



CITY OF

PORTLAND, OREGON

Amanda Fritz, Commissioner
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183598

MEMORANDUMDate: February 11th, 2010From: Commissioner Amanda Fritz 

To: Council Offices

AUDITOR 02/11/10 PM 1:27

Re: Ri-Cap 5 Additional Amendments

Original Distributed on February 10th, 2010;
Bold underline indicates changes as of February 11th, 2010.

Here's my understanding of the directions for Thursday:

1. Status of RICAP 5 Amendments offered by PC/Staff/ Commissioner:a) **Adopt all recommendations not previously pulled.**b) **Move forward per latest staff recommendations:**

Wind turbines (all issues)

Courtyard housing density, parking, accessory structures, building coverage (*see below)

Accessory dwelling unit size

Bike parking (**See new attachment L**)

Retaining walls**

Loading

Fences

Nonconforming upgrades double-credit, with sunset

c) **Move forward with items where staff agreed with Commissioner's amendments:**

Cistern Screening

Lot size in R2.5 zone in West Portland Park

Solar panels on Schools

Utility lines in environmental zones

Zoning Map amendments with respect to Transportation System Plan

Process for Comprehensive Plan Amendments

References to building lot lines

Intentional damage/demolition of non-conforming structures

d) **Items to send back in whole or part to Planning Commission for further review.**

Retaining walls (adopt proposal but Sunset in 6 months if no recommendation from PC).

Skinny Lots

Minimum required outdoor areas in shared courts.

(Move to Ri-Cap 5 Amendments Now – See explanation below)

Lot Remnants

Eaves.

2. **** Retaining walls:**

Adopt staff proposal with sunset in 6 months, send back to Planning Commission for public notice, hearing, and recommendation, to come back to Council with recommendations within 6 months.

3. **Skinny lots and minimum lot size on the R5 zone:**

- a) Add "R5s" designation to all R5 areas with underlying Platted undersized (to the zoning district) skinny lots. Add map designation as soon as practicable.
- b) Ask Planning Commission to propose standards for R5s lots that will be different from other standard R5 zoning regulations. This could be done as part of the Portland Plan, along with study to determine whether homes on skinny lots are really more affordable than other new homes on R5 lots in the same area.

DIRECT BPS AND PLANNING COMMISSION TO MAKE THIS CHANGE WHEN THE ACTUAL MAPPING DATA IS AVAILABLE FOR GIS OVERLAY MAPPING. THE "s" designation is already taken by the Scenic Overlay and will need to be accommodated by a different overlay symbol.

- c) Delete proposed amendment allowing attached housing on R5 lots with design review and no 5 year wait. Not all these lots are covered by Community Design Guidelines process/standards, and the proposed amendment could encourage tear-down of existing housing stock.
- d) Adopt revised amendment for corner lots in the R5 zone, Item 19 in latest staff matrix, RICAP # 55):

Staff amendment given, with AF revision as underlined in the following (*reduction of allowed lot size to 1600 sf deleted; attached housing required; lot line adjustments not allowed*):

SEE MOST RECENT REVISIONS (Attachment M) AS PROPOSED BY BPS ON 2/11/10

- e) Amend New Table 110-6 to eliminate 2400 sq. ft and 1600 square foot lot references and leave current requirements.). **SEE MOST RECENT REVISIONS AS PROPOSED BY BPS ON 2/11/10 (Attachment M)**

4. Send back to Planning Commission for either quick or more extensive work:

- a) Minimum required outdoor area in association with shared court. Housing with shared court - set standard for minimum required outdoor area where parking is prohibited, in shared court, to ensure provision of some community gathering/play space not shared with parking.

CODE REVISIONS DONE AS PART OF RI-CAP 5 SINCE THE MINIMUM REQUIRED GREEN SPACES WERE ALREADY ESTABLISHED IN THE ADMINISTRATIVE RULES. SEE Attachment K as written by BPS staff on 2/10/10.

- b) Eaves - Do not carry forward amendment to increase eaves into setbacks.
Instead, review building coverage, setbacks, and required outdoor area regulations to set total site coverage including eaves to match character of the neighborhood. May involve reduced building coverage standards and/or increased side setbacks in some zones. Could be done as part of the Portland Plan.
- c) Retaining Walls -- Adopt staff proposal with sunset in 6 months, send back to Planning Commission for public notice, hearing, and recommendation, to come back to Council with recommendations within 6 months.
- d) Lot remnants - Send back to see if Planning Commission's previous direction to make lot remnants not developable is feasible.
- e) Skinny Lots - As stated above



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To: **Mayor Sam Adams**
Commissioner Nick Fish
Commissioner Randy Leonard
Commissioner Dan Saltzman

AUDITOR 02/03/10 PM 1:45

From: **Commissioner Amanda Fritz**

February 3, 2010.

Re: **RICAP-5 Code proposals**

Although I am gratified that staff came to realize that more of my proposed amendments "made sense" than initially estimated, I am disappointed with several areas of the recommendations matrix. The following is a summary of my concerns:

A. Two items I request be changed at the hearing:

1. **Water Cisterns:** The staff matrix provided 2/2/2010 does not reference my request to add screening to water cisterns as an alternative to having the color of the container match the color of the house. Since cisterns come in few colors, residents wishing to add rainwater collection cisterns will be required to paint their homes to match the cistern, under the BPS proposal.

Move to add the cistern screening alternative previously requested.

2. **Eaves:** When was the last time you looked at a new house and thought, "*Gee, if only they had made that house even bigger, and brought it even closer to the one next door, that would really improve the character of the neighborhood?*" This amendment exacerbates the perception that infill development is out of scale and overwhelms existing Portland-style homes.

Move to delete eaves amendment

B. Two items that should be sent back to the Planning Commission:

1. **Retaining walls:** This new regulation would be implemented without the benefit of ANY public review. While I agree that standards are needed for regulation of height, placement and setbacks for retaining walls in the front setbacks...this is not the way that we do it in Portland, without first doing the required public process with citizens and the Planning Commission. Our citizen Planning Commissioners dedicate huge amounts of volunteer time to advise the Council. They are the guardians of the Comprehensive Plan and the Code. When I was on the PC I donated approximately 20 hours per week on PC work. We should not adopt new regulations without seeking any citizen input or Planning Commission advice. **I urge the Council to send the proposed language to the PC for a public hearing, then return a recommended draft to us within three months.**

to regulate R5s areas to create desired development, with different standards compared with regular R5 lots. R5 should mean R5, or at least 3000 sf rather than 1600 sf. R5s can mean something else, something new, something that better regulates development on historically small lots in R5 neighborhoods.

D. Other comments:

Courtyard Housing: I am disappointed the Amendments matrix did not respond to East Portlanders' request for required greenspace in shared courts where parking is allowed. Standards should be in the Code, not in administrative rules that are not as easily accessed by neighbors. I don't have a specific amendment request, but I would have liked to have seen this concern voiced in testimony taken more seriously.

Loading Spaces: Similarly, this item was not thoroughly discussed and alternatives such as hourly signed loading spaces in the Right-of-way apparently not vetted with PBOT as part of this package. Setting lesser standards for loading does not solve the problem on narrow street right-of-ways which are already being consumed by parking, traffic, bike lanes, etc. It is unfortunate this amendment deals only with the issues developers encounter when asking to adjust the current Code, and ignores the neighborhood issues that communities on the east side have been raising for years.

Wind turbines: Although I am concerned that allowing wind turbines of greater than base zone height in any area of Portland may cause neighbor to neighbor disputes when implemented, that we are suspending design review in certain areas of the city and that they will encroach into scenic view corridors; I defer to the Mayor's convictions – and his stated willingness to act promptly in response to issues should they arise – in this set of amendments.

Solar Panels: I am particularly pleased my amendment to allow solar panels on roofs as well as freestanding on school properties “made sense” to BPS staff.

Zone Change Criteria: I am sincerely grateful to Portland Bureau of Transportation staff particularly Jamie Jeffrey, for the careful consideration of my concerns regarding approval criteria language for zone changes in compliance with the Comprehensive Plan. I believe the revised language PBOT staff developed in collaboration with my office greatly improves the City's ability to require infrastructure improvements concurrently with the zone change.

2. Skinny lots:

- a) **5 year requirement:** Eliminates the 5 year waiting period based upon the desire to expedite land development because the lot will sit vacant. This provision was put in place to protect neighborhoods from housing that was (and is) clearly out of place with the R5 zoning district. It was intended to be a disincentive. Changing this regulation breaks trust with the neighborhoods and the deal that was put in place to allow skinny lots to be built in the first place – a deal which I personally worked many long hours to put in place. This also illustrates a dangerous trend, that when a few bad actors create development problems, the tendency has been to change the rules to allow every developer to do the undesired behavior, rather than tightening them to stop it. Further, the proposed change alleges that the Community Design Guidelines would apply to development of attached housing. The Community Design Guidelines apply only in specific areas with Plan Districts. One of the core problems with the skinny lots issue is that they are platted without a distinct pattern, all over Portland. The Community Design Guidelines would not apply in some neighborhoods. And even where they do apply, they were not written with the goal of making attached housing in single family zones match existing development. This proposal needs more work.

Move to delete the amendment and/or send back to Planning Commission for further refinement.

- b) **Allowing Skinny Lots to become even smaller:** This is further erosion of the skinny lot standard where a minimum of 3,000 square feet would be required today in the R5 zoning district. This allows a minimum lot size of 1600 square feet, the same as the minimum lot size in an R2.5 zoning district. **Planning Commission rejected this.** Planning staff decided to overturn the Planning Commission recommendation alleging that there were problems associated with lot line adjustments on corner lots for pre-platted lots, but never explained what those might be. Instead of addressing the lot line adjustment standards, they instead make it possible for further erosion of minimum lot size standards in the R5 zoning districts. End around public process and PC recommendations. **Move to delete the amendment and send back to PC.**

- c) **Lack of objective data:** The alleged reason for allowing skinny lots is *that “they provide affordable housing”*. There is no data to support this assertion, and until the data is collected the allegation should not be treated as fact. On the other hand, we know (because we’ve done studies) that Accessory Dwelling Units (ADUs) and attached renter-occupied housing provide affordable housing. Duplexes on corners can provide rental income allowing both buyer and renter to afford to live there. Why allow more expensive detached housing which is less energy efficient than ADUs and duplexes? Let’s ask our award-winning Planning Bureau to give us factual information, rather than staff asking the Council to make choices without accurate data.

My suggestion on a better way to make skinny lots work better for everyone:

We should ask the Planning Commission for their advice on adding a zoning code designation that would allow the City to regulate R5 areas with underlying skinny lots differently from R5 areas without. Add an “R5s” designation to show where the skinny lots are, in the interest of transparency for homeowners, residents, and developers as well as clarity for planners and permit reviewers. Then in the Portland Plan, look at how



February 2, 2010

TO: Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Randy Leonard
Commissioner Dan Saltzman

FROM: Mayor Sam Adams

RE: Amendments to RICAP 5

I am looking forward to continuation of the RICAP 5 discussion this Wednesday afternoon. As you may recall, this installment of Regulatory Improvement Program focused on removing Zoning Code barriers that inhibit sustainable development practices. The package covers a diverse range of issues, including facilitation of solar panels, wind turbines, local clean energy production, building energy upgrades, and green building techniques; higher bicycle parking minimums; and encouragement of new courtyard-oriented housing models. This set of Zoning Code amendments is an example of the kind of reforms I had in mind when I combined the Bureau of Planning and the Office of Sustainable Development.

I am asking you to support this package, including the staff amendments referenced in the summary matrix dated January 27, 2010. I want to call attention to several specific elements, which have been flagged for discussion on Wednesday.

Wind Turbines

The proposal creates a zoning framework for how wind turbines are handled citywide. Regulatory uncertainty is a barrier to further adoption of this technology. The Planning Commission recommendation includes a clear set of height and setback standards that will encourage appropriate development of urban wind energy technology. I am suggesting increases to the allowed rotor size and tower height because I want to make sure popular wind turbine models can actually take advantage of this code.

In the Central City, I believe it is especially important to create a climate that strongly supports development of clean energy options. The Design Review process, although valuable as a tool to shape city form and building quality, should not be used as a battleground to debate wind turbine design and placement. Staff has developed several options for the Central City, including an outright exemption from Design Review, a temporary exemption, or procedural streamlining. I am supporting an outright exemption because I believe it is critically important to move rapidly toward a future that is not based on fossil fuels.

Building Eaves

The RICAP proposal would allow new homes to have larger eaves. This amendment reduces energy use, protects buildings from moisture, is consistent with Portland's architectural history, and is consistent with green building recommendations. Staff has prepared a detailed response to the perceived downsides, and I urge you to support this sensible amendment, as recommended by the Planning Commission.

Courtyard Housing

The RICAP package includes several amendments to facilitate Courtyard Housing development. Courtyard Housing expands the range of housing choices, and the open space that comes with it helps us be a more family-friendly city. The amendment includes practical adjustments to allowed density to facilitate courtyard designs. This collection of recommended amendments will incentivize provision of more multi-use shared open space in medium-density housing projects. I ask you to support the Planning Commission recommendation.

Bike Parking

At Council's request, staff has summarized the potential impacts of higher bike parking requirements, by interviewing developers and by comparing the proposed standards against recent development projects. Although there will an impact to some—others, we found, are already meeting or exceeding this proposed ratio—I believe it is important to move these more aggressive parking ratios forward now (1.1 to 1 generally, and 1.5 to 1 for the Central City). The buildings we're building today need to be able to accommodate the future. The Climate Action Plan reminds us that bicycle transportation will be a central element of the future Portland.

Loading Spaces

The Planning Commission recommended modifying truck loading space requirements to allow for smaller loading spaces (and in some cases no loading spaces) for small residential and mixed use projects. How and when delivery trucks use the public street to load and unload is an important issue, but it should not be resolved through zoning. Provision of large semi-trailer-sized loading spaces in small infill developments sites is not consistent with our vision of Portland as a compact pedestrian-oriented city. I am supporting the Planning Commission recommendation as written.

Narrow Houses/Small R5 Lots

Staff has prepared a collection of amendments related to the development of small pre-existing lots, primarily in the R5 zone. The City Council has already acted several times to address the larger question of "skinny lot" development. We created special design standards for "skinny houses" and sponsored the Living Smart contest. This new set of RICAP 5 proposals is designed to address some of the most confusing and difficult-to-implement aspects of the code we agreed to several years ago. I agree with Commissioner Leonard that the RICAP process is not an opportunity to revisit our infill development policy. I support the Planning Commission recommendation, including the new option for attached housing (through design review in lieu of the 5-year waiting period). The proposal to allow more size flexibility on corner lots will encourage more practical design solutions.

Nonconforming Upgrades

I am supporting the Planning Commission recommendation that energy efficiency upgrades be exempt from the dollar thresholds that trigger non-conforming upgrades, and be part of the menu of upgrades that may be made. Again, it is critically important that we move rapidly toward a future that is not based on fossil fuels. Efficiency updates are a major part of that equation.

Retaining Walls

I am supportive of the draft standards developed by staff in response to the testimony we heard. Council should act on that request now.

Thank you!

Sincerely,

Mayor
City of Portland

Code language that would implement the exemptions for testing wind turbines and allowing anemometers.

33.420.045 Exempt From Design Review

The following items are exempt from design review:

- A. – U. [No change]
- V. Within the North Interstate plan district, alterations to detached houses and accessory structures on sites not fronting on Interstate Avenue; and
- W. Permitted Original Art Murals as defined in Title 4. ;
- X. In the Central City plan district, experimental wind turbines that embody a new approach or new technology to generating power from the wind. Such turbines are also exempt from other requirements of the Zoning Code, but are subject to structural and electrical codes. The exemption applies for two years; at the end of that period the turbines must either be removed or they must meet all requirements of the Zoning Code, including design review. No more than three experimental wind turbines are allowed on a building at any time; and
- Y. In the Central City plan district, anemometers, which measure wind speed, are also exempt from other requirements of the Zoning Code, but are subject to structural and electrical codes. The exemption applies for one year; at the end of that period the anemometers must either be removed or they must meet all requirements of the Zoning Code, including design review. No more than three anemometers are allowed on a building at any time.



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Sam Adams, Mayor
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M E M O

February 1, 2010

To: Mayor Sam Adams
Commissioner Randy Leonard
Commissioner Dan Saltzman
Commissioner Nick Fish

From: Eric Engstrom, Principal Planner

Cc: Karla Moore-Love, Council Clerk

AUDITOR 02/02/10 PM 2:21

Subject: RICAP 5—Design Guidelines for Wind Turbines and Attached Houses

On January 14, 2010, we sent the a memo to Commissioner Fritz in response to some of her questions. We neglected to copy you, for which we apologize.

The memo to Commissioner Fritz is attached. Of the three documents we included with that memo, we are sending you two on the enclosed CD (the Central City Fundamental Design Guidelines and the Community Design Guidelines), while the Courtyard Housing Catalog is enclosed.

Please let me know if you have any questions.

*CD GUIDELINES
AVAILABLE ONLINE.*



MEMO

January 14, 2010

To: Commissioner Amanda Fritz

From: Eric Engstrom, Principal Planner
Sandra Wood, Planning Supervisor

Cc: Tim Heron, Senior Planner, Design Review, BDS

Subject: RICAP 5—Design Guidelines for Wind Turbines and Attached Houses

At the January 6 hearing on RICAP 5, you asked if the existing design guidelines would be sufficient for design review of wind turbines and, for narrow lots outside the Central City, pairs of attached houses. We talked with Tim Heron of the Design Review Section of the Bureau of Development Services to verify which guidelines they would use.

Wind turbines:

In the Central City plan district, the Central City Fundamental Design Guidelines are used. We're enclosing a copy of that document. Depending on the location, other sets of guidelines may also be used, but they are always in addition to the Fundamentals. The primary guideline that would be used for wind turbines is C11, Integrate Roofs and Use Rooftops. The discussion of this guideline starts on page 130. The guideline itself is:

"Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools."

Outside the Central City plan district, the Community Design Guidelines are used. A copy of that document is also enclosed. Three guidelines are relevant to review of wind turbines:

Guideline D6, Architectural Integrity (Page 127)

Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

Guideline D7, Blending Into The Neighborhood (Page 131)

Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

Guideline D8, Interest, Quality, and Composition (Page 137)

All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Attached Houses

The Planning Commission recommendation includes a provision that allows pairs of attached houses to be built on narrow lots that have not been vacant for five years if the applicant goes through discretionary design review. The Community Design Guidelines that would apply to such development are:

Portland Personality Guidelines:

Guideline P1, Plan Area Character (Page 15)

Guideline P2, Historic and Conservation Districts (Page 53)

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Project Design Guidelines:

- Guideline D1, Outdoor Area (Page 99)
- Guideline D2, Main Entrance (Page 105)
- Guideline D3, Landscape Features (Page 111)
- Guideline D4, Parking Area and Garages (Page 117)
- Guideline D5, Crime Prevention (Page 123)
- Guideline D6, Architectural Integrity (Page 127)
- Guideline D7, Blending Into the Neighborhood (Page 131)
- Guideline D8, Interest, Quality, and Composition (Page 137)

We are also enclosing a copy of the Courtyard Housing Catalog, which includes information and designs from the 2008 Courtyard Housing Competition.

If you have any questions, please call us at x3-3329 (Eric) or x3-7949 (Sandra). Tim Heron would also be glad to talk with you about the guidelines and the design review process. His number is 3-7726.



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To: Commissioner Fritz
From: Eric Engstrom, Principal Planner
RE: RICAP 5 Code Package – Urban Wind Turbine Information
Date: January 29, 2010

Attached is the additional information you requested at our meeting on January 13th concerning urban wind installations. Per your request we have provided the following:

1. The noise and vibration standards created by the American Wind Energy Association for certifying small wind installations.
2. Seattle's height exemptions for wind turbines – which only apply in Commercial and Multi-Family Residential zones.
3. Urban wind standards for the United Kingdom.

Please note that each of these items was excerpted from much larger documents for your convenience. We would be happy to supply you with the full document if necessary.

You also requested a copy of the design standards that would apply in the Central City Plan District to govern the review of wind installations in design zones. These were provided to you at the follow up RICAP 5 meeting held in your office on January 14th.

In addition, you requested information about the regulations in the scenic corridors and how they would relate to proposed wind turbine standards, and a list of the neighborhood associations meetings that BPS staff attended to present the RICAP 5 proposal. Both of these items are addressed in the package of additional information provided in response to all of the Council's requests.

Finally, you requested copies of the written testimony BPS received concerning the wind related code changes. We have reviewed the written testimony we received and none of it was specific to the wind regulations. The limited amount of wind related comments we received from the public were presented orally at the Planning Commission hearings.

Please let me know if there is any additional information we can provide to you.

cc: Mayor Adams
Commissioner Fish
Commissioner Leonard
Commissioner Saltzman
Karla Moore-Love, Council Clerk
RICAP 5 File

**AWEA (American Wind Energy Association) Small Wind Turbine
Performance and Safety Standard**
Draft Document for review by Materially Affected Parties
Issued January 08, 2009

Foreword

The goal of this standard is to provide meaningful criteria upon which to assess the quality of the engineering that has gone into a small wind turbine meeting this standard, and to provide consumers with performance data that will help them make informed purchasing decisions. The standard is intended to be written to ensure the quality of the product can be assessed while imposing only reasonable costs and difficulty on the manufacturer to comply with the standard.

The following is an excerpt from the draft document:

Section 3 - Acoustic Sound Testing

- 3.1 Wind turbine sound levels shall be measured and reported in accordance with the latest edition of IEC 61400-11 2002-12, but incorporating the additional guidance provided in this section.
 - 3.1.1 The averaging period shall be 10 second instead of 1 minute.
 - 3.1.2 Measuring wind speed directly instead of deriving wind speed through power is the preferred method.
 - 3.1.3 The method of bins shall be used to determine the sound pressure levels at integer wind speeds.
 - 3.1.4 It shall be attempted to cover an as wide a wind speed range as possible, as long as the wind screen remains effective.
 - 3.1.5 A description shall be provided of any obvious changes in sound at high wind speeds where overspeed protection becomes active (like furling, pitching or fluttering).
 - 3.1.6 A tonality analysis is not required, but the presence of prominent tones shall be observed and reported.

Seattle Municipal Code
Title 23 - LAND USE CODE
Subtitle III Land Use Regulations
Division 2 Authorized Uses and Development Standards
Chapter 23.47A - Commercial

23.47A.012 Structure height

D. Rooftop Features.

4. The following rooftop features may extend up to 15 feet above the otherwise applicable height limit, as long as the combined total coverage of all features gaining additional height listed in this subsection does not exceed 20 percent of the roof area or 25 percent of the roof area if the total includes stair or elevator penthouses or screened mechanical equipment:
 - a. Solar collectors;
 - b. Mechanical equipment;
 - c. Play equipment and open-mesh fencing that encloses it, as long as the fencing is at least 15 feet from the roof edge;
 - d. Wind-driven power generators;
 - e. Minor communication utilities and accessory communication devices, except that height is regulated according to the provisions of Section 23.57.012.

Note: Ordinance #123209, approved by Seattle City Council in December 2009, will update the multifamily residential chapter of their land use code. It provides the same height exception for midrise and highrise multifamily residential zones. It will go into effect later in 2010.

Summary of United Kingdom Requirements

In terms of zoning regulations from the United Kingdom, as with the United States, it varies according to jurisdiction, but is generally guided by their national Planning Policy Statement 22 – Renewable Energy.

The key principles itemized in the policy include:

1. Regional planning bodies and local planning authorities should adhere to the following key principles in their approach to planning for renewable energy:
 - (i) Renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic, and social impacts can be addressed satisfactorily.
 - (ii) Regional spatial strategies and local development documents should contain policies designed to promote and encourage, rather than restrict, the development of renewable energy resources. Regional planning bodies and local planning authorities should recognise the full range of renewable energy sources, their differing characteristics, locational requirements and the potential for exploiting them subject to appropriate environmental safeguards.
 - (iii) At the local level, planning authorities should set out the criteria that will be applied in assessing applications for planning permission for renewable energy projects. Planning policies that rule out or place constraints on the development of all, or specific types of, renewable energy technologies should not be included in regional spatial strategies or local development documents without sufficient reasoned justification. The Government may intervene in the plan making process where it considers that the constraints being proposed by local authorities are too great or have been poorly justified.
 - (iv) The wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given significant weight in determining whether proposals should be granted planning permission.
 - (v) Regional planning bodies and local planning authorities should not make assumptions about the technical and commercial feasibility of renewable energy projects (e.g. identifying generalised locations for development based on mean wind speeds). Technological change can mean that sites currently excluded as locations for particular types of renewable energy development may in future be suitable.
 - (vi) Small-scale projects can provide a limited but valuable contribution to overall outputs of renewable energy and to meeting energy needs both locally and nationally. Planning authorities should not therefore reject planning applications simply because the level of output is small.
 - (vii) Local planning authorities, regional stakeholders and Local Strategic Partnerships should foster community involvement in renewable energy projects and seek to promote knowledge of and greater acceptance by the public of prospective renewable energy developments that are appropriately located. Developers of renewable energy projects should engage in active consultation and discussion with local communities at an early stage in the planning process, and before any planning application is formally submitted.
 - (viii) Development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.

It is important to note that the UK has specific greenhouse gas reduction policies that drive these decisions and supports renewable energy, while the US does not yet have an integrated policy framework for these goals.

In addition the following link to an online presentation from British Wind Energy Association provides a good summary of the state of small wind in the United Kingdom.
http://www.miljoforum-oland.se/MiljoForum2009_PPs/22_sep_Vindkraft/1015_Alex_Murley_BWEA.pdf



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Design Commission

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January 6, 2010

183598

Honorable Mayor, Portland City Council Members,

The Portland Design Commission, charged by City Council to uphold design quality in the City Portland, reviewed the RICAP 5 and Green Amendments proposal with Bureau of Planning and Sustainability at multiple public hearings. We ultimately helped craft a very clear path for the emergence of new green technologies, including wind turbines. Yesterday we were informed of an amendment to exempt wind turbines from the Zoning Code, Design and Historic Review, for a period of two years. This sets a poor precedent and is of grave concern to the Commission for a number of reasons.

- 1) The implied temporary period of two years has inherent challenges. Given the substantial structural demands and costs for turbines to be safely mounted due to wind generated vibration to the structure below, exempting review for their location may also imply later approvability given the costs of relocation or removal if after the two-year period it is found unsupportable to meet zoning, design or historic criteria;
- 2) Wind turbines visible from the street would **not** be found approvable in Historic Districts. Therefore, the City is sending a mixed signal with this amendment by suggesting any location could be an appropriate and compatible solution;
- 3) Design consideration of these technologies through a Land Use review process is a modest effort and cost, compared with the typical cost of the product and its installation which will be visible for years to come;
- 4) The Design and Landmarks Commissions helped to craft design and historic review exemptions for many green technologies as a part of the RICAP 5 package and, as previously mentioned, considered wind turbines at length;
- 5) A parallel example to turbines are cell towers. They were/are still seen as very important too - wind technologies will have the same [if not more] visual impact and will also be subject to changing technologies and difficulty in enforcing removal over time. Wind turbine infrastructure will remain and add to the city's urban remnant clutter if not considered as a part of the building design;
- 6) Poor design integration of these systems reflects badly for both the green movement, as well as the city's overall design quality, particularly due to their visibility; and
- 7) There are several established view corridors throughout the downtown area, protecting views of various vistas [including Mt Hood] that this amendment could seriously effect.

Sincerely,

Jeff Stuhr, Chair
Portland Design Commission

cc: Tim Heron, BDS Staff, Portland Design and Landmarks Commission
Paul Scarlett, Director of BDS



City of Portland
Bureau of
**Planning and
Sustainability**

Sam Adams, Mayor
Susan Anderson, Director

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MEMORANDUM

To: Mayor Sam Adams
From: Susan Anderson, Director *ERE*
Date: December 21, 2009

1. **Ordinance Title:**
Improve land use regulations through the Regulatory Improvement Code Amendment Package 5 (RICAP 5) (Ordinance; Amend Title 33 and Official Zoning Map)
2. **Contact Name, Department, & Phone Number:**
Sandra Wood, Bureau of Planning and Sustainability, x3-7949
3. **Requested Council Date:** January 6, 2010

Consent Agenda Item: _____ or Regular Agenda Item: X

Emergency Item (answer below): _____ or Non- Emergency Item: X

If emergency, why does this need to take effect immediately:

4. **History of Agenda Item/Background:** The Regulatory Improvement Code Amendment Package 5 (RICAP 5) is the latest project of the Regulatory Improvement Workplan (RIW), a program to improve City building and land use regulations and procedures. As recommended by the Planning Commission, the package consists of approximately 60 amendments to the Zoning Code. The majority of these are technical amendments to provide clarification and ease implementation.

Staff has worked with the Regulatory Improvement Stakeholder Advisory Team (RISAT) to develop the workplan and code language for RICAP 5. The RISAT is made up of citizen stakeholders and participants from city bureaus. Notice of the hearings for the proposed workplan and the proposed code language was sent to more than 650 individuals, neighborhood associations, and business associations.

5. **Purpose of Agenda Item:** To improve City building and land use regulations and procedures. In particular, this package of amendments removes barriers to green development, including creation of green energy; makes it easier to develop well-designed courtyard housing, increases the amount of long-term bicycle parking for multi-dwelling development, increases the allowed size of Accessory Dwelling Units on sites where the existing house is small, and reduces the requirements for truck loading spaces.

6. **Legal Issues:** None.

7. **What individuals or groups are or would be opposed to this ordinance? Supportive?**

Support: The environmental community and many green developers support the "green bundle" of amendments. They, along with the bike community, support the increase in the amount of long

term bicycle parking required for multi-dwelling development. Developers of Accessory Dwelling Units and Courtyard Housing support portions of these amendments. Many applicants and neighbors support the clarifying amendments in this package.

Oppose: At the Planning Commission, some were concerned about the proposal to allow elements of the green bundle without more research and analysis of potential impacts. We may hear opposition to the increase in Accessory Dwelling Unit size from neighbors, and some developers or managers of multi-dwelling housing may object to the increase in the amount of long-term bicycle parking required and the way in which it must be provided.

8. How Does This Relate to Current City Policies? As detailed in the findings in the ordinance, all of these changes are supportive of the Portland Comprehensive Plan. The "green" amendments also support recently-adopted policy that will make Portland an outstanding green city.

9. Community Participation: Staff has worked with the Regulatory Improvement Stakeholder Advisory Team (RISAT) to develop the workplan and code language for RICAP 5. The RISAT is made up of citizen stakeholders and participants from city bureaus. Staff has also used the conclusions of the Lot Confirmation/Property Line Adjustment Task Force to identify issues that need to be addressed regarding the regulations surrounding narrow lots. Notice of the Planning Commission Hearing for the proposed code language was sent to more than 650 individuals, neighborhood associations, and business associations.

In addition, staff conducted targeted outreach to specific constituents of the green building industry, such as the Northwest Eco Building Guild, and worked collaboratively with the green building staff in the Bureau of Planning and Sustainability. Staff also held an open house and met with the Citywide Land Use Chairs.

During the Planning Commission hearings, most of the testimony focused on the amendments to the limits proposed for attached garages on narrow houses. This testimony was largely against making any changes. Overall, the Planning Commission felt that this was a larger issue that should be addressed through it's own project—a project that can look again at the aesthetic aspects of narrow houses, and consider ways to improve design and compatibility while still allowing such houses to be built economically. The Commission deleted this item from the package.

There also was testimony on the amendments proposed for accessory dwelling units and some testimony from downtown condominium association presidents regarding the changes to bicycle parking.

10. Other Government Participation: For the green bundle of amendments, staff worked collaboratively with the Department of Environmental Quality (DEQ), Metro, Bureau of Environmental Services (BES), and Energy Trust of Oregon. The Bicycle Transportation Alliance (BTA) and the Office of Transportation (PBOT) contributed to the bicycle parking amendments.

11. Financial Impact: Implementation of these changes will be incorporated into day-to-day activities of the Bureau of Development Services. The amendments propose to exempt some green building technologies from design review, which will result in fewer design reviews for those projects. In general, RICAP 5 is anticipated to result in no significant change in revenue or expense.

FINANCIAL IMPACT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Jessica Richman		2. Telephone No. 503-823-7847		3. Bureau/Office/Dept. Bureau of Planning and Sustainability		
4a. To be filed (date) Dec 22, 2009 (wMayor)	4b. Calendar (Check One) Regular Consent 4/5ths X <input type="checkbox"/> <input type="checkbox"/>			5. Date Submitted to FPD Budget Analyst: Dec. 21, 2009		

1) Legislation Title:

Improve land use regulations through Regulatory Improvement Code Amendment Package 5 (RICAP 5) (Ordinance; Amend Title 33 and Official Zoning Map)

2) Purpose of the Proposed Legislation:

The Regulatory Improvement Code Amendment Package 5 (RICAP 5) is the latest project of the Regulatory Improvement Workplan (RIW), an ongoing program to improve City building and land use regulations and procedures. As recommended by the Planning Commission, the package consists of approximately 60 amendments to the Zoning Code (Title 33) and the Official Zoning Map. The majority of these are technical amendments to provide clarification and ease implementation. There are several recommendations that make minor changes to policy, including amendments to:

- **Green "Bundle":** This group of amendments addresses a variety of green issues, particularly green energy. Specifically, it removes barriers and adds definitions and procedures for a range of small energy production systems, including wind, solar, geothermal, biogas or biomass (two methods of generating energy through the combustion of biological material to produce heat, steam, or electricity), hydroelectric, waste heat capture, and similar systems.
- **Bicycle Parking:** Currently, required long-term bicycle parking for multi-dwelling development is 0.25 parking spaces per dwelling unit. The Planning Commission recommends increasing this to 1.1 parking spaces per dwelling unit.
- **Size of Accessory Dwelling Units:** Currently, Accessory Dwelling Units (ADUs) may be up to 33 percent of the size of the primary dwelling unit or 800 square feet, whichever is less. The Planning Commission recommends increasing this to 75 percent or 800 square feet, whichever is less.
- **Lots:** There are a number of amendments related to lots, lots of records, and so on. These amendments clarify and simplify the determination of whether properties may have a primary structure or not.
- **Courtyard Housing:** After the City held a design competition for Courtyard Housing, it became clear that some of the best designs would not meet our code. These amendments remove the barriers to better courtyard housing projects.

3) Revenue:

Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated please identify the source.

Implementation of these changes will be incorporated into day-to-day activities of the Bureau of Development Services. The amendments propose to exempt some green building technologies from design review, which will result in a fewer design reviews for those projects. In general, there is no anticipated significant short or long-term increase or reduction in revenue.

4) Expense:

What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years) (If the action is related to a grant or contract please include the local contribution or match required)

Implementation of these measures will be done by the Bureau of Development Services and Portland Transportation. The implementation will be incorporated into existing development review procedures. A small one-time cost will be incurred for printing the revised pages of the Zoning Code, and for training staff. These costs are already budgeted for the Bureau of Planning and Sustainability (AU 510) and the Bureau of Development Services (AU 520).

Staffing Requirements:

5) Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? (If new positions are created please include whether they will be part-time, full-time, limited term or permanent positions. If the position is limited term please indicate the end of the term.)

No positions are anticipated to be created, eliminated or re-classified as a result of these code amendments.

6) Will positions be created or eliminated in future years as a result of this legislation?

There are no anticipated changes in the creation or elimination of positions as a result of these code amendments.

There are no anticipated long term impacts that would cause positions to be created or eliminated as a result of this legislation.

Complete the following section only if an amendment to the budget is proposed.

7) **Change in Appropriations** (If the accompanying ordinance amends the budget please reflect the dollar amount to be appropriated by this legislation. Include the appropriate cost elements that are to be loaded by accounting. Indicate "new" in Center Code column if new center needs to be created. Use additional space if needed.)

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Amount

Celia Heron, Bureau Operations Manager 

APPROPRIATION UNIT HEAD (Typed name and signature)