



**Oregon**

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



**NOTICE OF ADOPTED AMENDMENT**

09/06/2011

**TO:** Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

**FROM:** Plan Amendment Program Specialist

**SUBJECT:** City of Portland Plan Amendment  
DLCD File Number 003-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL:** Thursday, September 22, 2011

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

**Cc:** Jessica Richman, City of Portland  
Angela Lazarean, DLCD Urban Planning Specialist  
Anne Debbaut, DLCD Regional Representative  
Amanda Punton, DLCD Regional Representative

<paa> YA/ph



**FORM 2**

**DLCD**

# Notice of Adoption

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person  electronic  mailed

**DATE STAMP**

**DEPT OF**

**SEP 02 2011**

**LAND CONSERVATION AND DEVELOPMENT**

For Office Use Only

Jurisdiction: **Portland**

Local file number:

Date of Adoption: **8/31/2011**

Date Mailed: **9/02/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 6/22/2011

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

HB 3516 requires that solar panels be allowed without land use review on most structures; these amendments to the Zoning Code will bring the code into conformance.

The Zoning Code currently exempts rooftop mechanical equipment in design overlay zones and conservation and historic districts from review if it is on a building at least 45 feet tall and if the equipment is set back from the roof edge; these amendments extend the exemption to all building and add standards.

Does the Adoption differ from proposal? Yes, Please explain below:

The amendments for rooftop mechanical equipment were added after the Notice of Proposal to DLCD was sent.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

**DLCD file No.** 003-11 (18869) [16747]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Multnomah County, Metro, State Historic Preservation Office

---

Local Contact: **Jessica Richman**

Phone: (503) 823-7847 Extension:

Address: 1900 SW 4th, #7100

Fax Number: 503-823-7800

City: Portland Zip: 97201-

E-mail Address: [Jessica.Richman@PortlandOregon.gov](mailto:Jessica.Richman@PortlandOregon.gov)

---

### **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)**

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

<http://www.oregon.gov/LCD/forms.shtml>

Updated April 22, 2011



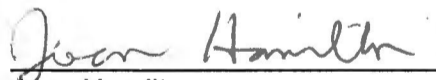
Bureau of Planning and Sustainability  
Innovation. Collaboration. Practical Solutions.

## Certificate of Mailing

I hereby certify that on April 15, 2011, I mailed a correct copy of the adopted **Airport Futures Plan** adopted report and Ordinance No. 184521 and DLCD Notice of Adoption to the following persons by first class mail at the post office at Portland, Oregon.

The following is a list of persons to whom a copy of this document was mailed:

<i>Name</i>	<i>Address</i>
Plan Amendments Specialist	Dept. of Land Conservation & Development 635 Capitol Street, Suite 150 Salem, Oregon 97301-2540
Planning Manager	Metro Planning Department Community Development 600 NE Grand Avenue Portland, OR 97232-2736
Stuart Farmer	Multnomah County Land Use Planning 1600 SE 190 <sup>th</sup> Ste 116 Portland OR 97233
Roger Roper, Deputy State Historic Preservation Officer	State Historic Preservation Office (SHPO) 725 Summer St NE, Ste C Salem OR 97301

 *Sep 2, 2011*  
Joan Hamilton Date  
Management Assistant  
Bureau of Planning and Sustainability



City of Portland, Oregon | Bureau of Planning and Sustainability | [www.portlandonline.com/bps](http://www.portlandonline.com/bps)  
1900 SW 4th Avenue, Suite 7100, Portland, OR 97201 | phone: 503-823-7700 | fax: 503-823-7800 | tty: 503-823-6868

Printed on 100% post-consumer waste recycled paper.

**ORDINANCE No. 184842**

\*Amend Planning and Zoning Code to bring solar energy system regulations into conformance with State law, and to allow some rooftop mechanical equipment with a land use review. (Ordinance; amend Title 33)

The City of Portland Ordains:

Section 1. The Council finds:

**General Findings**

1. On March 10, 2010 City Council adopted the Regulatory Improvement Code Amendments Package 5 (RICAP 5). RICAP 5 included a number of "green" amendments related to wind turbines, solar energy systems, water collection cisterns, and other elements.
2. Before RICAP 5 was adopted, proposals for rooftop solar panels in design overlay zones and historic and conservation districts had to go through discretionary design review or historic design review. RICAP 5 created an option where owners could meet certain standards instead of going through discretionary review.
3. Planning and Sustainability staff worked with the Historic Landmarks Commission, the Design Commission, and staff from the Bureau of Development Service (BDS) to create the standards.
4. After RICAP 5 was adopted, in historic and conservation districts, panels were allowed on pitched roofs without review only if they faced the rear lot line. Other standards also applied. The alternative to meeting the standards was discretionary review.
5. 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.
6. 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.
7. The amendments proposed through this ordinance will bring the Portland Zoning Code into conformance with House Bill 3516.

8. At the same time as the Bureau of Planning and Sustainability (BPS) was beginning work on the solar regulations addressed by this ordinance, the Bureau of Development Services (BDS) asked that an amendment for rooftop mechanical equipment in design overlay zones and historic and conservation districts be added to the project. Under existing code, proposals for rooftop mechanical equipment that meet certain standards do not have to go through discretionary review. However, this applies only to buildings at least 45 feet tall.
9. BDS noted that 10 to 15 percent of the requests they receive for design review or historic design review have to do with rooftop mechanical equipment on buildings less than 45 feet tall. As BDS staff worked with applicants, they developed a set of standards that they apply to these cases. The standards they have developed are part of the amendments included in this ordinance.
10. On June 22, 2011 notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
  - On July 8, 2011 notice was mailed to the project mailing list and all persons interested in legislative projects city-wide (approximately 560 addresses) announcing the availability of the *Solar and Mechanical Equipment Project: Proposed Draft*, and the Planning and Sustainability Commission hearing on August 9, 2011.
  - On July 8, 2011 information about the project was posted on the Bureau of Planning and Sustainability website.
  - On July 18, 2011 the *Solar and Mechanical Equipment Project: Proposed Draft* was published and posted on the Bureau of Planning and Sustainability website. Copies were mailed to those who requested them.
  - On July 20, 2011 BPS staff met with the Historic Resources Committee of the Portland Chapter of the American Institute of Architects. Staff explained the proposed amendments and process for adoption.
  - On July 21, 2011 BPS and BDS staff briefed the Portland Design Commission on the proposed amendments. The Commission had no comments.
  - On July 25, 2011 BPS and BDS staff briefed the Portland Historic Landmarks Commission on the proposed amendments. The Commission had no comments.
11. On August 9, 2011 the Planning and Sustainability Commission held a hearing on the proposal. Staff from the Bureau of Planning and Sustainability presented the proposal. There was no public testimony. Because there was no testimony, notice announcing the availability of the *Solar and Mechanical Equipment Project: Recommended Draft*, and the City Council hearing on August 31, 2011 was not sent to anyone.
  - On August 10, 2011 the *Solar and Mechanical Equipment Project: Recommended Draft* was published and posted on the Bureau of Planning and Sustainability website. Copies were mailed to those who requested them.

12. On August 31, 2011 City Council held a hearing on the proposal. Staff from the Bureau of Planning and Sustainability presented the recommendation of the Planning and Sustainability Commission, and public testimony was received.
13. On September 7, 2011 City Council voted to adopt the changes in the *Solar and Mechanical Equipment Project: Recommended Draft*.

#### **Findings on Statewide Planning Goals**

14. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Only the state goals addressed below apply.
15. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement, including:
  16. On June 22, 2011 notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
  17. On July 8, 2011 notice was mailed to the project mailing list and all persons interested in legislative projects city-wide (approximately 560 addresses) announcing the availability of the *Solar and Mechanical Equipment Project: Proposed Draft*, and the Planning and Sustainability Commission hearing on August 9, 2011.
  18. On July 8, 2011 information about the project was posted on the Bureau of Planning and Sustainability website.
  19. Planning and Sustainability staff engaged in telephone and email exchanges with property owners, developers, and members of the community in regards to project provisions.
  20. The Bureau of Planning and Sustainability maintained and updated as needed the project web site that included basic project information, announcements of public events, project documents and staff contact information.
  21. On July 18, 2011 the *Solar and Mechanical Equipment Project: Proposed Draft* was published and posted on the Bureau of Planning and Sustainability website. Copies were mailed to those who requested them.
  22. On July 20, 2011 BPS staff met with the Historic Resources Committee of the Portland Chapter of the American Institute of Architects. Staff explained the proposed amendments and process for adoption.
  23. On July 21, 2011 BPS and BDS staff briefed the Portland Design Commission on the proposed amendments. The Commission had no comments.
  24. On July 25, 2011 BPS and BDS staff briefed the Portland Historic Landmarks Commission on the proposed amendments. The Commission had no comments.
  25. On August 9, 2011 the Planning and Sustainability Commission held a hearing on the proposal. Staff from the Bureau of Planning and Sustainability presented the proposal.

- There was no public testimony. Because there was no testimony, notice announcing the availability of the *Solar and Mechanical Equipment Project: Recommended Draft*, and the City Council hearing on August 31, 2011 was not sent to anyone.
26. On August 10, 2011 the *Solar and Mechanical Equipment Project: Recommended Draft* was published and posted on the Bureau of Planning and Sustainability website. Copies were mailed to those who requested them.
  27. On August 31, 2011 City Council held a hearing on the proposal. Staff from the Bureau of Planning and Sustainability presented the recommendation of the Planning and Sustainability Commission, and public testimony was received.
  28. **Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources**, requires the conservation of open space and the protection of natural and scenic resources. The amendments support this goal because the solar regulations adopted with RICAP 5 still apply to the most significant historic resources: historic landmarks, conservation landmarks, and historic districts. The amendments for rooftop mechanical equipment also support this goal because making it easier to install mechanical equipment—without compromising the design and historic aspects of the building—will encourage investment and preservation of buildings in design overlay zones and conservation and historic districts. In addition, the mechanical equipment amendments provide an incentive for removing older mechanical equipment.
  29. **Goal 12, Transportation**, requires provision of a safe, convenient, and economic transportation system. The Oregon Transportation Planning Rule (TPR) was adopted in 1991 and amended in 1996 and 2005 to implement State Goal 12. The TPR requires certain findings if the proposed regulation will significantly affect an existing or planned transportation facility. The proposed amendments will have no effect on the transportation system because the amendments will not result in increases in housing units or additional jobs, and will not change the uses or intensities of uses allowed.
  30. **Goal 13, Energy Conservation**, requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. The solar amendments support this goal because they will allow solar energy systems to be used at more locations throughout the city. The amendments for rooftop mechanical equipment also support this goal because making it easier to install mechanical equipment—without compromising the design and historic aspects of the building—will encourage upgrades to buildings' mechanical systems; the newer equipment is generally more energy-efficient.

#### **Findings on Metro Urban Growth Management Functional Plan**

31. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations. The amendments are consistent with this title because they do not alter the development capacity of the city.

32. **Title 2, Regional Parking Policy**, regulates the amount of parking permitted by use for jurisdictions in the region. The amendments are consistent with this title because they will have no effect on parking.
33. **Title 3, Water Quality, Flood Management and Fish and Wildlife Conservation**, protects the public's health and safety by reducing flood and landslide hazards, controlling soil erosion and reducing water pollution by avoiding, limiting, or mitigating the impact of development on streams, rivers, wetlands, and floodplains. The amendments are consistent with this title because they will have no effect on any of these elements.
34. **Title 4, Industrial and Other Employment Areas**, limits retail and office development in Employment and Industrial areas to those that are most likely to serve the needs of the area and not draw customers from a larger market area. The amendments are consistent with this title because they will have no effect on the uses allowed or amount of uses allowed at any location.
35. **Title 7, Affordable Housing**, ensures opportunities for affordable housing at all income levels, and calls for a choice of housing types. The amendments are consistent with this title because they will not have any effect on the types or amounts of housing allowed.
36. **Title 13, Nature In Neighborhoods**, calls for conservation, protection, and restoration of a continuous ecologically viable streamside corridor system that is integrated with upland wildlife habitat and the surrounding urban landscape. The amendments are consistent with this title because they will not have any effect on natural resources.

#### **Findings on Portland's Comprehensive Plan Goals**

37. Only the Comprehensive Plan goals addressed below apply.
38. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. The amendments support this goal because the amendments related to solar energy systems bring the Zoning Code into conformance with state law.
39. **Policy 1.4, Intergovernmental Coordination**, requires continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize the efficient use of public funds. The amendments support this policy because a number of other government agencies were notified of this proposal and given the opportunity to comment. These agencies include Metro and Multnomah County. The amendments also support intergovernmental coordination by responding to new state laws regarding solar regulations.
40. **Goal 2, Urban Development**, calls for maintaining Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments support this goal because the amendments make it more likely that the character of established residential neighborhoods and business centers will be retained because amendments related to rooftop mechanical equipment will encourage

investment and preservation of buildings in design overlay zones and conservation and historic districts.

41. **Goal 7, Energy**, calls for promotion of a sustainable energy future by increasing energy efficiency in all sectors of the city. The amendments support this goal because they will allow solar energy systems to be used at more locations throughout the city. The amendments for rooftop mechanical equipment also support this goal because making it easier to install mechanical equipment will encourage upgrades to buildings' mechanical systems; the newer equipment is generally more energy-efficient.
42. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. This project followed the process and requirements specified in Chapter 33.740, Legislative Procedure. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement.
43. **Policy 10.10, Amendments to the Zoning and Subdivision Regulations**, requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city. The amendments support this policy by using clear, consistent language.
44. **Goal 12, Urban Design**, calls for enhancing Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The amendments support this goal, and **Policy 12.3, Historic Preservation**, because the solar regulations adopted with RICAP 5 still apply to the most significant historic resources: historic landmarks, conservation landmarks, and historic districts. This will ensure that solar energy systems added to these resources will not detract from the important design and historic character of the buildings. The amendments for rooftop mechanical equipment also support this goal because making it easier to install mechanical equipment—without compromising the design and historic aspects of the building—will encourage investment and preservation of buildings in design overlay zones and conservation and historic districts. In addition, the mechanical equipment amendments provide an incentive for removing older mechanical equipment.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, *Solar and Mechanical Equipment Project: Recommended Draft*, dated August 10, 2011.
- b. Amend Title 33, Planning and Zoning, as shown in Exhibit A, *Solar and Mechanical Equipment Project: Recommended Draft*, dated August 10, 2011.
- c. Adopt the commentary and discussion in Exhibit A, *Solar and Mechanical Equipment Project: Recommended Draft*, dated August 10, 2011, as further findings and legislative intent.

230

184842

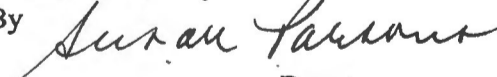
Section 2. If any section, subsection, sentence, clause, phrase, diagram, designation, or drawing contained in this Ordinance, or the plan, map or code it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the plan, map, or code and each section, subsection, sentence, clause, phrase, diagram, designation, and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams, designations, or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Section 3. The Council declares that an emergency exists because delay in implementing these amendments would preclude some homeowners from participating in certain tax incentive programs available for solar energy systems; therefore, this ordinance shall be in full force and effect on September 2, 2011.

Passed by the Council: **AUG 31 2011**

Mayor Sam Adams  
Prepared by: Jessica Richman  
Date Prepared: August 16, 2011

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By   
Deputy

925 --

Agenda No. **ORDINANCE NO. 184842**

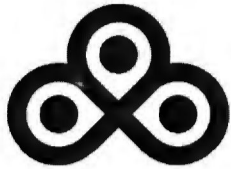
Code Title

\*Amend ~~Title 33~~, Planning and Zoning to bring solar energy system regulations into conformance with State law, and to allow some rooftop mechanical equipment with a land use review. (Ordinance; Amend Title 33)

INTRODUCED BY Commissioner/Auditor: <b>Mayor Sam Adams</b>	CLERK USE: DATE FILED <u>AUG 26 2011</u>
COMMISSIONER APPROVAL	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u>[Signature]</u> Deputy</p>
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	ACTION TAKEN:
BUREAU APPROVAL	
<u>Susan Anderson</u> Bureau: Planning and Sustainability Bureau Head: Susan Anderson	
Prepared by: Jessica Richman Date Prepared: August 18, 2011	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date August 31, 2011	
City Attorney Approval: <u>K. Beaumont</u> required for contract, code, easement, franchise, comp plan, charter	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____  Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input checked="" type="checkbox"/> Total amount of time needed: <b>10 minutes</b> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	



Bureau of Planning and Sustainability  
Innovation. Collaboration. Practical Solutions.

EXHIBIT A

---

## 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](mailto:Jessica.Richman@PortlandOregon.gov)) or Sandra Wood (503-823-7949; [Sandra.Wood@PortlandOregon.gov](mailto:Sandra.Wood@PortlandOregon.gov)).



City of Portland, Oregon | Bureau of Planning and Sustainability | [www.portlandonline.com/bps](http://www.portlandonline.com/bps)  
1900 SW 4th Avenue, Suite 7100, Portland, OR 97201 | phone: 503-823-7700 | fax: 503-823-7800 | tty: 503-823-6868

Printed on 100% post-consumer waste recycled paper.

## 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

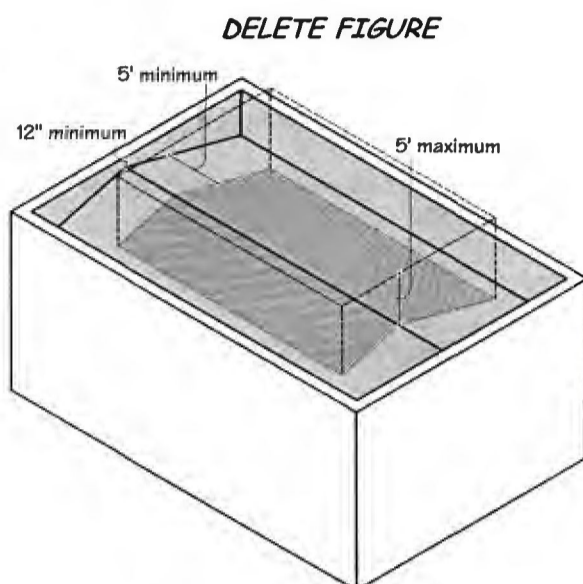
2. Panels on a pitched roof. Panels must be mounted flush, with the plane of the panels parallel with the roof surface, with no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline. See Figure 218-5;

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~~

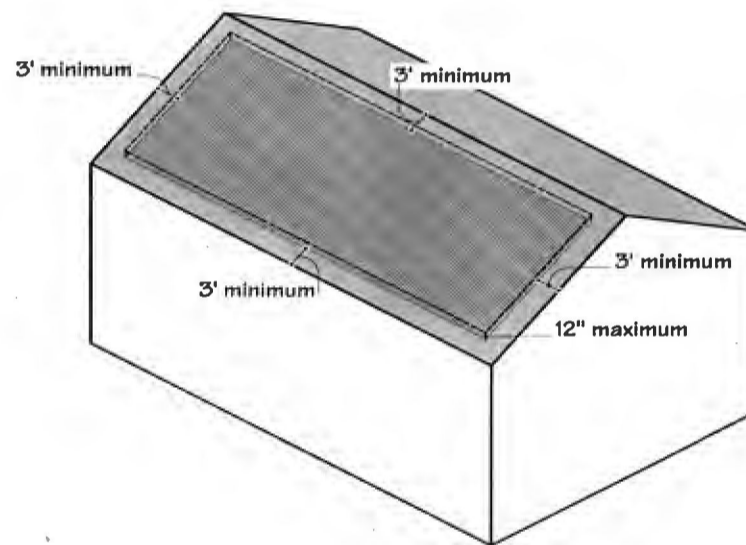
~~(2) Setting the solar panel back from the roof edges facing the street 4 feet for each foot of solar panel height.~~

~~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.~~

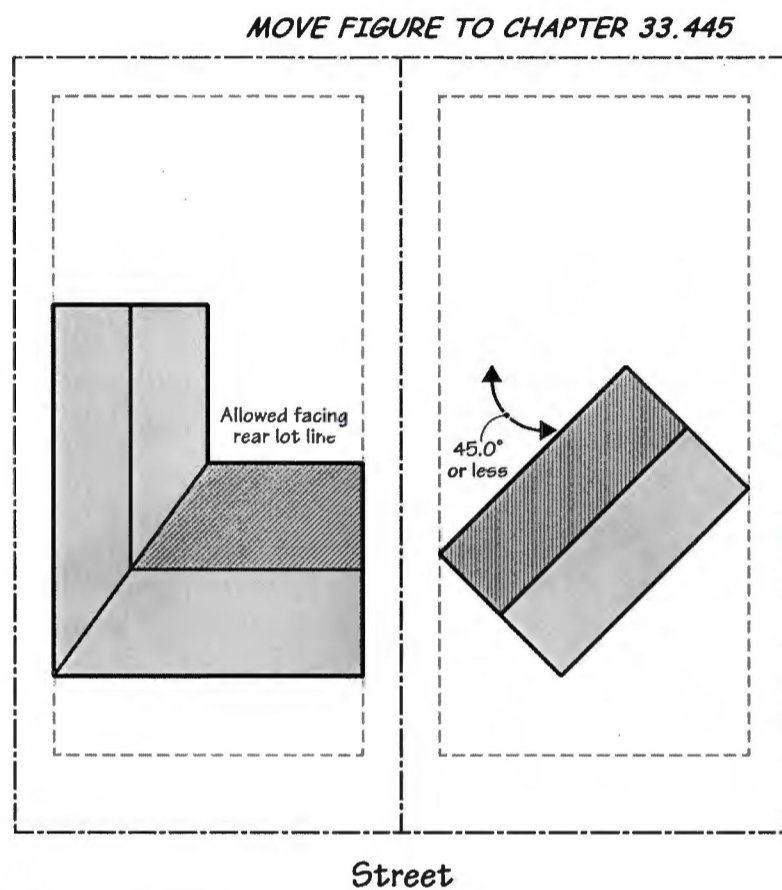
- b. e. Solar panels energy systems may not be installed on a conservation landmark.
8. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.
9. [No. change.]

**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**



**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 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]



Bureau



1900 SW 4th Ave. Suite 7100, Portland, OR 97201



P-276

ADDRESS  
SERVICE  
REQUESTED



Hasler

016H26520410

\$0.1480

09/01/2011

Mailed From 97204  
US POSTAGE

PLAN AMENDMENT SPECIALIST  
DEPT. OF LAND C&D  
635 CAPITOL STREET, #150  
SALEM, OREGON 97301-2540

DEPT OF

SEP 12 2011

LAND  
CONSERVATION

DEPT