



**Map:** Township 1N Range 3W Map 33CA, Tax Lots #100 & #400;  
Township 1N Range 3W Map 33DB, Tax Lot #700

**Zone:** General Industrial, (M-1) with a Natural Resource Overlay, (NRO).

**Process:** Approval of a Type III Site Design Review, Conditional Use/Planned Unit Development and Type II Land Partition with public hearing shall be processed consistent with Cornelius Municipal Code (CMC) 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 CMC Chapter 18.15.040. The notice of the Planning Commission's decision shall be provided to Applicant, interested parties, and anyone that testifies in the matter.

### **APPEAL RIGHTS**

An affected party may appeal a decision of the Planning Commission to the City Council by filing an appeal within ten (10) working days of notice of the decision pursuant to the CMC. The notice of appeal shall indicate the decision that is being appealed and include all required contents pursuant to CMC Chapter 18.15.090.

### **APPLICABLE CRITERIA OF THE CORNELIUS MUNICIPAL CODE**

- Chapter 17.05 (Land Divisions)
- Chapters 18.10 & 18.15 (Application & Review Procedures)
- Chapter 18.55 (General Industrial, M-1)
- Chapter 18.95 (Natural Resource Overlay, NRO)
- Chapter 18.100 (Site Design Review)
- Chapter 18.105 (Conditional Use Permit)
- Chapter 18.110 (Planned Unit Development (PUD) Conditional Use)
- Chapter 18.145 (Off Street Parking and Loading)
- Chapter 18.155 (Solar Access for New Development)

### **GENERAL FACTS**

- The subject Site consists of two tax lots, Tax Lot #100 & #400. Tax Lot #100 is approximately 3.60 acres in size and Tax Lot #400 is approximately 3.75 acres in size. In total the Site is approximately 7.35 acres in size.
- The subject Site is currently undeveloped.
- The subject Site abuts N 4<sup>th</sup> Avenue and N Holladay Street. Both streets are designated as a City Industrial Collector Street within the City Transportation System Plan (TSP).

- The applicant is proposing a new 154,643 SF industrial manufacturing or warehouse flex space, as described within Exhibit “A”. Staff notes, no identified user of the site has been identified.
- The applicant is proposing a preliminary ‘one-lot’ land partition to legally combine the two parcels into one.
- On August 30, 2021, the City approved a Lot Line Adjustment (LLA-01-21) between tax lot #100 and the property to the east. The adjustment was for approximately 170 SF of area, resulting in no net loss and or gain in area. The adjustment was recorded on September 27, 2022 (Exhibit “B”). When public notice was provided, recordation had not yet occurred. Thus, RCI Properties Hillsboro, LLC submitted a letter acknowledging that the LLA was not yet recorded allowing the project to proceed subject to the recordation of the LLA (Exhibit “C”). Once the LLA was recorded on September 27, 2022, RCI Properties no longer has real property interest in the project.
- The application was submitted on July 5, 2022 and was deemed incomplete.
- On August 10, 2022, the applicant submitted additional materials; however, not all the required materials were received for completeness. Thus, the application was deemed incomplete.
- On September 12, 2022, the applicant submitted a request for the City to process the application at the applicant’s risk, with materials for completeness (Exhibit “D”). The materials missing for completeness was an approved Service Provider Letter (SPL) from Clean Water Services (CWS).
- On October 7, 2022, Clean Water Services issued a Service Provider Letter (Exhibit “E”). All completeness items have been submitted.
- The City Engineer submitted comments, which are attached as Exhibit “F”.
- Notice of the proposal was mailed to property owners within 250 feet of the subject property and affected agencies, and was published in the local newspaper on September 29, 2022. Public Notice, including the affidavit of mailing is shown within Exhibit “G”.
- There is an identified wetland on the Site, identified as PW-1 within the City of Cornelius Wetland Inventory (Exhibit “H”).
- As of the date of this staff report, the City has received no public comments.

- *City staff received an internal email on October 18, 2022 from the Fire Marshal regarding this project. The comments are added to this staff report as Exhibit “I”.*

## **FINDINGS**

### **PART I: TITLE 17 LAND DIVISIONS**

Per CMC Section 17.05.030(C), a request to partition land must meet all of the following approval criteria:

#### ***1. The proposal conforms with the City's Comprehensive Plan.***

**FINDINGS:** Chapter One of the Comprehensive Plan requires citizen and agency involvement. Property owners within 250' of the site were sent notice of this land use action, providing them the opportunity to comment (Exhibit "G"). Additionally, public notice was published in the Forest Grove Times on September 29, 2022. As of the date of this staff report, no public comments have been received.

The proposal is a Preliminary 'One-Lot' Land Partition, combining two existing parcels (tax lots) legally into one new parcel.

Comprehensive Plan Chapters Two & Three - Urbanization and Land Use, encourage the efficient use of urban land. The property is Comprehensively Planned for industrial uses and development. The new parcel will be approximately 7.35 acres in size. The proposed new parcel is similar in size and shape to other nearby M-1 zoned properties. Staff finds that the new parcel will be large enough to accommodate the proposed industrial development.

Comprehensive Plan Chapter Five, Economic Development, specifies the following goal:

***"To develop a diversified economic base that is supportive of existing commercial and industrial development and attractive to selected commercial and industrial development."***

**FINDINGS:** The applicant proposes to consolidate two lots to provide one lot large enough to accommodate their industrial development. The industrial development will help diversify the City's economic base in compliance with this goal.

The Development & Zoning Code (i.e., Title 17 and 18 of the CMC) implements the Comprehensive Plan, and as such, all applicable criteria of the Development & Zoning Code shall apply to this proposal. The request has been filed in accordance with the procedures and requirements of the Development & Zoning Code. As described further within this report, the proposed development is addressing the development standards of the CMC.

As noted above within the findings, no written public comments were received for the record. The conditions of approval for this proposal are intended to ensure compliance with the CMC and the Comprehensive Plan. With conditions of approval, the proposal conforms to the City's Comprehensive Plan.

**CONCLUSION:** Based upon the findings above, staff concludes this criterion is met.

***2. The proposal complies with all applicable statutory and ordinance requirements and regulations.***

**FINDINGS:** The Site is undeveloped. The applicant is preparing for an industrial development, which necessitates the consolidation of the two tax lots into one. To develop the site, a Type III Site Design Review is necessary, which is part of this staff report for the City of Cornelius Planning Commission to review and consider.

Prior to recordation with Washington County, a Final Plat application with the City of Cornelius shall be required. The purpose of the Final Plat application is to review the proposed plat for conformance to this land use application (LP-02-22) and associated conditions of approval.

The parcels are within the Clean Water Services (CWS) District. The City of Cornelius and CWS have an intergovernmental agreement for the provision of sanitary sewer, storm water management, and natural resource protection. The applicant obtained a signed Sensitive Area Pre-Screening Site Assessment from CWS (CWS File Number 22-001627) in which CWS indicates a Site Assessment Prior to the Issuance of a Service Provide Letter is required. The applicant has obtained a Signed Service Provider Letter from CWS, on October 7, 2022 (Exhibit “E”). As noted within the Basic Findings of this report, there is an identified wetland within the Cities Wetland Inventory on the Site. For the applicant to obtain an approved CWS Service Provide Letter a Wetland Delineation report, review by Army Corps of Engineers and Department of State Lands is required, due to the proximity of Council Creek. The Wetland Delineation Report is attached within Exhibit “A”.

Within the Natural Resource Overlay (NRO) zoning overlay, staff is required to address the review and protection of any natural resources on the site. As shown on the submitted site plan, the proposed development will be located over two wetland areas as identified within the Wetland Delineation by Pacific Habitat Services, Inc within Exhibit “A”. One wetland is approximately 27,922 SF or 0.64 acres in size. And the other is approximately 564 SF or .01 acres in size. Specific findings with regard to the Natural Resource Overlay Zone are found in Section 2C of this staff report.

The proposed development is on a tax lot identified within the Cornelius Wetland Inventory, as Site PW-1 (Exhibit “H”). Staff finds that the Cornelius Wetland Inventory depicts Site (PW-1) within the westerly tax lot under review (1N 3W Map 33CA lot 00400). The proposed site plan anticipates removal of the wetland, filling it, and placing a building and parking lot in the wetland location. The applicant shall apply for any wetland fill/removal permits required by any State and/or Federal agencies. This shall be a condition of approval.

**CONCLUSION:** Based upon the findings above, and through application of appropriate conditions of approval, staff concludes this criterion is met.

**3. Adequate public facilities are available to serve the proposal.**

**FINDINGS:** There are public facilities located within the right-of-way of N 4<sup>th</sup> Avenue and N Holladay Street and they are available to serve the site. These services include public water, sanitary sewer, and stormwater. When the Site is developed, the applicant/property owner shall comply with all applicable Clean Water Services and Cornelius Public Works Standards.

The right-of-way along the frontage of the Site of N 4<sup>th</sup> Avenue and N Holladay Street are 60 feet in width; therefore, no right-of-way dedication is required. The City Engineer noted that the applicant shall dedicate an 8-foot-wide public utility easement (PUE) adjacent to the N 4<sup>th</sup> Avenue right-of-way and adjacent to the N Holladay Street right-of-way. When the final plat is submitted for recordation, the final plat shall also include any notes, legal descriptions and easements that are required by the City Engineer and Washington County Surveyor. This shall be a condition of approval.

**CONCLUSION:** Based upon the findings above, and through application of appropriate conditions of approval, staff concludes this criterion is met.

**4. All proposed lots conform to the size and dimensional requirements of this ordinance.**

**FINDINGS:** As noted above, the applicant is proposing to consolidate 2 tax lots into one new legally described parcel. Within the M-1 zone there is no minimum lot size requirement, other than the lot must be large enough to accommodate the proposed use. Staff finds the applicant is preparing the site for a future industrial development.

Per the Washington County Tax Assessors map;

- Tax lot# 1N3 33CA00100 is approximately 3.60 acres in size.
- Tax lot# 1N3 33CA00400 is approximately 3.75 acres in size.

The registered professional land surveyor indicates, within the consolidated tax lot description (Exhibit A), the new parcel will contain approximately 320,343 SF or 7.35 acres.

Staff finds the proposed parcel size will be large enough to accommodate a future industrial use.

**CONCLUSION:** Based upon the findings above, staff concludes that this criterion is met.

**5. All proposed improvements meet City standards.**

**FINDINGS:** The applicant is proposing development at this time via City Land Use File # DR-118-22, CUP/PUD-03-22 and LP-02-22.

The City Engineer identified that Holladay Street is currently improved with curb and gutter, drainage, 38-feet of concrete street pavement, and street lights (south side only). The Applicant is required to install a 6-foot concrete sidewalk and street trees along the Holladay Street frontage. This shall be a condition of approval.

The City Engineer identified that N 4<sup>th</sup> Avenue is currently improved with curb and gutter, drainage, 38-feet of concrete street pavement, and street lights (west side of street only). The Applicant is required to install a 6-foot concrete sidewalk and street trees along the N 4<sup>th</sup> Avenue frontage. This shall be a condition of approval.

Both streets can accommodate on-street parking, consequently, the sidewalk shall be placed curb-tight. In neither case shall the curb count as part of the 6-foot sidewalk width. ADA ramps meeting the Oregon Department of Transportation (ODOT) standards are required at the intersection of 4<sup>th</sup> and Holladay. Two ramps are required, one facing south and one facing west. This shall be a condition of approval.

For Holladay Street, the street trees shall be placed on the north side of the new sidewalk. For N 4<sup>th</sup> Avenue, the street trees shall be placed on the east side of the new sidewalk. Proposed street trees shall meet the diversity requirements in the City's Public Works Standards. Street trees shall be selected from the City of Portland's *Approved Street Tree Planting List for 8.5-foot-wide planning spaces without high voltage power lines*. Broadleaf street trees shall be a minimum caliper size of 2-inches. Conifers shall be a minimum height of 5-feet at the time of planting. This shall be a condition of approval.

The applicant proposes a development that, with conditions of approval, can comply with all applicable City standards and zoning requirements.

**CONCLUSION:** Based upon the findings above, and through application of appropriate conditions of approval, staff concludes this criterion is met.

**Conclusion TYPE II Land Division, LP -02-22:** Based upon the findings above, and through application of appropriate conditions of approval, staff concludes the criteria for a Type II Land Partition to combine Tax Lot 1N3 33CA 00100 and Tax Lot 1N3 33CA 00400 have been met.



## **PART II: TITLE 18 ZONING**

### **SECTION A. CHAPTER 18.10 AND 18.15 APPLICATION AND REVIEW PROCEDURES**

*Section 18.10.030 requires a Neighborhood Review Meeting prior to the submittal of a Type III request.*

**FINDINGS:** The applicant submitted the Neighborhood Review Meeting packet, including the affidavit of mailing notice to property owners within 250 feet of the site.

*Section 18.10.040 describes the application documents required.*

**FINDINGS:** The applicant submitted two application packets, one on July 5, 2022, which was deemed incomplete. A second submittal occurred on August 10, 2022, which was also deemed incomplete. On September 12, 2022, the applicant requested to move forward with the development despite submitting an incomplete application.

*Section 18.10.060 requires a filing fee.*

**FINDINGS:** The applicant submitted the required filing fees on August 11, 2022.

*Section 18.10.070 describes the jurisdiction and powers for applications.*

*18.10.070(2) describes that the Community Development Director may refer Type II applications to the Planning Commission for a hearing.*

**FINDINGS:** Due to the Type III applications in this package, the Community Development Director referred the Type II Land Partition to the Planning Commission to be considered as one package.

*18.10.070(B) describes the authority of the Planning Commission as the administrators and enforcers of the provisions of Chapter 18.15, and to review and approve, approve with conditions or deny proposed development.*

**FINDINGS:** This application is a Type III Site Design Review Application, a Type III Conditional Use Permit/Planned Unit Development, and a Type II Land Partition application to be reviewed by the Planning Commission.

*Section 18.15.010(C) describes the process for Type III requests as requiring 1) a pre-application meeting, 2) a Neighborhood Review Meeting, 3) a complete application with public notice, 4) a staff report, 5) a Notice of Decision following the Planning Commission Decision, and 6) appeal of a Planning Commission Decision to the City Council.*

**FINDINGS:** The applicant 1) attended a pre-application conference (PAC-04-22), 2) submitted the Neighborhood Review Meeting packet, including the affidavit of mailing notice to property owners within 250 feet of the site, 3) submitted a letter requesting the application proceed despite being incomplete, 4) this document is the staff report to the Planning Commission, 5) upon the

Planning Commission rendering a decision, a Notice of Decision shall be prepared and mailed to persons of record, and 6) any person of record may file an appeal to the City Council.

**CONCLUSION:** The application combines two Type III permits and a Type II permit. The Community Development Director referred the Type II to the Planning Commission to keep the package together, compliant with Chapter 18.10. The applicant 1) attended a pre-application meeting (PAC-04-22), 2) provided notice for and held a Neighborhood Review Meeting, 3) the application was deemed incomplete twice; the Applicant requested to move forward despite an Incomplete designation, so Public Notice was provided by mailing notice on September 28, 2022 and publishing notice on September 29, 2022, 4) the Community Development Director prepared this staff report and has published it on the Cornelius Web Site on October 18, 2022, 5) the Community Development Director shall cause a Notice of Decision to be mailed to persons of record upon a decision by the Planning Commission, and 6) any person of record may follow the appeal procedures of Section 18.15.090.

**CONCLUSION for Chapters 18.10 and 18.15, Application and Review**

**Procedures:** Based upon the findings above, and through application of appropriate conditions of approval, staff concludes the criteria for application submittal of a Type III Site Design Review and Type III Site Design Review/PUD have been met for the project.

## **SECTION B. CHAPTER 18.55 GENERAL INDUSTRIAL ZONE (M-1)**

### **18.55.020 Permitted uses.**

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

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

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

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

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

*(D) Research and development facilities.*

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

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

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

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

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

### **18.55.030 Conditional uses permitted.**

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

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

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

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

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

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

*(E) Cellular transmission towers.*

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

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

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

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

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

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

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

*(M) Indoor mini-storage facility.*

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

**FINDINGS:** The applicant is proposing a 154,643 SF industrial warehousing/manufacturing facility, which is permitted outright as a general use involving manufacturing, processing or storage per subsection (A) of 18.55.020, above.

**18.55.050 Development requirements.**

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

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

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

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

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

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

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

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

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

**FINDINGS:** The applicant has applied for preliminary approval of a one-lot partition to consolidate two properties into one lot, via LP-02-22. The combined tax lot, according to the surveyor of record will be approximately 7.35 acres. Though there is no minimum lot size, the size of this proposed development parcel is large enough to accommodate the proposed structure, parking and landscaping.

The proposed building complies with the minimum setback standards. There are no abutting residential zones. No parking is shown on the site that is within five feet of the front property line.

The applicant is requesting CUP (CUP/PUD-03-22) approval to exceed the building height limitation of 35-feet by 10-feet. The submitted building elevations show the building will have a ceiling height that is approximately 30-feet in height, with the top of the parapet at 38-feet. Within the narrative the applicant is requesting flexibility to increase the height due to interior rack design

and functionality. Findings regarding the standards applicable to the conditional use request are provided in Section 2E of this staff report.

**18.75.060 Performance standards.**

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

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

**FINDINGS:** Findings regarding site design review standards are provided in Section 2D later in this report. The site is currently vacant and therefore there are no prior conditions of approval attached to this development. Prior to use of the site, all conditions of approval for this development shall be satisfied.

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

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

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

**FINDINGS:** The applicant shall comply with Clean Water Services requirements as noted in the Service Provider Letter dated October 7, 2022 (Exhibit “C”). The Applicant shall reach written agreement with Clean Water Services on off-site mitigation for eliminating the wetland, prior to engineering plan approval and any construction on-site. This shall be a condition of approval.

The City Engineer identified the requirement to provide detention and treatment of stormwater runoff, as well as implementing some type of *Low Impact Development Approach (LIDA)*. This shall be a condition of approval. specific details about the design of the detention, stormwater runoff treatment, and LIDA are found within Exhibit “F”. The applicant is required to sign an agreement with the City committing to maintenance of the private stormwater facilities in perpetuity. This shall be a condition of approval.

An erosion control plan and permit are required for development. The development exceeds 5 acres, therefore; the erosion control plans shall meet the requirements of a DEQ 1200-C. 1200-C plans require a DEQ-mandated public review. This shall be a condition of approval.

All required air, land and water quality standards set forth by all state, federal and local jurisdictions shall apply continuously to the use of this site.

No vibration other than that caused by highway vehicles is anticipated as this use is warehousing. The applicant does not indicate if there will be any emission of odorous gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is anticipated. For public safety, the emission of odorous gases that can be readily detectable

at any point beyond the property line shall be prohibited. If odorous gases from the site are detected and they are not corrected in a timely fashion then requirement for corrective action or, failing that, revocation of this approval may occur.

*(C) Heat and Glare.*

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

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

**FINDINGS:** The applicant indicates that the exterior lighting is designed such that glare is directed away from the public streets and adjacent properties. No other on-site lighting is proposed. These lights and other on-site lighting will not glare into the public streets or adjacent properties. A condition of approval shall require that all exterior lighting not shine or glare into the abutting rights-of-way or adjacent properties.

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

**FINDINGS:** The applicant indicates that waste will be controlled so that no insects and rodents are attracted to the site. Waste will be contained in a 40-yard trash dumpster. Therefore, a condition of approval shall require that insect and rodent control measures be applied and that no health hazards be created.

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

**FINDINGS:** The applicant described within their application that there are no plans for outside storage. If a future tenant requires outdoor storage, then the additional requirements of the CMC will apply along with requisite applications. This shall be a condition of approval.

**18.55.070 Development standards.**

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

*(A) Landscape Plan.*

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

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

*(3) Street Trees. Street trees shall be required and shall be selected from the approved public works street tree list. The total number of trees shall be determined by dividing the total lineal footage of the site which abuts a public street by 30. The location of the trees*

*shall be determined through design review, and the trees shall be installed in accordance with the adopted public works standards.*

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

**FINDINGS:** The site is designed with approximately 11.6% of the area in landscaping. As shown on the submitted plans (Sheet L1.0) and within the narrative, a minimum of 80% of the landscape area is covered by plant material, lawn and trees. Street trees are shown on Sheet L1.0 meeting the minimum requirements of this section. Deferred landscaping is not proposed with this application. If deferred landscaping installation is needed due to weather or other considerations, the property owner will pay the appropriate cash deposit or provide the appropriate letter of credit for the length of the deferral, not to exceed 6 months. Any modification or deviation to the approved landscape plan shall require a Minor Modification application to be reviewed and approved by the Community Development Director. This shall be a condition of approval.

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

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

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

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

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

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

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

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

**FINDINGS:** There are three vehicular access points to this site. Two proposed accesses are from N. Holladay Street and one access is proposed from N 4<sup>th</sup> Avenue, both designated as a Collector Street on the City's Transportation System Plan (TSP). The City Engineer has reviewed this application and found that the width of N. Holliday Street meets the width requirements for an industrial collector street (City Engineer's Comments are Exhibit 'F'). Internal drives are paved with either asphalt or concrete and are designed to meet city standards. The location and 40-foot width of the proposed driveways have been reviewed and accepted by the City Engineer. Pedestrian circulation is provided from the public street into the site and along the building

frontages. The crossing from ADA parking stalls to the building entrance is marked with safety striping. Clear vision areas are marked on submitted sheet A1-2, though the actual clear vision area runs at the location of the curb (it is currently identified behind the sidewalk). Regardless, this will make the clear vision zone further from the development and plantings on the site and ensure clear vision triangles throughout development and use of the site.

*Per the Fire Marshall's comments in Exhibit "I", both sides of the east access road shall include "No Parking Fire Lane" signs. Additionally, the fire pump room, and any other rooms containing fire protection equipment controls, shall be clearly labeled with signs visible from the exterior. These shall be conditions of approval.*

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

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

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

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

*(4) Sidewalks and Improvements.*

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

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

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

**FINDINGS:** The City Engineer has reviewed the proposal and found N. Holladay Street and N 4<sup>th</sup> Avenue in compliance with the City's standards as proposed with a new 6-foot sidewalk and 8-foot public utility easement along the site's entire frontage of both N. Holladay Street and N. 4<sup>th</sup> Avenue. The three driveways are 40 feet in width each. The storm drainage has been reviewed by the City Engineer and meets City and Clean Water Services standards. Further review of the storm drainage will be done at time of public improvement engineering plan review.



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

**FINDINGS:** The internal driveways and sidewalks will be lighted during the hours of darkness in accordance with public works standards. The City Engineer’s review found that adequate street lighting exists on N Holladay Street and N 4<sup>th</sup> Avenue, adjacent to this site.

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

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

*(F) Screening.*

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

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

**FINDINGS:** Sight-obscuring screening is provided for the trash collection area in the form of an 8’-0” tile concrete structure. This structure shall be installed prior to occupancy of the Site.

*(G) Parking and Loading Space.*

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

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

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

**FINDINGS:** Off-street parking and loading are discussed in detail in the findings of CMC 18.145, Section 2G of this report. Off-street parking is provided adjacent to the N Holladay frontage (near the entrance to the building). Tractor trailer loading areas are provided on the north side of the site, separated from the vehicle traffic/travel and pedestrian areas. The parking and loading areas are paved with asphalt or concrete and designed in accordance with the standards of CMC 18.145. A 5-foot landscaped buffer with trees, shrubs, grasses and groundcovers is provided along the perimeter of all parking areas. Landscaped islands are provided at a rate of at least one for every 10 parking spaces.

**18.55.080 Signs.**

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

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

**Conclusion for Chapter 18.55, General Industrial, M-1:** Based upon the findings above, and through application of appropriate conditions of approval, staff concludes the performance standards for the General Industrial Zoning District have been met for the project.

## **SECTION C. CHAPTER 18.95 NATURAL RESOURCE OVERLAY (NRO)**

*Chapter 18.95.040 Conditional Uses within the Natural Resources Overlay Zone include:*

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

*Chapter 18.95.060 (A) specifies, “New residential, commercial, industrial or substantial redevelopment requests involving deviation of natural resource protection requirements shall be reviewed through the Conditional Use Permit/Planned Unit Development Process.*

**FINDINGS:** As noted earlier in this report, the site contains two wetland areas identified on the City’s Natural Resource Overlay Zone and within the City’s Local Wetland Inventory. The applicant provided a wetland delineation report in Exhibit “A”. Additionally, this proposal includes a CUP/PUD Component reviewed under Section 2E of this staff report.

**CONCLUSION, CHAPTER 18.95 NATURAL RESOURCE OVERLAY:** This proposal has followed the appropriate procedures to address the removal of the resource protected by the Natural Resource Overlay Zone. Specific findings and recommendations regarding the removal of the resource are addressed in Section 2E (Conditional Use Permit/Planned Unit Development) of this report.

## SECTION D. 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 City 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 site is currently undeveloped. The applicant proposes a new 154,643 SF industrial warehousing facility, including a new parking lot area and landscaping as described within Exhibit “A”.

The site has access from N 4<sup>th</sup> Avenue and N Holladay Street, which are City Collector Streets. as defined by the Cornelius Transportation System Plan.

The applicant proposes to connect to city utilities. The applicant has submitted a completed CWS Service Provider Letter (Exhibit “E”). Prior to the issuance of any building permits, the requirements of the approved CWS Service Provider Letter shall be met. This shall be a condition of approval.

Staff finds that the development shall be required to meet all applicable State, County and City Building, Electrical, Plumbing, Mechanical Code requirements. This shall be a condition of approval.

When Building Permits are submitted, a geotechnical report for the foundation and foundation drainage will need to be incorporated in the submittal for Building Permits. This shall be a condition of approval.

***(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, transit ways 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, inclusive. Street trees shall be installed to the standards identified in CMC 17.05.040(D)(3)(k). 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:** Based on City standards, the City Engineer is not requiring a Traffic Study for the proposed development.

The frontage improvements as defined by the City Engineer within his comments (Exhibit “F”) are required. This shall be a condition of approval.

Prior to issuance of a building permit, the City shall review the building permit plans and provide the applicant 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, the preferred method of payment and pay the TDT accordingly. The City of Cornelius shall calculate and collect the TDT. Prior to issuance of Building Permits, the applicable TDT shall be collected.

TDT credits are available only for the cost of street improvements that exceed local street standards. The only improvement that falls into this category is 1 additional foot of sidewalk along the N Holladay and N 4<sup>th</sup> Avenue frontages.

***(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:** No additional public ROW dedication is necessary.

*(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 applicant has submitted a site plan that shows the location of the building, parking spaces, internal sidewalks, trash enclosure, and a sidewalk connection to N 4<sup>th</sup> Avenue and N Holladay Street, as identified within Exhibit “A”.

*Per the Fire Marshall’s comments in Exhibit “I”, both sides of the east access road shall include “No Parking Fire Lane” signs. Additionally, the fire pump room, and any other rooms containing fire protection equipment controls, shall be clearly labeled with signs visible from the exterior. These shall be conditions of approval.*

The applicant shows the location of the proposed enclosed trash receptacle area. The structure will be located on the northern boundary of the site. The new trash enclosure shall be screened and covered. This shall be a condition of approval. The structure will have a double gate at the front of it for removing the trash bins. Staff finds that the gates will swing into the internal drive-aisle.

*(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;*

**FINDINGS:** This proposal does not affect nor prohibit the provision of the maintenance of private or public facilities. The storm water will drain to an approved water quality facility that will be constructed as part of this project. Prior to occupancy, this water quality facility shall be constructed as required by the City Engineer and a private storm water 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 public facilities that will serve the site shall be constructed to City Public Works Standards. A condition of approval shall require that the applicant submit the necessary documentation as required by the City Engineer (Exhibit “D”) for engineering plan review and approval of the public improvements.

The applicant shall also meet all applicable requirements as deemed necessary from the Building Official and Fire Department for fire protection and public safety.

*Per the Fire Marshall’s comments in Exhibit “I”, both sides of the east access road shall include “No Parking Fire Lane” signs. Sprinkler FDC shall be 4-inch storz thread, and on a 30 degree downward sweep. Additionally, the fire pump room shall be clearly labeled with signs visible from the exterior. Prior to occupancy, the applicant/owner shall provide the Fire Department with a PDF file of the site and floor plan for pre-fire planning purposes. These shall be conditions of approval.*

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

**FINDINGS:** Prior to occupancy, the applicant/property owner shall comply with any fire, life, and safety requirements as deemed necessary by the Cornelius Fire Department. Prior to occupancy, the new building shall be adequately addressed for location by emergency personnel. For commercial/industrial buildings, Fire Department requires installation of a Knox Box, for emergency access. The applicant/owner shall contact the Fire Department and discuss emergency protection measures. The Knox Box shall be installed prior to issuance of a final occupancy permit. These shall be conditions of approval.

*Per the Fire Marshall’s comments in Exhibit “I”, both sides of the east access road shall include “No Parking Fire Lane” signs. Sprinkler FDC shall be 4-inch storz thread, and on a 30 degree downward sweep. Additionally, the fire pump room shall be clearly labeled with signs visible from the exterior. Prior to occupancy, the applicant/owner shall provide the Fire Department with a PDF file of the site and floor plan for pre-fire planning purposes. These shall be conditions 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 applicant submitted an existing Topo/Site Conditions plan, as shown within Exhibit “A”. The site is relative flat so minimal on-site grading will be necessary. Prior to site development, the applicant shall be required to submit a final grading and storm water 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 is required for the Site. Due to the size, more than 1 acre, a DEQ 1200-C Permit from Clean Water Services is required. Therefore, this shall be a condition of approval. The applicant shall meet all applicable City and CWS requirements 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 included a detailed utility plan. It is the developer’s responsibility to connect to the public utility systems. All utilities that will serve the development shall be located underground from the right-of-way. All utilities shall be installed in compliance with public works standards prior to occupancy. Prior to building permit submittal, a final design of the utilities must be reviewed and approved by the City Engineer. 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 shall comply with the requirements of the Americans with Disabilities Act (ADA) prior to occupancy of the structures. The ADA parking space(s) 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 and sidewalks constructed in accordance with city standards.***



**FINDINGS:** The City Engineer is requiring frontage improvements, which include an 8' shoulder/bike lane and a new sidewalk that is six feet in width, as described within Exhibit, "F".

***(B) Design Standards.***

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

**FINDINGS:** The applicant has submitted a site plan (Exhibit "A") of the proposed development. The new building will generally be centered on the site. The parking lot will be located roughly on the southern area of the building along N Holladay Street. Truck loading and unloading will occur on the northern end of the site with additional vehicle parking abutting the northern property line. A traffic aisle from N Holladay extends northward along the eastern side of the lot to the northern loading and unloading area, with another access on N 4<sup>th</sup> Avenue north of the building.

***(2) Trees and Vegetation. The development has been designed to, where possible, incorporate and preserve existing trees or vegetation of significant size and species. Consideration shall be given to whether habitat, survival of the tree species, and aesthetics can best be achieved by preserving groves or areas of trees as opposed to only individual trees;***

**FINDINGS:** The site is currently undeveloped and has been farmed over the years. The applicant submitted a detailed landscaping plan that shows new landscaped areas.

***(3) Historic Structures. Consideration is given to the effect of the proposed development on historic buildings or features both on the site and within the immediate area;***

**FINDINGS:** There are no known historic structures on or near the property.

***(4) Grading and contouring of the site shall take place with particular attention to minimizing the possible adverse effect of grading and contouring on the natural vegetation and physical appearance of the site;***

**FINDINGS:** The lot is relatively flat and has been farmed. The applicant included a grading plan on Sheets C2.2 and C2.3 within Exhibit “A”. The grading and contouring plan shall be reviewed by the City Engineer and Building Official prior to issuance of a grading permit.

The applicant is also required to meet all applicable City and CWS requirements prior to any site work. The applicant shall obtain all the necessary grading permits for on-site and any off-site right-of-way work prior to commencing site work. This shall be a condition of approval.

***(5) Landscaping. The quality, location, size, and structural and aesthetic design of walls, fences, berms, traffic islands, median areas, hedges, screen planting and landscape areas are such that they serve their intended purposes and have no adverse effect on existing or contemplated abutting land uses;***

**FINDINGS:** The landscape planting plan shows a diverse variety of trees, shrubs, grasses and ground cover to be placed on-site. The placement of the landscaping on the site is in logical areas around the buildings, walkways and parking lot. The placement of the landscaping is not anticipated to have an adverse effect on the proposed development or abutting land uses. To ensure plant health, the landscape areas shall be maintained and an irrigation system shall be installed. The installation of the irrigation system shall be to the City and State Plumbing Code. This shall be a condition of approval.

***(6) Lighting. Adequate exterior lighting shall be provided to promote public safety, and shall be designed to avoid unnecessary glare upon other properties;***

**FINDINGS:** The applicant is proposing exterior lights throughout the development. A photometric plan and lighting fixture details have been provided, as shown within Exhibit “A” on Sheets 3 of 4 and 4 of 4. To protect the nearby uses on adjacent properties and public rights-of-way, a condition of approval shall require that no on-site lighting may shine or glare into adjacent properties or public rights-of-way.

***(7) Solar Access. In determining the appropriate relation of the building or structure to the site, the committee shall require that the building or structure be located on the site in a location and direction that will maintain, where feasible, solar access for adjacent properties and buildings or structures within the site.***

**FINDINGS:** The applicant has indicated that the project will not impact solar access on adjacent properties. Staff finds that the footprint and orientation of this commercial structure is similar to other buildings and developments along the highway corridor. The relation of the building to nearby properties will not impact solar access.

**CONCLUSION, CHAPTER 18.100 SITE DESIGN REVIEW:** Based on the facts and findings above, this proposal, with conditions of approval, can meet the Site Design Review approval criteria of Section 18.100.040.

**SECTION E. CHAPTER 18.105.030.B. CONDITIONAL USE PERMIT APPROVAL CRITERIA:**

*1. The proposed development will comply with the Comprehensive Plan.*

**FINDINGS:** The subject parcel is designated on the Comprehensive Plan as Industrial. The City Zoning Map designates the parcel as General Industrial (M-1). In Chapter V (Economic Development) of the Comprehensive Plan there are policy statements that support and promote a self-supportive, diversified economic base.

To highlight the sections of the Comprehensive plan, staff provides the following findings:

- Chapter 1 Citizen Involvement; the applicant has provided adequate public notice and held the required neighborhood meeting prior to this application submittal.
- Chapter 2 Urbanization; the proposal will not impact population growth statistics within the region.
- Chapter 3 Land Use; the proposed use is specifically identified as a manufacturing, processing or storage use, which is permitted outright within CMC Section 18.55.020(A). The proposed deviation of height is also identified within CMC Section 18.55.030 (G) that require conditional use permit approval.
- Chapter 4 Housing; the proposal does not impact housing needs within the City.
- Chapter 5 Economic Development; the applicant describes that the proposal will benefit the city with additional jobs, tax revenue, and spending. The applicant describes that there is a lack of employment in the Forest Grove/Cornelius market area resulting in 80% of the employable aged residents having to travel out of the Forest Grove/Cornelius area for employment. The proposed development could attract an employer to provide additional jobs for local residents.
- Chapter 6 Natural and Cultural Resources; the applicant has obtained an approved Service Provider Letter signed by Clean Water Services (Exhibit “E”). As described with this report, the Site includes a wetland identified as Site PW-1 on the Local Wetland Inventory Map and is noted within the Natural Resource Overlay Zone. The applicant submitted a Natural Resource Inventory and has noted that the site has been continuously farmed until September 20, 2022 (see Exhibit “A”). The applicant has submitted appropriate removal/fill applications to the Department of State Lands and has received approval from CWS through the Service Provider Letter. Pacific Habitat Services provided a memo assessing the natural resources on site (see Natural Resource Assessment Meadowlark Industrial Center in Exhibit “A”).
- Chapter 7 Public Facilities and Services; the proposed redevelopment of the site will include the addition of public infrastructure along the frontage of the site. The development will be required to connect to and be served by city services.

- Chapter 8 Transportation System Plan; the City Engineer comments that the proposed project will need to comply with the adopted City Transportation System Plan. Frontage improvements to current City Standards are proposed.

This proposed use represents an industrial manufacturing/warehouse facility that would, if approved, contribute to the economic vitality of the city. The applicant is not proposing a change in zoning or an amendment to the Comprehensive Plan to accommodate the proposed use.

**CONCLUSION:** Based upon the findings above, staff concludes this criterion is met.

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

**FINDINGS:** The subject property is zoned General Industrial (M-1). As noted earlier, the applicant has addressed the applicable sections the M-1 zoning district and the applicable development standards. The CMC permits with CUP approval from the Planning Commission, requests to exceed the height limitation of the zone. The applicant is requesting to exceed the height limitation of the zone by 10 feet to allow for current industry standards for stacking. *New Elevation drawings shall be submitted to the Community Development Director depicting the additional 10-foot building height. This shall be a condition of approval.* All other development standards of the zone are proposed to be met or can be met with conditions of approval.

**CONCLUSION:** Based on the findings above, staff concludes this criterion can be met.

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

**FINDINGS:** The applicant submitted a narrative statement and site plan, as shown in Exhibits “A”. The site has its primary access from N Holladay Street. As noted by the City Engineer, street frontage improvements are required, such as sidewalks, street trees, street lights and a landscape strip. In addition, the trees shall be irrigated and shall be maintained for two years, as required by the City. Staff finds the proposed deviation is in-line with other height deviation requests within the industrial area, and within the current industry standards. Staff finds that as proposed, height deviation will have little to no impact to the abutting industrially zoned properties.

**CONCLUSION:** Based on the findings above, staff concludes this criterion can be met.

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

**FINDINGS:** The applicant is requesting conditional use approval for a height deviation. The applicant has provided renderings and elevations of the proposed new building. Staff finds that the proposed deviation will enhance building appearance and it is functional as the facility will be used as a manufacturing/warehousing space. The proposal is consistent with Goal 5 (Economic Development) of the Comprehensive Plan, by diversifying the City’s breadth of uses within the

M-1 zoning district. The business will also add employment and revenue to the City's economic base.

In addition, the proposed redevelopment of the site will add critical frontage improvements to this industrial area. This section lacks safe pedestrian sidewalks and lighting. The proposed frontage road improvement will improve safety on this section of roadway.

**CONCLUSION:** Based on the findings above, Staff concludes this criterion can be met.

**CONCLUSION, CHAPTER 18.105 CONDITIONAL USE PERMIT:** Based on the findings above, staff concludes that, with conditions of approval, the request to exceed the height limit of 35 feet by extending the parapet to 45 feet can meet the criteria for approval of this deviation from the standard within 18.55.050(C).

**SECTION F. CHAPTER 18.110 PLANNED UNIT DEVELOPMENT (PUD)  
CONDITIONAL USE.**

*Section 18.110.010 identifies the purpose of authorizing planned unit development is to take into account any or all of the following:*

- (A) Advances in technology or design;*
- (B) A comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits flexibility in the placement and uses of structures and the location of open space, circulation facilities, off-street parking areas and other facilities;*
- (C) The potential of the site characterized by special features of geography, topography, size or shape; and*
- (D) The height and bulk characteristics of structures can vary as long as the ratio of site area to uses and openness of the site will be in harmony with the area in which the proposed development is located.*

**FINDINGS:** The applicant submitted a narrative that speaks to the need to apply for a Planned Unit Development, both in terms of the extended 10 feet in height and the need for development of the natural resource overlay due to the significance of the site for industrial development and the advances in technology requiring 45 feet heights as opposed to 35 feet heights in the past.

*Section 18.110.030(B) provides the approval criteria for a PUD:*

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

**FINDINGS:** The site is designated as Industrial and was designated as the Shovel Ready Certified North Holladay Site under authority of Oregon Revised Statutes 284.565 and 285B.283 in 2017. Since before that designation, this site has been identified as a prime location for industrial development and as technology has changed, so too, has the clear height required for industrial tenants. At present, the market anticipates 45 feet in height, 10 feet above the maximum allowed in the M-1 Zoning District.

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

**FINDINGS:** As noted above, this site is zoned for industrial development, has been the subject of Business Oregon Shovel Ready Site Certification process, and is within a planned industrial business center. The city anticipates full development of this site as industrial development.

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

**FINDINGS:** The site is within a developing industrial park. Properties to the east are under construction and the properties to the south have existing buildings. The proposal, as identified in the drawings and described in the narrative, is substantially harmonious with the surrounding properties.

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

**FINDINGS:** The applicant is not proposing to phase the project. The applicant’s narrative notes that the construction period will be 18 to 24 months.

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

**FINDINGS:** The applicant eloquently notes in the Project Need section of the “Joint Permit Application with the US Army Corps of Engineers, Oregon Department of State Lands, and Oregon Department of Environmental Quality, that the industrial market vacancy rate has been under 1% for the last year. Furthermore, this section notes that in May of 2022, the Oregon Employment Department noted that the unemployment rate in Washington County stands at 2.9%. Additionally, the Forest Grove and Cornelius Census County Division identifies approximately 20,221 employed residents with the following characteristics:

- 80% of these people (16,245) are currently commuting outside of Cornelius and Forest Grove.
- The average commute time is 29 minutes.
- 43.5% (7,063) people) commuting out of the area for work are employed in the goods producing and transportation/trade/utilities industry classifications.
- Over 23% (4,735 workers) are 29 years or younger.

These statistics show that additional industrial development will help locate workers closer to their homes and reduce commuting times. Additionally, the statistics note that the young workforce has goods producing/ transportation and trade skills.

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

**FINDINGS:** The streets are adequate for serving the development, according to the City Engineer. Completing the street with a sidewalk, lighting and street trees rounds out this area. The streets have been planned for industrial development and are on the City’s Transportation System Plan as Truck Routes.

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

**FINDINGS:** The utilities in this area have been planned for industrial development. Storm drainage will meet the existing standards, with conditions of approval.

**CONCLUSION for CHAPTER 118.110.030 PLANNED UNIT DEVELOPMENT**

**CONDITIONAL USE PERMIT:** Based on the findings above, staff concludes that the proposal meets the criteria for a Planned Unit Development Conditional Use Permit for extended height and removal of the natural resource area.



## **SECTION F. CHAPTER 18.145 OFF-STREET PARKING AND LOADING.**

*A At the time of erection of a new structure or at the time of enlargement of 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.*

*18.145.030 Requires Industrial manufacturing minimum parking at 1.6 spaces per 1,000 square feet and minimum bicycle parking standards at 0.1 per 1,000 square feet. Similarly, warehouse/Freight movement for buildings greater than 150,000 SF, 0.5 spaces per 1,000 square feet are required with the same number of bicycle parking spaces. Office spaces require 2.7 parking spaces per 1,000 SF and 0.5 bicycle parking spaces per 1,000 SF.*

**FINDINGS:** The proposal includes 154,000 SF of industrial space, with 33 loading bays and 102 vehicle parking spaces. The applicant notes that approximately 5,555 SF will be office space requiring approximately a parking ratio of 0.5 spaces per 1,000 SF resulting in 15 vehicle spaces and 3 bicycle parking spaces. The minimum requirement is 237 vehicle spaces for 100% manufacturing and 74 space for 100% warehousing. If the building is roughly half manufacturing and half warehousing, the parking minimum with the 15 office spaces would be 170 vehicle parking spaces. The applicant is proposing 102 vehicle parking spaces. As proposed, with 102 parking spaces, no more than 8% of the 148,088 SF can be allocated to manufacturing (or 11,847 SF). This shall be a condition of approval.

Also, as noted, the minimum number of bicycle parking spaces is 0.1 per 1,000 square feet, for the either warehouse or manufacturing, resulting in 15 bicycle spaces and for office, 0.5 bicycle parking spaces per 1,000, resulting in 3 spaces, for a total of 18 bicycle parking spaces. Of those, at least 50% need to be long-term bicycle parking. The applicant has identified 18 long-term bicycle parking spaces and 6 short-term parking spaces. The applicant shall provide the Community Development Department Director with a site plan depicting the short-term and long-term bicycle parking locations along with the mechanism for securing bicycles. This shall be a condition of approval.

*18.145.040 requires industrial uses with 50,000 to 100,000 SF of floor area to have 3 off-street loading spaces with dimensions of 65 linear feet by 12 feet for wholesale storage and industrial development.*

**FINDINGS:** The structure would require three 65 feet by 12 feet off-street truck parking bays. The applicant has supplied 33 loading bays with the dimensions of 60 feet long by 20 feet wide by 15 feet in height. The proposed 33 loading bays are short by 5 feet. The applicant shall submit to the Community Development Department Direction a site plan depicting the required 65-linear-foot-depth for the loading bays. This shall be a condition of approval.

**CONCLUSION:** Based on the findings above, staff concludes this criterion can be met.

**CONCLUSION, CHAPTER 18.145 OFF-STREET PARKING AND LOADING:** This proposal lacks the requisite bicycle parking spaces and doesn't identify the type of mechanism for securing the bicycles. However, this item can be submitted to the Community Development Director prior to Building Permit Approval. Additionally, the loading bays appear to be 5 feet

shorter than the City requirement of 65 feet. The applicant can remedy this by submitting additional information to the Community Development Director showing the requisite depth for the loading bays. These requirements shall be fulfilled prior to issuance of any Building Permits.

**SECTION G. CHAPTER 18.155 SOLAR ACCESS FOR NEW DEVELOPMENT.**

*Section 18.155.0450 Elements of the development plan 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 am and 3:00 pm PST, on December 21<sup>st</sup>.*

**FINDINGS:** The proposed development is oriented on an east-west access; however, the building is almost a perfect square. Future solar can be applied to the rooftop, should a future owner or tenant so desire. Additionally, the building and proposed plantings do not block the potential for future solar on future buildings to the east, across N Holladay to the south or across N 4<sup>th</sup> Avenue to the west. Staff finds that the footprint and orientation of this industrial structure is similar to other buildings and developments in this industrial center. The relation of the building to nearby properties will not impact solar access.

**CONCLUSION, CHAPTER 18.155 SOLAR ACCESS FOR NEW DEVELOPMENT:** This proposal will not impact solar access on adjacent properties.

## **CONCLUSION**

Based upon the findings above, staff concludes that development of the site, as proposed in Exhibit “A”, can conform to the applicable chapters of the CMC with conditions of approval.

## **RECOMMENDATION**

Based upon the facts, findings, and conclusions presented in this Staff Report, the Community Development Director recommends that the Planning Commission approve DR-118-22, CUP/PUD-03-22 and LP-02-22, subject to the following conditions of approval:

1. The proposal includes a Type III Site Design Review and Conditional Use Permit for a new 154,643 SF industrial warehouse/manufacturing facility development and a Type II One Lot Land Partition within the General Industrial, M-1 Zoning District.
2. A Final Plat application is required after Preliminary Plat approval. Approval for a Final Plat application, including a survey shall be done within twelve (12) months after the Preliminary Plat approval. A 12-month time extension is possible pursuant to CMC Section 17.05.30 (M). The Final Plat shall conform to the approved Preliminary Plat as submitted and in accordance with the conditions of approval described herein.
3. A Final Plat shall not result in any non-conformity with the standards of the CMC.
4. The Final Plat shall show all areas of easements (private and public) with notes describing the purpose of the easements. Easements shall include the 8-foot wide Public Utility Easements along N Holladay Street and N 4<sup>th</sup> Avenue.
5. The Final Plat shall have approximately the same dimensions as represented in this preliminary partition application.
6. The Final Plat shall meet the requirements found in ORS Chapter 92, Subdivisions and Partitions.
7. Prior to recording the Final Partition plat, the Applicant shall pay all City liens, taxes, and assessments, or apportion them to individual lots. Any liens, taxes and assessments levied by Washington County shall be paid to them according to their procedures.
8. A Final Plat application shall be submitted 12 months per CMC 17.05.030(M).

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

9. The Preliminary Land Partition Plat, as approved via LP-02-22, with Final Plat approval by the Community Development Director, shall be recorded with Washington County.
10. The Applicant shall reach written agreement with Clean Water Services on the location of off-site mitigation prior to engineering plan approval and any construction on-site.
11. The applicant shall submit a final design of the public improvement plans and utilities to the City Engineer for review and approval.
12. When Building Permits are submitted, a geotechnical report for the foundation and foundation drainage shall be incorporated in the submittal.
13. A Removal/Fill permit, if required by the Department of State Lands, shall be secured. If a Removal/Fill permit is not required, the applicant shall submit a letter from the DSL stating that a Removal/Fill permit is not required.

*13.5 New Elevation drawings shall be submitted to the Community Development Director depicting the additional 10-foot building height.*

### **Prior to Site Development**

14. The applicant shall obtain all the necessary grading and erosion control permits (1200-C) for on-site and off-site work.
15. The applicant shall submit the necessary documentation for engineering plan review and approval of the proposed public improvements as required by the City Engineer in Exhibit "F".

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

16. 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.
17. 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.

18. The applicant shall provide plans that demonstrate the storm water system complies with all applicable CWS standards, including LIDA, to be reviewed and approved by the City Engineer.
19. The Applicant shall secure all necessary grading permits for on-site and off-site right-of-way work.
20. Prior to issuance of the approved engineering plans, the applicant shall post with the City a performance security assigned to the City for an amount equal to 150 percent of the estimated cost of the landscaping materials and installation by a qualified contractor.

### **Prior to Occupancy**

21. Prior to issuance of a Final Occupancy Permit, all required conditions of approval from this report shall be satisfied.
22. All landscaping, including street trees and irrigation, shall be installed per the approved landscaping plans. Any modification or deviation to the approved landscape plan shall require a Minor Modification application to be reviewed and approved by the Community Development Director. The installation of the irrigation system shall be to the City and State Plumbing Code.
23. The applicant shall coordinate with the City Engineer and install all frontage improvements that about the property to the public works standards. 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 "F".
24. A private storm water quality facility maintenance agreement shall be signed and recorded by the applicant.
25. A total of 102 on-site vehicle parking spaces and 33 tractor trailer loading bays shall be provided, as shown on the submitted site plan.
26. No more than 8 % of the 148,088 SF can be allocated to manufacturing uses (or 11,847 SF) without a modification to the on-site vehicle parking spaces.
27. The applicant shall comply with all requirements as deemed necessary by the Cornelius Fire Department and the Building Official.
28. The building shall be adequately addressed for location by emergency personnel.
29. A Knox Box, if required, shall be installed near the front entrance, as required by the Fire Department.

30. All new utilities serving the site shall be located underground.
31. Bicycle parking for 18 bicycles shall be required. A minimum of 9 spaces shall be provided as long-term bicycle parking. Prior to issuance a final occupancy certificate, bicycle parking as approved by the Planning Commission and Community Development Director shall be installed, capable of securing a total of 18 bicycles as 9 short-term and 9 long-term spaces.
32. The applicant shall demonstrate that the loading bays are the requisite 65 feet in length.
33. The applicant shall obtain any required maintenance bonds for street trees and the water quality facility.
33. The applicant shall coordinate the installation of a mail box with the City and the Post Master, if proposed.
34. All on-site lighting be installed and functional. Lighting shall not glare or shine into abutting properties or into the abutting public rights-of way as required by CMC 18.45.050(C)(2).
35. The parking lot shall be constructed and all improvements such as striping, ADA parking, landscaping and wheel stops shall be installed in accordance with the approved site plan. The ADA parking space(s) and internal sidewalks and their connections to the public sidewalks shall meet all applicable Building Code and ADA requirements.
35. The screened trash enclosure shall be installed with screened doors and a roof.
36. Pedestrian pathways shall meet all applicable ADA requirements. In addition, the pathways shall be lit to provide visibility during nighttime hours.
37. A pedestrian pathway that connects the front door of the new business to the N Holladay Street frontage, shall be installed. Where the pathway crosses the private internal drive-  
isle, for pedestrian safety, a striped crosswalk shall be installed.

**Other**

38. The applicant shall meet all applicable State, County and City Building, Electrical, Plumbing, and Mechanical Code requirements.
39. Signage that is placed on the property must receive Sign Permit approval through a Sign Permit application review process.

40. The building height shall not exceed 45 feet.
41. Future solar panels upon the roof are approved and shall not protrude past the parapet.
42. The streets and walkways shall be lighted during the hours of darkness in accordance with the public works standards.
43. 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.
44. 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.
45. If a future tenant requires outdoor storage, then the additional requirements of the CMC will apply along with requisite applications.
45. The Community Development Director is authorized to suspend or revoke any permit if there is probable cause to believe that the conditions of the permit or any provisions of this ordinance have been violated or that the use is causing a nuisance to the public or surrounding properties. In any case, where the Community Development Director finds a serious danger to the public health or safety, the Community Development Director may suspend the permit without a hearing. In all other cases, the applicant may appeal the Community Development Director's decision of revocation per the applicable Sections of the City Code.
46. *Both sides of the east access road shall include "No Parking Fire Lane" signs.*
47. *The fire pump room, and any other rooms containing fire protection equipment controls, shall be clearly labeled with signs visible from the exterior. These shall be conditions of approval.*
48. *The Sprinkler FDC shall be 4 inch storz thread, and on a 30 degree downward sweep.*
49. *Prior to occupancy, submit to the Fire Department a PDF file of the site and floor plan.*

**Date of Staff Report: October 22, 2022**





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Barbara Fryer, AICP, Community Development Director

Exhibits: "I" Fire Marshal Email  
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