

**TABLE 16.89.020**  
**Land Use and Development Application Procedures**

| Application Type   | Process Type                         | Notice Radius (Feet) | Neighborhood Meeting Required |
|--|--------------------------------------|----------------------|-------------------------------|
| Access permit to public street   | I                                    | n/a                  | No                            |
| Amendments to Zoning Map   | IV                                   | 500                  | Yes                           |
| Annexation, Minor and Major  | IV                                   | 500                  | Yes                           |
| Appeals  | III                                  | 200                  | No                            |
| Building Permit/ <b>Site Plan Review</b>                                     | I                                    | n/a                  | No                            |
| Comprehensive Plan Amendment   | IV                                   | 500                  | Yes                           |
| Conditional Use Permit   | III                                  | 500                  | No                            |
| Condominium Construct. (less than 6 units)*                                  | I                                    | n/a                  | No                            |
| Interpretation   | See <b>Chapter Section 16.05.020</b> |                      |                               |
| Lot Line Adjustment**  | III                                  | 400 <b>n/a</b>       | No                            |
| Modification, <b>Minor and Major</b>   | See Section 16.89.090                |                      |                               |
| Non-Conforming Structure/Use   | II                                   | 100                  | No                            |
| Parking Lot/Paving projects  | I                                    | n/a                  | No                            |
| Partition, Minor and Major   | III                                  | 200 <b>n/a</b>       | No                            |
| Partition, Major   | III                                  | 200                  | No                            |
| Planned Unit Development   | III                                  | 200                  | Yes                           |
| Sign Permit (non-SDR)  | I                                    | n/a                  | No                            |
| Sign Permit – Discretionary Monument Sign or A-Frame Sign Permit (16.42.040) | II                                   | 100                  | No                            |
| Site and Design Review – Type II   | II                                   | 100                  | No                            |
| Site and Design Review – Type III  | III                                  | 500                  | Yes                           |
| Site Plan Review   | I                                    | n/a                  | No                            |
| Temporary Permit (16.44.090)   | See Chapter 16.44                    |                      |                               |
| Temp. Hardship Permit (16.44.100)  | II                                   | 100                  | No                            |

evidence submitted during the period the record was left open. If such a request is filed, the hearings body shall reopen the record as follows:

- i. When the hearings body re-opens the record to admit new evidence or testimony, any person may raise new issues which relate to that new evidence or testimony.
- ii. An extension of the hearing or record granted pursuant to this subsection is subject to the limitations of ORS 227.178 (120-day rule), unless the continuance or extension is requested or agreed to by the applicant.
- iii. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence.

**F. Decision process.**

1. Approval or denial of a Type III decision or appeal of a Type II decision shall be based on standards and criteria located in the code.
2. The hearings body shall issue a final written order containing findings and conclusions that approve, approve with conditions, or deny the application.
3. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.
4. In cases involving attorneys, the prevailing attorney shall **may** prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.

**G. Notice of Decision.**

1. The written findings shall be sent to:
  - a. Any person who submits a written request to receive notice, provides written comments during the application review period, or provides written or oral testimony in the public hearing;
  - b. The applicant and owner of the subject property;
  - c. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the City.

2. The written findings shall include information on the application, the City's decision, and a statement explaining how an appeal of the decision may be filed.

H. Effective Date. A Type III decision is final for purposes of appeal when it is mailed by the City.

I. Appeal. The Planning Commission's decision on a Type III decision or Type II appeal may be appealed to the City Council as follows:

1. The following have legal standing to appeal:

- a. The applicant;
- b. Any person who was mailed notice of the decision;
- c. Any other person who participated in the proceeding by testifying or submitting written comments; and
- d. The City Council, on its own motion.

2. Procedure.

- a. A Notice of Appeal shall be filed in writing, on forms provided for the purpose by the Planning Director, within 10 days of the date the Notice of Decision was mailed.
- b. The Notice of Appeal shall be accompanied by all required information and fees.
- c. The appeal shall be limited to the specific issues raised during the comment period and public hearing process unless the hearings body allows additional evidence or testimony concerning any other relevant issue. The hearings body may allow additional evidence if it determines that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of appeals by encouraging persons to be involved in the public hearing. Only in extraordinary circumstances should new issues be considered by the hearings body on an appeal.

3. The City Council shall overturn the decision of the Planning Commission only when one or more of the following findings is **are** made:

- a. That the Commission did not correctly interpret the requirements of this title, the Comprehensive Plan, or other requirements of law;
- b. That the Commission did not observe the precepts of good planning as interpreted by the Council; or



4. In cases involving attorneys, the prevailing attorney shall **should** prepare the findings, conclusions, and final order. Staff shall review and, if necessary, revise, these materials prior to submittal to the hearings body.

**F. City Council proceedings:**

1. Upon receipt of the record of the Planning Commission proceedings, and the recommendation of the Commission, the City Council shall conduct a review of that record and shall vote to approve, approve with conditions, or deny the recommendation of the Planning Commission.

2. The City Council may question those individuals who were a party to the public hearing conducted by the Planning Commission if the Commission's record appears to be lacking sufficient information to allow for a decision by the Council. The Council shall hear arguments based solely on the record of the Commission.

3. The City Council may choose to conduct public hearings on Comprehensive Plan amendments, amendments to the text of this title, zone map amendments, and annexations. If the Council elects to conduct such hearings, it may do so in joint session with the Planning Commission or after receiving the written record of the Commission. (Ord. 1080, 2001)

**16.89.070 Neighborhood Meetings.**

**A.** Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application in order to solicit input, identify issues, and exchange information about the proposed meeting.

**B.** The Planning Commission or Planning Director may require an applicant to hold a meeting in the neighborhood prior to accepting an application as complete. A neighborhood meeting is required for some application types, as shown in Table 16.89.020, unless this requirement is waived by the Planning Director.

**C.** At least two weeks prior to the neighborhood meeting, the applicant shall mail notice of the meeting to:

1. The appointed chair and all active members of any neighborhood association in whose boundaries the application lies; and

2. All of those who would receive notice of the application's public hearing before the Planning Commission.

**D.** The meeting shall be held in a fully accessible location approved by the City.

**E.** Following a required neighborhood meeting, applicants shall prepare a written summary of pertinent issues raised and shall prepare a detailed response to each issue. This material shall be submitted to the Planning Department in electronic format at least two weeks before the initial public hearing.



information, the application shall be deemed complete for the purposes of processing on the 31<sup>st</sup> day after first acceptance of the application.

E. The City shall take final action on permit applications which are subject to this chapter, including resolution of all appeals, within 120 days from the date the application is deemed complete. Any exceptions to this rule shall conform to the provisions of ORS 227.178. This 120-day rule does not apply to legislative comprehensive plan and text amendment applications as defined under ORS 227.178.

F. Standards and criteria. Approval or denial of a complete application shall be based upon the standards and criteria that were applicable at the time the application was first accepted. (Ord. 1080, 2001)

### **16.89.090 Modifications.**

Any proposed modification to previously approved land use applications, including site plans, elevations, or conditions of approval, shall be reviewed by the Planning Director to determine if they are minor, intermediate, or major. Factors to be considered in this determination include the date of the original application, the impact on neighboring properties, and the impact on public service provision. Modifications shall be processed as indicated in subsections A through D below. Modification applications shall be made on forms provided for the purpose by the Planning Director.

A. Minor Modification. Minor modifications have a negligible impact on an approved site plan, land use decision, or condition of approval. The Planning Director will review all minor modifications under the Type I process.

B. Intermediate Modification. Intermediate modifications are those that do not fit the definitions in 16.89.090(A) or (C). The Planning ~~Director Commission~~ will review intermediate modifications ~~under the Type II process as new business items.~~ If the ~~Planning Director Commission~~ approves an intermediate modification, notice of the decision will be ~~made in accordance with the Type II process~~ distributed to individuals with standing and the owners and residents of the properties noticed during the original application review process. The Planning Director may waive the requirement to notice those with standing in cases when the final decision date on the original application was more than five years prior to the modification application date. The individuals noticed may obtain a public hearing on the issue by filing a request in writing within ten days of the notice mailing date. Any additional costs of such hearings shall be paid by the modification applicant. Hearing notice shall follow the requirements of the procedure type of the original application. ~~The Planning Commission may require any Intermediate Modification to be processed as a Major Modification, using the decision criteria in section 16.89.090.~~

C. Major Modification. Any modification that would result in a substantial impact to an approved site plan, land use decision, or condition of approval is a major modification. Major modifications shall be processed using the procedure type of the original application.

## Division IX. – SOLAR ACCESS REQUIREMENTS

### Chapter 16.90

#### SOLAR ACCESS DEFINITIONS

#### Sections:

**16.90.010 Definitions.**

**16.90.020 Figures.**

#### **16.90.010 Definitions.**

The definitions to be used in this section are in addition to Chapter 16.04, Definitions. In the case of similar or identical terminology, the definitions in this chapter shall govern for Division IX, Solar Access Requirements.

- A. Crown Cover.** The area within the drip line or perimeter of the foliage of a tree.
- B. Development.** Any short plat, partition, subdivision or planned unit development that is created under the city's land division or zoning regulations.
- C. Exempt tree or vegetation.** The full height and breadth of vegetation that the Planning Director has identified as solar friendly that are listed and kept on file in city Hall; and any vegetation listed on a plat map, a document recorded with the plat, or a solar access permit as exempt.
- D. Front lot line.** For purposes of the solar access regulations, a lot line abutting a street. For corner lots, the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot, excluding the unbuildable portion of the pole (see Figure 1).
- E. Non-exempt tree or vegetation.** Vegetation that is not exempt.
- F. Northern lot line.** The lot line that is the smallest angle from a line drawn east-west and intersecting the northern most point of the lot, excluding the pole portion of a flag lot. If the north line adjoins an undevelopable area other than a required yard area, the northern lot line shall be at the north edge of such undevelopable area. If two lot lines have an identical angle relative to a line drawn east-west, or if the northern lot line is less than 35 feet, then the northern lot line shall be a line 35 feet in length within the lot parallel with and at a maximum distance from the front lot line (see Figure 2).



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

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

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

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

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

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

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



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

**O. South or South Facing.** True south, or 20 degrees east of magnetic south.

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

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

**16.90.020 Figures.**

(See following six pages) (Ord. 866, section 1, 16.90, 1991)



Figure 3

NORTH-SOUTH DIMENSION OF THE LOT

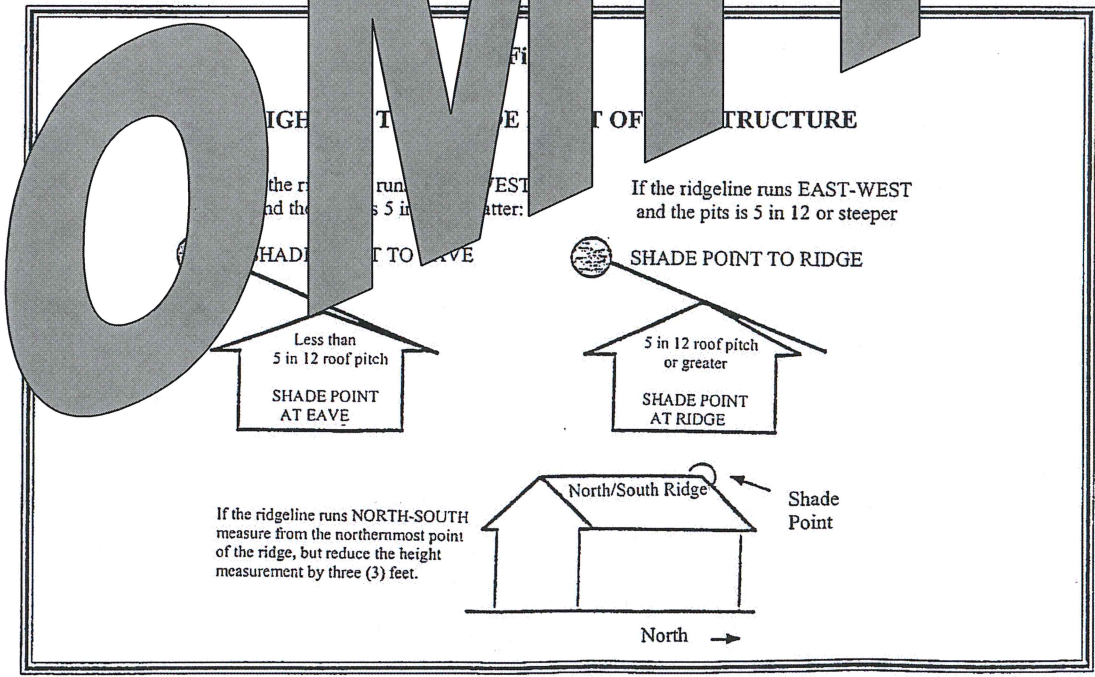
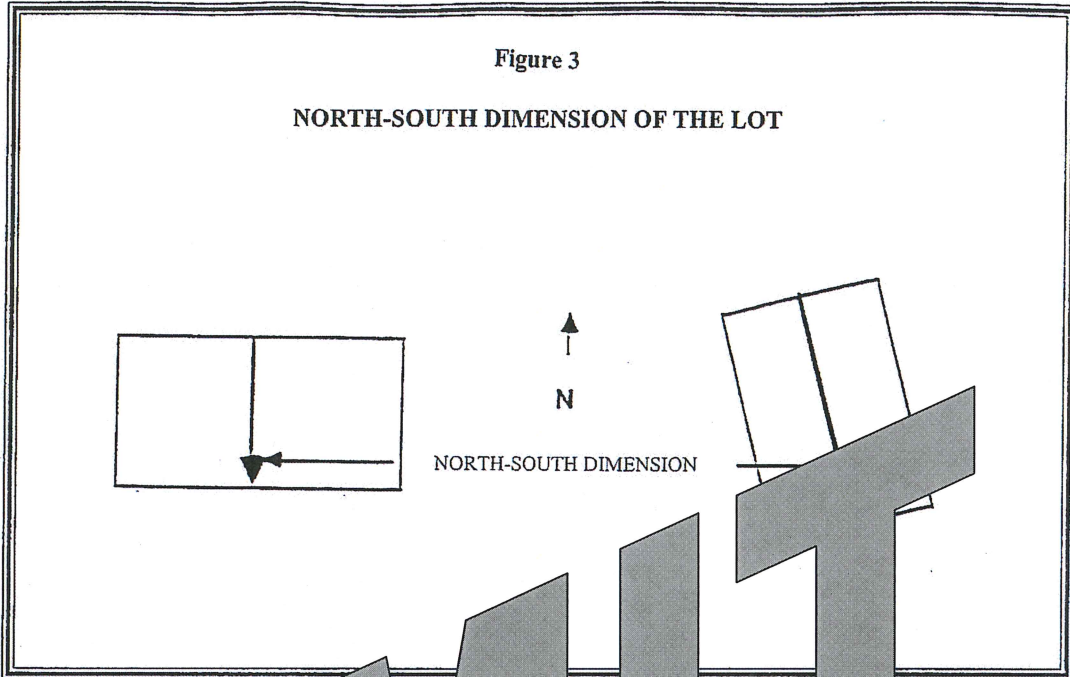


Figure 5

SHADE POINT HEIGHT

Measure to average grade at the front lot line

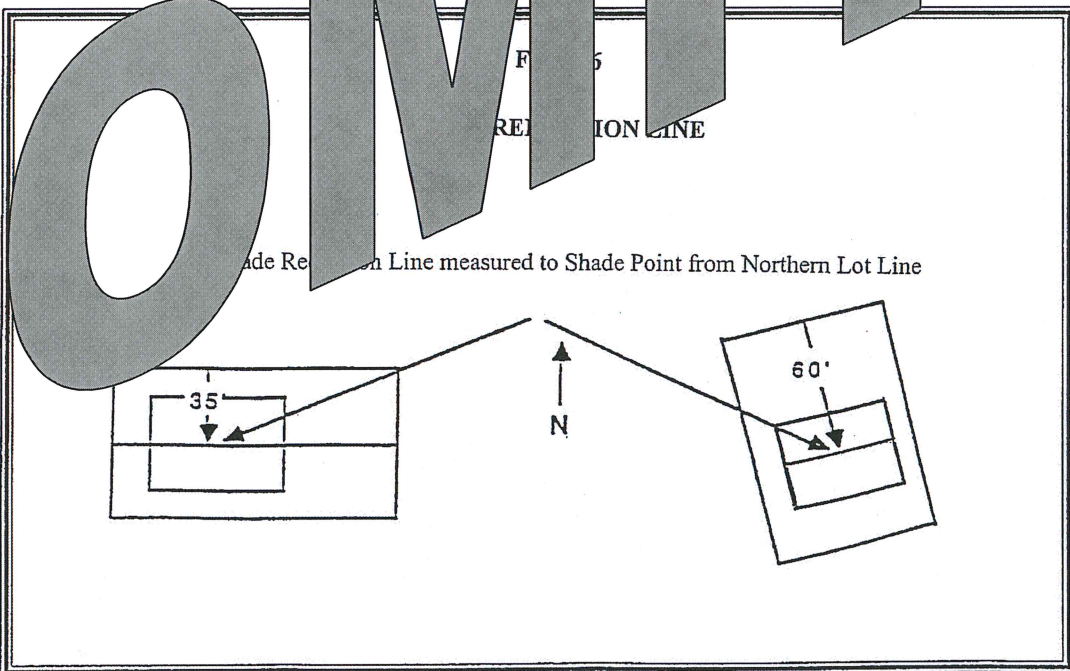
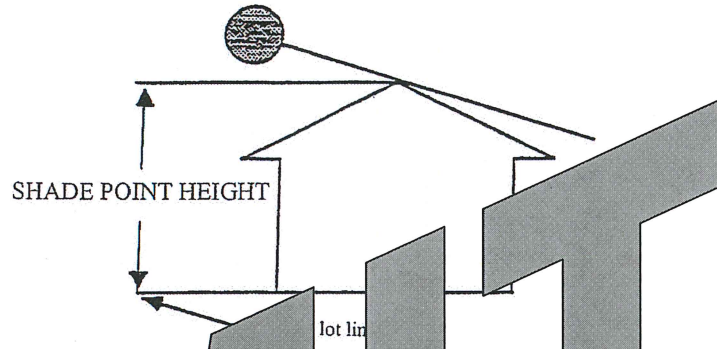




Figure 7

SOLAR GAIN LINE

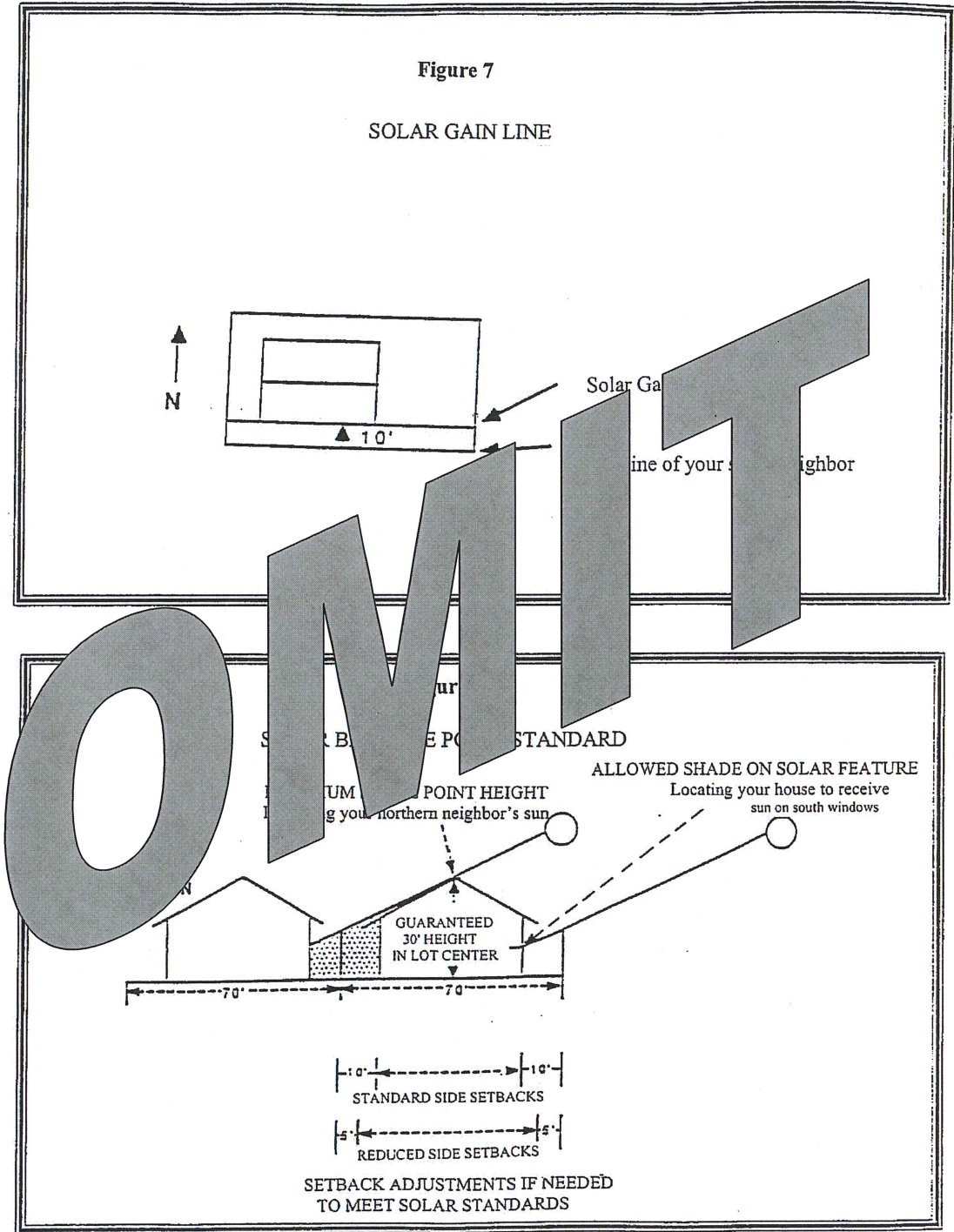


Figure 9

SOLAR LOT OPTION 1: BASIC REQUIREMENTS

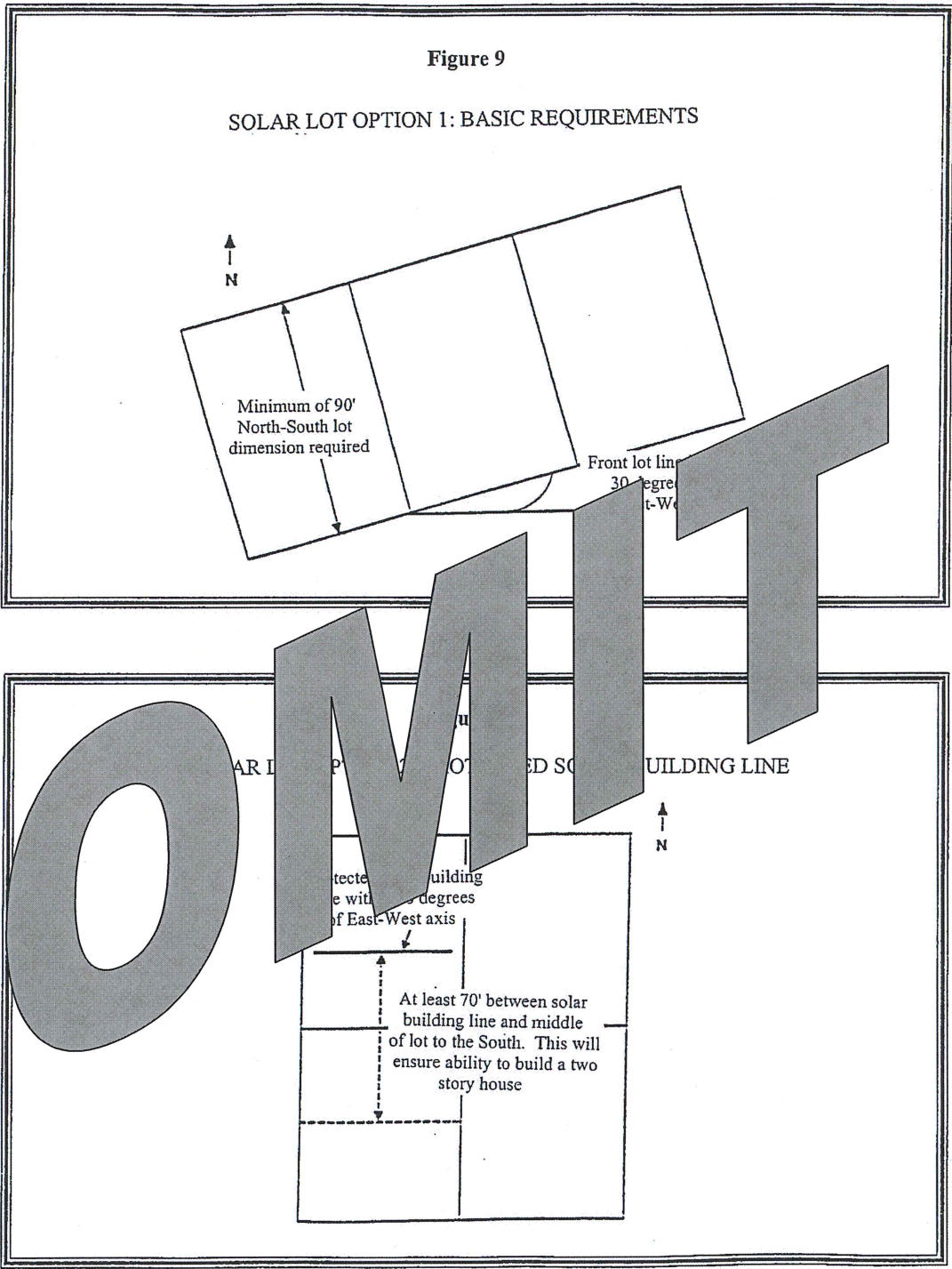
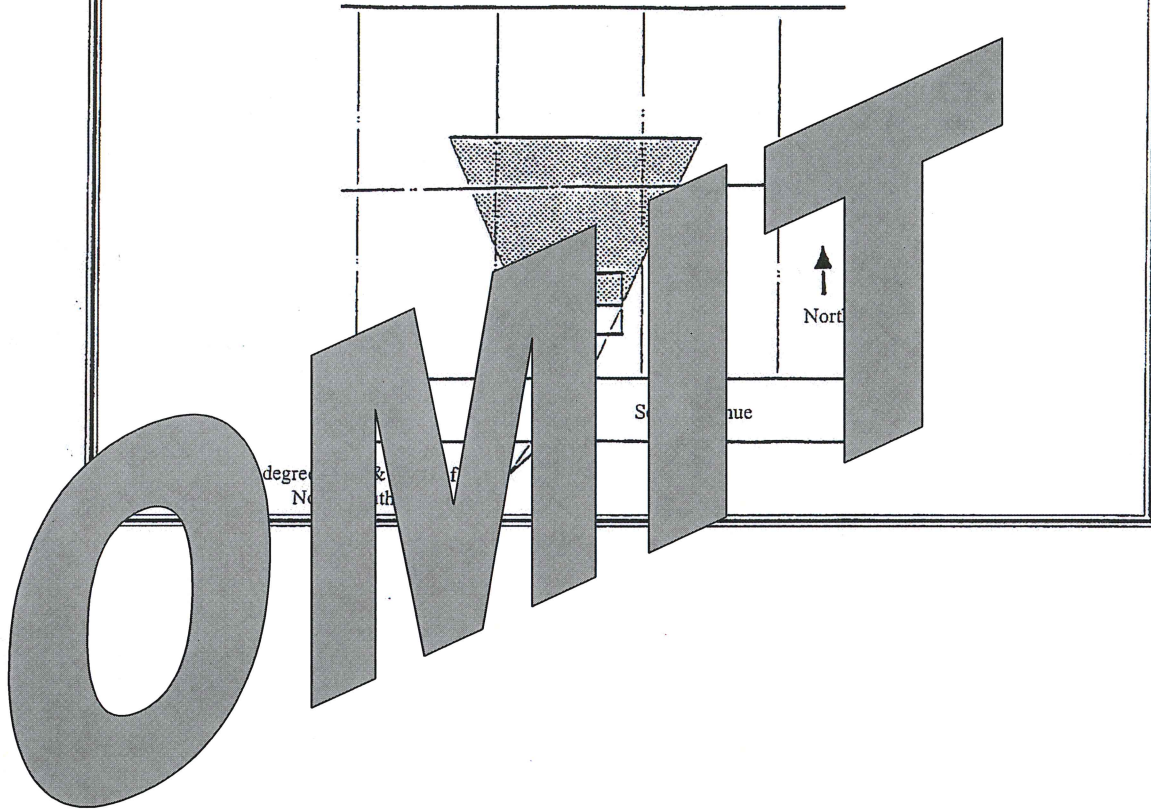


Figure 11

SHADOW PATTERN





## Chapter 16.95

### SOLAR ACCESS STANDARDS FOR NEW DEVELOPMENT

#### Sections:

- 16.95.010 Purpose.
- 16.95.020 Applicability.
- 16.95.030 Design standard.
- 16.95.040 Exemptions from design standard.
- 16.95.050 Adjustment to design standard.
- 16.95.060 Protection from future shade.
- 16.95.070 Application.
- 16.95.080 Process.

#### 16.95.010 Purpose.

The purposes of the Solar Access Ordinance for new development are to ensure that land is divided so that structures can be oriented to maximize solar access and to minimize shade on adjoining properties from structures and trees.

#### 16.95.020 Applicability.

The solar design standard in section 16.95.030 shall apply to applications for a development to create lots in the R-1, R-1.5 and R-2 zones, and for single family detached dwellings in any zone, except to the extent the approval authority finds that the applicant has shown one or more of the conditions listed in section 16.95.040 and 16.95.050 exist, and exemptions or adjustments provided for therein are warranted.

#### 16.95.030 Design standard.

At least 80 percent of the lots in a development subject to this ordinance shall comply with one or more of the options in this section, provided a development may, but is not required to use the options in subsections 16.95.030(B) or 16.95.030(C) to comply with section 16.95.030.

A. Basic Requirement (see Figure 9). A lot complies with section 16.95.030 if it:

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

B. Protected Solar Building Line Option (see Figure 10). In the alternative, a lot complies with section 16.95.030 if a solar building line is used to protect solar access as follows:

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

C. Performance Option. In the alternative, a lot complies with section 16.95.030 if:

1. Habitable structures built on that lot will have their long axis oriented within 30 degrees of a true east-west axis, and at least 80 percent of their ground floor south wall will be protected from shade by structures and non-exempt trees using appropriate deed restrictions; or
2. Habitable structures built on that lot will orient at least 32 percent of their glazing and at least 500 square feet of their roof area to face within 30 degrees east or west of true south, and that glazing and roof areas are protected from shade by structures and non-exempt trees using appropriate deed restrictions.

**16.95.040 Exemptions from design standard.**

A development is exempt from section 16.95.030 if the Planning Commission finds the applicant has shown that one or more of the following conditions apply to the site. A development is partially exempt from section 16.95.030 to the extent the Planning Commission finds the applicant has shown that one or more of the following conditions apply to a corresponding portion of the site. If a partial exemption is granted for a given development, the remainder of the development shall comply with section 16.95.030.

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

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

1. Shade from an existing or approved off-site dwelling in a single family residential zone and from topographic features is assumed to remain after development of the site.



2. Shade from an off-site structure in a zone other than a single family residential zone is assumed to be the shadow pattern of the existing or approved development thereon or the shadow pattern that would result from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.

3. Shade from off-site vegetation is assumed to remain after development of the site if the trees that cause it are situated in a required setback, or they are part of a developed area, public park, or legally reserved open space; or they are in or separated from the developable remainder of a parcel by an undevelopable area or feature; or they are part of landscaping required pursuant to local law.

4. Shade from other off-site sources is assumed to be shade that exists or that will be cast by development for which applicable local permits have been approved on the date a complete application for the development is filed.

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

1. Within the shadow pattern of on-site features such as, but not limited to structures and topography which will remain after the development occurs; or

2. Contains non-exempt trees at least 30 feet tall and more than 6 inches in diameter measured 4 feet above the ground which have a crown cover over at least 80 percent of the site, or the relevant portion. The applicant can show such crown cover exists using a scaled survey or an aerial photograph. If granted, the exemption shall be approved subject to the condition that the applicant preserve at least 50 percent of the crown cover that causes the shade that warrants the exemption. The applicant shall file a note on the plat or other documents in the office of the county recorder, binding the applicant to comply with this requirement. The city shall be made a party to any covenant or restriction created to enforce any provision of this ordinance. The covenant or restriction shall not be amended without written city approval.

D. Completion of phased subdivision. The site is part of a phased subdivision none of which was subject to the Solar Access Ordinance for New Development, and the site and the remainder of the unplatted portion of the phased subdivision contain no more than 20 percent of the lots in all phases of the subdivision.

**16.95.050 Adjustments to design standards.**

The Planning Commission shall reduce the percentage of lots that must comply with section 16.95.030 to the minimum extent necessary if it finds the applicant has shown it would cause, or is subject to, one or more of the following conditions:

A. Adverse impacts on density and cost or amenities.

1. If the design standard in section 16.95.030(A) is applied, either the resulting density is less than that proposed, or on-site site development costs (e.g. grading,



water, storm drainage and sanitary systems, and road) and solar-related off-site site development costs are at least 5 percent more per lot than if the standard is not applied. The following conditions, among others, could constrain the design of a development in such a way that compliance with section 16.95.030(A) would reduce density or increase per lot costs in this manner. The applicant shall show which, if any of these or other similar site characteristics, apply in an application for a development.

a. The portion of the site for which the adjustment is sought has a natural grade that is sloped 10 percent or more and is oriented greater than 45 degrees east or west of true south, based on a topographic survey of the site by a professional land surveyor or USGS or other officially recognized topographic information.

b. There is a significant natural feature on the site, identified as such in the Comprehensive Plan or development ordinance, that prevents given streets or lots from being oriented for solar access, and it will exist after the site is developed.

c. Existing road patterns must be continued through the site or must terminate on-site to comply with applicable road standards or public road plans in a way that prevents given streets or lots in the development from being oriented for solar access.

d. An existing public easement or right-of-way prevents given streets or lots in the development from being oriented for solar access.

2. If the design standard in section 16.95.030(A) applies to a given lot or lots, significant development amenities that would otherwise benefit the lot(s) will be lost or impaired. Evidence that a significant diminution in the market value of the lot(s) would result from having the lot(s) comply with section 16.95.030(A) is relevant to whether a significant development amenity is lost or impaired.

**B. Impacts of existing shade.** The shadow pattern from non-exempt trees cover over at least 80 percent of the lot, and at least 50 percent of the shadow pattern will remain after development of the lot. The applicant can show the shadow pattern using a scaled survey of non-exempt trees on the site or using an aerial photograph.

1. Shade from non-exempt trees is assumed to remain if: the trees are situated in a required setback, or they are part of an existing or proposed park, open space, or recreational amenity; or they are separated from the developable remainder of their parcel by an undevelopable area or feature, or they are part of landscaping required pursuant to local law; and they do not need to be removed for a driveway or other development.

2. Also, to the extent the shade is caused by on-site trees or off-site trees on land owned by the applicant, it is assumed to remain if the applicant files, in the office of

the county recorder, a covenant binding the applicant to retain the trees causing the shade on the affected lots.

**16.95.060 Protection from future shade.**

Structures and non-exempt vegetation must comply with the Solar Balance Point provisions in Chapter 16.100 on all lots in a development subject to the Solar Access Ordinance for New Development, including lots for which exemptions or adjustments to the Solar Access Ordinance for New Development have been granted.

The applicant shall file a note on the plat or other documents, in the office of the county recorder, binding the applicant and subsequent purchasers to comply with the future shade protection standards in section 16.95.060. The city shall be made a party of any covenant or restriction created to enforce any provision of this ordinance. The covenant or restriction shall not be amended without written city approval.

**16.95.070 Application.**

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

**A.** Maps and text sufficient to show the development complies with the solar design standard of section 16.95.030, except for lots for which an exemption or adjustment from section 16.95.030 is requested, including at least:

1. The north-south lot dimension and front lot line orientation of each proposed lot.
2. Protected solar building lines and relevant building site restrictions, if applicable.
3. For the purpose of identifying trees exempt from section 16.95.060, a map showing existing trees at least 30 feet tall and over 6 inches in diameter at a point 4 feet above grade, indicating their height, diameter and species, and stating that they are to be retained and are exempt.
4. Copies of all private restrictions relating to solar access.

**B.** If an exemption or adjustment to section 16.95.030 is requested, maps and text sufficient to show that given lots or areas in the development comply with the standards for such an exemption or adjustment in section 16.95.040 or 16.95.050, respectively.

**16.95.080 Process.**

Compliance with Chapter 16.95 shall be determined by the approval authority in conjunction with an application for a major or minor partition (Chapter 16.60) or subdivision (Chapter 16.62 and 16.64). (Ord. 866 section 1, 16.95, 1991)



## Chapter 16.100

### SOLAR BALANCE POINT STANDARDS

#### Sections:

- 16.100.010 Purpose.
- 16.100.020 Applicability.
- 16.100.030 Solar site plan required.
- 16.100.040 Maximum shade point height standard.
- 16.100.050 Exemption from the maximum shade point height standard.
- 16.100.060 Adjustments to the maximum shade point height standard.
- 16.100.070 Analysis of allowed shade on solar feature.
- 16.100.080 Solar balance point.
- 16.100.090 Yard setback adjustment.
- 16.100.100 Review process.

#### 16.100.010 Purpose.

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

#### 16.100.020 Applicability.

This ordinance applies to an application for a building permit for all structures in the R- 1, R- 1.5, and R-2 zones and all single family detached structures in any zone, except to the extent the approval authority finds the applicant has shown that one or more of the conditions listed in sections 16.100.050 or 16.100.060 exists, and exemptions or adjustments provided for therein are warranted. In addition, non-exempt vegetation planted on lots subject to the provisions of section 16.95.060 of the Solar Access Ordinance for New Development shall comply with the shade point height standards as provided in sections 16.100.040 and 16.100.050 of this chapter.

#### 16.100.030 Solar site plan required.

An applicant for a building permit for a structure subject to this ordinance shall submit a site plan that shows:

- A. The maximum shade point height allowed under section 16.100.040;
- B. If the maximum shade point height is adjusted pursuant to section 16.100.040, the average elevation of the rear property line;
- C. The location of the shade point, its height relative to the average elevation of the front lot line or the elevation at the midpoint of the front lot line, and its orientation



relative to true south; and, if applicable,

D. The solar balance point for the structure as provided in section 16.100.080.

**16.100.040 Maximum shade point height standard.**

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

**A. Basic Requirement.**

1. The height of the shade point shall be less than or equal to the height specified in Table A, or computed using the following formula. The height of the shade point shall be measured from the shade point to either the average elevation at the front lot line or the elevation at the midpoint of the front lot line. If necessary interpolate between the 5 foot dimensions listed in Table A.

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

Where:

H = the maximum allowed height of the shade point (see Figures 4 and 5);

SRL = shade reduction line (the distance between the shade point and the northern lot line, see Figure 6); and

N = the north-south lot dimension, provided that a north-south lot dimension more than 90 feet shall use a value of 90 feet for this section.

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

**B. Performance Option.** The proposed structure, or applicable non-exempt vegetation, will shade not more than 20 percent of the south-facing glazing of existing habitable structure(s) or, where applicable, the proposed structure or non-exempt vegetation comply with section 16.95.030(B) and (C) of the Solar Access Ordinance for New Development. If section 16.95.030(B), Protected Solar Building Line, is used, non-exempt trees and the shade point of structures shall be set back from the protected solar building line 2.5 feet for every 1 foot of height of the structure or of the mature height of non-exempt vegetation over 2 feet.

**16.100.050 Exemption from the maximum shade point height standard.**

The City Planner shall exempt a proposed structure or non-exempt vegetation from sections 16.100.030 and 16.100.040 of this chapter if the applicant shows that one or more of the conditions in this section exist, based on plot plans or plats, corner elevations or other topographical data, shadow patterns, sun charts or photographs, or other substantial evidence submitted by the applicant.

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

1. An existing or approved building or structure;