



CITY OF CORNELIUS
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING COMMISSION APPROVED STAFF REPORT

COUNCIL COVE

**Conditional Use Permit for a Planned Unit Development &
Subdivision Preliminary Plat**

Land Use File No. CUP/PUD-01-25 & SUB-01-25

Planning Commission Hearing Date: August 26, 2025
Staff Report Date: August 19, 2025

Request: A Type III Planned Unit Development (PUD) Conditional Use (CUP/PUD-01-25) & Subdivision Preliminary Plat (SUB-01-25) application for a new 34-lot attached dwelling subdivision.

Applicant's

Representative: Matt Sprague, Pioneer Design Group

Applicant: Cale Doney, Sage Built Homes

Property Owner: Patrica Jean Decker Revokable Living Trust
Council Creek Estates Homeowners' Association / City of Cornelius
Maintenance Easement

Location: Southeast corner of N 19th Avenue and Council Creek

Legal: T 01 N, R 03 W, Map 34 CA, Tax Lots 00201 and 17300

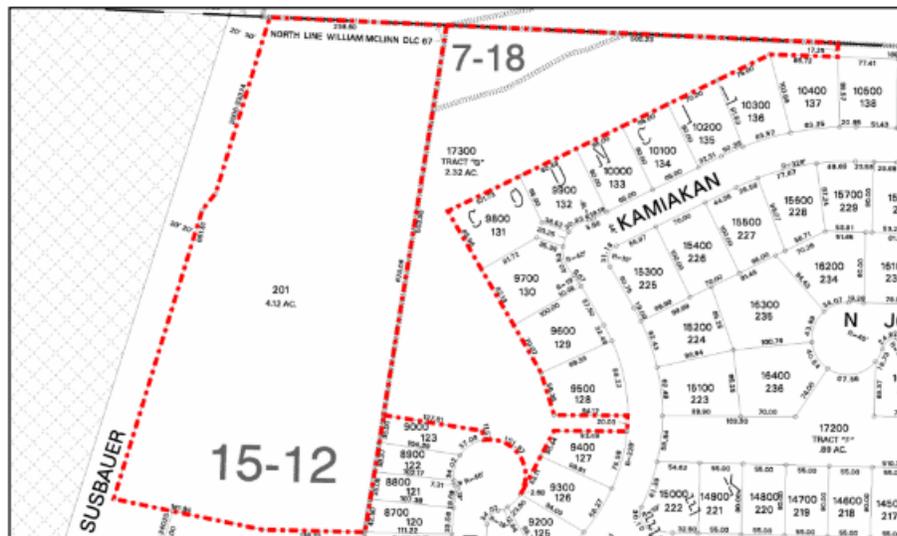
Current Zoning: A-2 (Multi-Unit Residential) R-7 (Low Density Residential)

Review Criteria: CMC Title 17 Subdivisions: Chapter 17.05.040 (Subdivisions); CMC Title 18 Zoning: Chapter 18.10 and 18.15 Application and Review Procedures, Chapter 18.20 Low Density Residential (R-7), Chapter 18.35 Multi-Family Residential (A-2), Chapter 18.95 Natural Resource Overlay (NRO), Chapter 18.100 Site Design Review, Chapter 18.110 Planned Unit Development (PUD) Conditional Use, 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 Planned Unit Development (PUD) Conditional Use and Subdivision Preliminary Plat with public hearing shall be processed consistent with Section 18.15.010(C), a Type III Planning Commission Review. The Planned Unit Development (PUD) Conditional Use and Subdivision Preliminary Plat review 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. Applicant is requesting a Type III Planned Unit Development Conditional Use (**CUP/PUD-01-25**) and Subdivision Preliminary Plat (**SUB-01-25**) for a new 34-lot attached dwelling subdivision.
2. The site of this PUD conditional use tentative subdivision (hereinafter, Site) is approximately 4.12 acres, while the public improvements will occur on the 2.32-acre property to the east of the proposed subdivision.



3. The site is located east of N 19th Avenue (County names N. 19th Avenue “Susbauer Street” north of Council Creek) and south of Council Creek and immediately Sheelar Park Subdivision in the City of Cornelius.
4. The Site is currently zoned as Low Density Residential (R-7) and Multi-Unit Residential (A-2).

5. The surrounding land uses and zoning are as follows:

North	Council Creek and its floodplain and wetlands County: FD-20	South	Detached residential units A-2 Multi-Unit Residential
East	Detached residential units R-7 Low Density Residential	West	Attached townhomes A-2 Multi-Unit Residential





Subject site



Council Creek Terrace Subdivision



Sheelar Park Subdivision



Council Creek Estates Subdivision



Water Quality and Quantity Tract within
Council Creek Estates Subdivision

6. The property owner, applicant, applicant’s representative and the City of Cornelius provided a signature authorizing the request for the Planned Unit Development Conditional Use & Subdivision Preliminary Plat application on the two subject parcels. A copy of the signed Land Use Application is found in the Applicant’s Submittal, Staff Report Attachment 1.
7. On December 18, 2024, the applicant held the required neighborhood meeting at the Cornelius Public Library, Walters Community Room, 1370 N. Adair Street, Cornelius, OR. Eight people attended the meeting (see Applicant’s Submittal, Staff Report Attachment 1).
8. The Planned Unit Development Conditional Use & Subdivision Preliminary Plat application was submitted on April 4, 2025, and deemed complete on July 9, 2025. The 120th day is November 6, 2025.
9. On August 6, 2025, Public Notice was mailed to affected agencies and property owners within 250 feet of the Site regarding the application and scheduled public hearing (see Staff Report Attachment 2).

- 10. On July 31, 2025, Public Notice of the proposal was published in the Forest Grove News-Times and on the website regarding the application and upcoming public hearing (see Staff Report Attachment 2).
- 11. As of this date, the city has received no written public comments regarding the proposal.
- 12. As of this date, the city engineer submitted comments regarding the proposal, which are found in Staff Report Attachment 3.

Staff Report Part 1: TITLE 17 SUBDIVISIONS ANALYSIS AND FINDINGS

17.05 Land Divisions
17.05.040 Subdivisions.

...

(C) Approval Criteria. In order to approve a preliminary plat, findings of fact shall be made to support the following conclusions:

- (1) The proposal conforms with the city’s comprehensive plan; and***
- (2) The proposal complies with all applicable statutory and ordinance requirements and regulations; and***
- (3) Adequate public facilities are available to serve the proposal; and***
- (4) All proposed lots conform to the size and dimensional requirements of this chapter; and***
- (5) All proposed improvements meet city standards; and***
- (6) That the phasing plan, if requested, can be carried out in a manner which meets the objectives of the above criteria and provides necessary public improvements for each phase as it develops.***

Findings: The subject property for this preliminary subdivision and conditional use permit/planned unit development has a Comprehensive Plan designation of Medium Density Residential development. Due to the presence of significant natural resources at the north end of the Site (Council Creek and associated floodplain and wetlands), the City’s Natural Resource Overlay (NRO) zone (Site CCDU-1, Plot CCDU-1-2) applies to the Site (see Applicant’s Exhibit Staff Report Attachment 1 for location of vegetated corridor).

As shown in the Preliminary Composite Utility Plan (see Applicant’s Exhibit A, Plan Sheet P7.0 within Staff Report Attachment 1), the project will result in significant public facilities improvements. These public facilities will be constructed in conformance with

the Cornelius Transportation Plan, adopted Cornelius Public Works Standards, and CMC Chapter 18.143 (Transportation Facilities). Street facilities include widening N. 19th Avenue along the project frontage to provide a full street width, a small street stub from N. 19th Avenue named N. Irvine Street, a north south 32-foot street and three 30-foot woonefs named N. 20th Way. This shall be a condition of approval.

As confirmed by the city engineer, domestic water capacity is available to accommodate the proposed 34-unit residential development. The Preliminary Composite Utility Plan (see Applicant's Exhibit Plan Sheet P7.0, within Staff Report Attachment 1) illustrates the proposal for domestic water service with a new 8-inch loop system from N 19th Avenue, through the proposed development and easterly to N. 21st Avenue. The construction of a public water system to serve the proposed development shall be a condition of approval.

As confirmed by the city engineer, sanitary sewer capacity is available to accommodate the proposed 34-unit residential development. The Preliminary Composite Utility Plan (see Applicant Plan Sheet P7.0, within Staff Report Attachment 1), shows a well-designed sanitary sewer system that connects to the existing 8-inch public sanitary line to the northeast of the site to the 42-inch trunk line within Council Creek. The construction of a public sanitary sewer system to serve the proposed development shall be a condition of approval.

As illustrated in the Preliminary Stormwater Management Report (see Applicant Submittal within Staff Report Attachment 1), a new stormwater system will convey stormwater runoff generated by new impervious surfaces within the Site to an existing stormwater facility located within the Council Creek Estates subdivision (T1N, R3W, Map 34CA, Tax Lot 17300). The city engineer has confirmed that the stormwater quality facility will be modified, improved, and sized to accept this additional water. The Site is adjacent to Council Creek. The applicant obtained a Clean Water Services (CWS) Service Provider Letter SPL (see Applicant Submittal within Staff Report Attachment 1) and the Water Quality Planting Plan (see Applicant Plan Sheet L1.0 within Staff Report Attachment 1) conforms to the requirements listed out in the SPL. The project must conform to CWS stormwater treatment rules. The construction of a public stormwater conveyance to serve the proposed development that meets the requirements of CWS and the improvements to the water quality facility as noted, shall be a condition of approval.

Additionally, the applicant proposes a vegetated corridor adjacent to Council Creek within the project area, it is proposed as Tract C. The vegetated corridor shall meet the standards of CWS as identified in the CWS SPL (CWS File Number 24-001681). Upon satisfactory completion of the vegetated corridor, Tract C shall be dedicated to the City of Cornelius. This shall be a condition of approval.

This subdivision will take advantage of the flexibility in setback standards provided by the City's PUD and Conditional Use standards for the attached dwelling units, which will

accommodate demand for new housing in this part of the metropolitan region. As shown in the Cover Sheet and Preliminary Plat (Applicant Plan Sheet P1.0 within Staff Report Attachment 1), lots meet the city’s 1,500 SF standards of the A-2 zone. Minimum lot widths and depths of 20 and 60 feet, respectively, are met. The application includes development of the Site over the course of a single phase.

The applicant provided the following three tables to demonstrate compliance with minimum and maximum densities and the open space requirements of the zones.

Net Acreage Calculation						
Zoning District	Gross Area (square feet)	Gross Area (acres)	Vegetated Corridor/ NRO (acres)	Open Space (acres)	ROW Dedication (Acres)	Net Area (acres)
A-2	179,467	4.12	1.33	0.21	0.80	1.78

Based on a net acreage of 1.78 acres, maximum density for a townhouse development is 25 units per net acre, and is calculated as follows:

Maximum Density Calculation					
Zoning District	Gross Area (acres)	Net Area (acres)	Maximum Density (du/acre)	Calculated Maximum Density (units)	Proposed Density
A-2	4.12	1.78	25	45	34

Accordingly, the proposed 34-lot Planned Unit Development does not exceed the allowed maximum density of 45 units.

1. Lot Size.

HOUSING TYPE	MINIMUM LOT SIZE
<i>Detached single-unit dwelling and duplex</i>	<i>3,100 square feet</i>
<i>Triplex</i>	<i>5,000 square feet</i>
<i>Quadplex and cottage cluster</i>	<i>7,000 square feet</i>
Townhouse	1,500 square feet
<i>Multi-unit dwellings</i>	<i>1,500 square feet per unit</i>

Findings: The applicant correctly calculates the net acreage using the city’s criteria and, as a result, the proposal meets the minimum density and does not exceed the maximum density required in the A-2 zoning district. The development complies with the 1,500 SF minimum lot size per dwelling unit for Townhomes.

17.05.040(D) Special conditions.

(1) No preliminary plat of a subdivision shall be approved which bears a name using a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in Washington County, except for the words “town,” “city,” “place,” “court,” “addition,” or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed.

Findings: The Washington County Surveyor has confirmed that the name “Council Cove” is acceptable for and satisfies the requirements of this preliminary subdivision plat.

(2) No preliminary plat shall be approved unless it bears the signature of the chairman of the planning commission and the community development director.

Findings: The Planning Commission Chair and community development director will sign the preliminary plat following approval of this application.

(3) Streets. No preliminary plat for a proposed subdivision shall be approved unless:
(a) General. The location, width and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by such streets. Where location is not shown in the comprehensive plan, the arrangement of the streets in a division shall either:

(i) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(ii) Conform to standards adopted by the city. All streets shall be designed in accordance with standards set forth in Chapter 18.143 CMC, Transportation Facilities.

Findings: This subdivision will create one new local street (N. 20th Way) and 3 new woonerfs also noted as N. 20th Way. The applicant will improve the frontage of N. 19th Avenue along the project site with a 6-foot bike lane, 6-foot planter strip with street trees, and a 6-foot sidewalk. The bollards at N. Irvine Street will be removed as this street will be the entry to both Sheelar Park and the proposed Council Cove Subdivisions. The applicant will also install bollards at the existing entrance to Sheelar Park as required of the original Sheelar Park Subdivision (see Applicant Plan Sheets P5 and 6 within Staff Report Attachment 1).

The applicant has requested approval (see Applicant's Submittal within Staff Report Attachment 1 for the Woonerf Deviation Request) from the City Engineer and Planning Commission to allow 18 units on the woonerf streets, exceeding the maximum of 6 units. Woonerf 1 would provide access to lots 6-15 (ten total lots), Woonerf 2 provides access to lots 16-19 (four total lots) and Woonerf 3 provides access to lots 27-30 (four total lots). The City Engineer, in Staff Report Attachment 3, has recommended approval of the request to allow 18 units to access their homes using the 3 woonerfs proposed in this development. Two of the woonerfs provide access to 4 homes. Only one woonerf exceeds the 6-unit limitation with 10 homes proposed. With approval of the variance, all transportation improvements included in this application are consistent with the adopted Cornelius Transportation System Plan, the City's adopted Public Works Standards, and CMC Chapter 18.143 (Transportation Facilities), or as otherwise allowed by the city engineer and Planning Commission.

(b) Reserve Strips. Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in such cases as they may be required. The control and disposal of the land composed of such strips shall be placed within the jurisdiction of the city under conditions approved by the community development director.

Findings: The application does not include the creation of reserve strips or street plugs. The criterion does not apply.

(c) Alignment. As far as practical, all streets other than minor streets or cul-de-sacs shall be in alignment with existing streets by continuations of the center lines thereof.

(d) Future Extension of Streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the land division, and the resulting dead-end street may be approved with a temporary design. Reserve strips including street plugs may be required to preserve the objectives of street extensions.

Findings: As shown on the Preliminary Streets Plan (see Applicant Plan Sheet P5.0 within Staff Report Attachment 1), this subdivision is surrounded by subdivisions and proposes to realign the Sheelar Park Subdivision entrance, as required in their conditions of approval. No other street extensions will be provided into other areas as the site is constrained by Council Creek, the Portland Metropolitan Urban Growth Boundary and the limitation of Rural Reserve land to the north. All areas to the east and south have been fully developed. Construction of the new street system to align with existing rights-of-way shall be a condition of approval.

(e) Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practical except where topography requires a lesser angle, such as for special intersection design.

Findings: As shown in the Preliminary Streets Plan (see Applicant Plan Sheet P5.0 within Staff Report Attachment 1), to the degree possible all new street intersections will occur at near right angles.

(f) Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of land division.

Findings: N. 19th Avenue right-of-way will be dedicated to create the full arterial street width and construction of a new retaining wall and sidewalks will occur on N. 19th Avenue leading to the County Bridge constructed previously. All streets and sidewalks will be constructed per the Cornelius Transportation System Plan, City Public Works Standards, and CMC Chapter 18.143 (Transportation Facilities). This shall be a condition of approval.

Street rights-of-way within the site shall meet Cornelius Public Works standards for width and design and will be dedicated upon final plat recordation. This shall be a condition of approval.

The applicant is proposing significant public improvements to the site. These improvements include potable water, drainage and sanitary sewer in the public ROW. This shall be a condition of approval.

(g) Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the land division when in conformity with the other requirements of these regulations, and when the community development director finds it will be practical to require the dedication of the other half when the adjoining property is divided. The community development director may require up to an additional 10 feet of right-of-way and improvements to provide for a safe travel surface. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

Findings: The proposal includes completing the full street width for N. 19th Avenue, an arterial. No reserve strips or street plugs are necessary.

(h) Cul-De-Sacs. All cul-de-sacs which are proposed for approval following the effective date of this chapter shall be as short as possible and shall not be more than 200 feet long, except for the modified infill design cul-de-sac which shall not be more than 150 feet long, as measured along the center line of the roadway from the near side right-of-way of the nearest through traffic intersecting street to the farthest point of the cul-de-sac right-of-way, or as approved by the fire chief, whichever is longer. All cul-de-sacs shall terminate with a circular turn around. For cul-de-sacs in residential developments, street design standards shall apply. In proposed development or where redevelopment potential exists, and a street connection is not proposed, one or more accessways may be required to connect a cul-de-sac to public streets, to other accessways, or to property lines to allow for future connections. Redevelopment potential exists when assessed building value per square foot is less than 50 percent of the mean value per square foot of surrounding buildings on lots within a 500-foot distance as measured from any point of the property line. An accessway will not be required where the impacts from new development, redevelopment or both are low and do not provide reasonable justification for the estimated costs of such accessway.

(i) Accessways linking cul-de-sacs shall be as short as possible and, wherever practical, straight enough to allow one end of the path to be seen from the other.

(ii) Accessways linking cul-de-sacs shall be lighted to a minimum level of one-half foot-candle. Lighting shall have cut-off fixtures so that no glare is emitted beyond the accessway and onto adjacent properties.

Findings: The Site does not include any cul-de-sacs; therefore, this criterion is not applicable. The request includes three woonerfs serving 18 total units. A request has been made to allow 18 units to access the site via the three woonerfs and the city engineer recommends that the Planning Commission approve the request (see discussion above). Also, the applicant, and City, propose that the maintenance access to the water quality facility be used as an accessway linking this subdivision to N. 21st Avenue. This maintenance access can serve as a pedestrian and bicycle access point to connect this subdivision to the Council Creek Estates Subdivision to the east.

(i) Grades and Curves. Grades shall not exceed six percent on major or secondary arterials, 10 percent on collector streets, or 12 percent on any other street. In flat areas, allowance shall be made for finished street grades having a minimum slope of one-half percent.

Findings: As shown in the Preliminary Grading and Erosion Control Plan, Preliminary Grading Sections, Preliminary Streets Plans, and Typical Street Sections (see Applicant Plan Sheets, P3.0 through P6.0 within Staff Report Attachment 1), street grades appear to be less than 5%. This criterion is met.

(j) Lots Abutting Arterial Streets. Where a land division abuts or contains an existing or proposed arterial street, the community development director may require frontage roads, reverse frontage lots with suitable depth, screen planting contained in a nonaccess reservation along the rear or side property line, or such other treatment as may be part of an approved street design plan or may be necessary for adequate protection of residential properties, to provide separation of through and local traffic, and be aesthetically pleasing.

Findings: Lots 1, 10 and 11 abut an arterial, N. 19th Avenue. However, there is a significant grade differential between the roadway and the ground level of the subdivision. At the intersection with N. Irvine Street and N. 19th Avenue, the development will be approximately 4 feet above the grade of N. 19th Avenue, at the northern end of the development, the development will be approximately 15 feet above the grade of N. 19th Avenue. No special provisions are anticipated to provide separation of through and local traffic. The project abuts N. 19th Avenue, a City Arterial and, as extended into the County, a County Arterial. No lots receive direct access from N. 19th Avenue.

(k) Trees. Trees shall be installed along street frontages in accordance with the approved city street tree list, based upon a standard of one tree per 30 lineal feet of street frontage. Actual location and spacing of trees shall be at the discretion of the city.

Findings: The applicant provided a Street Tree and Water Quality Planting Plan (see Applicant Plan Sheet L1.0 within Staff Report Attachment 1). Street trees shall be planted as designated on Sheet L1.0. This shall be a condition of approval.

(l) The streets and roads shall be named in accordance with standards and plans established by the planning commission.

Findings: As shown in the Cover Page and Preliminary Plat (see Applicant Plan Sheet P1.0 within Staff Report Attachment 1), the names of new streets and roads will continue existing street nomenclature in this part of the City of Cornelius and was developed based on feedback from City staff. Street names on the final plat shall be N. Irvine Street and N 20th Way, as shown on Plan Sheet P1.0. This shall be a condition of approval.

(m) The minimum street width shall comply with the standards and design identified in CMC 18.143.040, Street design cross-sections per transportation system plan.

The city and the planning commission shall consider in their traffic analysis, congestion management solutions as mandated by Title 6 of the Metro's Urban Growth Management Functional Plan.

Findings: The subdivision layout on the Cover Sheet and Preliminary Plat (see Applicant Plan Sheet P1.0 within Staff Report Attachment 1) satisfies all applicable street-related criteria, with the approval from the city engineer and Planning Commission to allow 18 units to get access via the three proposed woonerfs. New streets have been designed to comply with the City's adopted Public Works Standards. These design standards implement many of the congestion management solutions identified in Title 6 of Metro's Urban Growth Management Functional Plan (UGMFP) and incorporate the latest in safety and performance best practices.

N. 19th Avenue will be improved to an arterial standard, as classified on the TSP. Two discrete street classification types will be used to provide access to new homes in this subdivision: local street and woonerf. The construction of these streets to City standards, as required by the city engineer, shall be a condition of approval.

No traffic analysis was required for this development.

4) Blocks. The lengths, widths, and shapes of blocks shall be designed with due regard to providing adequate building sites suitable to the special needs of the type of use contemplated, needs for convenient access circulation, control and safety of street traffic, and limitations and opportunities of topography. Where streets are required to provide access, blocks shall comply with CMC 18.143.050, Access standards, which are proposed for approval following the effective date of the ordinance codified in this chapter and shall not exceed 530 feet in length between intersecting streets as measured from the near side right-of-way line except where physical or natural constraints preclude a street connection. Application of conditions in subsections (a), (b) and (c) of this section shall be reviewed and may be approved by the city.

(a) Physical or topographic conditions make an accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, slopes in excess of city standards for maximum slopes, wetlands or other bodies of water which make provision of a connection impracticable.

(b) Existing buildings or other development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment.

(c) Where accessways would violate provisions of leases, easements, covenants, or restrictions written and recorded as of May 1, 2000.

(d) Exemptions. Exceptions to block length, street or accessway requirements may be approved by the city, subject to these criteria and CMC 18.115.020(C), Variances – Public Hearing.

(e) An accessway will not be required where the impacts from new development, redevelopment or both are low and do not provide reasonable justification for the estimated costs of such accessway.

Findings: The Site has been designed to create lots that will accommodate the future construction of homes while maximizing opportunities for safe and convenient pedestrian, bicycle, and motor vehicle movement. As shown in the Cover Sheet and Preliminary Plat (see Applicant Plan Sheet P1.0 within Staff Report Attachment 1), the Site layout results in one block length that is 272 feet. All other block lengths are less than 150 feet in length. Thus, all proposed blocks are less than the 530-foot maximum established by this Section.

(5) Easement.

(a) Utility Lines. Easements for sewers, drainage, water mains, electric lines, or other public utilities shall be dedicated. Easements on interior lot lines shall be 20 feet in width, the center line of which shall be the lot lines. Easements along exterior lot lines shall be 20 feet in width, except no easement will be required for those lot lines paralleling a street or other public way. Tie-back easements shall be six feet wide and 20 feet long along lot side lines at change of direction points of the lot lines.

Findings: The city engineer requires an 8-foot-wide public utility easement along all front and street-side lot lines as illustrated on the Preliminary Composite Utility Plan (see Applicant Plan Sheet P7.0 within Staff Report Attachment 1).

(b) Watercourses. Where a land division is traversed by a watercourse, drainage way, channel, or stream, a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as will be adequate for the purpose, may be required. Streets or parking ways parallel to watercourses may be required. Watercourse easements and drainage rights-of-way shall be consistent with Clean Water Services (CWS) standards.

Findings: The designated FEMA 100-year floodplain for the Council Creek lies within the project area abutting the northerly edge of Site. Tract A (vegetated corridor) includes 100% of the floodplain and a CWS approved setback. As supported by the executed CWS Service Provider Letter (see Applicant Submittal within Staff Report Attachment 1), these areas and associated utility connection designs shall comply with CWS standards for sites near environmentally sensitive resources. The construction of these connections shall be to CWS standards. These shall be conditions of approval.

(6) Accessways. Except as otherwise provided in this section, accessways shall be dedicated to the public or reserved as a permanent easement or right-of-way or otherwise open to public use. They shall include a walkway and additional land on either side of the walkway to provide clearance and separation between the walkway and adjacent uses. Where accessways cross driveways, they shall be raised, paved or marked to indicate safe access for pedestrians.

(a) In development for which an application is received on or after the effective date of the ordinance codified in this chapter, any block which is longer than 750 feet, or where indicated by the comprehensive plan, a paved accessway designed and constructed to city standards shall be provided through or near the middle of the block.

(b) Block lengths shall not exceed 1,200 feet.

(c) The city may require accessways to connect from one cul-de-sac to an adjacent cul-de-sac or public street or to pass through unusually shaped blocks. An accessway will not be required where the impacts from new development, redevelopment or both are low and do not provide reasonable justification for the estimated costs of such accessway.

(d) Accessways shall be as short as possible and, wherever practical, straight enough to allow one end of the path to be visible from the other.

(e) Accessways shall be lighted either by street lights on adjacent streets or pedestrian scale lighting along the accessway. Lighting shall have cut-off fixtures so that no glare is emitted beyond the accessway and onto adjacent properties.

(f) Exemptions. Exceptions to accessway requirements may be approved by the city subject to Chapter 18.115 CMC, Variances.

Findings: Per CMC Section 17.05.040.D.14, PUDs are not subject to the accessway standards described herein.

(7) Lot Size and Shape. Lot size, width, shape and orientation shall conform to the requirements of this chapter for the applicable zoning district.

(a) Where a tract is subdivided into larger parcels than the minimum lot size under the city zoning regulations, such parcels shall be arranged so as to allow the opening of future streets and logical further resubdivisions.

Findings: Per CMC Section 17.05.040.D.14, PUDs are not subject to the lot size and shape criteria described here. The criteria do not apply.

(8) Access. Each lot shall abut upon a public street, for a distance of at least 20 feet.

Findings: As shown in Preliminary Site Plan (see Applicant Plan Sheet P1.0 within Staff Report Attachment 1), all lots will abut upon a public street for a minimum of 20 feet. This criterion is met.

(9) Dedications. Public streets, sidewalks, pedestrian ways, bike paths, parks, open space, and other public rights-of-way required by or reasonably related to the development shall be dedicated or otherwise conveyed to the city or the appropriate jurisdiction for maintenance. Further, any park or open space proposed may be required to be dedicated if it is designated on the city's comprehensive plan. Dedication must be approved by the jurisdiction to whom the park or open space is being dedicated prior to final plat approval.

Findings: The applicant indicates that all public improvements will be dedicated to the public as shown on the preliminary plat. Tract C shall be deeded to the City for a vegetated corridor. This shall be a condition of approval. Right-of-way shall be dedicated for N. 19th Avenue and N. 20th Way, including the wonerfs. The statutory warranty deed for Tract C must be reviewed, approved, and accepted by the city, prior to signing the final Mylar for the Plat. These documents shall be provided with the required Final Plat application. This shall be a condition of approval.

(10) Utilities. All utilities shall be placed underground per standards identified by the city engineer.

Findings: All new public utilities will be placed underground per standards identified by the city engineer. This shall be a condition of approval.

(11) Street Trees. Trees shall be installed along street frontages in accordance with the approved public works street tree list and based upon a standard of one tree per

30 lineal feet of street frontage. Actual location and spacing of trees shall be at the discretion of the city.

Findings: The applicant provided a Street Tree and Water Quality Planting Plan (see Applicant Plan Sheet L1.0 within Staff Report Attachment 1). Street trees shall be planted as designated on Sheet L1.0. This shall be a condition of approval.

(12) Homeowners' Associations and Declarations. When a homeowners' association agreement or other restrictive covenants are to be recorded with the development, a copy of the appropriate documents shall be submitted for review by the city attorney prior to recordation of the final plat. The city shall review such documents to ensure that common areas are properly maintained and that other restrictions required by the city are included.

Findings: The Applicant intends to establish a Homeowners' Association (HOA) for this subdivision. Therefore, Applicant shall furnish copies of the HOA agreement and any other applicable documents to the City Attorney for review and approval at the time of Final Plat application. This shall be a condition of approval. These documents shall be recorded with the final Mylar.

(13) Variances. The planning commission may authorize a variance from these regulations when, in its opinion, undue hardship may result from strict compliance. Application for a variance shall be submitted in writing by the subdivider, at the time the preliminary plat is filed, for consideration by the planning commission. The variance request shall address the criteria found in Chapter 18.115 CMC. It should also state fully the grounds for the application and all the facts relied upon by the petitioner.

Findings: The application requested a variance from the maximum number of units served by a woonerf standard. Both the city engineer and the community development director are recommending the Planning Commission approve this variance request.

(14) Planned Unit Development (PUD). A planned unit development approved by the planning commission shall not be subject to the provisions of this section, except as identified in Chapter 18.110 CMC, Planned Unit Development (PUD) Conditional Use.

Findings: Because this application includes a PUD, the criteria in Section 17.05.010.D, above, do not apply, except as required under CMC 18.100.

17.05.040(E) Compliance with approval.

(1) Requirements Prior to Commencement of Work. Prior to any construction, improvements or land development, the developer shall perform the following:

(a) The developer shall file detailed plans and specifications for all public improvements or land development together with a detailed cost estimate and an estimate of time reasonably necessary to complete such improvements for approval by the city engineer or designee.

(b) These submitted plans shall include a plan for erosion control during construction, which conforms to the standards established by resolution of the city council.

(c) The developer shall enter into a contract with the city of Cornelius to make, install and complete within the time fixed, but in no case more than two years from the date of execution of said contract without written approval by the city engineer and community development director, all improvements in accordance with the approved plans prior to acceptance of the improvements by the city and/or plat recordation. If the developer chooses to bond for said improvements prior to acceptance of the improvements (to allow plat recordation to occur prior to completion of the public improvements), the developer shall cause to be filed with the city recorder a security acceptable to the city manager payable to the city of Cornelius in a principal sum determined from the approved estimate of the costs of said improvements of this section. The security shall assure the performance of the said contract and the completion of the said improvements, free of liens. Notwithstanding any of the above, a security shall be provided for any improvements to be performed within public rights-of-way and/or public easements.

(d) The amount of the security shall be based on an estimate of the cost of the work approved by the city engineer in accordance with the following schedule:

(i) Public and private improvements within public rights-of-way and/or public easements, and all erosion control measures, in conformance with city and Clean Water Services standards, equal to 150 percent of cost estimate.

(e) Fees. The fees, deposits and charges to be paid by the subdivider may be established or amended by resolution of the council in accordance with the provisions of CMC 18.05.080, General Provisions.

(2) Improvement Procedures. All improvements shall conform to the requirements of this chapter and any other improvements standards or specifications adopted by

resolution of the city council and shall be installed in accordance with the following procedures:

(a) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the land division proposal, such plans may be required before approval of the final plat.

(b) Improvement work shall not be commenced until the developer has secured the appropriate development permit. If work has been discontinued for any reason, it shall not be resumed until the city has been notified and consented in writing.

(c) All required improvements shall be constructed under the inspection and to the specifics of the city engineer and Cornelius Municipal Code. The city may require changes in typical sections and details if unusual conditions arise during construction to warrant such change in the interests of the city or the developer. Upon acceptance of the required improvements, the city engineer shall notify the developer that the improvements are acceptable as per Cornelius Municipal Code. Acceptance shall be in writing.

(d) All underground utilities, sanitary sewers, storm drains and cable communication system facilities installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities, sanitary sewers and cable communication system facilities shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.

(e) A map showing all public improvements as built shall be filed with the city engineer upon completion of said improvements.

(3) Improvement Requirements. Improvements to be installed at the expense of the developer are as follows:

(a) Streets.

(i) All streets, including alleys.

(ii) Streets adjacent but only partially within the partition or subdivision.

(iii) The extension of the land division streets to the intercepting paving line of existing streets with which the land division streets intersect.

(iv) Arterial or collector streets which intersect with streets within the development that provide ingress or egress to the development or on which there are traffic impacts reasonably related to the development.

(v) All streets shall be built to city standards.

(b) Catch Basins. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways.

(c) Monuments and Bench Marks. *At each beginning point only.*

(d) Surface Drainage and Storm Sewer System. *Drainage facilities shall be provided within the land division to connect the land division drainage to drainage ways or storm sewers outside the land division. Design of drainage shall be in accordance with the standards established by the city engineer and shall allow for the extension of the system to serve other areas.*

(e) Sanitary Sewers. *Sanitary sewers shall be installed to serve the land division and to connect the land division to existing mains.*

(f) Water System. *Water lines with valves and fire hydrants serving the land division, connecting the land division to city mains, shall be installed in conformance with the city specifications. The design and construction by the developer shall take into account provisions for extension beyond the land division and to adequately grid the city system.*

(g) Street Trees. *Street trees shall be planted along street frontages in accordance with the following:*

(i) For single-family residential land divisions, the developer shall pay a per tree security to the city. The surety bond shall be based upon a standard of one tree per 30 lineal feet of street frontage, with standard rounding methods applied for fractions thereof. The security to be charged and collected shall be established and from time to time amended by resolution of the city council.

(ii) For all other land divisions, trees shall be planted in accordance with an approved street tree plan.

(iii) Trees shall be planted in accordance with the city's approved public works street tree list.

(h) Bike and Pedestrian Ways. *Bike and pedestrian ways shall be constructed according to city engineering specifications.*

(i) Other improvements reasonably related to the impacts of the development which may be required at the partial or total expense of the developer:

(i) Improvement of arterial and collector streets providing primary access to land division streets.

(ii) Signals, traffic control devices, and traffic calming devices.

(iii) Intersection improvements.

(iv) Parks and open space shall be improved as required by the city and appropriate jurisdiction.

(v) Land parcels to be reserved for any special purpose, other than for sale, are to be distinguished from lots intended for sale.

(j) Street Lights. *Street lights shall be installed in accordance with city standards.*

(k) Curb cuts and driveway installations are not required of the developer but, if installed, shall be according to standards.

Findings: Demonstration of the project's compliance with the criteria in Section 17.05.040.E, above, will be provided prior to final plat approval. Public improvements design and approval shall be through a Public Works Permit in collaboration with the city engineer, as identified by the city engineer within Staff Report Attachment 3. The public improvements specific to the proposed development, including those listed in Attachment 3, shall be identified as conditions of approval.

Conclusion: Based upon the findings above, and through the application of relevant conditions of approval, staff concludes the criteria for Chapter 17 Subdivisions are met.

Staff Report Part 2: TITLE 18 ZONING

18.10 Application Procedure

18.10.030 Neighborhood review meeting.

(A) Prior to submittal of a Type III request which requires review by the planning commission, and for the application to be complete, the applicant shall provide an opportunity to meet with neighboring property owners, residents and businesses by conducting a neighborhood review meeting.

(B) The purpose of the neighborhood review meeting is to allow the neighbors and residents to become familiar with the proposal and to identify any issues which may be associated with an application. The intention of the meeting is for submittal of an application that is more responsive to neighborhood concerns, reducing the likelihood for delays and appeals of the application.

(C) The applicant shall send by regular mail a written notice announcing the neighborhood review meeting to the community development director and property owners within 250 feet of the subject property. The notice shall include the date, time and location of the meeting and a brief description of the nature and location of the proposal. The neighborhood review meeting must be held at an accessible location within the Cornelius city limits. The notice shall be deposited in the mail in the city, not less than 20 days prior to the required neighborhood review meeting.

(D) At the neighborhood review meeting, the applicant shall present the proposed application to the neighbors in attendance.

(E) The applicant shall not be required to hold more than one neighborhood review meeting provided such meeting is held within 189 days prior to submitting a land use or design review application for one specific site.

Findings: The Applicant submitted materials in compliance with the neighborhood review meeting requirements, and they are located within Staff Report Attachments 1 and 4.

18.10.040. Application documents.

Findings: The applicant submitted all required documents through multiple submittals. They are found within Staff Report Attachments 1 and 4.

18.10.050. Complete submittal required.

Findings: The application was deemed complete on July 9, 2025.

18.10.060. Application Fees.

Planning Commission Hearing Date: August 26, 2025
File Number: CUP/PUD-01-25 and SUB-01-25

Findings: The applicant paid all fees on June 12, 2025.

Chapter 18.20 Low Density Residential Zone (R-7)

18.20.020 Permitted uses.

The following uses and their accessory uses are permitted outright in an R-7 zone:

(C) Underground utilities.

Findings: The application includes one existing water quality tract that is zoned R-7 from the Council Creek Estates subdivision. The new proposed subdivision is entirely within the A-2 zoning district and will be described in detail in the A-2 zone compliance discussion. The property will be enhanced by this application with improvements to the water quality facility, an access road, a looped-water system and new stormwater lines connecting the new proposed subdivision on the A-2 property to the water quality facility in the R-7 zoned property.

Conclusion: Based upon the findings above staff concludes the criteria for Section 18.20. Low Density Residential Zone (R-7) are met.

Chapter 18.35 Multi-Unit Residential Zone (A-2)

18.35.030 Conditional uses.

The following uses may be permitted when in accordance with Chapter [18.105 CMC](#):

...

(E) A planned unit development, including office and retail sales and other mixed uses approved by the planning commission and conditional uses as provided for under Chapter [18.110 CMC](#).

(H) Site-built detached single-family dwelling, including a residential home consistent with state law; and detached single-family manufactured housing, subject to CMC [18.20.070](#).

(1) On a single, undividable infill lot, approval of a single-family detached dwelling or manufactured housing shall be processed as a Type II procedure. Approval of more than one single-family detached unit within the A-2 zone shall require a Type III procedure.

Findings: The application includes a 34-unit PUD composed of three different pods for an attached two-unit building (5 buildings), three-unit building (4 buildings) or four-unit building (3 buildings), as permitted via a Conditional Use Planned Unit Development per CMC 18.35.030. Per CMC Section 18.35.030(E) and (H), a PUD application is reviewed as a Conditional Use.

18.35.050 Area, density and lot requirements.

Lot area and density requirements shall be calculated based on net acreage. A net acre is equal to 32,670 square feet, and excludes roads, common open space, floodplains, riparian setbacks, and slopes over 25 percent.

(A) Maximum Density. The average density over the entire development shall not exceed 14 dwellings per net acre for detached single-unit dwellings, or 25 units per net acre for townhouses or multi-unit dwellings. This maximum density does not apply to middle housing.

(1) Lot Size.

Housing Type	Minimum Lot Size
Detached single-unit dwelling and duplex	3,100 SF
Triplex	5,000 SF
Quadplex and cottage cluster	7,000 SF
Townhouse	1,500 SF
Multi-unit dwellings	1,500 SF

(2) In the case of flag lots, the pole portion of the lot shall not count towards the required lot area.

(B) Minimum Density. The minimum density allowed is eight dwellings per net acre for single-family, and 11 for multi-family development. Any land partition or subdivision shall make provisions to ensure that the minimum density is protected when further partitioning is possible and initial development is less than the minimum density.

Findings: See the discussion on page 5 and 6 regarding density compliance.

(A) Maximum Height. *Building height, as defined in CMC [18.195.080](#), shall not exceed 45 feet, except for:*

- (1) A chimney, radio, television antenna, or solar feature (see CMC [18.195.190](#), S definitions);*
- (2) Affordable housing with a 30-year affordability covenant compliant with ORS 456.270 through 456.295 as affordable to 80 percent area median income or less for each unit, or the average of the units is affordable at 60 percent area median income or less, is entitled to 150 percent of the existing density and 24 additional feet; or*
- (3) As may be approved by the planning commission as part of a planned unit development.*

Findings: The application indicates the new dwellings will not exceed the maximum 45-foot height limitation. Prior to submittal of building permits, the applicant shall submit a Type I design review application to verify height of the buildings.

(D) Setback Requirements. Except as provided in CMC [18.150.010](#), in an A-2 zone the minimum yard area setback requirements shall be as follows:

(1) Front Yard. The front, as measured from the foundation of the structure, including porch or deck, shall not be less than 10 feet. Accessory structures, garages or carports shall not be less than 20 feet.

(2) Rear Yard. No rear yard shall be less than 10 feet in depth for a single-story structure, plus five feet per additional story as measured from the foundation of the structure.

(3) Side Yard. For single-family residences, the minimum width of side yards shall be not less than five feet, as measured from the foundation of the home. On corner lots the side yard facing the street shall not be less than 10 feet. For multi-family residences, no side yard shall be less than five feet in depth for a single story structure, plus five feet per additional story as measured from the foundation of the structure. On corner lots the side yard facing the street shall not be less than 10 feet.

(4) Building Separation. Buildings within a complex shall be separated by at least 10 feet, plus five feet per additional story.

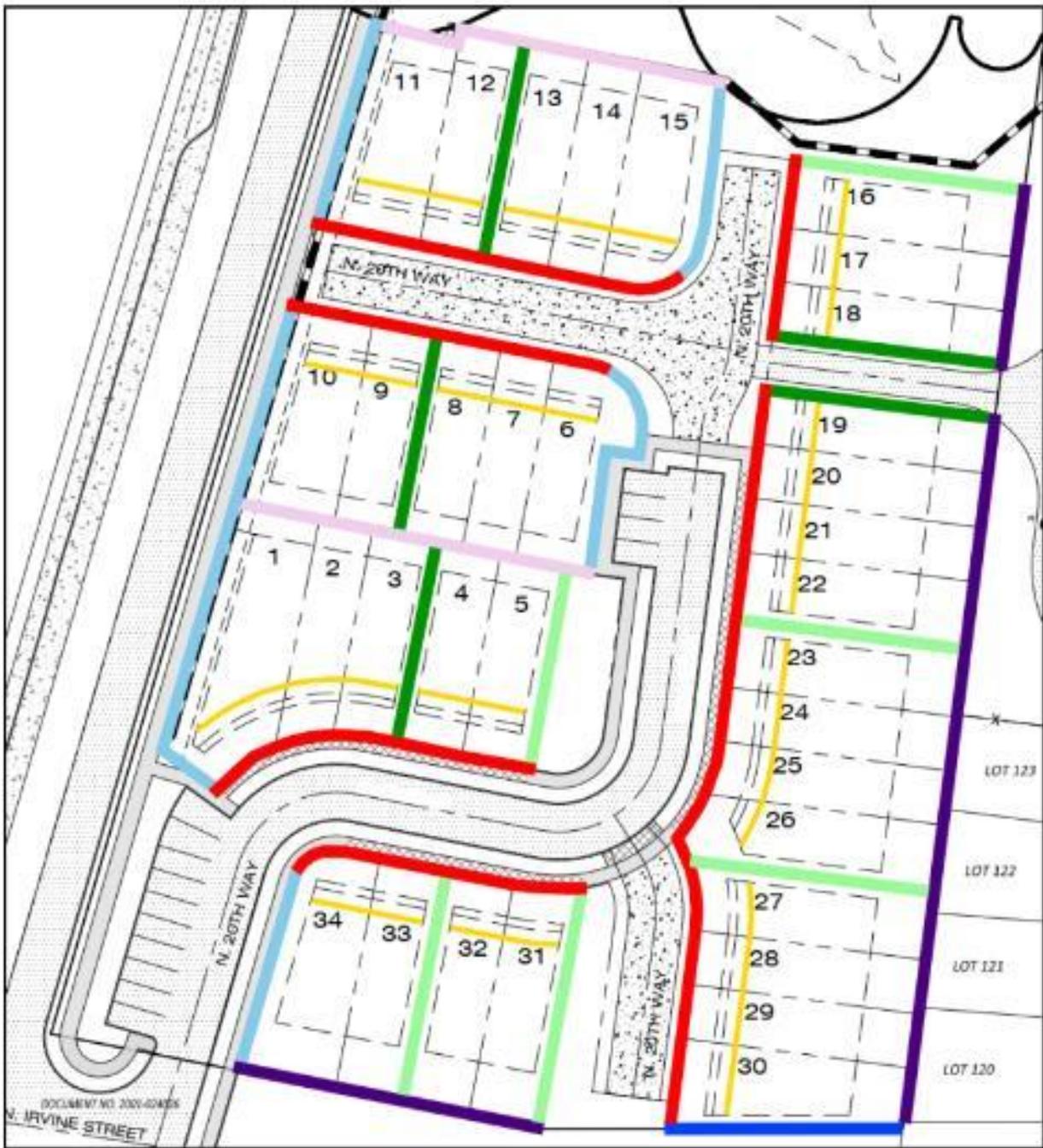
(5) No accessory building or other structure or building shall be closer than three feet from a side or rear property line.

(E) Lot Coverage. Repealed by Ord. 2022-03.

(F) Repealed by Ord. 916.

Findings: As illustrated in the narrative, many lots are proposed for alternative setbacks. At a minimum, all buildings shall either have a zero-lot line or at least 6 feet between dwellings. Staff supports the applicant's request for alternative setbacks for this development. As noted in the applicant's narrative, this site is constrained by the need to build the N. 19th Avenue retaining wall, the floodplain and vegetated corridor for Council Creek and the lack of connectivity to other subdivisions that developed prior to this subdivision.

Setbacks (A-2)



(G) Minimum Lot Dimensions.

(1) No attached townhome lot shall be less than 20 feet in width abutting a public street, nor less than 60 feet in depth, except as may be approved as part of a planned unit development.

Findings: As noted in the Applicant’s narrative (see Staff Report Attachment 1), all lots meet the minimum lot dimension standards for townhome style dwellings.

Proposed Lot Width & Depth Dimensions						
Lot	Width	Depth		Lot	Width	Depth
1	38 ft	100 ft		18	30 ft	85 ft
2	20 ft	80 ft		19	30 ft	85 ft
3	24 ft	75 ft		20	20 ft	85 ft
4	24 ft	75 ft		21	22 ft	85 ft
5	25 ft	75 ft		22	25 ft	85 ft
6	25 ft	75 ft		23	22 ft	85 ft
7	20 ft	75 ft		24	20 ft	85 ft
8	24 ft	75 ft		25	20 ft	85 ft
9	24 ft	75 ft		26	25 ft	89 ft
10	33 ft	75 ft		27	25 ft	85 ft
11	37 ft	75 ft		28	20 ft	85 ft
12	24 ft	80 ft		29	20 ft	85 ft
13	24 ft	80 ft		30	32 ft	85 ft
14	20 ft	80 ft		31	26 ft	87 ft
15	32 ft	80 ft		32	25 ft	86 ft
16	25 ft	85 ft		33	25 ft	86 ft
17	20 ft	85 ft		34	29 ft	86 ft

With the proposed changes in the Applicant’s Memo (see Staff Report Attachment 4) to lots 1 through 5 and lots 31 through 34, the lot dimensions are as follows:

Lot	Width	Depth		Lot	Width	Depth
1	40 ft	100 ft		31	25 ft	87 ft
2	22 ft	80 ft		32	24 ft	86 ft
3	26 ft	75 ft		33	29 ft	86 ft
4	26 ft	75 ft		34	30 ft	86 ft
5	26 ft	75 ft				

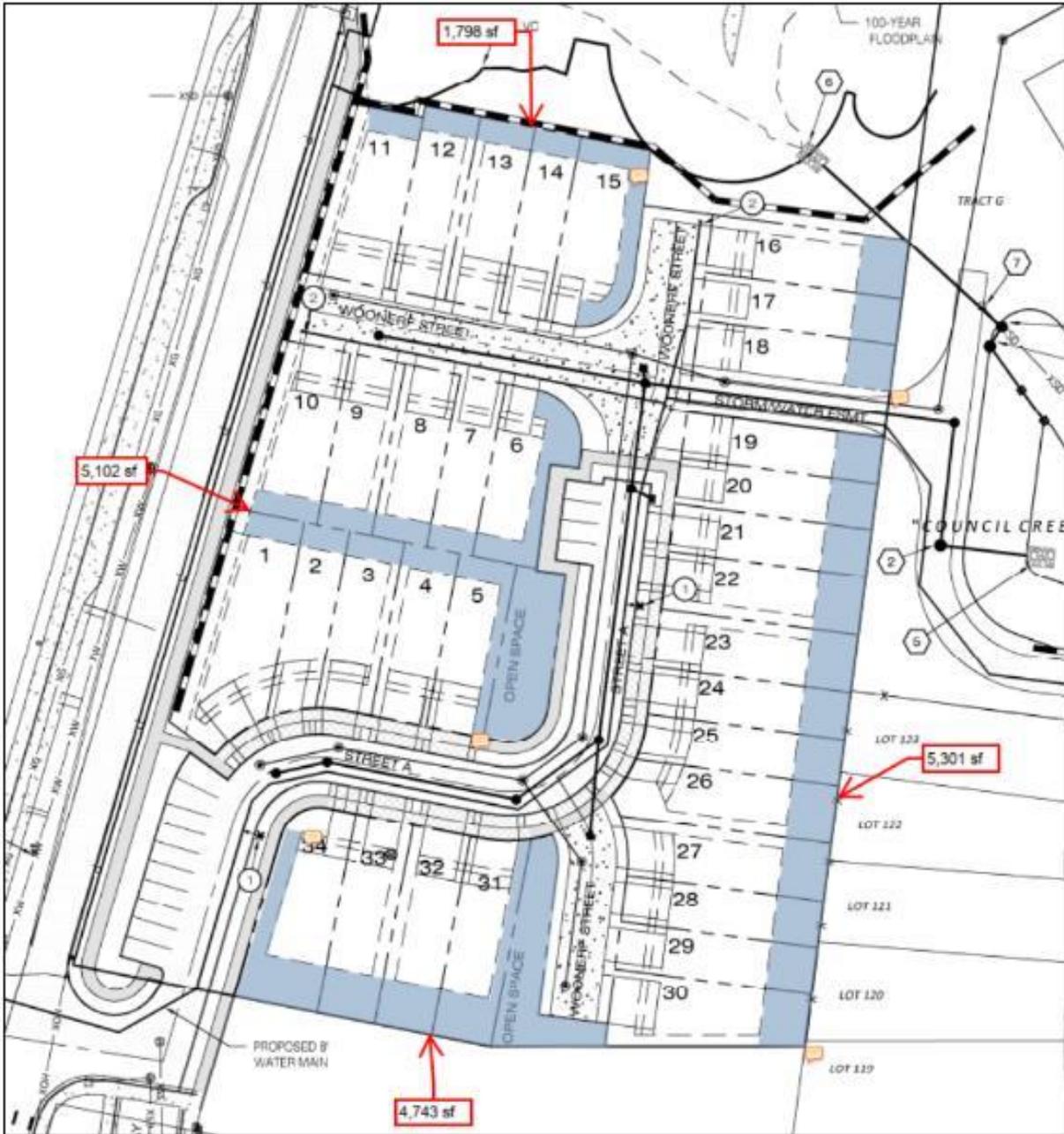
18.35.060 Site development standards.

All multi-family developments are subject to design review requirements as set forth in Chapter 18.100 CMC; and all prior conditions of approval attached to any use in a multi-family zone shall continue to apply.

(A) Open Space. Within residential developments containing 20 or more lots or units there shall be, at least, 300 square feet of open recreational space per unit provided in common open space for multi-family development and/or 300 square feet of recreational space per unit provided in public open space for single-family

development. Such space will be considered part of the required landscaping, but must be designed in a manner that affords residents usable open area, such as lawn, patios, etc. Delineated wetlands recognized by the Division of State Lands may apply 20 percent of their area located on the subject parcel(s) to the open space requirement. Calculate the total square footage of delineated wetland area on the subject parcel(s) and multiply it by 20 percent. Streets, access drives and parking lots shall not be considered open space. Open space must be a usable open recreational area, and may include a club house or indoor recreation facility. All outdoor area shall be landscaped and maintained by the owner, or a homeowners' association, according to the approved development plans, unless the open space is dedicated to and accepted by the city as a public park.

Findings: The Applicant provided a narrative discussion of the open space provided in the development. The Applicant shall provide useable open space, such as lawn, patios. The delineated wetland can count toward 20 percent of the area. The applicant's original narrative and preliminary plat identified two open space tracts (A and B) adjacent to Woonerf serving lots 27-30 and between lot 5 and the northerly parking area.



After further discussion with the applicant, the applicant submitted a revised preliminary plat (see Staff Report Attachment 4), eliminating Tracts A and B and expanding the northern parking lot. Staff is fully supportive of this revision.



Figure 1 - Preliminary Plat with Tracts A & B

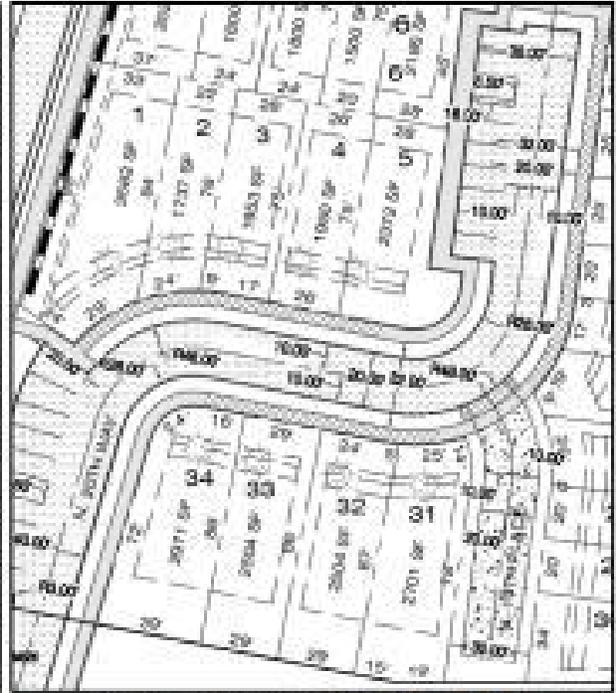


Figure 2 - Revised Preliminary Plat

Required open space is 34 units x 300 SF = 10,200 SF. Prior to the revision, but not counting Tract C, there is 16,944 SF of open space in the form of yards/lawns within the rear yard setbacks for the homes. While Tract A is absorbed into lots 31 through 34 and Tract B is absorbed by lot 5 and the expanded parking area, the cited open space of 16,944 SF minus the two tracts (1,737SF + 1,676 SF = 3,413 SF) still exceeds the 10,200 SF required open space at 13,531 SF. Presumably the amount of open space in lots 31 through 34 and lot 4 would be greater than originally identified, so the total open space would be greater than the rough calculation of 13,531 SF within the back yards. Thus, staff find that the minimum useable open space of 10,200 SF exists in the back yards of the development.

Tract C, approximately 5,780 SF, is the delineated wetland, floodplain, and vegetated corridor, where access will not be allowed. Tract C shall be dedicated to the City via a Statutory Warranty Deed upon City acceptance of any vegetated corridor improvements. This shall be a condition of approval.

(B) Perimeter Requirements. If topographical or other barriers within the development do not provide adequate buffering between the development and adjacent nonresidential development, the reviewing body may impose one or more of the following requirements:

- (1) Where the development abuts an arterial or collector street or an existing planned unit development, the reviewing body may require that a perimeter landscaped strip, no more than 25 feet wide, and/or sound mitigation***

structures be established along the abutting property line. All required building setbacks shall be measured from the inner edge of the perimeter strip, which shall be set aside as a separate tract. And provisions for pedestrian connections through the landscape strip may also be required.

(2) Where the development abuts an existing or planned nonresidential area, the reviewing body may require that a perimeter landscaped strip, no more than 50 feet wide, be established along the abutting property line. All required building setbacks shall be measured from the inner edge of the perimeter strip, which shall be set aside as a separate tract. And provisions for pedestrian connections through the landscape strip may also be required.

(3) All driveways and landscaped areas shall comply with vision clearance standards set forth below. All landscaping shall comply with the general landscaping standards set forth below.



Looking southerly on Susbauer towards site from Council Creek Bridge



Looking northerly on N. 19th Avenue towards the Council Creek Bridge from vicinity of N. Irvine Street

Findings: The grade differential between N.19th Avenue pavement and the homes on top of the retaining wall will be at least 4 feet greater in height than the roadway up to 13 feet.

Planning Commission Hearing Date: August 26, 2025
File Number: CUP/PUD-01-25 and SUB-01-25

This height differential serves as a vertical barrier to noise, traffic and debris impacts from the roadway. As shown on the Cover Sheet and Preliminary Plat (see Applicant Plan Sheet P1.0 within the Staff Report Attachment 1), the subdivision abuts both the Sheelar Park and the Council Creek Estates subdivisions. To the north, the site is bordered by land designated as Rural Reserve, and to the west, the land is fully developed with Council Creek Terrace Subdivision. Council Creek Terrace Subdivision did not have an increased setback for N. 19th Avenue. No additional mitigation measures are proposed or are needed.

(C) Landscape Plan.

(1) For multi-family residences, in addition to the open space requirements, the entire net area of the site that is not covered by building or parking and circulation improvements shall be landscaped prior to occupancy, in accordance with the approved site plan and the standards set forth herein.

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

(3) Frontage Trees. Frontage trees shall be required and must comply with current public works standards.

(4) Installation of required landscaping may be deferred for up to six months with written approval by the community development director; 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 applicant is proposing landscaping and street trees (See Applicant Plan Sheet L1.0 within the Staff Report Attachment 1), as required by the city engineer for landscaping within the public ROW. All landscaping and street trees shall be installed as required by the city engineer and as shown on Plan Sheet L1.0. This shall be a condition of approval. No additional landscaping is necessary.

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

(1) Where possible, vehicular access to residential subdivisions shall be from abutting arterial or collector streets. Access to individual lots shall be primarily from local streets or alleyways when the alleyway is developed to current public works standards. Direct lot access to arterials or collector streets shall not be permitted, unless there is no alternative as determined by the city engineer.

(2) The minimum public street width 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 unobstructed pavement width:

(a) Two-way traffic: 24 feet;

(b) One-way traffic: 15 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: Vehicle access to the homes will be from one local street and three woonerfs, as approved by the city engineer. The two-way traffic width of 24 feet is met or exceeded by the 28' traffic width proposed in the plans. The city engineer has submitted comments regarding the proposed plans as described within Staff Report Attachment 3. Each home will have a garage for parking and there will be two parking lots, with 10 spaces in each lot, for a total of 20 spaces.

(E) Access Streets – Sidewalks – Drainage.

(1) All streets shall be designed in accordance with standards set forth in Chapter [18.143](#) CMC, Transportation Facilities, and the subdivision code.

(2) All driveways for new construction shall have minimum pavement width of 12 feet and shall not be more than 25 feet in width at the curb. Each driveway shall have a concrete curb apron designed to comply with public works standards, and not more than two lots may be served by one shared driveway.

(3) Cul-de-sacs shall serve no more than 12 residential units and meet current public works design standards.

(4) For all new construction, curbs, gutters, and a minimum five-foot-wide sidewalk, offset from the curb, shall be provided along the entire lot frontage and shall meet ADA accessibility standards. In the case of remodels or garage additions to an existing house, no sidewalk shall be required if one does not exist, but the driveway apron and paved driveway shall be required. However, a curb tight sidewalk may be approved by the city engineer when it is impractical to provide the offset.

(5) Storm drainage shall meet current public works design standards and shall comply with Clean Water Services (CWS) standards for water quality and quantity.

Findings: All public streets have been designed in accordance with the City's required street design standards and the standards of CMC Chapter 18.143. No cul-de-sacs are proposed.

As shown in the Preliminary Streets Plan (see Applicant Plan Sheet P5.0 within Staff Report Attachment 1) new curbs, gutters, sidewalks, will be included for the full extent of all new public streets within the Site. Stormwater conveyance and treatment facilities have been designed in compliance with applicable CWS standards for water quality.

Driveways serving each lot will vary between 12 feet and 25 feet in width. Prior to final plat approval, Applicant shall obtain a Public Works Permit to install street trees in a manner that satisfies the objectives of the street tree program, while respecting competition from utilities and other infrastructure improvements located in this area of the public right-of-way. This shall be a condition of approval.

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

Findings: Prior to final plat approval, the applicant shall obtain a Public Works Permit to install street lighting in compliance with applicable lighting design standards from Section 5.12 of the City of Cornelius Public Works Standards. This shall be a condition of approval.

(G) 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: Prior to final plat approval, the applicant shall work with the City to locate mailboxes in compliance with the area Post Master's locational criteria. Additionally, such mailboxes will be of a uniform style. This shall be a condition of approval.

(H) Insects and Rodents. 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.

(I) Screening.

(1) Sight-obscuring screening shall be provided for all garbage and trash collection areas, approved outdoor storage, and parking lots abutting a low density residential development. Such screening shall be 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 fence.

(2) The review 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 low density residential development.

Findings for (H) and (I): The applicant indicates that no common trash or recyclable bins are proposed. Individual trash bins will most likely be stored within the garages or within side yards. Staff also finds that a proposed HOA will address the storage of trash bins if they become an issue. Evergreen garbage and recycling submitted a letter to request no parking signs – at least on one side of the roadways – to minimize conflicts between the trucks, parked vehicles and the ability to pick up the trash receptacles using the arm from the right side of the trucks on the narrow streets.

(J) Parking and Loading Space.

(1) Off-Street Parking.

(a) Resident. One covered parking space shall be provided for each dwelling unit either on the individual lot or in an off-street parking bay within 100 feet from the dwelling being served. Total parking provided shall be consistent with CMC 18.145.030(A), Table 1.

(b) Guest. Where on-street parking is prohibited on both sides of a street, guest parking shall be provided in off-street parking bays at the rate of one parking space for every three detached single-unit homes along the street section. Guest parking should be within 100 feet of the dwelling units being served.

(c) Storage of Recreational Vehicles. Recreational vehicles, such as camping trailers, boats, campers, motor homes, and other such vehicles shall only be parked or stored within an area specifically designated and designed for such use, and shall not be located in the public right-of-way.

(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. Parking lots shall be designed and landscaped so as to break up large paved areas with landscaped islands, such as every 10 spaces. See CMC [18.145.050](#).*

Findings: While the application does not include new home construction, the applicant anticipates that all lots within the A-2 District will provide at minimum one off-street parking

space via an enclosed tandem garage and a driveway parking space. At least two covered spaces will be provided for each residential unit. Additionally, as shown on the Revised preliminary plat memo dated August 18, 2025 (see Staff Report Attachment 4) off-street parking will be provided in two lots, totaling approximately 20 spaces. The applicant has noted that staff requested absorbing the original Tracts A and B into the development to eliminate the potential for the City to maintain them if the HOA fails. The applicant suggested that they can incorporate 6 more parking spaces into the two lots with these adjustments, resulting in 20 total off-street spaces within the development.

No on-street parking is proposed on N. 19th Avenue along the street frontage due to the 6-foot bike lanes, 6-foot planter strip, 6-foot sidewalk, and the retaining wall. The total number of off-street parking spaces may be altered with approval by the community development director and city engineer. The application indicates that parking for recreational vehicles will not be allowed. Due to the changes to OAR 660-012 to address climate impacts of vehicles, parking minimums may be eliminated. At present, the City does not enforce its parking minimum requirements.

(4) On each home site, or on each individual dwelling within a complex, an address number of the home shall be provided in a manner that is clearly visible from the street, as approved by the fire department.

(5) Each resident may display on their home one sign identifying the person residing therein; provided, that the sign is not larger than one square foot.

Findings: Address numbers and residential signage will be proposed as part of the final construction plans to be reviewed through the Type I Design Review Application.

(6) Traffic control and directional signs shall be installed as required by the current public works standards.

Findings: Any traffic control and directional signage will be included as part of the Engineering plans submitted for the engineering permitting.

Conclusion: Based upon the findings above, and through the application of relevant conditions of approval, staff concludes the criteria for Section 18.35 Multi-Unit Residential Zone (A-2) are met.

Chapter 18.90 Floodplain District (FP)

18.90.110 Development Application Procedures

A development permit shall be obtained before construction or development begins within any special flood hazard area. The permit shall be for all structures including manufactured dwellings, and for all development including fill and other development activities, as set forth in CMC 18.90.020.

Findings: The northern-most portion of the proposed site includes areas within the 100-year flood plain of Council Creek. The National Flood Insurance Map (FIRM) for the site identifies the flood hazard area as Zone AE, with a Base Flood Elevation (BFE) of 156.3 feet above Mean Sea Level (MSL).

The 100-year flood plain and the vegetated corridor were delineated on the Applicant's Plan Sheet P3.0. All work occurs above the 156.3-foot elevation (BFE). All lots will have a minimum finished floor elevation of 171 feet above MSL, significantly above the BFE. No impacts to the flood plain or to the new development are expected.

Conclusion: Based upon the findings above, staff concludes the criteria for Section 18.90 Flood Plain District Development Application have been met.

Chapter 18.95 Natural Resources Overlay

18.95.010 Purpose.

(A) The purpose of the natural resources overlay is to protect the significant natural resources identified in the city's natural resources inventory and map. The natural resources overlay shall protect resources and functional values that have been identified by the city and state as providing benefits to the public. The natural resources overlay complies with the direction of the comprehensive plan and State Planning Goal 5.

(B) Natural resources overlay (NRO) is applicable to the resource sites and abutting properties identified in the natural resources inventory and map, the Goal 5 ESEE analysis and to future lands annexed into the city that are identified as or contain Goal 5 resources.

(C) The natural resources overlay shall encourage coordination between city, county, regional, state and federal agencies concerned with natural resources.

(D) Uses shall comply with requirements and regulations of all jurisdictional agencies including but not limited to Oregon Department of Fish and Wildlife, Oregon Department of Forestry, Division of State Lands and Clean Water Services.

(E) All significant natural resources shall be delineated and applicable protection setbacks and requirements shall be determined from Table A in the natural resource protection plan and implemented.

(F) All parcels newly annexed into the city containing Goal 5 natural resources shall receive a NRO designation over the entire parcel. A property owner may subsequently commission a certified wetland/natural resource inventory delineating protected resource boundaries and establishing a new NRO boundary and respective protective setback consistent with Table A (Natural Resource Protection Setbacks) in the city of Cornelius natural resource protection plan, and in conformance with Clean Water Services regulations.

18.95.020 Permitted uses.

The following uses are permitted outright in the natural resources overlay:

- (A) Resource enhancement and restoration activities.***
- (B) Land divisions per Chapter [17.05](#) CMC.***
- (C) Removal of nonnative or invasive vegetative species.***
- (D) Dedication of rights-of-way.***
- (E) Temporary emergency procedures necessary for the protection of property.***
- (F) Actions taken by the city to correct or abate a nuisance.***
- (G) Approved storm water discharge.***
- (H) Existing lawn within the riparian area may be maintained, but not expanded into the resource area.***
- (I) Existing utility lines.***
- (J) Existing legal nonconforming structures. Replacement of nonconforming structures shall comply with Chapter [18.135](#) CMC.***

18.95.030 Administrative review approval.

The following uses are permitted in the natural resources overlay, subject to a Type I design review approval, including compliance with other natural resource agencies:

- (A) Repair, maintenance and replacement of existing utility lines.***
- (B) Fencing.***
- (C) Removal of a hazardous tree.***
- (D) Maintenance of streambank stabilization and flood control structures.***
- (E) ESEE Analysis Findings and Conclusion. The ESEE analysis findings and conclusions identified in the natural resource protection plan provide site specific exceptions to protection measures based on conflicting uses and mitigating consequences of implementation. The sites are specific to the 2002 Natural Resources Inventory and Map. [Ord. 837 §§ 1, 2, 2003; Code 2000 § 11.20.103.]***

18.95.040 Conditional uses.

The following uses are permitted in the natural resources overlay, subject to approval of a conditional use permit, Chapter [18.105 CMC](#):

(A) Streets, roads, recreational trails and paths in the riparian area.

(B) Fill, grading and/or alteration of topography in the riparian area.

(C) New drainage facilities, utilities and pump stations.

(D) Water related recreational facilities.

(E) New construction or expansion of streambank stabilization and flood control structures.

(F) New development on property with significant natural resources per Chapter [18.110 CMC](#), Planned Unit Development (PUD) Conditional Use, and CMC [18.95.060](#), Resource protection exception process.

(G) Resource protection exception process per CMC [18.95.060](#).

18.95.050 Prohibited uses.

(A) New development on significant natural resource sites and property, except as identified in CMC [18.95.040](#).

(B) Removal of native trees and vegetation from resource areas.

Findings: No activity is proposed within the FEMA floodplain or the Natural Resources Overlay Zone. All activity is outside of the natural resource area, as approved by Clean Water Services.

Any project work that will encroach into the NRO area will be subject to approval by all pertinent jurisdictional agencies including but not limited to Oregon Department of Fish and Wildlife, Oregon Department of Forestry, Division of State Lands, and Clean Water Services. This shall be a condition of approval. In addition, temporary and permanent impacts to the NRO area shall be subject to restoration and/or mitigation in conformance with Clean Water Standards. The mitigation plan must be included in the final engineering plans for the project. This shall be a condition of approval.

18.95.060 Resource protection exception process.

When planned development can occur that provides for the protection of the resource and permitted use through increased densities, clustered development or the transfer of development rights, a plan shall be submitted and approved through the administrative review, Type II process. Any associated partition, subdivision or design review applications that are required with the planned development shall be processed as a Type III application and reviewed by the planning commission.

(A) New residential, commercial and industrial development or substantial redevelopment requests involving deviation of natural resource protection requirements shall be reviewed through the conditional use permit/planned unit development process.

(B) Transfer of development rights (TDR) may be applied for as a conditional use permit/planned unit development (PUD). Development rights shall only be transferred between residential zones within the city.

(C) Proportional Increase in Density on an Individual Parcel. Increased density requests shall provide for a development equal or better than required by the base zone.

(1) Residential PUD. If a parcel loses between 10 and 50 percent of its area to natural resource protection setbacks, then the developer may apply for a conditional use permit/planned unit development (PUD).

(a) Meet the required setback and develop to the existing development standards and lot sizes of the underlying zone; or

(b) Meet the required setback and decrease the minimum lot size by 10 to 50 percent. The reduction in lot size, at a maximum shall be equivalent to percentage of the site lost to the natural resource protection setback.

(c) If a parcel loses more than 50 percent of its area to natural resource protection setbacks, then the developer shall only decrease the minimum lot size by a maximum of 50 percent.

Findings: This PUD has been designed to avoid the vegetated corridor, floodplain, and wetlands, thus, no mitigation plan is necessary. No NRO permits are requested as the applicant is staying outside of the NRO area. The NRO on the site (Tract 'C') totals 5,780 SF.

(2) Commercial or Industrial PUD. Natural resource protection setbacks may be applied to meet private landscaping requirements. New development or substantial redevelopment of properties where natural resource protection setbacks are required may request approval of a conditional use permit (CUP) and/or a planned unit development (PUD) to permit a 1:1 ratio exchange for square footage of native landscaped protection setback area in lieu of required private on site landscaping.

Findings: This is not a commercial or industrial PUD application.

Conclusion: Based upon the findings above, and through the application of relevant conditions of approval, staff concludes the criteria for Section 18.95 Significant Natural Resource Overlay are met.

Chapter 18.100 Site Design Review

Finding: While the applicant addressed the Site Design Review criteria, it is not necessary as part of a CUP/PUD Subdivision application. Prior to submitting building permits, each building will be subject to a Type I Design Review Application. The Type I Design Review Application reviews setbacks, height, and residential design standards found within Chapter 18.100.

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: This Conditional Use PUD and Preliminary Subdivision Plat implements the applicable criteria from the residential use district located on the Site. The applicant indicates within the application that the proposed development complies with the Comprehensive Plan.

While the Cornelius Comprehensive Plan does not contain criteria that are specifically applicable to the subdivision of land, there are a number of related policies that direct the City to require or encourage certain development considerations at this stage. The following specific Comprehensive Plan Policies are potentially applicable to this proposal:

Chapter 4, Land Use:

Medium Density, Policy 1: The maximum overall density for medium-density residential development shall be fourteen (14) dwellings units per net acre.

Findings: The property has been Comprehensively Planned for medium density residential development. The applicant has shown within their application, and the staff report discusses above, that the proposal provides 34 units which is between the total minimum net density of 25 dwelling units and a maximum net density of 45 dwelling units. This policy is met.

Medium Density Residential, Policy 4: Residential development shall coincide with the provision of public streets, curbs, sidewalks, water, storm drainage, and sanitary sewerage facilities. These public facilities shall be capable of adequately serving all intervening properties as well as the

proposed development. They will be designed to meet zoning, subdivision, and public works standards.

Findings: As shown on the Preliminary Streets Plan (see Applicant Plan Sheet P5.0 within the Staff Report Attachment 1), all new residential lots will be served by public streets, curbs, sidewalks, water service, stormwater service, and sanitary sewer service in compliance with the City's Zoning Ordinance and adopted Public Works Standards. Further, these public facilities have been sized and located so as to provide service to all intervening properties at such time it is desirable by those properties. This policy is met.

Medium Residential, Policy 5: A storm water drainage plan will be submitted with all proposed subdivisions and land partitions to show how storm water will be handled to avoid effects on other property. Storm sewers consistent with Unified Sewerage Agency (USA) standards for water quality and quantity shall be required as a condition of approving subdivisions or land partitions. Further, development designs shall be coordinated with ISA to insure compliance with new METRO Title 3 criteria for Federal Clean Water Act standards

Findings: As shown on the Preliminary Composite Utility Plan (see Applicant Plan Sheet P7.0 within the Staff Report Attachment 1), the application includes a comprehensive stormwater drainage and management plan which demonstrates how stormwater runoff will be appropriately conveyed, treated, and then released, in accordance with all applicable local, regional, and state stormwater requirements. This policy is met.

Chapter 5, Housing:

Policy 2: Promote and encourage housing types and densities throughout town, available at various prices and rents, to households of all incomes, age, sex, and race

Findings: As described, the application includes a total of 34 new residential lots ranging in size from 1,500 SF to 2,971 SF. The housing type will be attached townhomes in buildings of two units, three units and four units. The site is constrained by the elevation, the location of Council Creek, its floodplain and associated wetlands, and the fact that the surrounding subdivisions did not provide connectivity for future development of this site. The configuration of lots and housing type for this proposed subdivision, along with other developments within

the community, promotes a variety of prices that will be available to a wide range of households. This policy is met.

Policy 3: Promote and encourage open spaces and buffers in new subdivisions and other housing developments.

Findings: As shown in the Applicant's submittal, Staff Report Attachment 1, the development includes useable open space in the back yards and a 5,780 SF vegetated corridor (Tract C). The policy is met.

Policy 4: Develop strategies for promoting higher end housing options.

Findings: Over the past three years, the city has seen an influx of housing development applications that included both market rate and low income. These developments have included some exclusively single detached units, but the predominant housing type has been attached unit products including townhomes and apartments. This current development of 34 attached units balances the range of housing types available through the new developments coming into the city, where the most recent platted development included 27 detached lots. This development will meet the policy.

Policy 5: Develop minimum density standards that comply with regional mandates

Findings: The City's A-2 zoning district provides density standards that comply with the minimum density thresholds established in Metro's Urban Growth Management Functional Plan. The policy has been met.

Chapter 7, Natural and Cultural Resources:

Policy 6: The City will designate identified, significant cultural, historic, and natural resources on the Comprehensive Plan Map. Management of these resources will be guided by adding appropriate resources protection sections to the development code.

Findings: The applicant is avoiding the significant natural resource area completely by not constructing a building or infrastructure within it. See the discussion earlier under Natural Resource Overlay to see the analysis of how the proposal is staying out of the resource area. The policy is met.

Chapter 8, Public Facilities and Services:

Policy 3: The city shall encourage development of local recreation options.

Findings: The development is proposing an access road to the water quality facility that will also function as a pedestrian and bicycle connection between this proposed subdivision and the Council Creek Estates subdivision to the east as the access provides a connection from N. 19th Avenue to N. 21st Avenue. The policy is met.

Policy 4: The city shall continue to maintain an adequate water supply and improve the overall water distribution system.

Findings: The applicant, working with the city engineer, has designed a loop system to extend water from N. 19th Avenue, through the proposed development, and connecting to N. 21st Avenue water system to provide redundancy for emergency purposes. The policy is met.

Chapter 9, Transportation System Plan:

Goal 1: Provide public street standards that recognize the multipurpose nature of the street right-of-way (utilities, vehicles, pedestrians).

Goal 2: Provide transportation facilities that through design and location enhance the livability of Cornelius.

Goal 3: Provide connectivity to each area of the City.

Goal 5: Establish rights-of-way at the time of development and where appropriate officially secure them by dedication of the property.

Findings: As shown in the Preliminary Streets Plan (see Applicant Plan Sheet P5.0 within Staff Report Attachment 1), the application includes a new small network of streets that have been designed to accommodate the full range of users anticipated in this area.

The applicant will complete N. 19th Avenue along the frontage of the development. This includes an 11-foot travel lane, 6-foot bike lane, 6-foot planter strip with street trees, a 6-foot sidewalk and retaining wall.

The applicant will close the existing Sheelar Park subdivision access on N. 19th Avenue and open N. Irvine Street as anticipated when Sheelar Park was approved.

Also, the proposal establishes a connection between N. 19th Avenue and N. 21st Avenue via a new bicycle/pedestrian/maintenance access.

No new streets are anticipated to connect to future development as this site is surrounded by three fully developed subdivisions to the east, south and west and Council Creek to the north. Through a combination of safe walking, bicycling, and motor vehicle facilities, and block lengths, the transportation layout included in this application will promote walking and bicycling. These goals are met.

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

Findings: As explained throughout this narrative and accompanying exhibits, all applicable zoning criteria have been met. By applying for the alternative setbacks for the lots through the PUD application, the zoning district criteria are 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 application includes a 34-lot attached residential subdivision with lots ranging in size from 1,500 SF to 2,971 SF. The development is consistent with the standards of the A-2 zoning district and pattern of residential development in the Council Creek Terrace subdivision to the west. Both Sheelar Park and Council Creek Estates subdivisions are single unit subdivisions and are insular to themselves and will have limited visibility and interaction with this development, with the exception of potential use of the bicycle/pedestrian connections.

As of the date of this staff report, no letters or comments have been received from other jurisdictions or neighboring properties.

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

Findings: The Governor has declared a state of emergency with regard to housing supply. Every dwelling unit built adds to the housing supply. There is a need for housing within the City. The applicant will be improving the water

infrastructure by providing a loop system, the stormwater system by bringing the water quality facility serving a portion of Council Creek Estates into current compliance, and will provide a key east/west bicycle/pedestrian connection from N. 19th Avenue to N. 21st Avenue by providing the maintenance access road to serve the water quality facility. Additionally, by avoiding Council Creek floodplain and wetlands, the applicant is preserving floodplain and wetland functions that could be degraded by development. The site currently has one home on it that will be demolished to make way for this 34-unit subdivision. Additionally, this application furthers the City's objective to create opportunities for "needed housing" as that term is defined in ORS 197.303(1) because it provides for housing on buildable land with the Portland Metropolitan Urban Growth Boundary.

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

Chapter 18.110 Planned Unit Development (PUD) Conditional Use

18.110.010 Purpose.

It is the purpose of these provisions to allow a planned unit development as a conditional use in any residential, commercial or industrial zoning district. Uses or combinations of uses may be developed as a single, integral, functional unit or entity. The planned unit development concept supports a growing urban area by encouraging a more creative approach in the development of land, while at the same time enhancing and preserving the value, spirit, character and integrity of surrounding areas which have developed or are developing under conventional district regulations. Deviations from specific site development requirements and a mixture of combinations of residential, commercial and industrial uses is allowable, subject to the provisions of the comprehensive plan, as long as the general purposes for the requirements are achieved and the general provisions of the zoning regulations are observed. It is further the purpose of authorizing planned unit developments to take into account any or all of the following:

(A) Advances in technology and design;

(B) A comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits flexibility in the placement and uses of structures and the location of open spaces, circulation facilities, off-street parking areas and other facilities;

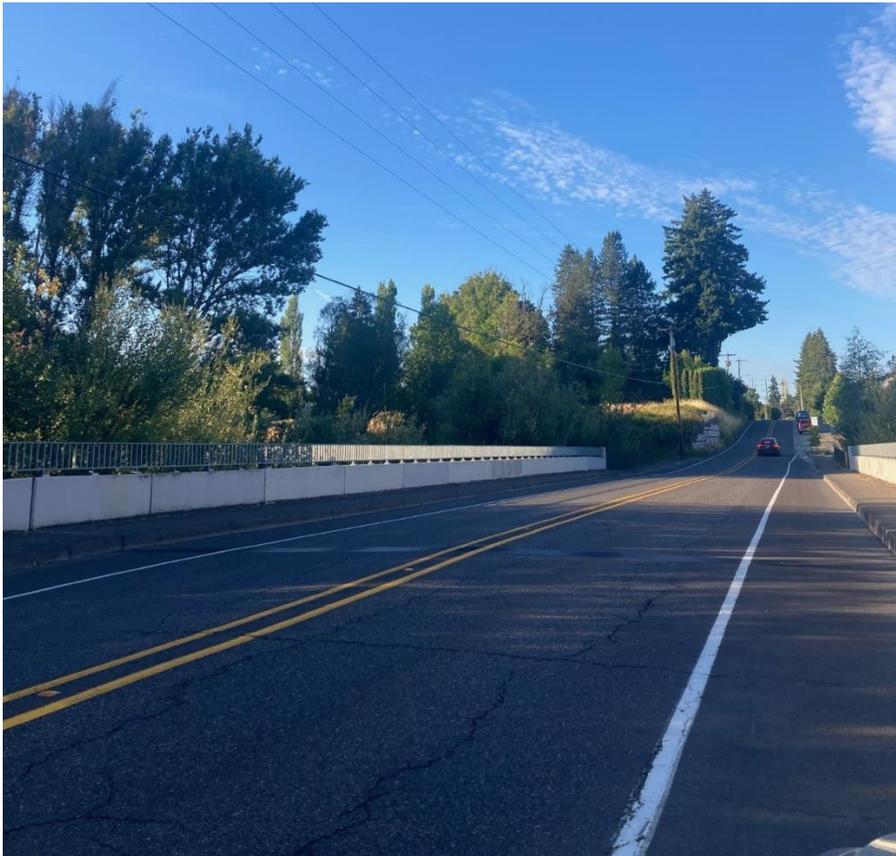
(C) The potential of the site characterized by special features of geography, topography, size or shape; and

(D) The height and bulk characteristics of structures can vary as long as the ratio of site area to uses and openness of the site will be in harmony with the area in which the proposed development is located.

Findings: Advances in technology and design of townhomes allow for narrower structures within height limits of the district, as shown in the building elevations, while allowing for 3- and 4- bedroom homes. This includes more efficient south and temperature insulation; small, more efficient, residential mechanical equipment; and construction methods.

Developing townhomes on this site allows for more efficient use of the land than a traditional subdivision. As noted earlier in this report, the minimum number of units that is permitted on this site is 14. Instead, the proposal, with the modifications to the setbacks, includes 34 units – 20 more units than could have been built with traditional setbacks.

The site is within the A-2 residential zone with the Natural Resource Overlay. Council Creek, the floodplain, associated wetlands and vegetated corridor all conspire to make this site challenging to develop. Additionally, N. 19th Avenue is an arterial that is a half street improvement. This development will need to finish the road to the arterial classification, including an 11-foot travel lane, 6-foot bike lane, 6-foot planter strip with street trees, and a 6-foot sidewalk. To top it off, the topography of the site is such that the developable area extends 4 to 13 feet above the N. 19th Avenue roadbed – requiring a substantial retaining wall to support the development adjacent to the roadway. To address these issues, the developer applied for the PUD provisions to allow for modification of the individual lot setbacks to use the land most efficiently and achieve the most units possible in a for-sale product.



18.110.020 Development requirements.

The following standards and requirements shall govern the application of a planned unit development and apply in a planned unit development conditional use:

(A) A planned unit development may include any uses and conditional uses permitted in an underlying or abutting zone. Standards governing area, density, off-street parking, or other requirements shall be guided by the

standards of the zone that most nearly portrays the character of the zone in which the planned unit development is proposed.

(B) Planned unit developments shall not be less than one acre in area.

(C) Approval compliance, required by CMC 17.05.040(E), for subdivision improvements shall be required to ensure that a development proposal, as submitted, is completed within the required time limit.

Findings: As described above, the application includes 34 attached dwelling units in a mix of 2 units, 4 units and 5 units per building spread among 12 buildings. The property is zoned A-2, making the site ripe for modifications to the standards for maximum efficiency. The lot sizes, dimensions, overall residential density, and off-street parking meet the standards for the A-2 zoning district. However, to maximize the number of units, use of the woonerf street design and modification of the setback standards was necessary.

The application satisfies the minimum size criterion for PUD in (B) above as the Site is approximately 4.12 acres in total area. Additionally, CMC 17.05.040(E) ensures that public and private improvements are completed in accordance with approved plans. At the time of final plat review, the City will ensure that all necessary public facilities are in place and have been constructed per adopted City standards. Finally, as discussed previously, the application satisfies all applicable criteria in Section 17.05.040.E. These criteria are met.

18.110.030 Procedures.

The following procedures shall be observed in applying and acting on a planned unit development request:

(A) Application Requirements.

(1) The community development director shall provide forms that specify the information required for submission of a planned unit development (PUD). The applicant shall prepare site plan(s) with other supplementary material as may be required and shall submit the necessary number of copies to the community development director.

(2) Applicability of Planned Unit Development Regulations. The requirements for a planned unit development set forth in these sections are in addition to the conditional use permit (CUP) procedures, authority and standards of Chapter 18.105 CMC. The applicant must submit a request for a PUD in conjunction with an application for a CUP.

(3) Plans submitted for planned unit developments shall be subject to design review of site plans, which shall include any and all information describing

the proposed a lot and street layout, relationship to adjacent properties and major road systems, locations of building masses (size, type, and function) and building design. The applicant may provide an alternative to the building design information by submitting a justification why it is necessary an appropriate to deviate from this requirement. Open spaces, parks and greenways, as well as any recreation facilities, shall be specified.

Findings: The applicant submitted application forms (see Applicant's Submittal within the Staff Report Attachment 1) noting application for CUP, PUD, and subdivision. At time of building permit submittal, each new townhome pod will be subject to the City's Type I Development Review process whereby the City will ensure the houses meet the Site Design Review criteria for all new residential units (CMC 18.100.070) and all building-related standards are met.

B) Approval Criteria. In order to approve a PUD, findings of fact shall be made to support the following conclusions:

(1) There are special physical or geographic conditions or objectives of development which warrant a departure from the standard title requirements.

Findings: Special physical conditions and development objectives exist which warrant a departure from the standard requirements in the underlying zoning districts. The City Limit and UGB make up the Site's northern boundary. Council Creek and its floodplain and other protected natural resources affect the northern area of the property. The applicant requested a departure from the standard setbacks. The gross site is approximately 4.12 acres, but the net area is 1.78 acres. Over 2 acres are used for the streets, retaining walls, parking areas, leaving just 1.78 acres for homes.

The Site is above between 4 and 15 feet N 19th Avenue. This development is approximately one-half mile north of Tualatin Valley Highway. All streets are new: N Irvine Street and N 20th Way. All infrastructure is also new for this development. This PUD provides 34 additional dwelling units in the City of Cornelius while simultaneously providing an upgrade to the existing water quality and quantity tract in the Council Creek Estates Subdivision. A new water line loop and new storm and sanitary sewer lines are proposed. Governor Kotek recently continued the Emergency Declaration for the lack of housing statewide. While not a significant number of new units, every additional unit brings the State closer to the production needed to overcome the housing crisis.

(2) Resulting development will be consistent with overall planning and zoning objectives of the city.

Findings: The proposed water quality improvements are located within the Low Density Residential (R-7) zone while the proposed subdivision is within the Multi-Unit Residential (A-2) zone. As demonstrated within this report, the proposal is consistent with the overall planning and zoning objectives of the City and the zoning requirements.

(3) The area around the development can be planned to be in substantial harmony with the proposed plan.

Findings: This application satisfies the minimum and maximum residential density thresholds established for development on the Site while simultaneously preserving floodplain, vegetated corridor, constructing retaining walls, building new water line loops, and re-building a poorly performing water quality and quantity facility, and other public improvements that will support the long-term health, safety, and well-being of new and existing residents in the City of Cornelius. Additionally, through the preservation of Council Creek and its floodplain and improving the transportation network, this PUD ensures that new development on the Site will have minimal adverse impacts to existing adjacent properties. All abutting properties have been fully developed, except those to the north in the rural reserve area outside of the Portland Metropolitan UGB.

(4) If the applicant is proposing phasing the project, then identify the schedule for phasing. If the applicant is not proposing to phase the project, then identify the time frame for completion.

Findings: As shown in the Applicant's Submittal in Attachment 1, the project is anticipated to be completed within one development phase.

(5) Provide findings that economically justify a proposed commercial or industrial development.

Findings: This residential PUD does not include any commercial or industrial development. The criterion does not apply.

(6) The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.

Findings: This application consists of 34 detached residential units. Access to the proposed development is planned via an improvement to N. Irvine Street that has been unused and blocked off from traffic for years. The intersection at N. 19th Avenue and N. Irvine Street will be improved and the access to Sheelar Park will be re-routed to N. 19th Avenue as anticipated with the development of Sheelar Park. The city engineer did not require a traffic study and noted that the existing Arterial of N. 19th Avenue, upon the full street improvements anticipated with this development, the streets are adequate to support the anticipated traffic and development will not overload streets outside of the planned area.

(7) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.

Findings: As shown in the Preliminary Composite Utility Plan (see Applicant Plan Sheet P7.0 within Staff Report Attachment 1) the proposed utility and drainage facilities have been designed to accommodate development on the Site at the level of density adopted by the City and sized to accommodate existing development where applicable.

(D) Approval of Plan and Time Limitation on Development.

(1) Before a planned unit development shall be approved by the commission, a preliminary subdivision plat shall be prepared to be considered in conjunction with the planned unit development plan. This requirement shall not apply in the event subdivision of the land would not be required under the subdivision regulations of the city.

Findings: As shown in Staff Report Attachment 1 and described throughout this narrative, this PUD is accompanied by a preliminary subdivision plat that shall be considered in conjunction with the PUD.

(1) If no construction has begun or no use established in the planned unit development within one year after approval of the final plans, the final plan shall lapse and be of no further legal effect. In its discretion and for findings of good cause, the commission may extend for one year the period for beginning of construction or the establishment of the use. The applicant shall present his case for cause before the planning commission at its regularly scheduled meeting.

Findings: The final plan for this application shall terminate one year after approval of the final plan, if no construction or use is established. This shall be a condition of approval. The applicant may present a case for cause before the planning commission at a regularly scheduled meeting prior to the expiration to extend the period for beginning of construction or the establishment of the use one year from the expiration date.

Conclusion: Based upon the findings above, and through the application of relevant conditions of approval, staff concludes the criteria for Section 18.110 Planned Unit Development (PUD) Conditional Use 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 public works public utilities design 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.

Findings: As illustrated in Staff Report Attachment 1, and described elsewhere in this narrative, all new public street improvements have been designed to comply with the standards of this Code and the City's Public Works Standards, with the change to the total units accessing the woonerfs as approved by the city engineer and the Planning Commission.

(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.

Findings: The applicant is building a new retaining wall along the frontage of the site, parking bays, and sidewalks along N. 19th Avenue. The city engineer confirms that safety, per adopted local and State standards, will be maintained on all affected City and ODOT roadways.

(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.

Findings: The city engineer did not require a traffic study for this project.

(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.

Findings: The city engineer (see Staff Report Attachment 3) determined that additional conditions of approval are unnecessary.

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

Findings: As shown in the Preliminary Streets Plan (see Applicant's Plan Sheet P5.0 within Staff Report Attachment 1), the application includes new public streets within rights-of-way intended to be dedicated to the City of Cornelius with the final subdivision plat. The applicant also is dedicating right-of-way for N. 19th Avenue Arterial, widening the street, providing parking bays and sidewalks at street level, below a retaining wall built along the frontage of the property. Additionally, Applicant is aware of the Planning Commission's ability to impose reasonable conditions that are related to new impacts created by this PUD.

(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 2000 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 2000.

(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: No additional traffic measures were required or identified by the city engineer for this development.

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.

(E) Engineer Certification. The traffic impact analysis shall be prepared and certified by a traffic engineer or civil engineer licensed in the state of Oregon.

(B) Analysis Threshold. A traffic impact analysis is required when the proposed land use change or development will generate 200 vehicles or more per day (vpd) in average weekday trips as determined by the city engineer.

Findings: The city engineer did not require a traffic study.

18.143.040 Street design cross-sections per transportation system plan.

Street designs, including minimum right-of-way widths, were approved in the city 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 or rivers

(A) Deviations to Adopted Street Cross-Sections. A deviation from the adopted street cross-sections and/or widths or both shall require demonstration of a hardship or other exceptional circumstances resulting from conditions of the property. Hardship or exceptional circumstances may include, but are not limited to, unique topographic conditions, environmental protection requirements, and

existing development and buildings. A request for a deviation shall comply with this title and, where applicable, the Transportation Planning Rule (TPR).

Findings: Per conversations with and guidance provided to the applicant by city engineering staff, new street cross sections included in this application are based on adopted City of Cornelius Public Works Standards, the Transportation System Plan, or as otherwise allowed by the city engineer. Utilization of these standards will ensure that current state-of-the-practice design solutions to promote safety and long-term performance are implemented throughout this new neighborhood. Additionally, the application includes traffic calming measures through the use of curb extensions at N. 19th Avenue and N. Irvine Street, street trees on new roadways, and on-street parking on N. 19th Avenue.

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 adopted Cornelius public works standards.

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

Findings: All new streets included in this application will satisfy the minimum access spacing requirements of this Section or as otherwise allowed by the city engineer. The application includes several new public streets that will accommodate vehicular access to residential lots.

(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.

Findings: All new streets included in this application have been designed in accordance with all applicable AASHTO standards and subsequently meet adequate stacking, sight distance, deceleration distance, and other safety requirements. Because new home construction is not included as part of this application, corner vision clearance cannot be verified at this time. However, at the time of new home construction, the City will ensure that adequate corner vision is provided on each lot to ensure safe access and egress.

(C) Driveway/Access Points. The location and number of driveways or access points has 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.

Findings: As shown on the Preliminary Streets Plan (see Applicant's Plan Sheet P5.0 within Exhibit 1), all new residential lots included within this application will take direct access from a local street. The Applicant has also planned approximately 20 off-street parking spaces for guests and park visitors. The community development director and city engineer may allow reduction in the number of off-street parking spaces. Additionally, driveways located within the potential influence areas of intersections are located as far from the intersection as possible. Driveways serving these lots shall adhere to all clear vision requirements at the time of site design review and building permit approval. This shall be a condition of approval.

(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.

Findings: Applicant is not proposing the consolidation or closing of any existing driveways. However, the City is requiring the closure of the existing Sheelar Park entrance, as required by the Sheelar Park Subdivision. Both the proposed development and Sheelar Park will get access from the N. Irvine Avenue intersection with N. 19th Avenue.

(3) New developments shall provide cross-over easements to ensure potential shared driveway access points where existing conditions warrant consideration.

Findings: No shared accesses are proposed. No cross-over easement is required.

(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.

Findings: No arterial roadways will provide direct access to the Site. The criterion does not apply.

(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.

Findings: No lot has direct access to a collector roadway.

(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 city engineer determined that the access road to the water quality facility in Council Creek Estates can serve as an additional trail segment offering additional pedestrian and non-motorized access between the developments.

18.143.060 Transit supportive amenities.

(A) New commercial, industrial and institutional buildings developed on sites adjacent to major transit stops shall provide transit-related improvements.....

Findings: The application does not include the construction of a new commercial, industrial, or institutional building. Further, the Site is not adjacent to a major transit stop. The criteria do not apply.

(B) For an existing use or proposed use on a site located along an existing transit route where at least 10 off-street parking spaces are required, the applicant may apply for a reduction in the number of required spaces by 10 percent through the provision of a transit pedestrian plaza and connection, subject to city approval.

Findings: The Site is not adjacent to a major transit stop and is greater than one-quarter mile from a bus stop. The criterion does not apply.

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: At such time as the City reviews plans for public improvements on the Site, the city engineer will ensure that 3-inch conduit for the future installation of ITS infrastructure is included on the construction drawings, where appropriate.

Conclusion: Based upon the findings above, and through the application of relevant conditions of approval, staff concludes the criteria for Section 18.143 Transportation Facilities 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, except as provided in the central mixed use (CMU) and corridor commercial (CC) zoning districts.

(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.***

Findings: The applicant, on the Preliminary Streets Plan (see Applicant's Plan Sheet P5.0 within Staff Report Attachment 1), provides a diagram of the proposed parking, and loading spaces and dimensions, streets, accessways, curb cuts, and landscaping. This criterion has been met.

(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.

Findings: The community development director, and the city engineer (see Staff Report Attachment 3) finds that the uses have adequate parking and circulation as shown the Applicant's Preliminary Streets Plan (see Applicant's Plan Sheet P5.0 within Staff Report Attachment 1).

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.

Off-Street Parking is no longer required within ½ mile of any frequent bus route. This site is approximately 4,696 feet from Baseline Street where Bus 57 provide a frequent bus route.

(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 Parking Residential				
Land Use	Minimum Parking	Maximum Parking Standards		
		Zone A	Zone B	Bicycle Parking
Single dwelling	1/DU	None	None	None

Findings: Although the application does not include the construction of any new dwelling units at this time, each lot will include at least one covered off-street parking space via a garage. The submitted narrative and plans indicate that there will be at least one one-car garage built for each dwelling. Off-street parking is provided for each dwelling unit.

The Applicant has planned approximately 20 off-street parking spaces in two parking lots. The number of off-street parking spaces may be reduced with approval of both the community development director and city engineer.

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 detached single-unit dwellings and middle housing 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 detached single-unit dwellings and middle housing 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 detached single-unit dwellings and middle housing 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 detached single-unit dwellings and middle housing 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. 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 a driveway and/or garage on each of the lots included in this application. The application also proposes 20 off-street parking spaces. All parking has been designed to City standards and in coordination with the city engineer. A reduction of the number of off-street parking spaces may be approved by both the city engineer and community development director.

18.145.060 Landscaping required.

(A) Purpose. The purpose of this section is to improve the appearance of off-street parking and open lot sales and services areas in Cornelius and to protect and preserve the appearance, character, and value of the surrounding neighborhoods and thereby promote the general welfare by providing for installation and maintenance of landscaping for screening, buffering and aesthetic qualities, finding that the particular characteristics and qualities of Cornelius justify regulations to perpetuate its aesthetic appeal on a city-wide basis. It is also the purpose of this section to allow for increased seepage by providing openings in the impervious surface, increased safety by breaking up large expanses of pavement, and increased shading to reduce overheating of car interiors, and reduce glare and radiation from large numbers of vehicles.

(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.**

Findings: All on- and off-street parking included in this application is intended to serve townhomes (or single-unit dwellings) and is therefore not required to meet these landscaping standards.

(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: At the time that such public improvement plans are reviewed and approved by the City, the city engineer will 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.

Conclusion: Based upon the findings above, and through the application of relevant conditions of approval, staff concludes the criteria for Chapter 18.145 Off Street Parking and Loading are met.

Chapter 18.150 Special Use Regulations

18.150.070 Clear Vision Zones

Except in the central mixed use (CMU) zoning districts, a clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets, an access and a railroad, or a driveway providing vehicular access to a public access.

(A) The clear vision zone is defined as the triangular area beginning at the intersection of the projected curb lines, and extending 15 feet along the leg of each intersection. No fence, berm, wall, hedge or other planting or structure shall be placed within the clear vision zone that would impede visibility between a height of 30 inches and 10 feet as measured from the top of curb, or in the absence of a curb, from the established street center line grades. If the relation of the surface of the lot to the streets is such that visibility is already obscured, nothing shall be done to increase the impediment to visibility within the vertical and horizontal limits set forth above. Poles, tree trunks, and similar objects less than 12 inches in width may be allowed in the clear vision zone if they meet the vertical requirements noted above.

(B) A private access shall be treated as a public street for the purpose of this section. The edge of the paved surface area of the private access, be it roadway, curb or sidewalk, shall be treated as the curb line in determining the vision clearance zone.

(C) The requirements of visibility at intersections in the CMU zoning district shall be determined on a case-by-case basis by the facilities and design review committee in accordance with traffic and transportation engineering standards.

Findings: The Site is located within the A-2 zoning district – not the CMU zoning district – thus the clear vision areas regulations apply. The applicant notes that the clear vision areas are maintained at all street intersections within the Site as shown on the Preliminary Streets Plan and Preliminary Composite Utility Plan Sets, (Applicant’s Plan Sheets P4.0 and P5.0 within Staff Report Attachment 1).

Conclusion: Based upon the findings above, and through the application of relevant conditions of approval, staff concludes the criteria for Chapter 18.150 Special Use Regulations are met.

Chapter 18.155 Solar Access for New Development

18.155.010 Purpose.

It is the city's intent to encourage the use of both active and passive solar energy systems for heating air and water in homes and businesses, as long as natural topography, soil, or other subsurface conditions or other natural conditions peculiar to the site are preserved. While the use of solar energy systems is optional, the right to solar access is protected. Additionally, a goal of this section is to ensure that site plan elements do not excessively shade adjacent properties, creating a significant adverse impact upon adjacent property owners. Thus, standards are set forth to evaluate the potential impact of shade caused by buildings, structures, and trees.

18.155.020 Applicability.

All development shall be designed throughout to accommodate active and/or passive solar installations to the extent reasonably feasible.

18.155.030 Solar-oriented residential lots.

At least 65 percent of the lots less than 10,000 square feet in area in single- and two-family residential developments must conform to the definition of a "solar-oriented lot" (see CMC [18.195.190](#)) in order to preserve the potential for solar energy usage.

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.

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.

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: All the proposed lots are less than 10,000 square feet in area and are located in a single-family residential development. Lots 1-15 & 31-34 have a front lot line oriented within 30 degrees of a true east-west line, which is approximately 56% of the proposed lots. Per Section 18.155.020, this development has been designed to accommodate solar installations to the extent reasonably feasible. The proposed development was limited by the wetland located at the north end of the site, existing access locations, arterial access restrictions, and the need to connect this development to surrounding neighborhoods. The orientation of the proposed lots that are not considered “solar-oriented”, match the orientation of the lots of the adjacent neighborhood. As a consequence, this standard is met.

Conclusion: Based upon the findings above, and through the application of relevant conditions of approval, staff concludes the criteria for Chapter 18.155 Solar Access for New Development are met.

CONCLUSION AND DECISION:

Based on the facts, findings, and conclusions found in this staff report, staff recommends the Cornelius Planning Commission conditionally approves the Planned Unit Development Conditional Use and Subdivision Preliminary Plat for a new development to be known as 'Council Cove'. The proposal (CUP/PUD-01-25 and SUB-01-25), as represented by Applicant, can be reasonably compatible with and have a minimum impact on the livability and development of surrounding properties with the following recommended conditions of approval:

Final Plat

1. Applicant shall have 12 months from the date of preliminary plat approval to submit a final plat application to the Community Development Department, per CMC 17.05.040(G)(1). The community development director may grant an extension of time for up to 12 additional months for final platting if justifiable cause is shown.
2. The proposed subdivision name "Council Cove" shall be reflected on the final plat for review and recordation.
3. Prior to recordation of the final plat for the project, Applicant shall furnish copies of the HOA agreement and any other applicable documents to the City for review and approval.
4. The City will not accept a final plat application to review unless this preliminary plat application is approved by the Planning Commission. The approved staff report will bear the Planning Commission chair's signature and community development director's (or assigned designee's) signature.
5. Prior to signing the final plat mylar, the statutory warranty deed for Tract C must be reviewed, approved, and accepted by the City.
6. Prior to final plat approval, Applicant will work with the City to prepare a design locating mailboxes in compliance with the area Post Master's locational criteria.

The use and placement of a mailbox cluster, appropriately spaced and installed in cooperation with the US Postal Service, shall be required for the subdivision.

7. Street rights-of-way for N. 19th Avenue, N. Irvine Street and N. 20th Way shall meet Cornelius Public Works standards for width and design and will be dedicated upon final plat recordation. Lots 6 through 16 (ten lots) shall be allowed to access the northwestern woonerf.
8. The final plat/mylar shall have all required ROW notations upon it as required by the County Surveyor's Office and applicable Oregon Revised Statutes (ORS).
9. Applicant shall dedicate an 8-foot-wide public utility easement (PUE) adjacent to all public rights-of-way with plat recordation. ~~All private utilities shall be underground and located within the PUE, except the agricultural lines that are under a separate easement document. The 8 foot PUE and all other easements shall be noted and shown on the final plat.~~ *Condition of Approval amended by Planning Commission motion to approve.*
10. Any significant proposed changes, alterations or enlargements to this approved preliminary or final subdivision plat shall require a new request for approval through a Type II process, subject to the provisions in CMC Section 17.05.040.
11. On the final plat the streets within the new subdivision shall be designated as N. 20th Way.
12. On the final plat, the east/west connection between N. 19th Avenue and N. 20th Way shall be designated as N. Irvine Street.

Building Permits

13. Prior to construction of each new dwelling, a Type I Site Design review application with the City of Cornelius is required demonstrating adherence to the Residential Design Requirements (CMC 18.100.070). The City of Cornelius currently contracts its building services with the City of Forest Grove Building Division. All building permits are reviewed, issued, and inspected through the City of Forest Grove Building Division. Electrical Permits are reviewed and approved through Washington County. Applicant/owner shall obtain all appropriate Building and Electrical Permits and comply with all applicable Building Code requirements for

construction of each new home. Applicant/owner shall also comply with any and all applicable requirements for development as required by the Building Official.

14. Construction on the site shall adhere to the recommended conditions of approval found within the Geotechnical Investigation Report.
15. No buildings within the proposed subdivision shall be taller than 45 feet, unless approved by the Planning Commission.
16. When homes are constructed, they will be required to be addressed as approved by the Fire Department. Applicant shall also comply with any and all applicable requirements for development as required by the Fire Department.
17. Driveways serving lots shall be located as far as possible from street intersections and will adhere to all clear vision requirements at the time of building permit approval.
18. All proposed off-street parking and vehicle maneuvering areas shall be an approved impervious surface.
19. All residential buildings shall be provided with final grading such that surface water will drain away from the building to the public way and not be discharged across adjoining properties. Lots shall be constructed so that storm water will not run across public sidewalks.
20. Every building in which plumbing fixtures are installed shall have a connection to a public sewer.

Public Improvements

21. Prior to issuance of any building permits the public water, storm sewer, and sanitary sewer systems shall be constructed to City and Clean Water Services standards and in accordance with an approved Public Works Permit. Public utility systems shall be designed and sized to accommodate future development on nearby properties, where applicable. Design and construction of the new street system shall align with existing rights-of-way and provide stubs to adjoining properties to accommodate future development. The construction of a public stormwater conveyance and treatment system to serve the proposed development shall meet the requirements of CWS. Utility connection designs shall comply with

CWS standards for sites near environmentally sensitive resources. The construction of these connections shall be to CWS standards. Final design of public infrastructure shall conform to all requirements imposed by the city engineer's comments, included in Staff Report Attachment 3.

22. Prior to building permit issuance, public streets (N. 19th Avenue and N. 20th Way and associated N. 20th Way woonerfs) shall be constructed to City standards and in accordance with the Preliminary Street Plans (see Applicant's Plan Sheets P5.0 and 6.0 within Staff Report Attachment 1), these conditions of approval, and an approved Public Works Permit. Prior to issuance of any building permits, construction shall be substantially completed such that all public streets on the Site are fully constructed to City standards.
23. As noted in the staff report and the city engineer comments, the bollards N. Irvine Street shall be removed and bollards shall be placed at the current entrance to Sheelar Park.
24. Prior to commencement of work on the Site, Applicant shall apply for and obtain the necessary permits and plan approvals for work from the Building, Engineering, and Community Development Departments. Applicant shall also obtain additional agency permits that may apply including those from Clean Water Services (CWS) and Washington County. All state and federal permits required for construction within sensitive areas, such as those from the US Army Corps of Engineers, Oregon Department of Forestry, and the Oregon Department of State Lands, shall also be obtained prior to any work in those areas. All work done in sensitive areas shall be done in accordance with City, CWS, and all other applicable agency standards. Compliance with the CWS Service Provider Letter (see Applicant's Submittal within Staff Report Attachment 1) is required.
25. After receiving land use approval, Applicant shall submit final engineering plans for the city engineer to review and approve. Final engineering plans are required to comply with these conditions of approval.
26. Prior to approval of engineering plans by the city engineer, grading plans shall clearly show no negative impacts such as the impoundment of water, concentrated flow, or erosion with regard to storm water drainage and the adjacent properties. Improvements shall not increase concentrated flows or result in the impoundment of water where it did not previously exist.

27. Engineering plans submitted to the city engineer for review and approval shall include cost and time estimates for completion of the improvements. All performance securities shall be submitted as necessary.
28. Street trees shall be planted as designated on Applicant's Plan Sheet L1.0 within Staff Report Attachment 1.
29. Prior to final plat approval, Applicant will submit engineering plans for review and approval by the city engineer to install street lighting in compliance with applicable lighting design standards from Section 5.12 of the City of Cornelius Public Works Standards. Applicant shall provide photometric analysis for street lighting with first submittal of public infrastructure plans.
30. All traffic control and directional signs shall comply with the City of Cornelius Public Works Standards, as approved by the city engineer.
31. Final engineering plans shall meet ADA accessibility standards in accordance with the City's Public Works Standards.
32. All new public utilities shall be placed underground.
33. Upon satisfactory completion of the vegetated corridor consistent with the CWS Service Provider Letter (see Applicant's Submittal within Staff Report Attachment 1), Tract C shall be dedicated to the City of Cornelius via a Statutory Warranty Deed.

Miscellaneous

34. All conditions of approval listed in the Clean Water Services Service Provider Letter, dated June 10, 2025 (CWS File No. 24-001681), as amended, attached hereto within (see Applicant's Submittal within Staff Report Attachment 1), shall be met.
35. All conditions of approval as required by the city engineer (Attachment 3) shall be met.
36. Any eligible public improvements that exceed local infrastructure requirements as identified in the conditions of approval may only be reimbursed in the form of

System Development Charge (SDC) credits. Eligibility for SDC credits shall be at the sole discretion of the city engineer.

37. The final plan for this application shall terminate one year after approval of the final plan, if no construction or use is established.
38. Compliance with conditions imposed in granting this approval and adherence to the approved preliminary plat shall be required. Any departure from these conditions of approval and approved plans for CUP/PUD-01-25 and SUB-01-25 constitutes a violation of this approval. The community development director may revoke this Conditional Use Permit/Planned Unit Development approval for failure to comply with any prescribed condition of approval or for any other violation of this approval.

DATE OF PLANNING COMMISSION DECISION: AUGUST 26, 2025



Dave Waffle, Chair, Planning Commission



Barbara Fryer, AICP, Community Development Director

Attachments:

1. Copy of Application Submittal
2. Copy of Public Notice
3. City of Cornelius Department and Other Agency comments
4. Applicant submittal in response to Public Works Request to eliminate Tracts A and B
5. Comment Letter from Leslie Weisgerber via email