



**CITY OF CORNELIUS
COMMUNITY DEVELOPMENT DEPARTMENT**

STAFF REPORT ADDENDUM

**CALIDA MIXED-USE AND LAND PARTITION
Type III Site Design Review and Type II Preliminary Land Partition**

**Land Use File Nos. DR-81-22 & LP-01-22
Planning Commission Hearing Date: July 12, 2022
Staff Report Date: July 12, 2022
As Approved by the Planning Commission on July 12, 2022**

On June 28, 2022, the Cornelius Planning Commission opened the public hearing for the Calida Mixed-Use Site Design Review and Land Partition proposal. The public hearing was immediately continued to July 12, 2022.

The staff report dated June 21, 2022 contains the relevant findings of fact and staff review regarding this land use proposal. However, a few changes have occurred since the publication of the June 21, 2022 staff report that require additional findings and revisions to the recommended conditions of approval.

Street Lights and Street Trees:

The June 21 Staff Report states, “Cobra-head streetlights are required along the new public N. Davis Street and Baseline Street. These lights are shown on the preliminary plan on N. Davis Street but are not evident on the section of plans for Baseline Street. This shall be a condition of approval.

Street trees meeting the city’s Public Works Standards are also required along all public street frontages.”

The Applicant requested deferral of street lights and street trees along the Baseline Street frontage until development of Parcel 3, which will require site design review at a future date. Staff feel this is appropriate as the street lights and street trees can be conditioned with a future

development application for Parcel 3. Staff therefore recommends revisions to conditions related to street lights and street trees.

Wetlands

The Oregon Department of State Lands (DSL) provided approval confirmation of the applicant's wetland delineation (Exhibit E). Following this, the City received email confirmation from Clean Water Services (CWS) that the determination by DSL is sufficient to remove the requirement for a final CWS Service Provider Letter. The DSL determination did note that a US Army Corps of Engineers Jurisdictional Determination is needed for the site. Staff therefore recommends revision to the condition related to the CWS Service Provider Letter.

Access Easements

The June 21, 2022 staff report did not specifically address access easements, though most are shown on the preliminary plat submittal. In order to fully comply with the standards of CMC 18.143.050 Access Standards, staff recommends two additional conditions related to access easements.

RECOMMENDATION

Based upon the facts, findings, and conclusions presented in this Staff Report Addendum and the June 21, 2022 staff report, the Planning Commission approved Land Use File No. DR-81-22 & LP-01-22, subject to the following conditions of approval (**as revised on July 12, 2022**):

1. The proposal includes a Type III Site Design Review for a new 16-building mixed-use development and a Type II 3-Lot Land Partition within the Gateway Mixed Use ("GMU") Zoning District.
2. A Final Plat application is required after Preliminary Plat approval. ~~Prior to submittal of~~

(Please Note: The Planning Commission approved the strike-through text and moving it to the Prior to Occupancy Section, Condition #1)

~~the Final Plat application a completed Army Corps of Engineers Jurisdictional Determination a final Service Provider Letter and resolution of the wetland shall be provided to the City.~~ Approval for a Final Plat application, including a survey shall be done within twelve (12) months after the Preliminary Plat approval. A 12-month time extension is possible pursuant to CMC Section 17.05.30 (M). The Final Plat shall conform to the approved Preliminary Plat as submitted and in accordance with the conditions of approval described herein.

3. A Final Plat shall not result in any non-conformity with the standards of the CMC.
4. The Final Plat shall show all areas of right-of-way dedication, including the area not shown on the preliminary plat in the northwest corner of 1N334CD00301 (for N. Davis Street right-of-way) **under the same ownership as the subject site. This right-of-way dedication is required to complete the public street network in compliance with the City's TSP and Chapter 17.04.030(C)(3) of the Cornelius Municipal Code.**

5. The Final Plat shall have approximately the same dimensions as represented in this preliminary partition application.
6. The Final Plat shall meet the requirements found in ORS Chapter 92, Subdivisions and Partitions.

7. The Final Plat shall note the following easements:

- a. New 24-foot easement benefitting new parcels 2 and 3 and the property to the east (per CMC 18.143.050(C)(3) and (4))
- b. New 20-foot water easement on new parcels 1, 2 and 3
- c. New 15-foot sanitary easement on new parcel 3
- d. New 8-foot public utility easements on south side of new parcel 3 adjacent to Baseline road
- e. Update of the north-south private street easement to the benefit of new parcels 1, 2 and 3 and tax lot 1N334CD00301
- f. New 8-foot public utility easements on the south side of new parcel 1 and the north side of new parcel 2 adjacent to Davis Street.

8. The applicant shall submit all easement documentation with the Final Plat.

9. Prior to recording the Final Partition plat, the Applicant shall pay all City liens, taxes, and assessments, or apportion them to individual lots. Any liens, taxes and assessments levied by Washington County shall be paid to them according to their procedures.

Prior to Building Permit Submittal

1. The Preliminary Land Partition Plat, as approved via LP-01-22, with Final Plat approval by the Community Development Director, shall be recorded with Washington County.
2. A Final Service Provider Letter and resolution of the wetland issue on the east side of the project is required before final plat and before final engineering plans can be reviewed and approved.

If the Final Service Provider Letter alters or changes the approved site plan and/or project, the applicant shall submit the necessary Land Use applications, as deemed necessary by the Community Development Director, for review and approval. This submittal to the Planning Commission is at the applicants own risk, as signed and documented within Exhibit A.

3. The Applicant shall submit final engineering plans for review and approval to the City Engineer, as described within Exhibit 'C'.
 - o Final engineering plans must meet the requirements of Clean Water Services' Design and Construction Standards and the City of Cornelius Public Works Standards.
 - o Streets shall be constructed as identified in submitted plans, with the additional right-of-way dedication on tax lot 1N334CD00301, and reviewed by the City Engineer.

- ⊖ Cobra-head street lights are required along the new public Davis Street adjacent to proposed development and Baseline.
 - Street trees meeting the city's Public Works Standards are required along all public street frontages adjacent to proposed development.
 - If the project is gated, the applicant shall provide ready access to public water and sewer mains to Public Works crews for maintenance and emergencies.
 - Final engineering plans shall show additional fire hydrants:
 - i. Near entrance to future commercial space along Baseline
 - ii. Close to Buildings 2/3/4
 - iii. Between buildings 6/7
 - iv. Between buildings 9/10/11/12
4. The applicant shall cause the full extent of N. Davis Street to be dedicated from the Plaza Los Amigos dedication easterly to the eastern property line of the proposed development. Following dedication as public right-of-way, the applicant shall construct the new N. Davis Street as a Collector from the terminus of the Plaza Los Amigos project easterly to the eastern property line of this project as identified in submitted plans and reviewed by the City Engineer.
 5. The right-of-way dedication, including the connector piece on the west end of Tax Lot 1N334CD00301, shall be shown on the final plat.
 6. Cobra-head streetlights are required along the new public N. Davis Street adjacent to proposed development and Baseline Street.
 7. Street trees meeting the city's Public Works Standards are required along all public street frontages adjacent to proposed development.
 8. A performance bond is required for all public infrastructure construction, erosion control, stormwater detention & treatment facilities (public and private).
 9. The Applicant shall submit a final site plan to the Planning Department that identifies: The installation of all gates in approved locations, with proper setbacks from streets to allow emergency vehicles to safely pull off the road.
 10. The required widening of driveways based on the Autoturn Exhibit 1, dated 6/7/22 and included as Exhibit D.
 11. Evidence that the locational criteria set by the postmaster has been met with the final location of mailboxes.
 12. An addressing plan approved by the fire marshal's office in conjunction with city staff. Address signs will be required based on this plan.
 13. The applicant shall submit a final parking plan that demonstrates:
 - i. The additional width required by the Fire Marshall for apparatus clearance.
 - ii. A maximum of 126 compact parking spaces based on 502 total parking spaces provided.
 - iii. 90 Long-term bicycle parking spaces.

- iv. 90 short-term bicycle parking spaces within 30 feet of the main building entrances on site, or as revised by the Planning Commission.
- 14. Provide documentation to guarantee the perpetuation of the ground-floor commercial uses on Parcel 2 in the live-work units, such as a deed restriction on Parcel 2 of the proposed partition plat requiring a minimum of 50% ground floor commercial development.
- 15. Building permits shall be submitted to the City Forest Grove's Building Department for review on behalf of City of Cornelius. When Building Permits are submitted, a geotechnical report for the foundation and foundation drainage shall be incorporated in the submittal.
- 16. All type A units (ADA) need to be shown along with accessible routes as well as type B units that could be converted to Type A.
- 17. Uses within live work units complying with section 419 OSSC are not considered separate occupancies, and to be referenced as a live work unit it has to comply with section 419.
- 18. Swimming pools require a 5' high lockable fence and gate (the actual provisions regulating swimming pools themselves are no longer in the Building Code but are in OAR Chapter 33 Division 60). The potable water connection and backflow device are still in the plumbing Code and the drain location of the pool and the pool heaters are still in the Mechanical Code.

Prior to Site Development

- 1. The Applicant shall obtain all the necessary grading and erosion control permits for on-site and off-site work.
- 2. The Applicant shall submit the necessary documentation for engineering plan review and approval of the proposed public improvements as required by the City Engineer in Exhibit 'C'.
- 3. The Applicant shall submit the necessary documentation for planning review and approval of the final site plan, final parking plan and documentation guaranteeing the perpetuation of 50% ground floor commercial on Parcel 2.
- 4. The Applicant shall obtain an approved Erosion Control permit 1200-C from CWS.

Prior to Building Permit Issuance

- 1. The City shall review the building permit plans and provide the Applicant a Notice of TDT Decision, per the Washington County TDT procedures. The Applicant shall indicate to the City their preferred method of payment and pay the TDT accordingly, if necessary.
- 2. The applicant shall submit a swimming pool permit per Cornelius Municipal Code 15.15
- 3. The Applicant shall provide plans that demonstrate the storm water system complies with all applicable CWS standards, including LIDA, to be reviewed and approved by the City Engineer.

Prior to Occupancy

1. Prior to issuance of any Occupancy Permits for Parcel 2, a completed Army Corps of Engineers Jurisdictional Determination shall be provided to the City. If the application has been submitted to the ACOE and they have not yet responded, a Type I modification of a condition of approval may be submitted for review and approval.
2. The Applicant shall obtain all the appropriate Building, Plumbing, Electrical, and Mechanical Permits and shall meet all applicable Building Code requirements for the proposed development
3. Prior to issuance of a Final Occupancy Permit, all required conditions of approval from this report shall be satisfied.
4. All landscaping, including street trees and irrigation, shall be installed per the approved landscaping plans. The installation of the irrigation system shall be to the City and State Plumbing Code.
5. The Applicant shall coordinate with the City Engineer and install to the public works standards all frontage improvements that abut the property. All public improvements shall be in accordance with the City Engineer's comments, attached herein as Exhibit 'C'.
6. After construction, maintenance bonding is required for public infrastructure and stormwater detention & treatment facilities.
7. The landowner is required to sign a *Private Stormwater Facility Maintenance Agreement* to ensure long-term maintenance of private stormwater detention and treatment facilities.
8. The landowner shall provide documentation of adequate means of maintenance of all private on-site improvements, including landscaping, private access drives, and all other private facilities.
9. All gates shall be provided with Knox key entry products.
10. All new utilities serving the site shall be located underground.
11. Bicycle parking shall be installed for 180 bicycles.
12. The Applicant shall obtain any required maintenance bonds for street trees and the water quality facility.
13. The Applicant shall coordinate the installation of a mailboxes with the City and the Post Master.
14. All on-site lighting be installed and functional. Lighting shall not glare or shine into abutting properties or into the abutting public rights-of way as required by CMC 18.45.050(C)(2).
15. The parking lots and parking covers shall be constructed and all improvements such as striping, ADA parking, landscaping and wheel stops shall be installed in accordance with the approved site plan. The ADA parking space(s) and internal sidewalks and their connections to the public sidewalks shall meet all applicable Building Code and ADA requirements.

Other

1. The Applicant shall meet all applicable State, County and City Building, Electrical, Plumbing, and Mechanical Code requirements.
2. Signage that is placed on the property must receive Sign Permit approval through a Sign Permit application review process.
3. The streets and walkways shall be lighted during the hours of darkness in accordance with the public works standards.

4. All materials and wastes shall be managed/stored and the grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents, or create a health hazard.
5. Any damage to any public improvements or the public right-of-way as a result of construction shall be repaired and/or replaced to City standards by the Applicant/owner.
6. This approval is valid for 2 years for substantial construction to begin.
7. The private access easement shall be owned, maintained and enforced by the property owners, unless it is dedicated, constructed, maintained and accepted as a public Right-of-Way (ROW) by the City of Cornelius.
8. The Community Development Director is authorized to suspend or revoke any permit if there is probable cause to believe that the conditions of the permit or any provisions of this ordinance have been violated or that the use is causing a nuisance to the public or surrounding properties. In any case, where the Community Development Director finds a serious danger to the public health or safety, the Community Development Director may suspend the permit without a hearing. In all other cases, the Applicant may appeal the Community Development Director's decision of revocation per the applicable Sections of the City Code.

Date of Planning Commission Decision: July 12, 2022



Dave Waffle, Planning Commission Chair



Barbara Fryer, AICP, Community Development Director

Exhibits:

- A. Applicant's Submitted Materials
- B. Affidavit of Mailing Public Notice
- C. City Engineer Review Comments
- D. Autoturn Exhibit 1 dated 6/7/22
- E. DSL Wetland Delineation Approval dated July 7, 2022