



**CITY OF CORNELIUS
COMMUNITY DEVELOPMENT DEPARTMENT**

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

**Land Use File Nos. DR-81-22 & LP-01-22
Planning Commission Hearing Date: June 28, 2022
Staff Report Date: June 21, 2022**

- Request:** A Type III Site Design Review (DR-81-22) for a new mixed-use development with 16 buildings. Thirteen of the buildings are 3-story multi-family with a total of 330 apartment units. Two of the buildings are 3-story mixed-use, with 16 live-work units and stand-alone commercial space on the first floor. The last building is a 2-story resident amenity building. The application also includes a Type II 3-lot Preliminary Land Partition (LP-01-22) within the Gateway Mixed Use (GMU) Zoning District. The project includes Public Right-of-Way dedication and roadway improvements for N. Davis Street, interior common spaces, parking, landscaping, sidewalks and pathways, outdoor dining areas and plaza seating, a dog park, a sport court, and a club house with pool.
- Applicant:** Calida Residential, LLC
ATTN: Bill Hardt, The Calida Group
10777 W. Twain Ave, Suite 115
Las Vegas, NV 89135
- Property Owner:** Tom Moyer Theatres, LLC
919 SW Taylor Street, Suite 700
Portland, OR 97205
- Location**
- Map:** Vacant Land; Map 1N334CD, Tax Lots #100, #200, & #6700

**CITY OF CORNELIUS, OREGON
COMMUNITY DEVELOPMENT DEPARTMENT
1355 North Barlow Street
Cornelius, OR 97113
Phone 503.357.3011 | Fax 503.357.3424**

Review Criteria: CMC Title 17: Subdivisions: Chapter 17.05 Land Divisions, CMC Title 18 Zoning: Chapter 18.75 Gateway Mixed Use, Chapter 18.100 Site Design Review, Chapter 18.145 Off-Street Parking and Loading, Chapter 18.143 Transportation Facilities, and Chapter 18.155 Solar Access for New Development.

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

I. BASIC FACTS AND BACKGROUND INFORMATION

1. The Applicant is requesting a Type III Site Design Review for 16 new buildings, including 13 3-story multifamily buildings, two 3-story mixed-use buildings and one 2-story resident amenity building adjacent to the swimming pool.
2. The proposal includes a Type II 3-Lot Land Partition within the Gateway Mixed Use (“GMU”) Zoning District. The site is comprised of 3 lots, Tax lots 6700 (5.84 ac), 100 (9.21 ac) and 200 (0.43 acres), for a total of approximately 15.60 acres. The re-plat (3-lot partition) will result in 3 parcels that are 7.53 acres, 5.29 acres and 1.87 acres in size. Also proposed is a 50-foot-wide right-of-way dedication for N. Davis Street traveling generally east-west through the site (between Parcels 1 and 2) and totaling 1.16 acres in size. Parcel 1 (north of N. Davis Street) is entirely multifamily residential and includes 10 buildings. Parcel 2 (south of N. Davis Street) is mixed-use and includes 6 buildings, 3 multi-family, 1 amenity building and 2 commercial/live-work buildings. Though the proposed plat dimensions measure out to approximately 15.85 acres and the existing conditions indicate approximately 15.60 acres, each proposed parcel is generously sized for the proposed use and any size discrepancies will be addressed on the final partition plat submittal.
3. The site of this Site Design Review and Land Partition application (hereinafter, Site) is located east of N. 19th Avenue and north of N. Davis Street. The north perimeter of the site abuts a railroad. The Site’s perimeter to the south is 200’ north of Baseline Street (or Tualatin Valley Highway). The Site is surrounded by a variety of uses including commercial, single family residential, manufactured dwellings and limited industrial development.
4. The Site is currently zoned as Gateway Mixed-Use (GMU).
5. The property owner has provided a signature authorizing the request for Land Partition & Site Design Review application. A copy of the signed Land Use Application is found in the Applicant’s submitted materials, Exhibit A.

5. On December 7, 2021, the Applicant held the required neighborhood meeting virtually. Meeting materials were provided by the Applicant and can be found within the Applicant's submitted materials, in Exhibit A.
6. The Land Partition & Design Review application was submitted on April 1, 2022. An incompleteness determination was made by Staff on April 20, 2022. The Applicant provided additional materials thereafter, and the application was deemed complete on May 9, 2022. The application was deemed complete with a provisional Clean Water Services Service Provider Letter. A final CWS SPL is required prior to submittal of a Final Land Partition application and final engineering plans. Major modifications will be processed as a new land use application.
7. On June 2, 2022, Public Notice was mailed to property owners within 250 feet 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 June 2, 2022, notice of the proposed Preliminary Land Partition & Site Design Review application was provided to affected agencies.
9. On June 2, 2022, Public Notice of the proposal was published in the local newspaper (Forest Grove News-Times) regarding the application and upcoming public hearing.

II. COMPLIANCE WITH CITY OF CORNELIUS MUNICIPAL CODE (CMC)

A. TYPE II PARTITION FINDINGS AND CONCLUSIONS TITLE 17 SUBDIVISIONS CHAPTER 17.05 LAND DIVISIONS

17.05.030 Land partitioning.

(C) Approval Criteria. A request to partition land must meet all of the following criteria:

(1) The proposal conforms with the city's comprehensive plan; and

Findings: All applicable criteria of the Development & Zoning Code (i.e. Title 17 and 18 of the CMC) shall apply to this proposal. The Development & Zoning Code implements the Comprehensive Plan. The request has been filed in accordance with the procedures and requirements of the Development & Zoning Code. The conditions of approval for this proposal are intended to ensure compliance with the CMC and the Comprehensive Plan. As such, the proposal conforms to the City's Comprehensive Plan.

Chapter One of the Comprehensive Plan requires citizen and agency involvement. Property owners within 250 feet of the site were sent notice of this land use action, providing them the opportunity to comment. Internal and external agencies were also provided notice of the proposal. Planning staff received the following:

- City Engineer Terry Keyes provided comments on public improvements that have been incorporated further in this staff report. These comments are included with this staff report as Exhibit C.
 - Rich Mead, Building Official, noted:
 - Geotechnical findings and recommendations will be incorporated into perimeter drainage and foundation design.
 - All type A units (ADA) need to be shown along with accessible routes as well as type B units that could be converted to Type A.
 - Uses within live work units complying with section 419 OSSC are not considered separate occupancies, and to be referenced as a live work unit it has to comply with section 419.
 - Swimming pools require a 5' high lockable fence and gate (the actual provisions regulating swimming pools themselves are no longer in the Building Code but are in OAR Chapter 33 Division 60). The potable water connection and backflow device are still in the plumbing Code and the drain location of the pool and the pool heaters are still in the Mechanical Code.
 - Dave Nemeyer, Forest Grove Fire & Rescue Division Chief in Fire & Life Safety, serving as Cornelius Fire Marshall, asked for revised turn templates based on the Fire District's truck sizes. Also, additional fire hydrants are needed:
 - Near entrance to future commercial space along Baseline
 - Close to Buildings 2/3/4
 - Between buildings 6/7
 - Between buildings 9/10/11/12
- Gated portions of the project require:
- All gates must be installed in approved locations, with proper setbacks from streets to allow emergency vehicles to safely pull off the road
 - All gates shall be provided with Knox key entry products

Comprehensive Plan Chapters Two & Three - Urbanization and Land Use, encourage the efficient use of urban land. The property is Comprehensively Planned for Mixed Use development. The lot dimensions are such that it will accommodate the planned development submitted concurrently with this Land Partition application.

Comprehensive Plan Chapter Four – Housing, provides for the housing needs of prospective as well as present Cornelius citizens. The Applicant's proposal includes 330 multi-family units and 16 live-work units. The Gateway Mixed Use (GMU) zone includes multi-family residential uses connected to commercial retail and services, offices and employment opportunities by open spaces, landscaping, and parks. Staff finds that the type of housing intended for the GMU zone are presented within the development proposal.

Comprehensive Plan Chapter Five – Economic Development, strives to develop a diversified economic base that is supportive of existing commercial and industrial development and attractive to selected commercial and industrial development. The GMU zone is the intended placement for mixed uses that include commercial retail and services. The proposal provides for live work units and neighborhood-scale retail spaces that will be utilized by the residents of the

346 proposed units. The character of the proposal is consistent with the goals and policies of Chapter Five of the Comprehensive Plan.

Comprehensive Plan Chapter Eight – Transportation System Plan, aims to achieve a transportation system that includes all modes and flows smoothly and safely to and throughout the City of Cornelius, meeting the needs of residents, businesses, visitors, and people of all ages and abilities. City Engineer Terry Keyes reviewed the submittal and had the following comments regarding the transportation system:

Streets

The site currently only has public street access on the south side of the parcel from Baseline. However, the Plaza Los Amigos (PLA) project immediately to the west is constructing Davis Street, a new public collector street, to the western edge of the parcel. N. Davis Street through PLA is generally following the existing Fred Meyer private driveway from N. 19th Avenue. The Calida project will continue constructing N. Davis Street as a public collector street through the project to the eastern boundary of the parcel. When the parcels to the east of Calida develop, they will be responsible for completing the construction of N. Davis Street to N. 26th Avenue.

The portion of N. Davis Street adjacent to the Fred Meyer parking lot will be constructed as a ¾ street with curb/gutter on both sides, new 20-foot wide AC pavement, 6-foot parkway strip on the north side, and 12-foot multi-use path on the north and east side. The east-west section of N. Davis between and east of buildings 5 and 6 will be a full street with 12-foot multi-use path on the south side and 6-foot sidewalk on the north side.

The existing driveway on the east side of the Fred Meyer parking lot will continue to exist as a private street from N. Davis Street to the existing signalized intersection at Baseline St., southeast of Burger King.

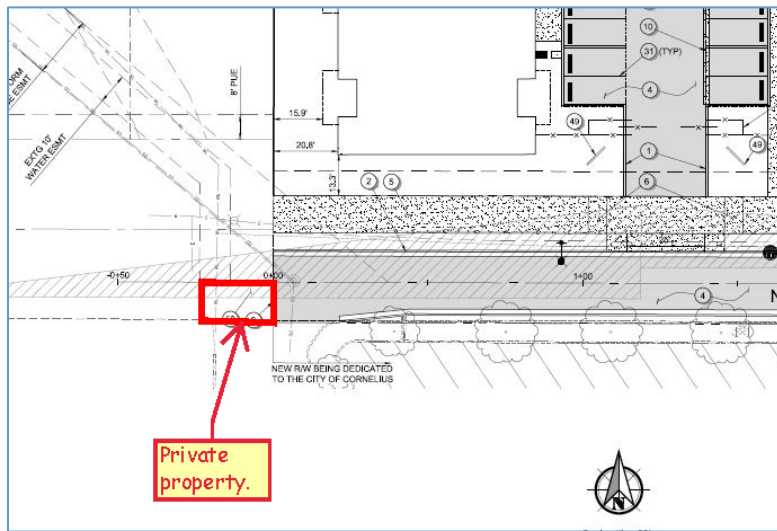
The geometric configuration for N. Davis Street shown in the preliminary plans meets the city's Public Works Standards and is acceptable. The Baseline frontage is complete with curb/gutter and sidewalk, so no improvements in those areas are required by the City.

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

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

ODOT may have additional requirements for the Baseline Street frontage and the existing signalized intersection of Baseline St. with the Fred Meyer driveway.

Finally, a small section of private property exists at the west end of N. Davis Street that prevents the Calida portion of the new N. Davis Street collector from fully connecting with the Plaza Los Amigos portion of N. Davis Street. This piece of private property is on tax lot IN334CD00301 and shall be included in the dedication for N. Davis Street as shown in the drawing below. This shall be a condition of approval.



The applicant is in the process of acquiring the land from the property owner, Tom Moyers Theaters, LLC, who is also the property owner for this proposed preliminary partition plat and site design review. The right-of-way is incomplete for N. Davis Street on the west end of the project is incomplete without this piece. As such, the applicant shall cause this piece of private property to be dedicated as right-of-way for N. Davis Street. The full extent of Davis Street from its terminus at the Plaza Los Amigos project easterly to the eastern property line of this proposed development shall be dedicated and constructed to the Collector standard. This shall be a condition of approval.

The right-of-way dedication, including the connector piece on the west end of Tax Lot 1N334CD00301, shall be shown on the final plat. This shall be a condition of approval.

The preliminary partition plat includes a private access easement running north-south along the western edge of the property from the new extension of N. Davis Street south to Baseline Street. This private access easement shall be shown on the plat clearly identifying it as a private access easement and not subject to City maintenance and/or enforcement. This shall be a condition of approval.

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

(2) The proposal complies with all applicable statutory and ordinance requirements and regulations; and

Findings: 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-01-22) 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. At the time of development, the Applicant shall comply with all applicable CWS requirements. This shall be a condition of approval.

The applicant has provided a Provisional Letter from CWS, regarding a possible wetland on the site. Prior to application for Final Plat review, a final Service Provider Letter from CWS shall be submitted. This shall be a condition of approval.

Conclusions: 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; and

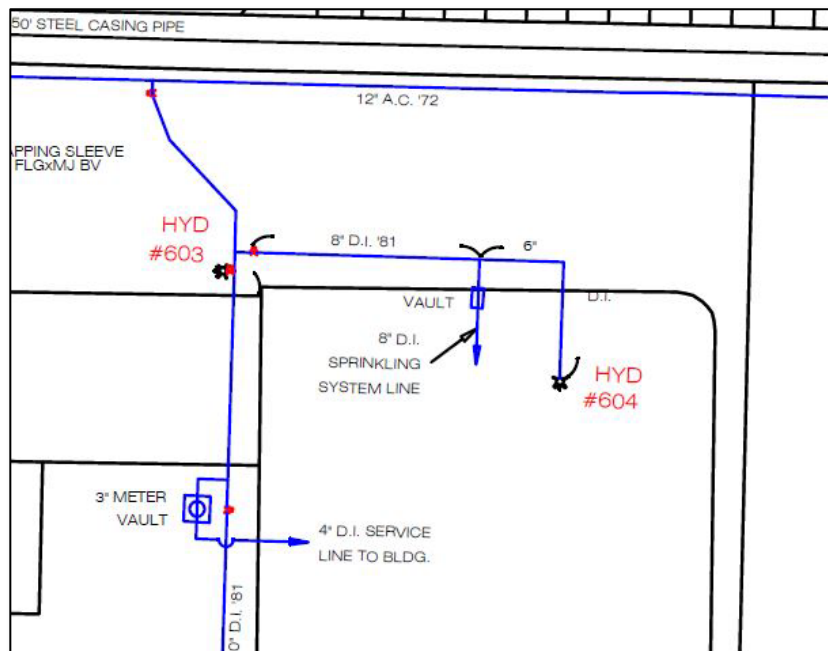
Findings: City Engineer Terry Keyes reviewed the submittal and had the following comments regarding the public facilities:

Water

The applicant proposes to construct an 8” public water main through the project from Davis Street on the west side of the project to Baseline. The public main will be located through the center of the project thereby allowing very efficient placement of fire hydrants and connections to the buildings.

The preliminary plans do not show a connection for the existing hydrant (#604) and 8” sprinkler system line for the Fred Meyer site. These are now fed by an 8” DI water main that runs under the Fred Meyer driveway that will be replaced by the publicly dedicated N. Davis Street collector as shown in the drawing below.

The final engineering plans need to connect the proposed water mains in the Calida project with these existing public water mains on the Fred Meyer property.



Sanitary Sewer

The applicant proposes to serve the site primarily with private sanitary sewers. The portion of the project north of Davis Street will flow north into the existing public sanitary sewer running along the north edge of the project. The sections south of Davis will drain to the

public sanitary sewer in Baseline. The Baseline connection will include 235 feet of public sanitary sewer running north along the eastern property line. This approach to providing the project with sanitary sewer is acceptable to the City.

Stormwater

The stormwater system serving the parcels will be private. The pipes, treatment swales, and detention systems are all proposed to be privately maintained. Treatment and Low-Impact Development Approaches (LIDA) requirements will be met with biofiltration swales. Detention requirements will be met with underground storage chambers.

The stormwater system serving the public Davis Street will be public. It also will use biofiltration swales and underground detention.

These approaches are acceptable to the City. The City will review the stormwater system in more detail during final plan review.

Erosion Control

The site requires preparation and submittal of erosion control plans meeting the CWS requirements for 1200-C. Normally, these plans accompany the stormwater treatment plans.

To ensure compliance with the aforementioned requirements, a performance bond is required for all public infrastructure construction, erosion control, stormwater detention & treatment facilities (public and private). This shall be a condition of approval.

After construction, maintenance bonding is required for public infrastructure and stormwater detention & treatment facilities. This shall be a condition of approval.

The landowner is required to sign a *Private Stormwater Facility Maintenance Agreement* to ensure long-term maintenance of private stormwater detention and treatment facilities. This shall be a condition of approval.

If the project is gated, the applicant shall provide ready access to public water and sewer mains to Public Works crews for maintenance and emergencies. 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 chapter; and

Findings: The Gateway Mixed-Use Zone (GMU) zone contains no minimum lot size requirement. The minimum front setback requirement is 0 feet and the maximum is 10 feet for this zone.

Front setbacks for Buildings 2, 4, 7, 8, 9, 11, and 13 are not applicable because they are behind the facades of buildings that are closer to the streets for which the front yard setbacks apply. The intent of the maximum front yard setback requirement is to ensure that buildings are close to the street, which is being met by the buildings closest to the front lot line.

The minimum side and rear building setback in the GMU zone is 0 feet. There are no maximum side or rear setback distances; therefore, the proposal complies with side and rear setback requirements.

The Applicant's plans include exterior elevations (Sheets A3.01-A3.13) that demonstrate compliance with the height restrictions found in CMC 18.75.050.C. Maximum height is 3 stories or 45 feet, whichever is less. Building heights range between 29' 8" to 38' 11" and buildings are no taller than 3 stories. The development complies with building height requirements.

A minimum of 10% of the subject site (which is comprised of all lots within the development for the purposes of this calculation), must be landscaped and maintained free of buildings, pavement or any other form of impermeable cover pursuant to CMC 18.75.050(D). Ten percent of the lot area equates to 63,966 square feet. As shown on the Planting Legend, Details & Notes on Sheet #L101, the development contains 159,390 square feet of landscaping, or 32% overall landscaping coverage. The development complies with lot coverage requirements.

Conclusion: Based upon the findings above staff concludes this criterion is met.

(5) All proposed improvements meet city standards.

Findings: The right-of-way dedication for N. Davis Street shall connect with the right-of-way dedication to the west of the project. A piece of right-of-way at the west end of 1N334CD00301 is required to ensure that the proposed improvements to N. Davis Street can be completed to the Collector Standard. With the dedication shown on the final plat, this criterion can be met.

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

(D) Required Improvements. For any partitioning of land, where applicable, the following design and development standards and requirements may apply to partitions. These standards shall apply at the point of construction of improvements and/or land developments. The community development director shall have the authority to impose any such standards or requirements as conditions of approval.

(E) Streets. The location, width and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by such streets. Where location is not shown in the comprehensive plan, the arrangement of the streets in a land division shall either:

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

(2) Conform to standards adopted by the city. All streets shall be designed in accordance with standards set forth in the adopted Cornelius public works standards.

All streets and alleys within the development and those adjacent streets which directly serve the development shall be fully improved, including grading, base grade, paving, and installation of curbs, all constructed to design specifications as approved by the city engineer. All streets to be constructed and/or improved shall comply with the minimum street improvement standards contained in this title. In cases where physical conditions warrant it, special soils analysis or engineering designs may be required by the city engineer. In addition, where a proposed partition abuts a substandard arterial or collector street, the developer shall provide to the community development director, prior to final plat approval, adequate guarantees that, within

one year from the issuance of a building permit for construction within the development, such abutting arterial or collector street or streets shall be improved in a manner which is compatible with the standards for streets contained in this title. Adequate guarantee shall consist of formation of a local improvement district or provision of a security in an amount sufficient to cover the estimated actual improvement cost, plus 15 percent.

Findings and Conclusion: The provision of public streets and utilities adequate to serve the proposed development is discussed above in this Chapter. The necessary conditions of approval are identified to ensure full compliance of this development with city standards. Staff concludes these criteria are met, with conditions.

(F) Easement.

(1) Utility Lines. Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated. Easements for water, sewer, or drainage on interior lot lines shall be 20 feet in width, the center line of which shall be the lot lines. Easements for water, sewer, or drainage along exterior lot lines shall be 20 feet in width, except no easement will be required for those lot lines paralleling a street or other public way. Tie-back easements shall be six feet wide and 20 feet long along lot side lines at change of direction points of the lot lines. Easements for utilities such as electrical, gas, cable, and fiber optics (public utility easement, or PUE) shall be dedicated along all right-of-way frontages, including woonerfs, and shall be eight feet in width. A PUE is not required along the right-of-way of an alley, unless a parcel on an alley does not also front on a street or woonerf directly.

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

Findings and Conclusion: Sheet C300 of the submitted Preliminary Plat Plan Set identifies all proposed easements. An 8-foot-wide public utility easement is shown along both sides of N. Davis Street. A 20-foot-wide water easement runs east-west through proposed Parcel 1, then turns south and runs north-south, in the location of the proposed driveway in Parcel 2 and connecting west to the proposed private access drive location before entering Parcel 3. A 15-foot-wide sanitary sewer easement runs along the eastern boundary of Parcel 3. An existing public utility easement runs along the Baseline Street frontage of Parcel 3. A 30-foot-wide public stormwater tract is proposed on Parcel 2 adjacent to the south side of N. Davis Street on the east side of the site. An existing 20-foot-wide sanitary sewer and water line easement runs along the northern property line of Parcel 1. A 15-foot-wide storm drainage easement runs along the northern and eastern property line of Parcel 1. While this falls short of the 20-foot-width requirement of this section, it is adjacent to the ODOT rail right-of-way, considered an “other public way”, and therefore the minimum width requirement does not apply. All easements will be of adequate width as shown on submitted plans. Staff concludes this criterion is met.

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

(H) Access. Each lot shall abut upon a public street, for a distance of at least 20 feet, and comply with CMC [18.143.050](#), Access standards.

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

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

(K) Street Trees. Trees shall be installed along street frontages in accordance with the adopted Cornelius public works standards. Actual location and spacing of trees shall be at the discretion of the city engineer.

Findings and Conclusion: Lot size, lot shape, access, dedications, utilities and street trees have been discussed previously in this report and are either shown to meet City standards on the proposed plans or conditioned to do so. The re-plat (3-lot partition) will result in 3 parcels that are 7.53 acres, 5.29 acres and 1.87 acres in size, as well as a 50-foot-wide right-of-way dedication for N. Davis Street traveling generally east-west through the site (between Parcels 1 and 2) and totaling 1.16 acres in size. As discussed and conditioned previously, additional ROW dedication of the small area west of this site in the N. Davis Street alignment is needed to connect the public street and meet the provisions of the City's Transportation System Plan (TSP). Staff finds that these criteria are met.

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

(a) Streets.

(i) All streets, including alleys.

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

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

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

(v) All streets shall be built in accordance with adopted Cornelius public works standards and the adopted Cornelius transportation system plan.

(b) Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the land division to connect the land division drainage to drainage ways or storm sewers outside the land division. Design of drainage shall be in accordance with adopted Cornelius public works standards and shall allow for the extension of the system to serve other areas.

(c) Sanitary Sewers. Sanitary sewers shall be designed in accordance with adopted Cornelius public works standards and installed to serve the land division and to connect the land division to existing mains.

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

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

- (i) For all land divisions, the developer shall pay a per tree security to the city. The surety bond shall be based upon the number of trees included in an approved street tree plan.*
- (ii) Trees shall be planted in accordance with the adopted Cornelius public works standards.*
- (f) Bike and Pedestrian Ways. Bike and pedestrian ways shall be constructed according to adopted Cornelius public works standards.*
- (g) Other improvements reasonably related to the impacts of the development which may be required at the partial or total expense of the developer:*
 - (i) Improvement of arterial and collector streets providing primary access to land division streets.*
 - (ii) Signals, traffic control devices, and traffic calming devices.*
 - (iii) Intersection improvements.*
 - (iv) Parks and open space shall be improved as required by the city and/or appropriate jurisdiction.*
- (h) Street Lights. Street lights shall be installed in accordance with adopted Cornelius public works standards.*
- (i) Curb cuts and driveway installations are not required of the developer but, if installed, shall be according to adopted Cornelius public works standards.*
- (j) Internal sidewalks or pathways shall be provided to ensure safe and convenient pedestrian circulation throughout the development.*

Findings: All improvement requirements were discussed and, as necessary conditioned, previously in this report. The proposed circulation plan includes a private access easement area on the west side of Parcels 2 and 3, south of where N. Davis Street turns to the east. This private access easement is existing and is necessary for safe internal circulation and fire department access. This private access easement does not qualify for TDT credits as it will be kept in private ownership for the benefit of the users of these 3 parcels. Staff finds that these criteria are met.

Land Division Conclusions: In Conclusion, the proposal to partition the property into three separate tax lots and to dedicate the right-of-way for N. Davis Street, meets the criteria for land partition in Chapter 17.05 Land Divisions, with the conditions of approval.

**B. 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:

- (A) General retail.*
- (B) Indoor recreation and entertainment, including but not limited to pool hall, internet and video game center, dance hall or theater, fitness or sports facility, when enclosed in a building.*
- (C) Service commercial, including but not limited to barbers, banks, laundry, or dry cleaning. Drive-up window, drive-in, or drive-through facilities in conjunction with these uses.*
- (D) Sales, service or repair of nonmotorized sporting equipment, such as bicycles, skis, snowboards, skates, and general sporting goods, inclusive of electric bicycles and stationary exercise machines that incorporate motors such as treadmills.*
- (E) Office, business, professional, medical/dental, or veterinarian.*
- (F) Restaurant, eating and drinking establishments. May include drive-up window, drive-in, or drive-through facilities. May include outdoor seating areas, subject to CMC [18.75.060\(G\)](#).*
- (G) Commercial lodging, including hotel or motel.*
- (H) Multi-family dwelling units, subject to CMC [18.75.065](#).*
- (I) Single-family attached dwelling units, subject to CMC [18.75.065](#).*
- (J) Theatrical arts or cultural performance center.*
- (K) Health care and social service offices.*
- (L) Certified child care center.*
- (M) Type “A” or Type “B” mobile vendor, as described in Chapter [5.35](#) CMC.*
- (N) Outdoor display and storage, subject to CMC [18.75.060\(H\)](#).*

Findings: The proposal includes 330 apartment units and 16 live work units that have commercial space on the ground floor. The Applicant has indicated that the commercial uses within the live work units will likely be Service commercial or Office, commensurate with the allowances of Subsections (C) and (E) above. All residential units proposed are multi-family dwelling units. Compliance with CMC 18.75.065 for the multi-family residential units can be found elsewhere within this report.

18.75.030 Conditional uses permitted.

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

- (A) Research and development.*
- (B) Light industrial uses principally permitted under CMC [18.54.020](#), except those specifically listed in CMC [18.75.040](#).*
- (C) Government structure or use including but not limited to public and private park, playground, library, museum, fire station, post office, community center, noncommercial recreational facilities.*
- (D) A planned unit development conditional use as provided under Chapter [18.110](#) CMC.*
- (E) Service stations and fuel distribution, provided storage tanks are underground.*
- (F) Aboveground utility yard.*
- (G) Commercial parking lot or garage.*
- (H) Building height in excess of 45 feet, subject to CMC [18.75.050\(C\)\(2\)](#).*
- (I) Outdoor display or storage in excess of the allowances in CMC [18.75.060\(H\)](#).*

Findings: The Applicant has not indicated that any of the above conditional uses are included in the proposal; therefore, this criterion is not applicable.

18.75.050 Development requirements.

(A) Lot Size. No minimum lot size is required. All lots must be functional and meet the minimum setback and parking requirements.

(B) Setback Requirements. For purposes of this section, the frontage with the higher street classification shall be deemed the front lot line for any lots with multiple frontages.

(1) Front Setbacks. The front building setback shall be a minimum of zero and a maximum of 10 feet, unless the setback area is developed as an enhanced setback area consistent with CMC [18.75.060\(D\)](#). No vehicular parking, storage, access or other use is permitted within the front yard setback, except for a single driveway to access an off-street parking area.

(2) Side Setbacks. The minimum building setback at a side lot line shall be zero. No vehicular parking, storage, access or other use is permitted within the street side yard setback, except for a single driveway to access an off-street parking area.

(3) Rear Setbacks. The minimum building setback at a rear lot line shall be zero.

(4) Clear vision areas shall be maintained at all intersections.

(C) Height of Buildings.

(1) Buildings shall be a maximum of three stories or 45 feet in height, whichever is less.

(2) 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.

(D) Lot Coverage. A minimum of 10 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.

Findings:

Lot Size

The Gateway Mixed-Use Zone (GMU) zone contains no minimum lot size requirement.

Setbacks

The minimum front setback requirement is 0 feet and the maximum is 10 feet for this zone, unless superseded by sections of code that govern setbacks for specific types of development (e.g., ground-floor residential development). Buildings 4-16 constitute ground-floor residential development and are therefore governed by the setback requirements of CMC 18.75.065(G)(4)-(6). A discussion of compliance for Buildings 4-16 can be found in this section. Building 3 is an amenity building that is an accessory to the ground-floor residential development use and is therefore subject to the same requirements as Buildings 4-16 for the purposes of calculating setback requirements.

Buildings 1 and 2, as depicted by the Applicant's plans set on Sheets C200-C206 and further discussed by the Applicant's narrative in CMC 18.75.065(G)(4)(6), would be subject to the front yard setback of 0 to 10 feet. However, these two buildings are not "front" buildings (fronting onto N. Davis Street, the higher classification street so the "front" per this section), as there are residential-only buildings intervening between Buildings 1 and 2 and N. Davis Street. This code provision for front setback for non-residential buildings does not lend itself easily to sites with

multiple buildings and, therefore, cannot easily be applied to Buildings 1 and 2 of this proposal. Staff finds that the proposal complies with the intent of the GMU setback standards.

Side and rear setback requirements for the GMU zone are a minimum of 0'; therefore, the proposed side and rear setbacks for Buildings 1 and 2 comply.

Height

The Applicant's plans include exterior elevations (Sheets A3.01-A3.13) that demonstrate compliance with the height restrictions found in CMC 18.75.050.C. Building heights do not exceed 39' 3" and buildings are no taller than 3 stories. The development complies with building height requirements.

Landscaping

A minimum of 10% of the subject site (which is comprised of all lots within the development for the purposes of this calculation), must be landscaped and maintained free of buildings, pavement or any other form of impermeable cover pursuant to CMC 18.75.050(D). 10% of the lot area equates to 63,966 square feet. As shown on the Planting Legend, Details & Notes on Sheet #L101, the development contains 166,854 square feet of landscaping, or 26% overall landscaping coverage. The development complies with lot coverage requirements.

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

18.75.060 Design requirements.

Findings: CMC 18.75.060 does not apply to ground-floor residential uses as described in the beginning section of CMC 18.75.065. Buildings 4 through 16 contain ground floor residential uses and Building 3 serves an accessory non-residential function; therefore, CMC 18.75.060 does not apply to buildings 3 through 16. The standards are, however, applicable to buildings 1 and 2, as their ground floors contains commercial space. The following is a discussion of compliance with CMC 18.75.060 for Buildings 1 and 2.

(A) Building Frontage on Major Streets. For lots with frontage on Baseline Street, Davis Street, N 19th/20th Avenue or N 26th Avenue, buildings shall occupy 50 percent of the width of the parcel's frontage on these major streets with a maximum front setback of zero feet. The following exceptions shall apply:

- (1) Up to 40 percent of the building frontage may be set back up to 20 feet if the setback area is developed as an enhanced setback area consistent with subsection (D) of this section or outdoor seating area consistent with subsection (G) of this section; and/or*
- (2) A chamfered corner for a building at the intersection of two streets may be set back from the lot frontage for a maximum width of 20 feet along the lot frontage; and/or*
- (3) Lots or portions of lots developed as a public park or open space shall be exempt from this standard.*

Findings: Buildings 1 and 2 are not located on a major street. N. Davis Street, as shown on the Applicant's plans, curves east-west away from Building 1's frontage. Buildings 1 and 2 will contain frontage on private accessways instead; therefore, Subsection A. is not applicable.

(B) Entrances and Orientation. Building entrances shall define the building's orientation toward the street. Buildings shall be oriented with regard to creating visual exposure from both the highway and from within the district and other uses, through consideration of location, design and relationship of entry doors, pedestrian access and vehicular circulation that does not create significant conflicts with pedestrian circulation, and loading docks, etc. Buildings may need to be designed with multiple fronts, much like occurs on corner lots where exposure to the building is from more than one street.

(1) Main Entrances. Buildings shall provide at least one main entrance facing the street. For lots with a frontage along Baseline Street, Davis Street, N 19th/20th Avenue or N 26th Avenue, at least one main entrance shall face these major streets or be oriented to the corner of two streets. Main entrances shall be clearly defined and distinguished from other parts of the building by at least one of the following design elements:

(a) Recessed entry.

(b) Entry surrounds such as arches, columns, insets and design elements above and/or flanking the entrance.

(c) Transom windows above the entrance door.

(d) Weather protection consisting of permanent canopies, awnings, or arcades; canvas or fabric awnings are not considered permanent for the purposes of this standard because of their short life span.

(2) Secondary Entrances. Secondary entrances shall be provided for buildings with multiple fronts, to provide direct and convenient entrances for users arriving via all modes of transportation.

(3) All entrances shall be served by a direct and convenient pedestrian connection to the street sidewalk and/or internal pathway system.

(4) All entrances must have a light source to illuminate the entrance.

Findings: The Applicant describes that Buildings 1 and 2 will feature at least one main entrance (namely, to the primary retail space shown on the elevations) with weather protection pursuant to Subsection (d), and adequate secondary entrances for Building 2, which contains multiple frontages. As shown on the lighting plan provided by the Applicant, all entrances are illuminated by a light source. Entrances are served by pedestrian connections that connect to the internal pedestrian network and public sidewalks. This standard is met.

(C) Pedestrian Connectivity. All sites shall provide internal pedestrian connections between individual buildings, through parking areas, and between parking areas and buildings, linking to the nearest street and/or transit stop. Pedestrian connections shall be direct, safe, and separated from vehicular traffic. Pedestrian pathways shall also be coordinated within the district to connect uses and buildings.

Findings: As demonstrated on the submitted plans in Exhibit 'A', internal pedestrian connections have been provided throughout the site, connecting the project directly to N. Davis Street, the site amenities, in between buildings and throughout parking areas. This standard is met.

(D) Enhanced Setback Area. All setback areas between buildings and the street allowed under subsection (A)(1) of this section shall be enhanced with the following improvements:

(1) A paved area for use by pedestrians incorporating permanent amenities such as textured paving, planters connected to the earth and planting areas, seat walls and fences a maximum of

42 inches in height, outdoor lighting, short-term bicycle parking, kiosks, colonnades, drinking fountains, public art, etc.; or

(2) A landscaped area incorporating ground cover and shrubs with a mature height of less than five feet to maintain visibility between buildings and the street, achieving 80 percent plant cover at maturity; or

(3) A combination of the above and/or outdoor seating areas per subsection (G) of this section.

Findings: As mentioned above, Subsection (A) is not applicable to Building 1 or 2 as they contain frontage along a private accessway, not N. Davis Street; therefore, enhanced setback areas are not applicable.

(E) Windows.

(1) Windows, doorways and other openings along the ground-floor facade shall be arranged to prevent a blank length of wall more than 20 linear feet along any facade facing a public street, off-street parking area, open space or public park, or internal pathway system. A blank wall is a wall that contains no openings such as windows or doorways within the ground-floor wall area.

(2) Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used for ground-floor windows.

Findings: The ground floor façade has windows spaced less than 20 feet apart with the longest stretch of blank wall at 19'10". No glass curtain wall, reflective glass, painted or darkly tinted glass is proposed for ground-floor windows. This standard is met.

(F) Facade Design.

(1) Building Top. The building top must be distinguished from the building facade by a cornice, wall cap, or eaves provided with a pitched or overhung roof.

(2) Building Base. Buildings of three stories or more shall incorporate features to distinguish the base of the building from the upper stories, including:

(a) A horizontal architectural element such as a masonry string course, ledge, or band that projects or recesses from the building face and extends across the facade.

(b) Use of distinct materials on the ground floor compared to upper stories to create a solid foundation. Ground-floor materials shall be finished concrete, stone, brick, masonry or similar as determined by the community development director as the predominant facade material.

Findings: Buildings 1 and 2 feature designs that incorporate a masonry veneer at the ground floor in contrast to darker fiber cement panels found on the remaining levels of the building (Floors 2 & 3). The upper floors incorporate varying height and contain projecting shed roofs, providing for a distinguished building façade with an overhung roof. The Applicant provided an Exterior Materials Board on Sheet A9.01 of the Plans Set that demonstrate the use of horizontal architectural elements, such as masonry veneer, wood-look siding, and fiber cement panels in dark and medium grays. This standard is met.

(G) Outdoor Seating Areas. Outdoor seating areas are encouraged to increase pedestrian activity and interest along the street.

(1) Outdoor seating areas, excluding any portion located within the sidewalk, shall be permitted on up to 25 percent of the gross site area.

- (2) Outdoor seating areas are permitted anywhere on site, including within the enhanced setback area and the sidewalk fronting the site, as approved by the city engineer, and the Oregon Department of Transportation in cases where the Baseline Street right-of-way is affected. A minimum width of six feet shall be maintained for pedestrian movement along the sidewalk.*
- (3) Outdoor seating areas shall be approved through a site design review.*

Findings: There are multiple spaces on the site which could be used for outdoor seating, totaling approximately 3.2% of the gross site area (“GSA”). The gross site area is 639,633 square feet, permitting a maximum of 159,915 square feet of outdoor seating area, or 25% of the GSA. The Applicant proposes 20,459 square feet of outdoor seating, which is well under the 159,915 square foot maximum described in this standard.

There are multiple areas and spaces which contribute to the pedestrian interest and activity, both interior to the space and at the street edge. The proposal includes a Memorial Area of 1,822 square feet between Buildings 4 and 6, which contain access to the proposed pedestrian circulation system and abuts right-of-way along the proposed private access. The Applicant describes that two to four secured benches of an appropriate and durable style would be included at the perimeter of this area to provide seating and opportunities to gather, as well as trees to provide canopy and buffering to Buildings 4 and 6.

A parklet area is proposed south of Building 4, comprised of 3,152 square feet. The Applicant describes that while this space is more informal and appears to be more of a lawn area for residents and pedestrians to rest and gather, it could contain two secured benches. A pool area of 10,839 square feet, to be located east of Building #3, is also included with the proposal. This pool area will feature moveable furnishings such as deck chairs and seating at tables to allow for flexible and active use of this space. Cornelius Municipal Code Chapter 15.15 requires a permit to construct a swimming pool. This permit shall be required prior to submittal of Building Permits. This shall be a condition of approval.

Lastly, the Applicant proposes both a plaza and seating area, both of which are south of Building #2 and outside of the fenced areas, for residents and the general public to use. The plaza area (3,612 square feet) will contain approximately three tables that seat at least four people, and the corner seating area (1,034 square feet) will likely have 2-3 secured benches and 2-3 café tables.

All outdoor seating area spaces have been programmed with seating which reflects the surrounding area and expected uses as described above. There is no outdoor seating proposed within the right-of-way. The outdoor seating is proposed in conjunction with this site design review application. This standard is met.

(H) Outdoor Display and Storage.

- (1) Outdoor display of merchandise and vendors shall be permitted within the enhanced setback area and the sidewalk, as approved by the city engineer, and the Oregon Department of Transportation in cases where the Baseline Street right-of-way is affected. Such outdoor display shall be limited to plants, gardening/floral products, food, books, newspapers, clothing, bicycles,*

and similar small items for sale or rental to pedestrians (i.e., non-automobile-oriented), and shall only be displayed during business hours. A minimum width of six feet shall be maintained for pedestrian movement along the sidewalk.

(2) Outdoor storage outside of business hours shall only be located to the side or rear of the lot and shall not be located on the sidewalk or the enhanced setback area. Such storage may only be approved through a site design review, which may include conditions limiting the size and requiring screening of such storage.

(3) Outdoor storage and display, excluding any portion within the sidewalk, shall not exceed 20 percent of the gross site area unless approved as a conditional use.

Findings: There is no outdoor display or storage proposed or anticipated with this site design review application. This standard is not applicable.

(I) Screening. Screening shall be required to buffer commercial, employment and residential uses, including associated parking areas, from exposed outdoor storage areas, aboveground utility yards, and abutting properties zoned for industrial use. Screening shall consist of a 10-foot landscaped buffer at least six feet in height at the time of maturity, with one row of evergreen trees planted 25 feet on center and shrubs every five feet on center, or as otherwise determined appropriate by the design review committee, consistent with the intent of this screening.

Findings: East of the proposed development, along the northern property line, the land is zoned light industrial. A self-storage facility with outdoor covered parking for RV's, autos, and boats abuts the site north of the proposed extension of Davis Road. Additionally, on the east end of the site along the area of the sport court and Building 5, there is an industrial property with many outbuildings. Therefore, the Applicant will be required to provide screening in accordance with this standard along the eastern property boundary. Because a 15' utility easement is found in the area where a 10' buffer is required per this standard, the Applicant proposes to incorporate a fence in combination with evergreen shrubs measuring 8' wide by 5' high at maturity in lieu of planting evergreen trees planted 25' on center. Sheets L104 through L106 show that no trees are to be planted within the existing 15' storm drainage easement. Staff finds that the proposed buffer, given the existence of the 15' utility easement in the required buffer area, meets the intent of this screening standard. This standard is met.

(J) Landscaping. A minimum of 10 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.

(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.

(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.

(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.

(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.

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

Findings: The proposed landscaping covers 26% of the site based on the 639,663 square foot site area. Calculations can be found on the Applicant's provided plans on Sheet L101. The Applicant's proposal exceeds the minimum landscaping required, proposing 166,854 square feet of landscaping where 63,966 square feet is required.

The landscaped areas can be found along the walkways, patios and plazas that provide linkages between buildings, uses and activity areas. The landscaping is proposed in a manner that refines space between buildings, pedestrian and vehicular circulation elements as shown on the various sheets of the Landscape Plan (L101-L110). Landscaping elements, including trees of various appropriate species, can be found throughout the parking lot areas between buildings and the perimeter of the site. The proposed landscaping provides an adequate buffering between the buildings, pedestrian areas and parking lots. The proposed landscaping is also incorporated in and around pedestrian walkways and areas, such as the corner plaza area south and east of Building 2, surrounding the pool area and recreation center, and around the dog park area. The Applicant indicated on Sheet L101 that watering shall be accomplished using a temporary irrigation system or with individual portable tree watering devices such as gator bags. The Applicant is required to maintain the proposed vegetative landscaping with a functioning irrigation system. This standard is met.

(K) Trail Corridor Landscaping. A 30-foot-wide landscaping buffer is required along the northern property line abutting the ODOT Rail/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 subsection (J) of this section, except that paved pedestrian and bikeways may be integrated into the buffer area.

(2) 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.

(3) 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 30-foot-wide landscaping buffer along the northern property line, separating the development from the ODOT Rail/future Council Creek Regional Trail corridor, is proposed by the Applicant as shown on the provided plans. The Applicant has indicated that this area will include mature Oregon white oak trees where feasible. Additionally, this area will be planted with Oregon wildflower seed to assist in maintaining the Oak trees free from irrigation. A fence is not proposed in this area. This standard is met.

(L) Residential Open Space. Vertical mixed use developments containing 20 or more residential units shall provide at least 100 square feet of open recreational space per unit provided in common open space. Such space will be considered part of the landscaping required by subsection (J) of this section, 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: Subsection (L) is a part of Section 18.75.060, which only applies to mixed-use development; therefore, this standard only takes into consideration buildings that are mixed-use, which is solely comprised of Buildings 1 and 2. Buildings 1 and 2 together contain 16 live-work residential units, requiring 1,600 square feet of open recreational space per the above standard. The proposed dog park, sport court, memorial area, pool, corner plaza area, clubhouse and amenity building, parklet, and open landscape area are 88,997 square feet when added together, far exceeding the minimum open space requirement. The following is a breakdown of each open space amenity in relation to its provided square footage.

Amenity	Square footage
Dog Park	968
Sport Court	11,739
Memorial Area	1,822
Pool	10,838
Corner Plaza Area	1,034
Clubhouse/Amenity Building	4,000
Parklet	3,152
Open Landscape Area	51,832

This standard is met.

(M) Lighting. Adequate exterior lighting shall be provided to promote public safety, to illuminate pedestrian pathways and parking areas, and shall be designed to avoid unnecessary or undesirable glare into the street or upon other properties, particularly those outside of the district.

Findings: The project lighting has been designed to provide safety for the users of the site while incorporating standards for shielding to reduce light trespass on the adjacent properties and open space. All egress and parking lot lighting will be designed meet foot candle requirements. All other lighting for the project will be landscape in nature such as path or bistro lighting. The Applicant provided details of lighting locations and details demonstrating compliance with this standard on the Electrical Site Plan Photometrics, Sheets E0.1-E1.1B. This standard is met.

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.

Findings: Buildings 1 and 2 are the only vertical mixed-use development buildings found within the proposal and are therefore not subject to these standards. Buildings 4 to 16 contain ground-floor residential uses and are therefore subject to the requirements of CMC 18.75.065 as discussed below. Building 3 is an amenity building that does not constitute residential development. This standard is met.

(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.

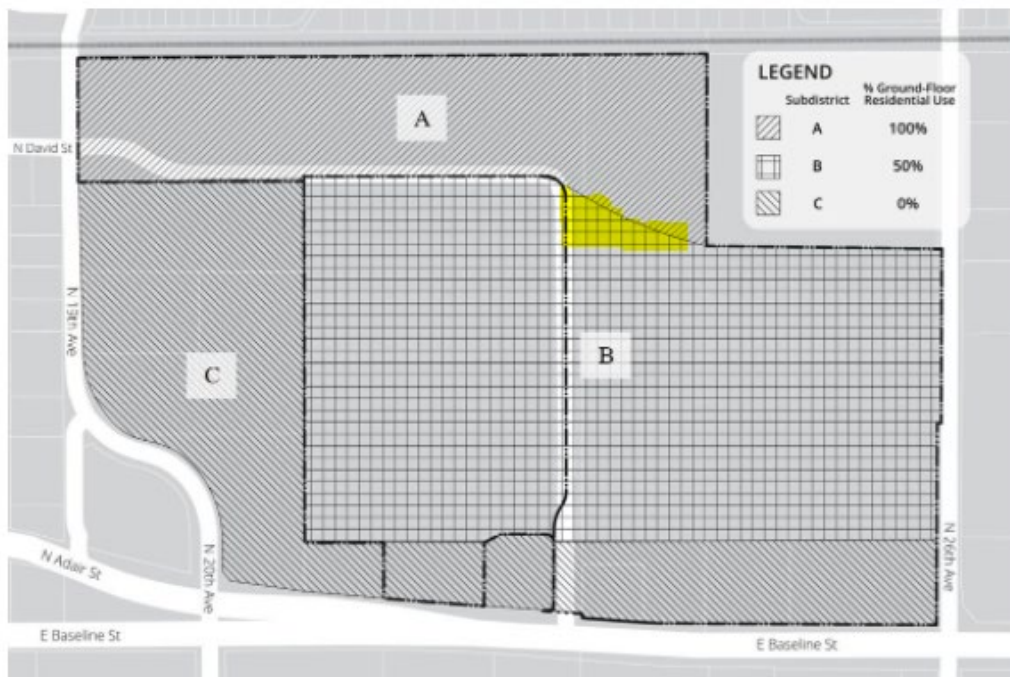
(2) In subdistrict B, up to 50 percent of a lot or multiple lots if developed concurrently may be developed as ground-floor residential uses, including parking to serve residential uses.

(3) In subdistrict C, no ground-floor residential uses are permitted.

Findings: The ground-floor residential use buildings found within this project are within both Subdistrict A and B, permitting 50% ground-floor residential use in some areas 100% ground-floor residential use in others. The demarcation point between the two is shown by the Applicant on Sheet A0.10 of the plans set. Buildings 4-6 are within Subdistrict B, allowing 50% ground floor residential units, and Buildings 7-16 are within Subdistrict A, allowing 100% residential ground floor units. Since Subdistrict A allows for 100% residential ground floor units, calculations demonstrating compliance with this section are not required. Figure 1 below shows the Applicant's demarcation point, while Figure 2 shows the demarcation point found within the CMC.



Excerpt from Sheet A0.10 of the Applicant's submittal



CMC 18.75.065-1: GMU Subdistricts with identified area highlighted

Staff notes that Figure 18.75.065-1: GMU Subdistricts of the CMC depicts a demarcation point between Subdistrict A and B on the subject site that is slightly different from that which is shown by the Applicant. As shown in Figure 2 above, the highlighted area is within Subdistrict B, not Subdistrict A; however, staff concludes that the intention of the sloped demarcation point shown above is to follow the future alignment of N. Davis Street. The Applicant proposes a sharper turn for N. Davis Street as shown on Figure 1, which staff deems an acceptable alignment. For these reasons, the alignment proposed by the Applicant is deemed acceptable in that the difference in demarcation points is very minor and a new alignment of N. Davis Street was deemed acceptable by staff.

The total square footage of the area within Subdistrict B, as verified on Sheet A0.10 of the Applicant's plans set, is 230,426 square feet. The ground-floor residential areas equal 79,002 square feet or 34%, while the commercial ground floor areas of the live-work units and the leasing office measure 151,424 square feet or 66%; therefore, the Applicant proposes 34% of Subdistrict B. comprised of ground-floor residential uses and associated parking intended for residential uses.

Because Subdistrict B of the Gateway Mixed-Use zone is intended to be 50% ground-floor commercial, staff recommends a condition of approval to guarantee the perpetuation of the ground-floor commercial uses, such as a deed restriction on Parcel 2 of the proposed partition plat requiring a minimum of 50% ground floor commercial development. The Applicant may have an alternate proposal for review and approval by the Planning Commission guaranteeing a minimum of 50% commercial on Parcel 2.

(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: There are no single-family attached residential units proposed with this application. This standard is not applicable.

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

Findings: The net acreage of Parcel 1, north of N. Davis Street is 7.53 acres, on which 258 dwelling units are proposed for a density of 34 units per net acre, exceeding the 18 units per net acre minimum. Parcel 2, south of N. Davis Street, includes a mix of ground-floor residential uses, ground floor commercial and live-work units. However, the area of this parcel that is proposed strictly with multifamily residential (north of and including east-west driveway access) is approximately 3.78 acres, on which 72 dwelling units are proposed for a density of 19 units per net acre of ground-floor residential uses, exceeding the 18 units per net acre minimum. Therefore, this standard 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 development proposes 330 residential units, requiring 49,500 square feet of usable open space. As verified by staff, the Applicant's narrative and plan set demonstrate that approximately 89,000 square feet of usable open space is being proposed. This includes the following:

Amenity	Square footage
Dog Park	968
Sport Court	11,739
Memorial Area	1,822
Pool	10,838
Corner Plaza Area	1,034
Clubhouse/Amenity Building	4,000
Parklet	3,152
Open Landscape Area	51,832

A separate open space requirement relates to the 16 live/work units found in Buildings 1 and 2 and is discussed elsewhere in this report. The same open space calculations above were used to demonstrate compliance with that requirement. When both open space area requirements are

combined, the amount of open space proposed still exceeds the minimum open space required. This standard 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.

(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.

(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.

(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.

(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.

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

Findings: The proposed landscaping covers 26% of the site based on the 639,663 square foot site area. Calculations can be found on Sheet L101 of the Applicant's provided plans. The Applicant's proposal exceeds the minimum landscaping required, proposing 166,854 square feet of landscaping where 95,949 square feet is required according to this standard.

The landscaped areas can be found along the walkways, patios and plazas that provide linkages between buildings, uses and activity areas. The landscaping is proposed in a manner that refines space between buildings, pedestrian areas and vehicular circulation elements as shown on the various sheets of the Landscape Plan (L101-L110). Landscaping elements, including trees of various appropriate species, can be found throughout the parking lot areas between buildings and the perimeter of the site. The proposed landscaping provides an adequate buffering between the buildings, pedestrian areas and parking lots. The proposed landscaping is also incorporated in and around pedestrian walkways and areas, such as the corner plaza area south and east of Building 2, surrounding the pool area and recreation center, and around the dog park area. The Applicant indicated on Sheet L101 that watering shall be accomplished using a temporary irrigation system or with individual portable tree watering devices such as gator bags. The Applicant is required to maintain the proposed vegetative landscaping with a functioning irrigation system. This standard is met.

(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 30-foot-wide landscaping buffer along the northern property line, separating the development from the ODOT Rail/future Council Creek Regional Trail corridor, is proposed by the Applicant as shown on the provided plans. The Applicant has indicated that this area will include mature Oregon white oak trees and wildflowers, where feasible. A fence is not proposed in this area. This standard is met.

(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.

(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.

(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 lot size and width far exceed the minimum standard. All ground-floor residential use buildings (Buildings 4-16) are 39' 3" in height and are three stories tall, falling within the maximum height requirement.

Front setbacks for Buildings 3, 5, 8, 9, 10, 12, and 14 are not applicable because they are behind the facades of buildings that are closer to the streets for which the front yard setbacks apply. The intent of the maximum front yard setback requirement is to ensure that buildings are close to the street, which is only applicable for the buildings closest to the front lot line. By that same logic,

the front setback requirements of this section for Buildings 4, 6, 7, 11, 13, 15 and 16 *are* applicable. Setbacks for these buildings, as shown in this section of the Applicant's narrative and on Sheets C200-206 of the provided plans set, all exceed the minimum yard setbacks required by this section.

All buildings within this development are separated by at least six feet as proposed. This standard is met.

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

(1) The minimum lot size shall be 2,000 square feet.

(2) The minimum lot width shall be 20 feet.

(3) The maximum height shall be 35 feet.

(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, except that no side yard is required on side(s) where structures are attached.

Findings: There are no single-family attached homes proposed with this development. This standard 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.

(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.

(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.

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

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

Findings: The proposed project is not a residential subdivision and therefore the access standard of (I)(1) does not apply. The City Engineer's review letter, included in Exhibit 'C', includes detailed information regarding the public street widths. This was discussed and conditioned previously in this staff report. This standard is 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 streets have been reviewed by City Engineer Terry Keyes, as discussed and, as necessary, conditioned previously in this staff report. The driveways are shown at 24' width at curb; however, based on a review by Forest Grove Fire & Rescue Division Chief- and the city of Cornelius' Fire Marshall, David Nemeyer, the driveways will need to be widened to 25' at the curb and 26' internal to the site to accommodate the Fire Department's vehicles. This widening continues to comply with this section. Streets will all be built to city standards and storm drainage will meet current public works and CWS standards, as reviewed by City Engineer Terry Keyes and discussed previously in this staff report. The Applicant shall submit a final site plan for review and approval by the Community Development Department which identifies the required widening of driveways based on the Autoturn Exhibit 1, dated 6/7/22 and included as Exhibit D. This shall be a condition of approval.

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

Findings: All streetlights will be required to meet public works standards as reviewed and approved with the final engineering plans and as discussed and conditioned previously in this report. This standard is met.

(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's narrative indicated that mailboxes will be housed in either Building 3's mailroom, distributed in clustered mailboxes of a uniform style, or a combination of the two, pending confirmation by the USPS growth manager for the region. The Applicant shall provide evidence that the locational criteria set by the postmaster has been met with the final location of mailboxes. This shall be a condition of approval.

(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: This site does not abut low density residential development. The garbage and recycling facilities are described by the Applicant as being screened by a masonry veneer enclosure of at least 6 feet in height, and their location can be identified on Sheets C200-206 of the plans set throughout the development's numerous parking lots. No outdoor storage is proposed. Parking lots are screened with vegetation. This standard is met.

(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.

(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.

(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.

(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](#).

(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 proposal includes 346 covered parking spaces for 346 proposed dwelling units. The parking layout and proposal for covered spaces can be found in the Applicant's provided plans set on Sheet A3.14 and A1.03-1.08. No recreational vehicle parking is proposed on this site. The parking area is designed to meet the standards of 18.145 CMC. The parking areas are buffered by a five-foot landscaping strip. The parking lots are located behind or beside the proposed buildings and will be paved with asphalt. This standard is met.

(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: The Applicant provided an example of unit numbering on Sheet A1.02B of the provided plans and agreed to comply with this standard in accordance with fire department regulations. The Applicant shall submit a final site plan for review and approval by the Planning Department which

identifies an addressing plan approved by the fire marshal’s office in conjunction with city staff. Address signs will be required based on this plan. 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.*

Findings: There are 18 proposed on-street parking spaces. Seven (7) on-street parking spaces are adjacent to buildings 1 and 2 which include the live-work units and commercial space and are not within security fencing. Eleven (11) are adjacent to the security-fenced portions of the site. Shared parking is proposed in that the live-work units require separate parking minimums based on residential (24 spaces) and office (21 spaces). The Applicant proposes a reduction of 16 parking spaces (1 per unit) to accommodate for the shared parking nature of these units.

The Applicant is requesting a reduction of 5% to CMC 18.145.020(D) per the above standard on the basis that of the 16 live/work units proposed in Buildings 1 and 2, residents will typically be employees of the ground floor commercial uses, thereby reducing the need for commercial parking by one space per unit. Additionally, some residents are expected to be offsite at their workplaces during commercial business hours, so it can be reasonably assumed that at least 5% of the residential spaces will be available for use by patrons and employees from off-site locations for the commercial establishments. Staff does not find it reasonable to reduce the parking requirements for the site as a whole, as the multi-family portions of the site are within security fencing and therefore inaccessible to daytime patrons of the commercial spaces. Therefore, the parking required for the portions of the development outside of the security fencing and inside of the security fencing should be considered separately.

Page 31 of the Applicant’s narrative shows the following required parking for the portions of the site outside of the security fencing (in addition to the 24 spaces for the residential component of the live-work units):

BASE NON-RESIDENTIAL PARKING REQUIREMENT			
UNIT TYPE	SPACES PER 1000 SF	GSF	BASE PARKING REQUIREMENT
L/W OFFICE	2.7	7,580	20.74
RETAIL	3.7	3,500	13.32
TOTAL		11280	34.06

The total required parking need outside of the security fencing is 58 parking spaces (commercial and residential). Staff agrees that a reduction of 16 spaces from the requirement for live-work units accounts for shared parking, reducing the required parking to 42 spaces. The Applicant is proposing 39 off-street parking spaces and 7 adjacent on-street parking spaces outside of the security fencing, for a total of 46 parking spaces, exceeding the required 42 spaces.

Page 31 of the Applicant’s narrative shows the following required parking for the portions of the site inside the security fencing (minus the 24 spaces for the live-work units addressed above):

RESIDENTIAL PARKING REQUIRED			
UNIT TYPE	SPACES PER UNIT	NO. OF UNITS	BASE PARKING REQUIREMENT
1 BEDROOM A	1.25	60	75.00
1 BEDROOM B	1.25	66	82.50
2 BEDROOM	1.5	132	198.00
3 BEDROOM	1.75	18	31.50
STUDIO/ 1 BED JR	1.25	54	67.50
LIVE/ WORK	1.5	16	24.00
TOTAL		346	478.50

The total required parking need inside of the security fencing is 455 parking spaces. The Applicant is proposing 445 off-street parking spaces and 11 adjacent on-street parking spaces for the areas inside the security fencing, for a total of 456 parking spaces, exceeding the required 455 spaces.

Based on the analysis above, this standard is met.

(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.

Findings: The proposed parking lots are located to the side and rear of the building. No parking areas are located between the front of the street-facing buildings and the public street. This standard is met.

(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: No direct access to the highway is proposed. Parcel 1 abuts the highway; however, development is not proposed on this parcel with this site design review application. Access is available to Parcel 1 per the private access easement on the western property line and therefore

direct access to the highway will not be necessary at the future time that Parcel 1 develops. The City will work with ODOT for review of improvements along Baseline Street when development is proposed on Parcel 1.

There is an existing transit stop on Baseline Street in front of the adjacent Fred Meyer. Once the lot directly south of the proposal develops, right-of-way improvements will take place along the north-south private access road that would allow for patrons and employees to access the commercial spaces in Buildings 1 and 2 via this transit stop on foot.

The Grove Link bus system, a local connector bus, stops in front of Plaza Los Amigos and provides access to Forest Grove and North Plains. Existing service is weekend only. Expanded service to continue every day is expected in 2022. A multi-use sidewalk exists on the north side of Davis Street and extends from this development west to the transit stop near 19th Avenue.

This standard is met.

18.75.080 Signs.

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

Findings: The Applicant has indicated that multiple monument signs are proposed along N. Davis Street and the private access easement. However, Code Section 18.175.050 states: “One ground and/or freestanding sign shall be allowed per business establishment or tax lot, whichever is less. Tax lots created by fee ownership land division and contiguous tax lots under the one ownership shall be considered one tax lot for the purposes of calculating the number of freestanding signs allowed. The maximum overall dimensions or maximum area of such signs may not exceed the following:

Commercial and Industrial Zoning Districts

	C2 GMU		CMU, MI, CC LI	
Number	1	1	1	1
Size (Maximum for any one face)	32'	32'	18'	32'
Height Maximum	20'	20'	16'	20'

(a) No permanent ground sign may be within 30 feet (measured diagonally at corner locations) of another permanent ground sign.

(b) In the case of a through lot which has a distance of 200 feet or greater at its shortest measurement point between the streets, and the frontages are on streets which have a collector or higher status, a freestanding sign may be placed on each street frontage, so long as all freestanding signs on the lot are a minimum of 200 feet apart.

The Applicant shall provide the City with information demonstrating compliance with Chapter 18.175 CMC for all proposed signage prior to issuance of a sign permit. All signage on the site must meet the criteria of Chapter 18.175 CMC and receive city approval of a sign permit prior to installation. This shall be a condition of approval.

There is an existing billboard that exceeds the maximum sign size limit within the zone and is therefore pre-existing non-conforming. This non-conformity will need to be addressed when development is proposed on Parcel 1.

Conclusion: The applicant shall submit sign permits for any signs and receive city approval for said signs prior to installation.

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 only off-site improvement needed for this development is the dedication and improvement of the small piece of N. Davis Street that is just west of this site, as previously conditioned. The public and private facilities and services proposed are adequate to serve the development and meet city standards. This standard is met.

(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: 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. N. Davis Street will be constructed to city standards. A private access easement and internal driveways will provide vehicle, pedestrian, and bicycle movement throughout the site. This standard is met.

(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: Adequate dedication of real property for public use, as well as easements, have been discussed and, as necessary, conditioned with this staff report. This standard is met.

(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 internal circulation has been designed to be safe and effective, with 24-foot-wide two-way drive aisles (conditioned previously to be widened in some instances to up to 26-foot-wide to accommodate fire apparatus) and areas for maneuvering and backing movements where necessary. The submitted plans have been reviewed in detail by the City Engineer. The City Engineer's review, analysis and recommended conditions of approval are included in Exhibit C of this staff report. The Applicant shall submit final engineering plans for review and approval to the City Engineer. 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: The applicant is required to ensure continued maintenance and necessary normal replacement of all on-site common facilities and areas, stormwater detention areas, the private access drive, landscaping, recreation facilities, screening and fencing, ground cover, garbage storage areas and other facilities not subject to city or other public agency maintenance. The applicant's narrative acknowledges maintenance responsibilities but is not clear in how this will be achieved. The applicant shall provide to the City adequate means of maintenance of all private on-site facilities. 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 proposed public facilities have been found to be adequate to serve the site and meet city standards. This criterion is met.

(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: The proposal includes a gated access to the multi-family portions of the site. The site is designed to provide access for emergency personnel and fire protection. This standard is met.

(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: Sheets C300 through C307 of the site design review plan set identify the site grading proposed with no adverse effect on neighboring properties, public right-of-way or the public storm drainage system and is proposed to take place in accordance with the city site development code. This standard is met.

(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: Sheets C400-C407 of the site design review plan set identify utilities will be installed with the development of the site, will be underground and will be adequate to serve the site. This standard is met.

(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 onsite circulation and amenities are designed to provide access and facilities for physically handicapped people, including continuous, uninterrupted access routes. This standard is met.

(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: A 12-foot multi-use path is proposed along N. Davis Street, meeting city standards. This criterion is met.

(B) Design Standards.

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

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

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

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

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

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

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

Findings: The buildings are designed with a northwest aesthetic that relates to the site and to other buildings within the City. There is a transit stop on Baseline St (Stop ID: 28) in front of the Fred Meyer store. The Grove Link bus system, a local connector bus, stops in front of Plaza Los

Amigos and provides access to Forest Grove and North Plains. Existing service is weekend only. Expanded service to continue every day is expected in 2022. A multi-use sidewalk exists on the north side of Davis Street and extends from this development west to the transit stop near 19th Avenue. Buildings with partial commercial use are located nearest to Baseline Street to accommodate pedestrian traffic. There are a number of White Oak trees that will be preserved along the 30-foot wide required easement related to the ODOT Rail/future Council Creek Regional Trail corridor. The applicant noted the special needs of the Oak trees to have limited artificial irrigation. As such, the applicant proposes a wildflower mix in this area. More than half of the site is barren, with the remainder of trees clustered along the southern portion of the site. The Applicant is removing these trees to reasonably accommodate development at densities appropriate and intended by the GMU zone. Additionally, many of these trees are invasive species (Poplar trees). There are no historic structures on the site. All grading will be done to account for the site’s natural appearance. Adequate lighting is proposed to promote public safety and reduce glare. Lighting is proposed to be focused downward onto the site so as to not impact neighboring properties. The buildings are situated in a manner that does not impinge on solar access for adjacent properties to a reasonable degree, as detailed on the Solar Access Study provided in the Applicant’s plan set on Sheets A0.61-A0.62. Solar access is maintained for the Fred Meyer parcel to the south and west of the subject property. Setbacks are provided to allow for solar access to the properties to the north and west. This standard is met.

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
Dog Park
Sport Court
Memorial Area
Pool
Corner Plaza Area
Clubhouse/Amenity Building
Parklet
Open Landscape Area

It can be reasonably assumed that many of these amenities can and will be used by children. The residential amenity building (Building 3) will contain a game/club room on its second floor, for

example. There is also a sport court and swimming pool to be used by the children who are residents of this development. While the standard prescriptively calls for a children's play area and play equipment, which is typically understood to be a conventional play structure, the Applicant is proposing other amenities that meet the intention of this standard.

Conclusion: Based upon the findings above, staff concludes the criteria for Chapter 18.100 are met.

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.

Findings: The City Engineer's findings regarding the transportation facilities, and all other public improvements, are discussed and conditioned, as necessary, previously in this report. These standards are met.

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 proposed development is not within 200' of a major transit stop as defined in Subsection (A) of this standard. As measured on the provided plans, Baseline Street is no less than approximately 220' from the southern-most point of the subject property after right-of-way dedications. This standard is not applicable.

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

CHAPTER 18.145 OFF-STREET PARKING AND LOADING

18.145.020 Off-street parking.

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

(B) Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at the peak season, including proprietors.

(C) In the Main Street district (MSD), change of use of an existing commercial structure will not require additional parking to be constructed. However, construction of a new building or addition to an existing building will require the provision of off-street parking as required in CMC 18.145.030.

(D) If several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately with a reduction of 10 percent to account for cross-patronage and shared parking benefits. Where the peak hours of operation of two or more uses do not substantially overlap, such uses may share off-street parking spaces as required by this title.

(E) Parking spaces in public streets or alleys shall not be eligible as fulfilling any part of the parking requirements, except as allowed in the MSD.

(F) Required parking spaces shall be available for the parking of operable motor vehicles for residents, customers, patrons, and employees only, and shall not be used for the storage or sale of vehicles or other materials and shall not be rented, leased or assigned to any other person or organization not using or being directly served by the use.

(G) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling, unless specified elsewhere in the code.

18.145.030 Required off-street parking spaces.

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

Findings: Off-street parking was addressed previously in this report, as the GMU zone has specific parking standards that supersede the general parking standards for development within the zone. This standard is met as addressed previously.

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

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

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

(C) Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress consistent with CMC 18.150.070, and maximum safety of pedestrians and vehicular traffic on the site.

(D) Each parking and/or loading space shall be accessible from a street and the access shall be of a width and location as described in this section.

(E) Parking space configuration, stall and access aisles shall be of sufficient width for all vehicles turning and maneuvering, and according to the minimum standard as shown in Figures 1 and 2 (following this chapter).

(F) Except for single- and two-family residences, any area intended to be used to meet the off-street parking requirements as contained in this title shall have all parking spaces clearly marked using a permanent paint. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety.

(G) Except for single- and two-family residences, all areas used for the parking and/or storage and/or maneuvering of any vehicle, boat and/or trailer shall be improved with asphalt or concrete surfaces according to the same standards required for the construction and acceptance of city streets. Off-street parking spaces for single- and two-family residences shall be improved with an asphalt or concrete surface to specification as approved by the building official.

(H) Parking spaces along the outer boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop at least four inches high located three feet back from the front of the parking stall as defined in Figure 1 (following this chapter). The facilities and design review committee or the planning commission may approve parking spaces without wheel stops, provided the abutting sidewalk is increased by three feet in width and/or the appropriate landscaping is planted where the bumper would overhang.

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

(J) Artificial lighting on all off-street parking facilities shall be designed to deflect all light away from surrounding residences and so as not to create a hazard to the public use of any road or street.

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

(L) All parking lots shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly, and broken or splintered wheel stops shall be replaced so that their function will not be impaired.

Findings: All required off-street parking will be accommodated within the various parking lots. All parking has been designed to City standards. All proposed spaces are served by a service drive such that no backing movements occur within a street or public right-of-way is required. Service drives are designed and constructed to facilitate the flow of traffic, provide maximum safety of

traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site. All parking spaces are accessible from the street. Drive aisles are a minimum of 24' wide and of adequate dimension and configuration to permit adequate turning and maneuvering. The Applicant's plans show that all parking spaces and internal circulation areas are clearly marked in accordance with this standard.

Subsection (A) permits up to 25% of the available parking to be compact. The applicant's narrative response for this standard indicates that the calculation made to determine how many spaces may be compact is based on 513 available parking spaces. The applicant is proposing exactly 25% of the total parking spaces, resulting in 128 compact spaces. However, staff calculates only 502 parking spaces provided with this development, including on-street spaces as permitted in the GMU zone. Therefore, only 126 spaces may be compact, rather than 128. The Applicant shall submit a final site plan identifying a maximum of 126 compact parking spaces based on 502 total parking spaces provided, including wheel stops. This shall be a condition of approval.

(M) Bicycle parking spaces shall be conveniently located with respect to the street, bicycle path/lane and building entrance. Bicycle parking spaces shall be located not more than 75 feet from a building entrance and where possible shall not conflict with off-street vehicle parking spaces and drive aisles. There shall be at least 36 inches of clearance between parked bicycles and other obstructions or buildings.

(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.

(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 has indicated in their plans and narrative that 180 bicycle parking stalls are proposed and are located in racks throughout the project site. Staff confirms that the bicycle parking calculations provided by the Applicant as shown below are correct. The bicycle parking

proposed is dispersed throughout the site in a manner that does not conflict with off-street vehicle parking spaces and drive aisles, provides sufficient clearance between parked bicycles and other obstructions or buildings, and is located not more than 75 feet from a building entrance.

Pursuant to Subsection (2)(a), 50% of the bicycle parking spaces must be long-term. The Applicant is proposing 87 long-term bicycle parking spaces based on the multi-family bicycle parking requirement. However, the long-term bicycle parking spaces should be calculated on the total number of required bicycle parking spaces and therefore 90 long-term spaces should be provided. The Applicant shall submit a final site plan identifying 90 long-term bicycle parking spaces. This shall be a condition of approval.

The remaining 90 short-term stalls are not located within 30 feet of the main entrances of the buildings—the Applicant argues that providing them within 30’ would impede use of the sidewalk or require them to be placed between the building façade and sidewalk in violation of other standards. As measured by Staff, proposed bicycle parking areas are approximately 60’ from the main entrance of buildings. While staff understands the reasoning given by the Applicant, this section of the code does not provide flexibility to staff in reviewing the location of the short-term bicycle parking. Therefore, staff must recommend that the Applicant submit a final site plan identifying 90 short-term bicycle parking spaces within 30 feet of the main building entrances on site, or as revised by the Planning Commission. This shall be a condition of approval.

18.145.060 Landscaping required.

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

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

(1) Where all of the parking or other vehicular uses are located under, on or within buildings; and

(2) Parking areas serving single- and two-family uses as normally such residential areas shall not be required to meet.

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

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

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

(1) It will not interfere with the maintenance or repair of any public utility;

(2) It will not restrict pedestrian or vehicular access; and

(3) It will not constitute a traffic hazard because of reduced visibility.

Findings: At the time that final engineering plans are reviewed and approved by the City, the City Engineer will ensure that all street trees and other parking-related landscaping are installed and maintained and will not create a traffic hazard in accordance with this Section.

18.145.070 Parking lot design standards.

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

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

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

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

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

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

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

Findings: Sheets C200 through C207 of the site design review plan set identify the parking lot design proposed for this development. The plans have been reviewed by the Fire Marshal to ensure adequate turning space with the carports along the perimeter of all parking areas. The parking areas include vision clearance areas, planter strips along the drive aisles, street trees, pedestrian walkways and sidewalks. The applicant's proposed parking lot designs meet all applicable requirements of this section. This standard is met.

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

CHAPTER 18.155 SOLAR ACCESS FOR NEW DEVELOPMENT

18.155.010 Purpose.

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

18.155.020 Applicability.

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

18.155.030 Solar-oriented residential lots.

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

18.155.040 Access to sunshine.

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

18.155.050 Shading.

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

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

18.155.060 Alternative compliance.

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

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

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

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

Findings: The buildings are situated in a manner that does not impinge on solar access for adjacent properties to the maximum extent feasible, as detailed on the Solar Access Study provided in the Applicant's plan set on Sheets A0.61-A0.62. Solar access is maintained for the Fred Meyer parcel to the south and west of the subject property and is reduced with the required setbacks to the north and west. This standard is met.

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

RECOMMENDATION

Based upon the facts, findings, and conclusions presented in this Staff Report, the Community Development Department recommends that the Planning Commission approve Land Use File No. DR-81-22 & LP-01-22, subject to the following conditions of approval:

1. The proposal includes a Type III Site Design Review for a new 16-building mixed-use development and a Type II 3-Lot Land Partition within the Gateway Mixed Use ("GMU") Zoning District.
2. A Final Plat application is required after Preliminary Plat approval. Prior to submittal of the Final Plat application a final Service Provider Letter and resolution of the wetland shall be provided to the City. Approval for a Final Plat application, including a survey shall be

done within twelve (12) months after the Preliminary Plat approval. A 12-month time extension is possible pursuant to CMC Section 17.05.30 (M). The Final Plat shall conform to the approved Preliminary Plat as submitted and in accordance with the conditions of approval described herein.

3. A Final Plat shall not result in any non-conformity with the standards of the CMC.
4. The Final Plat shall show all areas of right-of-way dedication, including the area not shown on the preliminary plat in the northwest corner of 1N334CD00301 (for N. Davis Street right-of-way).
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.

Prior to Building Permit Submittal

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

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

3. The Applicant shall submit final engineering plans for review and approval to the City Engineer, as described within Exhibit 'C'.
 - Final engineering plans must meet the requirements of Clean Water Services' Design and Construction Standards and the City of Cornelius Public Works Standards.
 - Streets shall be constructed as identified in submitted plans, with the additional right-of-way dedication on tax lot 1N334CD00301, and reviewed by the City Engineer.
 - Cobra-head street lights are required along the new public Davis Street and Baseline.
 - Street trees meeting the city's Public Works Standards are required along all public street frontages.

- If the project is gated, the applicant shall provide ready access to public water and sewer mains to Public Works crews for maintenance and emergencies.
 - Final engineering plans shall show additional fire hydrants:
 - i. Near entrance to future commercial space along Baseline
 - ii. Close to Buildings 2/3/4
 - iii. Between buildings 6/7
 - iv. Between buildings 9/10/11/12
6. The applicant shall cause the full extent of N. Davis Street to be dedicated from the Plaza Los Amigos dedication easterly to the eastern property line of the proposed development. Following dedication as public right-of-way, the applicant shall construct the new N. Davis Street as a Collector from the terminus of the Plaza Los Amigos project easterly to the eastern property line of this project as identified in submitted plans and reviewed by the City Engineer.
 7. The right-of-way dedication, including the connector piece on the west end of Tax Lot 1N334CD00301, shall be shown on the final plat.
 8. Cobra-head streetlights are required along the new public N. Davis Street and Baseline Street.
 9. Street trees meeting the city's Public Works Standards are required along all public street frontages.
 10. A performance bond is required for all public infrastructure construction, erosion control, stormwater detention & treatment facilities (public and private).
 11. The Applicant shall submit a final site plan to the Planning Department that identifies: The installation of all gates in approved locations, with proper setbacks from streets to allow emergency vehicles to safely pull off the road.
 12. The required widening of driveways based on the Autoturn Exhibit 1, dated 6/7/22 and included as Exhibit D.
 13. Evidence that the locational criteria set by the postmaster has been met with the final location of mailboxes.
 14. An addressing plan approved by the fire marshal's office in conjunction with city staff. Address signs will be required based on this plan.
 15. The applicant shall submit a final parking plan that demonstrates:
 - i. The additional width required by the Fire Marshall for apparatus clearance.
 - ii. A maximum of 126 compact parking spaces based on 502 total parking spaces provided.
 - iii. 90 Long-term bicycle parking spaces.
 - iv. 90 short-term bicycle parking spaces within 30 feet of the main building entrances on site, or as revised by the Planning Commission.

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

Prior to Site Development

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

Prior to Building Permit Issuance

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

Prior to Occupancy

1. 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
2. Prior to issuance of a Final Occupancy Permit, all required conditions of approval from this report shall be satisfied.
3. All landscaping, including street trees and irrigation, shall be installed per the approved landscaping plans. The installation of the irrigation system shall be to the City and State Plumbing Code.
4. The Applicant shall coordinate with the City Engineer and install to the public works standards all frontage improvements that abut the property. All public improvements shall be in accordance with the City Engineer's comments, attached herein as Exhibit 'C'.
5. After construction, maintenance bonding is required for public infrastructure and stormwater detention & treatment facilities.
6. The landowner is required to sign a *Private Stormwater Facility Maintenance Agreement* to ensure long-term maintenance of private stormwater detention and treatment facilities.
7. The landowner shall provide documentation of adequate means of maintenance of all private on-site improvements, including landscaping, private access drives, and all other private facilities.
8. All gates shall be provided with Knox key entry products.
9. All new utilities serving the site shall be located underground.
10. Bicycle parking shall be installed for 180 bicycles.
11. The Applicant shall obtain any required maintenance bonds for street trees and the water quality facility.
12. The Applicant shall coordinate the installation of a mailboxes with the City and the Post Master.
13. 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).
14. The parking lots and parking covers shall be constructed and all improvements such as striping, ADA parking, landscaping and wheel stops shall be installed in accordance with the approved site plan. The ADA parking space(s) and internal sidewalks and their connections to the public sidewalks shall meet all applicable Building Code and ADA requirements.

Other

1. The Applicant shall meet all applicable State, County and City Building, Electrical, Plumbing, and Mechanical Code requirements.
2. Signage that is placed on the property must receive Sign Permit approval through a Sign Permit application review process.
3. The streets and walkways shall be lighted during the hours of darkness in accordance with the public works standards.
4. All materials and wastes shall be managed/stored and the grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents, or create a health hazard.
5. Any damage to any public improvements or the public right-of-way as a result of construction shall be repaired and/or replaced to City standards by the Applicant/owner.
6. This approval is valid for 2 years for substantial construction to begin.

7. The private access easement shall be owned, maintained and enforced by the property owners, unless it is dedicated, constructed, maintained and accepted as a public Right-of-Way (ROW) by the City of Cornelius.
8. The Community Development Director is authorized to suspend or revoke any permit if there is probable cause to believe that the conditions of the permit or any provisions of this ordinance have been violated or that the use is causing a nuisance to the public or surrounding properties. In any case, where the Community Development Director finds a serious danger to the public health or safety, the Community Development Director may suspend the permit without a hearing. In all other cases, the Applicant may appeal the Community Development Director's decision of revocation per the applicable Sections of the City Code.

DATE OF STAFF REPORT AND RECOMMENDATION: June 21, 2022



Barbara Fryer, AICP, Community Development Director

Exhibits:

- A. Applicant's Submitted Materials
- B. Affidavit of Mailing Public Notice
- C. City Engineer Review Comments
- D. Autoturn Exhibit 1 dated 6/7/22