



**CITY OF CORNELIUS  
COMMUNITY DEVELOPMENT DEPARTMENT**

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**RINCHEM  
Conditional Use Permit & Site Design Review**

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**Land Use File No. CUP-05-21 & DR-276-21  
Planning Commission Hearing Date: October 26, 2021  
Staff Report Date: October 19, 2021**

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**Request:** A Type III Conditional Use and a Type III Site Design Review application for a new industrial chemical storage warehouse facility within the General Industrial (M-1) zoning district.

**Applicant:** Nang Ma- First Forty Feet LLC.

**Property Owner:** RCI Properties Hillsboro LLC (Robert Toledo, Rinchem Company, Inc.)

**Location:** Vacant property in and around N. 7<sup>th</sup> Court, north of N. Holladay Street.

**Map:** Map 1N3 33DB, Tax Lots #00300, #00400 #00500 & #00600

**Review Criteria:** CMC Title 18 Zoning: Chapter 18.55 General Industrial (M-1), Chapter 18.100 Site Design Review, Chapter 18.105 Conditional Use Permit, Chapter 18.143 Transportation Facilities, Chapter 18.145 Off-Street Parking and Loading and Chapter 18.155 Solar Access for New Development.

**Process:** Approval of a Conditional Use and Site Design Review with public hearing shall be processed consistent with Section 18.15.010(C), a Type III Planning Commission Review. The application shall be processed with notice and a public hearing before the Planning Commission pursuant to Chapter 18.15.040. The notice of the Planning Commission's decision shall be provided to Applicant and interested parties.

## **BASIC FACTS AND BACKGROUND INFORMATION**

1. The Applicant is requesting a Type III Conditional Use Permit & Type III Site Design Review application for a new industrial chemical storage warehouse facility. The site will be developed in 2 phases.
2. The site of this Conditional Use and Site Design Review application (hereinafter, Site) is approximately 11 acres in size and is located north of N. Holladay Street between N. 4<sup>th</sup> Avenue and N. 10<sup>th</sup> Avenue. The north perimeter of the site abuts property that is outside of the Cornelius City Limits but inside the Urban Growth Boundary (UGB). The east, south and west perimeters of the site abut property that is zoned M-1, similar to the subject site. The Site is surrounded by a mixture of industrial development and properties outside of the city limits but comprehensively planned for industrial development in the future.
3. The Site is currently zoned as General Industrial (M-1) and consists of four lots and the N. 7<sup>th</sup> Court cul-de-sac public right-of-way. The City has approved a preliminary plat for a one-lot partition to consolidate the lots into one parcel. The applicant has applied for, and the City is in the process of reviewing, a request to vacate N. 7<sup>th</sup> Court. The City Council is expected to review the vacation request at a public hearing on November 1, 2021.
4. The property owner has provided a signature authorizing the request for the Conditional Use & Design Review application. A copy of the signed Land Use Application is in Exhibit 'A'.
5. On June 16, 2021, the Applicant held the required neighborhood meeting virtually, where one neighbor was in attendance representing the Forest Hills Mobile Park Community. Meeting materials were provided by the Applicant in the submitted exhibits.
6. The Conditional Use & Design Review application was submitted on August 18, 2021 and deemed complete on September 8, 2021.
7. On September 29, 2021, Public Notice was mailed to property owners within 250 feet of the Site regarding the application and scheduled public hearing (Exhibit 'B').
8. On September 21, 2021, notice of the proposed Conditional Use & Site Design Review application was provided to affected agencies.
9. On September 29, 2021, Public Notice of the proposal was published in the local newspaper (Forest Grove News-Times) regarding the application and upcoming public hearing.
10. As of this date, the City has received no written public comments regarding the proposal.

11. As of this date, the City Engineer has submitted comments regarding the proposal, which are found in Exhibit ‘C’. The Building Official and the Division Chief for Fire & Life Safety stated the following:
- a. The findings of a geotechnical analysis shall be incorporated into design and construction documents;
  - b. The plans shall have a complete code analysis showing any increase in allowable size;
  - c. Details regarding the type and quantity of chemicals stored on the site will be required;
  - d. Quantities of products stored shall not exceed the Oregon Fire Code;
  - e. Incompatible materials shall be stored in accordance with the Oregon Fire Code;
  - f. Storage of materials shall be consistent with Oregon Fire Code standards;
  - g. Secondary containment needs shall be met;
  - h. Hazardous materials response management plan, and a hazardous materials inventory statement shall both be up to date and maintained on site;
  - i. Fire protection and alarm systems shall be capable of meeting the requirements for the hazards associated with this use;
  - j. Proper hazardous materials warning placards shall be posted visible from fire lanes; and
  - k. Applicant shall provide to Forest Grove Fire & Rescue a PDF copy of the site plan for prefire planning purposes, including details showing what types of chemicals are stored where, fire protection system controls, utility locations, hydrants, doors, and general floor plan.

**COMPLIANCE WITH CITY OF CORNELIUS MUNICIPAL CODE (CMC)**

**TITLE 18 ZONING**

**CHAPTER 18.55 GENERAL INDUSTRIAL ZONE (M-1)**

**18.55.020 Permitted uses.**

*The following uses and their accessory uses are permitted outright:*

*In an M-1 zone the following uses shall be permitted outright; provided, that all operations are conducted within an enclosed structure:*

*(A) General uses involving manufacturing, processing, or storage.*

*(B) Automobile, truck, marine, motorcycle, motors, machine or appliance service and repair; provided, that all operations, other than storage, are conducted within an enclosed structure, and there shall be no retail sales, except as may be allowed under CMC [18.55.030\(I\)](#).*

*(C) Cabinet shop, light metal fabrication shop, machine shop, but not including retail sales of finished products except if located on an arterial street as designated in the comprehensive plan.*

*(D) Research and development facilities.*

*(E) Other similar uses as may be approved by the planning commission.*

*(F) New general commercial office improvements shall be permitted without the need for direct arterial access; provided, that such use, including required parking, does not exceed 25 percent of the total site area, and providing that all other code requirements are met. Total site area shall be defined by existing tax lots and/or lots under contiguous ownership.*

*(G) Existing nonconforming residential structures may be converted to general commercial office use without the need for direct arterial access, provided all other code requirements are met, and provided the conversion complies with all applicable building code requirements.*

*(H) Internet and telephone system retail sales without counter sales, which are shipped out or shipped directly to customers of products prepared on site. The total retail sales area shall be less than 25 percent of the total building area in which the use is located.*

*(I) Type "A" or Type "B" mobile vendor, as described in Chapter [5.35](#) CMC; this use is not subject to the enclosed structure requirement.*

**18.55.030 Conditional uses permitted.**

*The following uses and their accessory uses are permitted when in accordance with Chapter [18.105](#) CMC:*

*The following uses shall be permitted as a conditional use subject to the standards contained in CMC [18.55.060](#) and Chapter [18.105](#) CMC, Conditional Use Permit. In an M-1 zone the following uses and their accessory uses may be permitted when in accordance with Chapter [18.105](#) CMC:*

*(A) A planned commercial and industrial park, as provided under Chapter [18.110](#) CMC.*

*(B) Any conditional use allowed in a commercial zone, except residential or certified child care center.*

*(C) A mobile structure used as a construction and/or security office during site development.*

*(D) Parks, open space, recreation areas.*

*(E) Cellular transmission towers.*

*(F) Administrative, educational or other activities subordinate to a permitted use on the same premises as the principal use.*

*(G) Request to exceed the maximum building height.*

*(H) Above ground utility yard and above ground storage tanks.*

*(I) General retail shall only be permitted as approved by the planning commission where retail sales are in conjunction with and/or directly associated with products manufactured on site. The retail sales shall be subordinate to the primary industrial use approved for the site.*

*(J) Outdoor storage and display subject to a Type III review, except when the property abuts and/or is adjacent to M-1 zoned property on all sides in the city then a Type II review is required.*

*(K) Wind generation and turbines, subject to setback from all property lines equal to or greater than the height of the wind generation structure.*

*(L) Caretaker's residence solely intended to provide security for the established principal permitted use of the property.*

*(M) Indoor mini-storage facility.*

*(N) Marijuana production facilities and processing facilities as defined in CMC [18.177.025](#) and subject to the provisions of Chapters [18.105](#) and [18.177](#) CMC.*

**Findings:** The application includes storage of chemical materials which is permitted outright as a general use involving storage per subsection (A) of 18.55.020, above. The applicant is requesting a conditional use approval as provided by subsections (G) and (H) of 18.55.030, above. Subsection (G) allows an applicant to request a conditional use to exceed the maximum building height and subsection (H) allows an applicant to request a conditional use to install an above ground utility yard and above ground storage tanks. The application includes a request to exceed the maximum building height in the M-1 zoning district from 35 feet to 50 feet and a request to install above ground storage tanks. Findings regarding the standards applicable to the conditional use request are provided in CMC 18.105 (Conditional Use). These standards are met.

### **18.55.050 Development requirements.**

*(A) Lot Size. In an M-1 zone there is no minimum lot size, save and except that the lot must be large enough to accommodate the proposed use, including all design standards and functional requirements related to the use.*

*(B) Setback Requirements. In an M-1 zone the following setbacks shall be the minimum required. The approval authority may require greater setbacks for uses allowed under CMC [18.55.030](#), based on the approval criteria in Chapter [18.105](#) CCC, the base standard; however, the review body may require a greater or lesser setback based on the design review criteria set forth in this chapter:*

*(1) The front yard shall be 20 feet, except that:*

*(a) Parking shall not be allowed within five feet of the front property line.*

*(b) Where an industrial use abuts a residential zone there shall be a front yard setback of 25 feet.*

*(2) No side or rear yard shall be required, except:*

*(a) Fifteen feet when the side yard abuts public street.*

*(b) Twenty-five feet when abutting any residential zone, except that parking shall not be allowed within 10 feet of the side or rear property line.*

*(C) Height of Building. No building shall exceed a height of 35 feet, unless approved by the planning commission.*

**Findings:** Though there is no minimum lot size, the size of this development parcel is large enough to accommodate the proposed development. The applicant has applied for and received preliminary approval of a one-lot partition to consolidate the site into one lot. The plat includes vacation of the N. 7<sup>th</sup> Court right-of-way, an action being reviewed by the City concurrently with this application. Vacation of N. 7<sup>th</sup> Court and recording of this one-lot partition plat shall be required prior to issuance of a development permit. This shall be a condition of approval.

The proposed development is in two phases. Phase 1 includes buildings that are setback approximately 71 feet and parking setback approximately 60 feet from N. Holladay Street. Phase 2 will include buildings that are setback approximately 26 feet and parking setback approximately 20 feet from N. Holladay Street. The site does not abut a residential zone. The rear and side yards do not abut a public street. Phase 2 shall begin substantial construction within 2 years of issuance of a certificate of occupancy for Phase 1.

The application includes a request to exceed the maximum building height in the M-1 zoning district from 35 feet to 50 feet. Findings regarding the standards applicable to the conditional use request are provided in CMC 18.105 (Conditional Use).

### **18.75.060 Performance standards.**

*In an M-1 zone no land or structure shall be used or occupied unless there is continuing compliance with the following standards:*

*(A) Design Review Approval. All design review requirements and conditions of approval, including all prior attached conditions, shall be satisfied.*

**Findings:** Findings regarding design review standards are provided in CMC 18.100 (Design Review), further in this report. The site is currently vacant and therefore there are no existing conditions of approval attached to this development. Prior to use of the site, all conditions of approval shall be satisfied.

*(B) Environmental Standards. All uses shall comply with the required air, land, and water quality standards set forth by all state, federal and local jurisdictions (i.e., Department of Environmental Quality, Clean Water Services, and Metro).*

*(1) Vibration. No vibration other than that caused by highway vehicles or trains shall be permitted which is discernible without instruments at the property line of the use concerned.*

*(2) Odors. The emission of odorous gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited.*

**Findings:** The applicant states that they will comply with Clean Water Services requirements. Compliance with DEQ requirements is also required. The applicant has provided a Storm Water Drainage Report for the City Engineer to review, but no documentation from DEQ has been provided. All required air, land and water quality standards set forth by all state, federal and local jurisdictions shall apply continuously to the use on this site. To ensure public safety, prior to submittal of building/mechanical permits, the applicant shall provide a copy of DEQ's approval for the City Community Development Director and Building Official to review and approve. This shall be a condition of approval.

No vibration other than that caused by highway vehicles is anticipated as this use is storage. The applicant states that emission of odorous gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is not anticipated. For public safety, the emission of odorous gases that can be readily detectable at any point beyond the property line shall be prohibited. If odorous gases from the site are detected and they are not corrected in a timely fashion then requirement for corrective action or, failing that, revocation of this approval may occur.

The applicant's submittal includes containment strips within the truck parking/loading stalls on the west side of the site. The city must protect the stormwater system from contamination through a Point Source Control Permit. The Point Source Control Permit is reviewed and issued through Clean Water Services, (CWS). The installation of protective devices at floor drains or other point of stormwater/sewer points of entry may be required. The Point Source Control Permit will guide what items will be required for Building/Mechanical/Plumbing Permit submittal. Therefore, prior to submittal of permits to the City of Forest Grove Building Division, an approved Point Source Control Permit from CWS, or statement from CWS that a Point Source Permit is not required, shall be provided to the Community Development Director and City Engineer. This shall be a condition of approval.

*(C) Heat and Glare.*

*(1) Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed structure, such that glare is not visible from a public street or adjacent property.*

*(2) Exterior lighting shall be designed such that glare is directed away from public streets or adjacent properties.*

**Findings:** The proposed storage operation does not produce heat or glare. The applicant indicates that the exterior lighting is designed such that glare is directed away from the public streets and

adjacent properties. No other on-site lighting is proposed. These lights and other on-site lighting will not glare into the public streets or adjacent properties. A condition of approval shall require that all exterior lighting not shine or glare into the abutting ROW's or adjacent properties.

*(D) Insects and Rodents. Materials including wastes shall be managed and stored, and grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents or create a health hazard.*

**Findings:** The applicant indicates that waste will be controlled so that no insects and rodents are attracted to the site. Waste will be contained in trash dumpsters. Though not stated in the submitted narrative, the site may contain elements, such as storage drums, that can collect water which can become a breeding ground for mosquitoes. Therefore, a condition of approval shall require that insect and rodent control measures be applied and that no health hazards be created.

*(E) Outside Storage. Outside storage shall be appropriately screened consistent with CMC [18.55.070\(F\)\(1\)](#).*

**Findings:** The applicant described within their application that outside storage will be screened in its entirety with an 8-foot-high CMU block wall with a 1" wire mesh, meeting the requirements of CMC [18.55.070\(F\)\(1\)](#).

#### **18.55.070 Development standards.**

*In an M-1 zone no new use or occupation of land or a structure or a new structure and no change of use of land or a structure shall be permitted unless there is continuing compliance with the following standards:*

*(A) Landscape Plan.*

*(1) For all uses in an M-1 zone, the first five feet of lineal street frontage on the subject site shall be landscaped (exclusive of frontage trees) prior to occupancy, in accordance with the approved site plan and the standards set forth herein.*

*(2) At least 80 percent of the landscape area shall be covered by plant material, lawn, and trees when the plantings are at maturity. The remaining area may be covered in nonvegetative ground cover.*

*(3) Street Trees. Street trees shall be required and shall be selected from the approved public works street tree list. The total number of trees shall be determined by dividing the total lineal footage of the site which abuts a public street by 30. The location of the trees shall be determined through design review, and the trees shall be installed in accordance with the adopted public works standards.*

*(4) Installation of required landscaping may be deferred for up to six months; provided, that the owner posts with the city a cash deposit or irrevocable letter of credit assigned to the city for an amount equal to 150 percent of the estimated cost of the landscaping materials and installation by a qualified contractor.*

**Findings:** The site is designed with the first 20 feet of lineal street frontage landscaped. The front landscaping (exclusive of frontage trees) shall be complete prior to occupancy. As shown on the submitted plans (Sheet L1.0), a minimum of 80% of the landscape area is covered by plant material, lawn and trees. No nonvegetative ground cover is shown within the landscaped areas on Sheet L1.0. Street trees are shown on Sheet L1.0 meeting the minimum requirements of this

section. Deferred landscaping is not proposed with this application. If deferred landscaping installation is needed due to weather or other considerations, the property owner will pay the appropriate cash deposit or provide the appropriate letter of credit for the length of the deferral, not to exceed 6 months.

*(B) Vehicular Access, Internal Circulation and Clear Vision Areas.*

*(1) Where possible, vehicular access to industrial developments shall be from abutting arterial or collector streets, and shall be shared with adjacent properties to minimize multiple curb cuts. Access to individual lots from T.V. Highway shall be approved by ODOT with secondary access from adjacent collectors or minor local streets where possible. Except in the case of a multi-building complex, direct lot access to an arterial shall not be permitted, unless there is no viable alternative, and direct access to a local street shall only be allowed as permitted by the review body.*

*(2) The minimum public street width for industrial development shall comply with Chapter 5 of the adopted public works standards.*

*(3) Internal Access. All internal roadways and drives shall be paved and maintained by the owner in accordance with city standards. No entrance or exit shall be located closer than 100 feet to any intersection of a public street, unless there is no reasonable alternative. They shall have the following minimum pavement width:*

*(a) Two-way traffic: 24 feet;*

*(b) One-way traffic: 20 feet.*

*(4) Internal sidewalks or pathways shall be provided to ensure safe and convenient pedestrian circulation throughout the development.*

*(5) Clear vision areas shall be provided at all roadway and driveway intersections in accordance with the vision clearance standards set forth in CMC [18.150.070](#).*

**Findings:** The two vehicular access points to this site are from N. Holladay Street, a collector street. The size of this site precludes shared access with neighboring properties. The City Engineer has reviewed this application and found that the width of N. Holliday Street meets the width requirements for an industrial collector street (City Engineer's Comments are Exhibit 'C'). Internal drives are paved with either asphalt or concrete and are designed to meet city standards. The location and 40-foot width of the proposed driveways has been reviewed and accepted by the City Engineer. Pedestrian circulation is provided from the public street into the site and along the building frontages. The crossing from ADA parking stalls to the building entrance is marked with safety striping. Clear vision areas are marked on submitted sheet A1-2, though the actual clear vision area runs at the location of the curb (it is currently identified behind the sidewalk). Regardless, this will make the clear vision zone further from the development and plantings on the site and ensure clear vision triangles throughout development and use of the site.

*(C) Access Streets – Sidewalks – Drainage.*

*(1) All streets shall be designed in accordance with Chapter 5 of the adopted public works standards.*

*(2) All driveways for new construction shall have minimum pavement width of 24 feet and shall not be more than 45 feet in width at the curb, unless specifically approved by the review body to meet unusual requirements of a particular use. All new driveways shall have a minimum 20-foot-long asphalt or concrete apron, measured from the internal right-*

*of-way line. Gates at the main access driveway shall be set back at least 20 feet from the internal right-of-way line.*

*(3) Cul-de-sacs shall serve no more than four separate uses and shall have a minimum turning radius of 50 feet measured to the front edge of the curb.*

*(4) Sidewalks and Improvements.*

*(a) For all new construction, curbs, gutters, and a minimum six-foot-wide sidewalk, with eight feet at a bus stop, shall be provided along the entire lot frontage, and shall meet ADA accessibility standards.*

*(b) Site design review Type II requests for remodels, alterations and/or additions to an existing building shall require a sidewalk, if one does not exist; the driveway apron and paved driveway shall be constructed to city standards. Commercial sidewalks shall be curb tight, unless otherwise approved by the review body.*

*(5) Storm drainage shall be managed through a system of underground drainage lines and catch basins, which convey storm water off the site to a public storm system, and shall comply with Clean Water Services (CWS) standards for water quality and quantity.*

**Findings:** The City Engineer has reviewed the proposal and found N. Holladay Street in compliance with the City's standards as proposed with a new 6-foot sidewalk and 8-foot public utility easement along the site's entire frontage. The two driveways are 40 feet in width each, with gates set back a minimum of 20 feet (the submitted site plan shows approximately 50 feet for the eastern driveway and 24 feet for the western driveway) so vehicles do not block the sidewalk. The storm drainage has been reviewed by the City Engineer and appears to meet City and Clean Water Services standards. Further review of the storm drainage will be done at time of public improvement plan review.

*(D) Lighting Streets. Streets and walkways shall be lighted during the hours of darkness in accordance with public works standards.*

**Findings:** The internal driveways and sidewalks will be lighted during the hours of darkness in accordance with public works standards. The City Engineer's review found that adequate street lighting exists on N. Holladay Street adjacent to this site.

*(E) Mailboxes. Except for in-fill partitioning, clustered mailboxes shall be provided, consistent with the locational criteria set by the Post Master. They shall be of uniform style.*

**Findings:** The proposed mailbox is shown at the eastern access point near the entry gate.

*(F) Screening.*

*(1) Sight-obscuring screening shall be provided for all garbage and trash collection areas, and for any approved outdoor storage, or parking lots abutting a residential development. Such screening shall be a minimum six feet in height, and shall consist of a wall of brick, stone, or other substantial material; or a densely planted evergreen hedge and chain link fencing. Such screening shall be provided to a height sufficient to block the view of materials stored as viewed from the sidewalk on the opposite side of the street from the screen wall.*

*(2) The reviewing body may require non-sight-obscuring screening and/or fencing of parking lots abutting property lines, front yards abutting a public street, or other yards abutting a residential development.*

**Findings:** Sight-obscuring screening is provided for all trash collection areas, and for the proposed outdoor storage. The screening of both the trash enclosure and the outdoor ISO storage yard is an 8-foot-tall CMU wall.

*(G) Parking and Loading Space.*

*(1) Off-Street Parking. Parking shall be provided as set forth in Chapter [18.145](#) CMC.*

*(2) Paving and Design. Off-street parking and maneuvering areas shall be paved with asphalt or concrete and designed in accordance with the standards of the off-street parking regulations of this title.*

*(3) Parking Lot Landscaping. There shall be a five-foot landscaped buffer at the perimeter of all parking lot areas. The parking area shall be screened with evergreen plant material maintained at a minimum of 36 inches in height. Parking lots shall be designed and landscaped so as to break up large paved areas with landscaped islands, every 10 parking spaces.*

**Findings:** Off-street parking and loading are discussed in detail in the findings of CMC 18.145, further in this report. Off-street parking and loading areas are provided along the east side of the site and are paved with asphalt or concrete and designed in accordance with the standards of CMC 18.145. A 5-foot landscaped buffer with evergreen plantings a minimum of 36 inches in height is provided along the perimeter of all parking areas. Landscaped islands are provided at a rate of at least one for every 10 parking spaces.

#### **18.55.080 Signs.**

*Signs within the M-1 zone may be allowed consistent with Chapter [18.175](#) CMC.*

**Findings:** Signs are not proposed at this time. When submitted, signs are subject to CMC 18.175.

**Conclusion:** Based upon the findings above, and through the application of relevant conditions of approval, staff concludes the criteria for Chapter 18.55 are met.

## **CHAPTER 18.100 SITE DESIGN REVIEW**

### **18.100.040 Approval criteria.**

*In addition to the other requirements of the zoning code and other city ordinances, a project submitted for design review shall comply with the standards and criteria in subsections (A) and (B) of this section; all applications for a sign permit subject to the provisions of the sign code, Chapter [18.175](#) CMC, inclusive, shall comply with the rules and regulations of the committee adopted under the provisions of Division III of this title and other applicable provisions of the Cornelius Municipal Code.*

*(A) Technical Standards. Where applicable, required off-site improvements shall be based on proportional analysis.*

*(1) Facilities and Services. The public and private facilities and services provided by the development are adequate as to location, size, design and timing of construction in order*

*to serve the residents or establishments to be accommodated and meet city standards and the policies and requirements of the comprehensive plan. The service provider is presumed correct in the evidence which they submit;*

*(2) Traffic Generation. Based on anticipated vehicular and pedestrian traffic generation and the standards and policies of the comprehensive plan, adequate right-of-way and improvements to streets, pedestrian ways, bikeways, transitways and other ways are provided by the development in order to promote safety, reduce congestion, conserve energy and resources, and encourage transit use, bicycling and walking. Consideration shall be given to the need for constructing, widening and/or improving, to the standards of the comprehensive plan and this code, public streets, bicycle, pedestrian, and other ways in the area of the proposed development impacted by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, transit facilities, street drainage facilities, traffic calming devices, and other facilities needed because of anticipated vehicular, transit, bicycle, and pedestrian traffic generation. Access and street design shall comply with the standards identified in Chapter [18.143](#) CMC, Transportation Facilities, and Chapter 5 of the adopted public works standards. Street trees shall be installed to the standards identified in Chapter 5 of the adopted public works standards. In lieu of actual construction of off-site improvements, the committee may accept written waivers of remonstrance to the formation of local improvement districts for the purpose of providing the needed off-site improvements or cash payment to the city in an amount equal to the estimated cost of said off-site improvements;*

*(3) Dedication. Adequate dedication or reservation of real property for public use, as well as easements and right of entry for construction, maintenance and future expansion of public facilities and services, shall be required to protect the public from any potentially deleterious effects resulting from the proposed use to fulfill the need for additional, improved services, whether on or off site, created by the proposed use, and to effect the implementation of the standards and policies of the comprehensive plan;*

*(4) Internal Circulation. There is a safe and efficient circulation pattern within the boundaries of the site. Consideration shall include the layout of the site with respect to the location, number, design and dimensions of vehicular, transit, and pedestrian access, exits, drives, walkways, bikeways, transit stops and facilities, building location and entrances, emergency equipment ways and other related on-site or off-site facilities so that there are adequate off-street parking and loading/unloading facilities provided in a safe, well designed and efficient manner. Consideration shall include the layout of parking, storage of all types of vehicles and trailers, shared parking lots and common driveways, garbage collection and storage points, as well as the surfacing, lighting, screening, landscaping, concealing and other treatment of the same. Developments shall provide a safe and reasonably direct pedestrian connection from the main entrance to the public right-of-way and/or the pedestrian system or both. The pedestrian connection shall be reasonably free of hazards from automobile traffic, so as to help encourage pedestrian and bicycle travel;*

*(5) Maintenance of Private Facilities. Adequate means are provided to ensure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency. Materials, including wastes, shall be stored and managed, and grounds shall be*

*maintained in a manner that will not attract or aid in the propagation of insects or rodents or cause a health hazard;*

*(6) Public Facilities. The structures and public facilities and services serving the site are designed and constructed in accordance with adopted codes and/or city standards at a level which will provide adequate fire protection and protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development;*

*(7) Security. Adequate facilities shall be provided to prevent unauthorized entries to the property, facilitate the response of emergency personnel, and optimize fire protection for the building and its occupants. Adequate facilities may include, but not be limited to, the use of lighted house numbers and a project directory for multi-family projects of three or more units;*

*(8) Grading. The grading and contouring of the site takes place and site surface drainage and on-site storage of surface waters facilities are constructed so there is no adverse effect on neighboring properties, public rights-of-way or the public storm drainage system and that said site development work will take place in accordance with the city site development code;*

*(9) Utilities. Prior to the development of a site, utilities shall be extended to serve the site or financially secured for extension to serve the site. Connection to city utilities shall be required prior to final inspection and occupancy. Electric, telephone, and other utility services to new development shall be located underground. New utilities for redeveloped parcels shall be located underground from the right-of-way to the redeveloped parcels;*

*(10) Accessibility. Access and facilities for physically handicapped people are incorporated into the site and building design with particular attention to providing continuous, uninterrupted access routes;*

*(11) Bicycle Lanes and Sidewalks. Where street improvements on arterials and collectors are required as a condition of development approval, they shall include bicycle lanes or off-street multi-modal pathways, and sidewalks constructed in accordance with city standards.*

**Findings:** Off-site improvements have not been identified in association with this development. The submitted application includes satisfactory evidence that the public and private facilities and services will be adequate as to traffic generation, location, size, design, will meet city standards and will be developed in a timely manner to serve the use on the site. The City Engineer has reviewed the proposal and found N. Holladay Street adequate in right-of-way and lacking only the 6-foot public sidewalk and public utility easement that will be provided with this development. Pedestrian ways are provided to and throughout the site. Specific bikeways, transitways and other ways are not identified as necessary for this chemical storage use. Internal circulation on the site has been designed to provide a safe and efficient circulation pattern within the boundaries of the site. Entrances, parking areas and loading zones are identified to best serve the proposed storage use. Safe pedestrian connectivity, free from the hazards of automobile traffic, is provided from the public sidewalk to the front door of the building.

Private facilities, including any drainage ditches, roadways, storage structures, landscaping, fill and excavation areas, screening and fencing, ground cover and garbage storage areas will be maintained by the property owner, as they are on other properties throughout the Metro region.

The City Engineer, Building Official and Division Chief for Fire & Life Safety have reviewed the proposed public facilities and services serving the site to ensure they are designed and

constructed in accordance with adopted codes and/or city standards at a level which will provide adequate fire protection and protection from crime and accident, as well as protection from hazardous conditions due to inadequate, substandard or ill-designed development. Further review will be done at the times of public improvement review and building permit review. The building and fire departments recommended the following conditions for land use approval:

- a. The findings of a geotechnical analysis shall be incorporated into design and construction documents;
- b. The plans shall have a complete code analysis showing any increase in allowable size;
- c. Details regarding the type and quantity of chemicals stored on the site will be required;
- d. Quantities of products stored shall not exceed the Oregon Fire Code;
- e. Incompatible materials shall be stored in accordance with the Oregon Fire Code;
- f. Storage of materials shall be consistent with Oregon Fire Code standards;
- g. Secondary containment needs shall be met;
- h. Hazardous materials response management plan, and a hazardous materials inventory statement shall both be up to date and maintained on site;
- i. Fire protection and alarm systems shall be capable of meeting the requirements for the hazards associated with this use;
- j. Proper hazardous materials warning placards shall be posted visible from fire lanes; and
- k. Applicant shall provide to Forest Grove Fire & Rescue a PDF copy of the site plan for prefire planning purposes, including details showing what types of chemicals are stored where, fire protection system controls, utility locations, hydrants, doors, and general floor plan.

Proposed security facilities include lighting, signage, striping and Fire Life Safety planning. The submitted site grading plan, Sheets C2-C2.4, show grading and contouring so there are no adverse effects on neighboring properties, public rights-of-way or the public storm drainage system. The grading is proposed in compliance with the City's site development code and will be further reviewed with the building permit submittal. Utilities will be extended to serve the site or financially secured to serve the site with connections prior to final inspection and occupancy. All electric, telephone and other utility services will be located underground.

Access and facilities for physically handicapped people are incorporated into the site and building design. A continuous, uninterrupted access routes is provided from the sidewalk to the building entrance. Accessibility will be included within the building design, as reviewed and approved with building permits. A 6-foot sidewalk along the site's N. Holladay Street frontage is required to be built with this development.

*(B) Design Standards.*

*(1) Relation of Building to Site. The proposed structures shall be related harmoniously to the terrain and to existing buildings which have a visual relationship to the proposed structure. Building height, bulk, lot area, coverage, setbacks, and scale should be particularly considered with regard to achieving compatible relationships. Screening, except in the industrial zone, exposed storage areas, utility buildings, machinery, service and truck loading areas, solid waste disposal cans, containers and other structures, and other accessory uses and structures, shall be adequately set back and screened. If a building is constructed, enlarged or altered to meet Type II thresholds and is located within 500 feet of a bus/transit stop, a main entrance door shall be placed on the street side of the bus/transit line and located as close as structurally possible to the bus/transit stop in compliance with this title;*

- (2) Trees and Vegetation. The development has been designed to, where possible, incorporate and preserve existing trees or vegetation of significant size and species. Consideration shall be given to whether habitat, survival of the tree species, and aesthetics can best be achieved by preserving groves or areas of trees as opposed to only individual trees;*
- (3) Historic Structures. Consideration is given to the effect of the proposed development on historic buildings or features both on the site and within the immediate area;*
- (4) Grading and contouring of the site shall take place with particular attention to minimizing the possible adverse effect of grading and contouring on the natural vegetation and physical appearance of the site;*
- (5) Landscaping. The quality, location, size, and structural and aesthetic design of walls, fences, berms, traffic islands, median areas, hedges, screen planting and landscape areas are such that they serve their intended purposes and have no adverse effect on existing or contemplated abutting land uses;*
- (6) Lighting. Adequate exterior lighting shall be provided to promote public safety, and shall be designed to avoid unnecessary glare upon other properties;*
- (7) Solar Access. In determining the appropriate relation of the building or structure to the site, the committee shall require that the building or structure be located on the site in a location and direction that will maintain, where feasible, solar access for adjacent properties and buildings or structures within the site.*

**Findings:** The proposed structures include concrete panels with architectural patterns and accent colors, as well as offset rooflines, as a way to reduce the visual scale of the structures. The industrial nature of this building fits in with neighboring industrial sites. Screening, landscaping and setbacks are also utilized to increase harmony with this site and surrounding developments and terrain. There is one existing tree on-site that was not able to be saved due to the site configuration. However, trees will be planted along the N. Holladay frontage and within the on-site landscaping throughout the site. There are no historic structures on this site. Grading and contouring of the site are not anticipated to have a negative effect on the natural vegetation and physical appearance of the site. The quality, location, size, and structural and aesthetic design of walls, fences, hedges, screen planting and landscape areas are such that they serve their intended purposes and have no adverse effect on existing or contemplated abutting land uses. Adequate exterior lighting is proposed to be provided to promote public safety, and is designed to avoid unnecessary glare upon other properties. The proposed buildings are setback from adjacent properties far enough to preserve solar access. The ISO yard is built along the northern property line but will be enclosed by an 8-foot-tall CMU wall that will have minimal impact on solar access for the adjacent property.

#### **18.100.050 Special conditions.**

- (A) Open Space, Parks and Recreation Areas. Major residential developments, 20 units or more, shall include park and recreation areas, or both. In all multi-family projects, the required park and recreation area shall include a children's play area and play equipment for the use of residents and occupants of the multi-family project. The community development director shall have the power to approve plans for these recreation areas.*
- (B) Objectionable Uses. Odor, dust, smoke, fumes, noise, glare, heat, and vibration from commercial and industrial uses, or both, which might create a nuisance or be offensive to other uses in the area or be incompatible with such other uses shall be adequately eliminated or controlled by authorized measures.*

**Findings:** Odor, dust, smoke, fumes, noise, glare, heat and vibration are not anticipated from this storage use. Truck traffic to the site may cause some vibration. The applicant's narrative states that operational hours will be from 8am to 4pm, reducing the impact of these potential nuisances.

**Conclusion:** Based upon the findings above, and through the application of relevant conditions of approval, staff concludes the criteria for Chapter 18.100 are met, with conditions.

## CHAPTER 18.105 CONDITIONAL USE PERMIT

### 18.105.030 Procedures.

*(B) Approval Criteria. The approval, approval with conditions or denial of an application for conditional use or to enlarge or to alter a conditional use shall be based on findings of fact with regard to each of the following approval standards:*

*(1) The proposed development will comply with the comprehensive plan;*

**Findings:** The proposed development complies with the Cornelius Comprehensive Plan in that it supports the economic development vision that "Cornelius has a self-supportive, diversified economic base" The Comprehensive Plan shows a deficit of industrial development in the City, a deficit which will lessen slightly with this proposed development.

*(2) The applicable requirements of the zoning district are satisfied; and*

**Findings:** As explained throughout this narrative and accompanying exhibits, all applicable zoning district (M-1) criteria have been met.

*(3) That the location, size, design, and functional characteristics of the proposed use are such that it can be made reasonably compatible with and have a minimum impact on the livability and appropriate development of other properties in the surrounding neighborhood;*

**Findings:** The location, size, design, and functional characteristics of the proposed use are such that it can be made reasonably compatible with and have a minimum impact on the livability and appropriate development of other properties in the surrounding neighborhood. The compatibility of this site with the surrounding industrial developments was addressed previously and found to be sufficient previously in this report. Development of this property will not impact the development potential of other properties in the vicinity.

*(4) The granting of the proposal will provide for a facility that is consistent with the overall needs of the city.*

**Findings:** There is a need for industrial development in the City. The granting of the proposal will result in more jobs available in the City, an increase to the tax base and public improvements along N. Holladay Street.

**Conclusion:** Based upon the findings above, and through the application of relevant conditions of approval, staff concludes the criteria for Chapter 18.105 are met.

## CHAPTER 18.143 TRANSPORTATION FACILITIES

### 18.143.020 General Provisions.

*(A) All transportation facilities shall be designed and improved in accordance with the standards of this code and the adopted Cornelius public works standards. In addition, when development abuts or impacts a transportation facility under the jurisdiction of one or more other governmental agencies, the city shall condition the development to obtain permits required by the other agencies.*

*(B) In order to protect the public from potentially adverse impacts of the proposal, to fulfill an identified need for public services related to the development, or both, development shall provide traffic capacity, traffic safety, and transportation improvements in proportion to the identified impacts of the development.*

*(C) For applications that meet the threshold criteria of CMC [18.143.030\(B\)](#), Analysis Threshold, this analysis or limited elements thereof may be required.*

*(D) The decision-making authority may impose development conditions of approval per this title. Conditions of approval may be based on the traffic impact analysis.*

*(E) Dedication of rights-of-way shall be determined by the decision-making authority.*

*(F) Traffic calming may be approved or required by the decision-making authority in a design of the proposed and/or existing streets within the area of influence or any additional locations identified by the city engineer. Traffic calming measures shall be designed to city standards.*

*(G) Intersection performance shall be determined using the Highway Capacity Manual, Sixth Edition, published by the Transportation Research Board. The city engineer may approve a different intersection analysis method prior to use when the different method can be justified. Terms used in this subsection are defined in the Highway Capacity Manual, Sixth Edition.*

*(H) City street intersections shall maintain a level of service (LOS) of “D” during the p.m. peak hour of the day. An LOS of “E” may be accepted for local street approaches or driveway access points that intersect with collector or arterial streets, if these intersections are found to operate safely.*

**Findings:** The City Engineer’s findings regarding the transportation facilities are discussed and conditioned, as necessary, previously in this report. The public improvement to N. Holladay Street is limited to a 6-foot wide sidewalk and 8-foot-wide public utility easement for the entire length of the site’s frontage.

### 18.143.030 Traffic impact analysis.

*For each development proposal that exceeds the analysis threshold of subsection (B) of this section, the application for land use or design review approval shall include a traffic impact analysis as required by this code. The traffic impact analysis shall be based on the type and intensity of the proposed land use change or development and its estimated level of impact to the existing and future local and regional transportation systems.*

**Findings:** The City Engineer has determined that the threshold for requiring a traffic analysis is not met by the traffic generation anticipated with this development.

**18.143.040 Street design cross-sections per transportation system plan.**

*Street cross-sections include the right-of-way, paved section, sidewalk and planter strip widths. The functional classification of a street as designated in the transportation system plan shall determine its design and width. Identification of functional classifications for streets in the city limits is found in the adopted Cornelius transportation system plan. Street design standards, which are based on functional classification and use, are found in the adopted Cornelius public works standards. Full street connections shall be provided at intervals consistent with the adopted Cornelius public works standards for the identified street classification, except as modified by Chapter [18.115](#) CMC, or where prevented by topography, barriers such as railroads or freeways, or environmental constraints such as major streams and rivers.*

**Findings:** The City Engineer has reviewed the proposal and found the existing N. Holladay cross-section adequate in this location.

**18.143.050 Access standards.**

*Access standards establish requirements and regulations for safe and efficient vehicle access to and from a site and enhance general circulation within a site.*

*(A) Access Spacing. Access spacing shall be designed in conformance with the adopted Cornelius public works standards.*

*(1) Access spacing for all state facilities shall be coordinated with the Oregon Department of Transportation (ODOT).*

*(B) An access report shall be submitted with all new development and/or redevelopment proposals that demonstrates the street/driveway is safe as designed and meets adequate stacking, site distance, deceleration distance, on-site circulation and deceleration requirements as set by the city, American Association of State Highway and Transportation Officials (AASHTO), and relevant agencies.*

*(C) Driveway/Access Points. The location and number of driveways or access points have a direct effect on safe and efficient traffic flow. The following access management standards shall apply toward new driveways:*

*(1) Driveway spacing shall be designed in accordance with adopted public works standards. In some cases, driveway setbacks may be greater than the standard depending upon the influence area, as determined by city engineer review of a traffic impact report submitted by the applicant's traffic engineer. If the subject property has less than 150 feet of street frontage, the applicant shall first investigate a shared access as an option. If a shared access is not possible, the driveway shall be placed as far from the intersection as possible.*

*(2) Based on the applicants' proposal and its compliance with the comprehensive plan, transportation system plan and the development and zoning code, the city shall require the closing or consolidation of existing driveways or other vehicle access points, the recording*

*of reciprocal access easements (i.e., for shared driveways), and installation of traffic control devices or other measures as a condition of approval to mitigate the impacts of the development.*

*(3) New developments shall provide cross-over easements to ensure potential shared driveway access points where existing conditions (i.e., surrounding land uses, lot configurations, physical characteristics, etc.) warrant consideration.*

*(4) Access to arterials shall only be from public streets. When a site that has private access onto a principal arterial is redeveloped, the private access shall be eliminated if alternate access exists or can be developed to the site.*

*(5) Direct access to a collector street shall only be considered if there is no alternative way to access the site. If direct access is permitted by the city, the applicant shall be required to mitigate for any safety or neighborhood traffic management impacts deemed applicable by the city engineer. In no case shall the design of driveways, drive aisles or service drives require or encourage the backward movement or other maneuvering of a vehicle within a street, except for single-family and duplex residences.*

*(6) Proposed shared-use paths shall be located to provide access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and park and transit facilities. To the greatest extent possible, access shall be reasonably direct, providing a route or routes that do not deviate unnecessarily from a straight line or that do not involve a significant amount of out-of-direction travel.*

**Findings:** The two proposed driveways to the site, each 40 feet in width, have been found by the City Engineer to meet the City's standards for access spacing and design. As stated in the M-1 zoning section, the entrance gate will be set back a minimum of 20 feet from the right-of-way to allow vehicles to queue outside of the public street.

#### **18.143.070 Intelligent transportation systems.**

*Intelligent transportation systems (ITS) manage and enhance operational performance through advanced technologies and management techniques to help relieve congestion, promote safety and provide suitable transportation strategies.*

*In order to provide for efficient installation of future intelligent transportation systems (ITS), all roadway improvement projects, including private development with frontage improvements, shall install three-inch conduit to support local interconnect infrastructure. The location, design and type of conduit shall be approved by the city engineer.*

**Findings:** The applicant has not shown installation of conduit; however, this standard is intended for developments along Highway 8 and is not applicable to this proposal on N. Holladay Street.

**Conclusion:** Based upon the findings above, staff concludes the criteria for Chapter 18.143 are met.

## CHAPTER 18.145 OFF-STREET PARKING AND LOADING

### 18.145.010 General provisions.

*(A) The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space as required by this title. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required for the specific use. Use of property in violation of the off-street parking and loading requirements located herein shall be a violation of this code. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this code to begin or maintain the altered use until the required increase in off-street parking or loading is provided.*

*(B) Unless otherwise provided, required parking and loading spaces shall not be located in a required yard.*

*(C) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap; provided, that satisfactory legal evidence is presented to the community development director in the form of deeds, leases, or contracts to establish the joint use.*

*(D) A plan drawn to scale, indicating how the off-street parking and loading requirement is to be fulfilled, shall accompany the request for a building permit, site plan review, or certificate of occupancy. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include but not be limited to:*

*(1) Delineation of individual parking and loading spaces and their dimensions;*

*(2) Circulation area necessary to serve spaces;*

*(3) Access to streets, alleys and properties to be served;*

*(4) Curb cuts;*

*(5) Location and dimensions of all landscaping, including the type and size of plant material to be used, as well as any other nonliving landscape material incorporated into the overall plan, excluding single- and two-family residences; and*

*(6) Specifications as to signs and bumper guards, excluding single and two-family residences.*

*(E) Requirements for types of buildings and uses not specifically listed herein shall be determined by the community development director, based upon the requirements of comparable uses listed.*

### 18.145.020 Off-street parking.

*(A) At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any zone in the city, off-street parking spaces shall be provided in accordance with CMC 18.145.030. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is specified in the standards of this section when applied to the entire use. In cases of enlargement of a building or use of land existing on the effective date of the ordinance codified in this title, the number of parking spaces required shall be based only on floor area or capacity of such enlargement.*

*(B) Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street*

- parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at the peak season, including proprietors.*
- (C) In the Main Street district (MSD), change of use of an existing commercial structure will not require additional parking to be constructed. However, construction of a new building or addition to an existing building will require the provision of off-street parking as required in CMC 18.145.030.*
- (D) If several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately with a reduction of 10 percent to account for cross-patronage and shared parking benefits. Where the peak hours of operation of two or more uses do not substantially overlap, such uses may share off-street parking spaces as required by this title.*
- (E) Parking spaces in public streets or alleys shall not be eligible as fulfilling any part of the parking requirements, except as allowed in the MSD.*
- (F) Required parking spaces shall be available for the parking of operable motor vehicles for residents, customers, patrons, and employees only, and shall not be used for the storage or sale of vehicles or other materials and shall not be rented, leased or assigned to any other person or organization not using or being directly served by the use.*
- (G) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling, unless specified elsewhere in the code.*

**18.145.030 Required off-street parking spaces.**

*(A) Off-street parking shall be provided based on the primary use of the site according to the following standards and regardless of the zone in which the use is located.*

**Table 1: Minimum and Maximum Required Off-Street Vehicle and Bicycle Parking Requirements (unless otherwise noted, standard is per 1,000 sf of Industrial**

Land Use	Minimum Parking Standards	Maximum Parking Standards		
		Zone A	Zone B	Bicycle Parking Standards
Office	2.7/1,000	3.4/1,000	4.1/1,000	0.5/1,000
Warehouse/ Freight Movement	<150,000 sq ft: 0.5/1,000 >150,000 sq ft: 0.3/1,000	0.8/1,000 0.4/1,000	1.2 /1,000 0.5/1,000	0.1/1,000

**Findings:** This site is in Parking Zone B. The proposal includes 2,392 square feet of office space and 60,721 square feet of warehouse space in phase 1 and 55,616 square feet of warehouse space in phase 2 for a total of 116,337 square feet of warehouse space.

The minimum required number of parking stalls is 66:

Office: 2,392 square feet/1,000 square feet = 2.392 x 2.7 = 6.458, rounds up to 7, plus

Warehouse: 116,337 square feet/1,000 square feet = 116.337 x 0.5 = 58.169, rounds up to 59

The maximum permitted number of parking stalls is 150:

Office:  $2.392 \times 4.1 = 9.807$ , rounds up to 10, plus  
 Warehouse:  $116.337 \times 1.2 = 139.604$ , rounds up to 140

Therefore, the minimum required number of parking spaces is 66 and the maximum permitted number of parking spaces is 150 for full development of the site. The proposal provides 73 parking stalls, which falls within the permitted range.

The proposal requires 14 bicycle parking spaces full build out of this site. The applicant’s narrative identifies 8 bicycle parking spaces in a rack located near the front entrance to the office, which is the required number of bicycle parking spaces in Phase 1. The proposal to provide 8 parking spaces near the front building entrance is acceptable if the applicant also identifies the location of the 6 additional spaces required at time of construction of Phase 2.

**18.145.040 Off-street loading.**

*(A) Buildings and structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading space as follows:*

<b>Table 2 Off-Street Loading Requirements</b>		
<b>Land Use</b>	<b>Loading Space Required</b>	
<b>Industrial</b>		
Floor Area:		
Under 25,000 sq ft	1	
25,000 to 50,000 sq ft	2	
50,000 to 100,000 sq ft	3	
<b>Table 3 Minimum Loading Berth Dimensions</b>		
<b>Land Use</b>	<b>Length – Linear Feet</b>	<b>Width – Linear Feet</b>
Wholesale storage and industrial	65	12

*(B) Passengers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.*

*(C) Merchandise, Materials or Supplies. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.*

*(D) Any area to be used for the maneuvering of delivery vehicles and the unloading or loading of materials shall be separated from designated off-street parking areas and appropriately designed to prevent the encroachment of delivery vehicles into off-street parking areas or into a public street.*

*(E) The facilities review committee may modify the off-street loading requirements as they apply to any individual case only for good cause shown, and it shall set reasonable safeguards and conditions to ensure that any such modification conforms to the intent of this title. Modification may be granted if it is demonstrated to the satisfaction of the committee that loading operations of the use or structure in question will not interfere with pedestrian or vehicular traffic on a public street.*

*(F) Exceptions and Adjustments. Loading areas within a street right-of-way within the Cornelius Town Center may be approved when all of the following conditions are met:*

- (1) Area is signed for short duration only (i.e., less than one hour);*
- (2) Expected visits are infrequent (less than three operations occur daily between 5:00 a.m. and 12:00 a.m. or all operations occur between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);*
- (3) Area does not unreasonably obstruct traffic;*
- (4) Area does not obstruct a primary emergency response route; and*
- (5) Designation is acceptable to the applicable roadway authority.*

**Findings:** The proposed chemical storage facility includes the provision of 31 trailer truck containment parking spaces for the operation of Phase 1 and an additional 32 trailer truck containment parking spaces for the operation of Phase 2. In addition, a truck loading area in the rear of Storage Building 1 (phase 1) meets the minimum loading berth dimension for the 3 births of 65 feet long by 12 feet wide (it is 65 feet long by 80 feet wide). The size of the loading berth for development in Phase 2 is larger than the loading berth in Phase 1, exceeding the standards.

**18.145.050 Design and maintenance standards for off-street parking and loading facilities.**

*(A) Except as otherwise defined in this code, “one standard parking space” means a minimum of a parking stall of nine feet in width and 20 feet in length. To accommodate compact cars more efficiently, up to 25 percent of the available parking spaces may have a minimum dimension of eight feet in width and 16 feet in length, so long as they are identified as compact car stalls and are not readily accessible to large cars.*

*(B) Excluding single-family and duplex residences, groups of two or more parking spaces shall be served by a service drive so that no backing movements or other maneuvering within a street or other public right-of-way would be required.*

- (C) Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress consistent with CMC 18.150.070, and maximum safety of pedestrians and vehicular traffic on the site.*
- (D) Each parking and/or loading space shall be accessible from a street and the access shall be of a width and location as described in this section.*
- (E) Parking space configuration, stall and access aisles shall be of sufficient width for all vehicles turning and maneuvering, and according to the minimum standard as shown in Figures 1 and 2 (following this chapter).*
- (F) Except for single- and two-family residences, any area intended to be used to meet the off-street parking requirements as contained in this title shall have all parking spaces clearly marked using a permanent paint. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety.*
- (G) Except for single- and two-family residences, all areas used for the parking and/or storage and/or maneuvering of any vehicle, boat and/or trailer shall be improved with asphalt or concrete surfaces according to the same standards required for the construction and acceptance of city streets. Off-street parking spaces for single- and two-family residences shall be improved with an asphalt or concrete surface to specification as approved by the building official.*
- (H) Parking spaces along the outer boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four inches high located three feet back from the front of the parking stall as defined in Figure 1 (following this chapter). The facilities and design review committee or the planning commission may approve parking spaces without wheel stops, provided the abutting sidewalk is increased by three feet in width and/or the appropriate landscaping is planted where the bumper would overhang.*
- (I) Off-street parking and loading areas shall be drained in accordance with specifications approved by the city engineer.*
- (J) Artificial lighting on all off-street parking facilities shall be designed to deflect all light away from surrounding residences and so as not to create a hazard to the public use of any road or street.*
- (K) Signs which are provided on parking lots for the purpose of meeting this section shall be as prescribed by the building official.*
- (L) All parking lots shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly, and broken or splintered wheel stops shall be replaced so that their function will not be impaired.*
- (M) Bicycle parking spaces shall be conveniently located with respect to the street, bicycle path/lane and building entrance. Bicycle parking spaces shall be located not more than 75 feet from a building entrance and where possible shall not conflict with off-street vehicle parking spaces and drive aisles. There shall be at least 36 inches of clearance between parked bicycles and other obstructions or buildings.*

**Findings:** All required off-street parking will be accommodated within the parking lot. All stalls will be permanently marked. Parking space configuration, stall and access aisles are of sufficient width for all vehicles turning and maneuvering.

All proposed parking is along the outer boundaries of a parking lot or adjacent to internal sidewalks. The passenger vehicle parking area is shown on the east side of the proposed buildings. Parking/loading for trucks is shown on the west side of the proposed buildings. Regarding the passenger vehicle parking area on the east of the proposed buildings, the site plan shows the parking stalls on the west side of the parking lot will have a minimum of 7 feet of sidewalk along

each of these parking stalls (4 feet for clear passage and an additional 3 feet for vehicle overhang). The parking stalls on the east side of the parking lot are adjacent to the required 5-foot landscaped buffer and will include wheel stops, as shown on the submitted site plan. Drainage and lighting in the parking area are proposed to meet city standards. Bicycle parking will be located near the front office entrance and are easily accessed via the pedestrian pathway from the public right-of-way. Parking/loading for trucks shown on the west side of the building identifies 35-foot-long stall lengths, exceeding parking standards.

#### **18.145.060 Landscaping required.**

*(B) Minimum Requirements. All areas used for the display and/or parking of any and all types of vehicles, trailers, boats or heavy construction equipment, whether such vehicles traverse the property as a function of the primary use, hereinafter referred to as "other vehicular uses," shall conform to the minimum landscaping requirements provided in this section. Activities that are of a drive-in nature such as, but not limited to, filling stations, grocery and dairy stores, banks, restaurants, and the like shall conform to the minimum landscaping requirements also. The following areas are not required to meet the landscaping standards:*

- (1) Where all of the parking or other vehicular uses are located under, on or within buildings; and*
- (2) Parking areas serving single- and two-family uses as normally such residential areas shall not be required to meet.*

*(C) Installation. All landscaping shall be installed in a sound workmanship like manner and according to accepted good planting procedures with the quality of plant materials as hereinafter described. All elements of landscaping exclusive of plant material except hedges shall be installed so as to meet all other applicable ordinances and code requirements.*

*Landscaped areas shall require protection from vehicular encroachment as herein provided in CMC 18.145.050(H). The community development director or the building official shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided.*

*(D) Maintenance. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. All plant growth in interior landscaped areas shall be controlled by pruning, trimming or otherwise so that:*

- (1) It will not interfere with the maintenance or repair of any public utility;*
- (2) It will not restrict pedestrian or vehicular access; and*
- (3) It will not constitute a traffic hazard because of reduced visibility.*

**Findings:** The building official, community development director and/or city engineer will inspect on-site landscaping prior to occupancy and ensure that all street trees and other parking-related landscaping are installed and maintained and will not create a traffic hazard in accordance with this Section.

#### **18.145.070 Parking lot design standards.**

*(A) Required Landscaping Adjacent to Public Right-of-Way. A strip of land at least five feet in width located between the abutting right-of-way and the off-street parking area or vehicle use area*

which is exposed to an abutting right-of-way, except in required vision clearance areas as provided in CMC [18.150.070](#).

(B) *Perimeter Landscaping Relating to Abutting Properties.* On the site of a building or structure or open lot use providing an off-street parking area or other vehicular use area, where such areas will not be entirely screened visually by an intervening building or structure from abutting property, a five-foot landscaped strip shall be between the common lot line and the off-street parking area or other vehicular use area exposed to abutting property.

(C) *Where the boundary of a parking lot in a nonresidential zone adjoins a residential district, a 10-foot landscaped strip shall be provided along the entire length abutting the residential zone, and shall be landscaped with evergreen plant material and maintained at a minimum height of 36 inches.*

(D) *Parking Area Interior Landscaping.* Landscaped islands shall be provided a minimum of every 10 parking spaces with a depth equivalent to the depth of the adjacent parking spaces and a minimum width of six feet to break up large expanses of pavement, improve the appearance and climate of the site, improve safety, and delineate pedestrian walkways and traffic lanes. Except for industrial development within industrial zones, the following interior landscaping shall be met:

(1) *Sight Distance for Landscaping at Points of Access.* When an accessway intersects a public right-of-way or when the subject property abuts the intersection of two or more public rights-of-way, all landscaping within vision clearance areas pursuant to CMC [18.150.070](#) shall provide unobstructed cross-visibility at a level between three feet and 10 feet above the curb line; provided however, visibility areas shall be allowed, provided they are so located so as not to create a traffic hazard. Landscaping except required grass or ground cover shall not be located closer than three feet from the edge of any accessway pavement.

(2) *Parking lots that are more than three acres in size shall provide street features along major drive aisles. These features shall include at a minimum curbs, sidewalks and street trees and/or planter strips or both.*

(3) *Access to and from parking spaces/areas shall not permit backing onto a public street and/or a public vehicle travel lane or both, except for single-family or duplex dwellings and multi-family uses with not more than four units in the core residential zone.*

**Findings:** A minimum five-foot-wide landscaping strip is shown on the submitted plans around the entirety of this site. On the east side of the proposed buildings, a landscaped island is provided a minimum of every 10 parking spaces. However, the future parking on the western boundary of the site does not show landscaped islands within the parking stalls (sometimes marked “loading”). The parking/loading west of the buildings shall be revised to include landscaped islands a minimum of one for every 10 parking/loading stalls. This shall be a condition of approval.

#### **18.145.080 Drainage of off-street parking and loading facilities.**

*Off-street parking and loading facilities shall be drained to avoid flow of water across public sidewalks.*

**Findings:** The proposed parking area is designed to drain without flow of water across public sidewalks.

**18.145.090 Security required.**

*(A) Completion Time for Parking Lots. Required parking spaces shall be improved and available for use before the final inspection. An extension of time may be granted by the community development director, provided a security equal to 150 percent of the cost of the parking lot is posted with the city of Cornelius and the parking space is not required for immediate use. If the parking improvements are not completed within six months, the city shall have access to the security to complete the installation and/or revoke occupancy. Upon completion of the installation, any portion of the remaining security shall be returned to the owner. Costs in excess of the posted security shall be assessed against the property and the city shall thereupon have a valid lien against the property, which shall become due and payable.*

**Findings:** The proposed parking shall be improved and available for use before final inspection unless an extension of time is granted by the community development director per the procedures of CMC 18.145.090.

**Conclusion:** Based upon the findings above, staff concludes the criteria for Chapter 18.145 are met, with conditions.

**CHAPTER 18.155 SOLAR ACCESS FOR NEW DEVELOPMENT**

**18.155.040 Access to sunshine.**

*The elements of the development plan (e.g., buildings, circulation, open space and landscaping) shall be located and designed, to the maximum extent feasible, to protect access to sunshine for planned solar energy systems or for solar-oriented rooftop surfaces that can support a solar collector or collectors capable of providing for the anticipated hot water needs of the buildings in the project between the hours of 9:00 a.m. and 3:00 p.m. PST, on December 21st.*

**Findings:** The proposed development does not include planned solar energy systems however, the southwestern portion of the site is not proposed to be developed with buildings and the rooftop could potentially be converted in the future. Access to sunshine is not precluded.

**18.155.050 Shading.**

*(A) The physical elements of the development plan shall be, to the maximum extent feasible, located and designed so as not to cast a shadow onto structures on adjacent property greater than the shadow which would be cast by a 25-foot hypothetical wall located along the property lines of the project between the hours of 9:00 a.m. and 3:00 p.m., PST, on December 21st. This provision shall not apply to structures within the Main Street district.*

*(B) The impact of trees shall be evaluated on an individual basis considering the potential impacts of the shading and the potential adverse impacts that the shading could create for the adjacent properties in terms of blocking sunlight in indoor living areas, outdoor activity areas, gardens, and similar spaces benefiting from access to sunlight.*

**Findings:** The building has been designed to avoid shadow overcasting onto neighboring buildings or residents. The setback from the proposed buildings to the neighboring properties is significant. The outdoor storage areas are closer to the northern property line but at a height of 8 feet, the CMU wall screening these tanks will not create shadows exceeding the maximum limits of this standard. solar access.

#### **18.155.060 Alternative compliance.**

*Upon request by an applicant, the planning commission may approve an alternative site layout that may be substituted in whole or in part for a plan meeting the standards of this chapter.*

*(A) Procedure. Alternative compliance plans shall be prepared and submitted in accordance with submittal requirements for plans as set forth in this section. The plan shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will equally or better accomplish the purpose of this chapter than a plan which complies with the standards of this chapter.*

*(B) Review Criteria. In approving an alternative plan, the planning commission shall find that the proposed alternative plan accomplishes the purposes of this chapter equally or better than a plan which complies with the standards of this chapter.*

*In reviewing the proposed alternative plan, the planning commission shall take into account whether the alternative design enhances neighborhood continuity and connectivity, fosters nonvehicular access, and preserves existing natural or topographic conditions on the site.*

**Findings:** The submitted plans in Exhibit ‘A’ identify solar access in compliance with this section. This standard is met.

**Conclusion:** Based upon the findings above, staff concludes the criteria for Chapter 18.155 are met.

## **RECOMMENDATION**

Based upon the facts, findings, and conclusions presented in this Staff Report, the Community Development Director recommends that the Planning Commission approve CUP-05-21 & DR-276-21, subject to the following conditions of approval:

1. This approval is for a Type III Conditional Use Permit and Site Design Review application to develop a new industrial chemical storage warehouse facility. The development will include a new parking lot area, landscaping, right-of-way improvements and other supporting amenities, as described within Exhibit “A”, in two phases.

#### **Prior to Building Permit Submittal**

2. Vacation of N. 7<sup>th</sup> Court and recording of the one-lot partition plat shall be required prior to issuance of a development permit.
3. The applicant shall submit a final design of the utilities and final engineering plans to the City Engineer for review and approval, as described within Exhibit ‘C’.

4. Building permits shall be submitted to 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.
5. The applicant shall provide a copy of DEQ's approval along with detailed unit specifications for the City Community Development Director and Building Official to review and approve.
6. An approved Point Source Control Permit from CWS, or statement from CWS that a Point Source Permit is not required, shall be provided to the Community Development Director and City Engineer.
7. The parking/loading west of the buildings shall be revised to include landscaped islands a minimum of one for every 10 parking/loading stalls.

#### **Prior to Site Development**

8. The applicant shall obtain all the necessary grading and erosion control permits for on-site and off-site work.
9. 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".
10. The applicant shall obtain an approved Erosion Control permit from the City.

#### **Prior to Building Permit Issuance**

11. 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.
12. The applicant shall obtain all the appropriate Building, Plumbing, Electrical, and Mechanical Permits and shall meet all applicable Building Code and Fire District requirements for the proposed development.
13. 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.
14. Bonding for public improvements, water quality facilities and erosion control is required to ensure the improvements are completed in a satisfactory manner.

#### **Prior to Occupancy**

15. Prior to issuance of a Final Occupancy Permit, all required conditions of approval from this report shall be satisfied.
16. 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. If deferred landscaping installation is needed due to weather or other considerations, the property owner will pay the appropriate cash deposit or provide the appropriate letter of credit for the length of the deferral, not to exceed 6 months.
17. The applicant shall coordinate with the City Engineer and install to the public works standards all frontage improvements that abut the property. The applicant shall construct an on-site storm drainage system in conformance with CWS standards. All public

improvements shall be in accordance with the City Engineer's comments, attached herein as Exhibit 'C'.

18. A private storm water quality facility maintenance agreement shall be signed and recorded by the applicant.
19. All new utilities serving the site shall be located underground.
20. Bicycle parking shall be installed (8 spaces prior to occupancy for Phase 1 and an additional 6 spaces prior to occupancy for Phase 2).
21. The applicant shall obtain any required maintenance bonds for street trees and the water quality facility.
22. The applicant shall coordinate the installation of a mail box with the City and the Post Master.
23. 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).
24. The parking lot 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. The parking/loading west of the buildings shall include landscaped islands a minimum of one for every 10 parking/loading stalls.

#### **Other**

25. The applicant shall meet all applicable Federal, State, County and City Building, Electrical, Plumbing, and Mechanical Code requirements and air, land and water quality standards. A permit may be required from the Clean Water Services source control group.
26. The applicant shall meet all requirements identified by the Building Official and the Division Chief for Fire & Life Safety, including:
  - a. The findings of a geotechnical analysis shall be incorporated into design and construction documents;
  - b. The plans shall have a complete code analysis showing any increase in allowable size;
  - c. Details regarding the type and quantity of chemicals stored on the site will be required;
  - d. Quantities of products stored shall not exceed the Oregon Fire Code;
  - e. Incompatible materials shall be stored in accordance with the Oregon Fire Code;
  - f. Storage of materials shall be consistent with Oregon Fire Code standards;
  - g. Secondary containment needs shall be met;
  - h. Hazardous materials response management plan, and a hazardous materials inventory statement shall both be up to date and maintained on site;
  - i. Fire protection and alarm systems shall be capable of meeting the requirements for the hazards associated with this use;
  - j. Proper hazardous materials warning placards shall be posted visible from fire lanes; and
  - k. Applicant shall provide to Forest Grove Fire & Rescue a PDF copy of the site plan for pre-fire planning purposes, including details showing what types of chemicals are

- stored where, fire protection system controls, utility locations, hydrants, doors, and general floor plan.
27. Signage that is placed on the property must receive Sign Permit approval through a Sign Permit application review process.
  28. The driveways and walkways shall be lighted during the hours of darkness in accordance with the public works standards.
  29. 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.
  30. Vibration beyond that which is permitted will be addressed as a Code Compliance issue.
  31. If odorous gases from the site are detected and they are not corrected in a timely fashion then requirement for corrective action or, failing that, revocation of this approval may occur.
  32. 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.
  33. This approval is valid for 2 years for substantial construction to begin. Phase 2 shall begin substantial construction within 2 years of issuance of a certificate of occupancy for Phase 1.
  34. 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 STAFF REPORT AND RECOMMENDATION:** October 19, 2021



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**Barbara Fryer, AICP, Community Development Director**

Exhibits:

- A. Copy of Application Submittal
- B. Copy of Public Notice
- C. Agency and Public Comments