



**CITY OF CORNELIUS
COMMUNITY DEVELOPMENT DEPARTMENT**

PLANNING COMMISSION APPROVED STAFF REPORT

**HANEY MULTI-FAMILY DEVELOPMENT
AND LOT LINE ADJUSTMENT**

**Type III Site Design Review
and
Type I Lot Line Adjustment**

**Land Use File Nos. DR-68-25 & LLA-02-25
Planning Commission Hearing Date: August 26, 2025
Staff Report Date: August 19, 2025**

Request: A Type III Site Design Review (DR-68-25) for a new 240-unit apartment complex. The development includes ten, 24-unit three-story apartment buildings, one dog park, children’s play space, swimming pool, community garden, and a clubhouse. Parking, pedestrian connections via pathways and sidewalks, and landscaping are also proposed. A Lot Line Adjustment (LLA-02-25) is proposed to adjust the common property line of the two subject tax lots from a north/south orientation to an east/west orientation. The project includes public right-of-way dedication and roadway improvements for N. Davis Street and N. 26th Avenue.

Applicant: Harper Houf Peterson Righellis Inc. – Hillary Harris
Property Owner: Haney Industrial Properties, Inc.
Property Address: 85 N. 26th Avenue, Cornelius, OR 97113
Location
Map: Map 1N334DC, Tax Lots #04500 & #04600

Review Criteria: CMC Title 17: Subdivisions: Chapter 17.05.020 Lot Line Adjustments, CMC Title 18 Zoning: Chapter 18.75 Gateway Mixed Use (GMU), Chapter 18.100 Site Design Review,

**CITY OF CORNELIUS, OREGON
COMMUNITY DEVELOPMENT DEPARTMENT
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Chapter 18.143 Transportation Facilities, Chapter 18.145 Off-Street Parking and Loading, Chapter 18.155 Solar Access for New Development and Chapter 15.15 Swimming Pools.

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

BASIC FACTS AND BACKGROUND INFORMATION

1. The Applicant is requesting a Type III Site Design Review to redevelop the Site with a new 240-unit apartment complex with associated improvements, as described within Exhibit A.
2. The proposal includes a Type I Lot Line Adjustment of the common property line between tax lots #04500 and #04600 from a north/south to an east/west orientation.

Before adjustment

- Tax lot# 04500 is 4.51 acres. (Per submitted survey within Exhibit A)
- Tax lot# 04600 is 7.88 acres. (Per submitted survey within Exhibit A)

After adjustment

- Tax lot# 04500 is 9.65 acres. (Per submitted survey within Exhibit A)
 - Tax lot# 04600 is 2.74 acres. (Per submitted survey within Exhibit A)
3. The site (hereafter referred to as Site) is located west of N. 26th Avenue and south of the Cornelius Storage property.
 4. As noted in Basic Fact #2, above, after the adjustment, the apartment proposal will be located on tax lot# 04500, which is the 9.65-acre lot. The development proposal area is currently occupied by a mixture of older lean-to structures, pole barns and other similar buildings, which will be removed as part of the redevelopment proposal.
 5. The Site is currently zoned as Gateway Mixed-Use (GMU).
 6. The property owner signed the application, authorizing the request for Site Design Review and Lot Line Adjustment. A copy of the signed Land Use Application is found in the Applicant's submitted materials, Exhibit A.
 5. On May 22, 2025, the Applicant held the required neighborhood meeting. Meeting materials were provided by the Applicant and can be found within the Applicant's submitted materials, in Exhibit A.

6. The Site Design Review and Lot Line Adjustment applications were submitted on June 4, 2025. An incompleteness determination was made by Staff on June 26, 2025. The Applicant provided additional materials thereafter, and the application was deemed complete on July 7, 2025.
7. On July 31, 2025, Public Notice was mailed to property owners within 250-feet and affected agencies of the Site regarding the application and scheduled public hearing (Exhibit B). As of the date of this report no public comments have been received.
8. On July 31, 2025, Public Notice of the proposal and upcoming public hearing was published in the local newspaper (Forest Grove News-Times).
9. The City Engineer submitted comments dated August 11, 2025, which are shown within Exhibit C.

COMPLIANCE WITH CITY OF CORNELIUS MUNICIPAL CODE (CMC)

TYPE I PARTITION FINDINGS AND CONCLUSIONS: TITLE 17 SUBDIVISIONS, CHAPTER 17.05 LAND DIVISIONS

17.05.020 Lot Line Adjustment.

(A) Procedure Type.

(1) The community development director shall review the request for a lot line adjustment to determine compliance with the standards in subsection (C) of this section. The community development director shall approve or deny the request in writing based on the criteria in subsection (C) of this section, within 45 days of submittal of the request.

(2) If the applicant disagrees with the decision of the community development director, an appeal shall be filed in accordance with CMC [18.15.090\(A\)](#) within 10 working days.

Findings: The application (LP-02-25), has been submitted concurrently with the Type III Site Design Review application (DR-68-25). The Community Development Director will make a recommendation, as noted within this report, to the Planning Commission. The lot line adjustment (LLA-02-25) is an integral part of (DR-68-25), for the redevelopment of the Site. All appeal rights shall be in accordance with CMC 18.15.090.

(B) Application Requirements. The community development director shall provide forms that specify the information required for submission of lot line adjustments. The applicant shall prepare a map together with other supplementary material as may be required and shall submit the necessary number of copies to the community development director.

Findings: The necessary forms and application materials have been submitted, as shown within Exhibit A.

(C) Approval Criteria. A request for a lot line adjustment must meet all of the following criteria:

(1) An additional lot is not created by the lot line adjustment and the existing parcel reduced in size by the adjustments is not reduced below the minimum lot size established by the approved zoning for that district.

Findings: The applicant is not proposing to create a new lot. The lot line adjustment will be relocating the common property line between tax lots #04500 and #04600, in a new orientation – from a north/south line to an east/west line.

Before adjustment;

- Tax lot# 04500 is 4.51 acres. (Per submitted survey within Exhibit A)
- Tax lot# 04600 is 7.88 acres. (Per submitted survey within Exhibit A)

After adjustment;

- Tax lot# 04500 is 9.65 acres. (Per submitted survey within Exhibit A)
- Tax lot# 04600 is 2.74 acres. (Per submitted survey within Exhibit A)

Within the Gateway Mixed Use (GMU) zoning district, per CMC 18.65.050(A) Lot Size, there is “*No minimum lot size required. All lots must be functional and meet the minimum setback and parking requirements.*” (Staff notes that with Climate Friendly and Equitable Communities (CFEC) Parking Reform under OAR 660-012-0400 to -0450, parking requirements have changed). The smallest lot will be 2.74 acres, which is not proposed to be developed at this time. The 9.65-acre parcel is the proposed development under the review for DR-68-25. Through DR-68-25, the applicant is demonstrating that the northerly parcel can be redeveloped and be functional.

(2) By reducing the lot size, the lot or structure(s) on the lot will not be in violation of the site development regulations for that district.

Findings: The current alignment of the common property line between tax lots #04500 & #04600 is non-conforming, in the sense that the property line bisects existing structures that may not be constructed to current building code requirements for fire walls along a common property line. The applicant shows the existing and proposed lot line adjustment in Staff Report Exhibit A, copied below. Please note the location of the north/south oriented property line, which bisects the buildings on-site, is considered to be non-conforming.

EXISTING PROPERTY LINES



PROPOSED PROPERTY LINES



Once adjusted, the location of the adjusted property line will not bisect existing structures, and will, therefore; comply with the Cornelius Municipal Code and building codes regarding fire, life and safety.

(D) Appeal of a Decision. Any person receiving notice who disagrees with the community development director's interpretation may appeal that interpretation to the planning commission at its next appropriate regularly scheduled meeting. Any party to the proceeding disagreeing with the planning commission interpretation may appeal that interpretation to the city council at its next appropriate regularly scheduled meeting.

Findings: As noted above, all appeal rights shall be in accordance with CMC 18.15.090.

Conclusions and Recommendation for the Lot Line Adjustment:

Staff recommends approval of the lot line adjustment as it complies with the Cornelius Municipal Code and any new development will receive appropriate building permits in compliance with current building codes.

TYPE III DESIGN REVIEW FINDINGS AND CONCLUSIONS: TITLE 18 ZONING, CHAPTER 18.75 GATEWAY MIXED USE

18.75.020 Permitted uses.

The following uses and their accessory uses are permitted outright:

(H) Multi-family dwelling units, subject to CMC [18.75.065](#).

Findings: The proposal is for a 240- unit apartment complex with supporting amenities, as shown within Exhibit A. Per subsection (H) of the CMC above, the proposal is a permitted use. Compliance with CMC 18.75.065 for the proposed multi-family residential units can be found further within this report.

18.75.040 Prohibited uses.

Only uses specifically listed in CMC [18.75.020](#) and [18.75.030](#), and uses similar to these, are permitted in this district. The following uses are expressly prohibited:

(A) Heavy industrial uses.

(B) Distribution.

(C) Warehousing.

(D) Self-service storage.

(E) Large machinery or farm equipment sales, service or rental.

(F) Marijuana facility.

(G) Single-family detached residential.

Findings: The applicant is not proposing any prohibited uses as part of the redevelopment. Staff notes, that with the redevelopment of the Site, existing “Prohibited Uses” that are occurring on the site (such as the storage of large machinery, industrial uses, and other activities) will cease to exist. Thus, the Site will become conforming to the GMU zoning district.

18.75.045 Applicability of development and design requirements.

(A) New buildings must meet all standards of this chapter.

(B) Redevelopment valued at 50 percent of the building’s assessed value or more or expansions of more than 50 percent of the building’s gross floor area shall meet all standards for any expanded portions of the building and shall meet CMC [18.75.060](#)(B) and (E) for the entire building.

(C) Redevelopment valued at less than 50 percent of the building’s assessed value that does not expand the gross floor area of the building by more than 10 percent shall be exempt from

compliance with CMC [18.75.060](#) and the expanded portion shall use materials that substantially match the originals. CMC [18.135.020](#), Nonconforming structures, shall apply.

(D) Redevelopment valued at less than 50 percent of the building's assessed value that includes expansions of existing gross floor area by 10 to 50 percent shall either:

- (1) Meet CMC [18.75.060](#)(B) and (E) for any expanded portions of the building; or
- (2) Use materials that substantially match the originals for any expanded portions of the building.

Findings: The applicant is proposing to remove the existing buildings and redevelop the property with new buildings and amenities. No existing buildings are proposed to be saved or repurposed.

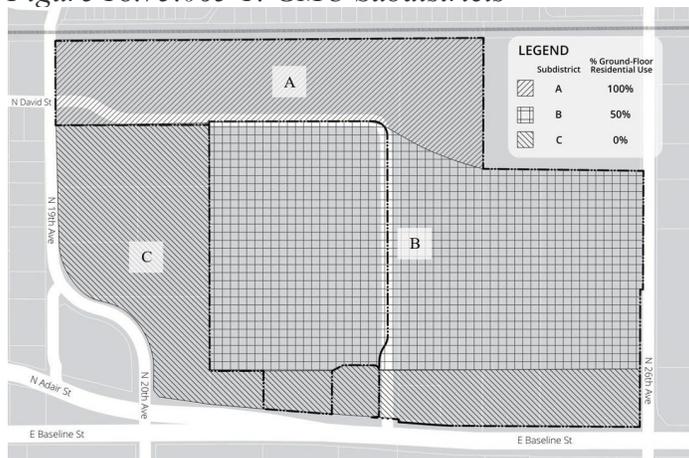
Per 18.75.065, 18.75.050 Development requirements, 18.75.060 Design Requirements, and 18.75.0670 Parking and access are inapplicable to development with ground floor residential. 18.75.065 Residential requirements.

In lieu of compliance with CMC [18.75.050](#), [18.75.060](#) and [18.75.070](#), ground-floor residential uses shall comply with the standards of this section. Upper-story residential uses in a vertical mixed-use building shall not be subject to this section.

(A) Location of Residential Uses. Ground-floor residential uses are limited to a percentage of the total site area based on the three subdistricts shown in Figure 18.75.065-1.

- (1) In subdistrict A, up to 100 percent of a lot or multiple lots if developed concurrently may be developed as ground-floor residential uses, including parking to serve residential uses.
- (2) In subdistrict B, a range of residential and commercial uses may be allowed in a mix from 100 percent residential to 100 percent commercial, or any intervening ratio, at the request of the applicant, based on market conditions.
- (3) In subdistrict C, no ground floor residential uses are permitted.

Figure 18.75.065-1: GMU Subdistricts



Findings: The residential development proposal is located 100% within Subdistrict B, as shown on Figure 18.75.065-01. Per CMC 18.75.065(A)(2) “*In subdistrict B, a range of residential and commercial uses may be allowed in a mix from 100 percent residential to 100 percent commercial, or any intervening ratio, at the request of the applicant, based on market conditions.*” Within this application, the applicant is proposing 100% residential, which is allowed.

(B) Location of Single-Family Attached Residential Uses. Single-family attached residential uses (townhouses) shall only be permitted within subdistrict A. In subdistrict A, up to 50 percent of a lot or multiple lots if developed concurrently may be developed as single-family attached residential uses, including parking, infrastructure, and open space to serve those uses.

Findings: No development is proposed within Subdistricts A or C. The proposed development of the apartment complex will be wholly within Subdistrict B and the proposed development is compliant with the allowance of 100 percent residential in this subdistrict.

(C) Minimum density for ground-floor residential uses is 18 units per net acre. There is no maximum density.

Findings: The applicant identifies within Exhibit A, “*The subject property is approximately 9.6 acres in size and the proposed development includes 240 residential units. This comes to an approximate density of 25 units per net acre, thus complying with the above minimum density.*” The calculated density of 25 units per acre is based on the 240 units divided by 9.6 acres, which is the gross acreage. It is presumed that by netting out the water quality facility and the parking and accessways, the density would be greater. The minimum density is met.

(D) Open Space. Within residential developments containing 20 or more lots or units there shall be at least 150 square feet of open recreational space per unit provided in common open space. Such space will be considered part of the required landscaping, but must be designed in a manner that affords residents usable open area. 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 notes in the narrative provision of 36,711 SF of open space, allocated between a clubhouse, community garden, swimming pool, dog park, playground and near the leasing office. The square footage identified on Plan Sheet L100 shows the open space is from the five areas. They are west of the northern entrance 955 SF, west side of the project 1,780 SF, southern area 3,490 SF and the main open space pod with the community garden, club house, kids play space and swimming pool of 28,912 and 1,574 SF near the southern entrance, north of Basin C. This results in 36,711 SF of useable open space; thus, the open space requirement is met

(E) Landscaping. A minimum of 15 percent of each lot, or multiple lots if developed concurrently, shall be landscaped and maintained free of buildings, pavement, or any other form

of impermeable cover. Open space designed to meet the requirements of subsection (D) of this section may be counted towards the required landscaping.

Findings: The project residential development proposal site area is 391,719 SF, which requires a minimum of 58,758 SF of landscaping. As shown and described within Exhibit A, 94,641 SF (24%) of landscaping is proposed. The landscaping requirement is met.

(1) All landscaped areas shall be planted with at least an 80 percent plant cover at maturity. Large areas of bark dust or other nonliving vegetative ground covers shall be avoided.

Findings: The applicant has provided detailed landscaping plans. The plans and narrative provided by the applicant within Exhibit A describe that the project has been designed to comply with this review criterion. Staff finds that on Sheet L100, the Planting Schedule, the type of trees, street trees, Site trees, shrubs, groundcover, seed mixes and bark mulch surfacing are identified. The bark dust is planned to be spread amongst the shrubs and ground cover planting areas. Bark dust is also shown on the walkways amongst the community garden and children's play area. The applicant's landscaping plans show large areas of bark dust and other nonliving vegetation ground covers have been avoided. A condition of approval shall require that the landscaping be planted to the approved plans and maintained.

(2) The elements of landscaping include all forms of planting and vegetation, all adjustments, refinements, or designed developments in ground forms, rock groupings, or water patterns or features, all construction other than completely enclosed buildings or primarily utilitarian engineering structures such as retaining walls. Particular attention shall be given to providing walkways, patios or plazas that create linkages between buildings, uses and activity areas. These are all elements used to develop and refine space between, around, or within buildings and pedestrian and vehicular circulation elements.

Findings: The applicant describes within Exhibit A that the landscape plan was designed by a professional and licensed landscape architect to include the elements identified above. Staff finds that along the walkways, near the buildings, entrances, and other locations throughout the Site, a robust landscaping plan is proposed, which appears to comply with the CMC, as identified above. A variety of trees, shrubs and ground cover is proposed near the buildings, along the edges of the walkways, within the landscaped islands of the parking lot and near the apartment complex entrances. The landscaping will vary in height, and it will be grouped in spaces near buildings and other pedestrian and vehicular circulation elements.

(3) Landscaping should be used to separate and buffer parking areas from pedestrian areas, and to accentuate building design and entrances. Landscaping is intended to provide visual relief, buffering from vehicles for pedestrian and bikeways, and accent or framing of buildings, plazas and other activity areas.

Findings: The applicant describes within Exhibit A that landscaping is proposed around all residential buildings, as well as along all on-site pedestrian pathways. The landscaping to be planted around the buildings, pathways, and entrances will avoid obstruction and highlight

pedestrian pathways, buildings, and other on-site amenities. Staff finds the landscaping will create buffer areas, as intended by the code. A Condition of Approval shall require that the landscaping is planted compliant with Plan Sheets L100 through L105, L200 through L203, and as detailed on L300 through L301.

(4) Landscaping should be incorporated into plazas and courtyards to provide common spaces serving the development. Uses and buildings should be clustered around these common spaces whenever possible, with entries oriented to these spaces.

Findings: The applicant has provided landscaping in common spaces. The site plan (Sheet A1.0) shows that the clubhouse and other common space amenities will be clustered near the middle of the proposed development, which provides a central location for the tenants of the apartment complex to use.

(5) All vegetative landscaping shall be maintained with a functioning irrigation system.

Findings: The applicant indicates that the landscaping will be irrigated to ensure adequate survival of the plantings. Irrigation is shown on L200 through L203. A condition of approval shall require that all vegetative landscaping be maintained with a functioning irrigation system, as shown on Plan Sheets L200 through L203.

(F) Trail Corridor Landscaping. A 30-foot-wide landscaping buffer is required along the northern property line abutting the future Council Creek Regional Trail corridor to soften the transition between development and the trail.

(1) The landscaping buffer area shall meet the requirements of and count towards the minimum percentage required in CMC [18.75.060\(J\)](#), except that paved pedestrian and bikeways may be integrated into the buffer area.

(2) The landscaping buffer may incorporate both common open space and private yard space associated with individual residential lots. Private yard space may not exceed 15 feet wide out of the 30-foot-wide required buffer.

(3) Fences within the landscaping buffer area shall not exceed 42 inches in height unless approved as a conditional use consistent with Chapter [18.105](#) CMC and the applicant demonstrates that they are necessary for security purposes.

(4) A landscaping buffer is not required between the trail corridor and any public park or common open space; provided, that the park or open space is a minimum of 30 feet wide.

Findings: The Site does not abut the future Council Creek Trail corridor. Thus, the criterion is not applicable.

(G) Multi-family development shall comply with the following dimensional standards:

(1) The minimum lot size shall be 10,000 square feet.

(2) The minimum lot width shall be 30 feet.

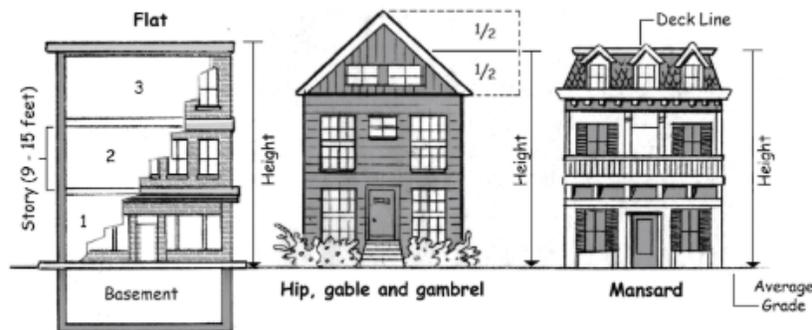
Findings: The proposed development parcel is 9.65 acres, which is over 42,000 square feet. Thus, the lot size exceeds the minimum standard. The proposed development is approximately 570 feet in width, exceeding the minimum lot width standard of 30 feet. This criterion is met.

(3) *The maximum height shall be three stories or 45 feet in height, whichever is less. Building height may be increased to a maximum of four stories or 60 feet in height, whichever is less, for buildings or portions of buildings set back at least 30 feet from the eastern, western, and southern perimeters of the district, and set back at least 120 feet from the northern perimeter of the district, if approved as a conditional use consistent with Chapter 18.105 CMC.*

Findings: The application includes building elevations as shown within Exhibit A. The applicant is proposing two building types for the dwelling units, Building Type A (Plan Sheets A1.1 through A10.1) and Building Type B (Plan Sheets A1.2 through A10.2). The 10 residential buildings are three-story structures and will be the tallest structures on-site. The peak of Building Type A will be at 46'-10" and the peak of Building Type B will be 46'-6 1/2". Per CMC, 18.195.080 H definitions. Height is defined as the following;

18.195.080 H definitions.

"Height of building" means the vertical distance from the "average grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the point midway between the ridge and the eaves of a pitch or hip roof.



The applicant identifies that the height of the buildings is approximately 39'-10", based upon the average grade of the roof. Staff notes that the building type A and B, as noted above are two different heights. The average height of building A is 39'-5' and building B is 39.8. Both buildings are less than 45', therefore, the structures comply with the height standards of the zone.

Within Exhibit A, the applicant has also provided building elevations for the leasing office, clubhouse, and detached garage structure. These buildings are one-story and they comply with the height limitation of the zone.

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

(5) Rear Yard. No rear yard shall be less than 10 feet in depth as measured from the foundation of the structure.

(6) Side Yard. The minimum width of side yards shall be not less than five feet in width as measured from the foundation of the structure.

(7) Building Separation. Buildings within a complex shall be separated by at least six feet, subject to Oregon Residential Specialty Code and/or Oregon Structural Specialty Code requirements.

Findings: The applicant has submitted a detailed site plan, as shown on Plan Sheet A1.10 within Exhibit A. The main access into the complex will be from a private drive along the southern property line. Therefore, the southern property line shall be designated as the front setback, the northern property line shall be the rear setback, and the western and eastern property lines shall be the side yards. From the southern property line (front) the building will be setback a minimum of 52-feet. From the rear, buildings will be setback a minimum of 14.9-feet. From the western property line, buildings will be setback a minimum of 10-feet. From the eastern property line, buildings will be setback a minimum of 13-feet. The buildings within the complex will have more than 6-feet of separation.

(H) Single-family attached dwellings on individual lots shall comply with the following dimensional standards:

Findings: The proposal is not for single-family attached dwellings on individual lots. Therefore, this criterion is not applicable.

(I) 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.

Findings: The applicant is proposing the main vehicle access point from an internal drive-aisle, which will connect to N. 26th Avenue with a secondary access from N. Davis Street. As part of the development and LLA-02-25, N. Davis Street will be dedicated as ROW and improved to city standards. Both N. Davis Street and N 26th Avenue are designated within the Transportation System Plan (TSP) as collectors. The City Engineer has reviewed the proposed access points, and approves them, as noted within Exhibit C.

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

Findings: The applicant is dedicating N. Davis Street as public ROW and improving it to city standards, as approved and recommended by the City Engineer within Exhibit C. Improvements to N. 26th Avenue and ROW dedication are also proposed. The applicant's civil site plans (Sheets C200, C210, C211, C212 & C213) show that frontage improvements, consisting of curbs, street

trees, streetlights, sidewalks, and ROW dedication are proposed. Prior to issuance of building permits, the applicant shall submit and receive approved plans from the City Engineer for all public improvements. This shall be a condition of approval.

(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 as determined by the city engineer. They shall have the following minimum unobstructed pavement width:

(a) Two-way traffic: 24 feet;

(b) One-way traffic: 15 feet.

Findings: The applicant's civil site plans (Sheets C200, C210, C211, C212 & C213) shows that the internal driveway will be 24-to-26-feet in width. The driveways will be 100-feet from the intersections of nearby public streets.

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

Findings: The applicant's site plan (Plan Sheet A1.0 within Exhibit A) shows that there are several internal sidewalks and pathways throughout the development, from buildings and through the parking lots. The internal sidewalks are placed in a logical area, for safe and convenient circulation throughout the development.

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

Findings: The applicant describes that clear vision areas throughout the development will be met. The applicant's civil site plan, Sheets C200, shows the clear vision areas, which appear to be in compliance with the CMC. A condition of approval shall require that the clear vision areas be met.

(J) Access Streets, Sidewalks, and 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 residential lots may be served by one shared driveway.

(3) For all new construction, curbs, gutters, and a sidewalk subject to public works standards, 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 use, 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.

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

Findings: The applicant has submitted civil site plans (Sheets C200, C210, C211, C212 & C213) showing detailed plans, which show frontage improvements, right-of-way dedications, and improvement to N. Davis Street and N. 26th Avenue. Within Exhibit C, the City Engineer has identified the requirements and standards to which the streets, frontage improvements, driveways, and storm drainage systems need to be constructed. A condition of approval shall require that all streets, driveways, and frontage improvements shall be constructed, as approved by the City Engineer. This shall be a condition of approval.

The applicant has provided a storm drainage report within Exhibit A. A Service Provider Letter (SPL) from Clean Water Services (CWS) has also been provided, which is dated 4/30/2025, CWS File Number, 25-001221. The SPL indicates that the project will not significantly impact the existing or potentially sensitive area(s) found around the site. The site plan (Sheet A1.0) shows the location of the stormwater quality and detention facilities. A condition of approval shall require that all applicable CWS requirements for storm drainage be met.

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

Findings: The applicant noted that all streets and walkways will be lit during hours of darkness. A lighting plan (Sheet E0.0) has been provided within Exhibit A, which shows the location of the lighting. Directly after Sheet E0.0 the applicant has provided details showing the various types of lighting fixtures. The applicant shall install street lights, as required by the City Engineer, as noted within Exhibit C.

(L) Mailboxes. Single-family attached and multi-family developments with five or more units shall provide clustered mailboxes, consistent with the locational criteria set by the postmaster. They shall be of uniform style.

Findings: The applicant is proposing cluster mailboxes at the clubhouse. They will be located outside, underneath a cover. The clubhouse plan (Plan Sheets A 2.1 through 2.3, Exhibit A) shows the location of the mailboxes. A condition of approval shall require that the mailboxes be consistent with the locational criterial and uniform style, set forth by the postmaster.

(M) Screening. Multi-family developments with five or more units shall provide the following types of 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: The applicant has provided a detailed site plan (Plan Sheet A1.0) showing the location of three trash enclosures within the apartment complex. The details for the trash enclosures are shown on Plan Sheets A 3.1. They are proposed to be constructed with CMU walls, which will screen the dumpsters that are stored within them. The walls will be 6-feet in height, and there will be man access gates as well as larger gates for the local hauler to access and service the garbage and trash collection areas.

There are not any low-density residential developments that directly abut the site. The main parking lot will be located within the interior of the site, which will be landscaped. From the streets (N. Davis Street and N. 26th Avenue) there will be landscaping between the sidewalks and buildings. There are also water quality facilities at the northern, southern and eastern edge of the property that will provide separation between the sidewalk and apartment complex.

(N) Off-Street Parking Requirements. Off-street parking shall be provided in accordance with the standards in Chapter [18.145](#) CMC, as adjusted by the following provisions:

(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 lot being served.

Findings: The applicant notes that due to Oregon’s Climate Friendly and Equitable Communities (CFEC) (OAR 660-012-0400 through 0405) regulations, off-street parking can no longer be required. Therefore, this criterion is not applicable.

(b) 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 fully on private property, and shall not be located in the public right-of-way.

Findings: The applicant indicates that no storage of recreational vehicles will occur in the ROW. The development is providing adequate off-street parking to park personal vehicles. Staff finds the parking lot will be striped for vehicle parking, not for large trailers or RVs.

(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 Chapter [18.145](#) CMC.

Findings: The application packet shows that the parking lot and all vehicle maneuvering areas and parking lot areas will be asphalted. A condition of approval shall require that all vehicle parking and maneuvering areas be asphalted, prior to issuance of an occupancy permit.

(3) Parking Lot Landscaping. For multi-family developments with five or more units, and all commercial development, 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: The applicant provided a detailed landscaping plans (Plan Sheets L100 through L105, L200 through L203, and as detailed on L300 through L301) and site plan (Sheet A1.0) that show landscaped buffers around and within the parking lot. Landscaped islands are provided to break up the parking lot, every 10 spaces. A condition of approval shall require that the landscaping within the parking lot be planted and maintained to the approved plans.

(4) Parking Lot Location. For multi-family developments with five or more units, off-street parking areas shall be located to the side or rear of individual lots and/or buildings. No parking areas shall be located between the front of a building and a public street or primary access road.

Findings: The site plan (Sheet A1.0) shows that parking will be located internally, behind the residential buildings. There is no on-site parking in front or on the sides of the residential buildings. The only parking in front will be for the leasing office, which is located in a logical location on the site.

(O) 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.

Findings: Each apartment unit will be assigned and addressed, in coordination with the Fire Department, with the building permit submittal. Prior to occupancy of each dwelling unit, the address shall be installed, as approved by the fire department. This shall be a condition of approval.

18.75.070 Parking and access.

(A) Off-Street Parking Requirements. Off-street parking shall be provided in accordance with the standards in Chapter [18.145](#) CMC, as adjusted by the following provisions:

(1) On-street parking spaces adjacent to the street frontage of a building or tenant lease space shall be counted toward meeting the minimum off-street parking requirement. Twenty-two feet of uninterrupted street frontage shall count as a single parking space, rounded down to the nearest whole number.

(2) Shared parking is encouraged in this mixed use district. In lieu of CMC [18.145.020\(D\)](#), applicants may propose to reduce the minimum required off-street vehicle parking requirements in CMC [18.145.030](#) by up to 25 percent if they can demonstrate that overlapping use patterns and peak hours of demand will reduce the parking needs for the development.

(B) Off-street parking areas shall be located to the side or rear of individual lots and/or buildings. No parking areas shall be located between the front of a building and a public street or primary access road.

(C) Access.

(1) Direct access to the highway will be discouraged with consolidation of access points encouraged. Wherever possible, access is to be provided through internal connections rather than by curb cuts to the highway, with primary access points located at the signalized intersections with the highway and all highway access coordinated with ODOT.

(2) Transit access to and within the district is a priority. Direct pedestrian linkages from transit stops to store entries must be provided which may require multiple entry points to buildings.

Findings: The applicant proposes a multi-unit residential development, a 240-unit apartment complex. Building type A (Sheet A10.1) and B (Sheet A10.2) be three-stories in height. The other non-residential units will be single-story structures. The applicant identifies that per CMC 18.75.065 Residential requirements, *“In lieu of compliance with CMC 18.75.050, 18.75.060 and 18.75.070, ground-floor residential uses shall comply with the standards of this section. Upper-story residential uses in a vertical mixed use building shall not be subject to this section.”* Therefore, this section is not applicable.

18.75.080 Signs.

Signs within the GMU district shall conform with Chapter [18.175](#) CMC.

Findings: The applicant does not address this section. Signs are reviewed and approved through a separate Sign Permit application and review process. Signage shall conform to CMC 18.175. Staff notes there is a freestanding sign near the corner of N. 26th Avenue and Baseline Street for the movie theater, located across the site at 200 N. 26th Avenue. This sign is considered legal non-conforming. In the future when the southern property is redeveloped, the non-conforming sign will be required to be addressed. The applicant shall submit sign permits for any signs and receive City approval for installation. This shall be a condition of approval.

CHAPTER 18.100 SITE DESIGN REVIEW

18.100.040 Approval criteria.

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

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

(1) Facilities and Services. The public and private facilities and services provided by the development are adequate as to location, size, design and timing of construction in order to serve the residents or establishments to be accommodated and meet city standards and

the policies and requirements of the comprehensive plan. The service provider is presumed correct in the evidence which they submit;

Findings: The residential proposal site area currently has multiple older structures and is not developed to current city standards. It lacks storm water quality facilities, on-site paving, full frontage improvements, and the existing property line bisects buildings. The applicant is proposing a lot line adjustment, to re-orient the existing lot line from a north/south orientation to an east/west orientation. The existing development will be totally demolished and redeveloped. The applicant is proposing right-of-way dedications and is proposing to develop the residential property to full city standards. Within Exhibit A of the application packet, plans are provided that demonstrate the proposal will be designed to conform with city standards.

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

Findings: The applicant proposes to construct a new 240-unit apartment complex, with a clubhouse, detached garages, leasing office, and other supporting amenities. Two new access points are proposed, one from N. Davis Street and the other from N. 26th Avenue. A Traffic Study was provided for the proposed development by the applicant. The Site abuts Baseline Street, an Oregon Department Transportation (ODOT) facility. However, once the Lot Line Adjustment occurs, it will not abut Baseline Street. As part of the required pre-application conference that the applicant held with the City, ODOT provided comments, which are included within Exhibit A. ODOT notes that permits are required for any work within the ODOT right-of-way. Therefore, this shall be a condition of approval.

Staff find the proposed improvements (roadways and pedestrian sidewalks) in the application materials align with the requirements identified by the City Engineer. The frontage improvements,

as defined by the City Engineer within his comments (Exhibit C), are required. Any work within the ODOT right-of-way requires an ODOT permit. This shall be a condition of approval.

Adequate right-of-way and improvements to streets, pedestrian ways, bikeways and transitways, are proposed as part of the development in order to promote safety, reduce congestion, conserve energy and resources, and encourage transit use, bicycling, and walking. N. Davis Street will be constructed to City standards, as well as the frontage along N. 26th Avenue. A private access and internal driveways will provide vehicle, pedestrian, and bicycle movement throughout the proposed residential development. This standard is met.

In Washington County, there is a voter approved, county-wide Transportation Development Tax (TDT) that the city administers within its city limits. Prior to issuance of building permits, the City shall review the building permit plans and provide the applicant with a Notice of Transportation Development Tax (TDT) Decision, per the Washington County TDT procedures. This shall be a condition of approval. The applicant shall indicate to the City, prior to issuance of the building permit, their preferred method of payment and pay the TDT accordingly. The City of Cornelius shall calculate and collect the TDT.

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

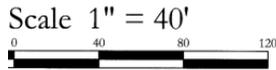
Findings: The proposed lot line adjustment survey within Exhibit A and application materials described that the applicant will be dedicating 42-feet of right-of-way along the northern property line for the construction of N. Davis Street and 10-feet of right-of-way along N. 26th Avenue, for frontage improvements. Within the City of Cornelius Transportation System Plan (TSP), N. Davis Street is designated as a Collector Street, as well as N. 26th Avenue. Along the northern property line, where the applicant is proposing the dedication, the TSP calls for the continuation of N. Davis Street from the west to N. 26th Avenue. Prior to issuance of building permits, the right-of-way for N. Davis Street and N. 26th Avenue, as shown on the plans, shall be dedicated and recorded. A copy of recordation shall be provided to the Community Development Department and this shall be a condition of approval.

Similarly, the property directly to the west has land use approval to construct a similar apartment complex, in which they dedicated and will construct N. Davis Street, where it abuts their project. When both segments of N. Davis Street are dedicated and constructed, the N. Davis Street segment between N. 19th Avenue and N. 26th Avenue will be in completed as adopted within the TSP.

(4) Internal Circulation. There is a safe and efficient circulation pattern within the boundaries of the site. Consideration shall include the layout of the site with respect to the location, number, design and dimensions of vehicular, transit, and pedestrian access, exits, drives, walkways, bikeways, transit stops and facilities, building location and

entrances, emergency equipment ways and other related on-site or off-site facilities so that there are adequate off-street parking and loading/unloading facilities provided in a safe, well designed and efficient manner. Consideration shall include the layout of parking, storage of all types of vehicles and trailers, shared parking lots and common driveways, garbage collection and storage points, as well as the surfacing, lighting, screening, landscaping, concealing and other treatment of the same. Developments shall provide a safe and reasonably direct pedestrian connection from the main entrance to the public right-of-way and/or the pedestrian system or both. The pedestrian connection shall be reasonably free of hazards from automobile traffic, so as to help encourage pedestrian and bicycle travel;

Findings: The site plan (Sheet A1.0) shows that an internal drive-aisle will be created along the southern property line of the development. The internal drive-aisle will connect to N. 26th Avenue and will serve as access into the development, as well as other future developments to the south. The adjacent lot to the west recorded a public access and utility easement that is 39-foot in width. The purpose of this easement is to provide east and west vehicle, pedestrian, and utility connectivity – as shown below. The easement ties into abutting commercial developments, as well as a signalized intersection, onto Baseline Street.

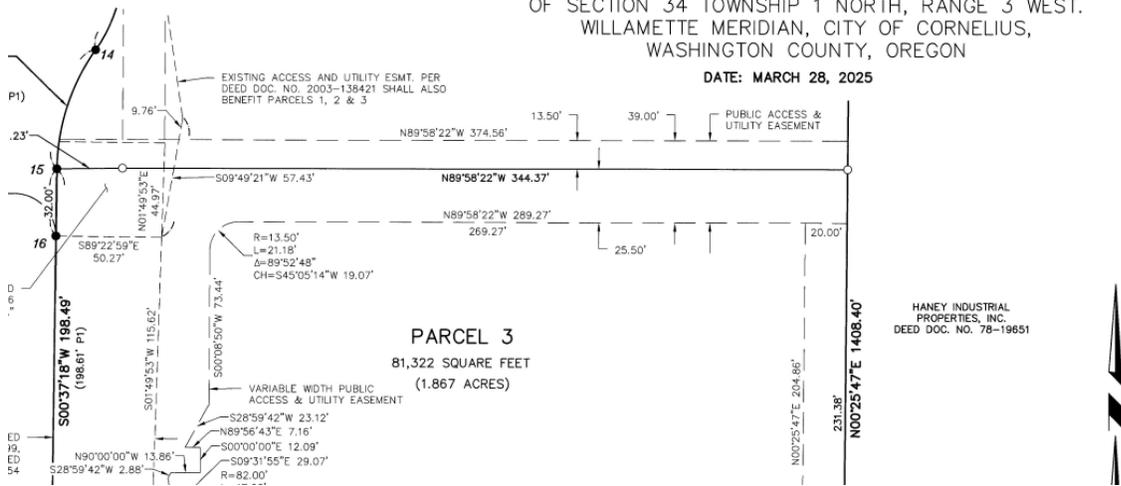


PARTITION PLAT NO. 2025-013

RECORDED AS DOCUMENT NO. 2025-024992

A REPLAT OF PARCEL 2 OF PARTITION PLAT NO. 2021-002 AND OTHER LANDS IN THE SOUTHEAST AND SOUTHWEST ONE QUARTER OF SECTION 34 TOWNSHIP 1 NORTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, CITY OF CORNELIUS, WASHINGTON COUNTY, OREGON

DATE: MARCH 28, 2025



Prior to issuance of building permits, a condition of approval shall require the applicant to record a continuation of the 39-foot Public Access and Utility Easement connecting from the existing western easement on the property to the west easterly to N. 26th Avenue. This shall be a condition of approval.

(5) *Maintenance of Private Facilities. Adequate means are provided to ensure continued maintenance and necessary normal replacement of private common facilities and areas,*

drainage ditches, streets and other ways, structures, recreation facilities, landscaping, fill and excavation areas, screening and fencing, ground cover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency. Materials, including wastes, shall be stored and managed, and grounds shall be maintained in a manner that will not attract or aid in the propagation of insects or rodents or cause a health hazard;

Findings: This proposal does not affect nor prohibit the provision of the maintenance of private or public facilities. The stormwater will drain to an approved water quality facility that will be constructed as part of this project. Prior to occupancy of the buildings, the water quality facility that services the buildings and their associated uses shall be constructed as required by the City Engineer, and a private stormwater quality facility maintenance agreement shall be signed and recorded by the applicant. This shall be a condition of approval.

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

Findings: The City Engineer has reviewed the public facility plans and has submitted comments in the Exhibit C. The civil plans provided within Exhibit A (Sheets C200, C210, C211, C212 & C213) have been designed by professional engineers and a design team by the applicant's firm. The public facilities that will serve the site shall be constructed to City Public Works Standards. A condition of approval shall be that the applicant submit the necessary documentation as required by the City Engineer (Exhibit C) for engineering plan review and approval of the public improvements.

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

Findings: Prior to occupancy, the applicant/property owner shall comply with any fire, life, and safety requirements as deemed necessary by the Forest Grove Fire Marshall and the Forest Grove Building Official (both contracted through the City of Cornelius to serve the city in their respective capacities). The apartment complex will have multiple buildings within it. Multiple addresses will be assigned with the issuance of building permits. Prior to occupancy, the new buildings shall be adequately addressed for location by emergency personnel as identified by the Fire Department. The Fire Department may require Knox Boxes be installed at the gates for emergency access. If required, they shall be installed prior to occupancy. This shall be a condition of approval.

The applicant proposes fencing and vehicle gates at the entrances of the facility to prevent unauthorized entry. The vehicle gates are sliding gates, which are electric and remotely activated. The proposed residential development includes perimeter fencing. The fencing will be from the

back end of a building to the back end of the nearest adjacent building. Once the fencing is completed the Site will be secure, as shown within Exhibit A (Sheet A8.1) and the Site Plan (Sheet A1.0). The color of the chain link fencing to be used is unclear. Throughout the CMC, the use of galvanized chain link fencing is not permitted, primarily along the Baseline Street and N. Adair Street corridor. The chain link fencing on-site shall be painted black, or another color, not unpainted galvanized. This shall be a condition of approval.

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

Findings: The proposed residential development site area is currently developed. The existing structures will be demolished and the proposed development site will be re-graded. Prior to site development and the issuance of building permits, the applicant shall be required to submit a final grading and stormwater design to the City Engineer and Building Official for review and approval. This shall be a condition of approval.

The City Engineer identified that prior to development of the site, an Erosion Control Permit (1200-C) will be required. Thus, prior to the demolition of the buildings and grading of the site, an approved Erosion Control Permit must be obtained and the appropriate erosion control measures must be in place prior to any site work. All applicable City and CWS requirements shall be met prior to any site work. This shall be a condition of approval

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

Findings: The applicant has provided a detailed utility plan (Sheet C400) as shown in Exhibit A. The City Engineer has reviewed the proposed plans and describes the utility connections that will be required. A condition of approval shall require that the development be constructed to the plans, as approved by the City Engineer. This shall be a condition of approval. All utilities that will service the new development shall be located underground from the right-of-way. This shall be a condition of approval.

The City Engineer notes in Exhibit C that the applicant shows a 10-foot public utility easement (PUE) adjacent to N. Davis Street and N. 26th Avenue. The Public Works Standards only require an 8-foot PUE. The 10-foot PUE may be reduced to 8-feet. Prior to issuance of development permits, PUE, at least an 8-foot in depth, shall be recorded along N. Davis Street and N. 26th Avenue. This shall be a condition of approval.

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

Findings: The applicant indicates that the project has been designed and incorporates elements to allow for accessibility and circulation on and around the site. This includes curb cuts with ADA ramps along pedestrian pathways and crossings. The appropriate pathways widths and grades will be provided. Along the routes and inside the proposed development, wayfinding will be provided on the site for residences and visitors.

The applicant shall comply with the requirements of the Americans with Disabilities Act (ADA) prior to occupancy of the structures. The ADA parking spaces and internal sidewalks and their connections to the public sidewalks, shall meet all applicable Building Code and ADA requirements. This shall be a condition of approval.

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

Findings: The applicant proposes to construct a 12-foot-wide multi-use path on Davis Street to provide pedestrian and bicycle travel lanes, consistent with the development to the west. N. 26th Avenue is proposed to have a new six-foot-wide sidewalk along the property frontage, as shown in Exhibit A, Plan Sheets C810 thru C818.

(B) Nonresidential Design Standards.

Findings: The nonresidential design standards as identified within CMC 18.100.040(B)(1-6) are not applicable. The proposal is for a multi-unit residential complex.

18.100.050 Special conditions.

(A) Open Space, Parks and Recreation Areas. Major residential developments, 20 units or more, shall include park and recreation areas, or both. In all multi-family projects, the required park and recreation area shall include a children's play area and play equipment for the use of residents and occupants of the multi-family project. The community development director shall have the power to approve plans for these recreation areas.

(B) Objectionable Uses. Odor, dust, smoke, fumes, noise, glare, heat, and vibration from commercial and industrial uses, or both, which might create a nuisance or be offensive to other uses in the area or be incompatible with such other uses shall be adequately eliminated or controlled by authorized measures.

Findings: This standard requires the park to include a children's play area and play equipment for the use of residents. The Applicant is providing a number of amenities throughout the development including the following:

Amenity
Children’s Play Area
Sport Court
Dog Park
Community Pool
Community Garden
Clubhouse/Amenity Building
Open Landscape Areas

The residential amenity building will contain an indoor pickleball court and fitness center. There is also an outdoor seating area and swimming pool to be used by the children and adults who are residents of this development. While the standard prescriptively calls for a children’s play area and play equipment, which are shown on Sheet A2.1.

The applicant identifies that the residential use is not anticipated to have any odor, dust smoke fumes, noise, glare heat of vibrations, as a result of the development.

CHAPTER 18.143 TRANSPORTATION FACILITIES

18.143.010 Purpose and intent.

It is the purpose and intent of this chapter to establish design standards and performance requirements for all streets and other transportation facilities constructed or reconstructed within the city of Cornelius.

18.143.020 General provisions.

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

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

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

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

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

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

(G) Intersection performance shall be determined using the Highway Capacity Manual, Sixth Edition, published by the Transportation Research Board. The city engineer may approve a

different intersection analysis method prior to use when the different method can be justified.

Terms used in this subsection are defined in the Highway Capacity Manual, Sixth Edition.

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

Findings: Within the application packet, the applicant has provided detailed plans (Sheets C810 thru C818), a traffic study, and narrative addressing the review criteria as identified above. The applicant is addressing the adopted City of Cornelius Transportation System Plan (TSP), by dedicating rights-of-way for N. Davis Street and along N. 26th Avenue. The plans (Plan Sheets C810 thru C818) show that N. Davis Street and N. 26th Avenue will be constructed to the TSP and all applicable Public Works Design Standards, as required by the City Engineer in Exhibit C.

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.

(A) 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.

(C) A traffic impact analysis or some elements of a traffic impact analysis may be required when projects that generate less than 200 average daily vehicle trips and the volume threshold under subsection (B) of this section is not met, but the city engineer finds that the traffic impacts attributable to the development have the potential to significantly impact the safe and efficient operation of the existing public transportation system.

(D) Study Area. The traffic impact analysis shall evaluate the area of influence of the proposed development and all segments of the surrounding transportation system where users are likely to experience a change in the quality of traffic flow. At a minimum, the analysis will consider all road segments, access points, and intersections within the influence area. The city engineer may identify additional locations for study if existing traffic operation, safety, or performance is marginal or substandard. Prior to report preparation, the applicant shall submit the proposed scope and analysis assumptions of the traffic impact analysis. The city engineer shall determine whether the scope and analysis assumptions are adequate.

(E) Traffic impact analysis shall be based on the type and intensity of proposed land use change or development and its estimated level of impact to the existing and future local and regional transportation systems.

(1) The traffic impact analysis report shall at a minimum contain the following information:

(a) A description of the proposal and/or development including the intended use of the site.

(b) Vicinity map shall identify the influence area map, which includes the existing traffic conditions, the functional classification of the subject roads, existing right-of-way and pavement widths, striping, channelization, and all existing driveways and intersections within the influence area.

(c) Traffic forecasts of future traffic within the influence area.

(d) Traffic impact shall be analyzed to evaluate access, safety, feasibility, operation and performance, considering the movement of site-generated traffic relating to existing conditions, traffic flow, access points and intersections within the influence area. Mitigation for identified deficiencies shall be recommended to provide safe and efficient traffic flow.

(e) Technical appendices and other information that demonstrates the technical adequacy of the analysis.

(2) Traffic Forecasts. The report shall include complete documentation of trip generation calculations including Institute of Transportation Engineers' (ITE) trip generation use code(s), from the most recent published edition. Traffic flow diagrams displaying distribution, assignment, existing, added and total traffic shall be included. Intersections, access points and turning movements within the area of influence shall be included.

(3) Trip Generation. Estimates for trip generation shall be made for peak-hour traffic. The peak-hour traffic in the analysis will be justified and will at a minimum include the a.m. and p.m. peak hours. Trip generation estimates shall be based on the most recent issue of the ITE trip generation. The city engineer may approve different trip generation rates when trip generation rates are not available in ITE's trip generation or different rates are justified.

(4) Trip Distribution and Assignment. Traffic generated by the proposed development shall be logically distributed and assigned to the street system within the influence area and any additional locations identified by the city engineer. The trip distribution information shall be based on Washington County, Metro, or ODOT for local traffic patterns no more than 12 months old, or alternative data approved by the city engineer.

(5) Performance analysis shall be based on safety considerations that evaluate conflicting turning movements among driveways, intersections and internal traffic. Geometric design concerns shall be addressed and operational improvements shall be considered, evaluated and recommended when determined to be necessary by the standards of Washington County, ODOT or the city engineer. Adequate sight distance shall be addressed at the proposed road access point(s) of the existing and the ultimate road configuration based on the improvements identified in the city transportation system plan. Bicycle, pedestrian and transit issues shall be identified and evaluated. Other operational, circulation, safety, capacity and improvement issues shall be evaluated and addressed as required by the code and the city engineer.

(6) The traffic impact analysis shall identify traffic impacts attributable to a development and the appropriate mitigation measures where a development causes traffic impacts that bring a road below acceptable levels of service, or impacts a road that is already operating below acceptable levels of service, or impacts a road that has a documented safety problem. Mitigation measures shall be implemented as a condition of approval. Mitigation shall include alternative methods to safely and efficiently improve traffic flow through improvements that address the identified deficiencies. Improvements shall be consistent with those identified in the transportation system plan. If traffic signal

warrants are met in conformance with the Highway Capacity Manual and the Manual of Uniform Traffic Control Devices, traffic signals shall be required with development. Before a signal can be installed on a state highway, a traffic signal and location shall have been approved by the State Highway Engineer.

(7) *State and County Facilities.* Access to state (ODOT) and/or Washington County facilities or both requires approval from those agencies. Traffic analyses shall meet ODOT and county requirements, in addition to those of the city for a traffic impact analysis.

Findings: In Exhibit A of the application materials, the applicant has provided a traffic study with a Trip Generation Analysis (TGA) from Lancaster Mobley dated May 23, 2025. The City Engineer has reviewed the TGA and has found that is acceptable to the city, as described within Exhibit C.

18.143.040 Street design cross-sections per transportation system plan.

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

(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: The applicant proposes to dedicate (as shown on the proposed Lot Line Adjustment survey) and improve N. Davis Street and N. 26th Avenue to the TSP and Public Works Standards, as shown in Exhibit A, (Sheets C810 thru C818). Cross-sections in the application materials show the travel lanes, sidewalks, landscaped areas, and other amenities in the ROW. No deviations to the adopted street cross-sections are proposed.

18.143.050 Access standards.

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

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

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

(B) An access report shall be submitted with all new development and/or redevelopment proposals that demonstrates the street/driveway is safe as designed and meets adequate stacking,

site distance, deceleration distance, on-site circulation and deceleration requirements as set by the city, American Association of State Highway and Transportation Officials (AASHTO), and relevant agencies.

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

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

(2) Based on the applicants' proposal and its compliance with the comprehensive plan, transportation system plan and the development and zoning code, the city shall require the closing or consolidation of existing driveways or other vehicle access points, the recording of reciprocal access easements (i.e., for shared driveways), and installation of traffic control devices or other measures as a condition of approval to mitigate the impacts of the development.

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

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

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

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

Findings: The submitted site plan (Sheet C200) shows the driveways for the proposed complex will be more than 100 feet from public street intersections. The City Engineer approves of the driveway locations and staff finds the proposed driveways are in locations that allow adequate access into the new development. The primary access for the development will be from a private east/west access easement off N. 26th Avenue. An additional access will be provided off of the new Davis Street connection from the property to the west and N. 26th Avenue, both collectors. No new access is proposed onto Baseline Street, an Oregon Department of Transportation (ODOT) facility.

The private access will include a cross-over easement along the site to benefit the apartment development tax lot, the tax lot to the west and the new tax lot to the south. This shall be a condition of approval. With the recorded cross-over easement along the southern boundary of the Site, access to the surrounding parcels can be provided. The cross-over easement will ensure access for future development in the vicinity to occur in a planned and organized manner.

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. Major transit stops are identified as part of the regional transit system or as otherwise defined in Chapter 18.195 CMC. Properties are considered “at” a major transit stop when they are within 200 feet of the stop. A proposed development that is adjacent to or includes an existing or planned major transit stop will be required to plan for access to the transit stop and provide for transit improvements, in consultation with TriMet and consistent with an agency adopted or approved plan at the time of development. Requirements apply where the subject parcel(s) or portions thereof are within 200 feet of a major transit stop. Development requirements and improvements may include the following:

- (1) Intersection or mid-block traffic management improvements to allow for pedestrian crossings at major transit stops.*
- (2) Building placement within 20 feet of the transit stop, a transit street or an intersection street, or a pedestrian plaza at the stop or a street intersections.*
- (3) Transit passenger landing pads accessible to disabled persons to transit agency standards.*
- (4) An easement or dedication for a passenger shelter and an underground utility connection to a major transit stop if requested by TriMet.*
- (5) Lighting to TriMet standards.*
- (6) Intersection and mid-block traffic management improvements as needed and practicable to enable marked crossings at major transit stops.*

(B) For an existing use or proposed use on a site located within one-quarter mile from a bus stop 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 transit supportive amenities, subject to city approval.

Findings: The proposal is a residential development; so this criterion is not applicable.

18.143.070 Intelligent transportation systems.

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

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

Findings: The City of Cornelius City Engineer reviews and approves the utility plans. When reviewing plans, the City Engineer considers future development and connectivity of the public infrastructure. All conduit and its placement within the ROW shall be approved by the City Engineer. This shall be a condition of approval.

CHAPTER 18.145 OFF-STREET PARKING AND LOADING

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 central mixed use and corridor commercial zoning districts, 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 central mixed use and core commercial zoning districts.

(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.

Findings: The applicant proposes to redevelop the site and will construct within the site a parking lot for guests and tenants of the apartment complex. No off-site parking is proposed for the development. The proposed apartment complex will be located on one tax lot, once the proposed lot line adjustment has been completed and recorded with Washington County. The existing building will be demolished and the new development will be residential, as described

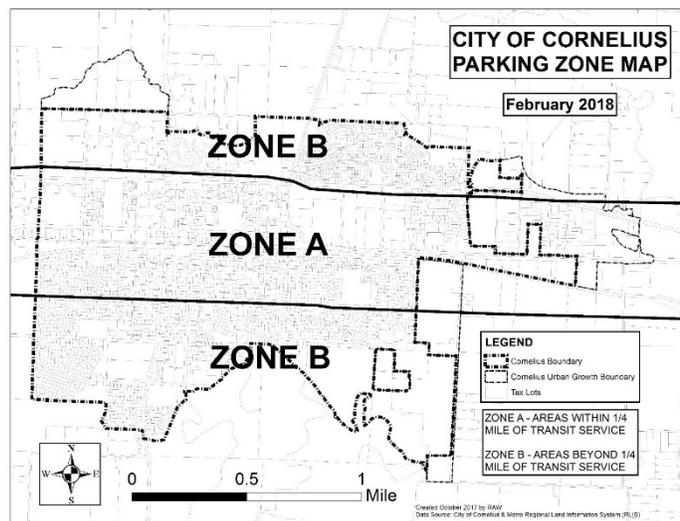
by the applicant within Exhibit A. Thus, the existing non-conforming uses will no longer occupy the site.

18.145.030 Required off-street parking spaces.

(A) Off-street parking shall be provided based on the primary use of the site according to the following standards and regardless of the parking zone in which the use is located (see Map 1 following this chapter). All uses providing drive-in service as defined by this title shall provide on the same site a reservoir for inbound vehicles as follows:

Table 1 Minimum and Maximum Required Off-Street Vehicle and Bicycle Parking Requirements (unless otherwise noted, standard is per 1,000 sf of gross floor area)				
Land Use	Minimum Parking Standards	Maximum Parking Standards		Minimum Bicycle Parking Standards
		Zone A	Zone B	
Multi-Unit Dwellings	1.0/DU	none	none	1.0/2 DUs except elderly, which is 1.0/20 DUs

Findings: The property is located in parking zone A where a minimum of 1.0 parking spaces per dwelling unit is required. The code does not have a maximum number of parking spaces for Multi-Unit Dwellings. Under current state law, the city can no longer require an applicant comply with the minimum on-site vehicle parking requirements, per Climate Friendly and Equitable Community (CEFC) Parking Reform. All bicycle parking standards remain applicable. The applicant is proposing 425 total parking stalls for the 240-unit development. Of the 425 parking stalls, 24 parking stalls will be compact spaces, 10 parking stalls will be ADA, and 20 stalls will be for future residents. There will also be 14 garage parking stalls. The applicant is proposing 240 bicycle parking within each unit for a total of 240 spaces. Each unit will have a designated bicycle holder within it, as shown on the architectural plans. The applicant is also proposing bicycle parking near the clubhouse, for 6 bicycles. This will allow for employees, prospective residents and visitor bicycle parking.



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.

Findings: The applicant describes and shows on the site plan (Sheet A1.0 and Sheets C200, C210, C211 and C213), that the parking spaces will comply with the dimensional standards, as described above.

(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.

Findings: The layout of the proposal shows that the backing movements will be within the site into designated drive aisles. No vehicle backing is proposed onto a public street or other public ROW.

(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.

Findings: The submitted site plan (Sheet A1.0) shows the location and circulation pattern of service drives. The design and service drives are located in logical locations with minimal conflict areas with other vehicles or pedestrians and include safe marked pedestrian crossings.

(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.

Findings: Access into the proposed residential development will be from N. Davis Street and/or from N. 26th Avenue. A majority of the parking spaces will be located within the interior of the site. The access drive aisles will range between 24 feet to 26 feet in width, as shown and described in Exhibit A (Sheet A1.0 and Sheets C200, C210, C211 and C213).

(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.

Findings: The applicant describes that the parking spaces will be clearly marked with permanent paint and drive aisle directional arrows will also be permanently painted. A condition of approval shall require that the parking lot and directional arrows be permanently painted, prior to occupancy. This shall be a condition of approval.

The site plan (Sheet A1.0 and Sheets C200, C210, C211 and C213), shows multiple pedestrian pathways through the apartment complex. The clubhouse and its amenities are located in the center of the site. The pedestrian pathways and crossings connect buildings and uses throughout the site. To enhance pedestrian safety, where the crosswalks cross internal drive aisles, the pedestrian pathways shall be either raised and striped or use dyed stamped concrete, meeting all applicable ADA requirements. In addition, the pathways shall be lit to provide visibility during nighttime hours. These shall be conditions of approval.

(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 residential development with not more than four units in the core residential zone shall be improved with an asphalt or concrete surface to specification as approved by the building official.

Findings: The entire off-street parking lot and vehicle maneuvering areas are proposed to be asphalted. A condition of approval shall require that prior to occupancy the parking lot and all vehicle maneuvering areas be asphalted. This shall be a condition of approval.

(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.

Findings: The applicant describes in the application that the exterior space of the off-street parking lot has been designed to either have a wheel stop or a six-inch curb to prevent vehicle overhang into the landscaping or pedestrian walkways. Staff find that the site plan (Sheet A1.0 and Sheets C200, C210, C211 and C213), lacks wheel stops throughout the parking lot, where the spaces are adjacent to sidewalks. The Building Official verified with staff that the minimum ADA standards for a sidewalk on private property is 36-inches in width. Therefore, with a 6-foot sidewalk, as proposed, no wheel stops are necessary. The sidewalks near the parking spaces will comply with ADA standards.

(I) Off-street parking and loading areas shall be drained in accordance with specifications approved by the city engineer.

Findings: The applicant discusses that the development has been designed with stormwater detention facilities to comply with City Engineering and CWS requirements.

(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.

Findings: The application packet includes a Photometric Plan (Sheet E0.0) and lighting cut sheets for the proposed lighting. The lighting plan appears to comply with the CMC. A condition of approval shall require that all on-site lighting must be installed and functional. Lighting shall not glare or shine into abutting properties or into the abutting public right-of-way. This shall be a condition of approval.

(K) Signs which are provided on parking lots for the purpose of meeting this section shall be as prescribed by the building official.

Findings: The applicant acknowledges this section.

(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.

Findings: The applicant acknowledges this section and affirms that the property owner will maintain the development and will provide parking lot surface replacement and repair if needed.

(M) Bicycle parking spaces shall be conveniently located with respect to the street, bicycle path/lane and building entrance. Bicycle parking spaces 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: The applicant describes that each dwelling unit will have a bicycle rack incorporated into it, as shown on the architectural plans. Bicycle parking is also proposed near the clubhouse. The minimum on-site bicycle parking, per the CMC is 1 space per two dwelling units, or 120. The applicant is proposing one space within each unit, plus 6 bicycle parking space near the clubhouse. A condition of approval shall require that the bicycle parking racks, as shown in the plans, be installed and maintained within each dwelling unit and at the clubhouse. This shall be a condition of approval.

(1) Short-Term Bicycle Parking. Short-term bicycle parking shall be provided to encourage shoppers, customers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles.

(a) Short-term bicycle facilities shall be in the form of either a lockable enclosure or a stationary rack, either covered or uncovered, to which the bicycle can be locked.

(b) Short-term bicycle facilities shall be located within 30 feet of the main entrance to the building, in a location that is easily accessible for bicycles.

(c) Short-term bicycle facilities may be located within the right-of-way adjacent to the street frontage of a property within the central mixed use and core commercial districts if approved by the city engineer.

Findings: The applicant states that all the bicycle parking is long-term, not short term. Staff finds that the apartment complex is a secured and fenced facility. Near the main entrance, there is a leasing office, which is for visitors, future tenants, and employees. No bicycle parking spaces are shown or provided near the leasing office. Visitors, future tenants, and employees may use bicycles to visit the development. Therefore, prior to issuance of building permits, a revised site plan shall be provided that shows a minimum of 3 bicycle parking spaces (one for a visitor, future tenant, and employee) located near the front door of the leasing office. This shall be a condition of approval.

(2) Long-Term Bicycle Parking. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for several hours a weather-protected place to park bicycles.

(a) A minimum of 50 percent of the bicycle parking spaces shall be provided as long-term bicycle parking in any of the following situations:

- i) When 10 percent or more of automobile vehicle parking is covered.*
- (ii) If more than four bicycle parking spaces are required.*
- (iii) Multi-family residential development with nine or more units.*

(b) Secured bicycle parking facilities shall be provided on site; facilities can include a bicycle storage room, bicycle lockers, covered racks, or other secure storage space inside or outside of the building. Long-term bicycle parking facilities shall be located not more than 75 feet from a building entrance.

Findings: The applicant is proposing one bicycle parking space within each dwelling unit. The floorplans of the units show the bicycle parking location.

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 and multi-family uses with not more than four units in the core residential zone as normally such residential areas shall not be required to meet.

(C) *Installation.* All landscaping shall be installed in a sound workmanship-like manner and according to accepted good planting procedures with the quality of plant materials as hereinafter described. All elements of landscaping exclusive of plant material except hedges shall be installed so as to meet all other applicable ordinances and code requirements. Landscaped areas shall require protection from vehicular encroachment as herein provided in CMC 18.145.050(H). The community development director or the building official shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided.

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

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

Findings: The applicant describes that the landscaping will be installed and maintained according to accepted good planting methods and procedures. A condition of approval shall require that the landscaping be planted and maintained, to the approved landscaping plans, as shown on Plan Sheets L100 through L105, L200 through L203, and as detailed on L300 through L301.

18.145.070 Parking lot design standards.

(A) *Required Landscaping Adjacent to Public Right-of-Way.* A strip of land at least five feet in width located between the abutting right-of-way and the off-street parking area or vehicle use area which is exposed to an abutting right-of-way, except in required vision clearance areas as provided in CMC 18.150.070.

Findings: The applicant has provided a detailed landscaping plans, as shown on Plan Sheets L100 through L105, L200 through L203, and as detailed on L300 through L301. The plan shows at least a five-foot landscaped strip around the development, where it abuts the adjacent ROW. The plans also show the vision clearance areas at the driveways, as shown on Sheet C200.

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

Findings: The parking lot for the complex is within the interior of the residential development. The parking lot will be screened from abutting properties by landscaping, fencing, and buildings. The applicant is proposing a five-foot landscaped strip around the perimeter of the development, as shown in the landscaping plans.

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

Findings: The properties to the north and east are zoned Light-Industrial (LI) and Highway Commercial (C-2). The properties to the west and south are zoned Gateway Mixed Use (GMU). There is no abutting residential zoned property, therefore this criterion is not applicable.

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

Findings: The Plan Sheets L100 through L105, L200 through L203, and as detailed on L300 through L301, shows that landscaped islands are provided, per the CMC requirements identified above.

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

Findings: The applicant describes that the Site has been designed to maintain vision clearance areas. The site plan (Sheet A1.0), landscaping plans (Plan Sheets L100 through L105, L200 through L203, and as detailed on L300 through L301) and civil plans (Sheets C200, C210, C211 and C213) show the clearance areas and landscaping within them. A condition of approval shall require that vision clearance areas per CMC 18.150.070 throughout the site be maintained. This shall be a condition of approval.

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

Findings: The applicants parking lot plan (Sheet L105) shows the parking lot area is 165,293 SF in size, or 3.79 acres. The site plan (Sheet A1.0) shows that around the parking lot area there will be curbs, sidewalks, trees, and planter strips, as described by the applicant within Exhibit A.

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

Findings: The parking area is located within the interior of the proposed apartment complex. The parking spaces are such that no parking or backing movements will occur onto a public street or public street travel lane.

18.145.080 Drainage of off-street parking and loading facilities.

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

Findings: The site will be graded, and storm water qualities facilities will be provided, which account for all impervious surfaces within the development proposal.

18.145.090 Security required.

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

Findings: Prior to a final inspection and issuance of an occupancy permit, the parking lot shall be installed, per the approved plans. This shall be a condition of approval.

The Land Conservation and Development Commission adopted Climate Friendly and Equitable Development regulations that affect implementation of parking regulations. The following is analysis of compliance with those regulations.

OAR 660-012-0405(4)

Parking Regulation Improvements

(1) Cities and counties shall adopt land use regulations as provided in this section:

(a) Designated employee parking areas in new developments with more than 50 parking spaces shall provide preferential parking for carpools and vanpools;

(b) Property owners shall be allowed to redevelop any portion of existing off-street parking areas for bicycle-oriented and transit-oriented facilities, including bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities; and

(c) In applying subsections (a) and (b), land use regulations must allow property owners to go below existing mandated minimum parking supply, access for emergency vehicles must be retained, and adequate parking for truck loading should be considered.

(2) Cities and counties shall adopt policies for on-street parking and land use regulations for off-street parking that allow and encourage the conversion of existing underused parking areas to other uses.

(3) Cities and counties shall adopt policies and land use regulations that allow and facilitate shared parking.

(4) Cities and counties shall adopt land use regulations for any new development that includes more than one-half acre of new off-street surface parking on a lot or parcel as provided below. The new surface parking area shall be measured based on the perimeter of all new off-street parking spaces, maneuvering lanes, and maneuvering areas, including driveways and drive aisles.

(a) Developments not required to comply with OAR 330-135-0010 must provide a climate mitigation action. Climate mitigation actions shall include at least one of the following. Cities and counties are not required to offer all these options:

(A) Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new off-street parking space. Panels may be located anywhere on the property. The change to this paragraph sets \$1,500 as a floor, allowing cities and counties to index it for inflation, and clarifies it just applies to off-street parking spaces.

(B) Payment of at least \$1,500 per new off-street parking space into a city or county fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose;

(C) Tree canopy covering at least 40 percent of the new parking lot area at maturity but no more than 15 years after planting; or

(D) A mixture of actions under paragraphs (A) through (C) the city or county deems to meet the purpose of this section.

(b) Developments must provide tree canopy. Developments shall provide either trees along driveways or a minimum of 30 percent tree canopy coverage over new parking areas. Developments are not required to provide trees along drive aisles. The tree spacing and species

planted must be designed to maintain a continuous canopy except when interrupted by driveways, drive aisles, and other site design considerations. Developments providing 40 percent tree canopy to comply with paragraph (a)(C) comply with this subsection.

(c) Developments must provide pedestrian connections throughout the parking lot, connecting at minimum the following, except where not practical due to site-specific conditions:

(A) building entrances;

(B) existing or planned pedestrian facilities in the adjacent public rights-of-way;

(C) transit stops; and

(D) accessible parking spaces.

(d) Development of a tree canopy plan under this section shall be done in coordination with the local electric utility, including pre-design, design, building and maintenance phases.

(e) In providing trees under subsections (a) and (b), the following standards shall be met. Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species. Trees should be planted in continuous trenches where possible. The city or county shall have minimum standards for tree planting no lower than the 2021 American National Standards Institute A300 standards.

(5) Cities and counties shall establish off-street parking maximums in appropriate locations, such as downtowns, designated regional or community centers, and transit-oriented developments.

Findings: As noted earlier in this report, the parking lot area is 165,293 SF in size, or 3.79 acres, which is greater than 1/2 acre. Thus, compliance with one of the three options for OAR 660-012-0405(a) is required. Within the parking lot area, the applicant's landscaping plan (Sheet L105) shows that 40% of the parking lot will be covered in tree canopy, which is in compliance with OAR 660-012-0405(a)(C).

The site plan (Sheet A1.0) shows that the site will have pedestrian pathways throughout the interior of the Site, from the apartment buildings to the main gates, which connect to N. Davis Street and N. 26th Avenue. From N. Davis Street and N. 26th Avenue, there is pedestrian connectivity Baseline Street, which has transit stops.

The parking lot as shown on Sheet A1.0, will have 10 ADA parking stalls, which will be van-accessible. The ADA parking spaces will be required to comply with all applicable ADA requirements, as deemed necessary by the Building Official.

The parking lot trees will be located within landscaped parking islands, as shown on Sheet L105. When the trees are planted, they shall be planted to maximize root health and chances for survival. This includes ample high-quality soil, space for root growth and reliable irrigation, based upon the plant species. This shall be a condition of approval. The applicant has provided detailed landscaping plans as shown on Plan Sheets L100 through L105, L200 through L203, and as detailed on L300 through L301. To ensure tree health, if electrical conduit is placed near the required parking lot trees, the Electrical conduit shall not be located in a manner that impacts tree roots and their ability to grow and remain healthy. This shall be a condition of approval.

OAR 660-012-0410(3)

Electric Vehicle Charging

- (1) This rule applies to cities within a metropolitan area.*
- (2) Cities shall ensure new development supports electric vehicle charging pursuant to amendments to the state building code adopted pursuant to ORS 455.417.*
- (3) As authorized in ORS 455.417(4), for new multifamily residential buildings with five or more residential dwelling units, and new mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, cities shall require the provision of electrical service capacity, as defined in ORS 455.417, to serve 40 percent of all vehicle parking spaces.*

Findings: The proposal is for a new 240-unit apartment complex. Per OAR-012-0410(3) provisions for electrical service capacity, as defined in ORS 455.417, to serve 40 percent of all vehicle parking spaces is required. The applicant is proposing a total of 439 parking spaces. To comply with the OAR that is identified above, 176 parking spaces must be ready for electrical service capacity. The application materials do not address or show 176 vehicle parking spaces that can be served with electrical service capacity as defined by ORS 455.417 (below):

ORS 455.417

- (1) As used in this section:*
 - (a) "Electric vehicle charging station" means a device or facility for delivering electricity for motor vehicles that use electricity for propulsion.*
 - (b) "Municipality" has the meaning given that term in ORS 455.010.*
 - (c) "Provisions for electrical service capacity" means:*
 - (A)(i) Building electrical service, sized for the anticipated load of electric vehicle charging stations, that has overcurrent devices necessary for electric vehicle charging stations or has adequate space to add the overcurrent devices;*

(ii) Designated space within a building to add electrical service with capacity for electric vehicle charging stations; or

(iii) A designated location on building property, in or adjacent to a landscaped area, for installing remote service for electric vehicle charging stations; and

(B) A conduit system installed from building electrical service, or from the dedicated spaces or locations described in subparagraph (A) of this paragraph, to parking spaces that can support, at a minimum, electrical wiring for installation of level 2 electric vehicle charging stations and, if the conduit is for future installation of electric vehicle charging stations, that labels both ends of the conduit to mark the conduit as provided for future electric vehicle charging stations.

~~Staff finds the applicant is proposing a parking lot that could be designed to accommodate 176 electric vehicle parking spaces, as required by OAR 660-012-0410(3) and defined by ORS 455.417. However, the applicant did not provide information sufficient for staff to determine that the criteria can be met. If the applicant prepares and submits documentation with an updated parking plan that addresses OAR 660-012-0410(3) and ORS 455.417 prior to the public hearing, staff can make an affirmative finding and support the application.~~ *The Applicant submitted and exhibit demonstrating compliance with the requirements of OAR 660-012-0410(3) and ORS 455.417, and, as a result, staff issued a Supplemental Staff Report (attached as Exhibit D to this Planning Commission Approved Staff Report). The applicant, as represented in the Supplemental Staff report meets the requirement.*

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.

Findings: The lot is greater than 10,000 SF, as it is 9.65 acres. Therefore, this criterion is not applicable.

18.155.040 Access to sunshine.

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

Findings: The applicant describes that the site has been designed to protect access to sunshine for both on-site open space amenities and for potential future solar amenities. A solar shading plan has been provided within Exhibit A (Sheet A1.1), which demonstrates that shading will have a minimal impact to the site.

18.155.050 Shading.

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

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

Findings: The applicant has provided a shading plan, which is provided within Exhibit A (Sheet A1.1). The shading plan shows the shadows 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. The shadows do not impact structures on adjacent properties.

The site will be landscaped and planted with new trees. The applicant has provided a detailed landscaping plan. The new trees will mainly be planted within the interior open spaces of the apartment complex, with the exception of new street trees along N. Davis Street and N. 26th Avenue. The impact of trees and their shading will not impact abutting properties and their access to sunlight.

**Chapter 15.15
SWIMMING POOLS**

15.15.010 Definitions.

As used in this chapter, the following mean:

(A) “Building code” means a code of the city adopted by ordinance which regulates the construction of buildings and structures within the city.

(B) "Swimming pool" means a private residential swimming pool with a depth of 24 inches or more, permanently situated on private property, the use of which is limited to swimming or bathing by family members or invited guests; and a public swimming pool which contains a water depth of 24 inches or more, with a surface area of 1,800 square feet or more, which is used or intended to be used for swimming or recreational bathing by the public; and a semi-public pool which contains a water depth of 24 inches or more and with a surface area of 1,800 square feet or more which is used or intended to be used for swimming or recreational bathing and to which two or more families have access.

Findings: The applicant is proposing a swimming pool for the apartment complex, to be located near the clubhouse, as shown within the application materials of Exhibit A.

15.15.020 Permit required.

No person shall construct, install, enlarge or remodel any swimming pool without first having obtained a permit from the city of Cornelius. This permit is in addition to any other permit or license required by the state or Washington County or any other governmental agency.

Findings: The applicant acknowledges that the proposed swimming pool will require a permit from the City of Cornelius. A condition of approval shall require that a swimming pool permit per 15.15.020 be applied for and received. This shall be a condition of approval.

15.15.030 Application for permit.

(A) The application shall include:

(1) Complete and accurate plans and specifications drawn to scale and as otherwise required by the building code, prepared or approved by a professional engineer or architect registered in the state.

(2) A description of the sources of water supply, amount and quality of water available and intended to be used, method and manner of water purification, treatment, disinfection, heating, regulation and cleaning, lifesaving apparatus and safety measures.

(3) A description of storm and sanitary sewer service available at the site, including a subsurface disposal system plan if applicable.

(4) Pump performance data for recirculation of swimming pool water.

Findings: The applicant identifies that the standards will be addressed with submittal of the required building permit application. With the swimming pool permit application, the applicant will be required to address these four review criteria in more detail.

(B) The application must be accompanied by the permit fee in the amount of \$45.00.

Findings: The applicant indicates the application fee for the swimming pool permit will be paid by either the property owner or the applicant.

(C) If the application is disapproved, the city recorder shall furnish a written statement to the applicant setting forth the reasons for disapproval and shall indicate, when feasible, what changes are necessary before the application can be approved. Denial may be appealed to the council; provided, that notice is given by the applicant to the city recorder within 10 days after denial.

Findings: The applicant acknowledges this requirement.

(D) Swimming pools shall be constructed in conformity with the approved plans.

Findings: The applicant acknowledges that the swimming pool will be constructed to the approved plans.

15.15.040 Fence standards.

All swimming pools constructed, installed, enlarged or remodeled within the city shall conform to and include the following pool fencing standards:

(A) A fence shall surround all swimming pools and shall be constructed to conform with the requirements of this section.

Findings: The applicant describes that a 6-foot-tall fence will be constructed around the perimeter of the swimming pool, as shown on the submitted site plan and fence details.

(B) The following materials shall be used for fencing purposes:

(1) Wood. Redwood, cedar or pressure-treated posts not less than four inches by four inches, set not more than 10 feet apart, embedded at least 18 inches in the ground. Vertical boards at least one-half inch thick shall be fastened securely to and outside of not less than two horizontal rails at least two inches by four inches in dimension. The outside face of the fence shall have no horizontal projections or recesses.

(2) Wire. Galvanized chain link fencing, minimum 11 gauge, with galvanized pipe posts of at least one-and-one-quarter-inch diameter, spaced not more than 10 feet apart. Posts shall be set not less than 12 inches in diameter and 18 inches deep.

(3) Masonry. Solid walls of brick, concrete block or stone, with no projections, recesses or other openings less than four feet from the ground surface.

(4) Wrought Iron. Steel tube posts with a minimum one-and-one-half-inch section and a minimum one-eighth inch steel shall be spaced not more than eight feet on center. Vertical steel bars of a minimum one-half inch section shall be spaced not more than four inches on center. Horizontal rails shall be at least one inch channel steel, with a minimum vertical separation of four feet.

(5) Height. Fences shall be not less than four feet nor more than six feet in height, measured from the outside ground level at a point 12 inches horizontal from the base of the fence.

Findings: The applicant describes that a wrought iron metal fence will be constructed around the pool. The fence will comply with the dimensional standards, as outlined above. The fence will be 6-feet in height, as shown in the fencing details of the application packet.

(C) Any gate in a protective fence shall meet fence requirements for height and durability. It shall be equipped with a self-closing device and a self-latching device located not less than three feet, six inches above the ground.

Findings: The fencing details provided by the applicant also include details regarding the gate for the swimming pool. The applicant describes that the gate will include a self-closing device and panic bar for egress to ensure safety.

(D) Any fence material and method of construction other than specified above shall be submitted to the city manager for consideration prior to erection. If, in the opinion of the city manager, the material and method of construction conform to the general design for safety and durability as set forth in this section, the city manager may approve the fence.

Findings: The applicant acknowledges this requirement.

CONCLUSION

~~The application materials do not demonstrate compliance with OAR 660-012-410(3). Without the revised application materials to demonstrate compliance with the cited deficiency, staff cannot recommend approval of the application.~~

~~If the applicant provides the documentation that the application meets this element prior to the hearing, Staff can make the appropriate findings for approval. [\(See Exhibit D, Supplemental Staff Report.\)](#)~~

RECOMMENDATION

Based upon the facts, findings, and conclusions presented in this Staff Report, the Community Development Department ~~does not~~ *(See Exhibit D, Supplemental Staff Report.)* recommends that the Planning Commission approve Land Use File No. DR-68-25 & LLA-02-25, subject to the following conditions of approval:

DECISION

Based on the facts, findings, public testimony and conclusions found in this staff report and the supplemental staff report, the City of Cornelius Planning Commission conditionally approves DR-68-25 and LLA-02-25, subject to the following conditions of approval:

1. The proposal includes a Type III Site Design Review (DR-68-25) for a new 240-unit apartment complex and a Type I Lot Line Adjustment (LLA-02-25) within the Gateway Mixed Use (“GMU”) Zoning District.

Prior to Building Permit Submittal

2. The applicant shall submit a final design of the utilities to the City Engineer for review and approval.
3. When Building Permits are submitted, a geotechnical report for the foundation and foundation drainage shall be incorporated into the submittal.

Prior to Building Permit Issuance

4. Prior to issuance of Building Permits, a copy of the recorded Lot Line Adjustment (LLA) from Washington County shall be submitted to the Community Development Department. The adjustment shall be as described within this application packet and approval.
5. Rights-of-way dedication for N. Davis Street and N. 26th Avenue, as shown and approved within this application packet, shall be recorded, and a copy of the recordation shall be provided to the Community Development Department.
6. An 8-foot public utility easement along the frontage of N. 26th Avenue and N. Davis Street shall be recorded, and a copy of the recordation shall be provided to the Community Development Department.
7. The applicant shall record a continuation of the 39-foot Public Access and Utility Easement connecting from the existing western easement on the property to the west easterly to N. 26th Avenue, and a copy of the recordation shall be provided to the Community Development Department.
8. The private access shall include a cross-over easement along the site to benefit the apartment development tax lot, the tax lot to the west and the new tax lot to the south.
9. Prior to recording the Final LLA, the Applicant shall pay all City liens, taxes, and assessments, or apportion them to individual lots. Any liens, taxes, and assessments levied by Washington County shall be paid to them according to their procedures.
10. The applicant shall obtain all the necessary grading and erosion control permits for on-site and off-site work.
11. The applicant shall obtain an Erosion Control Permit (1200-C), as required by the City Engineer and CWS, as shown within Exhibit C.

12. The applicant shall obtain any necessary Public Works Permits from the City of Cornelius for work within N. 26th Avenue.
13. The applicant shall obtain any necessary ODOT permits, if work occurs within the ROW of Baseline Street.
14. The City shall review the building permit plans and provide the applicant a Notice of TDT Decision, per the Washington County TDT procedures. The applicant shall indicate to the City their preferred method of payment and pay the TDT accordingly, if necessary.
15. The applicant shall provide plans that demonstrate the stormwater systems comply with all applicable CWS storm water standards, including LIDA, to be reviewed and approved by the City Engineer.
16. Prior to issuance of the approved engineering plans, the applicant shall provide performance security to the City, equal to 150 percent of the estimated cost for landscaping materials and installation by a qualified contractor.
17. The applicant shall submit a swimming pool permit application per Cornelius Municipal Code 15.15.
18. A revised site plan shall be provided that shows a minimum of 3 bicycle parking spaces (one for a visitor, future tenant, and employee) located near the front door of the leasing office.
19. All conduit and its placement within the ROW shall be approved by the City Engineer.

Prior to Site Development

20. The applicant shall obtain all the appropriate Building, Plumbing, Electrical, and Mechanical Permits and shall meet all applicable Building Code requirements for the proposed development.
21. An approved Erosion Control Permit must be obtained and the appropriate erosion control measures must be in place prior to any site work.
22. All applicable City and CWS requirements shall be met prior to any site work.

Prior to Occupancy

23. Prior to issuance of a Final Occupancy Permit, all required conditions of approval from this report shall be satisfied.
24. All landscaping, including street trees and irrigation, shall be installed per the approved landscaping plans, Plan Sheets L100 through L105, L200 through L203, and as detailed on L300 through L301.

25. The installation of the irrigation system shall be to the City and State Plumbing Code.
26. All vegetative landscaping shall be maintained with a functioning irrigation system, as shown on Plan Sheets L200 through L203.
27. Electrical conduit shall not be located in a manner that impacts tree roots and their ability to grow and remain healthy.
28. The applicant shall coordinate with the City Engineer and install, to Public Works Standards, all frontage improvements that abut the property. The applicant shall construct an on-site storm drainage system in conformance with CWS standards. All public improvements shall be in accordance with the City Engineer's comments, attached herein as Exhibit C.
29. A private Stormwater Quality Facility Maintenance Agreement shall be signed and recorded by the applicant.
30. The applicant shall comply with all requirements as deemed necessary by the Cornelius Fire Department and the Building Official.
31. The buildings shall be adequately addressed for location by emergency personnel.
32. A Knox Box shall be installed near the gated entrances, as required by the Fire Department, if deemed necessary.
33. All new utilities serving the site shall be located underground.
34. Bicycle parking racks, as shown in the plans must be installed and maintained within each dwelling unit, at the clubhouse, and at the leasing office.
35. The applicant shall obtain any required maintenance bonds for street trees and the water quality facility.
36. The applicant shall coordinate the installation of the cluster mail boxes with the Postmaster.
37. All on-site lighting must be installed and functional. Lighting shall not glare or shine into abutting properties or into the abutting public right-of-way.
38. The parking lots shall be constructed, and all improvements such as striping, ADA parking, landscaping, and wheel stops shall be installed in accordance with the approved site plan. The ADA parking space(s), internal sidewalks, and their connections to the public sidewalks shall meet all applicable Building Code and ADA requirements.
39. Screened trash enclosures shall be installed.

40. Pedestrian pathways, where they cross drive-aisles, shall be either raised and striped or use a dyed stamped concrete, meeting all applicable ADA requirements. In addition, the pathways shall be lit to provide visibility during nighttime hours.
41. The parking lot parking stalls and directional arrows be permanently painted, prior to occupancy.
42. The parking lot and all vehicle maneuvering areas shall be asphalted.
43. The swimming pool shall be inspected by the Building Official, so it complies will all the applicable provisions of CMC 15.15 Swimming Pools.

Other

44. The applicant shall meet all applicable State, County, and City Building, Electrical, Plumbing, and Mechanical Code requirements.
45. Signage must receive Sign Permit approval through a Sign Permit application review process.
46. The streets and walkways shall be lit during hours of darkness in accordance with the Public Works Standards.
47. All materials and wastes shall be managed/stored, and the grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents, or create a health hazard.
48. Vision clearance areas per CMC 18.150.070 throughout the site shall be maintained.
49. The landscaping shall be planted and maintained, to the approved landscaping plans.
50. When the trees are planted, they shall be planted to maximize root health and chances for survival. This includes ample high-quality soil, space for root growth and reliable irrigation, based upon the plant species.
51. The chain link fencing on-site shall be painted black, or another color, not unpainted galvanized.
52. Any damage to any public improvements or the public right-of-way as a result of construction shall be repaired and/or replaced to City standards by the applicant/owner.
53. The Community Development Director is authorized to suspend or revoke any permit if there is probable cause to believe that the conditions of the permit or any provisions of this decision have been violated or that the use is causing a nuisance to the public or surrounding properties. In any case where the Community Development Director finds a

serious danger to the public health or safety, the Community Development Director may suspend the permit without a hearing. In all other cases, the applicant may appeal the Community Development Director's decision of revocation per the applicable Sections of the City Code.

DATE OF PLANNING COMMISSION DECISION: August 26, 2025



Dave Waffle, Planning Commission Chair



Barbara Fryer, AICP, Community Development Director

Report Prepared by:



Tim Franz
Senior Planner

Exhibits:

- A. Applicant's Submitted Materials
- B. Affidavit of Mailing Public Notice
- C. City Engineer Review Comments
- D. Supplemental Staff Report - August 22, 2025**
- E. ODOT Formal Response – August 22, 2025**