

CITIZEN INVOLVEMENT ADVISORY COMMITTEE (CIAC)

Tuesday, August 31, 1982

7:30 P.M.

City Council Chambers

CIAC Members Present:

John Cach
Leonard Attrell
Charlie Hindman
Jim Snell
Arthur Roberts
Al Littau
Andy Anderson

Staff Present:

Clay W. Moorhead, Planning Director
Barb Mingay, Recording Secretary

Others Present: 1 Citizen

Mr. Moorhead briefly introduced the solar ordinance material and opened the meeting for discussion. Mr. Moorhead further indicated what current ordinances we have covering solar items. Those areas currently existing include a statement in the Comprehensive Plan relating to the protection of solar rights, a section in the site review portion of the Zoning Ordinance encouraging solar design and a section in the PUD portion of the Zoning Ordinance relating to the height of structures as they may impact solar access to adjacent properties and defining sun exposure plane.

Mr. Snell asked what potential problems currently exist relating to solar access. Mr. Moorhead illustrated potential shadow patterns using various house locations on a site and what affect placement of a home would have on surrounding properties solar access.

Mr. Snell indicated that passive solar use was prudent, however with expanding technology in the field, many current controls will be unnecessary in the future. Mr. Roberts felt the incentive system for implementation of passive solar access should be used to encourage builders and homeowners to make use of solar potential.

Mr. Moorhead reviewed the "Weatherization of Existing Buildings" portion of the review material. The alternative methods introduced in this section included market controls for solar use, public and private assistance and incentives to supplement market controls or establishment of a standard for energy conservation and solar implementation.

Mr. Hindman noted that initiation of an ordinance controlling solar access might keep some individuals from building on their property at all. Any land use restriction has that problem. He questioned whether establishment of a standard was necessary at this time.

Mr. Roberts indicated that the right to solar energy use was similar to that of the water rights of an individual when they purchase a parcel adjoining a waterway. Those that purchase and obtain the access to

water rights first are those that have the rights. The individual who purchases a parcel at a later date may lose out on the same right simply because he wasn't the first in line. It appears to be a case of first come, first served.

Mr. Moorhead indicated that the only way solar rights have been protected over the years is through the rights of each individual to health and welfare guaranteed through the constitution.

Mr. Attrell asked whether a general guideline could be introduced that would have the same effect on everyone instead of on a first come, first served basis.

Mr. Moorhead indicated that initiation of an ordinance to protect solar access would be easier to enforce on new developments, however, infill lots and existing structures would be more difficult to correct or control.

Mr. Snell felt that each person has the right to air space and clean air. We seem also to have the right to sunshine. He felt a general statement of intent could be included in the site review portion of the Zoning Ordinance covering implementation, however, he felt that restrictions should not be placed on potential designs which could stifle creativity.

Mr. Moorhead discussed the use of a solar envelope which would preserve solar access on adjacent lots through restrictive deed covenants.

Mr. Roberts indicated that several conflicting solar uses could occur on adjacent properties, i.e. solar collector for hot water heat on one house, deciduous trees for summer cooling and winter heat on an adjacent property causing shading of the solar collector.

Mr. Moorhead asked for a consensus of opinion as to whether solar access should be governed by the local governing body or regulated through the market place.

Mr. Snell suggested that some standards for certification could be created which would preserve solar access on certain lots.

Mr. Moorhead summarized three options for selection by the CIAC members.

1. Use existing statements as currently established through the Zoning Ordinance and Comprehensive Plan.
2. Set a minimal standard relating to passive solar use and encourage solar development.
3. Create a solar ordinance.

Mr. Moorhead indicated the Newberg community is currently tuned in to solar use and many sites are available to those interested in solar use.

A general discussion followed relating to the pros and cons of establishing a solar ordinance.

Mr. Roberts stated some kind of an incentive should be used to cause builders to want to use solar conservation in construction. Mr. Moorhead indicated that more emphasis could be included in statements in the Comprehensive Plan relating to solar use. He further indicated that a planned unit development allowed for greater flexibility by the builder and that was an incentive to the builder. Solar access could also be encouraged more in that ordinance.

Mr. Roberts felt a fee schedule adjustment in favor of solar accessible lots would be more of an incentive.

Mr. Hindman felt some policy statements should be made.

Possible lot certification was suggested by Mr. Roberts which would indicate greater or lesser solar access on an A, B, C basis. In addition, educational material and assistance in answering questions could be made more readily available.

It was indicated that Oregon is a pacesetter in solar access and planning. The consensus of the group was that solar access and solar use should be encouraged.

The suggestion was made that a sliding scale of standards with an alphabetical valuation could be initiated and the option to achieve a higher standard could be left open to the builder. The use of a certificate indicating A, B, C, etc. quality of solar use could be a valid market sales item and builders could be left the choice of trying to achieve a higher solar standard for a better solar certificate.

It was suggested that the planned unit development process could be used as a trial area for solar control. The marketing of an A, B, C solar rating could be enough to cause builders to desire to construct according to solar access needs.

Mr. Snell suggested that Staff investigate the potential effect of solar grading on some existing sample subdivision to see what the potential affect would be if such a method were enacted. The CIAC membership concurred.

Staff indicated that the CIAC might possibly be restructured in the future to a geographical neighborhood group activity, reviewing land use requests with recommendations made to the Planning Commission. That was an item for future consideration.

Several possible references for solar material were suggested. Staff was asked to obtain as much information as possible on current solar use in Oregon prior to the next meeting. September 14, 1982 was set as the tentative date for the next CIAC meeting.

Meeting adjourned.