

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall
July 23, 2013

CALL TO ORDER:

President Innes called the meeting to order at 7:16 p.m. and noted the agenda for this meeting incorrectly stated the meeting date.

ROLL CALL:

Commissioners Present: President McLaren Innes, Vice-President Mark Cary, Kera Huber, Al Tollefson, David Pearson, and Thor Norgaard

Commissioners Excused: Zetty Nemlowill

Staff Present: Planner Rosemary Johnson. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

APPROVAL OF MINUTES:

Item 3(a): June 25, 2013

President Innes called for additions or corrections to the minutes. Hearing none, she called for a motion to approve the minutes of the June 25, 2013 meeting. Vice-President Cary moved to approve the June 25, 2013 minutes as presented; seconded by Commissioner Pearson. Motion passed unanimously.

REPORTS OF OFFICERS/COMMISSIONERS: No reports.

ADJOURNMENT:

There being no further business, the regular meeting of the Planning Commission was adjourned at 7:17 p.m. to convene the work session.

WORK SESSION:

Solar Power Ordinance

Planner Johnson presented the Staff report, reviewing the history of developing the ordinance to date; some concerns from citizens and the Planning Commission that have been addressed; and items about which Staff sought direction from the Planning Commission. She briefly discussed the article provided by President Innes called *Solar for All* (January/February 2013 issue of *Sierra*) that discussed community solar facilities. Community solar facilities would have to be reviewed by the Planning Commission.

Planner Johnson posed the following questions and received feedback and comments from the Commissioners as follows:

- What should be the largest allowable size of a freestanding solar facility that can be approved by Staff with public review? These units can be ground mounted and installed at varying heights on one pole or on other structures. The draft currently states facilities over 200 square feet require a review by the Planning Commission. Planner Johnson suggested that facilities more than 100 square feet be reviewed by the Commission.
 - The Planning Commission agreed that 100 square feet should be maximum allowable size of freestanding units that can be approved with public review by Staff.
- What should be the maximum height allowed of freestanding solar facilities in residential zones?
 - The draft currently allows freestanding solar facilities up to 6 feet high as an outright use. Facilities 6 to 10 feet high would require public review and approval by Staff. No variance would be allowed.
 - The Planning Commission agreed to approve the height requirements as proposed in the draft. Keeping height requirements consistent with fencing requirements makes the process easier.

- Should variances be limited in residential zones or allowed if variance criteria are met? Criteria requirements include having to reduce reflectiveness or glare. Residential zones allow for 30 percent to 50 percent lot coverage, depending on the density of the zone. A solar facility's size will count towards lot coverage; however, coverage will be minimal. Height, visibility, and impact on neighbors need to be considered. Planner Johnson noted the current draft does not allow variances in residential zones. If problematic, the Code can be changed later. The variance criteria are very specific and there must be a hardship because the height can have a negative impact on neighbors. It can be difficult to prove a hardship to qualify for a variance to have a taller facility.
 - Applicants would need to have a compelling reason to apply for a variance. If the applicant wants to install a facility higher than 10 feet, why not put it on the roof.
 - The Planning Commission speculated about how likely it would be for a property owner to need a variance. They discussed several situations that could result in a hardship.
 - The Commission agreed to allow variances in residential zones.
- What should be the maximum height allowed of freestanding solar facilities in commercial zones? The draft Code currently allows freestanding facilities up to 20 feet high to be approved by Staff. Zones that have higher height limits will allow for a variance up to the height allowed within that zone. Roof installations cannot project more than 10 feet above the highest ridge of the roof, and must not exceed the height allowed within the zone.
 - The Planning Commission agreed to leave the draft code as is, allowing a variance for any freestanding solar facility in a commercial zone that exceeds 20 feet high. Comments regarded how the severity of the coastal weather could prevent having facilities at heights requiring a variance.
- Should a display ad be required when a height variance is requested in a residential zone in addition to the public notice? Planner Johnson suggested that a display ad not be required. Adjacent property owners within 250 feet of the Applicant's property will receive a public notice. The ad could reach more people than the public notice.
 - Not seeing notices is the biggest complaint from people; citizens want more public notice and often.
 - While variances may be rare, the City should pay for an ad. It is a shame that the newspaper is the City's only tool for publishing public notices. Many people chose not to read the newspaper.
 - Wireless communication installations require display ads because they are visible at greater distances.
 - The City should do its due diligence and pay for a display ad in an attempt to provide extra notification to the public; a 45-foot facility in the community is tall.
 - The Planning Commission debated about the pros and cons of publishing a display ad. Many people may not see the ad; however, the neighbors will receive the notice and talk about any height issues.
 - An informal vote revealed that the Commission was evenly divided on this issue.
 - Planner Johnson agreed publishing a display ad does show a good faith effort by the City to take extra steps to keep the public informed. She suggested that the APC leave the issue open for further discussion until Commissioner Nemowill is present. Staff will also review public comments for input on display ads.

President Innes appreciated that the process has been kept simple for applicants, which had been a key request in the public's feedback. She was originally concerned about the lack of rules regarding decommissioning or abandonment, which is addressed in the Code. It is good to have a clear system in place for disposing of unused equipment. Planner Johnson stated the Code includes a process for addressing failure to comply with decommissioning and abandonment. Staff is considering declaring abandoned facilities a nuisance, which would require changes to the draft code to process solar facility violations as a nuisance. She explained the details of the process required by the existing Nuisance Code. President Innes believed that was a good model.

President Innes said she was concerned about compliance testing, and asked who would do the testing and how often testing would be conducted. It seems like a new, large demand of Staff. Planner Johnson explained the testing is standard for the industry and is very similar to the testing of wireless communication installations. The Monitoring and Maintenance section of the Code allows Staff to require a solar installation to be tested if complaints are received or problems are noticed. The testing would be done at the expense of the property owner.

Commissioner Norgaard believed making a property owner pay for testing as a result of a complaint could cause a dispute between neighbors. Planner Johnson responded that all complaints are verified by Staff before action is taken.

Commissioner Tollefson asked if solar installations will be inspected to ensure they were installed correctly. Planner Johnson replied that building and electrical permits would be required to install a solar facility. The building inspector would verify that all solar facilities are installed in accordance with the Oregon Solar Specialty Code by reviewing the application, issuing building permits, and conducting an on-site inspection, which would include inspection of the height of the solar facility.

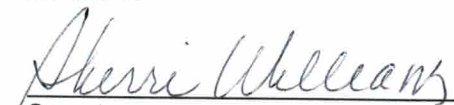
President Innes recalled that the Planning Commission previously agreed that requiring energy audits prior to solar installations makes the process inefficient. She asked why the referral to energy audits was in italics in the draft. Planner Johnson replied the italics just below Item 12 on Page 11 are an explanation as to why and how certain issues have been addressed in the draft as a reminder until the final document is adopted. She recalled that the Commission decided an energy audit should not be conducted by Staff. The City will not consider the cost-effectiveness of a solar installation.

Planner Johnson stated that the Solar Energy Ordinance will be discussed with the Historic Landmarks Commission in a work session in August 2013. In September, the Solar Energy Ordinance will be presented to the Planning Commission for a public hearing. Another public hearing will be conducted by City Council. Staff has an extensive list of people who have been tracking the development of the ordinance and these people have been sent notices of each meeting and a copy of the draft. Public notices will be published in the newspaper. The State Department of Land Conservation and Development will also review the Solar Energy Ordinance.

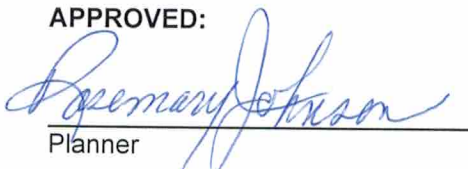
Drew Herzig, 628 Klaskanine Avenue, Astoria, stated that the City Council receives many complaints that the City is not communicating effectively with the public. He believed the City should err on the side of more communications and suggested that the Planning Commission require display ads for height variances in residential zones. Lack of communication is one of the biggest complaints in the City.

There being no further business, President Innes adjourned the work session at 8:07 p.m.

ATTEST:


Secretary

APPROVED:


Planner