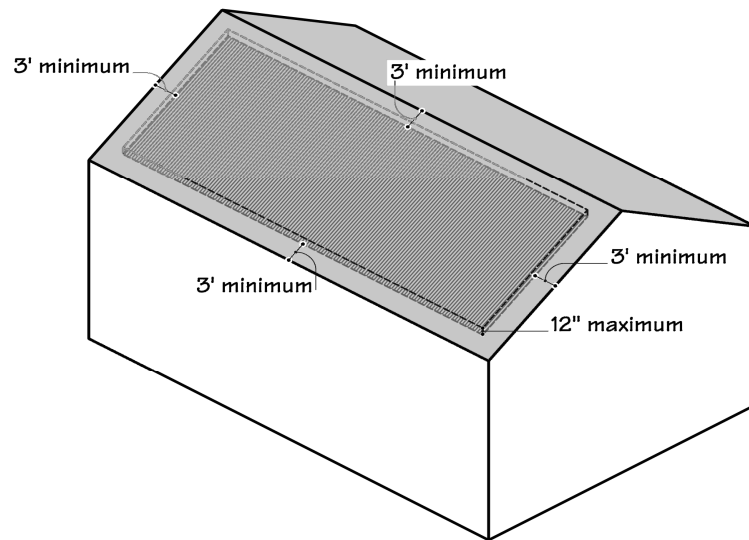
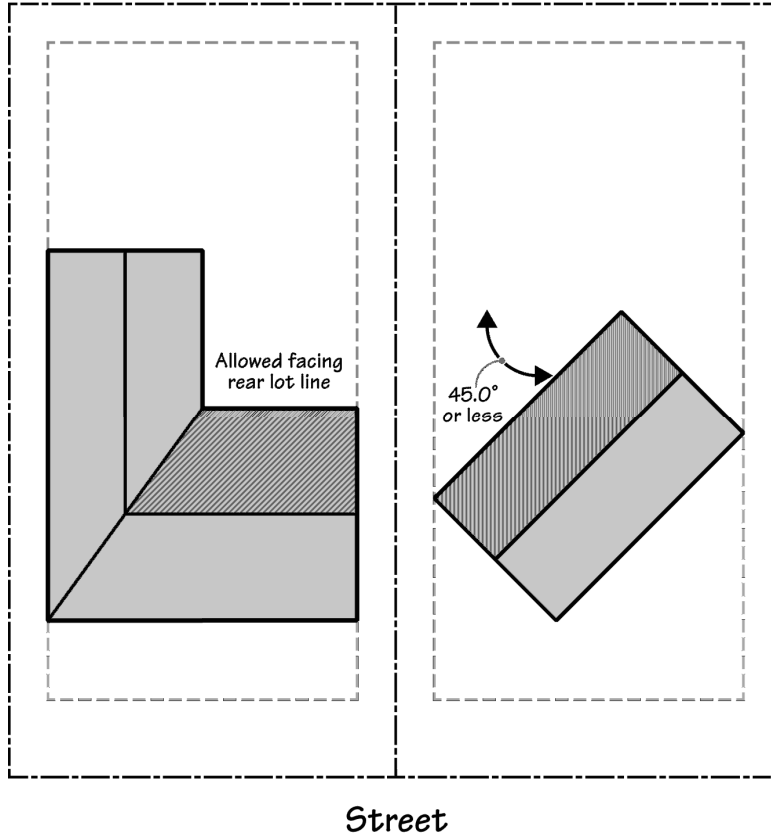


Figure 218-6-445-1
Solar Panel Energy System Location on Rooftop

MOVE FIGURE TO CHAPTER 33.445



33.218.110 Standards for Primary and Attached Accessory Structures in R3, R2, and R1 Zones

The standards of this section apply to development of new primary and attached accessory structures in the R3, R2, and R1 zones. The addition of an attached accessory structure to a primary structure, where all the uses on the site are residential, is subject to Section 33.218.130, Standards for Exterior Alteration of Residential Structures in Residential Zones.

A. through M. [No change.]

Subsection N applies in the "d" design overlay zone.

N. Rooftop sSolar energy systems.

1. ~~Rooftop sSolar energy systems must meet one of the following installation standards: not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;~~
1. ~~Panels on a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof~~

~~surface. The panels must be mounted flush or on racks, with the panel or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. The panels must be set back 5 feet from the edge of the roof. See Figure 218-4; or~~

~~2. Panels on a pitched roof. Panels must be mounted flush, with the plane of the panels parallel with the roof surface, with the panel no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline. See Figure 218-5.~~

~~2.3 Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.~~

~~3. 4. Photovoltaic glazing may be integrated into windows or skylights.~~

Subsection R applies to conservation districts and conservation landmarks. However, R.8.c (revised to P.8.b) says that these solar standards do not apply to conservation landmarks.

R. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

8. Rooftop sSolar panels energy systems.

~~a. Rooftop sSolar energy systems must meet one of the following installation standards: not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;~~

~~a. On a flat roof or horizontal portion of a mansard roof. Solar panels must be screened from the street by;~~

~~(1) an existing parapet along the street-facing façade that is as tall as the tallest part of the solar panel, or~~

~~(2) setting the solar panel back from the roof edges facing the street 4 feet for each foot of solar panel height.~~

~~b. On a pitched roof. Solar panels may be on a pitched roof facing a rear lot line or on a pitched roof surface facing within 45 degrees of the rear lot line. See Figure 218-6.~~

~~b. e. Solar panels energy systems may not be installed on a conservation landmark.~~

9. Cisterns. [No change]

10. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

33.218.130 Standards for Exterior Alteration of Residential Structures in Single-Dwelling, R3, R2, and R1 Zones

The standards of this section apply to exterior alterations of primary structures and both attached and detached accessory structures in residential zones. These standards apply to proposals where there will be only residential uses on the site.

A. through E. [No change.]

Subsection F applies in the "d" design overlay zone.

F. Rooftop sSolar energy systems.

1. Rooftop sSolar energy systems must meet one of the following installation standards: not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
 1. ~~Panels on a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface. The panels must be mounted flush or on racks, with the panel or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. The panels must be set back 5 feet from the edge of the roof. See Figure 218-4; or~~
 2. ~~Panels on a pitched roof. Panels must be mounted flush, with the plane of the panels parallel with the roof surface, with the panel no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge or ridgeline. See Figure 218-5.~~
2. ~~3~~ Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.
3. ~~4~~ Photovoltaic glazing may be integrated into windows or skylights.

G. Water cisterns. [No change.]

Subsection H applies to conservation districts and conservation landmarks. However, H.6.c (revised to H.6.b) says that these solar standards do not apply to conservation landmarks.

H. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1. through 5. [No change]
6. Rooftop sSolar panels energy systems.
 - a. Rooftop sSolar panels energy systems in conservation districts are subject to the following additional standards: must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
 - a. ~~On a flat roof or horizontal portion of a mansard roof. Solar panels must be screened from the street by:~~
 - (1) ~~An existing parapet along the street-facing façade that is as tall as the tallest part of the solar panel, or~~

~~(2) Setting the solar panel back from the roof edges facing the street 4 feet for each foot of solar panel height.~~

~~b. On a pitched roof. Solar panels may be on a pitched roof facing a rear lot line or on a pitched roof surface facing within 45 degrees of the rear lot line. See Figure 218-6.~~

~~b. e. Solar panels energy systems may not be installed on a conservation landmark.~~

7. Cisterns. [No change]

8. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

33.218.140 Standards for All Structures in the RH, RX, C and E Zones

The standards of this section apply to development of all structures in RH, RX, C, and E zones. These standards also apply to exterior alterations in these zones.

For proposals where all uses on the site are residential, the standards for the R3, R2, and R1 zones may be met instead of the standards of this section. Where new structures are proposed, the standards of Section 33.218.110, Standards for R3, R2, and R1 Zones, may be met instead of the standards of this section. Where exterior alterations are proposed, the standards of Section 33.218.130, Standards for Exterior Alteration of Residential Structures in Residential Zones, may be met instead of the standards of this section.

A. through J. [No change.]

Subsection K applies in the "d" design overlay zone.

K. Rooftop sSolar energy systems.

~~1. Rooftop sSolar energy systems must meet one of the following installation standards: not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;;~~

~~1. Panels on a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface. The panels must be mounted flush or on racks, with the panel or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. The panels must be set back 5 feet from the edge of the roof. See Figure 218-4; or~~

~~2. Panels on a pitched roof. Panels must be mounted flush, with the plane of the panels parallel with the roof surface, with no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline. See Figure 218-5;~~

~~2. 3~~ Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.

~~3. 4~~ Photovoltaic glazing may be integrated into windows or skylights.

~~4. 5~~ Ground pole mounted solar panel energy systems are subject to the following additional standard: On sites that abut an RF through R2 zone, the system

must be set back one foot for every one foot of height, from the lot line abutting the RF through R2 zone.

L. through P. [No change.]

Subsection Q applies to conservation districts and conservation landmarks. However, Q.13.c (revised to Q.13.b) says that these solar standards do not apply to conservation landmarks.

Q. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1. through 12. [No change]

13. Rooftop sSolar panels energy systems.

a. Rooftop sSolar panels energy systems in conservation districts are subject to the following additional standards: must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;

~~a. On a flat roof or horizontal portion of a mansard roof. Solar panels must be screened from the street by;~~

~~(1) An existing parapet along the street-facing façade that is as tall as the tallest part of the solar panel, or~~

~~(2) Setting the solar panel back from the roof edges facing the street 4 feet for each foot of solar panel height.~~

~~b. On a pitched roof. Solar panels may be on a pitched roof facing a rear lot line or on a pitched roof surface facing within 45 degrees of the rear lot line. See Figure 218-6.~~

~~b. e. Solar panels energy systems may not be installed on a conservation landmark.~~

14. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

33.218.150 Standards for I Zones

The standards of this section apply to development of all structures in the I zones. These standards also apply to exterior alterations in these zones.

A. through H. [No change.]

Subsection I applies in the "d" design overlay zone.

I. Rooftop sSolar energy systems.

1. Rooftop sSolar energy systems must meet one of the following installation standards: not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof

- ~~1. Panels on a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface. The panels must be mounted flush or on racks, with the panel or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. The panels must be set back 5 feet from the edge of the roof. See Figure 218-4; or~~
- ~~2. Panels on a pitched roof. Panels must be mounted flush, with the plane of the panels parallel with the roof surface, with the panel no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline. See Figure 218-5.~~
- ~~2.3~~ Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.
- ~~3.4~~ Photovoltaic glazing may be integrated into windows or skylights.
- ~~4.5~~ Ground or pole mounted solar panels energy systems are subject to the following additional standards:
 - a. On sites that abut an RF through R2 zone, the system must be set back one foot for every one foot of height, from the lot line abutting the RF through R2 zone;
 - b. The system may not be located closer to the street than the portion of the street-facing façade that is closest to the street.

Subsection L applies to conservation districts and conservation landmarks. However, L.9.c (revised to L.9.b) says that these solar standards do not apply to conservation landmarks.

L. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1. through 8. [No change]
9. Rooftop sSolar panels energy systems.
 - a. Rooftop sSolar panels energy systems in conservation districts are subject to the following additional standards: must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
 - a. ~~On a flat roof or horizontal portion of a mansard roof. Solar panels must be screened from the street by;

 - ~~(1) an existing parapet along the street facing façade that is as tall as the tallest part of the solar panel, or~~
 - ~~(2) setting the solar panel back from the roof edges facing the street 4 feet for each foot of solar panel height.~~~~
 - b. ~~On a pitched roof. Solar panels may be on a pitched roof facing a rear lot line or on a pitched roof surface facing within 45 degrees of the rear lot line. See Figure 218-6.~~
 - b. e. Solar panels energy systems may not be installed on a conservation landmark.
10. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

AMEND CHAPTER 33.420, DESIGN OVERLAY ZONE

33.420.045 Exempt From Design Review

The following items are exempt from design review:

A. through X. [No change.]

The revised Subsection Y applies to all sites in the "d" design overlay zone.

~~**Y.** Within the Central City and Gateway Plan Districts, solar panels installed on existing buildings where no other exterior improvements subject to design review are proposed.~~

~~1. This exemption applies only to panels installed on a flat roof or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface and must meet the following:~~

~~a. The panels must be mounted flush or on racks, with the panel or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet.~~

~~b. The panels and racks must be set back 5 feet from the edge of the roof.~~

Y. Rooftop solar energy systems are exempt from design review if the footprint of the structure is not increased, the peak height of the roof is not increased, and the system is parallel to the slope of the roof;

Z. through BB. [No change.]

There are no substantive changes to this section of code; the references to the figures in 33.445.320.B.8.b, and the change from "solar panels" to "solar energy systems" are the only changes.

AMEND CHAPTER 33.445, HISTORIC RESOURCE PROTECTION OVERLAY ZONE

33.445.320 Development and Alterations in a Historic District

A. When historic design review is required in a Historic District. [No change.]

B. Exempt from historic design review.

8. Solar ~~panels~~ energy systems that meet the following requirements. When solar ~~panels~~ energy systems are proposed as part of a project that includes elements subject to historic design review, the solar ~~panels~~ energy systems ~~are~~ is not exempt:
 - a. On a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface. The ~~panels~~ solar energy system must be mounted flush or on racks, with the ~~panel~~ system or rack extending no more than 5 feet above the top of the highest point of the roof. Solar ~~panels~~ energy systems must also be screened from the street by:
 - (1) An existing parapet along the street-facing façade that is as tall as the tallest part of the solar-~~panel~~ energy system, or
 - (2) Setting the solar ~~panel~~ energy system back from the roof edges facing the street 4 feet for each foot of solar ~~panel~~ energy system height.
 - b. On a pitched roof. Solar ~~panel~~ energy systems may be on a pitched roof facing a rear lot line or on a pitched roof surface facing within 45 degrees of the rear lot line. See Figure ~~218-6~~ 445-1. The system must be mounted flush, with the plane of the system parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline. See Figure ~~218-5~~ 445-2.

ATTACHMENT B

Recommended Amendments to Zoning Code— Mechanical Equipment

AMEND CHAPTER 33.420, DESIGN OVERLAY ZONE

33.420.045 Exempt From Design Review

The following items are exempt from design review:

A. through L. [No change.]

M. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building ~~if the building is at least 45 feet tall at the point of installation, and~~ if the following are met:

1. The area where the equipment will be installed must have a pitch of 1/12 or less;
2. No more than 8 mechanical units are allowed, including both proposed and existing units;
3. The proposed mechanical equipment must be ~~is~~ set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment, measured from the edges of above the roof surface or top of parapet; and
4. The proposed equipment must have a matte finish or be painted to match the roof.

N. through BB. [No change.]

AMEND CHAPTER 33.445, HISTORIC RESOURCE PROTECTION OVERLAY ZONE

33.445.140 Alterations to a Historic Landmark

Alterations to a Historic Landmark require historic design review to ensure the landmark's historic value is considered prior to or during the development process.

A. When historic design review for a Historic Landmark is required. [No change.]

B. Exempt from historic design review.

1. through 5. [No change.]

6. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building ~~if the building is at least 45 feet tall and~~ if the following are met:

- a. The area where the equipment will be installed must have a pitch of 1/12 or less;
- b. No more than 8 mechanical units are allowed, including both proposed and existing units;

- c. The proposed mechanical equipment must be is set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment, measured from the edges of above the roof surface or top of parapet; and
- d. The proposed equipment must have a matte finish or be painted to match the roof.

7. [No change.]

33.445.230 Alterations to a Conservation Landmark

Alterations to Conservation Landmarks require historic design review to ensure the landmark’s historic value is considered prior to or during the development process.

A. When historic design review for a Conservation Landmark is required. [No change.]

B. Exempt from historic design review.

1. through 4. [No change.]

5. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building ~~if the building is at least 45 feet tall and~~ if the following are met:

- a. The area where the equipment will be installed must have a pitch of 1/12 or less;
- b. No more than 8 mechanical units are allowed, including both proposed and existing units;
- c. The proposed mechanical equipment must be is set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment, measured from the edges of above the roof surface or top of parapet; and
- d. The proposed equipment must have a matte finish or be painted to match the roof.

6. [No change.]

33.445.320 Development and Alterations in a Historic District

Building a new structure or altering an existing structure in a Historic District requires historic design review. Historic design review ensures the resource’s historic value is considered prior to or during the development process.

A. When historic design review is required in a Historic District. [No change.]

B. Exempt from historic design review.

1. through 5. [No change.]

6. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building ~~if the building is at least 45 feet~~

~~tall and if the following are met. For vents, the applicant may choose to meet either the standards of this paragraph or those of paragraph B.11, Vents.~~

- a. The area where the equipment will be installed must have a pitch of 1/12 or less;
- b. No more than 8 mechanical units are allowed, including both proposed and existing units;
- c. The proposed mechanical equipment must be is set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment, measured from the edges of above the roof surface or top of parapet; and
- d. The proposed equipment must have a matte finish or be painted to match the roof.

~~For vents, the applicant may choose to meet either the standards of this paragraph or those of paragraph B.11, Vents;~~

7. through 11. [No change.]

33.445.420 Development and Alterations in a Conservation District

Building a new structure or altering an existing structure in a Conservation District requires historic design review. Historic design review ensures the resource's historic value is considered prior to or during the development process.

A. When historic design review is required in a Conservation District. [No change.]

B. Exempt from historic design review.

1. through 5. [No change]

6. Rooftop mechanical equipment, other than radio frequency transmission facilities, that is added to the roof of an existing building ~~if the building is at least 45 feet tall and~~ if the following are met:

- a. The area where the equipment will be installed must have a pitch of 1/12 or less;
- b. No more than 8 mechanical units are allowed, including both proposed and existing units;
- c. The proposed mechanical equipment must be is set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment, measured from the edges of above the roof surface or top of parapet; and
- d. The proposed equipment must have a matte finish or be painted to match the roof.

7. through 9. [No change]



Bryan Allan <bryallan@gmail.com>

RE: Solar regulations in conservation districts

Fioravanti, Kara <Kara.Fioravanti@portlandoregon.gov>

Tue, Aug 16, 2011 at
2:21 PM

To: "bryallan@gmail.com" <bryallan@gmail.com>

Cc: "Heron, Tim" <Tim.Heron@portlandoregon.gov>, "Dutt, John" <John.Dutt@portlandoregon.gov>, "Muir, David" <David.Muir@portlandoregon.gov>

Hi Bryan. Your email made its way to me. I work for the Bureau of Development Services and work on Historic Design Reviews, when required. The Bureau of Planning and Sustainability is currently working on a legislative project that will exempt many solar projects from Historic Design Review, as Commissioner Fritz notes below. Here is the weblink to that project: <http://www.portlandonline.com/bps/index.cfm?c=55298>

The Design Commission, Landmarks Commission, and Planning and Sustainability Commission all recommended this legislative project be approved. The City Council is the final local review body. The Council will hold its first hearing on this project on August 31st. If all goes well with Council, the solar exemptions would be effective on October 7th.

The summary of proposed changes for solar installations in a Conservation District (from the weblink I provided):

"In Conservation Districts, delete current standards. Add standards to allow solar energy systems without a land use review if the footprint of the structure isn't enlarged, the peak height of the roof is not increased, and the system is parallel to the slope of the roof. If the proposal does not meet the standards, the proposal may be approved through Historic Design Review."

Kara Fioravanti, Senior Planner BDS



Bryan Allan
<bryallan@gmail.com>

RE: Solar regulations in conservation districts

Bryan Allan <bryallan@gmail.com>

Tue, Aug 16, 2011 at
5:52 PM

To: "Fioravanti, Kara" <Kara.Fioravanti@portlandoregon.gov>

Cc: "Heron, Tim" <Tim.Heron@portlandoregon.gov>, "Dutt, John" <John.Dutt@portlandoregon.gov>, "Muir, David" <David.Muir@portlandoregon.gov>

Thanks for the reply, Kara. That is excellent news.

I have a follow-up question. My reservation for the feed-in-tariff program expires on October 15th of this year, by which time my system is supposed to be installed and functioning. Obviously, an October 7th effective date doesn't leave a lot of room for my installer. Can you envision a way that a permit could be issued and my installation completed by October 15th so that I do not lose my reservation with the feed-in-tariff program? If I were to get a new reservation, my reimbursement for

electricity produced would drop by about 40%, which is obviously a huge amount. Unfortunately, according to PUC's administrative rules, I can't get an extension on that deadline.

I would really like to make this work, so any advice or help is very greatly appreciated.

Bryan Allan
[Quoted text hidden]



Bryan Allan
<bryallan@gmail.com>

RE: Solar regulations in conservation districts

Fioravanti, Kara <Kara.Fioravanti@portlandoregon.gov>

Wed, Aug 17, 2011 at
10:52 AM

To: Bryan Allan <bryallan@gmail.com>

Cc: "Heron, Tim" <Tim.Heron@portlandoregon.gov>, "Dutt, John" <John.Dutt@portlandoregon.gov>, "Muir, David" <David.Muir@portlandoregon.gov>

I will look into your situation and be in touch. My understanding of this legislative project was that it would be timed to still allow people to maximize deals offered this year. I've forwarded your specific question to others in the City who are actively working on the project and will let you know what I hear. Thanks. kara

From: Bryan Allan [mailto:bryallan@gmail.com]
Sent: Tuesday, August 16, 2011 5:52 PM
To: Fioravanti, Kara
Cc: Heron, Tim; Dutt, John; Muir, David
Subject: Re: Solar regulations in conservation districts

[Quoted text hidden]



Bryan Allan <bryallan@gmail.com>

RE: Solar regulations in conservation districts

Fioravanti, Kara <Kara.Fioravanti@portlandoregon.gov>

Thu, Aug 18, 2011 at
3:39 PM

To: Bryan Allan <bryallan@gmail.com>

Cc: "Richman, Jessica" <Jessica.Richman@portlandoregon.gov>

Hi Bryan. with your information, BPS is looking into considering an emergency ordinance through Council. That requires a unanimous vote of Council on August 31st. If there is a unanimous vote of 5 Council members on August 31st, these new solar regulations would be effective on September 2nd. That is the fastest process possible.

Jessica – can Bryan testify at Council on August 31st to encourage an emergency ordinance/

From: Bryan Allan [mailto:bryallan@gmail.com]
Sent: Tuesday, August 16, 2011 5:52 PM
To: Fioravanti, Kara
Cc: Heron, Tim; Dutt, John; Muir, David
Subject: Re: Solar regulations in conservation districts

[Quoted text hidden]



Bryan Allan <bryallan@gmail.com>

RE: Solar regulations in conservation districts

Richman, Jessica <Jessica.Richman@portlandoregon.gov>

Thu, Aug 18, 2011 at
3:44 PM

To: Bryan Allan <bryallan@gmail.com>
Cc: "Fioravanti, Kara" <Kara.Fioravanti@portlandoregon.gov>

Bryan--You are welcome to testify at Council, both in favor of the amendments and in favor of the emergency ordinance. It may not be necessary--we're talking to the Commissioners' Assistants about it, and so far it looks like they are all OK with it being an emergency ordinance. You may want to send an email or write a letter to the Council, just to make sure. Let me know if you need contact info.

--Jessica

[Jessica Richman](#)
[Senior Planner](#)
[Portland Bureau of Planning and Sustainability](#)
[503-823-7847](tel:503-823-7847)
Jessica.Richman@portlandoregon.gov

Bryan Allan
1621 N Kilpatrick St.
Portland, OR 97217
503-516-9360

Portland City Council
C/O Council Clerk
1221 SW Fourth Avenue, Room 140
Portland, OR 9720
Fax: 503-823-4571

August 23, 2011

RE: Exempting solar PV installations from historic design review at 8/31/2011 meeting

Dear Commissioners,

I'm writing about the proposed changes to the zoning code, exempting solar installations from historic design review, which the council is considering on August 31st. If the proposed amendment doesn't take effect until October 7th, I will very likely lose my spot in Oregon's solar feed-in-tariff program because my deadline is October 15th and it would be impossible to obtain a permit and install a fully operational system in eight days.

I have spoken with Kara Fioravanti and Jessica Richman about my situation, and they are exploring the possibility with others of giving this amendment emergency status, becoming effective on September 2, 2011 and giving me enough time to take part in this exciting program. I would be incredibly grateful for this change. I have been pursuing a solar installation for over a year and was recently frustrated and surprised to learn that I am in a conservation district.

I can't express to you how blessed and happy I am to live in a city so supportive of sustainable practices.

Sincerely,

Bryan Allan



August 24, 2011

Portland General Electric – Solar Payment Option
Attn: Kelly Cox – Department Manager
PO Box 4079
Portland, OR 97208-4079

Re:

Extension request for fully operational date for:

Bryan Allan – 17D843
1621 N Kilpatrick St.
Portland OR
97217

Dear Ms. Cox,

We would like to formally request an extension to the “fully operational” date deadline for the system to be installed at the site above. This customer’s home is located in the Kenton Conservation District and he has been told by the authority having jurisdiction that a permit to install a solar system would be denied because the south side of his home faces the street. He has reached out to the City Commissioner’s Office where he learned that the Bureau of Planning and Sustainability is currently working on a legislative project that would allow for solar system installations without a land use review if the footprint of the structure is not enlarged, the peak height of the roof is not increased, and the arrays are parallel to the slope of the roof. Our system designs meet all of those criteria. The City Council is the final local review body for this project and will hold its first hearing on this project on August 31st. If all goes well with the Council, the solar exemptions would be effective on October 7th. That leaves 5 business days for SolarCity to pull permits, install the system, and get the system signed off by the authority having jurisdiction to meet the customer’s October 15th deadline to be fully operational. On these grounds, we would like to request that an extension of 3 months from October 15th, 2011 to January 15th, 2012 to be granted for this customer’s fully operational date. We are placing a high priority on this project and the extended deadline should allow enough time to finish the permitting, installation, and inspection while also allowing a buffer to deal with any unexpected delays in working with the city or otherwise. We greatly appreciate your kind consideration to this request.

Sincerely,

Yuichi Segawa

Interconnection Lead
650.963.5199
ysegawa@solarcity.com