



**MULTNOMAH COUNTY**  
**LAND USE AND TRANSPORTATION PROGRAM**  
1600 SE 190<sup>th</sup> Avenue Portland, OR 97233  
PH: 503-988-3043 FAX: 503-988-3389  
<http://www.co.multnomah.or.us/landuse>

# Land Use & Transportation Planning Planning Commission Agenda

DATE/TIME: **June 7, 2010 @ 6:30 p.m.**

PLACE: **Multnomah County Building, Room 100  
501 SE Hawthorne Blvd., Portland, OR**

1. Call to Order
2. Roll Call
3. Approval of Minutes from May 3, 2010 meeting.
4. Opportunity for Public Comment on Non-Agenda Items.
5. Election of Officers
6. Work Session: Zoning Code Amendments for Alternative Energy Systems PC 10-003
7. Hearing: CFU Zone Updates PC-10-004
8. Briefing: Springdale and Burlington Rural Community Plans PC 10-009 and PC 10-010
9. Director's comments.

**If bringing written materials to the meeting, please give the Commission staff twelve copies for the Commission members, staff and permanent record.**

INDIVIDUALS WITH DISABILITIES PLEASE CALL THE PLANNING OFFICE AT (503) 988-3043, OR MULTNOMAH COUNTY TDD PHONE (503) 988-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

The next Planning Commission meeting is scheduled for September 13, 2010.

DEPARTMENT OF COMMUNITY SERVICES  
LAND USE AND TRANSPORTATION PROGRAM  
MULTNOMAH COUNTY PLANNING COMMISSION

MINUTES OF MAY 3, 2010

- I. **Call to Order-** Chair John Ingle called the meeting to order at 6:30 p.m. on Monday, May 3, 2010 at the Multnomah Building, Room 101, located at 501 S.E. Hawthorne Blvd., Portland, OR.
- II. **Roll Call - Present-** Chair Ingle, Vice-Chair Chris Foster, Katharina Lorenz, Bill Kabeiseman, John Rettig; Julie Cleveland; Patrick Brothers  
Absent - Michelle Gregory, Greg Strebin
- III. **Approval of Minutes of April 5, 2010.**  
Motion to approve April 5, 2010 minutes by Commissioner Rettig; seconded by Commissioner Foster. Motion passed unanimously.
- IV. **Opportunity to Comment on Non-Agenda Items.**  
No public present.
- V. **Work Session: CFU Zone Updates - PC-10-004**

**George Plummer, Planner** brought forward Commercial Forest Use (CFU) housekeeping amendments for a second work session in conjunction with updating the Building Code, Fire Apparatus Access standards. The purpose is to correct some inconsistencies to the current code, and try to reconcile them with fire access standards to make them clearer. Staff proposes to limit Type 1 review to expansion, restoration and replacement dwellings within 100 feet of existing dwelling, thereby moving these uses from Review Uses to Allowed Uses. Staff also proposes that restored or replacement dwellings located more than 100 feet would require a Type II review, which has a discretionary component, and move accessory structures reviewed as Type II Review Uses to Allowed Uses. Also proposed is to establish setbacks for accessory uses more than 100 feet from dwelling, and allow nonconforming to be maintained for additions to existing accessory buildings.

We are proposing to eliminate access standards in the Forest Development Standards and move them to Chapter 29, Building Code, Fire Apparatus Access in order to apply the same access standards to all properties within our jurisdiction. We would like to eliminate Type 1 review for restoration or replacement dwellings more than 100 feet from existing dwelling, and go to a Type II review. We are proposing to correct an omission in the CFU-3 Zone District by adding a Lot of Exception option that was inadvertently omitted, and add definitions for “access easement”. It was decided that the current “Other Accessory Structures” and “Other Structures” would remain in the Forest Practices Setbacks and Fire Safety Zones table.

- VI. **Work Session: Chapter 29 Amendments for Consistency with Oregon Fire Code. PC-10-007**

**Lisa Estrin, Planner** presented her staff report to reconcile Multnomah County’s Fire Flow and Fire Access Standards (Chapter 29) with the revised statewide fire code (Oregon Fire Code)

amended in 2007, which established basic fire flow and fire apparatus access for urban and rural fire districts, and to ensure roadways are adequate for heavier fire vehicles. Staff's proposal would streamline the County Code and improve efficiency in implementation by the Fire Districts. The details are outlined in the staff report.

Estrin explained to the Commissioners that volunteer fire districts are broken down between volunteer fire fighters and paid fire fighters. Planning staff will confer with the fire chiefs and ambulance service before bringing this back to hearing. There was discussion about Fire contracts in the more remote districts, but they are questionable. Staff intends to have a discussion with Cascade Locks Fire District to ensure that they will serve via contract. If not, the question is, do we prevent construction unless they can annex to a fire district? It was thought that County Access standards should be similarly based on fire apparatus access standards.

## **VII. Hearing: Zoning Code Updates Related to Variances and Adjustments - PC-10-002**

**Chair Ingle** read into the record the Legislative Hearing Process for the Planning Commission for a public hearing and the process to present public testimony. The Commissioners disclosed no actual or potential financial or other interests which would lead to a member's bias or partiality. There were no members of the public present to object to the Planning Commission hearing the matter.

**Don Kienholz, Planner** presented his staff report that is intended to correct ambiguities in the zoning code regarding variance/adjustment remedies and SEC and WRG resource protection areas. This case was presented in a work session at the March 1, 2010 Planning Commission meeting, where the Commission chose one of two options presented. Kienholz outlined the proposed new code language to be considered, which is described in detail in his staff report.

Commissioner Brothers made a motion to adopt, with a noted change to the text in 33.7606(A) to reword the sentence leading into the exceptions. (Commission thought the word "that" was improperly used.) Rettig seconded. Motion passed unanimously.

## **VII. Hearing: Chapter 37 Amendments to Incorporate Conflict of Interest Rules for Planning Commissioners - PC-10-001**

**Chuck Beasley, Senior Planner** presented his staff report about amending the Planning Commission's Legislative Hearing language to address the legal requirement for disclosure of "bias". The language revisions are detailed in the staff report.

Kabeiseman made a motion to adopt the amendments, and Foster seconded. The motion passed unanimously.

## **VI. Director's Comments.**

Beasley presented the Director's comments. In June the Commission will have a work session on Alternative Energy standards, including wind and solar; a housekeeping amendment; CFU Zone updates, and a briefing on the Springdale and Burlington open houses. There will be no Planning Commission meeting in July, in observance of the 4th of July holiday. The Commission will reconvene in August, when fire codes will come before the group.

The meeting was adjourned at 8:15 p.m.

**The next Planning Commission meeting will be June 7, 2010.**

Recording Secretary,

Kathy Fisher



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**STAFF REPORT TO THE PLANNING COMMISSION  
FOR THE  
WORK SESSION ON JUNE 7, 2010**

**PROPOSED ZONING CODE UPDATES RELATED TO  
ALTERNATIVE ENERGY SYSTEMS AS ACCESSORY USES TO DWELLINGS  
CASE FILE # PC 10-003**

**PART I. INTRODUCTION**

This work program task considers potential zoning code amendments to allow some level of alternative energy production on private property to be allowed as accessory to a residential use. Planning staff has seen an increase in requests for information on siting residential solar/voltaic and wind turbine systems in the rural area over the last several years. During that time, the County has found that solar energy systems are allowable as accessory uses and as a policy, processes solar systems as such. However, our code lacks any siting standards that can be applied to such energy production systems. Additionally, wind turbines are not listed specifically in the code and also lack specific siting standards. The zoning code does contain siting standards in sections that apply to utilities, which are geared towards commercial energy production. Residential alternative energy systems are not commercial in scale; therefore the commercial utility siting standards are not a good fit.

The County reviews residential solar production systems for compliance with the underlying zone setbacks and height requirements only. Visual impacts are not taken into account unless an overlay zone is required for an exterior modification. Wind turbine systems fall under a Type 2 Accessory Use Determination. This allows staff to make findings that the proposed systems are residential in nature and accessory to a residence on the property as well as comply with the building height limitations. However, the code lacks siting standards to address key impacts like visual impact and noise.

In order to help accommodate solar and wind energy sources for our citizens and support the County's goals to become less reliant on oil, gas and other non-renewable resources, staff is proposing code amendments to provide for residential alternative energy systems as accessory uses with associated siting standards. Staff has conducted research into both residential solar and wind turbine systems and has found information from both trade publications and model zoning codes. The model zoning codes are attached as Exhibits 1 through 3.

Characteristics of Residential Energy Systems

In order to better understand the scale of typical residential systems and identify the need for regulations and standards, staff researched residential systems and their energy production as well as the typical energy use by Oregon families. Research showed that the average Oregon household uses approximately 1000 kilowatts hours (kWh) of energy per month. Typical solar systems for dwellings

can be found ranging from one (1) to 12 kW systems, and in some cases, even larger. The kilowatt rating of system describes the yearly supply generated. So, a 12 kW system will provide 12,000 kilowatt hours of energy annually, or about 1000 kW per month. Based on the information found, residential solar systems purchased typically range between 3kW and 5kW because of costs to install, but it was not uncommon for systems up to 12kW to be built. For Oregon that means that the typically purchased system could supply 25% to 100% of a household's power demand.

Based on an Oregon household's typical demand, staff believes that a system, whether solar or wind turbine, could be viewed as accessory to the dwelling if it supplied up to 100% of the typical power demand. Generating power above and beyond the average usage would be an appropriate threshold to require a more detailed review. As such, staff has drafted proposed code language allowing both solar and wind turbine systems up to an aggregate of 12kW to be considered accessory outright to dwellings. Additionally, language is proposed for systems capable of generating more than 12kW of power to be reviewed through a Type II Accessory Use Determination.

Wind Turbines do pose additional issues that are not associated with solar systems. The main issue is their height and visual impact on neighbors. An additional impact noted in the literature for wind turbines was noise. Solar systems are placed on roof tops parallel or near-parallel to the roof. On the other hand, wind turbine systems are anchored to the ground or a building with the moving turbine high in the air to capture wind currents. Often, guyed wires are a part of the system and increase the visual footprint of the structure. Wind currents are stronger higher above ground level – the higher you go, the stronger the wind speed, the faster the turbine spins, the more power is generated. Literature indicates that 20-feet above surrounding obstruction is needed for a wind turbine system to be most effective.

Noise was also mentioned as a potential negative impact from wind turbine systems. The literature also indicated different brands of turbines produce different levels of noise. Options to mitigate for noise could range from no regulation, to requiring noise levels be no greater than 10 decibels (db) at the property line, to having a 50-decibels limit at occupied buildings on adjacent properties, among other approaches. To give context on noise levels, staff found a decibel comparison chart to help guide the Planning Commission's discussion. It is attached as Exhibit 4.

Residents of the rural areas do have concerns over the livability of their respective neighborhoods and typically have concerns about structures that stand out above tree lines or the average structures in the area. Building height limitations in each zone provide a public good by keeping structure heights fairly consistent. However, each zone does have allowances for certain structures to be exempt from the building height requirements. Structures listed as being exempt are barns, silos, antennae, chimneys and windmills, if more than 30-feet from the property line. Wind turbines could be a structure similar to a windmill that the code could have an alternative height limit for as an allowed uses accessory use.

#### Standards for Solar and Wind Turbine Systems

To appropriately include solar and wind turbine systems as accessory uses in the code, standards need to be developed to ensure the appropriateness of the systems in their rural setting. Considerations that should be taken into account when determining such standards should center around the potential impacts listed previously.

A solar system tends to be constructed on the structure it is serving. The design of solar panels is such that they lie mostly parallel to the roof up to roughly 45 degrees to catch the sun's rays. Generally speaking, they look to be a part of the structure they are attached to and have a minimal impact to the visual character of an area. They have few, if any, moving parts and run silent. There are reflective but

their placement on a home or building generally has them pointed towards the sky and not at other homes. Staff does not believe the peripheral reflectivity would have a significant impact on adjacent property owners considering distance to adjacent homes in the rural area, the usual large tree canopy of the rural area providing a broken visual line, and location of the systems above ground level. Overall, solar energy systems would have a minimal impact on the rural areas.

Wind turbine systems tend to have greater impacts than solar systems. When considering the appropriateness of wind turbines that are accessory to dwellings, staff believes there is a compromise between unlimited height and the 35-feet associated with most residential structures in order to protect the visual character of an area. Staff looked to the City of Portland to see how they deal with wind turbines in an urban environment for guidance since neighborhood livability is generally more delicate considering the lot size of most urban lots in contrast to the heights required by wind turbines to be effective.

The city of Portland allows wind turbines but caps the height to the base zone height limitation. However, for every foot that the turbine is set back further than the zone setback requirement, the turbine gets a 1-foot increase bonus, up to 50% of the height limit of the zone. If applied in the same way in the rural areas, there could conceivably be extremely tall turbines that would rival commercial wind turbines considering the size and available setbacks on rural properties in general.

To find a rural sample, staff looked to the American Wind Energy Association (AWEA) for some guidance as well as the model codes online staff identified earlier. The AWEA is a trade association representing wind power project developers, equipment suppliers, services providers, parts manufacturers, utilities, researchers, and others involved in the wind industry. The AWEA produces a helpful Frequently Asked Questions sheet (Exhibit 5) for some of the basics on wind turbine information. According to the AWEA, the average height of a small wind turbine for a home is about 80-feet with a range of 30 to 140 feet. Staff found the information credible given the broad make up of the organization partners.

Taking the information found up to this point into account, staff believes that a height taller than the zone limitation is appropriate given the generally large properties found in the rural area and the need for turbines to have access to wind flow; but also notes there needs to be a threshold that limits the turbines to ensure consistency with the neighborhood character. Again, according to the AWEA, there is generally no relation to a tower height and generator size for a residential use. For example, a 5-kw turbine could be on a 30-foot turbine or a 140-foot turbine.

The Planning Commission should consider what height threshold would be appropriate for an allowed accessory use for Multnomah County. Staff recommends a height limitation for an allowed use to be between 50-feet and 80-feet given the range of small residential turbines available, the average wind turbine height for residential systems, and the desire for sensitivity to neighborhood character. A turbine taller than the standard could then go through a Planning Director's Determination to ensure the impact of the taller turbine on the neighborhood would be minimal or mitigated for as well as allow the surrounding property owners an opportunity to comment on the proposal.

Considering the size range of rural properties, most properties could accommodate a 50 to 80-foot tall wind turbine with an equal setback to adjacent property to protect those properties from a turbine falling. The generally larger setbacks would also provide more of a privacy buffer to adjacent properties and limit the visual impact. Additionally, mature tree canopies in the rural area are routinely in the 50-foot

tall range which would potentially provide some screening of the view of a wind turbine and have less of an impact on the visual character of an area.

Wind turbines have moving parts and generate some noise. Staff was unable to find significant information on noise generation by residential turbines. Some literature suggested that there could be a high pitched squeal generated from some systems, but differed from system to system. In the rural areas, noise considerations can be taken into account but should be tempered by increased setback requirements. It seems reasonable that noise from residential wind turbines as heard at the property lines would be minimized by the size of the rotors of residential systems and the distance to the property lines. As noted before there are several ways to address the potential impacts from noise.

### Overlay Zones

Another consideration when allowing solar and wind energy generation systems is how overlay zones would impact the County's approval of such systems. As with any other structure, they would be subject to the overlay zones they would be located in. For much of the West Hills Rural Area, the Significant Environmental Concern for Scenic Views would require either solar or wind turbines to be reviewed to ensure they are visually subordinate. While still approvable, the overlays may make it more difficult. Likewise, in the National Scenic Area, both types of systems would be subject to Site Review to ensure visual subordination. But, depending on site specific circumstances, they may be approved. In rural areas such as the East of Sandy River Rural Area or the West of Sandy River Rural Area, they would be more likely to be approved.

Staff did not include a height limitation in the proposed language for zones within the National Scenic area because Site Review takes into account visual subordination requirements and cultural resource requirements that provide strong regulations purposely created to curtail tall structures that would break ridge lines, tree lines, and the general scale of the immediate community. Staff has contacted Gorge Commission staff for comments and are awaiting their feedback at this time.

### Standards for Development

In considering what standards should apply to solar and wind systems, the standards that stood out were:

1. A link between power generation and need of uses on the property (residential nature in use)
2. Appropriate setbacks
3. Height limitation

The link between the power generated and the use on the property can be captured by examining the average power use of an Oregon household and limiting the power generation to 100% of the average use. Setbacks can be addressed similar to how cell towers are addressed – by using the height of the structure as the required setback from the property line to protect adjacent properties from failure of the structure and its falling down. Height can be addressed two ways. First, by differentiating between an allowed use and review use to ensure that taller turbines are reviewed as a Type 2 permit to ensure compatibility with the local area and secondly, by the internal approval standards of the County's overlay districts such as the National Scenic Area Site Review and the Significant Environmental Concern for Significant Views.



**PART II. PROPOSED CODE LANGUAGE FOR ALTERNATIVE ENERGY SYSTEMS AS  
ACCESSORY USES TO DWELLINGS**

The five Zoning Code Chapters that are proposed to be amended in this staff report are:

- Chapter 33, West Hills Rural Plan Area
- Chapter 34, Sauvie Island and Multnomah Channel Rural Plan Area
- Chapter 35, East of the Sandy River Rural Plan Area
- Chapter 36, West of the Sandy River Rural Plan Area
- Chapter 38, National Scenic Area

Proposed code changes are shown by the following:

- Language shown by ~~Strikethrough~~ is proposed to be deleted
- **Underlined and bold** language is proposed to be added
- Staff comments, if needed, are noted by indentation and ***bold italic font.***
- Three asterisks \* \* \* show where code parts are left out.

**A. Zoning Code Changes, Draft Language for Chapter 33**

\* \* \*

MCC 33.3120 Allowed Uses (Rural Residential)

\* \* \*

**(I) Residential Solar and Wind Turbine Energy Generation:**

**Solar and Wind Turbines for residential use shall be allowed provided that:**

- (1) The photovoltaic/solar system or wind turbine system shall generate 12KW or less of electricity per year;**
- (2) Wind turbine systems shall be less than [50 to 85]-feet (TO BE DETERMINED BY PLANNIGN COMMISSION) in height, and**
- (3) Wind turbine systems shall have a setback to all property lines equal to the height of the turbine.**

\* \* \*

MCC 33.3125 Review Uses

\* \* \*

**(L) Photovoltaic/Solar systems or wind turbine systems accessory to a dwelling capable of generating more than 12KW of electricity per year or over [50 to 85]-feet (TO BE DETERMINED BY PLANNIGN COMMISSION) in height, provided:.**

- 1. Wind turbines shall have a setback to all property lines equal to the height of the turbine.**

\* \* \*

**B. Zoning Code Changes, Draft Language for Chapter 38**

**MCC 38.3025 REVIEW USES (RESIDENTIAL DISTRICTS)**

(A) The following uses may be allowed on lands designated GGR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

\* \* \*

**(17) Photovoltaic/Solar systems or wind turbine systems accessory to a dwelling. Wind Turbines may be taller than 35-feet in height provided they meet the Site Review requirements of MCC 38.7035(A) and (B).**

**a. Wind turbines shall have a setback to all property lines equal to the height of the turbine**

\* \* \*

(B) The following uses may be allowed on lands designated GSR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

\* \* \*

**(14) Photovoltaic/Solar systems or wind turbine systems accessory to a dwelling. Wind Turbines may be taller than 35-feet in height provided they meet the Site Review requirements.**

**a. Wind turbines shall have a setback to all property lines equal to the height of the turbine**

**PART III. QUESTIONS FOR THE PLANNING COMMISSION**

1. Does the Commission agree that staff should develop an outright and review use approach to height, and that the proposed threshold of 50 – 80 feet is generally appropriate?
2. What approach should staff adopt to address the potential impact of noise generated from wind turbines?
3. Should a minimum lot size be considered when determining eligibility to site a wind turbine?

**PART IV: EXHIBITS**

1. SWWP Model Code #1
2. Rockingham Planning Commission Model Code #2
3. Park County Model Code #3
4. Decibel Level Comparison Guide
5. American Wind Energy Association Frequently Asked Questions

## SWWP Model Zoning Ordinance

### Wind Energy Conversion Systems

#### Section 1 Intent.

In order to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community, the {city/state} finds these regulations are necessary to ensure that wind energy conversion systems are appropriately designed and safely sited and installed.

This ordinance establishes the regulations and criteria which allow compatible accessory uses to be located within the various land use districts. Unless otherwise provided, all accessory uses are subject to the same regulations as the sponsoring primary use.

#### Section 2 Definitions.

**Residential Wind Energy System:** A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, which has a rated capacity of not more than 10 kW and which is intended to primarily reduce on-site consumption of utility power. A system is considered a residential wind energy system only if it supplies electrical power solely for on site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on site use may be used by the utility company.

**Tower:** The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground.

#### Section 3 Regulations.

Residential wind energy systems shall be a permitted use in all zoning classifications where structures of any sort are allowed; subject to certain requirements as set forth below:

**Tower height:** For property sizes between ½ acre and one acre the tower height shall be limited to 100 feet and/or 20 feet above tree line. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.

**Clearance of Blade:** No portion of the residential wind energy system shall extend within twenty feet of the ground. No blades may extend over parking areas, driveways or sidewalks.

**Set-back:** No part of the wind system structure, including guy wire anchors, may extend closer than ten feet to the property boundaries of the installation site. Set backs for the

system tower shall be no farther from the property line than the height of the system, provided that it also complies with any applicable fire setback requirements.

**Automatic Overspeed Controls:** All wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the residential wind energy system.

**Sound:** Residential wind energy systems shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

**Approved Wind Turbines:** Residential wind turbines must be approved under an Emerging Technology program such as the California Energy Commission, IEC or any other small wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. Non-certified residential wind turbines must submit a description of the safety features of the turbine prepared by a registered mechanical engineer.

**Compliance with Uniform Building Code:** Building permit applications for residential wind systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. An engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is frequently supplied by the manufacturer. Wet stamps shall not be required.

**Compliance with FAA Regulations:** Residential wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

**Compliance with National Electric Code:** Building permit applications for residential wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

**Utility Notification:** No residential wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

## PERMITTING OF SMALL WIND TURBINES: A CHECKLIST

A summary of basic steps for obtaining a permit for a small wind turbine in California<sup>18</sup>

### 1. Contact your county planning department or permitting agency.

- ☐ Find out if small wind energy systems are addressed by local ordinance and, if so, get a copy of the ordinance. (If not, see 2 below.)
- ☐ Learn the relevant permitting procedures.
- ☐ Ask what documents you'll need. Are you required to submit plans from a consulting engineer, or will documentation from the turbine manufacturer or dealer do?

### 2. Review the applicable standards and restrictions.

In California, if small wind energy systems are not specifically addressed by local ordinances in your area, or if local ordinances have not been brought into compliance with AB 1207, then your small wind turbine is an allowable use, subject to the provisions of the *California Government Code*, Section 65892.13(f), which sets the following restrictions:

- ☐ **Minimum parcel size:** One acre; must be outside an "urbanized" area unless otherwise specified.
- ☐ **Minimum allowable tower height:** Up to 65 feet must be allowed on parcels 1-5 acres; up to 80 feet must be allowed on parcels of five acres or more. Taller towers are not prohibited by state law.

- ☐ **Setback:** No part of the system, including guy wires, may be closer than 30 feet to the property boundary. (The installation must also comply with fire setbacks established by Section 4290 of the Public Resources Code.)

- ☐ **Noise levels:** Must not exceed 60 dB(A) during normal operation, as measured from the closest neighboring inhabited dwelling.

- ☐ **Equipment:** Contact the California Energy Commission for a list of certified small wind turbines<sup>19</sup> and for recognized national certification programs.

- ☐ **Building code compliance:** Standard drawings and an engineering analysis of the tower are required showing compliance with the Uniform Building Code or the California Building Standards Code and certification by a licensed professional engineer. "Wet stamps" are not required.

- ☐ **Electric code compliance:** Requires line drawings of system electrical components showing sufficient detail to determine that installation conforms to the National Electric Code.

18. Many permit requirements are not applicable in certain California counties or outside the state. For recommended practices, see "Do's & Don'ts" and AWEA's model zoning ordinance, pages 27-29.

19. [www.consumerenergycenter.org/eprebate/equipment.html](http://www.consumerenergycenter.org/eprebate/equipment.html)

## PERMITTING OF SMALL WIND TURBINES:

# A CHECKLIST

### ☐ **Federal Aviation Administration requirements:**

Installations close to airports (within 10,000 to 20,000 feet of runways) may require prior FAA notification. (See "Air Traffic," p. 16.)

- ☐ **Other siting restrictions:** Small wind energy systems may be subject to local restrictions adopted pursuant to state legislation establishing coastal areas, scenic highway corridors, or other specially designated areas.

### 3. For California grid-connected systems:

- ☐ **Notify utility:** You may need to show your permitting agency that you have notified the utility of your intent to install an interconnected wind generator.

### ☐ **Reserve an Energy Commission rebate:**

Reserve your rebate prior to installation by submitting a Reservation Request Form and required supporting documentation to the Energy Commission.<sup>20</sup> Once your rebate reservation is accepted, you have up to nine months to install your (10 kW or smaller) system.

- ☐ **Interconnection agreement:** The state's investor-owned utilities (SDG&E, PG&E, SCE) have simplified, consumer-friendly interconnection agreements. Utilities are required to process net metering applications within one month.<sup>21</sup>

20. See: [www.consumerenergycenter.org/erprebate/forms.html](http://www.consumerenergycenter.org/erprebate/forms.html)

21. For more information see: [www.awea.org/smallwind/california.html](http://www.awea.org/smallwind/california.html)

### 4. Notify your neighbors.

- ☐ Counties may not require notice of an application to install a small wind turbine to property owners beyond 300 feet from the proposed site. (See "Communicating with Neighbors," p. 11.)

### 5. Comply with permitting requirements.

Permitting requirements, procedures, and fees vary widely among counties.

- ☐ Building permit, use permit, zoning permit, or "plot plan" fees can range from less than \$100 to \$1600.
- ☐ Other costs for public notification, hearings, or environmental impact studies may range from a few hundred to several thousand dollars.
- ☐ If a particular fee seems excessive or inappropriate for your situation, find out the basis for the fee. You may be able to avoid it or have it reduced. (See "County Staff Make Way for Small Wind," p. 27.)
- ☐ To be eligible for an Energy Commission rebate, your system must be installed by a licensed California contractor possessing an active "A," "B," "C-10," or "C-46" (photovoltaic system) license.
- ☐ Obtain a final inspection sign-off prior to claiming your rebate. Net metering provisions take effect when the permit is obtained or the wind turbine begins operation.

## **Model Ordinance for Small Wind Energy Systems Ordinance Rockingham Planning Commission**

### **Background and Purpose**

Rising electricity rates, growing concerns of climate change and increase need for additional electricity capacity are fueling New Hampshire policies to permit renewable energy. The siting of wind turbines is one of the more contentious issues where benefits of green energy and property rights are pitted against visual and auditory impacts. The issue is compounded by the lack of a public review process for the siting of small scale wind turbines. These turbines are typically defined as units rated less than 60 kilowatts and are used to offset the electric consumption of a residence or small business.<sup>1</sup>

The current procedure in many towns to review a small scale wind turbine is through a variance hearing by the Zoning Board of Adjustments for height restrictions, which is typically 35 feet in most towns. This process only addresses aspects of height and other impacts such as sound levels, appropriate setbacks, and turbine standards, among others, are not addressed in detail. The Small Wind Energy Systems Ordinance corrects this by permitting the turbines as a use, establishing set standards to protect the public's interests and to review the project through a conditional use permit process by the planning board.

The issue of siting small scale wind turbines is not a new issue. Several communities in Massachusetts, Wisconsin, Iowa, Minnesota and California have addressed the problem by adopting similar Small Wind Energy Systems Ordinances. The resources used to draft this ordinance included model ordinances from the Massachusetts Division of Energy Resources, American Wind Energy Association and Southwest Windpower along with ordinances passed in the Massachusetts communities of Barnstable, Scituate and Shutesbury.

The attached ordinance is a model ordinance and adjustments should be made to accommodate any specific desires of a community. Narrative changes describing the possible changes are highlighted with brackets and italics throughout the document. It is recommended the all ordinances should be reviewed by the municipality's legal counsel prior to its consideration by the legislative body.

For further information, please contact Eric Steltzer, Regional Planner, at [e.steltzer@rpc-nh.org](mailto:e.steltzer@rpc-nh.org) or 603-778-0885.

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<sup>1</sup> It is important to note that the document herein is explicitly for small scale wind turbines. Larger utility scale wind turbines, such as the turbines in Hull MA or those proposed for the Lempster NH project, are not regulated underneath this ordinance. While these larger turbines are an integral aspect of developing renewable energy within the state, there are a host of other issues related to the siting of these turbines and subsequently require a separate regulatory procedure.





## **Article ?? Small Wind Energy Systems Ordinance**

### **A. Purpose:**

This small wind energy systems ordinance is enacted in accordance with RSA 674:21, Innovative Land Use Controls, and the purposes outlined in RSA 672:1-III-a and RSA 674:17-I(j). The purpose of this ordinance is to accommodate distributed generation/small wind energy systems in appropriate locations, while minimizing any adverse visual, safety and environmental impacts of the system. In addition, this ordinance provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

### **B. Definitions:**

**Fall zone:** The potential fall area for the small wind energy system. It is measure by using 110% of the total height as the radius around the center point of the base of the tower.

**Flicker:** The moving shadow created by the sun shining on the rotating blades of the wind turbine.

**Meteorological tower (met tower):** Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

**Net metering:** The difference between the electricity supplied over the electric distribution system and the electricity generated by the small wind energy system which is fed back into the electric distribution system over a billing period.

**Power grid:** The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

**Shadow:** The outline created on the surrounding area by the sun shining on the small wind energy system.

**Small wind energy system:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of 60 kilowatts or less and will be used primarily for onsite consumption.

*[The rated capacity of a small wind energy system could be modified. HB310 permits turbine ratings up to the permissible level through net metering. This level is 100 kilowatts. To provide context to the rating system below are a list of typically sized turbines:*

- 2-10 kilowatts: Residential
- 10-20 kilowatts: Agricultural Farm
- 50 kilowatts: Small Municipal Operation (ex. Kittery ME)
- 100 kilowatts: Largest Municipal turbine permitted through Net-Metering.



- *Over 100 kilowatts: Small Scale Wind Turbine Ordinances should not exceed 100 kilowatts.]*

**Tower:** The monopole or guyed monopole structure that supports a wind turbine.

**Total height:** The vertical distance from ground level to the tip of the wind turbine blade when it is at its highest point.

**Tower height:** The height above grade of the fixed portion of the tower, excluding the wind turbine.

**Wind turbine:** The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

C. Applicability:

1. Small Wind Energy System: Small wind energy systems shall be permitted under a conditional use permit as an innovative land use control pursuant to RSA 674:21 in all zoning districts where structures of any sort are allowed.
2. Approval: No small wind energy system shall be erected, constructed, installed or modified without first receiving a conditional use permit from the Planning Board, as outlined in section D. All small wind energy systems installed prior to the enactment of this ordinance are exempt from the conditions herein.

D. Procedure for Review:

1. Conditional Use Permit: In accordance with RSA 674:21, a small wind energy system shall be subject to receiving a conditional use permit prior to installation or modification thereof. The issuance of a conditional use permit shall abide with the following requirements:
  - a. Building Permit: A building permit shall be required for the installation or modification of a small wind energy system.
  - b. *[Include this paragraph if the Planning Board has adopted Site Plan Review regulations under 674:44.]* Site Plan Review: Prior to issuance of a building permit, a site plan shall be submitted to the Planning Board for review. The applicant shall follow the procedural requirements of the site plan review regulations, RSA 674:62- Regional Notification for Small Wind Energy Systems and RSA 676:4- Board's Procedures on Plats. The site plan shall include the following:

*[Include this paragraph if the Planning Board has not adopted Site Plan Review regulations under 674:44.]* Site Plan Review: Prior to issuance of a building permit, a site plan shall be submitted to the Planning Board for review.

The applicant shall follow the procedural and notice requirements of RSA 674:62- Regional Notification for Small Wind Energy Systems and RSA 676:4- Board's Procedures on Plats. The following items shall be the minimum requirements for a completed application. The site plan shall include the following:

- i) Property lines and physical dimensions of the applicant's property.
- ii) Location, dimensions, and types of existing major structures on the property.
- iii) Location of the proposed small wind energy system, foundations, guy anchors and associated equipment
- iv) Setback requirements as outlined in this ordinance.
- v) The right-of-way of any public road that is contiguous with the property.
- vi) Any overhead utility lines.
- vii) Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type (freestanding or guyed).
- viii) If the small wind energy system will be connected to the power grid, documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation of a small wind energy system.
- ix) Tower foundation blueprints or drawings.
- x) Tower blueprint or drawings.
- xi) Sound level analysis prepared by the wind turbine manufacturer or qualified engineer.
- xii) Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code (usually provided by the manufacturer).
- xiii) Estimated costs of physically removing the small wind energy system to comply with surety standards.
- xiv) Evidence of compliance or non-applicability with Federal Aviation Administration requirements.

- xv) The site plan must be stamped by a professional engineer licensed to practice in the state of New Hampshire.
- 2. Meteorological (Met) Towers: The construction of a met tower for the purpose of collecting data to develop a small wind energy system, shall abide with the following requirements;
  - a. The construction, installation or modification of a met tower shall require a building permit and shall conform to all applicable sections of the state building code.
  - b. Met towers shall be permitted on a temporary basis not to exceed 3 years.
  - c. Met towers shall adhere to the small wind energy system standards.
  - d. A conditional use permit is not required to construct, install or modify a met tower. Prior to the issuance of a building permit, the building inspector shall ensure the met tower complies with the small wind energy system standards.

E. Conditional Use Permit Standards:

- 1. Through the conditional use permit review process, the small wind energy system shall be evaluated for compliance to the following standards;
  - a. Setbacks:
    - i) Small wind energy system shall be set back a distance equal to 110% of the total height from:
      - A) Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road.
      - B) Any overhead utility lines.
      - C) All property lines, unless the affected land owner provides written permission through a recorded easement allowing the small wind energy system's fall zone to overlap with the abutting property.
      - D) Any travel ways to include but not be limited to driveways, parking lots, nature trails or sidewalks.
    - ii) If an abutting landowner disapproves of the proposed small wind energy system, the said system shall be set back a distance equal to 220% of the total height from all property lines.

- iii) Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.
  - iv) The setback shall be measured to the center of the tower's base.
  - v) Guy wires used to support the tower are exempt from the small wind energy system setback requirements.
- b. Tower:
- i) Wind turbines may only be attached to freestanding or guy wired monopole towers. Lattice towers are explicitly prohibited.  
*[Municipalities may choose to permit lattice towers]*
  - ii) The tower height shall not exceed 150 feet.
  - iii) The applicant shall provide evidence that the proposed tower height does not exceed the height recommended by the manufacturer of the wind turbine.
- c. Sound Level: The small wind energy system shall not exceed 60 decibels using the A scale (dBA), as measured at the property line, except during short-term events such as severe wind storms and utility outages.
- [If a municipality has sound level requirements for its zones, the sound level requirements for the small wind energy systems ordinance should coincide with town requirements. However municipalities shall not overly restrict turbines by requiring sound levels below 55 dBA. Additionally, it is pertinent that the final clause related to short term events is included into any small wind energy system ordinance.]*
- d. Shadowing/Flicker: Small wind energy systems shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- e. Signs:
- i) All signs, both temporary and permanent, are prohibited on the small wind energy system, except as follows:
    - A) Manufacturer's or installer's identification on the wind turbine.
    - B) Appropriate warning signs and placards.
- f. Code Compliance: The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.

- g. Aviation: The small wind energy system shall be built to comply with all applicable Federal Aviation Administration including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424. Evidence of compliance or non-applicability shall be submitted with the application.
- h. Visual Impacts: It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access the wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the wind resources.
  - i) The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, turbine design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground.
  - ii) The color of the small wind energy system shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment.
  - iii) A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.
- i) Utility Connection: If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to RSA 362-A:9.
- j) Access:
  - i) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
  - ii) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

- k) **Approved Wind Turbines:** The manufacturer and model of the wind turbine to be used in the proposed small wind energy system must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if available.
- l) **Clearing:** Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

F. **Abandonment:**

1. At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the Building Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
2. Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Building Inspector. "Physically remove" shall include, but not be limited to:
  - a. Removal of the wind turbine and tower and related above grade structures.
  - b. Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-conditions.
3. In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous 12-month period. After the 12 months of inoperability, the Building Inspector may issue a Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Building Inspector shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.
4. If the owner fails to respond to the Notice of Abandonment or if after review by the Building Inspector it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind turbine and tower at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the

town shall have the authority to enter the subject property and physically remove the small wind energy system.

5. The Planning Board may require the applicant to provide a form of surety (i.e., post a bond, letter of credit or establish an escrow account or other) at the time of construction to cover costs of the removal in the event the town must remove the facility. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism to accommodate the rate of inflation over 15 years.

G. Violation:

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance or with any condition contained in the site plan review issued pursuant to this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt.

H. Penalties:

Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by NH Revised Statutes Annotated Chapter 676.

I. Waiver Provisions:

The Planning Board may waive any portion of this ordinance in such cases where, in the opinion of the Planning Board, strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of this ordinance.

Draft Zoning Ordinance for Park County  
**Wind Energy Conversion Systems**

**Section 1 Intent**

In order to balance the need for clean, renewable energy resources and the necessity to protect the public health, safety and welfare of the community, Park County finds these regulations are necessary to ensure that wind energy conversion systems are appropriately designed and safely sited and installed.

This ordinance establishes the regulations and criteria which allow compatible accessory uses to be located within the various land use districts. Unless otherwise provided, all accessory uses are subject to the same regulations as the sponsoring primary use.

**Section 2 Definitions**

Residential Wind Energy System: A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics, which has a rated capacity of not more than 10 kW and which is intended to primarily reduce on-site consumption of utility power. A system is considered a residential wind energy system only if it supplies electrical power solely for on site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on site use may be used by the utility company [i.e. net metering].

Tower: The vertical component of a wind energy conversion system that elevates the wind turbine generator and attached blades above the ground. Tower height shall be measured to the turbine mounting point.

**Section 3 Regulations**

Residential wind energy systems shall be a permitted use in all zoning classifications where structures of any sort are allowed; subject to certain requirements as set forth below:

Minimum Parcel Size: One Acre

Tower height: For property sizes between 1 and 5 acres the tower height shall be limited to 65 feet and/or 20 feet above tree line, whichever is less. For property sizes of 5 acres or more, tower heights shall be limited to a height of 80 feet, except as may be imposed by FAA regulations.

Clearance of Blade: No portion of the residential wind energy system blade sweep shall extend within twenty feet of the ground. No blade sweep may extend over parking areas, driveways or sidewalks.

Set-back: . Set backs for the system tower shall be no closer from the property line than the height of the tower, provided that that setback also complies with any applicable fire setback requirements. Guy wire anchor points may extend to 10 feet from the property line. Building mounted systems shall be setback 30 feet from the property line.



Draft Zoning Ordinance for Park County  
**Wind Energy Conversion Systems**

Automatic Overspeed Controls: All wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the residential wind energy system. Turbine/blade systems shall be rated to wind speeds of no less than 110 MPH, measured at sea level.

Sound: Residential wind energy systems shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

Approved Wind Turbines: Residential wind turbines must be approved under an Emerging Technology program such as the California Energy Commission, IEC or any other small wind certification program recognized by the American Wind Energy Association (AWEA) or the U.S. Department of Energy. Non-certified residential wind turbines must submit a description of the safety features of the turbine prepared by a registered mechanical engineer.

Compliance with Uniform Building Code: Building permit applications for residential wind systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, footings, and guy wire anchors. An engineering analysis of the tower, guy wires, and anchors showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall also be submitted. This analysis is typically supplied by the manufacturer. Wet stamps shall not be required.

Compliance with FAA Regulations: Residential wind energy systems must comply with applicable FAA regulations, for installations within 20,000 feet from any airports or runways.

Compliance with National Electric Code: Building permit applications for residential wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

Utility Notification: No residential wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected, net metered customer-owned generator. Off-grid systems shall be exempt from this requirement.

GALEN CAROL  
A • U • D • I • O

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HOW-TO's

## Decibel (Loudness) Comparison Chart

Here are some interesting numbers, collected from a variety of sources, that help one to understand the volume levels of various sources and how they can affect our hearing.

Environmental Noise	
Weakest sound heard	0dB
Whisper Quiet Library	30dB
Normal conversation (3-5')	60-70dB
Telephone dial tone	80dB
City Traffic (inside car)	85dB
Train whistle at 500', Truck Traffic	90dB
Subway train at 200'	95dB
<i>Level at which sustained exposure may result in hearing loss</i>	90 - 95dB
Power mower at 3'	107dB
Snowmobile, Motorcycle	100dB
Power saw at 3'	110dB
Sandblasting, Loud Rock Concert	115dB
<i>Pain begins</i>	125dB
Pneumatic riveter at 4'	125dB
<i>Even short term exposure can cause permanent damage - Loudest recommended exposure WITH hearing protection</i>	140dB
Jet engine at 100', Gun Blast	140dB
Death of hearing tissue	180dB
Loudest sound possible	194dB

OSHA Daily Permissible Noise Level Exposure	
Hours per day	Sound level
8	90dB
6	92dB
4	95dB
3	97dB
2	100dB
1.5	102dB
1	105dB
.5	110dB

4

.25 or less	115dB
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Perceptions of Increases in Decibel Level	
Imperceptible Change	1dB
Barely Perceptible Change	3dB
Clearly Noticeable Change	5dB
About Twice as Loud	10dB
About Four Times as Loud	20dB

Sound Levels of Music	
Normal piano practice	60 -70dB
Fortissimo Singer, 3'	70dB
Chamber music, small auditorium	75 - 85dB
Piano Fortissimo	84 - 103dB
Violin	82 - 92dB
Cello	85 -111dB
Oboe	95-112dB
Flute	92 -103dB
Piccolo	90 -106dB
Clarinet	85 - 114dB
French horn	90 - 106dB
Trombone	85 - 114dB
Tympani & bass drum	106dB
Walkman on 5/10	94dB
Symphonic music peak	120 - 137dB
Amplifier rock, 4-6'	120dB
Rock music peak	150dB

**NOTES:**

- One-third of the total power of a 75-piece orchestra comes from the bass drum.
- High frequency sounds of 2-4,000 Hz are the most damaging. The uppermost octave of the piccolo is 2,048-4,096 Hz.
- Aging causes gradual hearing loss, mostly in the high frequencies.
- Speech reception is not seriously impaired until there is about 30 dB loss; by that time severe damage may have occurred.
- Hypertension and various psychological difficulties can be related to noise exposure.
- The incidence of hearing loss in classical musicians has been estimated at 4-43%, in rock musicians 13-30%.

Statistics for the Decibel (Loudness) Comparison Chart were taken from a study by Marshall Chasin , M.Sc., Aud(C), FAAA, Centre for Human Performance & Health, Ontario, Canada. There were some conflicting readings and, in many cases, authors did not specify at what distance the readings were taken or what the musician was actually playing. In general, when there were several readings, the higher one was chosen.

## FAQ for Small Wind Systems



FOR MORE INFORMATION,  
PLEASE CONTACT:

Ron Stimmel  
Small Wind Advocate

rstimmel@awea.org  
202-383-2546

For a complete list of  
AWEA member  
equipment providers see:  
[www.awea.org/smallwind/smsyslst.html](http://www.awea.org/smallwind/smsyslst.html)

### General Information about Small Wind Systems

**Small Wind Turbines** are electric generators that use the energy of the wind to produce clean, emissions-free power for individual homes, farms, and small businesses. With this simple and increasingly popular technology, individuals can generate their own power and cut their energy bills while helping to protect the environment. Unlike utility-scale turbines, small turbines can be suitable for use on properties as small as one acre of land in most areas of the country.

**What size turbine is needed to power an entire home?** On average, a typical American home would require a small turbine with a 5-kilowatt (kW) generating capacity to meet all its electricity needs. A machine of this size has a diameter of approximately 18 feet. The exact size needed to power a home, however, can range from 2 kW to 10 kW (12-25 ft. diameter) based on a home's energy use, average wind speeds, and the turbine's height above ground (which affects its productivity).

**How tall are they?** The average height of a small wind turbine (of any capacity) is about 80ft. (about twice the height of a neighborhood telephone pole), with a range of 30-140 ft. Generator size and tower height are not generally related; a 5-kW turbine could be on a tower anywhere from 30-140 ft. in height, for example.

**What is the average payback period?** The length of the payback period depends on the turbine, the quality of wind at the installation site, prevailing electricity rates, and available financing and incentives. Depending on these and other factors, the time it takes to fully recover the cost of a small wind turbine can take anywhere from 6 to 30 years.

**How much do they cost?** The purchase and installation of a system large enough to power an entire home costs, on average, \$30,000, but the price can range from \$10,000 to \$70,000 depending on system size, height, and installation expenses. The purchase and installation of very small (<1 kW) off-grid turbines generally cost \$4,000 to \$9,000, and a 100-kW turbine can cost \$350,000. The federal government and many states have rebate or tax credit programs in place to encourage investment in small wind (see <http://dsireusa.org>).

**What happens when the wind does not blow?** For grid-connected systems, the user will not notice a difference when the wind is not blowing. The utility provides electricity when the wind does not blow, and any extra electricity the turbine generates is sent back to the utility system to be used by a neighbor. Off-grid turbines store power in batteries for on-demand use and are often complemented by solar electric panels to provide more consistent generation.

**Do I need to take wind measurements?** Taking detailed measurements to gauge your wind resource is usually unnecessary. Individual installers/dealers or manufacturers can determine whether your property is suitable for a system by inspecting the surrounding area.





## FAQ for Small Wind Systems

### How much land and wind are required? Will my town let me install a turbine?

Installers recommend sites with average wind speeds of at least 12 mph, but specific land requirements vary from place to place. Zoning codes sometimes impose a minimum requirement on lot size or on the distance a turbine may be placed from a property line, and may vary depending on the height of the proposed turbine. Also, it is essential to have a site with unobstructed access to winds, which most often requires higher towers, larger land lots, and non-urban locations. Currently, less than 1% of all small wind turbines are used in urban applications partly due to zoning restrictions, but mostly because wind quality is much poorer in densely built environments. Contact your turbine factory dealer or see AWEA small-wind permitting guide at [www.awea.org/smallwind](http://www.awea.org/smallwind) for help navigating the permitting process.

### How does the rated capacity of a small wind system compare to its actual performance?

Rated capacity indicates the rate of energy production at a given wind speed, so the answer depends on wind speed – and the turbine. A more accurate indicator of energy production, however, is blade length. A 5-kW turbine (average residential size, 18ft. rotor diameter) produces around 10,000 kWh per year in 12-mph average winds, which is about 100% of what an average U.S. home requires. At the larger end of the spectrum, a 100-kW turbine (60ft. diameter) in these conditions will generate around 250,000 kWh per year.

### Are batteries or other storage needed?

For very small systems, yes, but not for residential-scale turbines or larger. There are two types of systems: those connected to the electricity grid ("on-grid") and those used off-grid for battery charging or backup power. Most systems sold today are off-grid, but demand is rising for on-grid systems which essentially use the grid as a "battery": when the wind blows, the owner uses electricity from the turbine; when winds are low and consumption is high, the owner uses electricity from the grid. A small wind turbine is more commonly used in conjunction with solar photovoltaic technology than it is with a battery storage system.

### How are small wind systems maintained?

Routine inspections are performed once every few years of a turbine's 20+-year lifespan. A professional installer or trained technician (usually the manufacturer or dealer that sold the turbine) maintains the turbine and tower through physical inspections, though some turbines can be monitored remotely from a home computer.

### How can I advocate for good policies?

AWEA, our members, and our allies actively engage state and federal lawmakers to promote good policies for small wind, such as tax credits, streamlined zoning and permitting, net metering, and standardized grid interconnection rules. Grassroots activism is a key component of our efforts. To join, visit the following links:

[www.awea.org/legislative/grassroots\\_activities.html](http://www.awea.org/legislative/grassroots_activities.html)

[www.awea.org/smallwind/toolbox2/drawer\\_2\\_promotion.html](http://www.awea.org/smallwind/toolbox2/drawer_2_promotion.html)

### Where can I go for more information?

The American Wind Energy Association has a toolbox of information on its Web site for people interested in installing a small wind system at [www.awea.org/smallwind](http://www.awea.org/smallwind). On this site, you can find advice from an expert, some state-specific information about buying and installing a small wind turbine, success stories, technical information, and much more.

Also see "Wind Turbine Buyer's Guide" by Mick Sagrillo and Ian Woofenden in *Home Power* magazine (June/July 2007) [http://www.homepower.com/view/?file=HP131\\_pg38\\_Sagrillo](http://www.homepower.com/view/?file=HP131_pg38_Sagrillo).

Photos courtesy of Bergey Windpower and Michael Mercurio, Beach Haven, NJ





**MULTNOMAH COUNTY**  
LAND USE AND TRANSPORTATION PROGRAM  
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PH: 503-988-3043 FAX: 503-988-3389  
<http://www.co.multnomah.or.us/landuse>

**STAFF REPORT TO THE PLANNING COMMISSION  
FOR THE  
PUBLIC HEARING ON JUNE 7, 2010**

**COMMERCIAL FOREST USE HOUSEKEEPING AMENDMENTS  
CASE FILE PC 10-004**

**PART I. INTRODUCTION**

Land Use Planning staff is bringing these housekeeping amendments before the Planning Commission for public hearing after two work sessions. We are bringing these proposed amendments to the Planning Commission because in the Commercial Forest Use code sections we have found inconsistency in our reviews sections with how we process certain permits, we have determined there are items missing from the Commercial Forest Use-3 code and we would like to provide consistency with fire access standards. Our goal is to reconcile our codes and practices, clarify the code for items that have caused confusion and to provide consistency.

Staff is proposing four categories of amendments to the Commercial Forest Use (CFU) code sections of the Zoning Codes. Additionally we are proposing adding a definition for access easement to the Rural Plan Area Zoning Codes. Following is a brief description of the proposed changes to the code:

1. Reconciling “Allowed Uses” and “Review Uses” in the CFU Districts to match the procedure which Land Use Planning processes these permits through the CFU Form A (Type I) and Form B (Type II) reviews. Amend the CFU codes to permit as an allowed use, expansion, replacement or restoration of an existing dwelling if located within 100 feet of the existing dwelling location. Amend the code to include as review use replacement or restoration of an existing dwelling if located more than 100 feet from the existing dwelling location.
2. Amendments to Forest Setbacks and Fire Safety Zones Table 1 to further clarify setbacks and safety zones for accessory buildings, and to allow existing nonconforming setbacks for additions to existing accessory buildings.
3. Amend the CFU Forest Development Standards to delete access standards. Access standards are proposed to be moved to Chapter 29 Building Code, Fire Apparatus Access. Amend the Development Standards for new dwellings and restored or replacement dwellings located more than 100 feet from the existing dwelling.
4. Add the Lot of Exception option to the Review Uses in the CFU-3 Zone District.
5. Add definition for “access easement” to all the Rural Plan Area Zoning Codes (except the National Scenic Area code).

## **PART II. PROPOSED CHANGES**

### **A. Summaries of proposed changes**

1. Currently we review expansion, restoration, and replacement dwellings within 100 feet of the existing dwelling and some dwellings more than 100 feet from the existing dwelling that meet certain development standards as Type I reviews. A Type I review is a building permit type of review and because there are no discretionary standards involved, this is not a land use decision and it is not noticed.

We are proposing to limit the Type I review to expansion, restoration, and replacement dwellings within 100 feet of the existing dwelling and to move these uses from the Review Uses category to the Allowed Uses category.

We are also proposing an amendment to the Review Uses category so that restored or replacement dwellings located more than 100 feet from the existing dwelling will require a Type II review demonstrating the discretionary standards are met. Because the Type II review has discretionary components, a land use decision with notice is required as well as the option to appeal the decision required.

We are also proposing to move accessory structures that are reviewed as a Type I from Review Uses to the Allowed Uses. Again these are a Type I review which is nondiscretionary. An accessory structure that doesn't meet the standard to allow it to be reviewed as Type I such as more than 100 feet from a dwelling will be reviewed as a Type II review, under which the applicant must demonstrate the applicable CFU Development Standards are met.

2. The purpose of Table 1: Forest Setbacks and Fire Safety Zones is to provide a clear and easy to interpret code for the public for a variety different types of developments. Our proposed changes provide that additions to existing structures that are less than 30' to a property line can maintain the existing setback, and must establish a primary fire break to the extent possible. We also clarify that accessory structures further than 100 feet from a dwelling must meet the primary and secondary fire safety zones. Staff has struggled with this table in an attempt to address all types of structures, and to identify appropriate setback and fire protection levels for those structures. We believe that the proposed ordinance will allow staff to properly manage the risks associated with structures generally and improve implementation by clarifying unaddressed situations.
3. We are proposing amendments to the Forest Development Standards to eliminate access standards and move the access standards to Chapter 29, Building Code, Fire Apparatus Access. We are proposing to apply the same access standards to all properties in our jurisdiction.

We are proposing to amend the Forest Development Standards to eliminate the Option 1, Type I review for restoration or replacement dwellings more than 100 feet from the existing dwelling. Instead we are proposing two options as a Type II review. The first option is a less rigorous, less discretionary review demonstrating standards under number 1 and 3 are met. The second option 2

is a more rigorous, more discretionary review demonstrating the proposed building location minimizes impacts on forest and farming practices (standards under number 2 and 3).

4. We are proposing to add a Lot of Exception option to the CFU-3 Zone District. The Lot of Exception option, while in all the other CFU District codes, was left out of the CFU-3 District. We are proposing to correct that error by adding the same language found in the other CFU District codes to the CFU-3. The Lot of Exception option allows a property owner that has more than one lawfully established habitable dwelling to divide the property, with a dwelling on each lot.
5. We are proposing to add definitions for “access easement” When we amended transportation definitions recently we did not include access easements. We have found that because easements are a type of access to properties, we need to define that term and include access easement along with private roads and driveways.

## **B. Proposed Amendments.**

In this section you will find the proposed amendments to the code. Please note that the proposed amendments are shown as follows:

- Single underlined text is existing language moved to different section
- Double underlining is for entirely new text.
- Crossed out text is proposed to be deleted.

### **1. AMENDMENTS TO ALL OF THE COMMERCIAL FOREST USE DISTRICT CODES (Chapters 33, 35, and 36)**

*Following are uses that are currently listed in CFU Review Uses, which we are proposing to amend or move to Allowed Uses.*

#### **§ 33.2020 (§ 33.2220, § 33.2420, § 35.2020 § 35.2220, & § 36.2020) ALLOWED USES.**

(E) Expansion, replacement or restoration of an existing lawfully established habitable dwelling, within 100-feet from an existing dwelling subject to standards of this district.

(1) In the case of a replacement dwelling, the existing dwelling is shall be removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

#### **§ 33.2025 (§ 33.2225, § 33.2420 § 35.2025, § 35.2225, &§ 36.2025) REVIEW USES.**

(E) ~~Expansion, r~~ Replacement or restoration of an existing lawfully established habitable dwelling more than 100 feet from the existing dwelling subject to standards of this district.



(1) In the case of a replacement dwelling, the existing dwelling ~~is~~shall be removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

**§ 33.2020 (§ 33.2220, § 33.2420, § 35.2020, § 35.2220, & § 36.2020) ALLOWED USES**

(T) Accessory Structures:

(1) Other structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district located within 100 feet of the dwelling.

**§ 33.2025 (§ 33.2225, § 33.2420, § 35.2025, § 35.2225, & § 36.2025) REVIEW USES.**

(L) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.2020 Allowed Uses subject to standards of this district.

**2. AMENDMENTS TO CFU FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES (Chapters 33, 35, and 36)**

*Proposed amendments to Forest Practice Setbacks and Fire Safety Zones Table 1.*

**§ 33.2056 (§ 33.2256, § 33.2456, § 35.2056, § 35.2256§ 36.2056, &) FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES**

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

<b>Table 1 Use</b>	<b>Forest Practice Setbacks</b>			<b>Fire Safety Zones</b>
Description of use and location	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)	Fire Safety Zone Requirements (FSZ)
Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling	May maintain current nonconforming setback(s) if less than 30 ft. to property line	30	30	Property owner is encouraged to establish Primary to the extent possible

Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling	May maintain current nonconforming setback(s) if less than 30 ft. to property line	30	30	Primary is required to the extent possible within the existing setbacks
At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling	May maintain current nonconforming setback but shall increase to 30 ft. if less than 30 ft.	30	30	Primary required; Maintenance of vegetation in the Secondary is required to the extent possible
Replaced or restored dwelling over 100 ft. from existing dwelling	Meet current setback standards	30	130	Primary & Secondary required
At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling	N/A	30	30	Primary required
Temporary Health Hardship farther than 100 ft. from existing dwelling	N/A	30	130	Primary and Secondary required
At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling	N/A	30	30	Primary required
Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling	N/A	30	130	Primary and Secondary required
Large Acreage Dwelling	N/A	30	130	Primary & Secondary required
Accessory structures within 100 ft. of the dwelling	N/A	30	30	Primary required
<u>Accessory structures located more than 100 ft. from the dwelling.</u>	<u>NA</u>	<u>30</u>	<u>130</u>	<u>Primary &amp; Secondary required</u>
<u>Addition to an existing structures.</u>	<u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u>	<u>30</u>	<u>30</u>	<u>Primary is required to the extent possible within the existing setbacks</u>
Other Accessory structures	N/A	30	130	Primary & Secondary required
Other Structures	N/A	30	130	Primary & Secondary required

### 3. AMENDMENTS TO CFU DEVELOPMENT STANDARD (Chapters 33, 35, and 36)

*We are proposing to delete access standards and amend the amend the Option 1, Non-discretionary Type 1 Permit for new dwellings and buildings more than 100 feet from the existing dwelling and to allow two Type II options review options for these buildings.*

#### **§ 33.2061 (§ 33.2261, § 33.2461, § 35.2061, § 35.2261 and § 36.2061) DEVELOPMENT STANDARDS FOR DWELLINGS AND STRUCTURES**

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

- (1) Expansion of existing dwelling.
  - (a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 33.2061;
  - (b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 33.2061(C);
- (2) Replacement or restoration of a dwelling.
  - (a) Replacement or restoration of a dwelling that is within the same foot-print of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 33.2061;
  - (b) Replacement or restoration of a dwelling that is within the same foot-print of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 33.2061(C);
  - (c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 33.2061(C) and the applicable driveway/road requirements of 33.2061(E);
- (3) Accessory buildings.
  - (a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 33.2061(C);
  - (b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2061(B)&(C);
- (4) Temporary dwellings.
  - (a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 33.2061;
  - (b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2061(B)&(C);
  - (c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 33.2061;
  - (d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 33.2061(B)&(C);

(B) New dwellings shall meet the following standards in (1) and (3) or (2) and (3); restored, replacement dwellings ~~greater than 100 feet from an existing dwelling~~, and accessory buildings (or similar structures) greater than 100-feet from a the existing dwelling shall meet the following standards in (1) and-(1) and (3) or (2) and (3):

(1) The structure shall satisfy the following ~~Option 1, Non-discretionary Type 1 Permit~~ requirements:

- (a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;
- (b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;
- (c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the driveway;
- (d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;
- (e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the proposed driveway; or

(2) The structure shall satisfy the following ~~Option 2, Discretionary Type 2 Permit~~ requirements:

- (a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 33.2056;
- (b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
- (c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;
- (d) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and

(3) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

- (a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;
- (b) Access for a pumping fire truck to within 15 feet of any perennial water source of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the driveway standards of MCC 33.2061(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) The dwelling or structure shall:

- (1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;
- (2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;
- (3) Have a fire retardant roof; and
- (4) Have a spark arrester on each chimney.

\* \* \*

~~E. A private road (including approved easements), accessing two or more dwellings, a driveway accessing a single dwelling, a Forest Practices road that is utilized as a private road/driveway accessing a dwelling(s), or a new driveway constructed to access a replacement/restored dwelling, shall be designed, built, and maintained to:~~

- ~~(1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;~~
- ~~(2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;~~
- ~~(3) Provide minimum curve radii of 48 feet or greater;~~
- ~~(4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;~~
- ~~(5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:~~
  - ~~(a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;~~
  - ~~(b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;~~
- ~~(6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;~~
- ~~(7) Provide for the safe and convenient passage of vehicles by the placement of:~~
  - ~~(a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or~~
  - ~~(b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.~~
- ~~(8) An existing driveway currently being utilized by the habitable dwelling may be extended to a replacement dwelling without compliance with the roadway driveway and access easement standards above. However, nothing in this exemption removes the requirements under the county's Fire Apparatus means of Approach Standards contained in MCC 29.012.~~

#### 4. ADDITION TO COMMERCIAL FOREST USE -3 DISTRICT

*We are proposing to add the Lot of Exception option to the CFU-3 Zone District.*

#### **§35.2025 REVIEW USES**

(K) Lots of Exception pursuant to all applicable approval criteria, including but not limited to MCC 35.2065, 35.2073 and 35.7700 et seq.

#### **§35.2065 LOTS OF EXCEPTION**

An exception to permit the creation of a lot of less than the minimum specified in MCC 35.2263(A) may be authorized as provided in (A) or (B) below, subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

- (1) The Lot of Record to be divided exceeds the area requirements of MCC 35.2063(A);
- (2) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;

(3) The Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;

(4) The division will create no more than one lot which is less than the minimum area required in MCC 35.2063(A);

(5) The division complies with the dimensional requirements of MCC 35.2056; and

(6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

(B) A parcel that contains two dwellings may be divided provided that:

(1) Two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

(2) Each of the dwellings complies with the criteria for a replacement dwelling under ORS 215.283 (1)(s);

(3) One of the parcels created is between two and five acres in size;

(4) At least one dwelling is located on each parcel created;

(5) The new property line proposed to divide the existing parcel shall be located such that:

(a) Forest Practices Setback dimensional requirements in MCC 35.2056 are met as nearly as possible considering parcel size and location of existing dwellings and other structures;

(b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas.

(6) The development standards for dwellings and structures in MCC 35.2061, the exception standards for secondary fire safety zones in MCC 35.2110, and the land division requirement that "the tentative plan complies with the area and dimensional requirements of the underlying zoning district" shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

(7) The landowner of a lot or parcel created under this subsection provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with the Multnomah County Recorder. A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the County Planning Director indicating that the Comprehensive Plan or land use regulations applicable to the lot or parcel have been changed so that the lot or parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.

(C) The County Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by (A) and (B) above. The record shall be readily available to the public.

(D) Land Divisions for Park and Open Space.

(1) The governing body of a county or its designee may approve a proposed division of land in a forest zone or a mixed farm and forest zone to create two parcels if the proposed division of land is

for the purpose of allowing a provider of public parks or open space, or a not-for-profit land conservation organization, to purchase one of the resulting parcels as provided in this section.

(2) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

(a) If the parcel contains a dwelling or another use allowed under ORS chapter 215, the parcel must be large enough to support continued residential use of other allowed use of the parcel; or

(b) If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under ORS 195.120 or as may be authorized under ORS 215.705 to 215.750, based on the size and configuration of the parcel.

(3) Before approving a proposed division of land under this section, the governing body of a county or its designee shall require as a condition of approval that the provider of public parks or open space, or the not-for-profit land conservation organization, present for recording in the deed records for the county in which the parcel retained by the provider or organization is located an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:

(a) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in a forest zone or mixed farm and forest zone except park or conservation uses; and

(b) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

(4) If a proposed division of land under this section results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the county may approve the division.

(E) A landowner allowed a land division under this section shall sign a statement that shall be recorded with the Multnomah County Recorder, declaring that the landowner and the land-owner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

## **5. CHANGES TO DEFINITIONS (Chapters 33, 34, 35, and 36)**

*Add the following definitions in all the Rural Area codes (except the NSA):*

### **§ 33.0005 (§34.005, §35.0005, & §36.0005) DEFINITIONS.**

Access Easement – An easement granted for the purpose of ingress and egress which crosses a property or properties owned by others.

## **PART III. RECOMMENDATION**

Staff recommends that the Planning Commission recommend that the Board of County Commissioners adopt these proposed amendments.

BEFORE THE PLANNING COMMISSION  
for MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. PC-10-004**

In the matter of recommending that the Board of Commissioners amend Multnomah County Code Chapters 33, 35, and 36 to clarify and revise procedures and standards regarding changes to dwellings, accessory structures, and access.

**The Planning Commission of Multnomah County Finds:**

- a. The Planning Commission is authorized by Multnomah County Code (MCC) Chapters 11.05, and 33 through 36, to recommend to the Board of County Commissioners the adoption, revision, or repeal of regulations intended to carry out all or part of a plan adopted by the Board.
- b. The individual Zoning Code chapters should be periodically updated and amendments adopted. Review and enactment of “housekeeping” amendments of the Zoning Code is needed as technical errors and unclear provisions are found.
- c. The provisions in MCC Chapters 33, 35, and 36 need to be amended to reconcile the procedure and standards which County Land Use Planning uses to process permits for changes to existing dwellings and new accessory structures. The CFU regulations should be amended to permit as an allowed use, expansion, replacement or restoration of an existing dwelling or a new accessory structure, if located within 100 feet of the existing dwelling location through a Type 1 non-discretionary review. Amend the code to require a Type II discretionary review of applications for replacement or restoration of an existing dwelling or new accessory structure if located more than 100 feet from the existing dwelling location.
- d. The provisions in CFU zoning code Table 1 of MCC Chapters 33, 35, and 36 regarding Forest Setbacks and Fire Safety Zones need to be amended to further clarify setbacks and safety zones for accessory buildings, and to allow existing nonconforming setbacks for additions to existing accessory buildings.
- e. The CFU provisions in MCC Chapters 33, 35, and 36 should be amended to reconcile the access standards in those chapters with the Fire Apparatus Standards in Chapter 29 by deleting the CFU standards and incorporating appropriate access standards within Chapter 29.
- f. The provisions in Multnomah County Code Chapters 33, 35, and 36 in the CFU Districts need to be amended to add the Lot of Exception option to the Review Uses in the CFU-3 Zone District.
- g. The provisions in Multnomah County Code Chapters 33, 34, 35, and 36 Definitions section needs to be amended to add a definition for “access easement.”
- h. No regulations are being proposed that further restrict the use of property and no mailed notice to individual property owners is required (“Ballot Measure 56 notice”).



- i. Notice of the Planning Commission hearing was published in the Oregonian newspaper and on the Land Use Planning Program internet pages.

**The Planning Commission of Multnomah County Resolves:**

The proposed Ordinance amending MCC Chapters 33, 35, and 36 presented in the Staff Report is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 7th day of June, 2010.

PLANNING COMMISSION  
FOR MULTNOMAH COUNTY, OREGON

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John Ingle, Chair



**Department of Community Services**  
**MULTNOMAH COUNTY OREGON**

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**Land Use and Transportation Program**  
**1600 SE 190<sup>th</sup> Avenue**  
**Portland, Oregon 97233-5910**  
**PH. (503) 988-3043 Fax (503) 988-3389**  
**[www.co.multnomah.or.us/landuse](http://www.co.multnomah.or.us/landuse)**

## **Memorandum**

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Date: June 28, 2010  
To: Multnomah County Planning Commission  
From: George A. Plummer and Joanna Valencia, Staff Planners  
Subject: Briefing on Community Planning for Burlington (Case No. PC-10-009) and Springdale (Case No. PC-10-010)

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The Planning Commission 2010 Work Program includes preparation of community plans for the unincorporated Communities of Burlington and Springdale. Oregon Statewide Planning Goals and Guidelines require planning for all the unincorporated communities. The Goals and Guidelines are implemented through Oregon Administrative Rules 660-022 also known as the Unincorporated Communities Rule.

The goal of this project is to achieve compliance with Unincorporated Communities Rule for the communities of Burlington and Springdale. This rule requires certain inventories and code requirements for unincorporated communities according to the type of community that exists. The inventories have helped us to better understand these communities. The inventory includes:

- Transportation
- Infrastructure
- Land Use (vacant lots, residential, commercial, public)

We launched this planning process at the beginning of this year. Since then we have collected data and have inventoried uses, services and infrastructure for each community. Our inventories included site visits, inspections of aerial photographs and County Assessor data, and a land use overview. The Springdale and Burlington community areas are defined by the extent of the existing Rural Center zoning districts (see attached map).

Through this parcel-by-parcel inventory of these communities, staff has determined that the appropriate designation for the communities of Springdale and Burlington is the "Rural Community" designation as defined in the state rule. This designation is for communities that consist primarily of permanent residential dwellings, with at least two other land uses present (such as commercial, industrial or public uses).

Staff has conducted a public meeting for each of the communities to introduce the planning projects and to better understand the issues, concerns and visions of the residents of these communities. Attached are handouts we provided to those attending the meetings

explaining the community planning process, summary of the community inventories and a map of our land use inventory.

We heard similar feedback in both communities. First, it was clear that residents of both communities enjoyed their communities and did not want them to change. Citizens of both the Springdale and Burlington communities expressed pride in their communities. In Springdale, community members reflected on their location in relation to the Columbia River Gorge, and voiced a pleasure in sharing it with those traveling through on the Historic Columbia River Highway. Burlington residents reflected a sense of independence and liked the closeness of a small community, with citizens focusing on the livability of their community. Both the Springdale and Burlington communities like the density and small size of their community and expressed that they did not want growth. However, there was some desire to expand the boundaries to include neighbors outside the boundary into what the community considered the de facto community.

For both communities we heard concerns and issues about the small lot sizes, and septic issues associated with small lots. In addition, there were questions about the location and establishment of the Rural Center Zone boundary. Residents from both communities expressed a desire for more businesses, but were concerned about lack of space for off-street parking. Also discussed were concerns about a lack of a community gathering place within the community.

### **Next Steps**

- Future community meetings scheduled for June and September
- Opportunity to review and comment on Preliminary Plan
- Planning Commission in October/November
- Board of Commissioners in December
- Target to adopt by the end of calendar year

Attachments: Informational Handout  
Burlington Summary and Inventory  
Burlington Community Boundary Map  
Burlington Current Land Use Map  
Springdale Summary and Inventory  
Springdale Community Boundary Map  
Springdale Current Land Use Map



# Informational Handout

## **Why are we going through this process?**

The Oregon Statewide Planning Goals and guidelines require planning for all the communities in the state. The Oregon Administrative Rules (OAR's) provide supporting legislation for communities working to implement the applicable Statewide Planning Goals. The OAR that applies specifically to land use planning for Unincorporated Communities is OAR 660-022, also known as the Unincorporated Communities Rule.

The Unincorporated Communities Rule requires that established communities outside of urban growth boundaries be designated and planned as one of the four types of communities described in the Rule. Due to the characteristics of the Burlington Rural Center area, county staff has determined that it should be designated as a Rural Community. Specific provisions for Rural Communities require that counties adopt rural community zoning designations for the uses within the area. The type and extent of specific uses permitted are subject to provisions outlined in the Rule.

The Burlington area is currently zoned as Rural Center, which allows single family residential uses outright and requires a conditional use review to establish some community service uses and commercial uses. State rules for rural communities acknowledge that some concentrated areas of residential and commercial activities have come to exist outside of urban growth boundaries. State guidelines for these areas help counties plan for these areas. The state rule requires that counties identify and designate such areas, plan for permitted and prohibited uses, and anticipate future facility needs. This task aims to accomplish this and identify the appropriate designations for this area.

## **What is the Unincorporated Communities Rule?**

Through the Unincorporated Communities Rule, the State has acknowledged that some communities have developed outside of urban growth boundaries to an extent that they are not entirely rural in nature. State guidelines for these areas have been implemented to help counties plan for these areas and bypass a stringent "exceptions" process (detailed in statewide Goal 2, land use planning) in their planning efforts. The rule requires that counties identify and designate such areas, plan for permitted and prohibited uses, and anticipate current and future facilities needs.

The rule provides, first, for areas to be designated as either Urban Unincorporated Communities or one of three rural types of unincorporated communities. An Urban Unincorporated Community contains over 150 permanent residential dwellings and a mixture of land uses, and is served by a community sewer and water system.

According to the State Rule, Rural Unincorporated Communities may be defined as one of the three following types:

- Resort Communities- established primarily for recreation and resort purposes.
- Rural Communities- consisting primarily of permanent residential dwellings, with at least two other land uses present (such as commercial, industrial or public uses).
- Rural Service Centers- consisting primarily of commercial or industrial uses. They provide goods and services to the surrounding rural area and to persons travelling through the area.

In order to determine the appropriate designation for the Burlington area, county staff conducted a parcel-by-parcel inventory of the area. The inventory included site visits, inspections of aerial photographs and Assessor data, and a land use overview. The current area of the Burlington Rural Center is defined by the extent of the Rural Center zoning district. The findings from this inventory are illustrated in the land use map we have provided.

## **What does this task accomplish?**

This task will determine the type of community Burlington is and guide us in planning for that type of community. Data collection including an inventory of existing uses, services and infrastructure is being conducted. We will be doing community outreach to discover issues, concerns, and the vision of the community of Burlington. The final product of this task includes a community plan and zoning consistent with the findings of the public process-our research, and state requirements.

The goal of this project is to provide for appropriate zoning for the Community of Burlington and to achieve compliance with Division Oregon Administrative Rule Division 22, Unincorporated Communities Rule. The project will be tailored and focused to follow an approach that achieves compliance.

Our goal is to adopt a community type designation, a community plan and zoning amendments for Burlington. A series of three community meetings will be scheduled: an introductory meeting in April and future meetings will be scheduled in June and September of this year to review drafts and provide feedback on the community plan.

## **Next Steps**

- Future community meetings tentatively scheduled for June and September
- Opportunity to review and comment on Preliminary Plan
- Planning Commission in October/November
- Board of Commissioners in December
- Target to adopt by the end of calendar year

## **How can I participate in the process?**

Send us comments:

Attention: Burlington Rural Community Project  
1600 SE 190<sup>th</sup> Ave, Suite 116  
Portland, OR 97233  
Email: [burlingtonplan@co.multnomah.or.us](mailto:burlingtonplan@co.multnomah.or.us)  
Fax: 503-988-3389

Sign-up for email notices: [burlingtonplan@co.multnomah.or.us](mailto:burlingtonplan@co.multnomah.or.us)

Survey available online at: [www.multco.us/burlingtonplan](http://www.multco.us/burlingtonplan)

## **Where can I get more information?**

Check online for upcoming dates of future community meetings and posted documents and information at [www.multco.us/burlingtonplan](http://www.multco.us/burlingtonplan)

## **Who do I contact if I have questions?**

George Plummer  
Phone: 503-988-3043 extension 29152  
Email: [george.a.plummer@co.multnomah.or.us](mailto:george.a.plummer@co.multnomah.or.us)

Joanna Valencia  
Phone: 503-988-3043 extension 29637  
Email: [joanna.valencia@co.multnomah.or.us](mailto:joanna.valencia@co.multnomah.or.us)



# Burlington

## *Summary and Inventory*

### Introduction

Burlington is approximately 2.5 miles from the city of Portland, and is located along Highway 30. The community is comprised primarily of residential uses, with some commercial uses.

### History

Burlington was recognized as an unincorporated rural community in the Multnomah County Comprehensive Plan and was zoned Rural Center in 1977. The established Rural Center zoning district applied to approximately 30 acres in the Burlington Community. This zoning district is intended to encourage concentrations of rural residential development, together with limited local and tourist commercial uses, light industrial uses, and public service uses and centers such as churches, fire stations, schools, etc.

### Land Use and Inventory

Table 1 below provides data on the number of parcels and acreage per Land Use designation and three parcel size classifications. A majority of the acreage is in Single Family Use, with a small number in commercial use or vacant land. Burlington is comprised of 40 parcels totaling approximately 21.73 acres.

Burlington  
Table 1

		LANDUSE			
Parcel Size Class	Data	Commercial	SFR	Vacant	Grand Total
0.0-.5	Total Acres	0.36	3.69	1.81	5.86
	Number of Parcels	2	17	13	32
.51-1.99	Total Acres	1.04	3.84		4.88
	Number of Parcels	2	5		7
2.00-11.00	Total Acres	10.99			10.99
	Number of Parcels	1			1
Total Acres		12.39	7.53	1.81	21.73
Number of Parcels		5	22	13	40

\*Doesn't include acreage in right-of-way

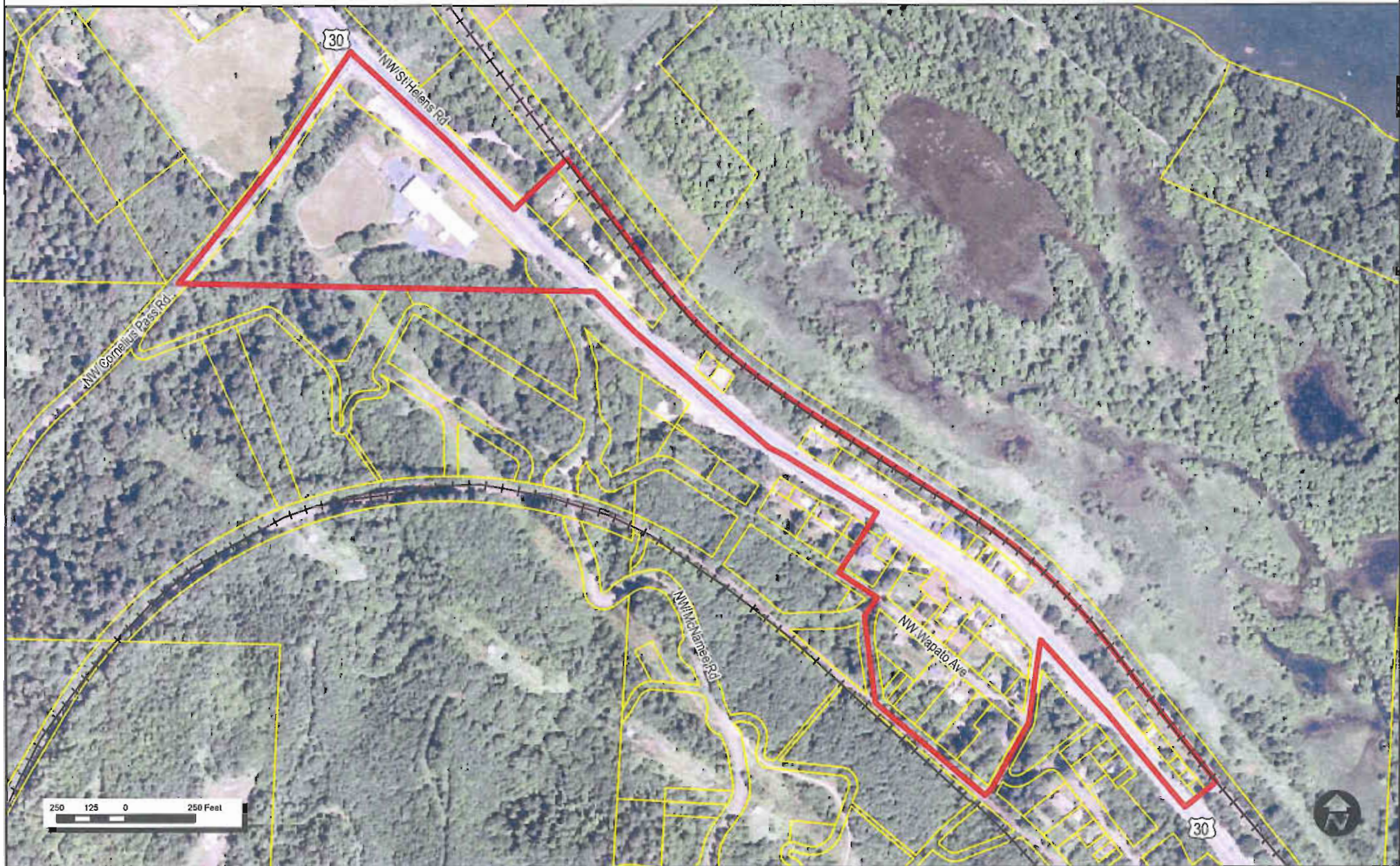
Updated 4/22/10




### Zoning

The current zoning of the parcels located within the Burlington Community Boundary is Rural Center. The Rural Center zoning district permits residences outright, and under a Conditional Use Permit may permit 1) limited rural service commercial uses such as local stores, shops, offices, repair shops and similar uses, 2) tourist commercial uses such as restaurants, taverns, gas stations, motels, guest ranches, and similar uses, 3) light manufacturing uses that employ fewer than 20 people, 4) commercial processing of agricultural or forestry products primarily grown in the vicinity, and 5) community service uses such as schools and churches. All new lots must be at least two acres in size.



BURLINGTON  
Community Boundary



 Community Boundary  Taxlots  Railroad

Aerial Photographs: Metro, 2008.

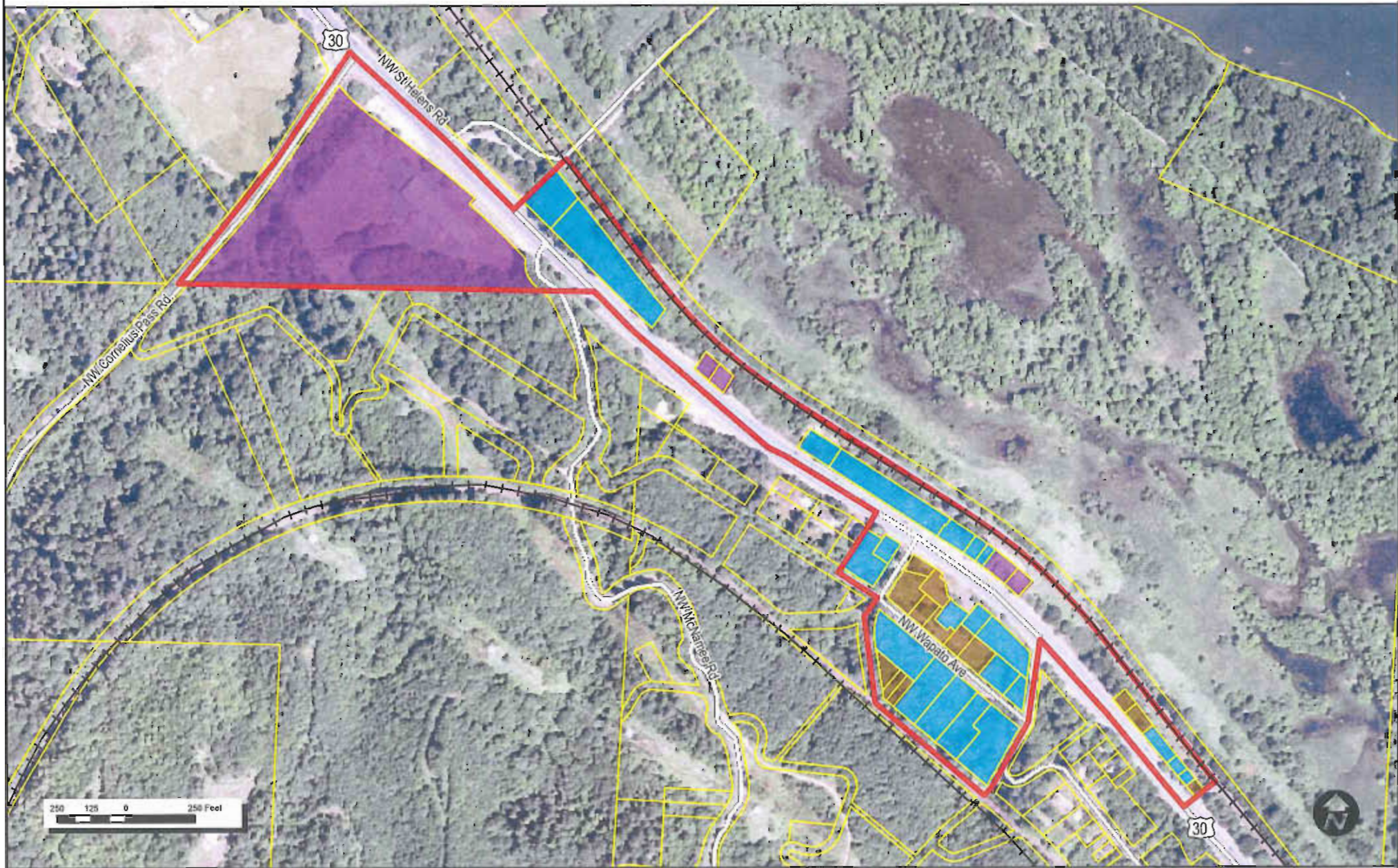









MULTNOMAH COUNTY  
LAND USE PLANNING DIVISION



# BURLINGTON

## Current Land Use



- |  |  |   |  |
|--|--|---|--|
|  COM |  VAC                |  Taxlots |  Railroad |
|  SFR |  Community Boundary |  Roads   |  |

Aerial Photographs: Metro, 2008.



MULTNOMAH COUNTY  
LAND USE PLANNING DIVISION





# Springdale

## *Summary and Inventory*

### Introduction

Springdale is approximately 3 miles from the city of Troutdale, and is located along the Historic Columbia River Highway. The community is comprised primarily of residential uses, with some community service uses that include churches, commercial uses, and a fire station.

### History

Springdale was recognized as an unincorporated rural community in the Multnomah County Comprehensive Plan and was zoned Rural Center in 1977. The established Rural Center zoning district applied to approximately 73 acres in the Springdale Community. This zoning district is intended to encourage concentrations of rural residential development, together with limited local and tourist commercial uses, light industrial uses, and public service uses and centers such as churches, fire stations, schools, etc.

### Land Use and Inventory

Table 1 below provides data on the number of parcels and acreage per Land Use designation and three parcel size classifications. A majority of the acreage is in Single Family Use, with a small number in commercial use or vacant land. Springdale is comprised of 81 parcels. There are a number of vacant parcels, with the inventory finding that these lots were either in agricultural use, used as a parking area or were back lots of residences.

#### Springdale

Table 1

		Land Use Designation			
Parcel Size Class	Data	Commercial	SFR	Vacant	Grand Total
0 to 1.99 acres	Total Acres	3.8	41.91	3.23	48.94
	Number of Parcels	9	56	11	76
2 to 3.99 acres	Total Acres	2.12	4.52	3.15	9.79
	Number of Parcels	1	2	1	4
4 to 15 acres	Total Acres			5.1	5.1
	Number of Parcels			1	1
Total Acres		5.92	46.43	11.48	63.83 *
Number of Parcels		10	58	13	81

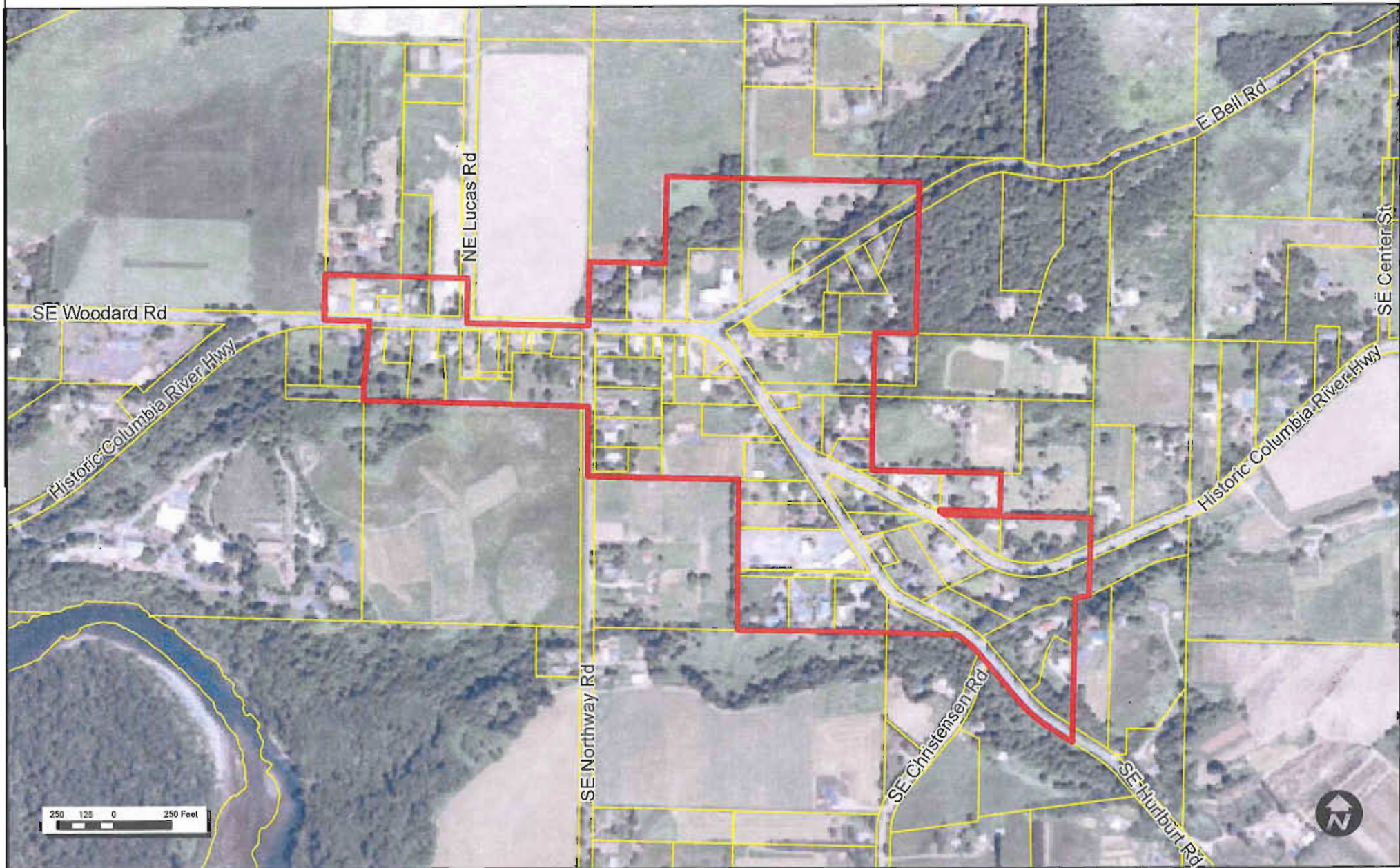
\*Doesn't include acreage in right-of-way



Updated 4/15/10

### Zoning

The current zoning of the parcels located within the Springdale Community Boundary is Rural Center. The Rural Center zoning district permits residences outright, and under a Conditional Use Permit may permit 1) limited rural service commercial uses such as local stores, shops, offices, repair shops and similar uses, 2) tourist commercial uses such as restaurants, taverns, gas stations, motels, guest ranches, and similar uses, 3) light manufacturing uses that employ fewer than 20 people, 4) commercial processing of agricultural or forestry products primarily grown in the vicinity, and 5) community service uses such as schools and churches. All new lots must be at least two acres in size.

SPRINGDALE  
Community Boundary



 Community Boundary  Taxlot Boundary

Aerial Photographs: Metro, 2008.

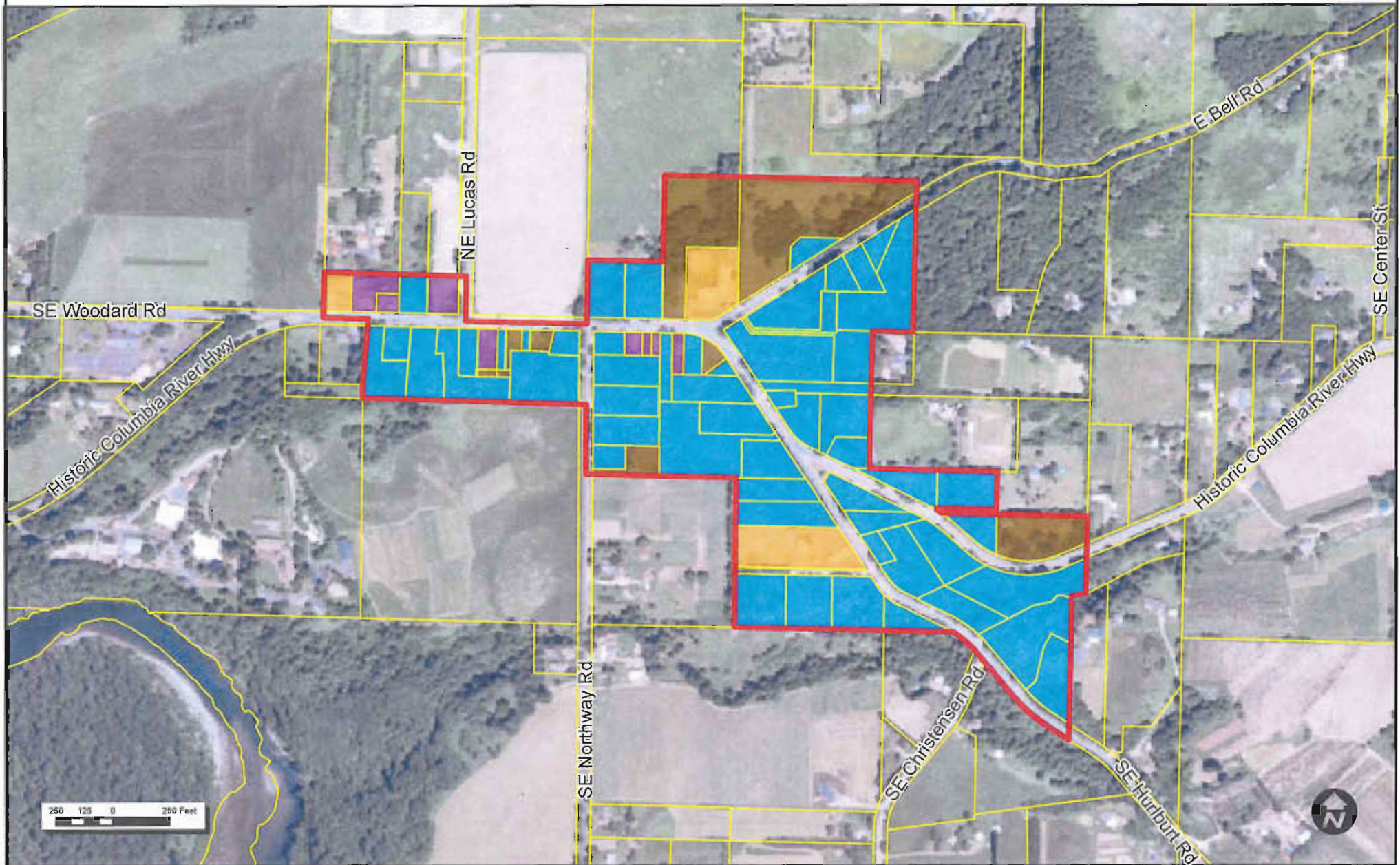


MULTNOMAH COUNTY  
LAND USE PLANNING DIVISION



# SPRINGDALE

## Current Land Use



- |  |   |  |
|--|---|--|
|  COM |  VAC |  Community Boundary |
|  SFR |  PUB |  Taxlot Boundary    |

Aerial Photographs: Metro, 2008.



MULTNOMAH COUNTY  
LAND USE PLANNING DIVISION

## 2010 WORK PROGRAM

### LONG RANGE LAND USE PLANNING PROJECTS

**Approved January 4, 2010**

**Update 6/7/10**

#### Multnomah County Land Use and Transportation Planning Program

#### Projects

	Project Name & Date Added to Work Program	Description	Project Status	Type	Location
1	Housekeeping Amendments	Suggestions from staff are gathered until there are sufficient number to fill an ordinance. Priority projects that will be brought to the PC as workload allows are listed.	On-going	C&S	County - wide
		Amend Chapter 29 for Consistency with Oregon Fire Code	In processs, PC work session 5/3/10.	C&S	County - wide
		CFU Implementation Refinement Project: - Table 1 nonconforming setback provisions for non-residential buildings. - Add lot of exception to CFU 3. - Reconcile access road standards w Chapter 29 fire access. - Reconcile review and allowed uses and CFU permit Form A.	PC work sessions on 3/1/10 and 5/3/10. PC Hearing on 6/7/10.		County - wide
		General Revisions to Definitions and Consistency Improvements Development defined, refine expiration of permit to apply to unimplemented development, define initiation of action-start of construction, clarify level of review for emergency/disaster. Consider easements on subdivision plats related to floodplain/high water mark requirement in 34.8020(C).	PC work session planned for Sept - Oct. 2010	C&S	
		Variances/adjustments. Revise 33.7606 to clarify relationship between variance/adjustment remedies and resource protection setbacks and buffers in SEC and WRG areas. Vision clearance areas added to zoning code.	PC worksession 3/1/10. Approved 5/3/10	C&S	
		Chapter 37 amendments to incorporate conflict of interest rules for Planning Commissioners.	PC Worksession 1/4/10. PC approved 5/3/10	M	
2	Legislative Updates <b>2009</b>	Update code for changes to statutes from 2009 legislative session.	Not Begun		County - wide
		HB 3099: Amend EFU Provisions related to schools, greyhound kennels, model aircraft, golf courses. Waives M56 notice and legislative hearing requirement.		M	

<b>3</b>	Mitigation approach to flood and landslide hazards codes. <b>2009</b>	Evaluate zoning codes for potential to incorporate mitigation principles for flood and landslide hazard areas. Qualify county for FEMA Community Rating System CRS program. This project incorporates two risk reduction action items in the county Hazard Mitigation Plan.	Not Begun	P	County - wide
<b>4</b>	Urban and Rural Reserves <b>2007</b>	Work in 2010 entails selection of urban and rural reserves, adoption of IGAs, and comprehensive plan and zoning code amendments followed by hearing at LCDC.	Suitability map approved by BOCC 9/10/09 Reserves designations for public outreach approved by BOCC 12/10/09. PC worksession 3/1/10. Approved 4/5/10.	P	County - wide
<b>5</b>	Springdale and Burlington Rural Centers. <b>1998</b>	OAR Div 22, requires certain inventory and code requirements for "Unincorporated Communities." Include: - "Pedestrian Areas" Planning in Rural Centers and near "CS" land uses such as schools. 2003 - Rural design review, parking, paving, and sign code standards. 2002	PC Briefing 6/7/10.	M	West side and east side
<b>6</b>	Alternative Energy Standards <b>2010</b>	Consider need for solar and wind energy zoning code amendments, and develop needed amendments.	PC work session 6/7/10.		
<b>7</b>	"Bonny Slope West" Area Urban Planning. <b>2003</b>	Develop a Title 11 plan for this 2002 UGB expansion, "Area 93." Area is the westerly half of Bonny Slope subdivision and is bordered on the west and south by Washington County. Planning work is underway in partnership with the City of Portland under an IGA. The adoption process of PC worksessions and hearings begins in April of '09, with Board adoption scheduled for September of '09.	PC Hearing re urban growth diagrams and service options 11/09. BOCC hearing early 2010, followed by PC and BOCC hearings re plan amendments in spring 2010.	M	Westside
<b>Projects Not Scheduled for Work in 2010</b>					
<b>9</b>	Potential plan amendment to complete Metro Title 11 planning requirements for Springwater Area. <b>2006</b>	The exact format and method of complying with Metro's requirements are under discussion with Metro.	Awaiting reply from Metro regarding latest letter with questions.	M	County-wide
<b>10</b>	Alternative Standards for SEC-h <b>2010</b>	Provide a set of alternative non-discretionary standards for SEC-h permits to allow projects that do not require mitigation plans to be processed as Type 1 permits.	Not begun	C&S	

11	Rural Area Plan task: Update Chapter 34 Sauvie Island/Multnomah Channel to implement RAP policies. <b>2007</b>	Include adding definitions of "houseboat," "boathouse" and "combination" to Zoning Code for consistency with tax assessor ( S.I> Policy 12). 1997 Planning Commission directed project to be completed with other unfinished tasks in the Sauvie Island and Multnomah Channel RAP. This would involve a look at all "live aboards," (and evaluate if there are any advantages to changing "houseboats" to "floating homes.") Also consider "Special Plan Area Provisions specific to houseboat areas (S.I. Policy 13). Deed restriction to protect agricultural practices in MUA-20 zone in MCC Chapter 34 (S. I. Policy 3). Consider using West of Sandy approach. 1997	Definitions work went to Planning Commission in February, 2000. No further progress.	P	Westside
12	"Dark Skies" Code Amendments of Policy 26 West of Sandy River Plan applied to other areas. <b>2004</b>	This Policy was implemented by a code requirement that new and replacement exterior lighting fixtures shall be of the "fully shielded type so that no light is emitted above the horizontal. Now the standard only applies to the West of Sandy River Plan Area.	Not begun.	C&S	Westside
13	Water supply standards. <b>2002</b>	There are requirements in some dwelling approval criteria that there be an adequate water supply. For properties that will be drilling a well, at what point in that review should the private well be drilled? Should the drilling take place before zoning approval or is there some other type of assurance of water availability before drilling?	Not begun.	C&S	County - wide
14	Rural Area Plan task: Significant Environmental Concern (SEC) zoning map designation for certain streams (East of Sandy River Policy 21). <b>1997</b>	SEC overlay now being applied by plan policy map, should also amend zoning map to reflect the same. East of Sandy River Rural Area Plan.	Not begun.	C&S	Eastside
15	Rural Area Plan task: Farm stand code provisions in the EFU, MUA-20, RR, and RC zones in the East of Sandy River Zoning Code. <b>1997</b>	Plan Policies 16 and 17 of the East of Sandy River Rural Area Plan directs that farm stands be allowed in some zones that they are not listed in now and be allowed to sell some additional products. Some related changes were included in the 2003 EFU Code updates (only to the EFU district).	Not begun.	C&S	Eastside
16	Rural Area Plan task: Water quality related regulations added to certain West Hills streams. <b>2004</b>	Certain stream water quality strategies are yet to be completed to address West Hills Rural Area Plan Policy 19. The streams are only those draining into Burlington Bottoms on the Multnomah Channel (across from Sauvie Island).	Not begun.	C&S	Westside
17	"Damascus" Urban Planning: Determine who/how Title 11 planning will be done for the Multnomah County portion of UGB expansion "Area 13." <b>2004</b>	Area was added to the UGB in December 2002 and is east of Pleasant Valley and west of the City of Gresham. Planning is directed by Metro to be done as part of the Damascus area in Clackamas County.	Not Begun	M	Eastside

18	Potential zoning code amendment to address appropriate scope of business uses in rural areas. 2010	As part of this review, consider appropriateness of business uses that serve rural vs urban and rural customers. Issue raised by staff in the context of whether the Type B Home Occupation regulations can be used to circumvent requirements for other more intensive uses that might not be allowed. Appropriate site improvement requirements was also raised as an issue of concern.	Not begun	P	Countywide
19	Potential zoning code amendment regarding guest houses and second dwellings.	Consider whether to allow guest houses as a use, develop standards to ensure such structures do not become unauthorized second dwellings. Examine existing definitions for related terms like "cooking facilities," and "dwelling" to clarify intent and facilitate permitting.	Not begun.	M	Countywide
*C&S = consistency and streamlining. P = planning. M = mandated.					