

August 28, 2023

**RE: Planning Commission**

August 29th, 2023 Continuation of Public Hearing for Land-use Action ZC-01-23

**Dear Planning Commissioners Nathan Braithwaite, Greg Vaughn, Jared Hartrampf, Dave Waffle, and Vickie Cordell** (position 6 and 7 are Vacant)  
c/o City of Cornelius Community Development & Planning Department

**Subject: Land-use Action ZC-01-23 Rezone – Request to deny the rezone**

We are writing to ask you to be judicious in your decision-making and recommendation about the proposed rezone for Tax Lot 1200 (0 336th Avenue) 1N335CD from Washington County AF-5 to City R-10 zoning. We believe the application before you does not meet the criteria set for by the City of Cornelius, and if approved will result in both adverse effects to the character of the neighborhood, and result in “spot zoning” – both reasons to deny the proposed rezone.

The following items do not meet the criteria set for by the City of Cornelius and/or the State of Oregon with regards to land-use action ZC-01-23. In review of the materials submitted, the Planning Commission must find that the applicant does not meet the criteria to rezone Tax Lot 1200 (0 336<sup>th</sup> Avenue) from Washington County AF-5 to City of Cornelius R-10 zoning.

**Chapter 18.125  
AMENDMENT TO THE ZONING ORDINANCE**

***(C) Approval Criteria. The applicant shall demonstrate the request meets the following criteria:***

***(1) The proposal conforms with the city’s comprehensive plan.***

The City of Cornelius most recently updated its Comprehensive Plan in 2019 via Ordinance No. 2019-06 (June 17, 2019).

The City’s Adopted Comprehensive Plan<sup>1</sup> designation for Low Density Residential states the following (See Appendix A):

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<sup>1</sup> Ordinance No. 2019-06 (June 17, 2019) – Cornelius Comprehensive Plan

*Low-Density Residential*

The majority of the city is designated for low-density residential use. The average density will be 5 dwelling units per net acre. The policies and standards for this land use are listed below.

1. Overall density of development will be an average of five (5) units per net acre. This equals standard lot sizes of 6,500 square feet, allowing for streets and open spaces. Many areas are already developed at smaller lot sizes such as (5,000 sq. ft.), so the overall density will likely be in the upper range.

The City's newly adopted R-10 Very Low Density Residential Zoning via CMCA-01-22 (June 2022) only provides a minimum density and with the adoption of Middle Housing, and density could reach upwards of twenty-five (25) units per net acre. See Appendix B for R-10 Zoning.

43,560 sqft/acre / 1,500sqft minimum lot size for a townhouse = 25 units per net acre, allowing a buffer of area for streets and open spaces.

**This results in approximately five times more residential units per acre between the Comprehensive Plan (5 units per net acre) and the Zoning Ordinance (25 units per net acre).**

**18.25.050 Area, density and lot requirements.**

(A) Minimum Density. The minimum density allowed is three dwellings per net acre and four dwellings per net acre for cottage clusters. Any land partition or subdivision shall make provisions to ensure that the minimum density is protected when further partitioning is possible.

(1) Lot Size.

| HOUSING TYPE  | MINIMUM LOT SIZE   |
|---|--------------------|
| Detached single-unit dwelling, duplex, and triplex, quadplex, and cottage cluster | 10,000 square feet |
| Townhouse   | 1,500 square feet  |

The proposed rezone is not consistent with the City's Comprehensive Plan. The proposed rezone will allow for densities nearly five times higher than what is allowed for in the Comprehensive Plan.

**Criteria 18.125 (C)(1) is NOT met.**

***(2) The permitted uses of the proposed new zone will not materially and/or adversely affect the character of the neighborhood.***

1. **Adverse Affect – Traffic Impacts Operations & Safety** In the Public Hearing on August 22<sup>nd</sup>, 2023 there was a good deal of discussion around the specific proposed development, however the criteria for the rezone speaks only to adverse affects related to the proposed new zone. In correspondence with Ms. Barbara Fryer, Community Development Direction on 8/24/2023 (See Appendix C for email from Ms. Fryer), Ms. Fryer indicated that the change of use related to the



zone change could result in up to 16 residential units being built on Tax Lot 1200 (0 336th Avenue) 1N335CD. It is unclear what the applicant wants to build, but **the proposed rezone will allow for up to 16 residential units on the currently vacant parcel of land.**

**Today NW 336<sup>th</sup> Avenue has only twenty-one (21) residential units. If 16 additional residential units were added, which is an allowed-use for the rezone, it will result in a 76% increase in the number of residential units on NW 336<sup>th</sup> Avenue.** George and Francine Svcarovich have lived in their home on NW 336<sup>th</sup> Avenue for 42-years and during that time, there has never been more than 21 residential units on the street. The rezone and associated residential unit increase will adversely affect the character of the neighborhood and make worse both the operation of the intersection and the existing hazardous condition of TV Highway/Baseline/OR8.

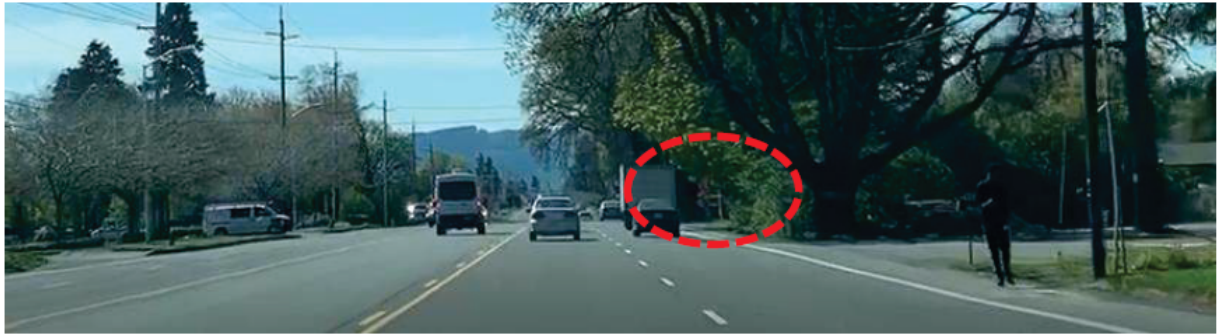
2. **Adverse Affect – Neighborhood Petition** In the hearing on August 22<sup>nd</sup>, 2023 there were a limited number of in-person attendees. Attending a Planning Commission meeting is hard. The people we spoke with had schedule conflicts, did not understand how to participate, or felt uncomfortable to participate. Sometimes the public process is unapproachable and seems like it is meant for those with both more time and means. We heard Commissioner Hartrampf ask one of the attendees in the meeting if they felt there would be adverse affects from the rezone. It was a great question, and one that we felt should be asked of more neighborhood members. George Svcarovich spent the evening of 8/25/23 and the day of 8/26/23 speaking with neighbors asking them the same question to provide a more complete picture of the sentiment for proposed rezone within the neighborhood. **Thirty (30) residents of the neighborhood indicated that they felt the proposed rezone would have an adverse affect on the character of the neighborhood.** See Appendix D for Neighborhood Petition, a scan of the petition is provided in this document and the original will be brought to the meeting. If there is any concern with the authenticity of the petition, please feel free to cross-check the signatures/names with those found in the applicant's materials from the Neighborhood Meeting sign-in that occurred on December 28, 2022.
3. **Adverse Affect – ODOT Road Safety Audit** In the hearing on August 22<sup>nd</sup>, 2023 we made written comment about the City of Cornelius Transportation System Plan, Project C2 and how it had not yet been completed. Ms. Fryer indicated that Mr. Keyes (City Engineer) told her that the Oregon Department of Transportation (ODOT) had conducted a safety study, which is why the City had not completed or funded the project. A request was made for a copy of the study in the hearing.

Ms. Fryer sent a copy of the ODOT Road Safety Audit to us on 8/24/2023 and we greatly appreciate receiving a copy of the study. Several pages have been pulled out of the full Road Safety Audit specific to the evaluation and needs at the intersection of NW 336<sup>th</sup> Avenue, see Appendix E. The full study can be found in Appendix F. The biggest take away is that the safety of this intersection and this section of highway is **really bad**, and that more traffic in the form of motor vehicle, bicycle, and pedestrian trips will make it worse.



Table 9: Summary of Minor Street Observations

| Intersection                                       | Corridor Issue Observed            |                     |  |                                 |                        |                      |
|--|------------------------------------|---------------------|--|---------------------------------|------------------------|----------------------|
|  | Inconsistent Pedestrian Facilities | High Speed Corridor | High Density of Minor Streets/Accesses | Limited Intersection Visibility | Limited Sight Distance | Limited Illumination |
|  |                                    |                     |  |                                 |                        |                      |
| 29 <sup>th</sup> Avenue                            | X                                  | X                   | X                                      |                                 | X                      | X                    |
| 31 <sup>st</sup> Avenue / 345 <sup>th</sup> Avenue | X                                  | X                   | X                                      |                                 | X                      | X                    |
| East Lane  | X                                  | X                   |  |                                 |                        | X                    |
| 341 <sup>st</sup> Avenue                           | X                                  | X                   |  | X                               | X                      | X                    |
| Adair Drive  | X                                  | X                   | X                                      | X                               | X                      | X                    |
| 338 <sup>th</sup> Avenue                           | X                                  | X                   | X                                      | X                               | X                      | X                    |
| 336 <sup>th</sup> Avenue                           | X                                  | X                   | X                                      | X                               | X                      | X                    |
| 334 <sup>th</sup> Avenue                           | X                                  | X                   |  | X                               | X                      | X                    |
| 331 <sup>st</sup> Avenue / North Side Access       | X                                  | X                   |  | X                               | X                      | X                    |



Traveling westbound—336<sup>th</sup> Avenue not identified



At 336<sup>th</sup> Avenue looking east



At 336<sup>th</sup> Avenue looking west



Driveway near 336<sup>th</sup> Avenue



Driveway near 336<sup>th</sup> Avenue

We contacted the Oregon Department of Transportation (ODOT) Region 1 Development Review Coordinator and had a good discussion with Marah Danielson. We also continued to try and get Mr. Keyes - City Engineer, to respond to our inquiries about why a traffic study wasn't being required; eventually he did respond via email ([see Appendix G](#)). What's concerning about the response is that it is incomplete. The feedback from Mr. Keyes follows the logic that the rezone is consistent with the Comprehensive Plan and therefore is consistent with the Transportation

System Plan, so a traffic study is not required. ODOT staff agreed to the logic presented by Mr. Keyes.

***So what is missing?***

The missing piece is that the City of Cornelius adopted a new zoning code for R-10 Very Low Density Residential via CMCA-01-22 in June 2022. The newly adopted R-10 zoning is inconsistent with the Comprehensive Plan. In the CMCA-01-22 staff report the proposed difference between the density of residential units per acre were never addressed, a finding for the criteria was not prepared, and the recommendation was given that falsely stated that the criteria was met (see Appendix H – pg 341 of 459 in the PDF).

The City's Adopted Comprehensive Plan designation for Low Density Residential states the overall density of development will be an average of five (5) units per net acre. However, the City's newly adopted R-10 zoning via CMCA-01-22 only provides a minimum density requirement, and can reach upwards of twenty-five (25) units per net acre. This results in approximately five times more residential units per acre between the Comprehensive Plan (5 units per net acre) and the Zoning Ordinance (25 units per net acre).

So the logic that the rezone is consistent with the Comprehensive Plan and therefore is consistent with the Transportation System Plan is false. The increase in density per acre would trigger the need for a traffic impact analysis for a rezone.

Equally concerning is the voicemail that was left for us by Ms. Fryer (Appendix I – Ms. Fryer Voicemail Transcription) where she stated that **“even if there are impacts to the system no traffic study is required.”** Ms. Fryer's sentiment and disregard for traffic impacts for the community she serves is unacceptable, community members have died and have been seriously injured, and they will continue to experience these “impacts” unless action is taken.

Additional traffic volumes will result in an adverse affect to the safety of the NW 336<sup>th</sup> Avenue neighborhood and those proximate neighborhoods on NW 338<sup>th</sup> Avenue and NW 334<sup>th</sup> Avenue.

4. **Adverse Affect – Livestock** In the hearing on August 22<sup>nd</sup>, 2023 Ms. Fryer indicated that livestock was allowed for within the City of Cornelius. She noted an elementary school was allowed to have livestock – 2 goats on their property. Livestock is prohibited in Residential Zoning, see Table below from CMC 9.10.140 Keeping of livestock. If the parcel in question is allowed to rezone, adjacent properties will have very different allowed for uses that are not compatible.

**9.10.140 Keeping of livestock.**

(A) Keeping Livestock. Livestock may be kept in the city consistent with the following standards:

- (1) Livestock shall not be kept on any lot or parcel containing three or more dwelling units;
- (2) Livestock are limited as follows:

| Livestock Categories | Maximum Number of Livestock Allowed on Single-Family Residential Property |                     | Prohibited Livestock  |
|----------------------|---|---------------------|---|
|                      | 5,000 to 10,000 sq. ft.   | Over 10,000 sq. ft. |   |
| Poultry              | 6   | 13                  | Guinea Hens, Peacocks, Peahens, Roosters, Geese, Turkeys, Cockerel, Male Poultry (except Drake) |
| Miniature Livestock  | Prohibited  | 2                   | Uncastrated Males   |
| Standard Livestock   | Prohibited  | Prohibited          | All Types   |

The sight and sounds of this rezone and subsequent development will adversely impact residents living in AF-5 keeping livestock and miniature livestock on their properties. Rezoning the proposed parcel to R-10 would mean the tax lot could be located next to properties with livestock and miniature livestock, these are not complementary uses. This action will be both dangerous and disruptive for the neighborhood. Horses can be loud, and spooking (frightening) a horse can cause it to bolt, rear, or jump erratically when it is startled. Placing R-10 zoning which includes high-density housing next to zoning that allows for livestock is an adverse affect to the rural character of the existing neighborhood. R-10 zoning will negatively impact the way of life for those in AF-5 zoning who have livestock and miniature livestock. There are livestock living in the neighborhood, and this zone change will negatively impact them.

***(3) The proposal will place all property similarly situated in the area in the same zoning category or in appropriate complementary categories, without creating a “spot zone.”***

**Comprehensive Plan Designation versus Zoning Ordinance** In the hearing on August 22<sup>nd</sup>, 2023 both Ms. Fryer and the applicant’s representative Mini Doukas repeatedly blurred the lines between a “Comprehensive Plan Designation” and a “Zoning Ordinance/Code.” They stated several times in a few different ways that the proposed zoning (R-10) was consistent with the Comprehensive Plan.

**A key point in this conversation is that the *Comprehensive Plan has an associated Comprehensive Plan Map*, which is different than a *Zoning Ordinance and a Zoning Map*. These are two different documents with two different purposes, and require two different land-use actions to amend either document.**

The difference between a Comprehensive Plan Designation/Map and a Zoning Designation/Map is given below:

*A zoning map provides a snapshot of what type of development is currently allowed in a specific area. A comprehensive plan map depicts a long-term vision of how and where a city or county will grow in order to accommodate expected population changes and job growth.*



**The rezoning criteria in Chapter 18.125 (C)(3) specifically is in reference to “zoning” and does not state “comprehensive plan designation.” The proposed rezone whether it is consistent with the Comprehensive Plan or not, is a spot zone.**

Spot zones are generally defined as follows:

*The process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners.*

**In the Staff Report prepared for the August 22<sup>nd</sup>, 2023 hearing provided to the Planning Commission, Barbra Fryer, Community Development Director falsely claims, “The subject property directly abuts City of Cornelius Low Density Residential (R-7) zoning to the west.”** This statement is factually inaccurate. As can be seen in the map below, the R-7 zoning being described as directly abutting the proposed zone change is located two tax lots and two public streets (NW 338<sup>th</sup> Avenue and N Adair Drive) to the west, approximately 420-feet away.

The zoning directly abutting Tax Lot 1200 (0 336th Avenue) 1N335CD is as follows:

Property to the North: AF-5 – Agricultural Forest  
Property to the East: Public right-of-way – NW 336<sup>th</sup> Avenue; RR-5 – Rural Residential  
Property of the South: Public right-of-way – TV Highway OR8; C2 – Highway Commercial  
Property to the West: AF-5 – Agricultural Forest

R-7 zoning is not directly abutting the proposed rezone for Tax Lot 1200 (0 336th Avenue) 1N335CD.

The definition of Washington County AF-5 Agricultural and Forest District is as follows,

*“The purpose of this agricultural and forestry district is to promote agricultural and forest uses on small parcels in the rural area, while recognizing the need to retain the character and economic viability of agricultural and forest lands, as well as recognizing that existing parcelization and diverse ownerships and uses exist within the farm and forest area. Residents of rural residential tracts shall recognize that they will be subject to normal and accepted farming and forestry practices.”*

The definition of City of Cornelius R-10 Very Low Density Residential is as follows,

*“The purpose of the very low-density residential (R-10) zone is to implement the low-density residential land use designation and policies of the comprehensive plan. To do this, the R-10 very low-density residential zone regulates the construction of detached single-unit dwellings and **middle housing** on existing lots, and provides design guidance for low-density residential subdivisions.”*

The definition of Middle Housing is as follows,

*“Dwelling, middle housing” means a duplex, triplex, quadplex, townhouse, or cottage cluster.*

**Allowance for middle housing is NOT an appropriate complementary category when in juxtaposition to AF-5 zoning.** Furthermore, in Washington County, Middle Housing is not an allowed use in AF-5 zoning district. Washington County allows for Middle Housing to exist in the following zone types: R-5, R-6, R-9, R-15, R-24, R-25+, R-6 NB, R-9 NB, R-15 NB, TO: R9-12, TO: R12-18 and TO:

R18-24 districts. **Middle Housing is not allowed in both AF-5 and RR-5 which are the current zoning types of the properties directly adjacent to the parcel proposed for rezone.** When one zoning ordinance allows for middle housing (Cornelius) and the other zoning ordinance disallows middle housing (WashCo), locating these two zoning types adjacent to one another means they are neither in the same zoning category or in appropriate complementary categories. The proposed rezone in a “spot zone.”

**Non-Complementary Category - Livestock** In the hearing on August 22nd, 2023, Ms. Fryer indicated that livestock was allowed for within the City of Cornelius. She noted an elementary school was allowed to have livestock – 2 goats on their property. Livestock is prohibited in Residential Zoning, see Table below from CMC 9.10.140 Keeping of livestock. So if allowed to rezone, adjacent properties will have very different allowed for uses that are not compatible. The proposed rezone is not in the same zoning category or in appropriate complementary category.

**9.10.140 Keeping of livestock.**  
 (A) Keeping Livestock. Livestock may be kept in the city consistent with the following standards:

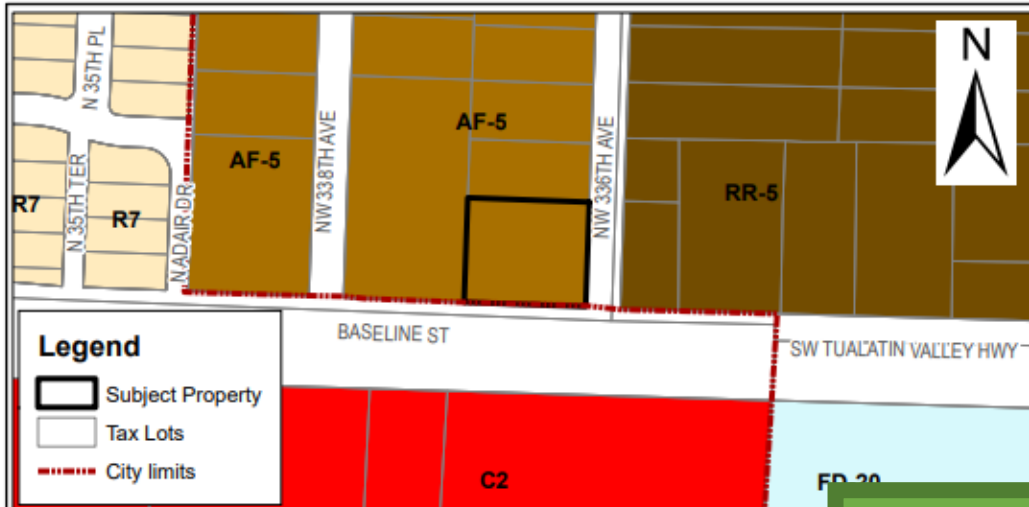
(1) Livestock shall not be kept on any lot or parcel containing three or more dwelling units;

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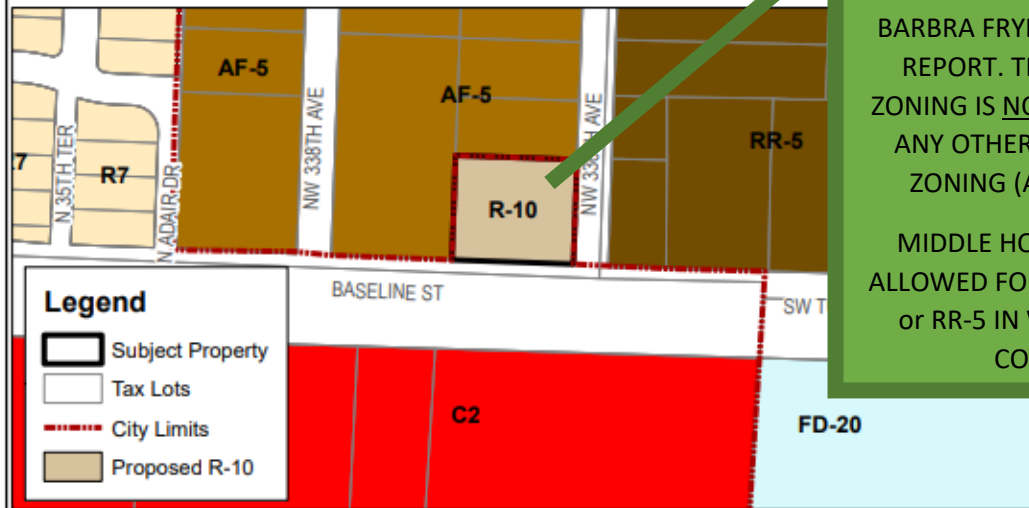
| Livestock Categories | Maximum Number of Livestock Allowed on Single-Family Residential Property |                     | Prohibited Livestock  |
|----------------------|---|---------------------|---|
|                      | 5,000 to 10,000 sq. ft.   | Over 10,000 sq. ft. |   |
| Poultry              | 6   | 13                  | Guinea Hens, Peacocks, Peahens, Roosters, Geese, Turkeys, Cockerel, Male Poultry (except Drake) |
| Miniature Livestock  | Prohibited  | 2                   | Uncastrated Males   |
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**Criteria 18.125 (C)(3) is NOT met.**

# Spot Zoning of Tax Lot 1200 (0 336th Avenue) 1N335CD



**EXISTING CITY LIMITS & ZONING**



**PROPOSED CITY LIMITS & ZONING**

THIS IS A SPOT ZONE. THIS ZONING DOES NOT ABUT THE R-7 ZONING AS DESCRIBED BY BARBRA FRYER IN THE STAFF REPORT. THE PROPOSED ZONING IS NOT ADJACENT TO ANY OTHER SIMILAR TYPE ZONING (AF-5 or RR-5).

MIDDLE HOUSING IS NOT ALLOWED FOR IN EITHER AF-5 or RR-5 IN WASHINGTON COUNTY.

|  |  |                           |
|--|--|---------------------------|
| <p><b>NW ENGINEERS</b><br/>Engineering &amp; Planning</p> <p>3409 NE JOHN OLSEN AVENUE<br/>HILLSBORO, OREGON 97124<br/>T: 503.601.4401<br/>F: 503.601.4402<br/>W: www.nw-eng.com</p> | <p><b>ANNEXATION &amp; ZONE CHANGE<br/>FOR TAX LOT: 1N335CD01200<br/>CITY OF CORNELIUS, OREGON</b></p> <p>Source:<br/>Metro Data Resource Center's RLIS, 2022.</p> | Date:<br>12/28/2022       |
|  |  | Scale:<br>1 in. = 200 ft. |
|  |  | Project #:<br>N0802       |
|  |  | Drawn By: CEB             |

Document Path: P:\N080203 Working\3.3 GIS\3.3.1 Maps\3.3.3.3 Plan\N0802-ZONE.mxd



## OTHER ISSUES OF CONCERN:

### 1. Expedited Annexation

During the Planning Commission Hearing on August 22<sup>nd</sup> 2023, Ms. Fryer said a few different times that this parcel of land “had no zoning” and that the property “had to receive a zoning” and that the only zoning approved for this parcel in the Comprehensive Plan was R-10.

*How did that happen?*

The parcel in question has “no zoning” because the Developer made a choice to proceed with an Expedited Annexation AN-01-23, Resolution 2023-05 on July 17<sup>th</sup>, 2023. The applicant took a calculated risk to try and save time in the process of redevelopment. Typically, an annexation and a rezone would be processed concurrently (at the same time) to ensure that if one action or the other were not going to be approved that zoning would always remain in place. The packet of materials presented to City Council on July 17<sup>th</sup>, 2023, included both the Annexation and Rezone materials, but only the Annexation was processed because the Rezone has to be first heard by the Planning Commission.

**The Developer took a calculated risk to process an Expedited Annexation, and it is not the responsibility of the Planning Commission to find a solution (i.e. a new zone) for the risk that was taken.**

The only parties who received written notice of the Expedited Annexation were Metro, Washington County, TriMet, Clean Water Services, NW Natural, PGE, Hillsboro School District 1J, Port of Portland, and NW Regional Education Service District.

No neighbors were made aware of the Expedited Annexation.

See **Appendix J** for City Council Packet from July 17<sup>th</sup>, 2023 for the Expedited Annexation materials and noticing.

### 2. “This is an ODOT Problem”

During the Planning Commission hearing on August 22<sup>nd</sup>, 2023, Ms. Fryer indicated that the hazardous highway is “an ODOT problem.” This type of attitude/statement is unacceptable, because the City of Cornelius is also a responsible party – in this case, a potential land-use action will significantly contribute to the existing hazardous highway.

In review of the ODOT Road Safety Audit, several safety observations were made at the intersection of NW 336<sup>th</sup> Avenue including inconsistent pedestrian facilities (no pedestrian facilities), it is located in a high speed corridor, there is a high density of minor streets/access, there is limited intersection visibility, there is limited sight distance, and limited illumination.

The City is a responsible party in several of these instances because the property has been annexed into the City limits including limited intersection visibility from the side street and limited illumination. The City needs to be an active partner in fixing these safety issues and advocate for their citizens.

The “squeaky wheel gets fixed” and ODOT will make improvements if the City is a champion for the effort. See **Appendix E** for pages from ODOT’s Road Safety Audit that reference NW 336<sup>th</sup> Avenue.

### 3. Adoption of Middle Housing without Notification of Property Right Changes:

In the Planning Commission Hearing on August 22<sup>nd</sup>, 2023, Commissioner Vickie Cordell took a few different opportunities to talk about the robust public engagement with the community members of the NW 336<sup>th</sup> Avenue neighborhood in 2015 during the adoption of Ordinance No. 2015-07 also known as the “Grand Bargain.” This Ordinance allowed for annexation of land around the northeast corner of the City into the City of Cornelius Urban Growth Boundary (UGB), and updated the Comprehensive Plan.

The City’s Adopted Comprehensive Plan<sup>2</sup> designation for Very Low Density Residential states the following:

#### *Low-Density Residential*

The majority of the city is designated for low-density residential use. The average density will be 5 dwelling units per net acre. The policies and standards for this land use are listed below.

1. Overall density of development will be an average of five (5) units per net acre. This equals standard lot sizes of 6,500 square feet, allowing for streets and open spaces. Many areas are already developed at smaller lot sizes such as (5,000 sq. ft.), so the overall density will likely be in the upper range.

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This results in approximately five times more residential units per acre between the Comprehensive Plan (5 units per net acre) and the Zoning Ordinance (25 units per net acre).

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| HOUSING TYPE  | MINIMUM LOT SIZE   |
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| Detached single-unit dwelling, duplex, and triplex, quadplex, and cottage cluster | 10,000 square feet |
| Townhouse   | 1,500 square feet  |

<sup>2</sup> Ordinance No. 2019-06 (June 17, 2019) – Cornelius Comprehensive Plan

What is especially concerning is that those residents living outside of the City limits, but inside of the urban growth boundary whose future property rights would be affected by this change in the zoning ordinance were never notified. **There was no community engagement or written notification about Middle Housing for those residents who were annexed into the Cornelius UGB as part of the “Grand Bargain” Ordinance No. 2015-07.**

Public Notice of the hearing was sent only to those residents inside of the City limits, but as we can see in the land-use decision before you today, this zone change has property right impacts for those annexed as part of the “Grand Bargain” Ordinance No. 2015-07. Those community members were never formally engaged in the adoption of Middle Housing. See [Appendix H](#) for public noticing – properties zoned AF-5 or RR-5 were not notified of the proposed zone change.

8. On April 15, 2022, public notice of the proposal was mailed to property owners within the A-2, R-7, R-10 and CR zoning districts.

**PROPOSED CONDITIONS OF APPROVAL FOR THE REZONE:**

During the Public Hearing on August 22, 2023, the applicant agreed to a condition of approval to evaluate the utility infrastructure as part of a “bridge condition.” We request that if the Planning Commission decides to recommend the zone change to the City Council for approval that they also include the following Conditions of Approval, noted as underlined text, to ensure that development in this location addresses adverse affects identified during this hearing to meet the code requirements of section 18.125(C)(2):

1. NW 336<sup>th</sup> Avenue is a local roadway and residents privately maintain it. The roadway paving is paid for by residents who pool their funding to have the road paved and/or resealed, the road was repave in the mid-2000s and each household paid \$500 to \$750 to have the road paved. It is anticipated that redevelopment of the property in question will result in both roadway surface and roadway base impacts because construction vehicles will be using the roadway to turnaround during construction. See recommended condition of approval below:

Upon development of the subject parcel or resulting parcels, the applicant shall submit to the City Engineer documentation (video or photography) of the roadway/pavement condition of NW 336<sup>th</sup> Avenue prior to the start of construction. Prior to issuance of final occupancy for the site development, the applicant shall submit to the City Engineer documentation (video or photography) of the roadway condition post-construction. The City Engineer shall review and evaluate submitted materials, and identify any roadway pavement or roadway base impacts that occurred during the duration of construction. The applicant must repair (self-perform) and/or pay for any impacts made to the pavement or road base of the privately maintained roadway during the duration of construction prior to final occupancy being issued by the City.

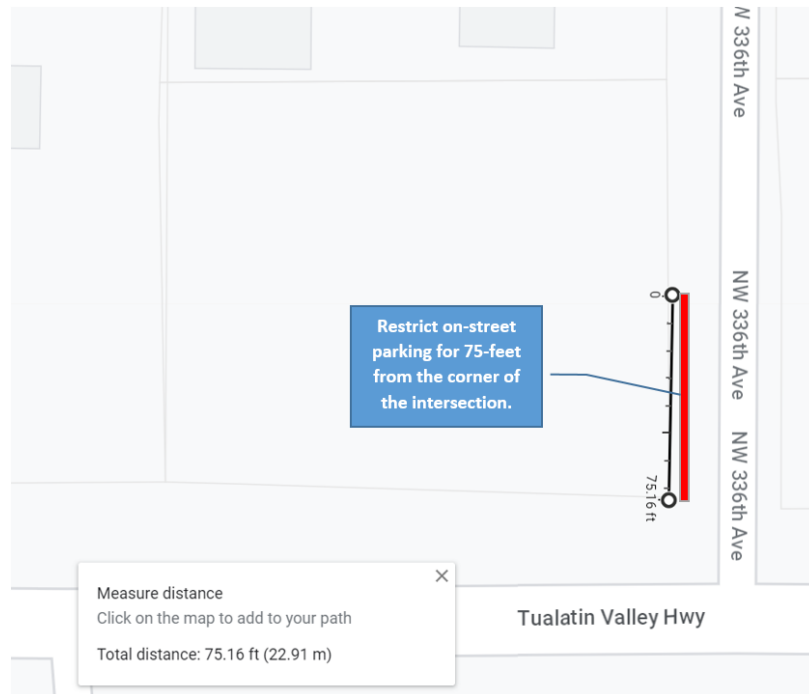
2. The entrance of NW 336<sup>th</sup> Avenue has 20-feet of paved width, with ditches on both sides of the paved surface near the intersection with TV Highway/Baseline/OR8. The local roadway cross-section in the City of Cornelius can be found in the City’s Public Works Design and Construction Standards (see below).

| Street Type                  | Minimum Travel Lanes <sup>1</sup>   | Bike Lanes | Parkway Strips <sup>2</sup> | Sidewalks                               | Total Min. ROW Width |
|------------------------------|-------------------------------------|------------|-----------------------------|---|----------------------|
| Downtown arterial            | Two 11 ft.                          | Two 6 ft.  | None                        | Two 8 ft.                               | 50 ft.               |
| Other Arterial               | Two 11 ft.                          | Two 6 ft.  | Two 6 ft.                   | Two 6 ft.                               | 58 ft.               |
| Industrial Street            | Two 11 ft.                          | None       | Two 6 ft.                   | Two 6 ft.                               | 46 ft.               |
| Collector                    | Two 10 ft.                          | None       | Two 6 ft.                   | One 6 ft. and one 12 ft. multi-use path | 50 ft.               |
| Local Street                 | Two 10 ft.                          | None       | Two 6 ft.                   | Two 5 ft.                               | 42 ft.               |
| Woonerf                      | Two 10 ft.                          | None       | Two 5 ft.                   | None                                    | 30 ft.               |
| Alley                        | Two 10 ft.                          | None       | None                        | None                                    | 20 ft.               |
| Maint. & Emerg. Access Route | One 12 ft. plus 3 feet <sup>3</sup> | None       | None                        | None                                    | 15 ft.               |
| Off-Street Pathway           | One 10 ft.                          | None       | None                        | None                                    | 10 ft.               |

1. Travel lane width is measured from the face of curb, edge of pavement where no curb exists, or the edge of the parking bay.
2. Parkway Strips are measured from the face of curb to the edge of sidewalk, multi-use path, or right-of-way where no sidewalk exists.
3. The extra 3 feet of width along a maintenance and emergency access route shall be distributed equally on both sides of the route.

Upon redevelopment, the applicant will be required to build at least a half-street improvement at the time of development consisting of a 10-foot travel lane, 6-foot parking lane, and 5-foot sidewalk. Due to the increase volume entering and leaving NW 336<sup>th</sup> Avenue because of the allowable uses of the rezone, restricted on-street parking shall occur along the applicant's frontage near the intersection of NW 336<sup>th</sup> Avenue/TV Highway-Baseline-OR8.

Upon development of the subject parcel or resulting parcels, the applicant shall restrict on-street parking at a minimum of 75-feet from the tangent of the radius, along the southern portion of the eastern frontage along NW 336<sup>th</sup> Avenue (see diagram below).



3. Upon the redevelopment of the subject parcel or resulting parcels, regardless of ODOT's request or requirement for a traffic impact analysis, the applicant shall complete a traffic impact analysis. The traffic analysis shall include but is not limited to the following items: document existing site conditions; complete a traffic operational analysis of existing conditions, opening day, and a 10-year future forecasting analysis; complete a crash analysis and identifying mitigations, evaluate existing lighting and complete a lighting analysis for the intersection, and evaluate pedestrian connectivity and identify alternatives to facilitate pedestrian connectivity to and from transit. Identified impacts shall be mitigated to the greatest extent possible allowed for under the law.

**What the Planning Commission should do now is the following:**

- **Deny the proposed rezone recommendation because all three criteria for a rezone are not met.**

**OR**

- If a recommendation for approval is made, include the proposed conditions of approval in the recommendation to City Council.

We do not believe you can make the proposed staff recommendation before you tonight because the three criteria for a rezone have not been met. We thank you for your time and commitment to being public servants; your role is vital to this process.

Sincerely,

Kristen Svicarovich on behalf of  
George and Francine Svicarovich  
SW 336th Avenue, Hillsboro, OR

# Appendices

- Appendix A: Cornelius Comprehensive Plan – Low Density Residential Description
- Appendix B: Cornelius Zoning Ordinance – Very Low Density Residential Zone
- Appendix C: Email from Barbara Fryer confirming allowable residential units if parcel was rezoned
- Appendix D: Neighborhood Petition – Adverse Affects
- Appendix E: Oregon Department of Transportation – Road Safety Audit, Selected pages pertaining to NW 336<sup>th</sup> Avenue
- Appendix F: Oregon Department of Transportation – Road Safety Audit, full copy for the record
- Appendix G: Email correspondence with Marah Danielson, ODOT and Terry Keyes, City of Cornelius City Engineer
- Appendix H: City Council Packet for R-10 Zone Change Adoption – June 6, 2022
- Appendix I: Voicemail Transcription – Ms. Fryer, Disregard for Traffic System Impacts
- Appendix J: City Council Packet Expedited Annexation – July 17, 2023
- Appendix K: Traffic Counts

# Appendix A: Cornelius Comprehensive Plan – Low Density Residential Description



# **CORNELIUS**

# **COMPREHENSIVE PLAN**

Adopted July 1978  
Acknowledged by LCDC July 1980  
Revised June 1984  
Revised January 1988

## **List of Amendments**

Ordinance No. 808 (April 3, 2000)

Ordinance No. 835 (August 5, 2002)

Ordinance No. 841 (July 21, 2003)

Ordinance No. 860 (June 20, 2005)

Ordinance No. 911 (November 2, 2009)

Ordinance No. 919 (February 7, 2011)

Ordinance No. 2014-13 (June 16, 2014)

Ordinance Nos. 2015-06 & -07 (November 16, 2015)

Ordinance No. 2017-03 (March 20, 2017)

Ordinance No. 2018-01 (February 5, 2018)

Ordinance No. 2019-06 (June 17, 2019)

## POLICIES

### Residential Land Uses

The Comprehensive Plan map shows two residential land use categories, which are distinguished primarily by density. They are described in terms of dwelling units per net residential acre. For planning purposes, it is assumed that 25 percent of each gross residential acre will be developed with streets, schools, parks and other public uses, and that the net 75 percent will be developed with homes. The two residential categories are intended to accommodate different types and densities of residential development, providing residents a choice of living accommodations.

In addition to residential uses, public uses compatible with the basic residential uses shall be permitted. Public uses are those serving the residential area, such as recreational facilities, community centers, libraries, schools, churches, and utilities.

The METRO 2040 Plan now replaces the former metropolitan housing rule, which set as a goal a 50/50 mix of single family to multi-family housing units, and for Cornelius, an average of six housing units per net acre of buildable residential land. Now, under the 2040 Plan, the target is an average of nine units per acre over both density ranges.

In accordance with state requirements regarding manufactured home parks, the City implemented the following provisions through the 1988 Comprehensive Plan and Development Code to provide for and protect manufactured home parks:

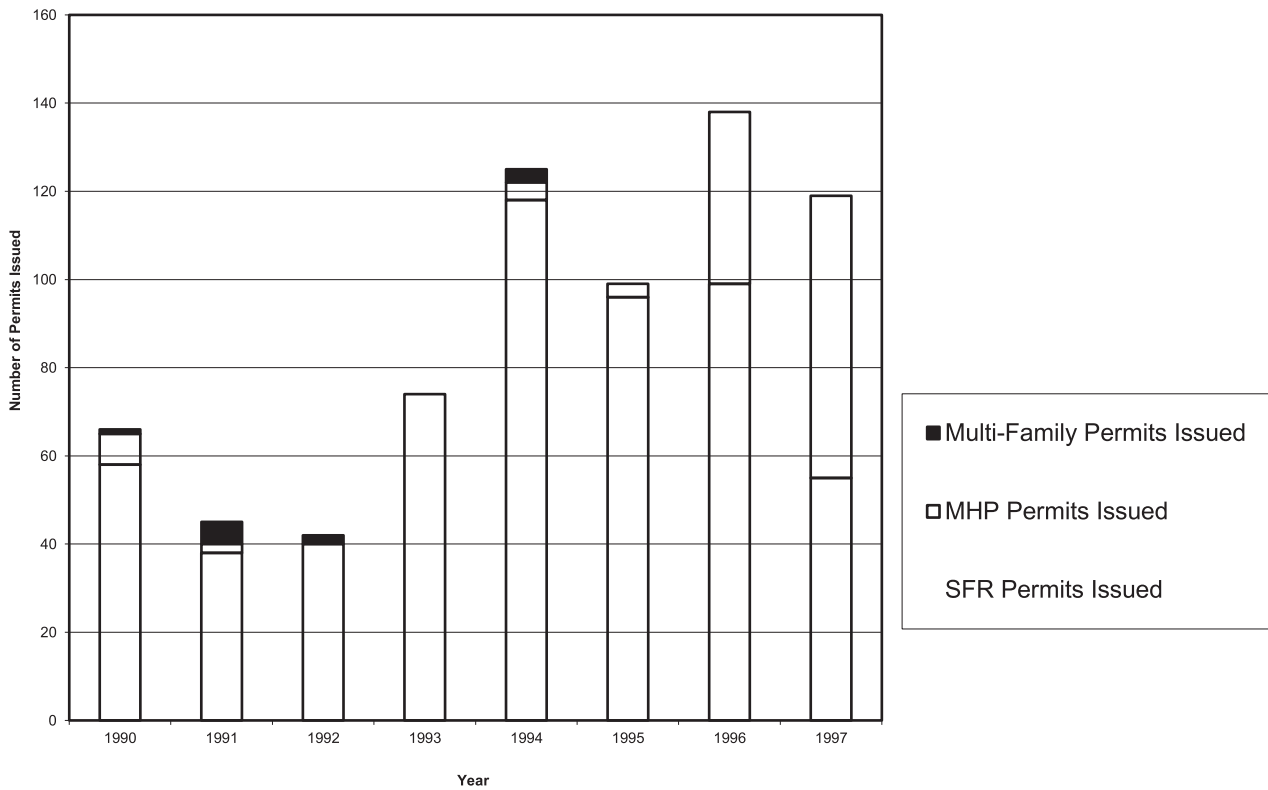
1. A new manufactured home park zone was established and placed on all existing parks. This act removed the prior conditional use status of parks. The new code contains clear and objective approval standards and has been modified to allow for replacement or upgrading of non-conforming units within the existing parks. Amendments will also be made to conform the City's definition for manufactured homes with the new state standards adopted under HB2258. This will provide consistency between the zoning code and the state building code.
2. There are no existing manufactured home parks located within commercial or industrial zones. Therefore, relocation or loss of park spaces is not a pending problem within Cornelius.
3. Manufactured homes may be located within manufactured home parks. The parks must be zoned MHP, however, parks are an outright use within the medium density areas designated on the Plan map. Therefore, properties currently zoned A-2 could be rezoned to MHP by a simple zone map amendment process. Since a needs analysis is not available to document otherwise, no specific standards or limitations are placed on such a map amendment. Conformance to medium density policies and Manufactured Home Park zone standards is all that is required. Upon affirmative findings and recommendations from the Planning Commission, the City Council shall affirm any such zone map amendment. Any denial of a proposed amendment must be based on substantial and compelling evidence of non-compliance to medium density residential policies and/or MHP code standards.

4. Manufactured homes may also be located within conventional subdivisions or on any legally created residential lot. In such cases they shall comply with the base zoning standards.

The above provisions were successful in providing for and protecting manufactured home parks. In fact, Chart 1 shows that a substantial number of the building permits issued in 1996 and 1997 were for manufactured dwellings. Therefore, the Cornelius commitment to all housing types is apparent.

Studies show that there is a continued need for affordable housing throughout Washington County. Historically, Cornelius has developed with predominantly low and moderate income housing. That segment of the market has been well served.

**Chart 1  
Residential Building Permits 1990-1997**



The City shall encourage a mix of housing types which will provide for upper income housing opportunities. While zoning densities within the city provide opportunities to meet this upper end need, the developers have opted for other markets to deliver higher priced housing.

Consistent with ORS 197.303-307, the City's code provides for housing that includes attached and detached single family; multi-family, both owner and renter occupied; manufactured homes; and government assisted housing. All types at various price ranges currently exist within the planning area. Relative to affordability, Cornelius has a predominance of low and moderate priced homes. If there is a shortage, it is in high value homes.

All needed housing types are permitted within zones in the planning area with sufficient vacant land to accommodate a fair share of the county's housing needs. Further, the codes contain clear and objective approval standards that neither individually nor cumulatively discourage needed housing through unreasonable cost or delay.

Any failure to satisfy the needs of any particular needed housing type has not resulted from specific plan or code policies and standards. Rather, it has been external factors such as available funding and/or builder preference, and of course pure market forces. Demand, however, is increasing for higher end housing.

### *Low-Density Residential*

The majority of the city is designated for low-density residential use. The average density will be 5 dwelling units per net acre. The policies and standards for this land use are listed below.

1. Overall density of development will be an average of five (5) units per net acre. This equals standard lot sizes of 6,500 square feet, allowing for streets and open spaces. Many areas are already developed at smaller lot sizes such as (5,000 sq. ft.), so the overall density will likely be in the upper range.
2. Residential development shall coincide with the provision of public streets, curbs, sidewalks, water, storm drainage, and sanitary sewerage facilities. These public facilities shall be capable of adequately serving all intervening properties as well as the proposed development. They will be designed to meet zoning, subdivision, and public works standards.
3. A storm water drainage plan will be submitted with all proposed subdivisions and land partitions to show how storm water will be handled to avoid effects on other property. Storm sewers consistent with Clean Water Services (CWS) standards for water quality and quantity shall be required as a condition of approving subdivisions or land partitions. Further, development designs shall be coordinated with CWS to insure compliance with new METRO Title 3 criteria and Federal Clean Water Act standards.
4. One strategy to efficiently use the residential land supply is to encourage the use of accessory dwelling units. The use of these units in residential zones in conjunction with single family residences will increase density.

### *Medium-Density Residential*

The medium-density residential areas lie behind the commercial area, parallel to the Tualatin Valley Highway. The predominant use in this area is expected to be multi-family dwellings. However, manufactured home parks and single family homes are also permitted. Policies and standards for this area are listed below.

1. The maximum overall density for medium-density residential development shall be fourteen (14) dwelling units per net acre.
2. Residential subdivisions will be developed according to zoning and subdivision regulations.
3. Manufactured home parks are allowed as an outright use consistent with the MHP standards set forth in the zoning code. Simultaneously with development plan approval, manufactured home park sites will be designated MHP on the zoning map.
4. Residential development shall coincide with the provision of public streets, curbs, sidewalks, water, storm drainage, and sanitary sewerage facilities. These public facilities shall be capable of adequately serving all intervening properties as well as the proposed development. They will be designed to meet zoning, subdivision, and public works standards.
5. A storm water drainage plan will be submitted with all proposed subdivisions, land partitions, and site development plans to show how storm water will be handled to avoid effects on other property. Storm sewers consistent with CWS standards for water quality and quantity shall be required as a condition of approving all developments. Further, development designs shall be coordinated with CWS to insure compliance with METRO Title 3 criteria and Federal Clean Water Act standards.

### Mixed-Use Land Uses

The mixed-use plan district is intended to allow and encourage a greater mix and density of compatible land uses than is allowed in strictly residential or commercial districts. It is designed to encourage both a horizontal and vertical mix of retail, office, and residential uses. Commercial uses are generally limited to convenience retail, service, and professional offices. Building heights are limited to three stories. Both the mix and density of uses will concentrate activity in the two main commercial centers and create a symbiotic relationship or activity cluster that helps make business convenient and successful.

1. The overall density for the mixed-use district shall be 50 residents and/or employees per net acre.
2. Maximum building height shall be three stories. Both residential and commercial uses shall be allowed on the ground floor.
3. Development shall coincide with the provision of public streets, curbs, sidewalks, water, storm drainage, and sanitary sewerage facilities. These public facilities shall be capable



**2014 UGB NE Expansion Area  
Proposed Zoning Alternative #1  
(Commercial South of TV Hwy Only)  
Draft 5-20-15**



150 75 0 150 Feet

**Comprehensive Plan / Zoning**

Low-density Residential / R-7 (90 Acres)

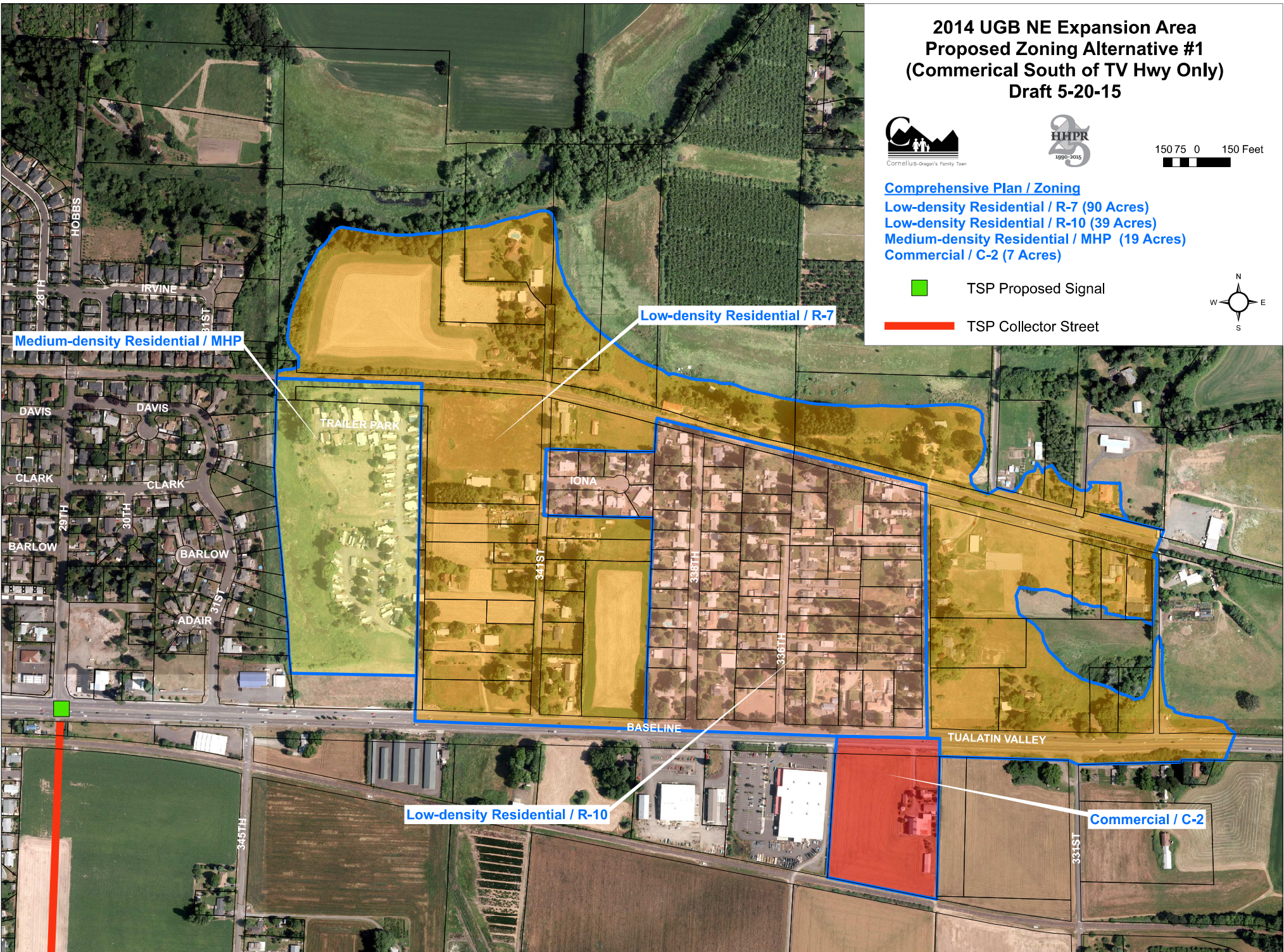
Low-density Residential / R-10 (39 Acres)

Medium-density Residential / MHP (19 Acres)

Commercial / C-2 (7 Acres)

 TSP Proposed Signal

 TSP Collector Street



Medium-density Residential / MHP

Low-density Residential / R-7

Low-density Residential / R-10

Commercial / C-2



# Appendix B: Cornelius Zoning Ordinance – Very Low Density Residential Zone



## Chapter 18.25 VERY LOW-DENSITY RESIDENTIAL ZONE (R-10)

Sections:

- 18.25.010 Purpose.**
- 18.25.020 Permitted uses.**
- 18.25.030 Conditional uses.**
- 18.25.040 Prohibited uses.**
- 18.25.050 Area, density and lot requirements.**
- 18.25.060 Site development standards.**
- 18.25.070 Manufactured housing on individual lots.**
- 18.25.080 Home occupation.**
- 18.25.090 Accessory dwellings.**

### **18.25.010 Purpose.**

The purpose of the very low-density residential (R-10) zone is to implement the low-density residential land use designation and policies of the comprehensive plan. To do this, the R-10 very low-density residential zone regulates the construction of detached single-unit dwellings and middle housing on existing lots, and provides design guidance for low-density residential subdivisions. [Ord. 810, 2000; Code 2000 § 11.20.11; Ord. 2022-03 § 1 (Exh. A), 2022.]

### **18.25.020 Permitted uses.**

The following uses and their accessory uses are permitted outright in an R-10 zone:

(A) Site-built detached single-unit dwelling, detached single-unit manufactured housing, subject to CMC [18.25.070](#), and detached single-unit prefabricated dwelling.

(B) Middle housing.

(C) Underground public utilities.

(D) Accessory uses and structures which are customarily and clearly incidental and subordinate to the above uses, including approved carports, garages, or storage facilities. See CMC [18.150.010](#).

(E) Accessory dwelling unit, subject to CMC [18.20.090](#).

(F) Home occupation consistent with CMC [18.20.080](#).

(G) Residential home consistent with state law.

(H) Type “A” mobile vendor, as described in Chapter [5.35](#) CMC. [Ord. 810, 2000; Code 2000 § 11.20.12; Ord. 916 § 1 (Exh. A), 2010; Ord. 2016-015 § 1 (Exh. A), 2016; Ord. 2022-03 § 1 (Exh. A), 2022.]

### **18.25.030 Conditional uses.**

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

(A) Governmental structure or use including public and private park, playground, community center and noncommercial recreational facilities, golf course, swimming pool, tennis courts, fire station, library or museum.

(B) School – Nursery, primary, elementary, junior or senior high, college or university.

(C) Utility substation or above ground pumping station with no equipment storage.

(D) *Repealed by Ord. 2022-03.*

(E) Home occupation consistent with CMC [18.20.080](#).

(F) A planned unit development, including mixed uses approved by the planning commission and as provided for under Chapter [18.110](#) CMC.

(G) Church, and associated church activities, except commercial day care.

(H) A manufactured structure for temporary educational purposes subject to the following required conditions in addition to other conditions which may be imposed under Chapter [18.105](#) CMC, Conditional Uses. Placed upon a permanent concrete or concrete block foundation and supplied with a continuous perimeter skirting that extends at least six inches below the surface of the ground or to an impervious surface. The skirting shall be composed of the same material and finish as the exterior of the unit or of brick or concrete block, or as may be approved by the planning commission.

(1) Placed a maximum of 18 inches above ground level at any point, unless the unit is placed upon a basement foundation, or unless approved by the planning commission.

(2) Manufactured after June 15, 1976, and bear the Oregon Department of Commerce “Insignia of Compliance” indicating conformance with HUD standards. [Ord. 810, 2000; Code 2000 § 11.20.13; Ord. 2018-05 § 1 (Exh. A), 2018; Ord. 2022-03 § 1 (Exh. A), 2022.]

#### **18.25.040 Prohibited uses.**

The following uses shall be prohibited within the R-10 zone:

(A) Recreational vehicles or other movable temporary dwellings used as a residence or accessory sleeping units, except as lodging for guests not to exceed two weeks.

(B) Multi-unit dwellings on a single lot or parcel.

(C) Retail sales, except for when over the Internet.

(D) Heavy manufacturing and processing.

(E) Parking and storage of construction equipment, semi-tractors and trailers.

(F) The raising of animals other than normal household pets.

(G) Freestanding wind turbines. [Ord. 810, 2000; Code 2000 § 11.20.14; Ord. 916 § 1 (Exh. A), 2010; Ord. 2018-05 § 1 (Exh. A), 2018; Ord. 2022-03 § 1 (Exh. A), 2022.]

#### **18.25.050 Area, density and lot requirements.**

(A) Minimum Density. The minimum density allowed is three dwellings per net acre and four dwellings per net acre for cottage clusters. Any land partition or subdivision shall make provisions to ensure that the minimum density is protected when further partitioning is possible.

(1) Lot Size.

| HOUSING TYPE  | MINIMUM LOT SIZE   |
|---|--------------------|
| Detached single-unit dwelling, duplex, and triplex, quadplex, and cottage cluster | 10,000 square feet |
| Townhouse   | 1,500 square feet  |

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

(B) Maximum Height. Building height, as defined in CMC [18.195.080](#), shall not exceed 35 feet, except for a chimney, radio, television antenna, or solar feature (see CMC [18.195.190](#), S definitions).

(C) Minimum Yard Area Setbacks.

(1) Front Yard. The front, as measured from the furthest extension of the home including porch or deck, shall not be less than 25 feet. Accessory structures, garages or carports shall not be less than 25 feet.

(2) Rear Yard. No rear yard shall be less than 25 feet in depth.

(3) Side Yard. The minimum width of side yards shall be not less than 10 feet, as measured from the foundation of the home. On corner lots the side yard facing the street shall not be less than 20 feet. Townhouses shall have a zero-foot side yard setback on the side where the common wall is located.

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

(5) *Repealed by Ord. 2022-03.*

(6) Cottage Cluster Perimeter Setback. The perimeter setback (all sides except for the front) of a cottage cluster shall not be less than 10 feet.

(D) Minimum Lot Shape. No lot shall be less than 80 feet in width or less than 80 feet in depth, except as may be approved as part of a planned unit development or if the lot has a townhouse. No townhouse lot shall be less than 20 feet in width.

(E) Middle Housing Land Division. If a duplex, triplex, quadplex, or cottage cluster has been divided by a middle housing land division, the area, density, and lot requirements that are applicable to the lot shall apply to the middle housing primary lot, not to the middle housing secondary lot. [Ord. 810, 2000; Code 2000 § 11.20.15; Ord. 2018-05 § 1 (Exh. A), 2018; Ord. 2022-03 § 1 (Exh. A), 2022.]

**18.25.060 Site development standards.**

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

(1) Where the subdivision abuts an arterial or collector street or an existing planned unit development, the reviewing body may require that a perimeter landscaped strip, no more than 25 feet wide, and/or sound mitigation structures be established along the abutting property line. All required building setbacks shall be measured from the inner edge of the perimeter strip, which shall be set aside as a separate tract, and provisions for pedestrian connections through the landscape strip may also be required.

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

(3) All driveways and landscaped areas shall comply with vision clearance standards set forth in subsection (B) of this section. All landscaping shall comply with the general landscaping standards set forth in subsection (C) of this section.

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

(3) 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](#).

(C) Access Streets – Sidewalks – Drainage.

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

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

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

(4) For all new construction, curbs, gutters, and a minimum five-foot-wide sidewalk shall be provided along the entire lot frontage and shall meet ADA accessibility standards. In the case of remodels or garage additions to an existing house, no sidewalk shall be required if one does not exist, but the driveway apron and paved driveway shall be required.

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

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

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

(F) Parking and Loading Space.

(1) Off-Street Parking.

(a) Resident. One covered parking space shall be provided for each home either on an individual lot or in an off-street parking bay within 100 feet from the dwelling being served.

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

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

(2) Paving and Design. Off-street parking areas shall be paved and designed in accordance with the standards of the off-street parking regulations of the zoning ordinance. [Ord. 810, 2000; Code 2000 § 11.20.16; Ord. 874 Exh. (1)(B), 2006; Ord. 2018-05 § 1 (Exh. A), 2018; Ord. 2022-03 § 1 (Exh. A), 2022.]

#### **18.25.070 Manufactured housing on individual lots.**

All manufactured homes on individual lots within the R-10 zone shall:

(A) *Repealed by Ord. 2022-03.*

(B) *Repealed by Ord. 2022-03.*

(C) *Repealed by Ord. 2022-03.*

(D) Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards required of site-built single-family construction under the State Building Code (1981) as defined by ORS [455.010](#).

(E) Have at least one off-street parking space.

(F) *Repealed by Ord. 2022-03.*

(G) Comply with all federal, state, and local building codes for placement, occupation and storage. [Ord. 810, 2000; Code 2000 § 11.20.17; Ord. 2018-05 § 1 (Exh. A), 2018; Ord. 2022-03 § 1 (Exh. A), 2022.]

#### **18.25.080 Home occupation.**

Home occupations may be allowed as follows:

(A) Type A. Allowed through a Type I administrative review consistent with the following:

- (1) There are no structural alterations or changes necessary to the dwelling or accessory building, or to the premises in order to conduct the business operations; and
- (2) There is no outdoor display or storage, nor indoor display or storage, of merchandise on the premises which can be seen from the street or sidewalk adjacent to the dwelling; and
- (3) The business is conducted by members of the immediate family, all of whom reside in the residence and there are no additional employees; and
- (4) Personal appearances by customers on the property are limited to one at a time, and not more than eight customers per day; and
- (5) There is no external signage which informs potential customers of the location of the residential dwelling for the purpose of attracting customers to the dwelling; and
- (6) The business activity does not create noise levels audible above normal ambient residential levels beyond the property line of the property upon which the residential dwelling is located; and
- (7) The activities do not attract more than three commercial deliveries of goods and services daily; and
- (8) The home occupation may not serve as a headquarters or dispatch center where employees come to the site and are dispatched to other locations; and
- (9) The owner has and maintains a valid city business license; and
- (10) In the case of home child care, there are not more than 16 children total and the operator is appropriately registered and/or certified by the state.

(B) Type B. Allowed by approval of the planning commission through a Type III application, and subject to the following:

- (1) There are structural alterations or changes necessary to the dwelling, accessory building, or to the premises in order to conduct the business operations, and/or a new accessory building is needed to conduct the normal operations of the business; and
- (2) There is no outdoor display or storage, nor indoor display or storage, of merchandise on the premises which can be seen from the street or sidewalk adjacent to the dwelling; and
- (3) The business is conducted by members of the immediate family living on the premises and/or not more than one employee who does not reside in the residence; and
- (4) Personal appearances by customers on the property are limited to three at a time, and not more than 10 customers per day; and
- (5) The business activity does not create noise levels audible above normal ambient residential levels beyond the property line of the property upon which the residential dwelling is located; and
- (6) The activities do not attract more than five commercial deliveries of goods and services daily; and
- (7) The home occupation may not serve as a headquarters or dispatch center where employees come to the site and are dispatched to other locations; and
- (8) The owner has and maintains a valid city business license; and

(9) There is no accessory dwelling associated with the primary residence. [Ord. 810, 2000; Code 2000 § 11.20.18; Ord. 916 § 1 (Exh. A), 2010.]

**18.25.090 Accessory dwellings.**

(A) A second or secondary, self-contained, one-bedroom living unit with separate entrance and kitchen, developed in conjunction with an existing single-family home and usually created in one of the following ways:

- (1) From existing space in the primary dwelling;
- (2) From a combination of existing and newly created space associated with the primary dwelling;
- (3) From space within an existing accessory building, such as a detached garage; or
- (4) From the addition of a new accessory building associated with an existing single-family home.

(B) Accessory dwellings shall comply with the following:

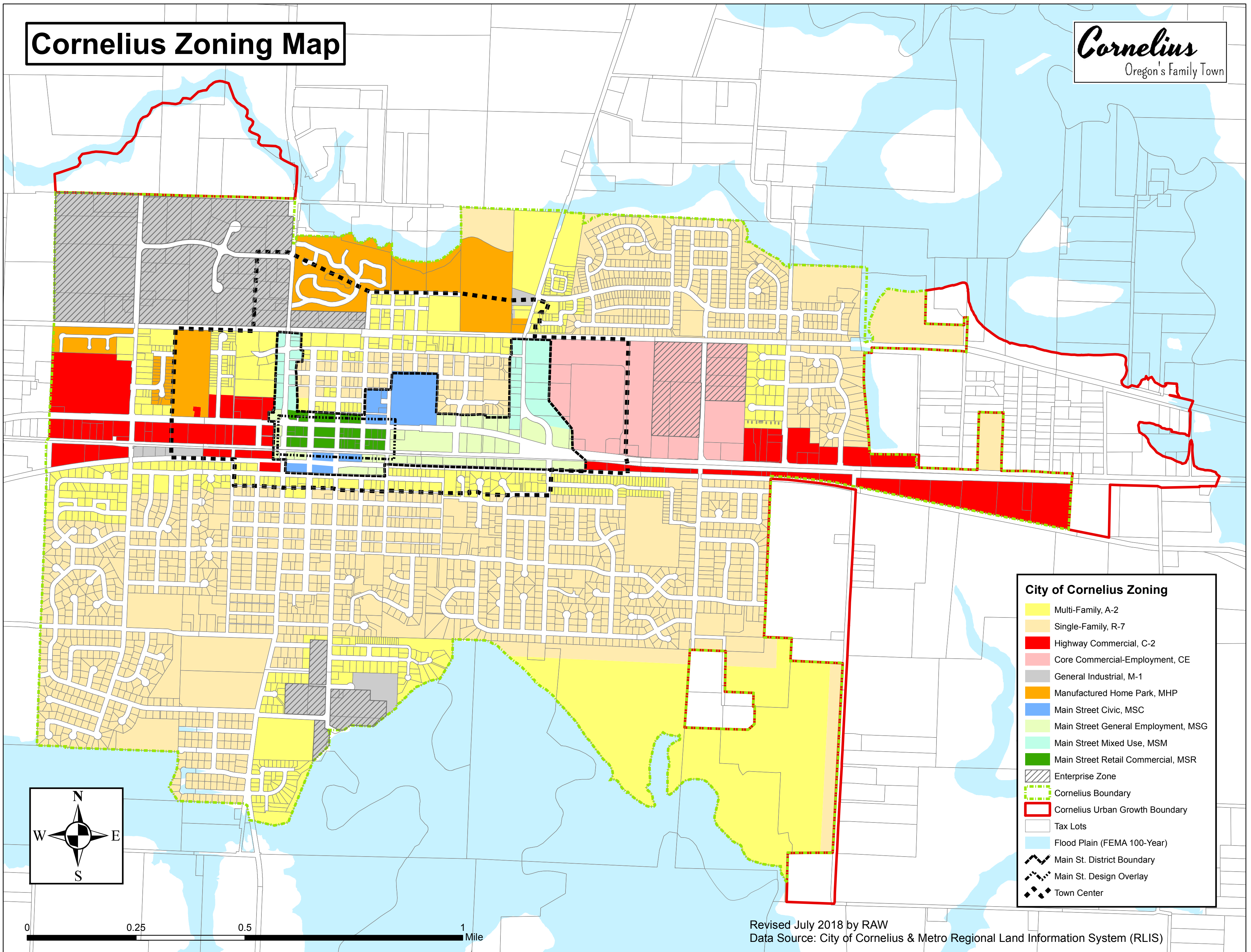
- (1) The owner(s) of the primary dwelling shall occupy at least one of the units.
- (2) There shall be a minimum of 250 square feet of floor area for each occupant, and there shall be no more than two occupants, and the unit shall not exceed 800 square feet, or 30 percent of the total floor area of the primary dwelling.
- (3) *Repealed by Ord. 2022-03.*
- (4) The exterior architectural design and building materials are consistent with those of the primary dwelling, and there shall be only one front door facing the street.
- (5) All yard area requirements of the base zone shall be met, and the unit shall comply with the fire and life safety codes. [Ord. 810, 2000; Code 2000 § 11.20.19; Ord. 2022-03 § 1 (Exh. A), 2022.]

[Mobile Version](#)

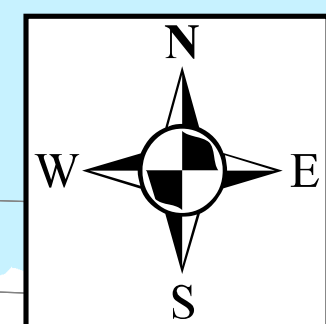


# Cornelius Zoning Map

*Cornelius*  
Oregon's Family Town



- City of Cornelius Zoning**
- Multi-Family, A-2
  - Single-Family, R-7
  - Highway Commercial, C-2
  - Core Commercial-Employment, CE
  - General Industrial, M-1
  - Manufactured Home Park, MHP
  - Main Street Civic, MSC
  - Main Street General Employment, MSG
  - Main Street Mixed Use, MSM
  - Main Street Retail Commercial, MSR
  - Enterprise Zone
  - Cornelius Boundary
  - Cornelius Urban Growth Boundary
  - Tax Lots
  - Flood Plain (FEMA 100-Year)
  - Main St. District Boundary
  - Main St. Design Overlay
  - Town Center



0 0.25 0.5 1 Mile

Revised July 2018 by RAW  
Data Source: City of Cornelius & Metro Regional Land Information System (RLIS)



Appendix C: Email from Barbara Fryer confirming allowable residential units if parcel was rezoned

## Kristen Svcarovich

---

**From:** Barbara Fryer <Barbara.Fryer@corneliusor.gov>  
**Sent:** Thursday, August 24, 2023 2:23 PM  
**To:** Kristen Svcarovich  
**Subject:** RE: RSA - Final - 6-19-20.pdf ODOT Safety Audit  
**Attachments:** Chapter 18.25 VERY LOW-DENSITY RESIDENTIAL ZONE (R-10).pdf

Good afternoon Kristen,

I can only speak to the land use aspects of the project. Here is the R-10 zoning district. Please see 18.25.050. Based on the lot size of 0.61 acres, or 26571.6 square foot lot.

The applicant is required to place a minimum of two dwellings on the 0.61 acre property. If the applicant chooses a cottage cluster development, they would need also need to place a minimum of two dwellings on the property.

**If the applicant chooses to subdivide the 0.61 acres into two parcels, roughly 13,000 SF each parcel, the applicant could place the following:**

Up to 4 units on each 13,000 SF parcel in any mix desired (e.g., one quad on each parcel, two duplexes on each parcel or one SF dwelling and one triplex, OR

**Up to 8 Townhomes don each 13,000 SF parcel;** OR

A cottage cluster development. The cottage cluster development is bound by the perimeter setbacks, building code requirements for separation and requirements for each unit to have its own lateral to the Water and Sewer limit the number of units that can be placed on site. Each water and sewer line requires its own 10 foot easement that doesn't overlap so the arrangement on the site is especially important. I don't have the time to map the details out to determine the maximum number of units that can be placed on the site as it is too subjective in terms of placement. It is up to the applicant to demonstrate that the site works with the units on site with all of the corresponding easements, parking (if provided) and access to each unit.

It is really dependent on the site and how the developer/applicant designs the project.

Regards,

Barbara

---

**From:** Kristen Svcarovich <ksvcarovich@hotmail.com>  
**Sent:** Thursday, August 24, 2023 12:51 PM  
**To:** Barbara Fryer <Barbara.Fryer@corneliusor.gov>  
**Subject:** Re: RSA - Final - 6-19-20.pdf ODOT Safety Audit

Barbara-

Thank you for sending this over, I appreciate it.

Do you have any other insight into why Terry Keyes won't return my calls? I find it very odd that he won't call me back. I just want to learn more about his decision making in regards to the Traffic Impact Analysis, the TSP, and utility Master Plans.

Also, could you please confirm what would be allowed for in regards to unit development on each lot. Is it 8 units per lot for a total of 16 units?

Thanks,

Kristen

---

**From:** Barbara Fryer <[Barbara.Fryer@corneliusor.gov](mailto:Barbara.Fryer@corneliusor.gov)>

**Sent:** Thursday, August 24, 2023 11:57 AM

**To:** Kristen Svicarovich <[ksvicarovich@hotmail.com](mailto:ksvicarovich@hotmail.com)>

**Subject:** RSA - Final - 6-19-20.pdf ODOT Safety Audit

If you believe you have received this email by mistake, please inform us by an email reply and then delete the message. Also, the integrity and security of this email cannot be guaranteed over the Internet.

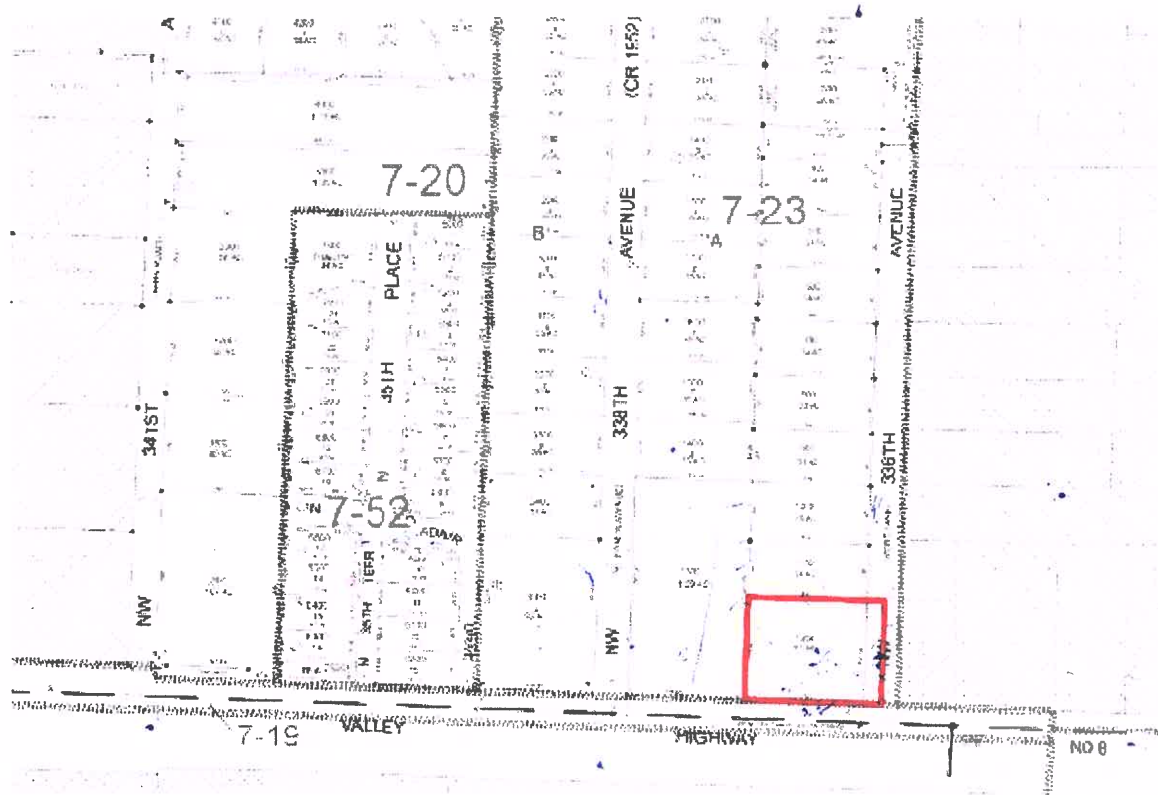
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If you believe you have received this email by mistake, please inform us by an email reply and then delete the message. Also, the integrity and security of this email cannot be guaranteed over the Internet.

# Appendix D: Neighborhood Petition – Adverse Affects

There is proposed rezone (see below) of vacant lot at the corner of NW 336<sup>th</sup> Avenue and TV Highway (OR8) that is occurring via land-use action ZC-01-23. This lot was zoned Washington County AF-5 and it is being proposed to be rezoned to City of Cornelius R-10. If rezoned the allowed uses within the zone could allow for up to 16 townhomes to be built on this parcel.

Do you believe the rezone will result in an Adverse Affect to the character of your neighborhood?



| Name                          | Address   | Date    |
|-------------------------------|---|---------|
| John Kodyman                  | 515 N.W 336 <sup>th</sup>                       | 8-25-23 |
| John Kodyman                  | will result in adverse affect                   |         |
| Matthew J Taylor              | 420 NW 336 <sup>th</sup> Ave                    | 8-25-23 |
|                               | will resolve in adverse effect                  |         |
| Joan Anthony & Michael Antony | 385 NW 336 <sup>th</sup> Ave                    | 8-25-23 |
| Joan Anthony                  | & this will adversely affect the neighborhood   |         |
| Sarah McNeill                 | 345 NW 336 <sup>th</sup> Ave Hillsboro OR 97124 | 8/25/23 |
|                               | This will adversely affect the neighborhood!    |         |

| Name  | Address  | Date  |
|---|--|---|
| Luis Carrillo   | 345 NW 336 <sup>th</sup> AVE Hillsboro OR        | 8-25-23                                     |
| This will adversely affect our neighborhood.  |  |   |
| Becky Fisk  | 305 NW 336 <sup>th</sup> Ave Hillsboro, OR 97124 | 8/25/23                                     |
| This will adversely affect our neighborhood Becky Fisk  |  |   |
| PETER YOUNG   | 270 NW 336 <sup>th</sup> Hillsboro OR 97124      |   |
| This will adversely affect our neighborhood P 8/25/23   |  |   |
| * ALSO OWN  | 175 NW 336 <sup>th</sup> AVE Hillsboro OR 97124  |   |
| USA M. Stewart  | 205 NW 336 <sup>th</sup> AVE Hillsboro, OR 97124 | 8-25-23                                     |
| This will adversely affect our neighborhood!!! USA M. Stewart   |  |   |
| Amalia Rios Rios  | 190 NW 336 <sup>th</sup> AVE Hillsboro           |   |
| This will adversely affect our neighborhood!!! @ 8/25/23  |  |   |
| GEORGE + FRANCINE SVICAROVICH   | 145 NW 336 <sup>th</sup> AVE Hills               | 8/26/23                                     |
| George + Francine this will adversely affect our neighborhood   |  |   |
| Jonathan, Rochelle Bradley  | 235 NW 336 <sup>th</sup> Ave Hillsboro           | 8.25.23                                     |
| This will Adversely Affect Our Neighborhood!!   |  |   |
| Art Dixon   | 155 NW 338 <sup>th</sup> AVE, Hillsboro OR       | 8-26-23                                     |
| The access to site will impact TVHWY, AND ANY PARKING WOULD BE ON STREET IMPACTING RESIDENCES ALONG 336 <sup>th</sup> & 338 <sup>th</sup> AVE THIS LOT SHOULD REMAIN AFS. |  |   |
| Leola Miranda   | 160 NW 338 <sup>th</sup> AVE                     | 8/26/23                                     |
| Leola Miranda this will adversely affect our neighborhood   |  |   |
| THOMAS WOODSON  | 190 NW 338 <sup>th</sup> AVE Hillsboro           | 8/26/23                                     |
| Thomas M. Woodson This will adversely affect our neighborhood   |  |   |
| Cindy Martinez  | 135 NW 334 <sup>th</sup> AVE Hillsboro OR 97124  |   |
| Cindy will adversely affect neighborhood 08.26.23   |  |   |
| Christopher & Shigipe Wankner   |  | will adversely affect neighborhood. 8.26.23 |
| SH. Wankner   | 33585 SW TV High. & 336 <sup>th</sup> Ave.       |   |



Name

Address

Date

Charles Wade 115 N.W. 336<sup>th</sup> Ave. 8/26/23

Chad Wade No spot zoning

DAVID BURKE 265 NW 336<sup>th</sup> Ave 8-26-23

David Burke This will adversely affect the neighborhood

Therun Kim Macleay 380 NW 336<sup>th</sup> Ave 8-26-23

Therun Macleay This will adversely affect the neighborhood

TAD (Kristen) ABIS 135 NW 338<sup>th</sup> Ave <sup>will adversely affect the neighborhood + traffic</sup> 8-26-23

Susan Paul 8/26/23 110 NW 336<sup>th</sup> Ave Hillsboro

Susan Kavelis This will adversely affect my house

Mike Agostini 425 NW 336<sup>th</sup> Ave Hillsboro

Michael Agostini This will adversely affect my house

Kathy Kinnaman 160 NW 336<sup>th</sup> Ave Hillsboro 8/26/2023

Kathy Kinnaman This will adversely affect the neighborhood

Greg Kinnaman 160 NW 336<sup>th</sup> Ave Hillsboro 8/26/2023

Greg Kinnaman This will obviously negatively affect us

Elonda Albee 33765 SW T.V. Hwy. Hillsboro, OR 8/26/23

Elonda Albee This will adversely affect the neighborhood.

Sandra Houston 165 NW 334<sup>th</sup> Ave Hillsboro, Or.

Sandra Houston This will adversely affect the neighborhood

Appendix E: Oregon Department of Transportation –  
Road Safety Audit, Selected pages  
pertaining to NW 336<sup>th</sup> Avenue



# ROAD SAFETY AUDIT REPORT

June 2020



OREGON DEPARTMENT  
OF TRANSPORTATION  
OR 8: SW 17<sup>th</sup> Avenue  
to S 26<sup>th</sup> Avenue

*Cornelius*  
Oregon's Family Town

 Hillsboro  
OREGON

 KITTELSON  
& ASSOCIATES

# ROAD SAFETY AUDIT (RSA) REPORT

## OR 8: SW 17<sup>th</sup> Avenue to S 26<sup>th</sup> Avenue Washington County, Oregon

**Prepared for:**

OREGON DEPARTMENT  
OF TRANSPORTATION  
REGION 1

**Prepared by:**

KITTELSON & ASSOCIATES, INC.  
851 SW 6<sup>th</sup> Avenue, Suite 600  
Portland, OR 97204  
(503) 535.7455

**Project Manager/RSA Leader:**

Hermanus Steyn, PrEng, PE

**Project Planner/Engineer:**

Ashleigh Ludwig, AICP, PE

**Project Analyst:**

Molly McCormick

**Project Analyst:**

Eric Germundson, PE







ODOT Project Key No. 20479

Kittelson Project No. 24994

**June 2020**



Table 9: Summary of Minor Street Observations

| Summary of Minor Street Observations               |   |   |   |  |   |   |
|--|---|---|---|--|---|---|
| Intersection                                       | Corridor Issue Observed   |   |   |  |   |   |
|  | Inconsistent Pedestrian Facilities  | High Speed Corridor   | High Density of Minor Streets/ Accesses   | Limited Intersection Visibility  | Limited Sight Distance  | Limited Illumination  |
|  |  |  |  |  |  |  |
| 29 <sup>th</sup> Avenue                            | X   | X   | X   |  | X   | X   |
| 31 <sup>st</sup> Avenue / 345 <sup>th</sup> Avenue | X   | X   | X   |  | X   | X   |
| East Lane  | X   | X   |   |  |   | X   |
| 341 <sup>st</sup> Avenue                           | X   | X   |   | X  | X   | X   |
| Adair Drive  | X   | X   | X   | X  | X   | X   |
| 338 <sup>th</sup> Avenue                           | X   | X   | X   | X  | X   | X   |
| <b>336<sup>th</sup> Avenue</b>                     | <b>X</b>  | <b>X</b>  | <b>X</b>  | <b>X</b>   | <b>X</b>  | <b>X</b>  |
| 334 <sup>th</sup> Avenue                           | X   | X   |   | X  | X   | X   |
| 331 <sup>st</sup> Avenue/ North Side Access        | X   | X   |   | X  | X   | X   |



In addition to the corridor-wide issues observed at the minor intersections, the following observations were also made. Attachment A provides available traffic volume and crash data for the intersections. See Attachment B for the full list of observations and accompanying images.

- Minor Intersection: 29<sup>th</sup> Avenue
  - Key north-south route within Cornelius
  - Land use transitions in eastbound direction from suburban to rural
  - Westbound right-turn lane may be unnecessary
  - Large turning radii, impacting location of pedestrian ramp
- Minor Intersection: 31<sup>st</sup> Avenue / 345<sup>th</sup> Avenue
  - There is approximately 160 feet of offset between offset T intersections
  - The rail crossing to the south is yield-controlled
  - Inconsistent bus stop configuration (e.g., in-lane and pullout configurations)
  - Future project to align 31<sup>st</sup> Avenue with 345<sup>th</sup> Avenue
- Minor Intersection: East Lane (Valley View)
  - Bus pullouts in both directions
  - Some street frontage improvements
- Minor Intersection: 341<sup>st</sup> Avenue
  - Stop sign visibility
  - One light oriented to side-street on utility pole in northwest corner
  - Cornelius TSP notes this location as a potential future signal with frontage roads
- Minor Intersection: Adair Drive
  - Adair Drive is a temporary connection
  - Current condition to OR 8 to provide access for Cascadia Gardens subdivision
  - The road will be closed when future development builds a street to connect to either 341<sup>st</sup> Avenue or 338<sup>th</sup> Avenue (i.e., part of future frontage road)
  - Luminaire of street light pole hidden in large tree
  - Short existing sidewalk in front of development with no connections to other intersections
- Minor Intersection: 338<sup>th</sup> Avenue
  - All observations related to corridor-wide issues discussed below



- Minor Intersection: 336<sup>th</sup> Avenue
  - Multiple driveways across the street providing access to Coastal Farm & Ranch

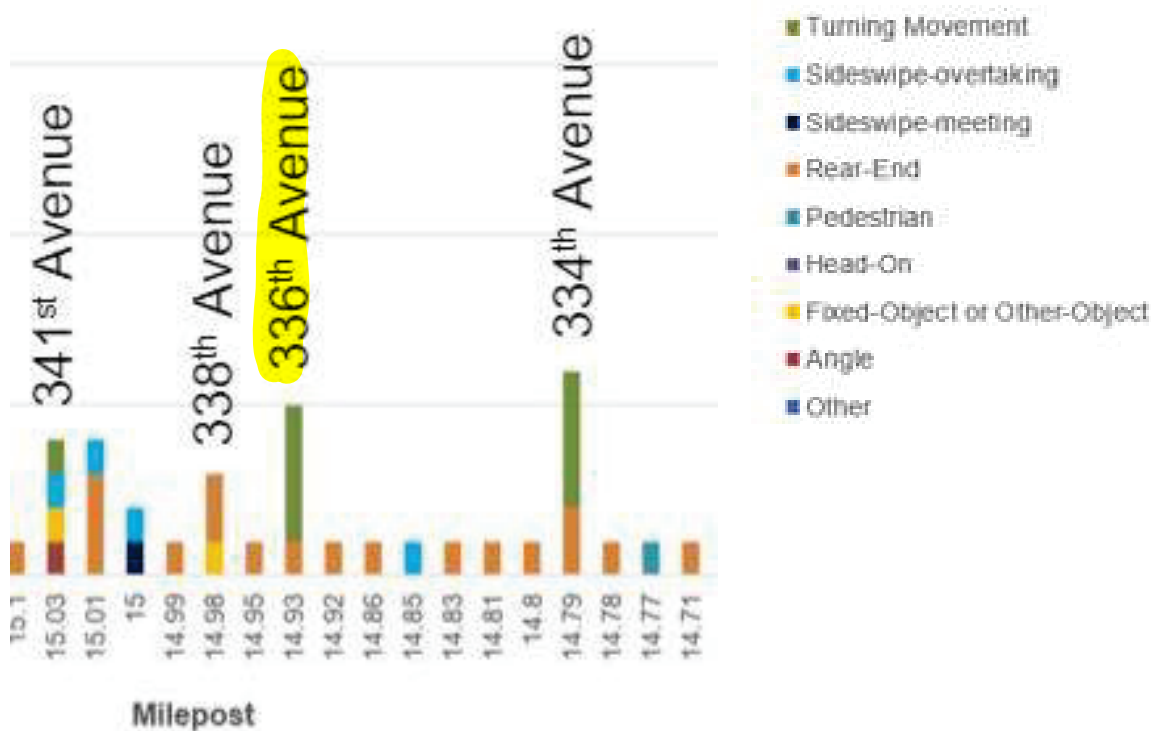
Minor Intersection: 334<sup>th</sup> Avenue

- Three pedestrian fatalities near this intersection
  - In-lane bus stops in both directions
  - One of the highest TriMet ridership stops for study corridor
  - Higher turning movement volumes compared to other stop-controlled side streets on the study corridor
  - Tall grass in the northeast corner of the intersection causes difficulty seeing westbound vehicles from the side street
- Minor Intersection: 331<sup>st</sup> Avenue / North Side Access
    - No westbound left-turn pocket to 331<sup>st</sup> Avenue
    - Left turns onto 331<sup>st</sup> Avenue from a westbound leftmost travel lane
    - Overhanging branches encroaching into westbound bike lane
    - Right-of-way (ROW) in the vicinity of the future trail exists for the North Side Access to connect to 334<sup>th</sup> Ave





Exhibit 17: 2013-2017 Crash Data Excerpts



There are many examples of intersections and accesses which are spaced close to each other. One is shown in the photos below:



Driveway near 336<sup>th</sup> Avenue



Driveway near 336<sup>th</sup> Avenue

The high-density accesses and unsignalized intersections are an issue because they can create conflicts in the TWLT lane when vehicles are making two-stage left turning movements, as also discussed in the high speed corridor issue section. Examples of vehicles completing a two-stage left turn are shown in the following photos:



## Issue: Limited Intersection Visibility

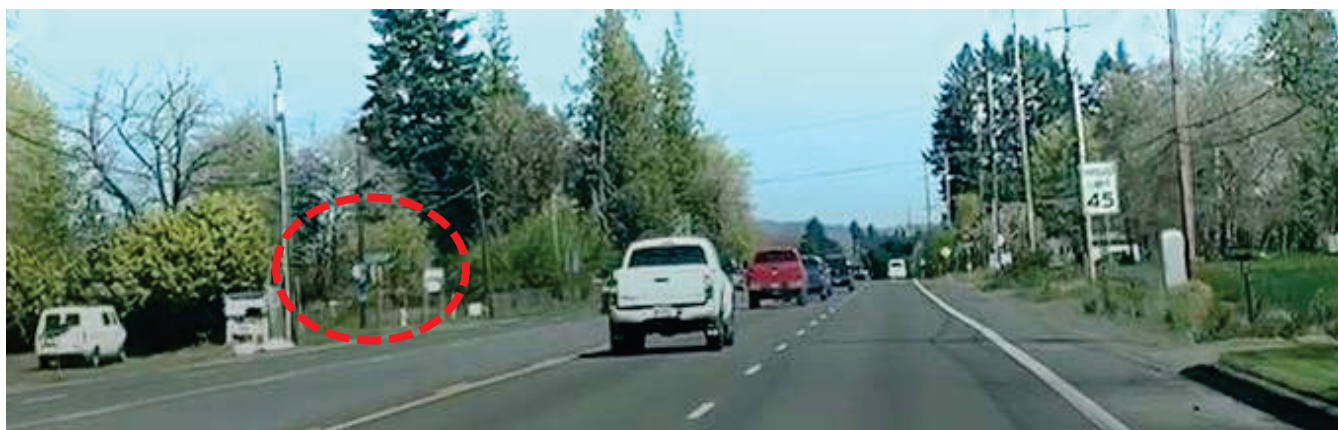


■ Category I – Low Risk

An additional issue identified by the RSA team is limited intersection visibility along the corridor. This means that it is difficult for drivers to identify intersections while they are driving along the corridor. Two examples of intersections that are difficult to see are shown in the photos below:



**Traveling westbound—336<sup>th</sup> Avenue not identified**



**Traveling westbound—334<sup>th</sup> Avenue not identified**





**At SW 331<sup>st</sup> Avenue looking east**

The intersection sight distance (ISD) is also an issue at some of the intersections along the corridor. Vehicles were observed pulling forward past stop bar and/or stop signs to see oncoming traffic. Examples of limited ISD are shown in the photos below:



**At 336<sup>th</sup> Avenue looking east**



**At 336<sup>th</sup> Avenue looking west**



**At 338<sup>th</sup> Avenue looking east**



**At 29<sup>th</sup> Avenue looking west**



Appendix F: Oregon Department of Transportation –  
Road Safety Audit, full copy for the record

# ROAD SAFETY AUDIT REPORT

June 2020



OREGON DEPARTMENT  
OF TRANSPORTATION  
OR 8: SW 17<sup>th</sup> Avenue  
to S 26<sup>th</sup> Avenue

*Cornelius*  
Oregon's Family Town

 Hillsboro  
OREGON

 KITTELSON  
& ASSOCIATES

# ROAD SAFETY AUDIT (RSA) REPORT

## OR 8: SW 17<sup>th</sup> Avenue to S 26<sup>th</sup> Avenue Washington County, Oregon

**Prepared for:**

OREGON DEPARTMENT  
OF TRANSPORTATION  
REGION 1

**Prepared by:**

KITTELSON & ASSOCIATES, INC.  
851 SW 6<sup>th</sup> Avenue, Suite 600  
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(503) 535.7455

**Project Manager/RSA Leader:**

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**Project Planner/Engineer:**

Ashleigh Ludwig, AICP, PE

**Project Analyst:**

Molly McCormick

**Project Analyst:**

Eric Germundson, PE

ODOT Project Key No. 20479

Kittelson Project No. 24994

**June 2020**



THIS DOCUMENT IS PROTECTED UNDER THE PROVISIONS  
OF  
TITLE 23 UNITED STATES CODE SECTION 409 AS FOLLOWS:

**Title 23 U.S.C. §409: Discovery and admission as evidence of certain reports and surveys**

Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential accident sites, hazardous roadway conditions, or railway-highway crossings, pursuant to sections 130, 144, and 148 of this title or for the purpose of developing any highway safety construction improvement project which may be implemented utilizing Federal-aid highway funds shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.



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## PURPOSE

A road safety audit (RSA) is a formal safety performance examination of an existing road or intersection by an independent audit team. It also considers the safety of all road users, examines the interaction of project elements, considers interactions at the limits of the project, and proactively considers mitigation measures to address safety issues. An RSA is not a “standards” check for examining adherence to design guidelines. It seeks to identify opportunities to improve safety. This RSA report summarizes key safety related issues, and the independent RSA team developed a series of suggestions to address these safety issues. The suggestions may not be within ODOT’s (Oregon Department of Transportation) current design guidelines and criteria, but the RSA team wanted to highlight various options including safety countermeasures that have been used by other agencies. ODOT will consider the RSA suggestions in their formal response to the RSA report, refer to Step #7 of the Federal Highway Administration (FHWA) RSA process.

## RSA TEAM SUMMARY

**Project Title:** OR 8: SW 17<sup>th</sup> Avenue to S 26<sup>th</sup> Avenue – Road Safety Audit (RSA)

**Date:** May 11<sup>th</sup> – 15<sup>th</sup>, 2020

### RSA Team:

- Terry Keyes, City of Cornelius, Engineer
- Rich Crossler-Laird, ODOT, Roadway
- Mariana Montes, ODOT, Traffic Investigator
- Matt Dorado, Washington County, Engineer
- Hermanus Steyn, Kittelson & Associates, Inc., Senior Principal Engineer
- Eric Germundson, Kittelson & Associates, Inc., Engineer

### RSA Support Resources:

- Robert DeVassie, ODOT, Project Manager
- Martin Jensvold, ODOT, Traffic Investigations Engineer
- Jonathan Burnitt, ODOT, Traffic Investigator
- Lili Boicourt, ODOT, Community Affairs
- Ashleigh Ludwig, Kittelson & Associates, Inc., Senior Engineer/Planner
- Molly McCormick, Kittelson & Associates, Inc., Engineering Associate

### RSA Stakeholders:

- Joseph Auth, Community Participation Organizations (CPO) District 12C (Chair), City of Hillsboro
- John Bennett, Cornelius Police (Chief)
- Ben Baldwin, TriMet





- Scott Pears, ODOT Maintenance
- Jeff Lee, ODOT Maintenance
- Rob Drake, City of Cornelius (City Manager)
- Carol Hatfield, Hillsboro School District
- Crystal Araujo, Youth Advisory Council (YAC)

## PROJECT CHARACTERISTICS

The Road Safety Audit (RSA) Team studied a segment of OR 8 from SW 17<sup>th</sup> Avenue in Hillsboro, Oregon to S 26<sup>th</sup> Avenue in Cornelius, Oregon. Exhibit 1 illustrates the extents of the 1.6-mile study corridor, which included portions within the Cornelius and Hillsboro city limits and unincorporated Washington County.

**Exhibit 1: RSA Study Corridor Extents**

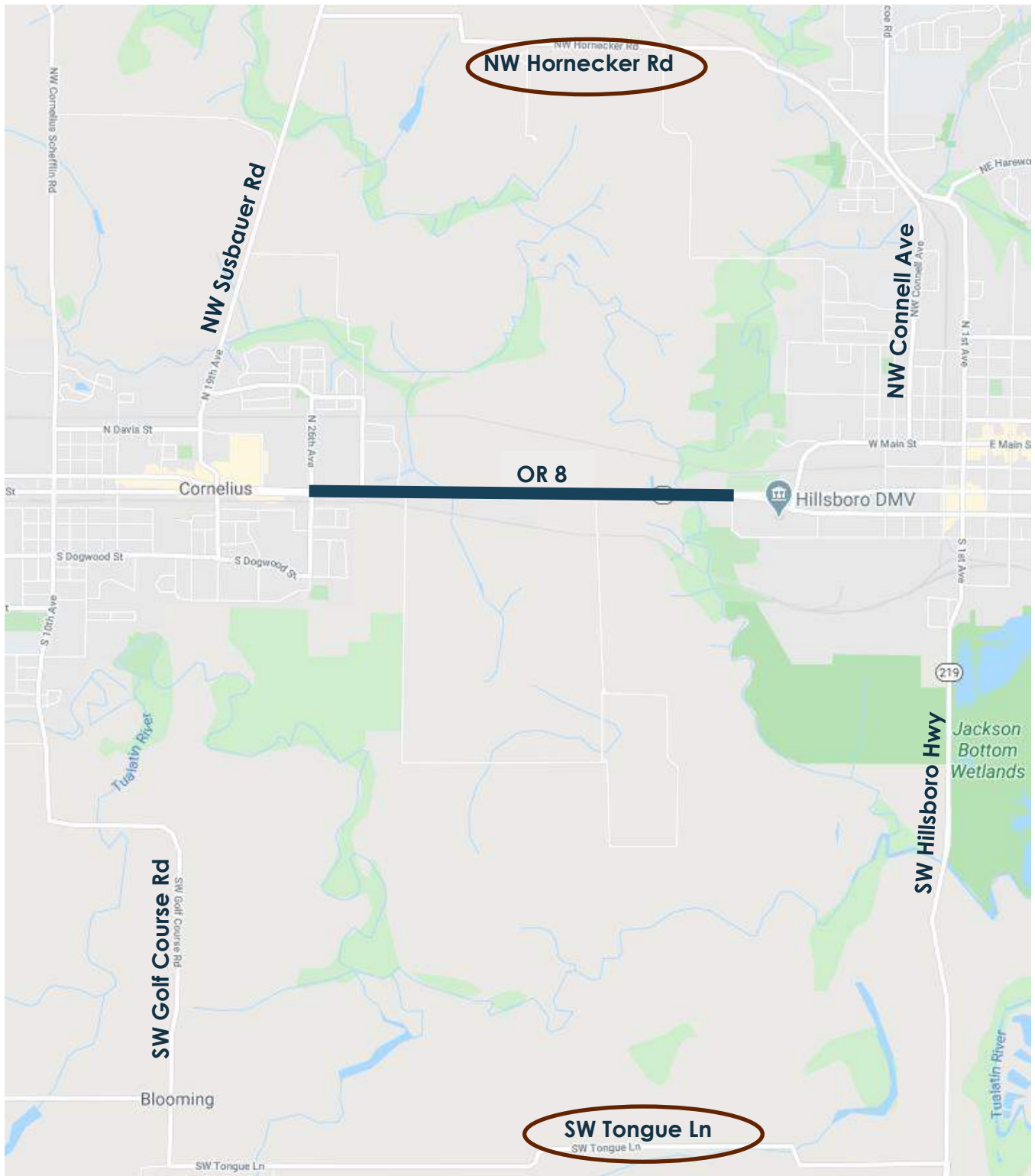


Source: Base Image from Google Earth

As shown in Exhibit 2, OR 8 is one of the few east-west routes connecting Hillsboro and Cornelius. The nearest parallel connecting route to the north is NW Hornecker Road, approximately 1.7 miles north of OR 8. The nearest parallel connecting route to the south is SW Tongue Lane, approximately 2.4 miles south of OR 8.



**Exhibit 2: Roadway Network Near OR 8 Study Corridor**



Source: Base Image from Google Maps



## Existing Roadway and Land Use Characteristics

This section highlights existing roadway and traffic characteristics of the study corridor based on data that was either provided by ODOT and stakeholders or was easily accessible through online databases. Table 1 summarizes project characteristics. All references to OR 8 focus on the previously defined study corridor unless otherwise noted.

**Table 1: Project Characteristics**

| Description                                    | Project Characteristic  |
|--|---|
| <b>Audit Type:</b>                             | Planning stage  |
| <b>Land Use Development Proposal:</b>          | No  |
| <b>Units of Measure:</b>                       | US  |
| <b>Adjacent Land Use:</b>                      | Rural and suburban (transition zone from suburban to rural to suburban) including farm use, heavy industrial, residential, and commercial   |
| <b>Posted Speed—US in miles per hour (mph)</b> | 40-45 mph, including a temporary speed zone reduction from 50 mph to 45 mph   |
| <b>Median Type:</b>                            | Two-way left-turn (TWLT) lane striping for majority of corridor and two sections of raised medians between 26 <sup>th</sup> Avenue and N 29 <sup>th</sup> Avenue and between SW 345 <sup>th</sup> Avenue and East Lane  |
| <b>Service Function:</b>                       | <ul style="list-style-type: none"> <li>Highway Number:                             <ul style="list-style-type: none"> <li>• ODOT Highway 29 (Tualatin Valley Highway)</li> </ul> </li> <li>Functional Classification:                             <ul style="list-style-type: none"> <li>• Arterial (Cornelius), arterial (Hillsboro), arterial (Washington County), principal arterial (Federal)</li> <li>• Special designation as part of Regional Arterial and Throughway Network</li> </ul> </li> <li>Oregon Highway Plan (OHP) Designation:                             <ul style="list-style-type: none"> <li>• Statewide highway</li> <li>• National Highway System (NHS)</li> <li>• National Network</li> <li>• Reduction Review Route</li> </ul> </li> <li>Freight Routes:                             <ul style="list-style-type: none"> <li>• Designated as a County Over-Dimensional Truck Route and a Metro Regional Freight Road Connector</li> </ul> </li> </ul> |

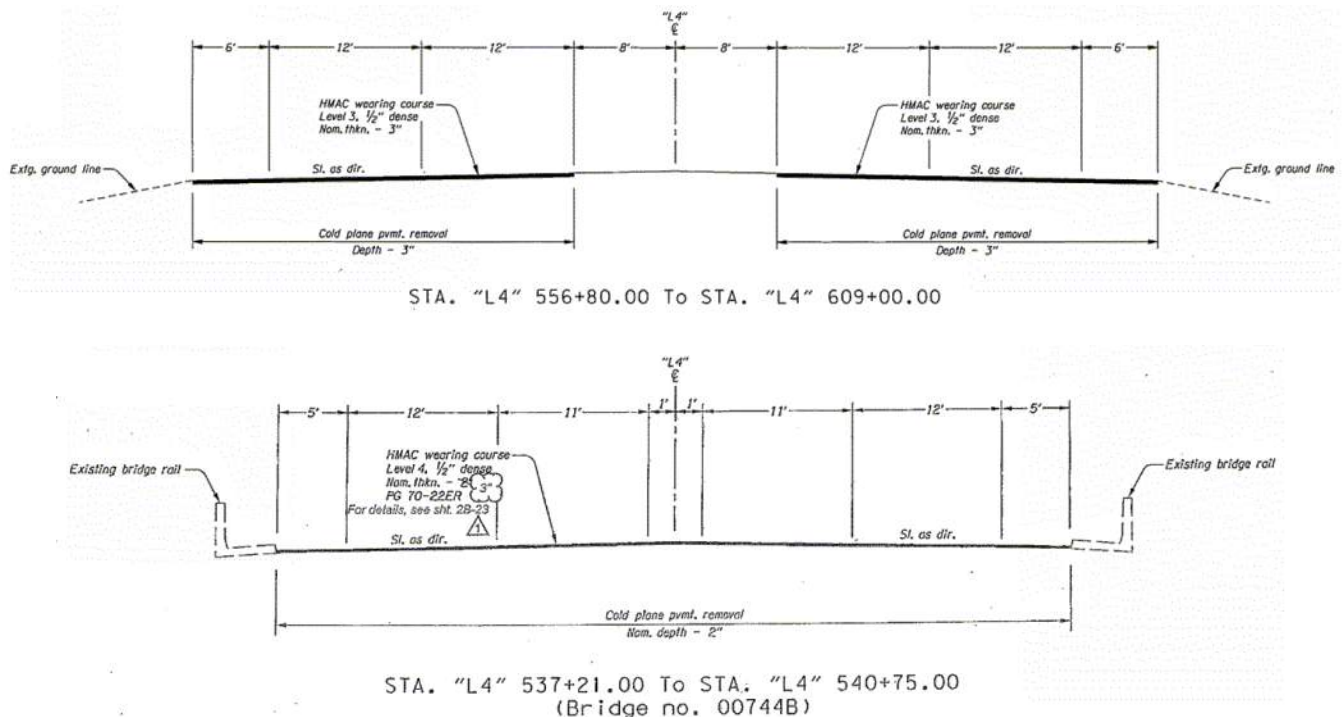


| Description                               | Project Characteristic   |
|---|--|
|   | <b>Terrain:</b> Rolling terrain  |
| <b>Climatic Conditions–Temperature:</b>   | Mild winter (rain with some freezing, icing possible), warm summer (sporadic hot days)                               |
| <b>Climatic Conditions–Precipitation:</b> | Rain during fall, winter, and spring with some snow possible during winter months. Foggy conditions at dawn possible |

## Roadway Facilities

OR 8 has four to five lanes with varying cross-section widths. The narrowest cross-section is located on the bridge crossing Dairy Creek west of SW 17<sup>th</sup> Avenue. The existing pavement width of OR 8 ranges from 58 feet to 76 feet. The available right-of-way is 110 feet for the majority of the corridor. Striped bike lanes are provided westbound. Eastbound striped bike lanes are provided except at the segment between the Dairy Creek bridge and 17<sup>th</sup> Avenue. Curbs are provided within the city of Cornelius, otherwise there are gravel shoulders beyond the bike lanes. On-street parking is prohibited on OR 8. Exhibit 3 presents example cross-sections along OR 8.

### Exhibit 3: Roadway Cross-Section



Source: ODOT





There are 10 stop-controlled intersections, two signalized intersections, and a number of private and commercial access points in this segment. For the majority of its length there is a continuous TWLT lane. Major street directional left-turn lanes are provided at five intersections.

### Temporary Speed Zone Investigation

At the beginning of 2020, ODOT conducted a temporary speed zone investigation on OR 8, from 150 feet west of Sunset Highway (mile point 0.20) to Poplar Street (mile point 18.26). A speed study was conducted in February 2020 as part of the investigation for the section of OR 8 from Dairy Creek Bridge (mile point 14.31) to SW 345<sup>th</sup> Avenue (mile point 15.36), which is within the RSA study corridor. The speed study evaluated the posted and measured speeds of vehicles at two locations on the study corridor. At the time of the speed study, the posted speeds on the east and west ends of the study corridor were 40 mph and the central section was posted at 50 mph. Speed measurements were taken at two locations within the posted 50 mph section and exceeded posted speeds. The 85<sup>th</sup> percentile speeds at the two locations are shown in Table 2.

**Table 2: ODOT 2020 Speed Study 85th Percentile Speeds**

| 85 <sup>th</sup> Percentile Speeds |        |
|------------------------------------|--------|
| <b>Measured at SW 331st Avenue</b> |        |
| <b>Westbound</b>                   | 55 mph |
| <b>Eastbound</b>                   | 54 mph |
| <b>Measured at NW 338th Avenue</b> |        |
| <b>Westbound</b>                   | 55 mph |
| <b>Eastbound</b>                   | 54 mph |

Based on the speed study, ODOT implemented a temporary speed zone reduction from 50 mph to 45 mph for the section the section of OR 8 from Dairy Creek Bridge to SW 345<sup>th</sup> Avenue, as shown in Exhibit 4. This reduction, implemented in early 2020, was in place during the RSA efforts and will continue to be in place until the end of 2020.



**Exhibit 4: Study Corridor Posted Speed**



**\*Temporary Speed Zone reduction from 50 mph until December 31, 2020**

Source: Base Image from Google Earth

**Land Use**

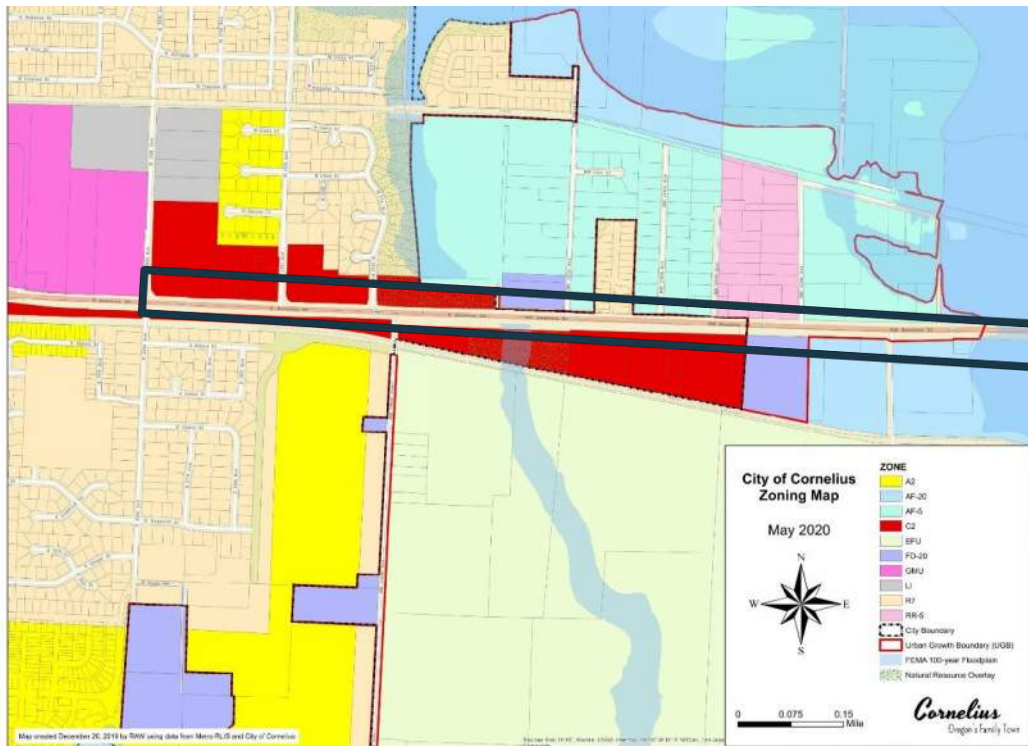
As Cornelius and Hillsboro grow, the land use context along OR 8 evolves, becoming more urbanized. Exhibits 5, 6, and 7 illustrate land use zoning by jurisdiction: City of Cornelius, City of Hillsboro, and Washington County. The Cornelius city boundary ends east of NW 336<sup>th</sup> Avenue. The Cornelius urban growth boundary (UGB) encompasses a majority of the study corridor, extending past SW 331<sup>st</sup> Avenue.

Land use zoning immediately adjacent to the study corridor includes residential (R-7, A-2, RR-5), commercial, (C-2), agricultural (AF5, AF20, EFU), and industrial. Areas adjacent to OR 8 are zoned as FD-20, which applies to “unincorporated urban lands added to the UGB by Metro through a Major or Legislative Amendment process after 1998. The FD-20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete. The provisions of this District are also intended to implement the requirements of Metro’s Urban Growth Management Functional Plan” (Washington County Community Development Code, Section 308).





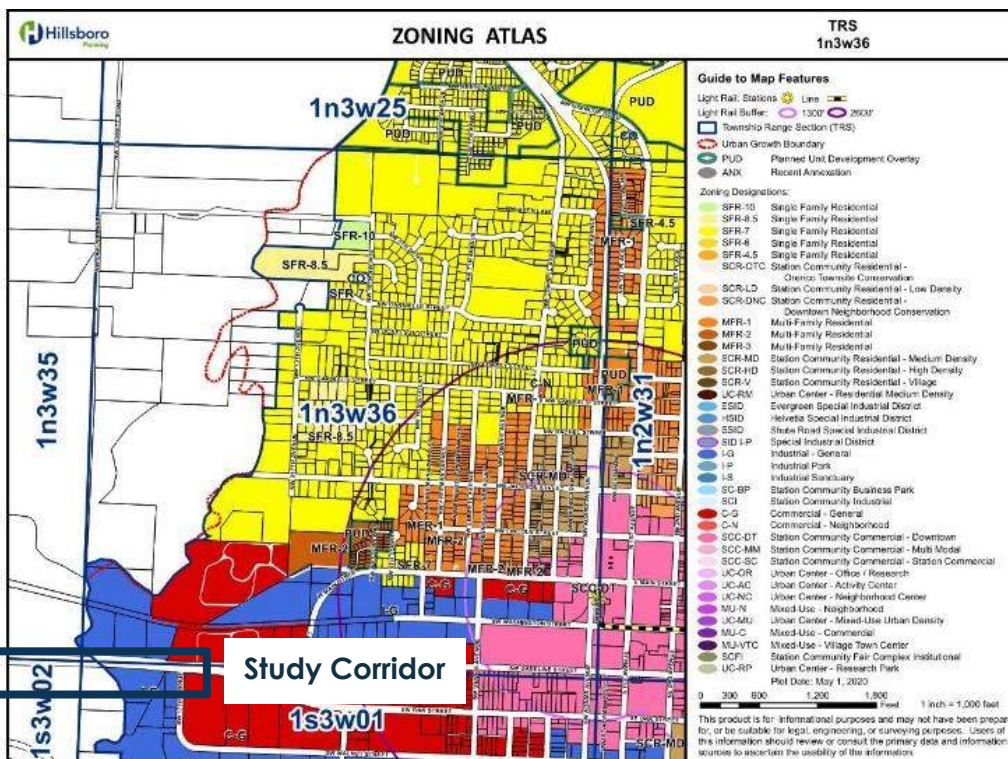
**Exhibit 5: Zoning Map for East Cornelius**



**Study Corridor**

Source: City of Cornelius

**Exhibit 6: Zoning Map for West Hillsboro**

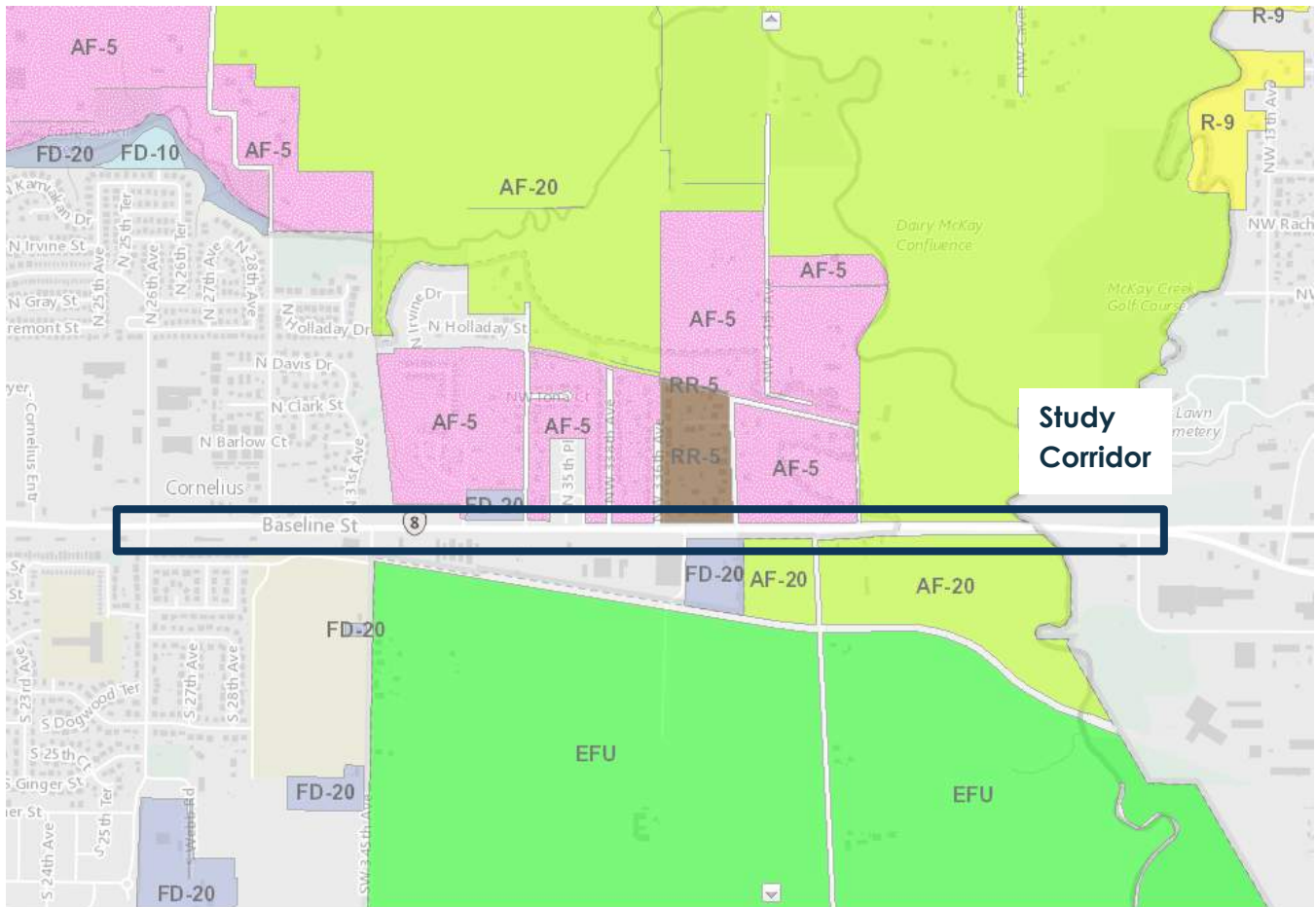


**Study Corridor**

Source: City of Hillsboro Zoning Atlas - <https://www.hillsboro-oregon.gov/services/maps/zoning-atlas>



**Exhibit 7: Washington County Zoning Map for Study Corridor**



Source: Washington County Online Intermap - <http://gisims.co.washington.or.us/InterMap/theDetails.cfm?GoNav=1>





## Bus Services

OR 8 is used for public transit and school bus routes as represented schematically in Exhibit 8. The exhibit shows the approximate location of TriMet and school bus stops on OR 8, as of May 2020.

### Exhibit 8: TriMet and School Bus Stops Located on OR 8



Source: Base Image from Google Earth

## PUBLIC TRANSIT

TriMet Line 57 – TV Highway/Forest Grove runs bidirectionally on OR 8. All bus stops are delineated by a pole and signage. The majority of the bus stops require the transit vehicle to stop in-lane to pick up and drop off passengers. Four stops along the western portion of the study corridor include paved bus pull-outs, where the bus pulls out of the travel lane for passenger pickup and drop-off and then pulls back into traffic.



Bus Stop on OR 8



Ridership data was provided by TriMet for the stops and are summarized in Table 3. The data included daily weekday values for the Fall 2019 Passenger Census.

**Table 3: TriMet Line 57 2019 Fall Ridership**

| Westbound to Forest Grove               |                   |                    | Eastbound to Beaverton Transit Center   |                   |                    |
|---|-------------------|--------------------|---|-------------------|--------------------|
| Stop Location                           | Daily Weekday Ons | Daily Weekday Offs | Stop Location                           | Daily Weekday Ons | Daily Weekday Offs |
| SW Baseline St & SW 331st Ave           | 1                 | 2                  | E Baseline St & S 26th Ave              | 43                | 14                 |
| SW Baseline St & NW 334th               | 2                 | 9                  | E Baseline St & N 29th Ave/NW Hobbs Rd  | 10                | 5                  |
| SW Baseline St & NW 338th Ave           | 1                 | 5                  | E Baseline St & SW 345th Ave            | 10                | 6                  |
| E Baseline St & Valley View (East Lane) | 2                 | 14                 | E Baseline St & Valley View (East Lane) | 9                 | 1                  |
| E Baseline St & N 31st Ave              | 5                 | 6                  | SW Baseline St & NW 338th Ave           | 4                 | 3                  |
| E Baseline St & N 29th Ave/NW Hobbs Rd  | 7                 | 14                 | SW Baseline St & NW 334th Ave           | 7                 | 2                  |
| E Baseline St & N 26th Ave              | 9                 | 35                 | SW Baseline St & SW 331st Ave           | 3                 | 1                  |

## SCHOOL BUS SERVICE

There are three schools within Hillsboro School District that bus students along or to/from OR 8 in the study corridor:

- Free Orchards Elementary, located in Cornelius
- Evergreen Middle School, located in Hillsboro
- Glencoe High School, located in Hillsboro

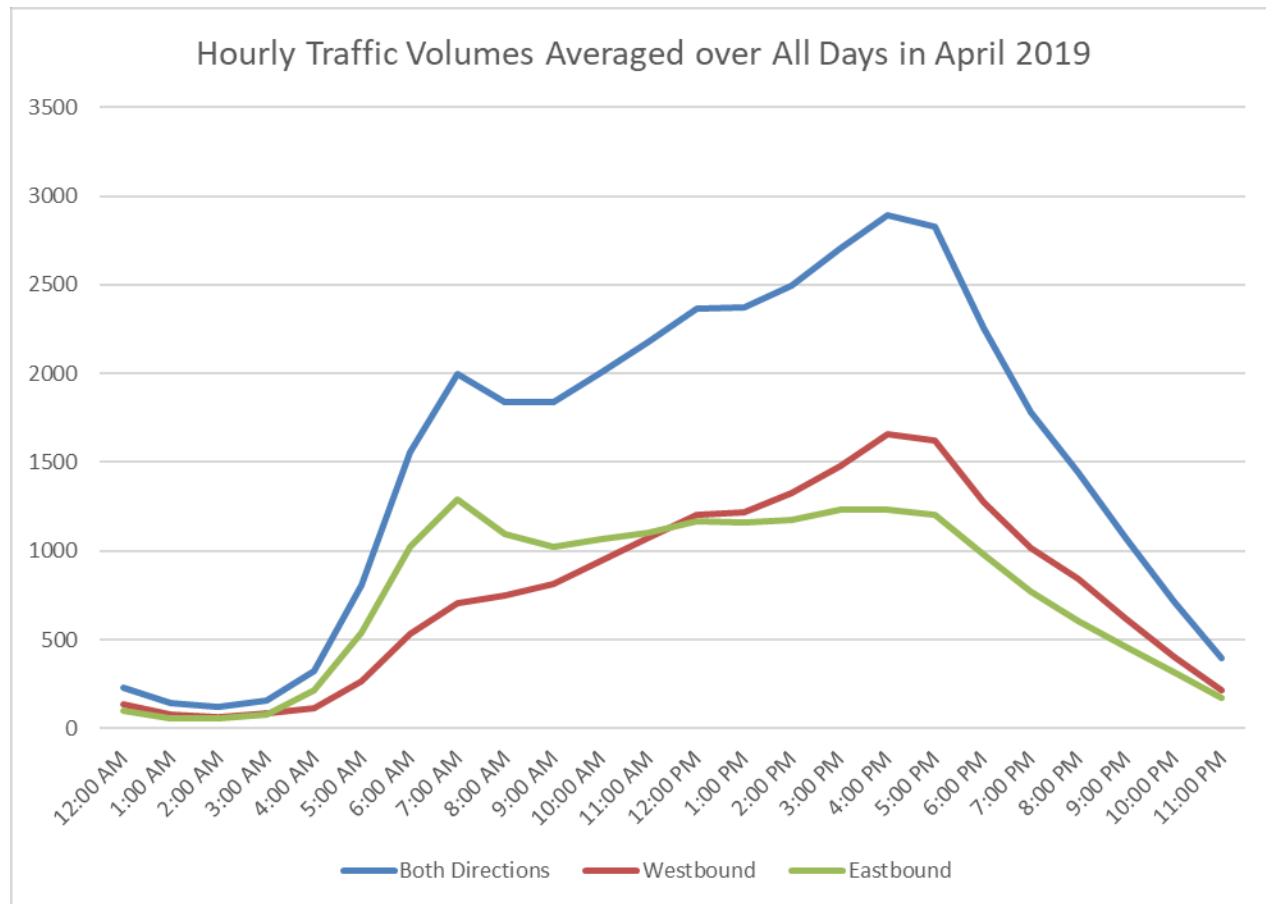
The school bus routes located within the project corridor are routes 744, 747, 754, and 760. The stop locations for these routes are highlighted in Exhibit 8 above.



## Existing Traffic Characteristics

ODOT provided April 2019 hourly Automatic Traffic Recorder (ATR) counts for one location on OR 8. The ATR is located west of NW 334<sup>th</sup> Avenue. Exhibit 9 shows the average daily hourly traffic profile, averaged over all days in April 2019.

**Exhibit 9: April 2019 Average Hourly Traffic Volume Profile for ODOT ATR 34-009**





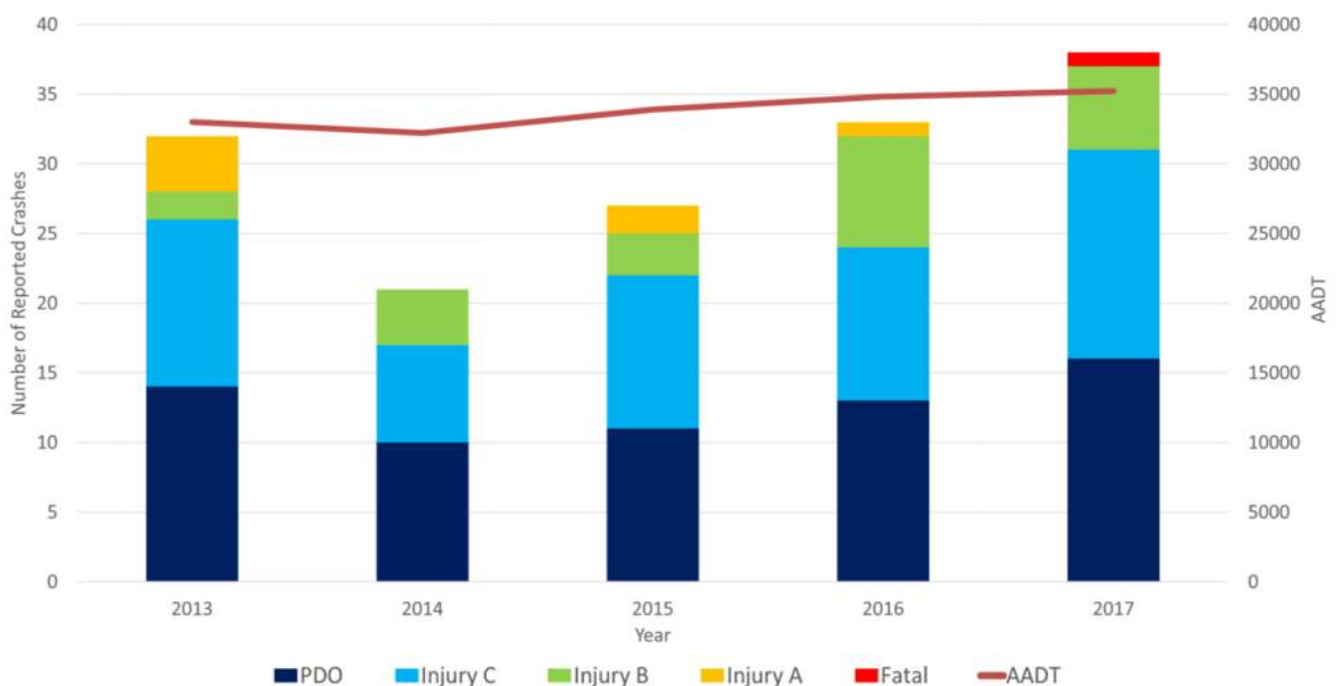
## Overview of Crash History

Two types of information were provided by ODOT regarding the crash history. The first information source is the reported ODOT crash data for the five-year period between January 1, 2013 and December 31, 2017. ODOT's crash reports include crashes for which a crash report was completed. According to Oregon law, crash reports are required when damages associated with the crash exceed \$1,500.<sup>1</sup>

Exhibit 10 presents the reported 2013-2017 crash numbers. Injury A crashes involve participant(s) that have a suspected serious, but non-fatal injury. Injury B crashes involve participant(s) that have a suspected minor injury. Injury C crashes involve participant(s) that have a suspected injury that is not minor or serious. "PDO" crashes refer to crashes that involve "property damage only". As shown, the number of crashes per year has increased since 2014 with a similar profile to the annual average daily traffic (AADT) profile. The one fatal crash that occurred in the reported 2013-2017 timeframe was a pedestrian crash.

Exhibit 11 presents crashes by severity and collision type. The majority of 2013-2017 reported crashes were classified as rear-end or turning movement collision types.

**Exhibit 10: 2013-2017 Reported Crash Severity and Average Annual Daily Traffic by Year**



<sup>1</sup> The reporting threshold increased from \$1,500 to \$2,500 on January 1, 2018. The crash data used in this report is based on the \$1,500 threshold. Source:

[https://www.oregon.gov/ODOT/Data/documents/Crash\\_Data\\_Disclaimers.pdf](https://www.oregon.gov/ODOT/Data/documents/Crash_Data_Disclaimers.pdf)





Exhibit 11: 2013-2017 Reported Crash Severity by Collision Type

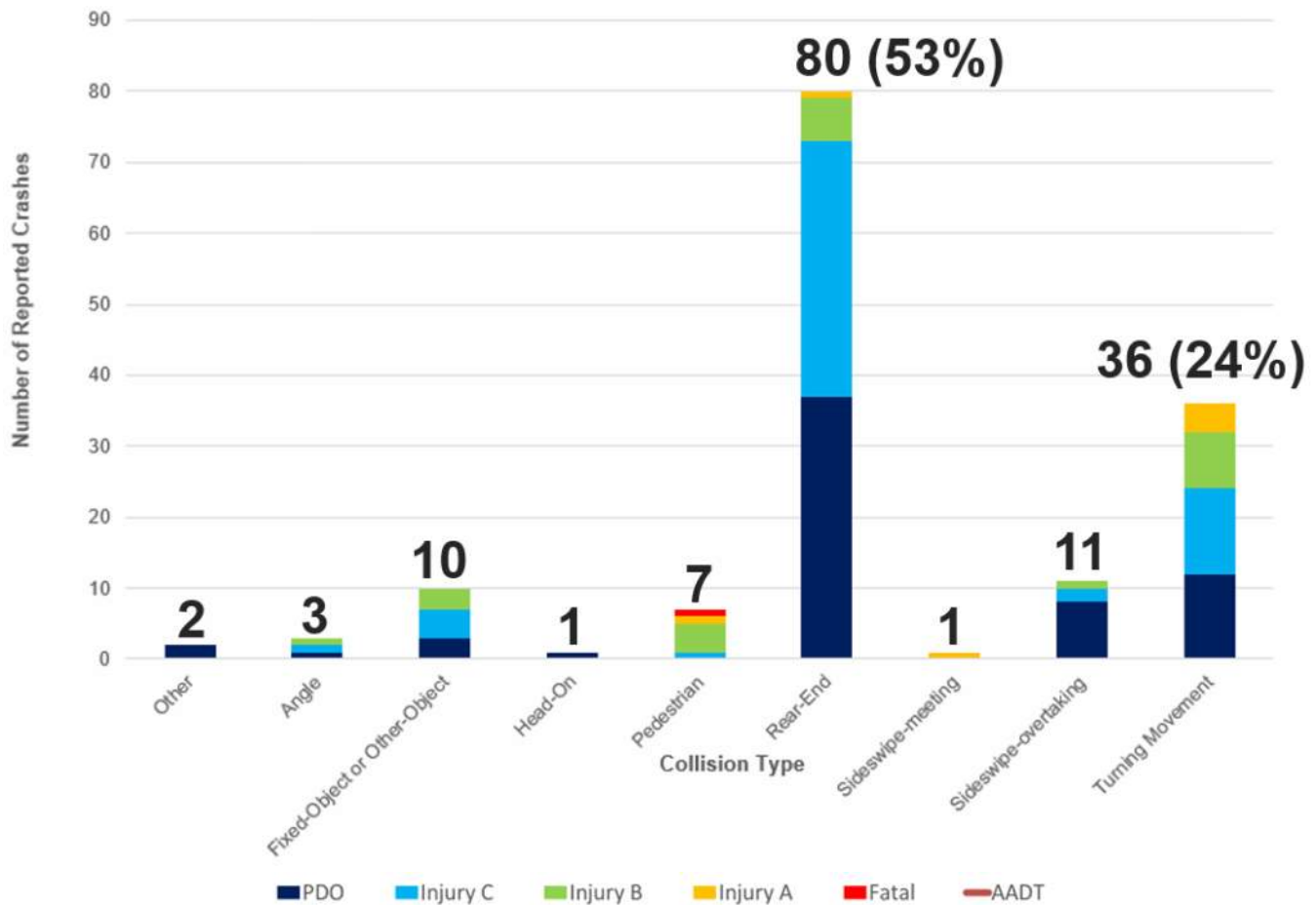


Table 4 summarizes the crash rate for the study corridor and compares it to the statewide average crash rates for state highways classified as “other principal arterials” in suburban and rural locations. The comparison to suburban and rural locations is provided due to the unique context of this location. Although the corridor has historically included rural characteristics, it continues to evolve to a more urban/suburban context. When looking at the reported five-year crash history, the average crash rate exceeds the statewide average crash rate for suburban and rural other principal arterial facilities.

Table 4: Crash Rate Comparison (Based on Reported 2013-2017 Crash Data)

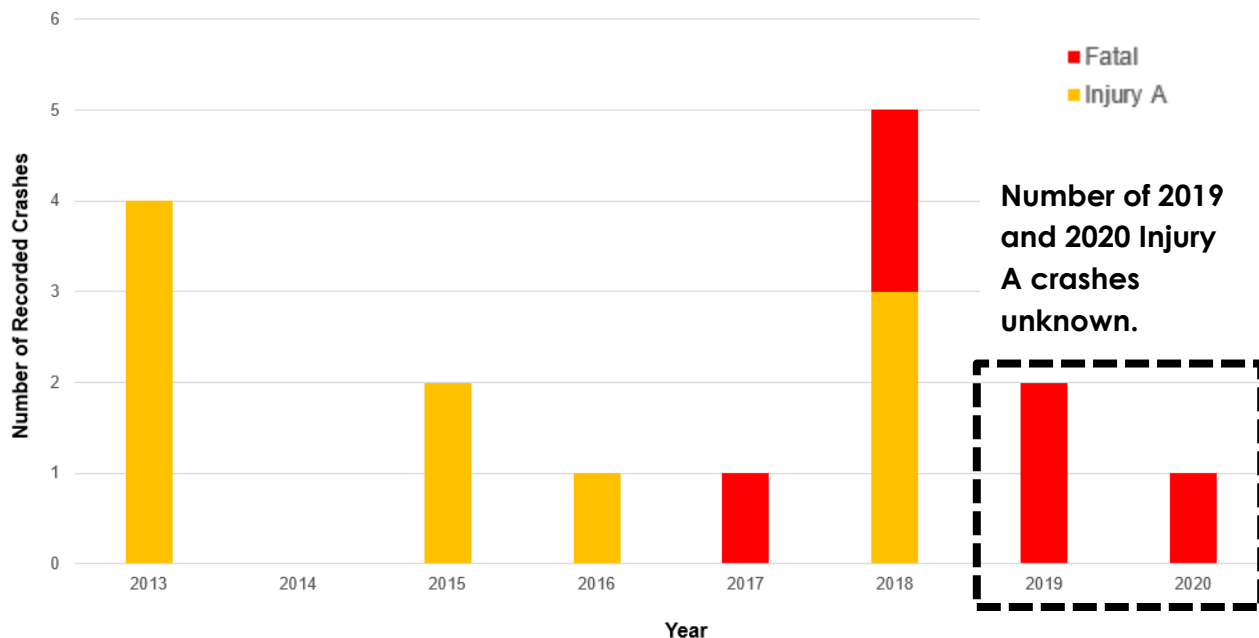
|                                      | Average Crash Rate<br>(Crashes per Million Entering Vehicles) |
|--------------------------------------|---|
| OR 8 Study Corridor                  | 1.88  |
| Statewide Crash Rate (Suburban)*     | 1.39  |
| Statewide Crash Rate (Rural Cities)* | 1.47  |

\*Source: ODOT Analysis and Procedures Manual (APM)



The second type of crash information provided for the study corridor includes preliminary and anecdotal data for crashes that occurred between 2018 and 2020. ODOT provided preliminary 2018 crash data that includes fatal and injury A crashes. This data is supplemented with fatal crash information for 2019 and 2020 that could be found through newspaper and online searches. Exhibit 12 summarizes the known fatal and injury A crashes for 2013-2020 on the study corridor.

**Exhibit 12: 2013-2020 Fatal Crashes and 2013-2018 Injury A Crashes**



As shown, one fatal crash occurred within the five-year reported crash data time period, but at least one fatal crash has occurred every year since 2017. Known fatal crash history for 2013-2020 is summarized below.

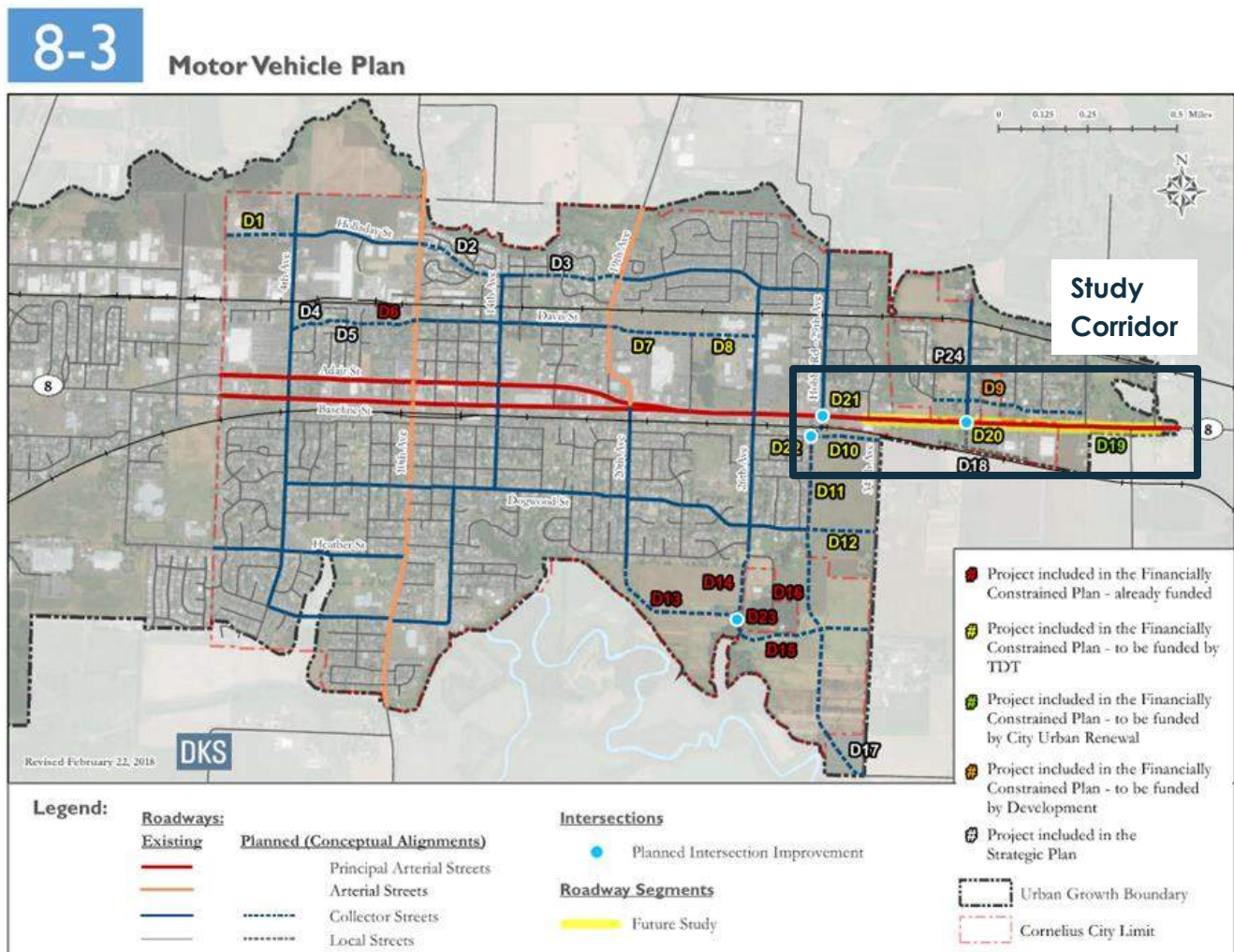
1. Friday, September 22, 2017 at 9:00 pm
  - a. Location: East of NW 334<sup>th</sup> Avenue (MP 14.77)
  - b. Collision Type: Pedestrian
2. Monday, October 1, 2018 at 9:15 pm
  - a. Location: East of SW 331<sup>st</sup> Avenue (MP 14.38)
  - b. Collision Type: Bicycle
3. Saturday, November 17, 2018 at 7:00 pm
  - a. Location: West of NW 341<sup>st</sup> (MP 15.14)
  - b. Collision Type: Head-on
4. Saturday, March 9, 2019 at 7:00 pm
  - a. Location: NW 334<sup>th</sup> Avenue (MP 14.79)
  - b. Collision Type: Pedestrian
5. Thursday, November 7, 2019 at 2:10 pm
  - a. Location: NW 334<sup>th</sup> (MP 14.79)
  - b. Collision Type: Turning Movement
6. Tuesday, January 18, 2020 at 7:00 am
  - a. Location: NW 341<sup>st</sup> Avenue (M.P. 15.12)
  - b. Collision Type: Pedestrian



## Recent and Future Planned Projects

The 2018 Cornelius Transportation System Plan (TSP) provides guidance on future planned projects on OR 8. As shown in Exhibit 13, the proposed projects include a frontage road on the north and south sides of OR 8 (D9 and D18), consolidated access to OR 8, and future traffic signals once warrants are met (D20 and D21).

**Exhibit 13: Planned Motor Vehicle Projects for the City of Cornelius**



Source: 2018 Cornelius Transportation System Plan Update -

<https://www.ci.cornelius.or.us/cdp/page/cornelius-transportation-system-plan>

Aside from the completed Cornelius TSP, two planning efforts were discussed during the RSA:

- Requested Metro funding as part of the 2020 Transportation Regional Investment Measure to install sidewalks and street lighting
- The City of Hillsboro is currently updating its TSP



## RSA PROCESS

The purpose of the RSA is to independently examine the study corridor's safety performance. The RSA helps identify potential issues contributing to crashes and suggests treatments for addressing those issues.

The RSA team initiated work on Monday May 11, 2020 with a virtual kickoff meeting. The presentation from the pre-audit/kickoff meeting is provided as Attachment A. The meeting was attended by the RSA team, RSA support resources from ODOT, and stakeholders.

*The purpose of the RSA is to complete an independent examination of safety performance.*

The following main topics were discussed at the kickoff meeting:

- The RSA team was challenged to objectively observe the study corridor and consider a range of potential solutions in concert with reported crash data.
- The RSA team provided updated information regarding city limits, UGBs, and adjacent land uses along the study corridor.
- Community concerns collected through CPO12C were presented.

The RSA Team held work sessions virtually on the following Tuesday, Wednesday, and Thursday. The preliminary findings meeting was held virtually on Friday, May 15, 2020. The presentation from the preliminary findings meeting is provided as Attachment B. The complete RSA team schedule is summarized in Table 5:

**Table 5: RSA Team Schedule**

| OR8 Road Safety Audit: RSA Week Schedule |          |                                       |                     |   |   |                                  |
|--|----------|---------------------------------------|---------------------|---|---|----------------------------------|
| Timeframe                                |          | Monday May 11th                       | Tuesday May 12th    | Wednesday May 13th                                | Thursday May 14th                                 | Friday May 15th                  |
| 6:00 AM                                  | 7:00 AM  |                                       | Morning Peak Period |   |   |                                  |
| 7:00 AM                                  | 8:00 AM  |                                       |                     |   |   |                                  |
| 8:00 AM                                  | 9:00 AM  |                                       |                     |   |   |                                  |
| 9:00 AM                                  | 10:00 AM | Kick-off Meeting                      | Work Session        | Brainstorming                                     | Document issues, suggestions and initial priority | Presentation refinement          |
| 10:00 AM                                 | 11:00 AM |                                       |                     | Stakeholder Meeting                               |   | Presentation Review with ODOT PM |
| 11:00 AM                                 | 12:00 PM | Lunch                                 | Lunch               | Lunch   | Lunch   | Lunch                            |
| 12:00 PM                                 | 1:00 PM  |                                       |                     |   |   |                                  |
| 1:00 PM                                  | 2:00 PM  | Project Start-up / Virtual Site Visit | Brainstorming       | Document issues, suggestions and initial priority | Preparation of presentation                       | Preliminary Findings Meeting     |
| 2:00 PM                                  | 3:00 PM  |                                       |                     |   |   |                                  |
| 3:00 PM                                  | 4:00 PM  |                                       |                     |   |   |                                  |
| 4:00 PM                                  | 5:00 PM  | Evening Peak Period                   |                     |   |   |                                  |
| 5:00 PM                                  | 6:00 PM  |                                       |                     |   |   |                                  |
| 6:00 PM                                  | 7:00 PM  |                                       |                     |   |   |                                  |
| 7:00 PM                                  | 8:00 PM  |                                       |                     |   |   |                                  |
| 8:00 PM                                  | 9:00 PM  |                                       |                     |   |   |                                  |
| 9:00 PM                                  | 10:00 PM | Nighttime Site Visit                  |                     |   |   |                                  |

|                           |                         |                        |                     |                 |                             |
|---------------------------|-------------------------|------------------------|---------------------|-----------------|-----------------------------|
| RSA Team and Stakeholders | RSA Team - Work Session | RSA Team - Field Visit | Stakeholder Meeting | Consultant Team | Consultant Team and ODOT PM |
|---------------------------|-------------------------|------------------------|---------------------|-----------------|-----------------------------|



## SUMMARY OF SAFETY ISSUES

The RSA team identified and categorized safety issues based on a qualitative risk scale. For the purposes of the RSA, risk is defined as a function of exposure, probability, and consequence of a safety issue. Table 6 describes the three elements.

**Table 6: Description of Qualitative Risk Rating Elements**

| Element            | Description   |
|--------------------|---|
| <b>Exposure</b>    | Reflects the number of vehicles/bikes/pedestrians/road users that could be influenced by the design feature |
| <b>Probability</b> | Reflects the likelihood of a crash influenced by the identified design feature                              |
| <b>Consequence</b> | Reflects the severity of a crash if one occurs  |

The qualitative risk rating of safety issues identified at the OR 8 corridor are assigned relative to other issues observed. Issues are assigned categories, described in Table 7, based on their relative risk.

**Table 7: Description of Risk Rating Categories**












| Category   | Description   |
|--|---|
| <b>Category I – Low Risk</b>      | Category I issues indicate the least risk compared to the other observed issues; they are associated with lower exposure, probability, and/or consequence.  |
| <b>Category II – Medium Risk</b>  | Category II issues indicate higher risk than some issues and lower risk relative to other observed safety issues.   |
| <b>Category III – High Risk</b>   | Category III issues have the greatest potential risk compared to the other observed issues; they are associated with higher exposure, probability, and/or consequence than other issues. Crash data typically reflects injury A and/or fatal crashes. |

Table 8 summarizes identified issues and the overall qualitative risk rating assigned to each issue. The qualitative rating of risk given to each observed safety issue is further described and documented in follow-up sections. Six corridor-wide issues, shown in grey, were identified within the study corridor. Each issue was assigned an icon. When these icons appear in the report, it indicates that one of the specific issues is being discussed.



Table 8: RSA Findings – Issues Summary

| Issues Summary  |   |
|---|---|
|    | <p>■ Category III – High Risk</p> <p>Inconsistent Pedestrian Facilities</p>         |
|    | <p>■ Category III – High Risk</p> <p>High Speed Corridor</p>                        |
|    | <p>■ Category II – Medium Risk</p> <p>High Density of Minor Streets/Accesses</p>    |
|   | <p>■ Category II – Medium Risk</p> <p>Limited Illumination</p>                      |
|  | <p>■ Category I – Low Risk</p> <p>Limited Intersection Visibility</p>               |
|  | <p>■ Category I – Low Risk</p> <p>Limited Sight Distance</p>                        |
|  | <p>■ Category III – High Risk</p> <p>Intersection - OR 8/26<sup>th</sup> Avenue</p> |
|  | <p>■ Category III – High Risk</p> <p>Intersection - OR 8/17<sup>th</sup> Avenue</p> |

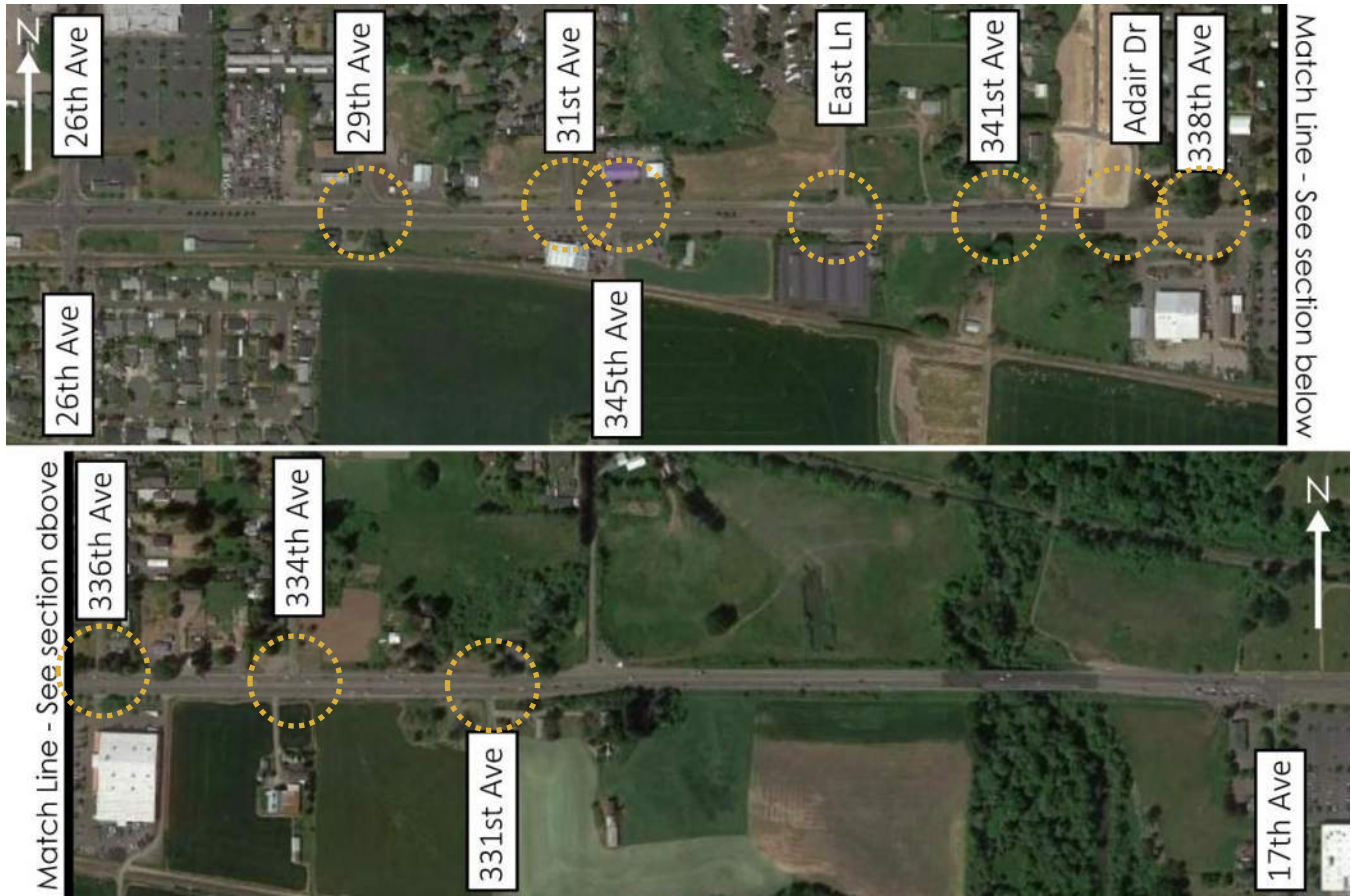




The corridor-wide issues are prevalent at many of the minor street intersections along the study corridor, shown in Exhibit 14. Because of this, a summary of the minor intersections where the various issues were noted as existing is provided in Table 9.

Issues related to the signalized intersections at 17<sup>th</sup> Avenue and 26<sup>th</sup> Avenue are included in the Location-Specific Issues section below.







**Exhibit 14: Location of Minor Street Intersections on the OR 8 Study Corridor**



Source: Base Image from Google Earth



Table 9: Summary of Minor Street Observations

| Summary of Minor Street Observations               |   |   |   |  |   |   |
|--|---|---|---|--|---|---|
| Intersection                                       | Corridor Issue Observed   |   |   |  |   |   |
|  | Inconsistent Pedestrian Facilities  | High Speed Corridor   | High Density of Minor Streets/Accesses  | Limited Intersection Visibility  | Limited Sight Distance  | Limited Illumination  |
|  |  |  |  |  |  |  |
| 29 <sup>th</sup> Avenue                            | X   | X   | X   |  | X   | X   |
| 31 <sup>st</sup> Avenue / 345 <sup>th</sup> Avenue | X   | X   | X   |  | X   | X   |
| East Lane  | X   | X   |   |  |   | X   |
| 341 <sup>st</sup> Avenue                           | X   | X   |   | X  | X   | X   |
| Adair Drive  | X   | X   | X   | X  | X   | X   |
| 338 <sup>th</sup> Avenue                           | X   | X   | X   | X  | X   | X   |
| 336 <sup>th</sup> Avenue                           | X   | X   | X   | X  | X   | X   |
| 334 <sup>th</sup> Avenue                           | X   | X   |   | X  | X   | X   |
| 331 <sup>st</sup> Avenue/ North Side Access        | X   | X   |   | X  | X   | X   |



In addition to the corridor-wide issues observed at the minor intersections, the following observations were also made. Attachment A provides available traffic volume and crash data for the intersections. See Attachment B for the full list of observations and accompanying images.

- Minor Intersection: 29<sup>th</sup> Avenue
  - Key north-south route within Cornelius
  - Land use transitions in eastbound direction from suburban to rural
  - Westbound right-turn lane may be unnecessary
  - Large turning radii, impacting location of pedestrian ramp
- Minor Intersection: 31<sup>st</sup> Avenue / 345<sup>th</sup> Avenue
  - There is approximately 160 feet of offset between offset T intersections
  - The rail crossing to the south is yield-controlled
  - Inconsistent bus stop configuration (e.g., in-lane and pullout configurations)
  - Future project to align 31<sup>st</sup> Avenue with 345<sup>th</sup> Avenue
- Minor Intersection: East Lane (Valley View)
  - Bus pullouts in both directions
  - Some street frontage improvements
- Minor Intersection: 341<sup>st</sup> Avenue
  - Stop sign visibility
  - One light oriented to side-street on utility pole in northwest corner
  - Cornelius TSP notes this location as a potential future signal with frontage roads
- Minor Intersection: Adair Drive
  - Adair Drive is a temporary connection
  - Current condition to OR 8 to provide access for Cascadia Gardens subdivision
  - The road will be closed when future development builds a street to connect to either 341<sup>st</sup> Avenue or 338<sup>th</sup> Avenue (i.e., part of future frontage road)
  - Luminaire of street light pole hidden in large tree
  - Short existing sidewalk in front of development with no connections to other intersections
- Minor Intersection: 338<sup>th</sup> Avenue
  - All observations related to corridor-wide issues discussed below



- Minor Intersection: 336<sup>th</sup> Avenue
  - Multiple driveways across the street providing access to Coastal Farm & Ranch

Minor Intersection: 334<sup>th</sup> Avenue

- Three pedestrian fatalities near this intersection
  - In-lane bus stops in both directions
  - One of the highest TriMet ridership stops for study corridor
  - Higher turning movement volumes compared to other stop-controlled side streets on the study corridor
  - Tall grass in the northeast corner of the intersection causes difficulty seeing westbound vehicles from the side street
- Minor Intersection: 331<sup>st</sup> Avenue / North Side Access
    - No westbound left-turn pocket to 331<sup>st</sup> Avenue
    - Left turns onto 331<sup>st</sup> Avenue from a westbound leftmost travel lane
    - Overhanging branches encroaching into westbound bike lane
    - Right-of-way (ROW) in the vicinity of the future trail exists for the North Side Access to connect to 334<sup>th</sup> Ave



## RSA FINDINGS: CORRIDOR-WIDE ISSUES

The RSA findings presented in this section summarize the key issues identified by the RSA Team

### Issue: Inconsistent Pedestrian Facilities



■ Category III – High Risk

The study corridor has limited sidewalks and no enhanced pedestrian crossings. Reported crash data include pedestrian and bicycle crashes. Exhibit 15 shows crash locations. For the five years of reported crash data from 2013 to 2017, nine pedestrian and/or bicycles crashes were reported. All nine of these crashes resulted in injuries. Between 2013 and 2020, six fatal crashes occurred; four were pedestrian and/or bicycle crashes. The exhibit below shows the location of the 2013-2020 fatal crashes and depicts the four with participants that included pedestrians and/or bicyclists with icons. These fatal crashes were located at NW 341<sup>st</sup> Avenue, NW 334<sup>th</sup> Avenue, and east of SW 331<sup>st</sup> Avenue and appear to be crossing related.





Exhibit 15: Location of Fatal Crashes 2013-2020



Source: Base Image from Google Earth



In addition to the crash data, several pedestrian-facility related issues were observed on site. It is difficult to cross OR 8. The following observations were made:

- OR 8 creates a long pedestrian crossing distance
- A lack of vehicle gaps on OR 8 makes it difficult for pedestrians to cross at an uncontrolled crossing location
- Many pedestrians make their crossing in two stages (see photo to the right):
  - One stage to the median
  - One stage to complete the crossing
- Visually impaired users or those who walk more slowly are currently unable to cross the street

Pedestrian facilities are not consistent throughout the corridor. However, most of the corridor does not have sidewalk or other pedestrian facilities.

- Pedestrians use the bicycle lane, which has no buffer from the high-speed traffic (see third photo down to the right).
- Access to TriMet and Hillsboro School District bus stops are unsafe
  - OR 8 has been designated a hazard area by the Hillsboro School District for Free Orchards Elementary School. Based on this designation, it is not considered safe for students to use it to walk to school



**Pedestrian crossing midblock**



**Bicyclist crossing in two stages**



**Pedestrian walking in bike lane**







**Pedestrian couldn't clear the intersection within the allowed time**



Taking into consideration the observations described on the previous page, a risk rating was completed for pedestrian and bicycle users. The risk rating is summarized in Table 10.

**Table 10: Qualitative Risk Rating of Inconsistent Pedestrian Facilities**

| Function    | Classification  | Reasoning   |
|-------------|---|---|
| Exposure    |    | The lack of pedestrian facilities separated from higher speed vehicles forces pedestrians onto shoulders. The cross-section is too wide for a single-stage pedestrian crossing. Finding gaps in the high-speed environment is difficult. There is no refuge for crossing pedestrians. |
| Probability |    | The existing number of pedestrians present is low, in part due to lack of facilities and risk exposure, but there are pedestrian generators along the corridor (bus stops, commercial uses, etc.)   |
| Consequence |   | There were nine pedestrian crashes between 2013 and 2017. All resulted in fatalities or severe injuries. From 2017 to 2020 there were three pedestrian and one bicycle crashes in the corridor that resulted in fatalities.   |
| Overall     |  | -   |

 Category I – Low Risk  Category II – Medium Risk  Category III – High Risk





## Issue: High Speed Corridor



### ■ Category III – High Risk

A recent ODOT speed study indicated the 85<sup>th</sup> percentile speed on the study corridor is 55 mph. ODOT temporarily reduced the speed limit earlier in 2020 (see photo at right).

The speed is too high for the current corridor context and will continue to be too high for the context in the future for the following reasons:

- The City of Cornelius recently expanded their UGB to include an additional length of OR 8, which is expected to lead to development in the area
- The properties within Cornelius city limits are zoned residential to the north and commercial to the south
- There is a school district property near 345<sup>th</sup> Avenue which may be used to construct a new school
- There are three residential developments along the corridor (two constructed and one proposed) that are initializing the transition into a suburban context



**Portable speed feedback sign**

Source: Washington County Sheriff's Office

It is difficult for drivers turning left onto the roadway to find gaps to make turning movements. This results in drivers making left turns in two stages. The first stage is to turn into the center median. The second is to merge into the travel lane (as shown in the photos below).



**Waiting for gap**



**Turn into TWLT lane**



**Accelerate in TWLT lane**



Additionally, the following observations were made related to the issue of high speed within the corridor:

- No separation for vulnerable users, resulting in undesirable speed differential (upper left and right images below)
- Makes school bus and TriMet bus pick-up/drop-off more difficult (lower left image)
- Two-way transit users must cross the street at least once (lower right image)



**Bicyclist positioning towards travel lane**



**Bicyclist crossing in two stages**



**Near-side bus stop at 17<sup>th</sup> Avenue in Hillsboro**







**Bus approaching 331<sup>st</sup> Avenue**





A risk assessment was completed for the high speed issue. Results are summarized in Table 11.

**Table 11: Qualitative Risk Rating of High-Speed Corridor**

| Function    | Classification   | Reasoning  |
|-------------|--|--|
| Exposure    |   | The majority of the vehicles are traveling faster than the posted speed.   |
| Probability |   | Speed differentials exacerbate conflicts at side streets, accesses, bus stops, and TWLTL.  |
| Consequence |   | Crashes at higher speeds increase the risk of injury and fatal crashes. Non-motorized users are especially vulnerable.<br><br>There have been 3 fatal pedestrian crashes and 1 fatal bicyclist crash from 2017 – 2020. |
| Overall     |  | -  |

 Category I – Low Risk  Category II – Medium Risk  Category III – High Risk



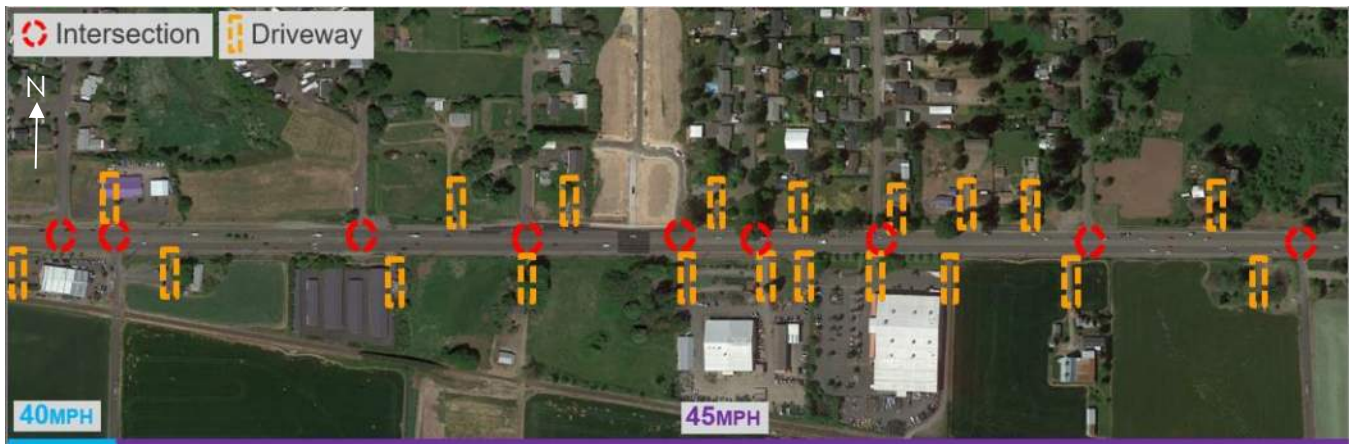
## Issue: High Density of Minor Streets/Accesses



■ Category II – Medium Risk

The RSA team determined the density of combined minor streets and accesses was also an issue. From N 31<sup>st</sup> Avenue to SW 331<sup>st</sup> Avenue, there are numerous intersections and driveways (see Exhibit 16).

### Exhibit 16: Location of Minor Streets and Accesses



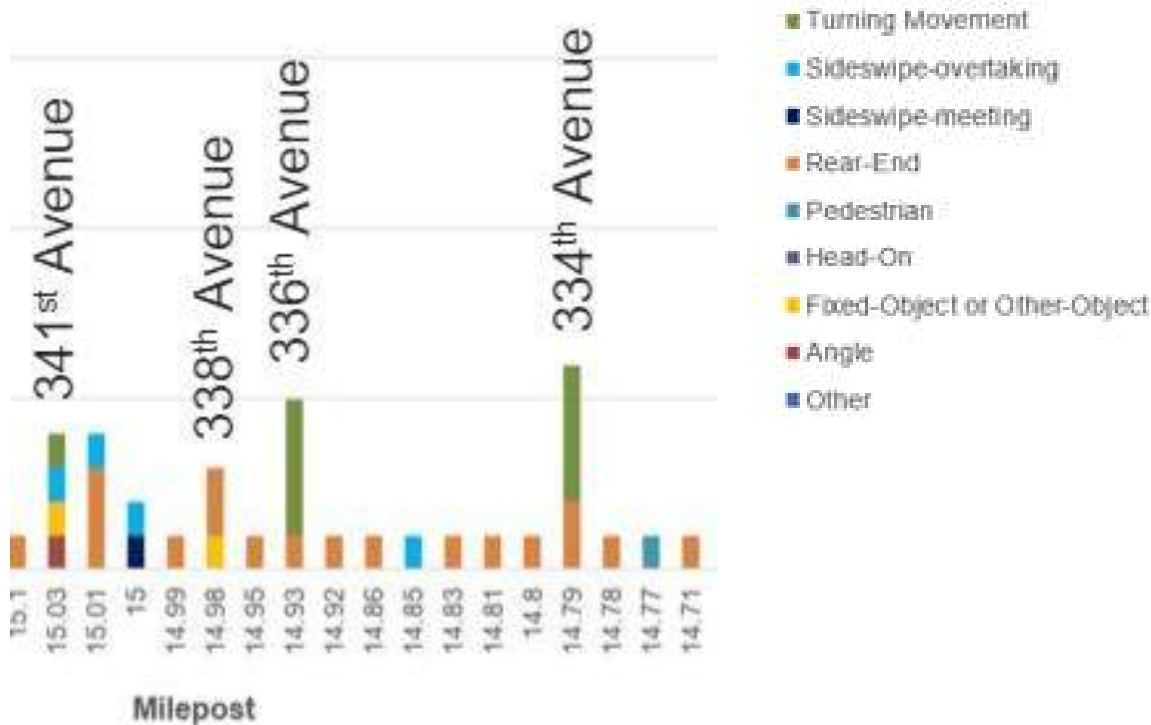
Source: Base Image from Google Earth

Although a direct correlation between access density and the crashes on the corridor cannot be made, there is potential for the crashes to be associated with vehicle movements near minor intersections and/or driveways. The following observations can be made regarding the reported crash data.

- Crashes are located throughout areas with high access density
- Rear-end crashes are the most common collision type and are distributed throughout the study corridor (see Exhibit 17)



**Exhibit 17: 2013-2017 Crash Data Excerpts**



There are many examples of intersections and accesses which are spaced close to each other. One is shown in the photos below:



**Driveway near 336<sup>th</sup> Avenue**



**Driveway near 336<sup>th</sup> Avenue**

The high-density accesses and unsignalized intersections are an issue because they can create conflicts in the TWLT lane when vehicles are making two-stage left turning movements, as also discussed in the high speed corridor issue section. Examples of vehicles completing a two-stage left turn are shown in the following photos:



**Black pickup waiting in TWLT to merge right**



**White pickup waiting in TWLT to merge right**

A related observation from the RSA team including vehicles turning left from OR 8 into the vacant lot on the northwest corner of the OR 8/334<sup>th</sup> Avenue intersection and then making a right turn onto OR 8.

A risk assessment was completed for the issue of high density of minor streets and accesses. The results are summarized in Table 12.

**Table 12: Qualitative Risk Rating of High Density Minor Streets/Accesses**

| Function    | Classification                        | Reasoning  |
|-------------|---------------------------------------|--|
| Exposure    | <span style="color: red;">■</span>    | Minor street and driveway density is high and left-turn movements are made more difficult due to OR 8 speed and volume.        |
| Probability | <span style="color: blue;">■</span>   | There are low turning movement volumes for the minor streets and accesses.   |
| Consequence | <span style="color: orange;">■</span> | Turning movement crashes occur along the study corridor, often resulting in lower severity crashes based on the reported data. |
| Overall     | <span style="color: orange;">■</span> | -  |

■ Category I – Low Risk   ■ Category II – Medium Risk   ■ Category III – High Risk



## Issue: Limited Illumination



### ■ Category II – Medium Risk

The crash data show that from 2013 to 2017, 26% of the 151 reported crashes occurred in dark conditions. Dark conditions included darkness (without streetlights), darkness (with streetlights), dawn, and dusk. Of the 151 crashes, 14% occurred during dark conditions without streetlights.

The recent fatalities were also concentrated during dark conditions. Of the six fatalities from 2017 to 2020, five of them occurred during dark conditions (before sunrise or after sunset). The crash times are listed below:

- Friday, September 22, 2017 at 9:00 pm (pedestrian crash)
- Monday, October 1, 2018 at 9:15 pm (bicycle-related)
- Saturday, November 17, 2018 at 7:00 pm
- Saturday, March 9, 2019 at 7:00 pm (pedestrian-related)
- Tuesday, January 14, 2020 at 7:00 am (pedestrian-related)



**Luminaire oriented towards side street**

The RSA team completed a site visit during dark conditions. The team observed the following issues related to illumination during this time:

- Limited lighting created dark conditions
- Business signage created bright spots in the study corridor
- Linear lighting only exists in a few locations and was installed as part of street frontage improvements (see yellow areas in Exhibit 18)





**Exhibit 18: Location of Existing Illumination**







Source: Base Image from Google Earth



A risk assessment was completed for the issue of limited illumination. Results are summarized in Table 13.

**Table 13: Qualitative Risk Rating of Limited Illumination**

| Function    | Classification  | Reasoning   |
|-------------|---|---|
| Exposure    |    | There is little linear illumination along the corridor. There are a few individual luminaires on side streets. All users traveling the study corridor experience the unlit environment.   |
| Probability |    | Approximately 26% of the 151 reported crashes from 2013 to 2017 occurred in dark conditions. Approximately 14% of the reported crashes from 2013 to 2017 occurred in dark conditions without street lighting. For reported 2013-2017 crashes during dark conditions, approximately 50% occurred at locations without street lighting. |
| Consequence |  | Of the crashes occurring during dark lighting conditions, about half resulted in injuries. From 2013 to 2020, six of the seven fatalities occurred during dark conditions (before sunrise or after sunset).   |
| Overall     |  | -   |

 Category I – Low Risk  Category II – Medium Risk  Category III – High Risk



## Issue: Limited Intersection Visibility



■ Category I – Low Risk

An additional issue identified by the RSA team is limited intersection visibility along the corridor. This means that it is difficult for drivers to identify intersections while they are driving along the corridor. Two examples of intersections that are difficult to see are shown in the photos below:



Traveling westbound—336<sup>th</sup> Avenue not identified



Traveling westbound—334<sup>th</sup> Avenue not identified

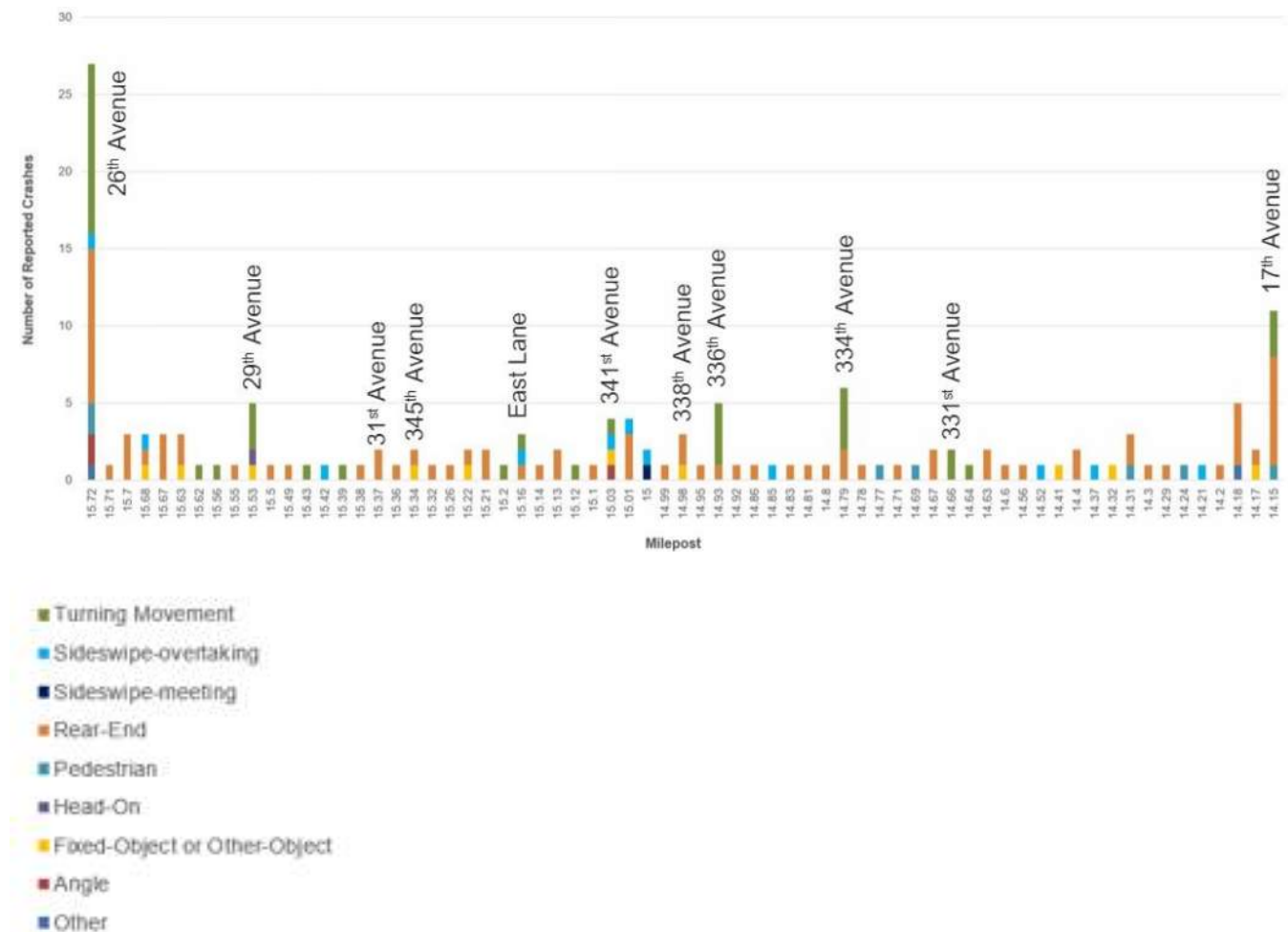


The RSA team identified factors that made intersections less visible:

- Limited reflectivity of signs and pavement markings creates issues (especially at night)
- The street signs are mounted on the stop signs
- There are no signs on the opposite side of tee intersections
- Some intersections are hidden by trees or other roadside items

The crash data show that there were a high number of rear-end crashes which could be exacerbated by late and assertive deceleration at intersections due to limited intersection visibility. The data also show that the crashes are spread throughout the study corridor (as shown in orange in Exhibit 19).

**Exhibit 19: Reported 2013-2017 Collision Types by Milepost**







The RSA team also determined that intersection visibility issue is worse at night due to lighting conditions. Intersection visibility is also worse during wet weather and makes it if more difficult for pedestrians to cross. An example of lighting conditions is shown in the photo to the left.

- Luminaires on side streets are located far from the main line
- Dark spots along the corridor
- Bright spots at new development



Nighttime: Lighting near new development only



Limited visibility during rain

A risk assessment was completed for the issue of limited intersection visibility. The results are summarized in Table 14.

**Table 14: Qualitative Risk Rating of Limited Intersection Visibility**

| Function    | Classification            | Reasoning  |
|-------------|---------------------------|--|
| Exposure    | Category II – Medium Risk | Vehicles on the main line that are planning to turn onto a side street have difficulty locating the intersection. Under night conditions, the intersections are even less visible.<br><br>The total number of intersections is high. |
| Probability | Category I – Low Risk     | The number of trips to destinations along the corridor is low.   |
| Consequence | Category I – Low Risk     | Crashes related to access to corridor destinations are often low severity and property-damage-only.  |
| Overall     | Category I – Low Risk     | -  |

■ Category I – Low Risk   ■ Category II – Medium Risk   ■ Category III – High Risk





## Issue: Limited Sight Distance



### ■ Category I – Low Risk

The RSA team observed two types of limited sight distance issues from side streets for drivers attempting to turn onto OR 8. First, there are instances of limited sight distance for side street vehicles due to vertical curves and grade changes on OR 8. Second, there are locations where sight distance is limited by objects within the intersection corners at side streets. No sight distance measurements were taken as part of the RSA and would need to be completed in future work along the study corridor.

There are two locations where vertical curves of the street limit sight distance and others where intersection sight distance is limited. Photos of these sightlines are shown below. The first photo shows a driver's view to their left (east) at NW 31<sup>st</sup> Avenue. The second photo shows a driver's view to their right (east) at SW 331<sup>st</sup> Avenue.



At NW 31<sup>st</sup> Avenue looking east



**At SW 331<sup>st</sup> Avenue looking east**

The intersection sight distance (ISD) is also an issue at some of the intersections along the corridor. Vehicles were observed pulling forward past stop bar and/or stop signs to see oncoming traffic. Examples of limited ISD are shown in the photos below:



**At 336<sup>th</sup> Avenue looking east**



**At 336<sup>th</sup> Avenue looking west**



**At 338<sup>th</sup> Avenue looking east**







**At 29<sup>th</sup> Avenue looking west**



A risk assessment was completed for the issue of limited sight distance. The results are summarized in Table 15.

**Table 15: Qualitative Risk Rating of Limited Sight Distance**

| Function    | Classification   | Reasoning  |
|-------------|--|--|
| Exposure    |   | Based on observations, side street vision triangle is impacted at 338 <sup>th</sup> Avenue, 336 <sup>th</sup> Avenue, and 29 <sup>th</sup> Avenue.<br><br>Based on observations, there are two intersections with vertical limit sight distance: 31 <sup>st</sup> Avenue and 331 <sup>st</sup> Avenue. |
| Probability |   | The side street turning movement volumes at these intersections are low.   |
| Consequence |   | There are a limited number of turning movement crashes documented at these intersections.  |
| Overall     |  | -  |

 Category I – Low Risk    Category II – Medium Risk    Category III – High Risk





## RSA FINDINGS: LOCATION-SPECIFIC ISSUES

In addition to the minor intersections discussed in the previous section, two signalized intersections were observed as part of the RSA. The intersections of OR 8/26<sup>th</sup> Avenue (Cornelius) and OR 8/17<sup>th</sup> Avenue (Hillsboro) were identified as key issue locations in the field and through crash data review. The RSA findings presented in this section summarize the key issues identified at each intersection.

### Issue: Intersection - OR 8/26<sup>th</sup> Avenue



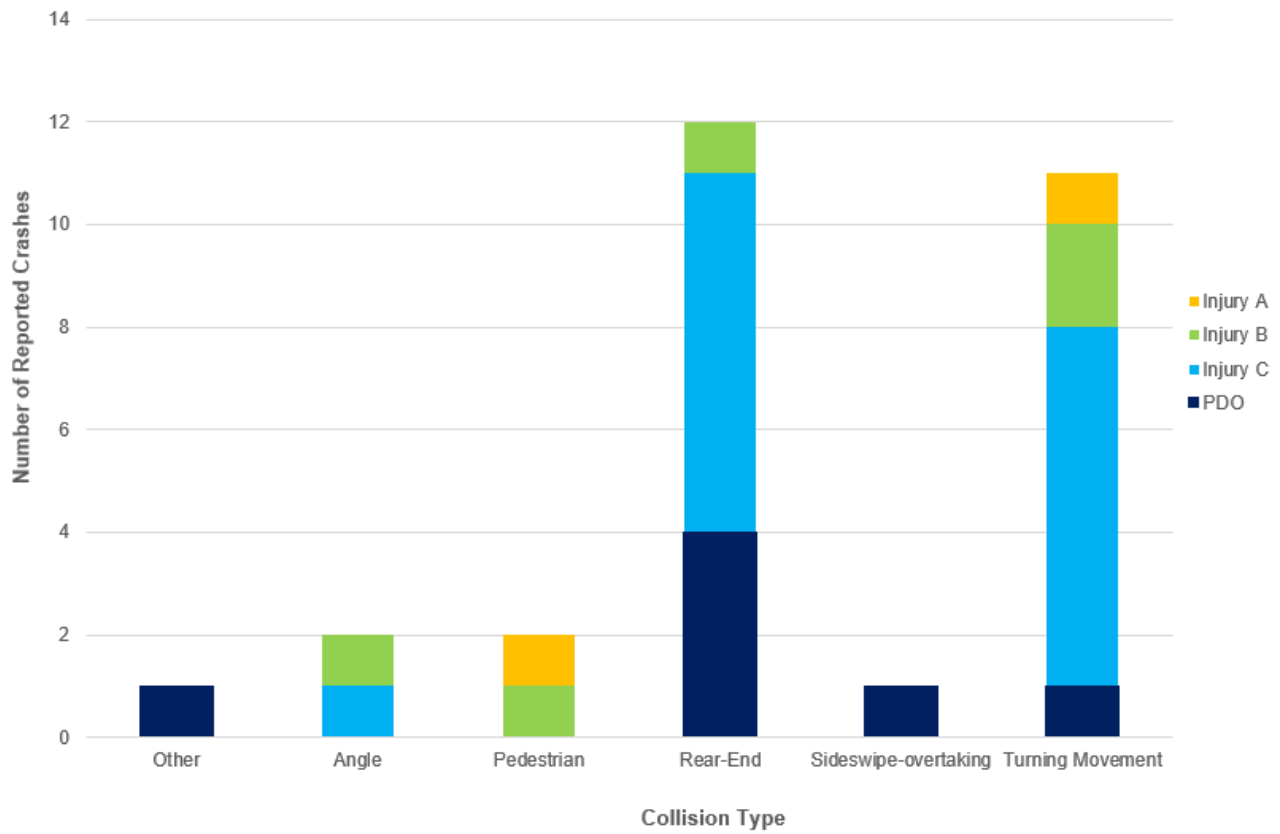
■ Category III – High Risk

26<sup>th</sup> Avenue is a primary north-south route in Cornelius. This intersection had the highest total entering volume (TEV) of vehicles in the study corridor. Additionally, it had the most crashes of the study intersections. Most of the crashes at this intersection were either rear-end or turning movement (See Exhibit 20). In addition, OR 8/26<sup>th</sup> Avenue is identified on the 5% Safety Priority Index System (SPIS) list for 2017. Some key observations at the 26<sup>th</sup> Avenue intersection are summarized below:

- Highest transit ridership within the study corridor
- Curb ramps and crosswalk are not well aligned, especially due to the large curb radii in the northern intersection corners.
- East-west permitted-protected left turns
- Side streets have shared left/through and right lane configurations operating as permissive phasing that results in undesirable north-south left-turn driver confusion
- Medians with tubular markers are not visible
- Drivers of left-turning vehicles from OR 8 have trouble seeing opposing through traffic



Exhibit 20: Reported 2013-2017 Crash Severity by Collision Type at OR 8/26<sup>th</sup> Avenue



Intersection configuration At OR 8/26<sup>th</sup> Avenue

Source: Google Earth Aerial



Eastbound permitted/protected left-turn display and low visibility of tubular markers



Potential red-light running









Northbound approach: Shared left/through and right



Southbound approach: Shared left/through and right

Risk assessment results are summarized in Table 16:

Table 16: 26<sup>th</sup> Avenue – Top 5% SPIS

| Function    | Classification  | Reasoning  |
|-------------|---|--|
| Exposure    |   | This intersection has the highest volumes.   |
| Probability |  | This intersection has the highest number of reported crashes.  |
| Consequence |  | Of the reported crashes from 2013-2017, 21 of the 27 involved injuries.<br><br>Reported crashes that involved eastbound left-turn movement and westbound through movement resulted in injuries.<br><br>Turning movement and rear-end crashes are the most commonly reported crash types. |
| Overall     |  | -  |

 Category I – Low Risk  Category II – Medium Risk  Category III – High Risk



## Issue: Intersection - OR 8/17th Avenue



■ Category III – High Risk

Some key observations at 17<sup>th</sup> Avenue are summarized below:

- Observed high TriMet use
- Westbound left-turn Injury A crashes
- Eastbound bike lane dropped prior to intersection
- Northbound left turn:
  - Queues unable to clear in one cycle
  - Failure to yield right-of-way to pedestrians
- Short pedestrian walk times
- Permitted-protected westbound left-turn



**Lack of eastbound bike lane at 17<sup>th</sup> Avenue**



**Intersection configuration At OR 8/17<sup>th</sup> Avenue**

Source: Google Earth Aerial







**Pedestrian unable to cross within phase at 17<sup>th</sup> Avenue**



A risk assessment was completed for issues associated with the intersection of OR8 and 17th Avenue. The results are summarized in Table 17.

**Table 17: 17<sup>th</sup> Avenue – Recent Injury A Crashes**

| Function    | Classification   | Reasoning   |
|-------------|--|---|
| Exposure    |   | This is a high-volume intersection. The westbound left-turn is the highest corridor left-turn volume. The northbound left-turn volume is also high.   |
| Probability |   | This intersection has the second highest number of reported crashes.  |
| Consequence |   | Six crashes were reported between 2013 and 2017 involving westbound left-turning movements and eastbound through movements. Three of those crashes involved injuries.<br><br>Two injury A crashes occurred in 2018 involving westbound left-turn movements. |
| Overall     |  | -   |

 Category I – Low Risk  Category II – Medium Risk  Category III – High Risk



## RSA FINDINGS: SUGGESTIONS

This section describes the suggestions identified by the RSA team to address corridor-wide issues as well as location-specific intersection issues. The suggestions are meant to include a comprehensive set of options to give the agencies flexibility in determining the most appropriate treatments; some of the treatments will not be appropriate if other treatments are pursued. For example, the long-term suggestions include options for traffic signals or roundabouts; only one of these options would be pursued.

Many of the suggestions identified address multiple issues on the corridor. Because of this, the suggestions are not grouped based on the issue they address. The summary matrix at the end of the section indicates which issues are addressed by each suggestion.

When possible, the effectiveness of a suggestion is also documented by identifying the crash reduction factor (CRF) associated with the treatment. CRFs provide a quantitative estimate for the percentage of crashes (or specific crash types) likely to be reduced by the treatment. These factors are based on national research. The CRFs are obtained from ODOT's approved CRF list unless otherwise noted. The ODOT Countermeasure Number, corresponding to the list of approved CRFs, is also provided.

The suggestions are grouped into immediate, near-term, mid-term, and long-term categories to assist the agencies with planning. The four categories are relative to each other and not based on any specific timeframe thresholds. The RSA team decided to provide these initial categories for suggestions within the study corridor to outline a potential phased approach.

Immediate suggestions are typically low-cost "quick fixes" that may be achieved through maintenance. Near-term suggestions are high priority, limited-scope suggestions. Mid-term suggestions reflect additional priorities for the corridor that may require additional project development. Long-term suggestions provide options for an ultimate vision for the corridor; significant project development would be needed prior to these projects moving forward. No cost estimates were prepared during the RSA process; these groupings are based on engineering judgment and experiences with typical costs.

The following page provides a summary of the immediate, near-term, mid-term, and long-term suggestions. Following are more detailed summaries for each topic. The RSA team established this potential phased approach working towards a potential long-term vision for the corridor. The suggestions in this phased implementation strategy build on each other with limited overlapping implementations that would result in rebuilding a previous investment.



# A Phased Approach that Leads to a Long-Term Vision for the Corridor

| Immediate  | Near-Term   | Mid-Term   | Long-Term   |
|--|---|--|---|
| <ul style="list-style-type: none"> <li>☑ Improve intersection sight distance</li> <li>☑ Improve reflectivity</li> <li>☑ Improve intersection visibility</li> <li>☑ Complete systemic signal enhancements</li> <li>☑ Install advance signage</li> <li>☑ Restripe roadway to install buffered bike lanes</li> <li>☑ Install striping for speed management</li> <li>☑ Install permanent speed feedback signs</li> <li>☑ Engage the community through education and outreach</li> <li>☑ Advocate for additional local connectivity and establish future corridor plan</li> </ul> | <ul style="list-style-type: none"> <li>☑ Install priority enhanced crossings at 334th Avenue and East Lane</li> <li>☑ Install sidewalk infill to serve near-term enhanced crossings</li> <li>☑ Install ADA-compliant pedestrian ramps in coordination with upcoming projects</li> <li>☑ Evaluate lighting</li> <li>☑ Review and upgrade bus stop amenities</li> <li>☑ Upgrade signalized intersections</li> </ul> | <ul style="list-style-type: none"> <li>☑ Provide pedestrian facilities</li> <li>☑ Install additional enhanced crossings</li> <li>☑ Install large-scale signalized intersection upgrades</li> </ul> | <ul style="list-style-type: none"> <li>☑ Install corridor illumination</li> <li>☑ Complete the pedestrian sidewalk network</li> <li>☑ Pursue access management and network connectivity</li> </ul> <div style="background-color: #e6e6e6; padding: 5px; margin-top: 10px;"> <p><b>Option 1:</b><br/>Signalized corridor with U-turns and/or frontage roads</p> <p><b>Option 2:</b> Series of roundabouts</p> </div> |













## Immediate Suggestions









The RSA Team identified the following immediate suggestions and the corridor-wide issues they aim to address:

### Summary of Immediate Suggestions

| Suggestion                                      | Issues Addressed  |  |   |  |  |   |  |  |
|---|---|--|---|--|--|---|--|--|
|   | Inconsistent Pedestrian Facilities<br> | High Speed Corridor<br> | High Density of Minor Streets/Accesses<br> | Limited Intersection Visibility<br> | Limited Sight Distance<br> | Limited Illumination<br> | 26 <sup>th</sup> Avenue<br> | 17 <sup>th</sup> Avenue<br> |
| <b>Immediate</b>                                |   |  |   |  |  |   |  |  |
| Improve intersection sight distance             |   | X  |   |  | X  |   |  |  |
| Improve reflectivity                            |   | X  | X   | X  |  |   |  |  |
| Improve intersection visibility                 |   | X  | X   | X  |  |   | X  |  |
| Complete systemic signal enhancements           | X   | X  |   |  |  |   | X  | X  |
| Install advance signage                         | X   | X  |   | X  |  |   | X  | X  |
| Restripe roadway to install buffered bike lanes |   | X  |   |  |  |   |  |  |



## Summary of Immediate Suggestions

| Suggestion   | Issues Addressed  |  |   |  |  |   |  |  |
|--|---|--|---|--|--|---|--|--|
|  | Inconsistent Pedestrian Facilities<br> | High Speed Corridor<br> | High Density of Minor Streets/Accesses<br> | Limited Intersection Visibility<br> | Limited Sight Distance<br> | Limited Illumination<br> | 26 <sup>th</sup> Avenue<br> | 17 <sup>th</sup> Avenue<br> |
| Install striping for speed management                              | X   | X  |   | X  |  |   |  |  |
| Install permanent speed feedback signs                             |   | X  |   |  |  |   |  |  |
| Engage the community through education and outreach                | X   | X  |   | X  |  |   |  |  |
| Advocate for local connectivity and establish future corridor plan | X   | X  | X   |  |  |   |  |  |



The following provides additional information about the strategies summarized in the previous pages.

## Improve Intersection Sight Distance

Increasing intersection sight distance at unsignalized locations throughout the corridor will allow drivers to see oncoming traffic with enough advance warning to make turning movement decisions with adequate gaps. Substantial improvements may be completed by working with maintenance staff from agencies to maintain vegetation in the clear zones and remove trees, grass, and other vegetation that is encroaching on intersection sight distance triangles. Completing the bike skip striping along OR 8 through the intersection will help inform side-street drivers how far they may pull forward to achieve better sight distance without entering the travel lanes on OR 8.

Clearing vegetation will improve sight distance, but additional earthwork is likely to be necessary to achieve the minimum intersection sight distance for a roadway with vehicles traveling at 45 mph.

### Increase Triangle Sight Distance

**CRF: Up to 48% reduction in all injury crashes**

**ODOT Countermeasure Number: 110**



**Example of sight distance constraint on the corridor (left photo – 338<sup>th</sup> Avenue) and one without constraint (right photo – 331<sup>st</sup> Avenue)**

## Improve Reflectivity

Improving reflectivity of signs, posts, and pavement markings provides better delineation of the roadway and key intersections for drivers, particularly when traveling at night and in low-light conditions, such as rain. ODOT has a qualified product list (QPL) of reflective sheeting and reflective posts that are approved for use. In addition to reflective treatments, increasing the



text size on signs improves visibility for drivers. Raised or recessed pavement markers can be installed along the roadway centerline and edge-line to increase visibility of the lane.

**Install recessed or raised pavement markers**  
**CRF: Up to 15% reduction in night-time crashes**  
**ODOT Countermeasure Number: RD12**



#### Diamond grade reflective sheeting

Source: [https://www.3m.com/3M/en\\_US/road-safety-us/resources/upgrade-to-diamond-grade-reflective-sign-sheeting/](https://www.3m.com/3M/en_US/road-safety-us/resources/upgrade-to-diamond-grade-reflective-sign-sheeting/)



#### Reflective Posts

Source: <http://www.barcoproducts.com/reflective-sign-post-panel>

## Improve Intersection Visibility

Improving intersection visibility raises awareness of the potential conflicts for drivers approaching intersections along OR 8. When drivers see an intersection ahead, they are better prepared for potential vehicles slowing, accelerating, or turning. In addition, adequate intersection visibility allows drivers time to decelerate when approaching a turn. Intersection visibility can be improved through several measures, such as:

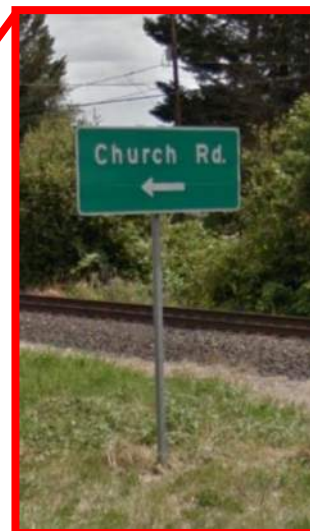
- Increasing reflectivity, as discussed in the previous section, with reflective flexible delineators along intersection corners
- Installing street name signage on both sides of the street
- Installing advance warning signs for stretches of the corridor with a high density of access points



W2-8

**Example of MUTCD sign indicating multiple intersections/ driveways ahead**

Source: MUTCD



**Example of delineators and additional street name signs to increase intersection visibility on Highway 30**

Source: Google Streetview

## Complete Systemic Signal Enhancements

Systemic signal enhancements are relatively low-cost treatments that may be completed at existing traffic signals to reduce crash risk by increasing intersection visibility to drivers and improving operations. These systemic signal enhancements may be easily coordinated and implemented at multiple signals on the study corridor. The signal modifications that may be relevant on OR 8 at 26<sup>th</sup> Avenue and 17<sup>th</sup> Avenue intersections include:

- Installing retro-reflective strips on all existing traffic signal back-plates
- Installing pedestrian countdown displays
- Installing gap detection associated with permissive lefts
- Upgrading signal controllers to advanced models
- For this immediate suggestion, the intent is not to rebuild the pedestrian ramps, but to include ramps as part of intersection rebuild (mid-term suggestion).

**CRF: Varies based on the number of treatments installed:**

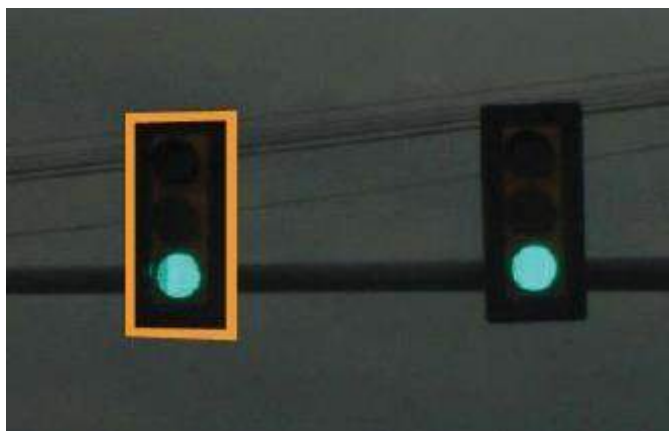
**20% for up to 2 treatments**

**25% for 3 to 4 treatments**

**30% for 5 to 6 treatments**

**ODOT Countermeasure Number: I2**





**Example of retro reflective signal back plates**

Source: FHWA

[https://safety.fhwa.dot.gov/intersection/conventional/signalized/case\\_studies/fhwasa09011/](https://safety.fhwa.dot.gov/intersection/conventional/signalized/case_studies/fhwasa09011/)



**Example of countdown pedestrian signals**

Source: ODOT CRF Appendix

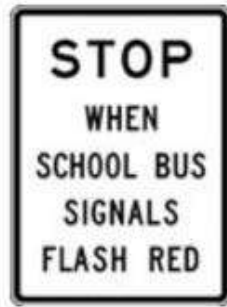
[https://www.oregon.gov/odot/Engineering/Docs\\_TrafficEng/CRF-Appendix.pdf](https://www.oregon.gov/odot/Engineering/Docs_TrafficEng/CRF-Appendix.pdf)

## Install Advance Signage

Advance signage alerts drivers to potential conflicts ahead and provides additional warning to allow them to decelerate prior to an intersection or bus stop. On OR 8, these signs may be used to warn drivers of school bus stops or upcoming intersections. Based on feedback from the Hillsboro School District, motorists do not obey the school buses' red flashing lights. The RSA team researched custom signs, as shown in the examples below, to emphasize the law to stop for school buses. These custom signs can be placed on both sides of the road for westbound prior to 331<sup>st</sup> Avenue and eastbound prior 341<sup>st</sup> Avenue to provide a regulatory message for the road segment with six school bus stops. According to the MUTCD, if a bus can be seen from 500 feet away, the stop does not warrant a sign (S3-1). MUTCD advance signal ahead warning signs may be helpful in the westbound direction as drivers approach 26<sup>th</sup> Avenue and in the eastbound direction as they approach 17<sup>th</sup> Avenue, since these are the first signals entering the two study corridor cities.



Source:  
<https://www.seton.com/stop-for-school-bus-school-parking-signs-19055.html>



Source:  
<https://www.codot.gov/library/traffic/signing-and-pavement-markings/sign-library-files/regulatory>



Source:  
[https://store.hallsigns.com/HR5-12-All-Lanes-Stop-When-School-Bus-Stops\\_p\\_2520.html](https://store.hallsigns.com/HR5-12-All-Lanes-Stop-When-School-Bus-Stops_p_2520.html)



S3-1



W3-3

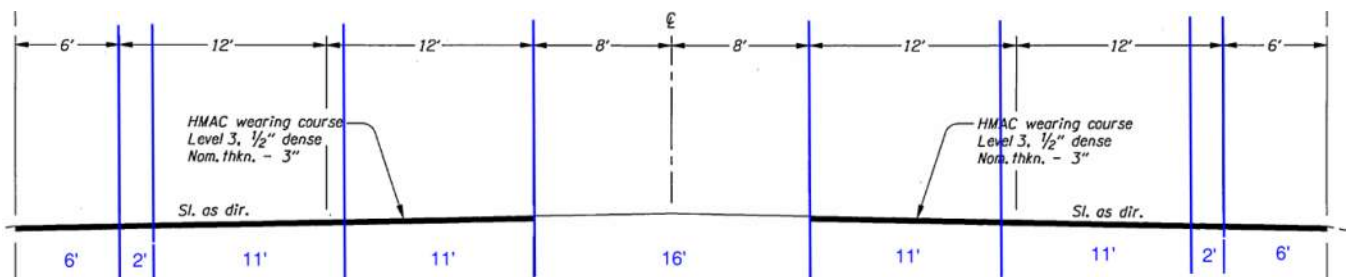
**Bus Stop Ahead and Signal Ahead Warning Signs**

Source: MUTCD

**Restripe Roadway to Install Buffered Bike Lanes**

The existing cross-section of OR 8 includes bike lanes approximately six feet wide. However, there is currently no buffer separating bicyclists from vehicles. Due to the relatively high speeds and volume on OR 8, the cross-section may be reallocated to provide a buffer for further separation between vehicles and bicyclists. This may be achieved by reducing one or two lanes per direction to 11 feet in width and is consistent with ODOT's *Blueprint for Urban Design* principles. As shown in Exhibit 21, the lane skip stripe is the only stripe that would need to move (e.g., one foot) to accommodate the reallocation of space.

**Exhibit 21: Illustration of reallocation of cross-section width to accommodate buffered bicycle lane**





## Install Striping for Speed Management

Installing in-lane lateral striping in conjunction with speed feedback signs has been shown to be effective at reducing speeds along corridors. The striping creates the illusion of a narrower lane and encourages slower travel speeds. *NCHRP Report 613: Guidelines for Selection of Speed Reduction Treatments at High-Speed Intersections* provides additional information about this treatment. Photos below illustrate example installations along Barbur Boulevard and OR 211 south of Sandy.



**Example installation of in-lane lateral striping on Barbur Boulevard south of Sandy**

Source: Google Earth



**Example in-lane lateral striping installation, OR 211 south of Sandy**

Source: Google Earth



**Optical Speed Bars**

Source: FHWA





## Install Permanent Speed Feedback Signs

Speed feedback signs have been shown to be effective at reducing vehicle speeds when placed in conjunction with a posted speed limit sign. Studies have shown speed feedback signs start to lose effectiveness beyond 300 feet of the sign.<sup>2</sup> Therefore, placement of the sign is important. Temporary speed feedback signs have been installed along the corridor, and observations indicate that motorists respond to them.

### Install Individual Changeable Speed Warning Signs

CRF: 41% reduction in all crashes

ODOT Countermeasure Number: H47



Speed feedback sign example

Source: County of San Luis Obispo Public Works  
<https://www.slocounty.ca.gov/Departments/Public-Works/Department-News/2018/Installation-of-Dynamic-Feedback-Signs-to-Begin-on.aspx>



Speed feedback sign example

Source:  
<https://www.oksolar.com/lion/Item/160749/radar-speed-your-speed-signs>

<sup>2</sup> Source: [https://safety.fhwa.dot.gov/speedmgt/ref\\_mats/fhwasa1304/2\\_6.htm](https://safety.fhwa.dot.gov/speedmgt/ref_mats/fhwasa1304/2_6.htm)



## Engage the Community through Education and Outreach

Community education and outreach are an important part of comprehensively addressing the safety issues on the study corridor. Engineering treatments may help reduce crash risk, but driver behavior is also associated with many crash patterns, such as excessive speeds and distracted driving. Outreach may be accomplished through a variety of means, including:

- Increased enforcement
- School education (targeting both students and parents)
- Temporary message board to communicate key issues
  - Speed
  - Stop for school buses in both directions when a median is not present

Messages may be targeted to certain times of the year, such as the start of the school year.



**Example of using a message board to educate drivers**

Source: [https://encrypted-tbn0.gstatic.com/images?q=tbn%3AANd9GcRc5ujclykfOzeHpZR7QcrXL4RYNVorZGX\\_fe-TUoNaXpzAO-pi&usqp=CAU](https://encrypted-tbn0.gstatic.com/images?q=tbn%3AANd9GcRc5ujclykfOzeHpZR7QcrXL4RYNVorZGX_fe-TUoNaXpzAO-pi&usqp=CAU)

## Advocate for Local Connectivity and Establish Future Corridor Plan









The Cornelius Transportation System Plan (TSP) identifies a vision of frontage roads to provide additional local connectivity, moving traffic to key intersections along the corridor where improvements may be made to accommodate higher traffic volumes. In the immediate future, agencies should review new developments to ensure consistency with the TSP and the future vision. In addition, Cornelius, Hillsboro, and ODOT should work together to create a corridor refinement plan or ODOT facility plan for the corridor that outlines a clear path for improvements along this corridor.













## Near-Term Suggestions

The RSA Team identified the following near-term suggestions and the corridor-wide issues they aim to address:

| Summary of Near-Term Suggestions  |   |   |   |   |  |   |   |   |                         |
|---|---|---|---|---|--|---|---|---|-------------------------|
| Suggestion  | Issues Addressed  |   |   |   |  |   |   | 26 <sup>th</sup> Avenue   | 17 <sup>th</sup> Avenue |
|   | Inconsistent Pedestrian Facilities  | High Speed Corridor   | High Density of Minor Streets/Accesses  | Limited Intersection Visibility   | Limited Sight Distance   | Limited Illumination  |   |   |                         |
|   |  |  |  |  |  |  |  |  |                         |
| Near-Term   |   |   |   |   |  |   |   |   |                         |
| Install priority enhanced crossings at 334th Avenue and East Lane             | X   | X   |   | X   |  | X   |   |   |                         |
| Install sidewalk infill to serve near-term enhanced crossings                 | X   | X   |   |   |  |   |   |   |                         |
| Install ADA-compliant pedestrian ramps in coordination with upcoming projects | X   | X   | X   |   | X  |   |   |   |                         |



## Summary of Near-Term Suggestions

| Suggestion                            | Issues Addressed  |   |   |   |  |   |   |   |
|---------------------------------------|---|---|---|---|--|---|---|---|
|                                       | Inconsistent Pedestrian Facilities  | High Speed Corridor   | High Density of Minor Streets/Accesses  | Limited Intersection Visibility   | Limited Sight Distance   | Limited Illumination  | 26 <sup>th</sup> Avenue   | 17 <sup>th</sup> Avenue   |
|                                       |  |  |  |  |  |  |  |  |
| Evaluate lighting                     | X   |   |   | X   |  | X   |   |   |
| Review and upgrade bus stop amenities | X   |   |   |   |  |   |   |   |
| Upgrade signalized intersections      |   |   |   |   |  |   | X   | X   |

The following provides additional information about the strategies summarized above.

### Install Priority Enhanced Crossings at 334<sup>th</sup> Avenue and East Lane

The RSA team suggests enhanced crossing treatments be investigated in the vicinity of 334<sup>th</sup> Avenue and of East Lane. Both locations have a relatively high number of riders accessing nearby TriMet stops and fatal crash history within the last five years.

Enhanced crossings may include active features that alert drivers when a pedestrian is present, increasing their awareness of the crossing and the likelihood they will need to yield to pedestrians. Many enhanced crossings also include a pedestrian refuge island, allowing the pedestrian to cross in two stages, rather than having to find a gap in both directions of traffic to cross all at once. There are several different options for enhanced crossing treatments, including a rectangular rapid flashing beacon (RRFB) (a yellow device) and a pedestrian hybrid beacon (PHB) (a red device). An engineering study is needed to determine the appropriate treatment for this corridor. Due to the traffic volumes and speeds, an overhead installation is likely to be most effective for RRFBs and PHBs.

Regardless of the type of device selected, the following treatments should be considered in the enhanced crossings:



- Pedestrian ramps and potential refuge islands. Location-specific studies to review impacts of refuge islands, such as limiting ability to make a two-stage left-turn, needed.
- Typical striping and signage
- Illumination immediately in advance of the pedestrian crossing (see Exhibit 22)

**Rectangular Rapid Flashing Beacon (RRFB)**  
CRF: 10 - 65% reduction in pedestrian crashes  
ODOT Countermeasure Number: BP9

**Pedestrian Hybrid Beacon (PHB)**  
CRF: 55% reduction in pedestrian and bicycle crashes  
ODOT Countermeasure Number: BP15

**Pedestrian Refuge Island**  
CRF: 31% reduction in pedestrian crashes  
ODOT Countermeasure Number: BP7

**Provide Intersection Lighting (Bike & Pedestrian)** CRF: 42% reduction in pedestrian and bicycle nighttime injury crashes  
ODOT Countermeasure Number: BP2

**Continental Crosswalks with Advanced Warning Signs**  
CRF: 15% reduction in pedestrian crashes  
ODOT Countermeasure Number: BP11



**Exhibit 22: Illustration of illumination located in advance of pedestrian crossing to highlight pedestrians and the crosswalk for approaching drivers**



Source: FHWA - <https://www.fhwa.dot.gov/publications/research/safety/08053/>



**Example of Overhead RRFB Installation**

Source: Google Earth

The RSA Team suggests that enhanced crossings be located at the following locations, as shown in Exhibit 23:

- **334<sup>th</sup> Avenue:** This location experienced three fatal crashes between 2017 and 2020. In addition, this bus stop experiences the highest ridership of the minor intersections along the study corridor. If the crossing is located on the east leg of the intersection, a pedestrian refuge island may be feasible and should be considered in a future engineering study.



- East Lane:** This location has bus pull-outs. It also experiences relatively high transit ridership compared to other stops along the corridor. In addition, this location is approximately 0.1 miles west of the pedestrian crash at NW 341<sup>st</sup> Avenue. If the crossing is located on the east leg of the intersection, a pedestrian refuge island may be feasible and should be considered in a future engineering study.

The two crossings should be connected by sidewalk infill, as shown in red in Exhibit 23. Existing sidewalk is shown in blue in the exhibit. The sidewalk infill and enhanced crossings may provide an opportunity to consolidate bus stops within this section of the corridor.

**Exhibit 23: Illustration of potential near-term enhanced pedestrian crossing locations**



Source: Base Image from Google Earth

### Install Sidewalk Infill to Serve Enhanced Crossings

Completing sidewalk infill provides dedicated space for pedestrians to travel along the corridor without encroaching on the roadway. Sidewalk infill should be coordinated with enhanced crossings and bus stop locations, as illustrated in the previous section, between East Lane and 334<sup>th</sup> Avenue. Sidewalk should connect to crossings to create a connected system for pedestrians. A temporary asphalt path may be constructed in the near-term for connectivity; concrete sidewalks with full right-of-way (ROW) and stormwater considerations may follow later as a mid-term project or street frontage improvements.





Examples of locations on OR 8 where sidewalk ends abruptly under current conditions

## Install ADA-Compliant Pedestrian Ramps in Coordination with Upcoming Projects

ODOT is following a systematic approach to update pedestrian ramps. There is a STIP project to upgrade pedestrian ramps along the OR 8 corridor. However, the study corridor is not included in the funded project and currently lacks consistent, ADA-compliant ramps. The RSA Team suggests that ODOT coordinate appropriate staff to identify potential project overlaps and needs along the study corridor.



Illustration of ADA-Compliant Pedestrian Ramps

Source: Google Earth Street View



## Evaluate Lighting

Illumination can help raise visibility at key locations and potential conflict points, such as intersections, crossings, and bus stops. However, it may not be appropriate to install segment lighting along OR 8, given the rural nature of the study corridor between Hillsboro and Cornelius. Illumination may be appropriate at the transition segments into each city. Further evaluation is needed to review each intersection and bus stop to determine if lighting is needed. In addition, lighting should be implemented as part of the enhanced pedestrian crossings and sidewalk suggestions from the RSA (refer to near-term Suggestions). There may be opportunities to coordinate with new developments and incorporate lighting improvements in conjunction with their frontage improvements.



**Example of Short Segment of Existing Lighting on the Corridor**

### Intersection Lighting

**CRF: 38% reduction in night-time injury crashes**  
**ODOT Countermeasure Number: H25**

### Segment Lighting

**CRF: 28% reduction in night-time injury crashes**  
**ODOT Countermeasure Number: H26**

## Review and Upgrade Bus Stop Amenities

Providing bus stop amenities such as covered seating in a pull-out location provides dedicated space for transit users to wait for the bus rather than waiting on the side of the road where they are more vulnerable to traffic. The RSA team suggests local agencies coordinate with TriMet to provide bus stop upgrades in tandem with the enhanced pedestrian crossings. A review of each specific site should be conducted to determine appropriate amenities, which may include benches and a shelter. The determination of level of bus stop amenities will be completed by TriMet. The review should also consider whether modifications to bus operations and bus stop consolidation is desired and feasible to provide bus pull-outs rather than in-lane stops.



### Types of TriMet stop amenities

Source: Google Earth Street View

## Upgrade Signalized Intersections

In addition to the low-cost systemic immediate suggestions, additional operations and geometric modifications at the two signalized intersections (OR 8/26<sup>th</sup> Avenue and OR 8/17<sup>th</sup> Avenue) may help reduce crash risk, particularly for turning movement crashes and pedestrian crashes. The following potential signal phasing/timing updates may be considered:

- **Gap detection for left turns:** Re-evaluate the need to allow left-turn phasing to change during the day based on gap detection. Operating the left-turn movement as a protected or protected-permitted turn will decrease the risk of turning movement crashes.
- **Leading pedestrian intervals (LPIs):** Providing leading pedestrian intervals allows pedestrians to start crossing before vehicles receive a green signal. This allows pedestrians to enter the crosswalk and be visible prior to vehicles approaching. See Exhibit 24 for an illustration.

In addition to the signal timing suggestions, the RSA team identified several specific suggestions at each intersection:

- **26<sup>th</sup> Avenue Signal**
  - Evaluate the lane configuration of the north and south legs. The existing lane configuration on these approaches includes a shared through-left lane and a dedicated right-turn lane. This differs from more typical situations in which a dedicated left-turn lane is provided and the through and right-turn movements share a lane. Drivers may not expect to encounter through-movements from the left lane.

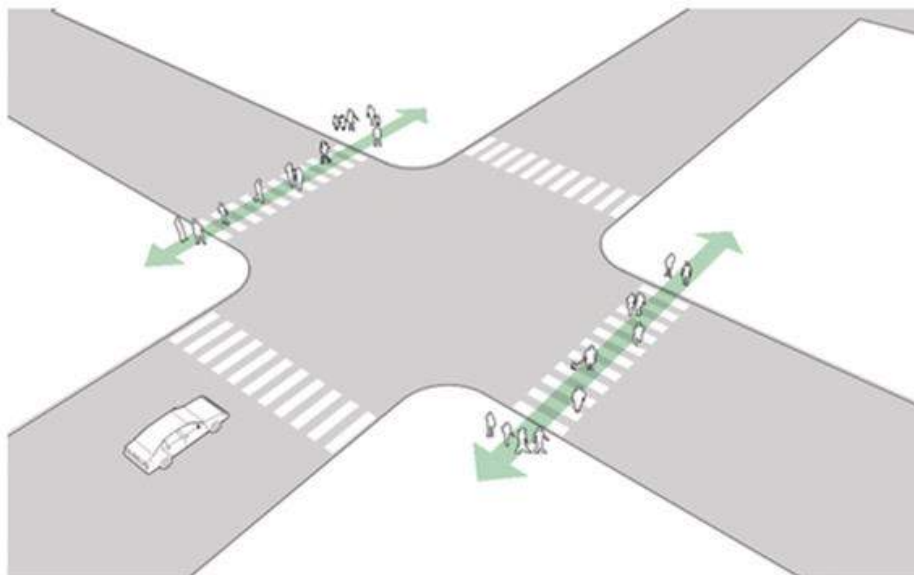




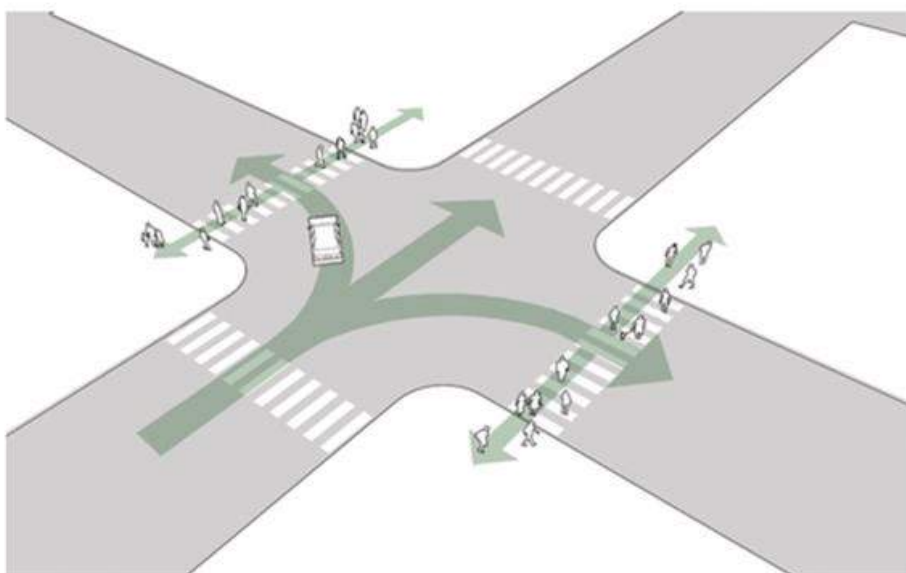
- **17<sup>th</sup> Avenue Signal**

- The northbound left-turn operations may be evaluated to determine if they can be modified without upgrading or replacing the signal equipment to address northbound queuing associated with left-turn movement. This evaluation should consider whether there is a potential for dual left-turn lanes by providing a dedicated left-turn lane and a shared left-turn/right-turn lane, which should address impacts on the west leg crosswalk.

**Exhibit 24: Illustration of the benefits associated with a leading pedestrian interval at a signalized intersection**



**Phase 1: Pedestrians only**



**Phase 2: Pedestrians and cars**









Source: NACTO



## Mid-Term Suggestions

The RSA Team identified the following mid-term suggestions and the corridor-wide issues they aim to address:

### Summary of Mid-Term Suggestions

| Suggestion   | Issues Addressed  |  |   |  |  |   |  |  |
|--|---|--|---|--|--|---|--|--|
|  | Inconsistent Pedestrian Facilities<br> | High Speed Corridor<br> | High Density of Minor Streets/Accesses<br> | Limited Intersection Visibility<br> | Limited Sight Distance<br> | Limited Illumination<br> | 26 <sup>th</sup> Avenue<br> | 17 <sup>th</sup> Avenue<br> |
| <b>Mid-term</b>                                      |   |  |   |  |  |   |  |  |
| Provide pedestrian facilities                        | X   | X  |   |  | X  |   |  |  |
| Install additional enhanced pedestrian crossings     | X   | X  |   | X  |  | X   |  |  |
| Install large-scale signalized intersection upgrades | X   |  |   |  |  | X   | X  | X  |





The following provides additional information about the strategies summarized above.

### Provide Pedestrian Facilities

Building upon the near-term suggestions, this mid-term suggestion provides additional connected pedestrian facilities to further connect to additional enhanced crossing locations proposed as mid-term suggestions. These facilities extend beyond the infill opportunities identified in the near-term suggestions and involve additional project development to complete. These facilities may be sidewalks or shared-use paths but should include a small buffer between the edge of pavement and the sidewalk/path to create additional separation between vehicles and pedestrians. The sidewalks/paths will also enable pedestrians to travel along the corridor until they reach an enhanced pedestrian crossing. This will encourage appropriate use of the crossings and discourage unexpected pedestrian crossings in the corridor. The design of the pedestrian facilities (sidewalks) should consider illumination. If illumination is not installed immediately, the design may incorporate conduits and junction boxes to allow for streamlined future retrofits.



**Example of separated pedestrian facilities on Brookwood Parkway in Washington County, OR**

Source: Google Earth Street View

Completing the connected pedestrian facilities may be done in phases. Phase 1 may include separated sidewalks from 26<sup>th</sup> Avenue to 331<sup>st</sup> Avenue, at the transition into Cornelius. This would connect with the sidewalk infill completed as a near-term suggestion.

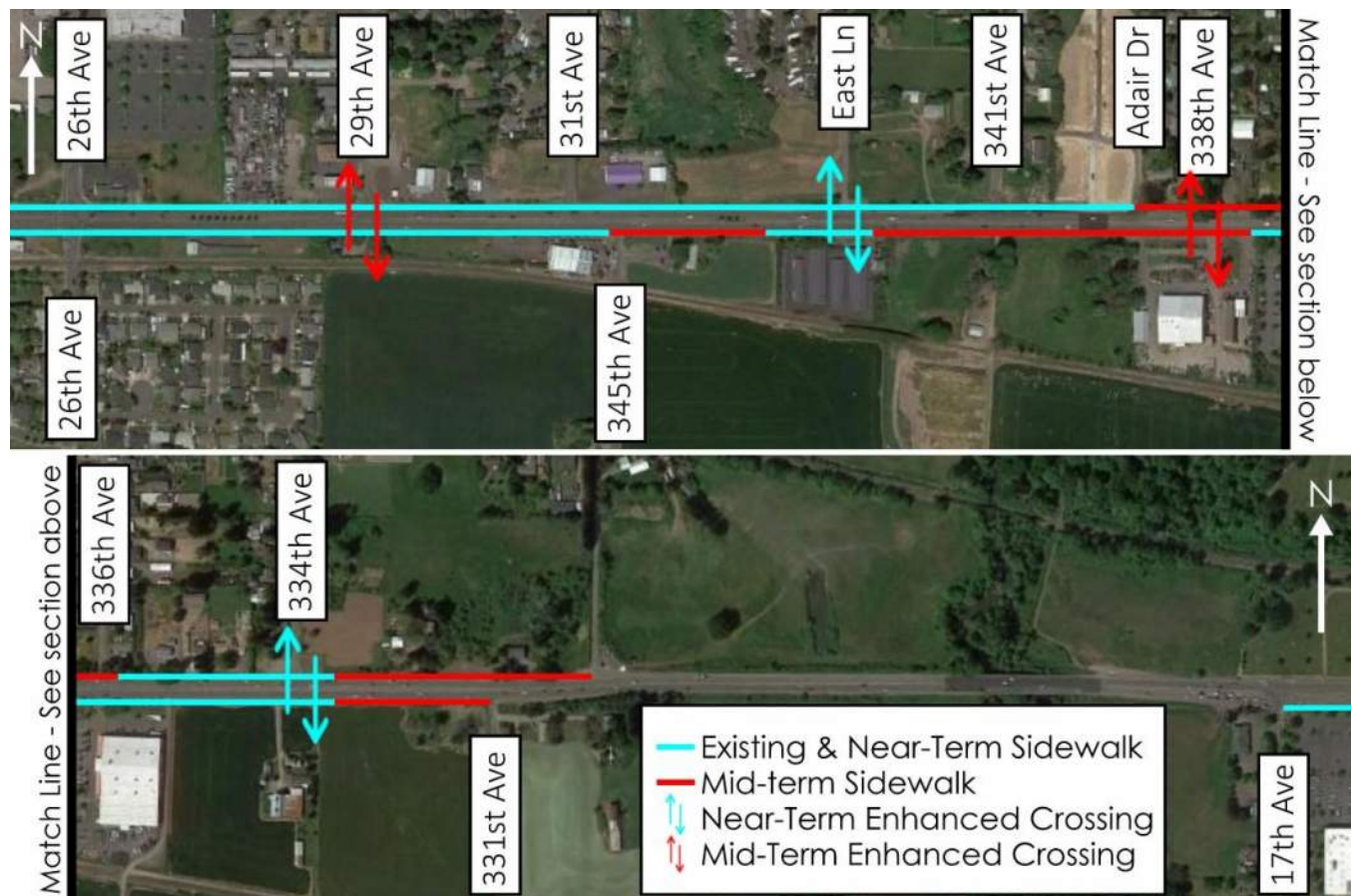


### Install Additional Enhanced Crossings

After the near-term suggested enhanced crossings are completed at East Lane and 334<sup>th</sup> Avenue, additional crossing locations should be identified and evaluated. These locations should be coordinated with bus stops and sidewalk connections to provide a complete, connected pedestrian system for the study corridor. OR 8 should be evaluated using guidance from ODOT's *Blueprint for Urban Design* to determine appropriate target spacing between crossings, identify potential locations, and identify appropriate treatments.

As shown in Exhibit 25, potential additional mid-term crossings (shown in red) could be located at 29<sup>th</sup> Avenue and 338<sup>th</sup> Avenue, with connecting sidewalk (also shown in red). The near-term suggested crossings and sidewalk infill are shown in blue in the exhibit. Bus stops adjacent to these crossing locations should be evaluated and upgraded. Consolidating bus stops to these crossing locations may also be considered.

**Exhibit 25: Illustration of Mid-Term Vision for Connected Sidewalks and Enhanced Pedestrian Crossings**



Source: Base Image from Google Earth



## Install Large-Scale Signalized Intersection Upgrades

More substantial intersection improvements, which would cost more and involve additional project development compared to the near-term suggestions, may be considered at the two signalized intersections (26<sup>th</sup> Avenue and 17<sup>th</sup> Avenue). These improvements may include treatments that help improve operations, provide appropriate turning radii, and provide enhanced facilities for pedestrians and bicyclists. These suggestions may require partial or complete rebuilding of the intersection, which may trigger a railroad crossing order. Potential projects by location are as follows:

- **26<sup>th</sup> Avenue**

- Upgrade signal equipment
- Reconstruct curbs to provide appropriate turning radii
- Review traffic operations as part of study before large-scale upgrades to verify signal timing, phasing, and configurations for all users
- Evaluate the left-turn lanes, as discussed in the near-term suggestions, considering the driver's expectation of conflicting left-turn movements
- Evaluate the lane alignment of north and south approaches
- Relocate pedestrian pushbutton locations to meet ADA guidance, as needed

- **17<sup>th</sup> Avenue**




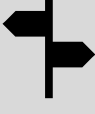




- Upgrade/replace signal equipment
- Review the design for the eastbound approach (determine if separation can be provided between the bike lane and the right-turn lane)
- Revisit traffic operations, particularly for the westbound left turn and northbound approach
- Relocate pedestrian pushbutton locations to meet ADA guidance, as needed



## Long-Term Suggestions

The RSA Team identified the following long-term suggestions and the corridor-wide issues they aim to address:

### Summary of Long-Term Suggestions

| Suggestion  | Issues Addressed  |   |   |   |  |   |   | 26 <sup>th</sup> Avenue   | 17 <sup>th</sup> Avenue |
|---|---|---|---|---|--|---|---|---|-------------------------|
|   | Inconsistent Pedestrian Facilities  | High Speed Corridor   | High Density of Minor Streets/Accesses  | Limited Intersection Visibility   | Limited Sight Distance   | Limited Illumination  |   |   |                         |
|   |  |  |  |  |  |  |  |  |                         |
| <b>Long-term</b>  |   |   |   |   |  |   |   |   |                         |
| Install corridor illumination   | X   | X   |   | X   |  | X   |   |   |                         |
| Complete the pedestrian sidewalk network  | X   | X   |   |   | X  |   |   |   |                         |
| Pursue access management and network connectivity                                 | X   | X   | X   | X   |  | X   |   |   |                         |
| <b>Option 1:</b><br><i>Signalized corridor with U-turns and/or frontage roads</i> | X   |   | X   | X   |  | X   |   |   |                         |
| <b>Option 2:</b><br><i>Series of roundabouts</i>                                  | X   | X   | X   | X   |  | X   |   |   |                         |



The following provides additional information about the strategies summarized above.

### Install Corridor Illumination

As the OR 8 becomes more developed, it will take on more of a suburban/urban context and it may be appropriate to consider lighting throughout the study corridor, in addition to the key locations identified in the near- and mid-term suggestions. The RSA team suggests a corridor-wide evaluation to identify segments, key intersections, and crossings for illumination. ODOT and local agencies will work together to evaluate and consider corridor illumination. Local agencies will need to coordinate on maintenance and ongoing operating responsibilities. In addition, the evaluation should consider potential options to mitigate light pollution and conduct community outreach.



**Typical roadway lighting along a multilane facility**

Source: Google Earth

#### **Intersection Lighting**

**CRF: 38% reduction in nighttime injury crashes**

**ODOT Countermeasure Number: H25**

#### **Segment Lighting**

**CRF: 28% reduction in night-time injury crashes**

**ODOT Countermeasure Number: H26**

### Complete the Pedestrian Sidewalk Network

This option builds on the sidewalk infill and pedestrian network near- and mid-term suggestions. The long-term vision is to have complete pedestrian facilities between Cornelius and Hillsboro. This final phase would likely involve a shared-use path between 331<sup>st</sup> Avenue (Cornelius) and 17<sup>th</sup> Avenue (Hillsboro) on the south side of OR 8. The shared-use path would accommodate pedestrian and bicycle travel in both directions and need to be connected to enhanced pedestrian crossings at both ends. The path, as shown in Exhibit 26, would require bridge widening or a new bridge over Dairy Creek, at higher cost than the previous infill.

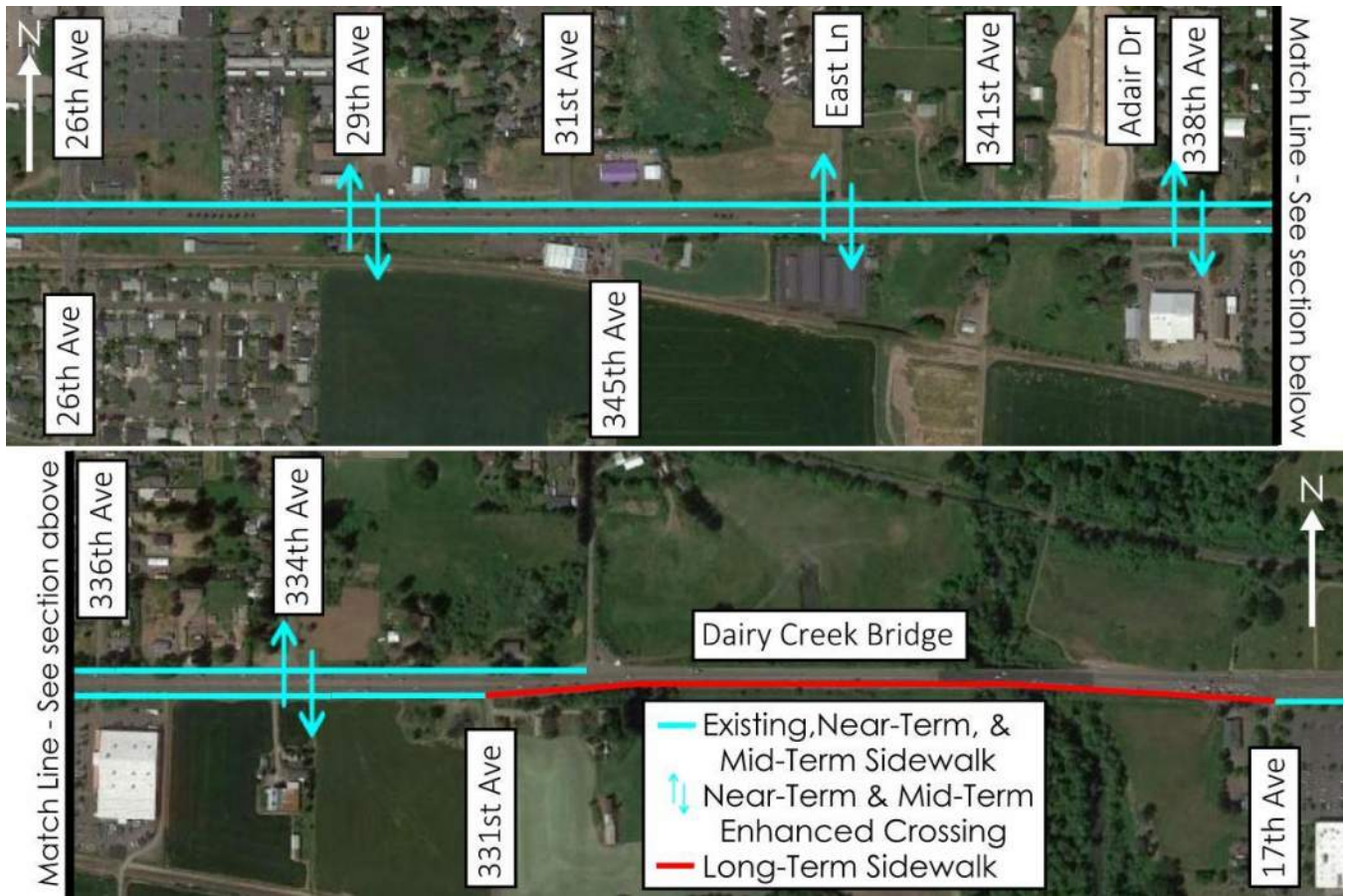
It should be noted that Cornelius, Hillsboro, Forest Grove, and other agencies are continually reviewing the pedestrian and bicycle needs of this area. One potential project is the Council Creek trail along the ODOT rail tracks that run parallel of OR 8 to the north. Additionally,





Hillsboro is currently updating their TSP and expect to identify projects for the pedestrian and bicycle networks on the study corridor.

**Exhibit 26: Potential Long-term Pedestrian Connection: Shared-use Path from 331<sup>st</sup> Avenue to 17<sup>th</sup> Avenue**



Source: Base Image from Google Earth



**Examples of Shared-Use Paths**

Source: Google Earth StreetView



## Pursue Access Management and Network Connectivity

The higher the number of access points along a corridor, the more potential conflict points. By minimizing the number of access points, or the movements permitted into and out of access points, conflict points can be reduced, lowering crash risk. In some situations, closing an access point may be preferred, but in other situations, restricting left turns may be adequate. Restricting left turns in and out of properties/intersections reduces the potential for turning movement crashes. A median may be used to restrict left turns, encouraging stronger compliance. Minimizing the number of access points necessitates strategies to provide access to each property along the corridor. This may take several forms:

- **Consolidating access points into fewer locations:** In situations where properties connect or can be joined by driveways or frontage roads, consolidating access points into one (or few) key locations may be an option.
- **Local street connectivity:** In situations where many local streets have intersections with OR 8, several of these may be closed or restricted to right-in/right-out only if the local streets have connectivity to another key road with an intersection on OR 8. This would allow improvements at a key intersection, such as a signalized one, and minimize conflicts at smaller intersections along the corridor. This is consistent with City of Cornelius' TSP.
- **Provide U-turn options:** If connectivity to an alternate access location cannot be achieved, providing a U-turn option will allow drivers to access the property with right turns only. U-turns would need to be consolidated at key, improved locations that are appropriately designed to facilitate U-turn movement.

A combination of these strategies may be appropriate on the study corridor. The RSA team identified potential suggestions, summarized below, but additional engineering study and outreach is needed to determine the preferred solution for access management. The significant project development, coordination, and outreach needed to develop this strategy makes this suggestion a long-term option. The communities should work together to identify the long-term vision for the study corridor.

Potential access management strategies to reduce the number of driveways/intersections on OR 8 include:

- **Consolidate access points:** This may be appropriate on OR 8 across from 338<sup>th</sup> Avenue between Coastal Farm and John Deere. Property owners would need to coordinate to provide one enhanced access location.
- **Relocate access points from OR 8 to side streets:** One example of a potential location for this option is the northeast corner of 336<sup>th</sup> Avenue.

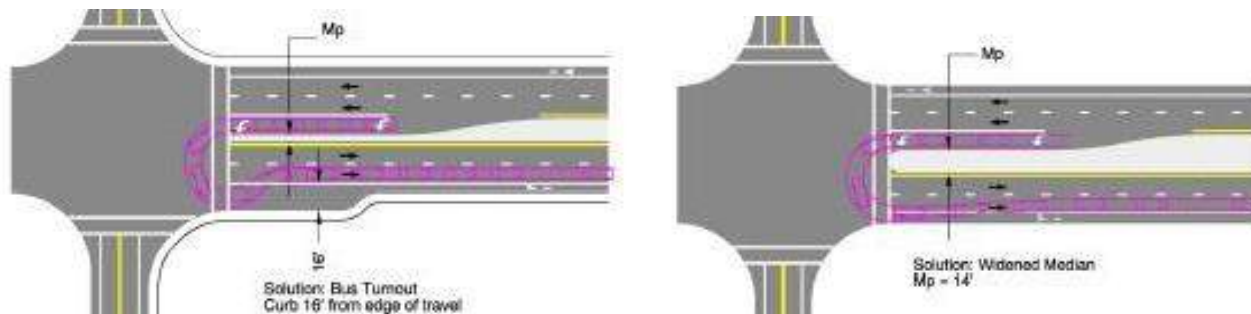


- **Provide a continuous raised median along the entire corridor:** Providing a landscaped median along the corridor would restrict left-turn movements in and out of the minor intersections and driveways along the corridor, minimizing potential turning movement conflicts. In order for this to work, access must be provided through either frontage roads, local street connectivity, or U-turn opportunities. Options for potential U-turn treatments include:
  - Widen intersections to accommodate U-turns (widening the intersection may require additional right-of-way, see Exhibit 27)
  - Construct J-hook to allow U-turns at key locations throughout the corridor (may require additional right-of-way, see Exhibit 28)
  - Construct frontage roads to provide connections to key intersections where full turning movements are permitted (may require additional right-of-way)
  - Modify intersection control at key locations to facilitate turning movements. This may be done through signalized intersections or roundabouts, which are further discussed in the following section. These intersection control changes would also reduce crash risk at the intersections where they are located.
  - Reduce or consolidate the number of driveway accesses to OR 8

**CRF Varies for reducing the number of driveways, based on number of driveways**  
**ODOT Countermeasure Number: H30, H31, H32**

**CRF: 12 – 22% for installing a raised median on multi-lane roads**  
**ODOT Countermeasure Number: H34, H35**

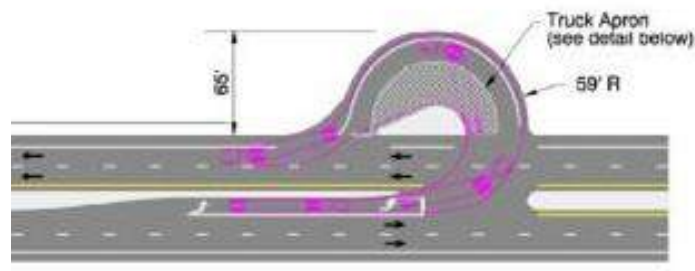
**Exhibit 27: Example of Potential Opportunities to Facilitate U-turns by Widening Intersections**



Source: ODOT HDM



### Exhibit 28: Example of J-Turn Concept



Source: ODOT HDM

## SIGNALIZED INTERSECTIONS OPTION

The signalized intersection option would involve introducing additional traffic control devices between 26<sup>th</sup> Avenue and 17<sup>th</sup> Avenue, the two existing signals on the corridor, and consolidating access points to use these signalized intersections. If local intersection connectivity is consolidated to these locations, the higher traffic volumes may meet signal warrants; this would need to be analyzed during project development. Right-of-way would need to be obtained to complete the frontage roads, and a center median along OR 8 would be needed to limit accesses to right-in, right-out only.

Signals may be considered at 345<sup>th</sup> Avenue and 341<sup>st</sup> Avenue, as shown in Exhibit 29. As part of improvements at 345<sup>th</sup> Avenue (south leg), 31<sup>st</sup> Avenue (north leg) may be realigned with 345<sup>th</sup> Avenue. With this realignment and a nearby planned school, the intersection may meet signal warrants. The City of Cornelius' TSP identifies the 341<sup>st</sup> Avenue intersection for a potential signal, but only if the frontage roads are implemented and the intersection meets signal warrants.

#### Install Traffic Signal

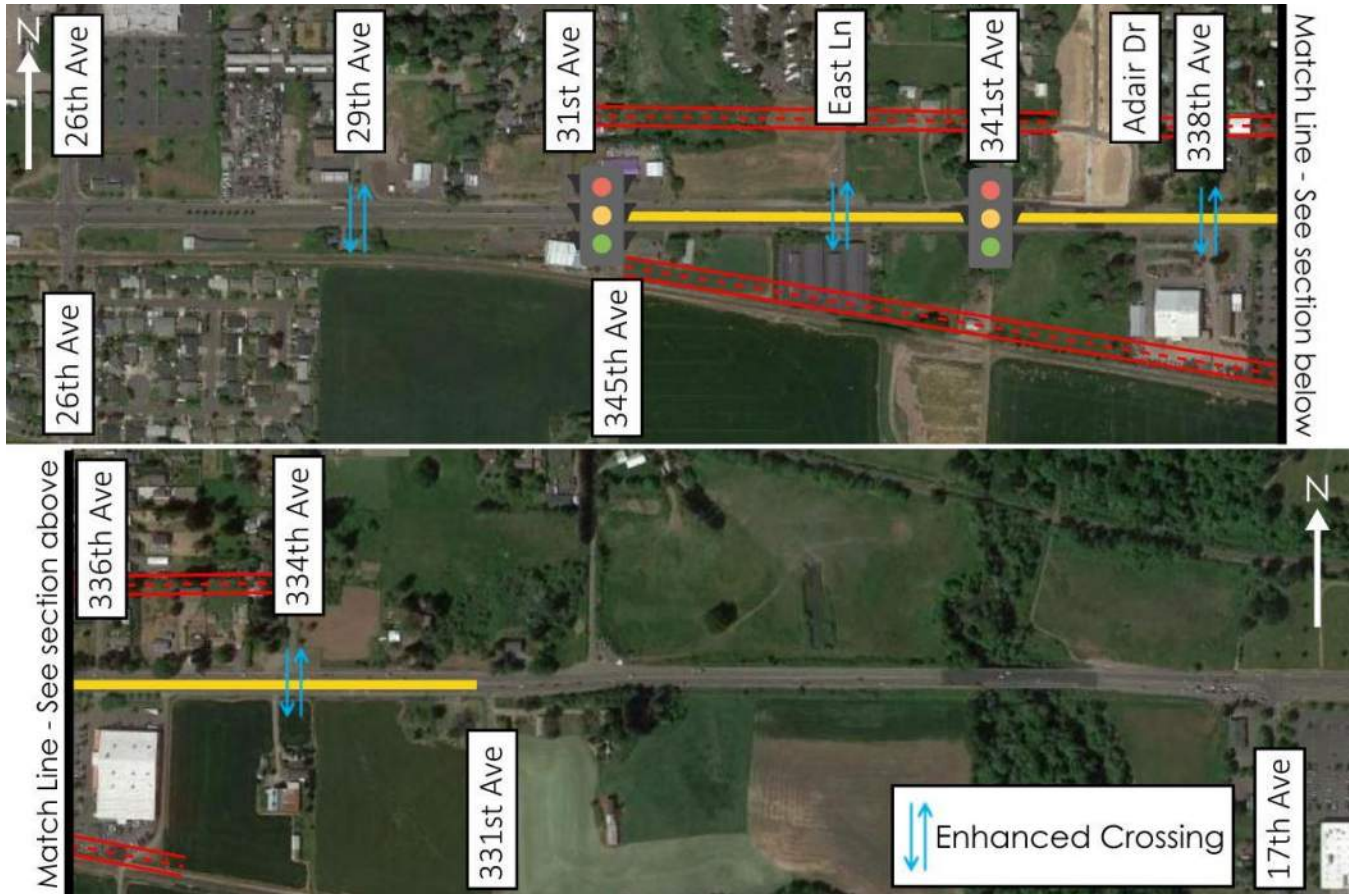
**CRF: In urban areas, traffic signals are associated with a 67% reduction in angle crashes but also a 143% increase in rear-end crashes. (ODOT Countermeasure Number: H20).**

**In rural areas, traffic signals are associated with a 77% reduction in angle crashes but also a 58% increase in rear-end crashes. (ODOT Countermeasure Number: H20 and H21)**





Exhibit 29: Illustration of Signalized Option



Source: Base Image from Google Earth

## ROUNDBABOUT OPTION

This option would involve installing roundabouts at key locations to provide access and facilitate U-turns, as shown in Exhibit 30. Unlike the signalized intersection option, frontage roads would not be needed because roundabouts accommodate U-turn movements. However, the roundabouts may require additional right-of-way at the locations where they are constructed. Similar to the signalized option, a raised median would be constructed along OR 8 to limit access points to right-in, right-out only. Roundabouts provide an additional speed management benefit to all users requiring all vehicles to slow when approaching and navigating the roundabout. A series of multiple roundabouts on the study corridor would encourage slower speeds along OR 8 rather than simply in one location.



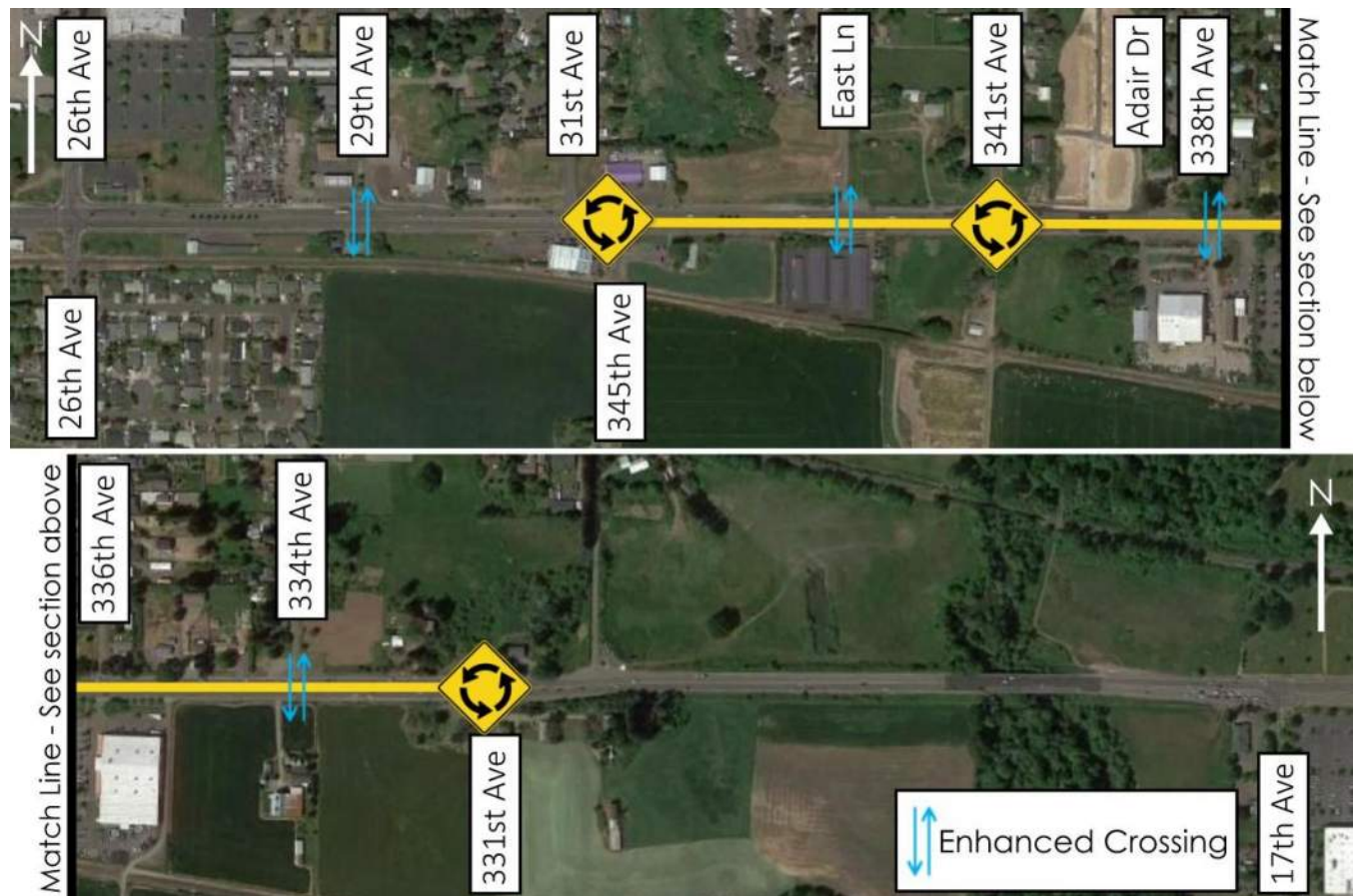


Similar to the signalized option, roundabouts would need to be considered at key locations between 26<sup>th</sup> Avenue and 17<sup>th</sup> Avenue, including:

- 345<sup>th</sup> Avenue (including realignment of 31<sup>st</sup> Avenue as the north leg of the intersection)
- 341<sup>st</sup> Avenue
- 331<sup>st</sup> Avenue

**Install Roundabout from Minor Road Stop Control**  
**CRF: 82% reduction in all injury crashes**  
**ODOT Countermeasure Number: H16**

**Exhibit 30: Illustration of Roundabout Option**



Source: Base Image from Google Earth



## AGENCY RESPONSE TO SUGGESTIONS

| Agency Response to Suggestions        |                           |          |        |                    |
|---------------------------------------|---------------------------|----------|--------|--------------------|
| Immediate Suggestions                 |                           |          |        |                    |
| SUGGESTION                            | AGENCY RESPONSE / COMMENT | CONSIDER | REJECT | FURTHER DISCUSSION |
| Improve intersection sight distance   |                           |          |        |                    |
| Improve reflectivity                  |                           |          |        |                    |
| Improve intersection visibility       |                           |          |        |                    |
| Complete systemic signal enhancements |                           |          |        |                    |



**Agency Response to Suggestions**

| SUGGESTION                                      | AGENCY RESPONSE / COMMENT | CONSIDER | REJECT | FURTHER DISCUSSION |
|---|---------------------------|----------|--------|--------------------|
| Install advance signage                         |                           |          |        |                    |
| Restripe roadway to install buffered bike lanes |                           |          |        |                    |
| Install striping for speed management           |                           |          |        |                    |
| Install permanent speed feedback signs          |                           |          |        |                    |



**Agency Response to Suggestions**

| SUGGESTION   | AGENCY RESPONSE / COMMENT | CONSIDER | REJECT | FURTHER DISCUSSION |
|--|---------------------------|----------|--------|--------------------|
| Engage the community through education and outreach                |                           |          |        |                    |
| Advocate for local connectivity and establish future corridor plan |                           |          |        |                    |

**Near-Term Suggestions**

| SUGGESTION  | AGENCY RESPONSE / COMMENT | CONSIDER | REJECT | FURTHER DISCUSSION |
|---|---------------------------|----------|--------|--------------------|
| Install priority enhanced crossings at 334th Avenue and East Lane |                           |          |        |                    |



**Agency Response to Suggestions**

| SUGGESTION  | AGENCY RESPONSE / COMMENT | CONSIDER | REJECT | FURTHER DISCUSSION |
|---|---------------------------|----------|--------|--------------------|
| Install sidewalk infill to serve near-term enhanced crossings                 |                           |          |        |                    |
| Install ADA-compliant pedestrian ramps in coordination with upcoming projects |                           |          |        |                    |
| Evaluate lighting   |                           |          |        |                    |
| Review and upgrade bus stop amenities   |                           |          |        |                    |





**Agency Response to Suggestions**

| SUGGESTION                       | AGENCY RESPONSE / COMMENT | CONSIDER | REJECT | FURTHER DISCUSSION |
|----------------------------------|---------------------------|----------|--------|--------------------|
| Upgrade signalized intersections |                           |          |        |                    |

**Mid-Term Suggestions**

| SUGGESTION                                       | AGENCY RESPONSE / COMMENT | CONSIDER | REJECT | FURTHER DISCUSSION |
|--|---------------------------|----------|--------|--------------------|
| Provide pedestrian facilities                    |                           |          |        |                    |
| Install additional enhanced pedestrian crossings |                           |          |        |                    |



**Agency Response to Suggestions**

| SUGGESTION   | AGENCY RESPONSE / COMMENT | CONSIDER | REJECT | FURTHER DISCUSSION |
|--|---------------------------|----------|--------|--------------------|
| Install large-scale signalized intersection upgrades |                           |          |        |                    |

**Long-Term Suggestions**

| SUGGESTION                               | AGENCY RESPONSE / COMMENT | CONSIDER | REJECT | FURTHER DISCUSSION |
|--|---------------------------|----------|--------|--------------------|
| Install corridor illumination            |                           |          |        |                    |
| Complete the pedestrian sidewalk network |                           |          |        |                    |



### Agency Response to Suggestions

| SUGGESTION  | AGENCY RESPONSE / COMMENT | CONSIDER | REJECT | FURTHER DISCUSSION |
|---|---------------------------|----------|--------|--------------------|
| Pursue access management and network connectivity                                 |                           |          |        |                    |
| <b>Option 1:</b><br><i>Signalized corridor with U-turns and/or frontage roads</i> |                           |          |        |                    |
| <b>Option 2:</b><br><i>Series of roundabouts</i>                                  |                           |          |        |                    |

Appendix G: Email correspondence with Marah  
Danielson, ODOT and Terry Keyes, City of  
Cornelius City Engineer

## Re: Traffic Safety Concerns with Proposed Rezone - ZC-01-23

Kristen Svcarovich

Sat 8/26/2023 10:25 AM

To: DANIELSON Marah B <Marah.B.DANIELSON@odot.oregon.gov>; Terry Keyes <terry.keyes@corneliusor.gov>

Cc: Barbara Fryer <Barbara.Fryer@corneliusor.gov>

Hello Marah & Terry -

Thank you for your time and the responses provided, I really appreciate it.

The proposed rezone matches the Comprehensive Plan Designation in name only, it does not meet it in character or definition.

The current Comprehensive Plan Designation for this land is "Low Density Residential" which has an overall density of development of five (5) units per net acre. The newly adopted R-10 zoning "Very Low Density Residential" allows for an overall density of development of twenty-five (25) units per net acre. This results in five times more residential units per acre, and this density is not consistent with the City's currently adopted Comprehensive Plan.

My parents have lived on NW 336<sup>th</sup> Avenue for 42-years. Volumes have continued to increase, and this section of highway is very dangerous. This proposed rezone and allowable uses will cause an adverse affect to both traffic operations and safety.

Thanks,

Kristen Svcarovich, PE  
503-720-7306

---

**From:** DANIELSON Marah B <Marah.B.DANIELSON@odot.oregon.gov>  
**Sent:** Friday, August 25, 2023 11:41 AM  
**To:** Terry Keyes <terry.keyes@corneliusor.gov>; Kristen Svcarovich <ksvcarovich@hotmail.com>  
**Cc:** Barbara Fryer <Barbara.Fryer@corneliusor.gov>  
**Subject:** RE: Traffic Safety Concerns with Proposed Rezone - ZC-01-23

Hi Terry,

Thanks for summarizing the city's approach to addressing the Transportation Planning Rule. ODOT concurs that the city can make findings of no significant affect based on section 9 because the proposed zone is consistent with the city's Comprehensive Plan and Transportation System Plan. Therefore, ODOT is not requesting a Traffic Impact Study for the proposed zone change.

**Marah Danielson, Senior Planner**  
Development Review Program  
Oregon Department of Transportation, Region 1  
[Marah.b.danielson@odot.oregon.gov](mailto:Marah.b.danielson@odot.oregon.gov)  
503.731.8258

*Please note: This email, related attachments and any response may be subject to public disclosure under state law.*



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**From:** Terry Keyes <terry.keyes@corneliusor.gov>  
**Sent:** Friday, August 25, 2023 10:49 AM  
**To:** Kristen Svicarovich <ksvicarovich@hotmail.com>  
**Cc:** Barbara Fryer <Barbara.Fryer@corneliusor.gov>  
**Subject:** Re: Traffic Safety Concerns with Proposed Rezone - ZC-01-23  
**Importance:** High

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Kristen,

This rezone application meets the comprehensive plan designations and is consistent with our Transportation System Plan (TSP). Therefore it does not require engineering review. When a specific development proposal for the site is submitted for approval, then the transportation and other infrastructure impacts will be evaluated.

Also, the safety issues you mention relate to Baseline (Highway 8). Highway 8 is a road/street under ODOT jurisdiction. If a traffic study is needed when a development proposal is submitted, the requirement will likely come from ODOT.

Finally, in discussions of contentious issues like this proposal, I find corresponding in writing can avoid misinterpretations and misunderstandings of what is said verbally.

**Terry W. Keyes, PE**  
**City Engineer**  
**City of Cornelius**

1355 N. Barlow Street  
Cornelius, OR 97113  
503-357-3011 office phone  
503-449-3631 cell phone  
[terry.keyes@corneliusor.gov](mailto:terry.keyes@corneliusor.gov)

On Aug 25, 2023, at 8:09 AM, Kristen Svicarovich <[ksvicarovich@hotmail.com](mailto:ksvicarovich@hotmail.com)> wrote:

Mr. Keyes-

Ms. Fryer indicated that you received my voicemails on 8/16/23 and 8/17/23 will not be returning my phone calls, so I thought maybe an email would be better.

As a Professional Engineer I am very concerned with the proposed rezone ZC-01-23 at the intersection of NW 336<sup>th</sup> Avenue/TV Hwy (OR8). We purchased a traffic count, did a capacity analysis, and have evaluated the safety data available through the Oregon Department of Transportation (ODOT). The intersection does not meet the City's performance standards and gets worse with the proposed uses allowed for with the rezone. This location is in a high crash corridor and ODOT recently did a Road Safety Audit for this section of TV Highway because of all the crashes and fatalities.

Despite all of these red flags, you have decided not to require a traffic impact analysis for the proposed rezone. You have the authority under the municipal code to require a traffic impact analysis. You have an opportunity to require the applicant to study the concern, and

you're not making them do it. Why? What data are you looking at that shows you a traffic analysis isn't needed for the rezone? I'd really like to discuss this with you and understand how you came to that determination.

I have attached the most recent 5-years of crash data from the State of Oregon, and pulled a page from ODOT's recent Road Safety Audit. These two pieces of information alone should be reason enough to study the impacts of potentially 16 more units being added to NW 336<sup>th</sup> Avenue, which is located in one of the most hazardous sections of highway in the State of Oregon.

I look forward to a phone call/email response to discuss.

Thanks,

Kristen Svicarovich  
503-720-7306

If you believe you have received this email by mistake, please inform us by an email reply and then delete the message. Also, the integrity and security of this email cannot be guaranteed over the Internet.

If you believe you have received this email by mistake, please inform us by an email reply and then delete the message. Also, the integrity and security of this email cannot be guaranteed over the Internet.

Appendix H: City Council Packet for R-10 Zone Change  
Adoption – June 6, 2022

City Council Meeting - Monday, June 6, 2022  
1355 N Barlow Street, Cornelius, OR  
TVCTV Televised Live-Channel 30  
Zoom Meeting Link:

<https://us02web.zoom.us/j/4174814374?pwd=MDY3dkVJR3E3NEdwcWhLWklnaVE5UT09>

Zoom Meeting ID: **417 481 4374** and Passcode: **20220606**

Comments may be submitted electronically to [cityrecorder@corneliusor.gov](mailto:cityrecorder@corneliusor.gov).  
And must be received no later than 4:30 pm the day of the meeting.

**7:00 Call to Order-Mayor Dalin**

**Roll Call:** City Council: John Colgan, Doris Gonzalez, Angeles Godinez, Luis Hernandez, and Jef Dalin

1. **ADOPTION OF AGENDA-Revised** Add 5.C Recognition: Terry Keyes, City Engineer 15 years.
2. **CONSENT AGENDA-NONE**

The items on the Consent Agenda are considered routine. All will be adopted by one motion unless a Council Member or a person in the audience requests to have any item considered separately before the vote on the motion. For any item removed from the Consent Agenda, the Mayor will indicate when it will be discussed.

3. **CITIZEN PARTICIPATION – ITEMS NOT ON THE AGENDA**

Please sign a citizen participation card and turn it into the staff table and any written testimony. Please wait to be called up to the microphone. **Please keep comments to three (3) minutes or less.** Please stay on topic and do not repeat information. Please honor the process, i.e., do not carry on conversations while others speak.

4. **APPOINTMENTS-NONE**

5. **PRESENTATION**

- A. Pinning of Shields Fire Chief Jim Geering  
Captain Kevin Ritcheson and Firefighter Daren Betancourt
- B. Proclamation: Tragedy of Recent Shootings in Uvalde, Texas and Buffalo, New York  
Proclamation: Commemorating Juneteenth in Cornelius, Oregon
- C. Recognition: Terry Keyes, City Engineer 15 years of service

6. **PUBLIC HEARING**

- A. Resolution No. 2022-10: Supplemental Budget 3 *Ellie Jones, Finance Dir.*

- B. Resolution No. 2022-11: FY 2022-2023 Budget *Ellie Jones, Finance Dir.*
- C. Resolution No. 2022-12: State Revenue Sharing *Ellie Jones, Finance Dir.*
- D. Resolution No. 2022-14: Utility Fees and SDCs *Ellie Jones, Finance Dir.*
- E. Resolution No. 2022-15: FY 2023 Planning Fees *Ellie Jones, Finance Dir.*
- F. Ordinance No. 2022-03: Cornelius Municipal Code Amendment 01-22  
*Barbara Fryer, Community Development Director*

**7. UNFINISHED BUSINESS-NONE**

**8. NEW BUSINESS**

- A. Ordinance No. 2022-03: Cornelius Municipal Code Amendment 01-22  
*Barbara Fryer, Community Development Director*
- B. Resolution No. 2022-10: Supplemental Budget 3 *Ellie Jones, Finance Dir.*
- C. Resolution No. 2022-11: FY 2022-2023 Budget *Ellie Jones, Finance Dir.*
- D. Resolution No. 2022-12: State Revenue Sharing *Ellie Jones, Finance Dir.*
- E. Resolution No. 2022-13: Municipal Services *Ellie Jones, Finance Dir.*
- F. Resolution No. 2022-14: Utility Fees and SDCs *Ellie Jones, Finance Dir.*
- G. Resolution No. 2022-15: FY 2023 Planning Fees *Ellie Jones, Finance Dir.*
- H. Resolution No. 2022-16: FY 2023 COLAs *Ellie Jones, Finance Dir.*
- I. Resolution No. 2022-17: FY 2023 New Planning & Development Fees *Ellie Jones, Finance Dir.*
- J. Resolution No. 2022-18: Ziplly Fiber Franchise Agreement *Rob Drake, City Manager*

**9. REPORTS**

- A. City Council Members:
- B. Mayor Dalin:
- C. City Manager Drake:

**10. COUNCIL ANNOUNCEMENTS**

- A. Cornelius Farmers Market-Every Friday: June-September 4:00 pm- 8:00 pm.
- B. On June 21, 2022, Summer Begins
- C. July 4, 2022, City Offices Closed in Recognition of Independence Day
- D. July 5, 2022, 7:00 pm City Council Meeting
- E. July 18, 2022, 6:00 pm City Council Executive Session
- F. July 23, 2022, 6:00-8:00 pm Johnny Limbo Concert in Harleman Park
- G. August 1, 2022, 7:00 pm City Council Meeting

**11. ADJOURNMENT**

**CONVENE THE CORNELIUS URBAN RENEWAL BUDGET MEETING**



# City of Cornelius Agenda Report

**To:** Honorable Mayor and Members of the City Council  
**From:** Barbara Fryer, AICP, Community Development Director  
**Through:** Rob Drake, City Manager  
**Date:** May 24, 2022  
**Subject:** Public Hearing for Cornelius Municipal Code Amendment CMCA-01-22, First and Second Ordinance Reading, and Ordinance Adoption

*Cornelius*  
Oregon's Family Town

---

**Summary:** A request for City Council consideration of amendments to the Cornelius Municipal Code, consisting of portions of Titles 17 and 18, to clarify or amend language to address changes in State laws intended to increase housing supply – specifically allowing Middle Housing.

**Previous Council Action:** City Council approved a request to apply for grant funding from the Department of Land Conservation and Development to conduct this work. The City received the grant and contracted with Angelo Planning Group (now MIG). This work is the culmination of the contracted work and implements the State law changes.

**Background:** The Cornelius Municipal Code (CMC) was adopted by the Cornelius City Council on March 8, 2008 through Ordinance 900. The CMC has been amended up to and through Ordinance 2021-05, passed October 4, 2021. The Cornelius Community Development Department identified a number of sections where the current CMC language needs amendment to respond to new land use laws regarding housing.

**Financial Implications:** None.

**Advisory Committee:** On May 10, 2022 the Planning Commission held a public hearing to consider the proposed amendments and based on facts, findings and conclusions presented in the staff report and public testimony and evidence in the hearing unanimously voted (3-0; one Commissioner absent) to recommend approval of the proposed amendments to the Cornelius City Council.

**Staff Recommendation:** Staff recommends City Council hold a public hearing and, based on the facts, findings and testimony, approve the proposed amendments and adopt the Ordinance.

**Proposed Motion:** I make a motion to read by title only for the first reading Ordinance No. 2022-03, **AN ORDINANCE OF THE CITY OF CORNELIUS AMENDING CERTAIN PORTIONS OF THE CORNELIUS MUNICIPAL CODE TO AMEND LANGUAGE TO RESPOND TO NEW LAND USE LAWS REGARDING HOUSING.**

I make a motion to read by title only for the second reading and adoption of Ordinance No. 2022-03, **AN ORDINANCE OF THE CITY OF CORNELIUS AMENDING CERTAIN PORTIONS OF THE CORNELIUS MUNICIPAL CODE TO AMEND LANGUAGE TO RESPOND TO NEW LAND USE LAWS REGARDING HOUSING** and that this ordinance shall be effective from and after 30 days following its passage.

Roll call.

**Exhibits:** Draft Ordinance No. 2022-03;  
Decision Report for CMCA-01-22



# CORNELIUS HOUSING CHOICES PROJECT

City Council Public Hearing  
June 6, 2022

# Participants

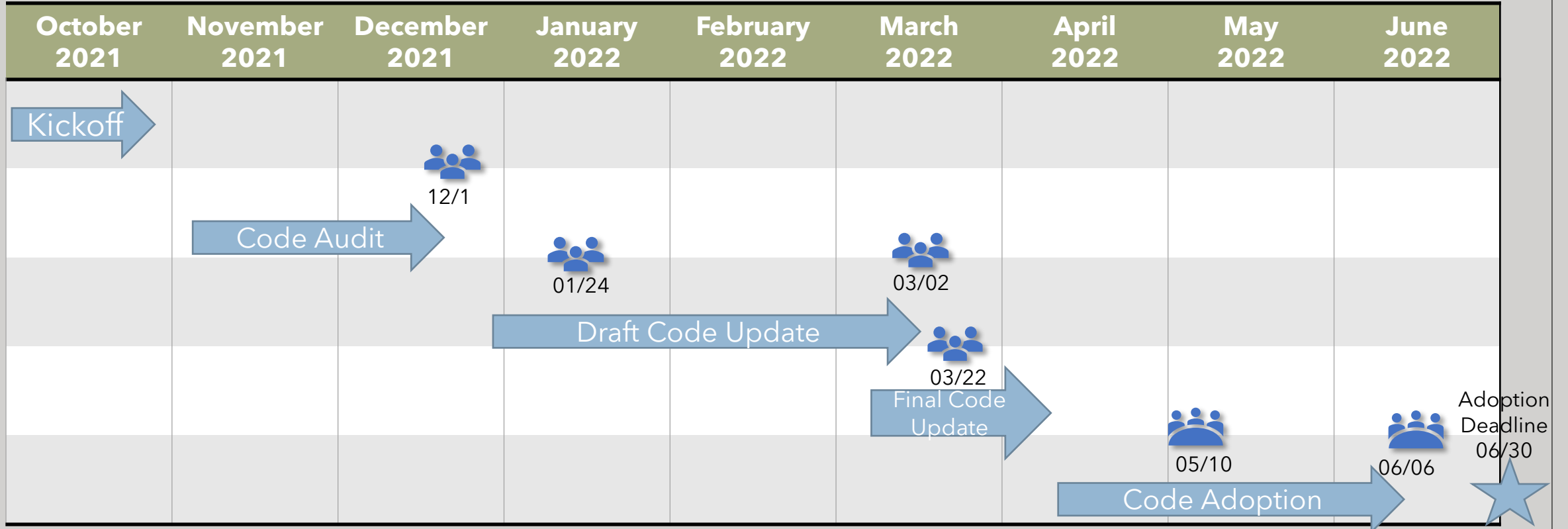
- Consultant Team:
  - Angelo Planning Group (MIG) - Matt Hastie, Brandon Crawford
  - Centro Cultural - Mariana Valenzuela, Alexander Ibarra
- City Staff - Barbara Fryer, Tim Franz
- Advisory Committee -
  - Dan Riordan, Dave Waffle, Anne Debbaut, Ethan Stuckmayer, Kelly Ritz, Rob Drake, Virginia Ohler
- People who visited the Web, attended the Open House, responded to the survey, and participated in focus groups

# Agenda


- Project Timeline
- Open House, Survey and Focus Groups
- Legislative Background
- Applicability
- What is Middle Housing?
- Middle Housing Implementation Requirements
- Middle Housing Land Divisions and Expedited Land Divisions
- Pre-Fab Dwelling Amendments
- Design Elements Menu
- Conclusions and Recommendations



# Schedule



 Advisory Committee Meeting

 City Council or Planning Commission Hearing



# OPEN HOUSE, SURVEY, AND FOCUS GROUP

# Cornelius Housing Choices Online Open House and Survey

## Cornelius Housing Choices Project

### Open House and Survey Results

- Opened mid-December, closed March 10
- 246 visits (166 for English, 80 for Spanish)
- 29 survey responses
- Response summary:
  - Most live in single-family detached housing
  - Supportive of middle housing and housing options, including detached plexes. Split on design/development flexibility
  - Parking and traffic concerns
  - Over 2/3 of respondents spend over 30% of income on housing

# Latinx Focus Groups

- Conducted two online focus groups in January and March
- Discussed housing, neighborhood livability, middle housing issues
- Concerns about housing costs and affordability
- Desire for more interior and exterior space
- General support for middle housing opportunities, including detached duplexes, but cited privacy concerns
- Other important housing and livability concerns:
  - Noise from neighbors
  - Adequate parking
  - Available parks, open space, sidewalks, streetlights, security



# LEGISLATIVE BACKGROUND



# Four Legislative Changes affecting housing

## **SB 1051 (2017)**

- Clear and Objective Standards for all residential development
- Can allow a discretionary path (Planning Commission Hearing)

## **HB 2001 (2019)**

- Allow each middle housing type *outright* in every residential zone (R-7, R-10, & CR) that allows single-family detached
- Increases supply & variety


# Four Legislative changes affecting housing

## **SB 458 (2021)**

- Expedited land divisions for middle housing (63 day processing)
- Increases homeownership options

## **HB 4064 (2022)**

- Requires local jurisdictions to allow pre-fabricated dwellings anywhere single-family dwellings are allowed
- Includes a new definition

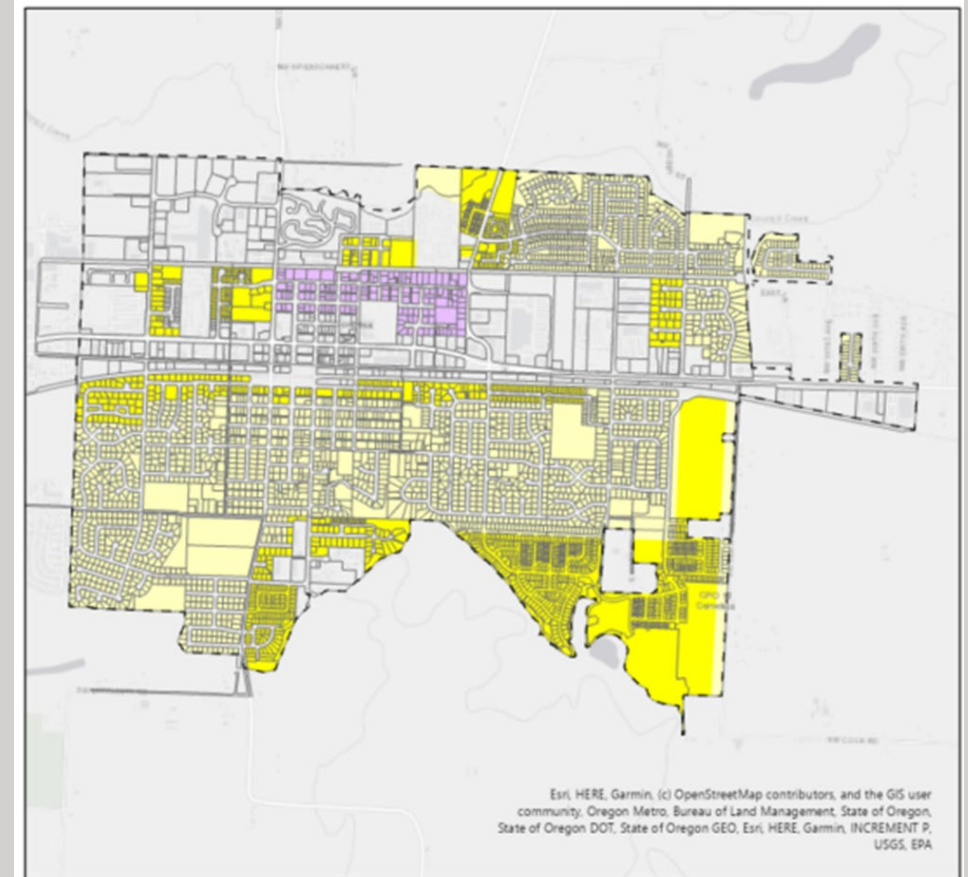


# APPLICABILITY IN CORNELIUS

# Applicability

## Allow each middle housing type *outright* in every residential zone that allows single-family detached

- R-7 and R-10 (Single-Family Residential)
- CR (Core Residential)
- A-2 (Multi-family)
  - Not Required, but recommended by consultant team, staff, advisory committee, and Planning Commission



Cornelius HB 2001  
Applicable Areas

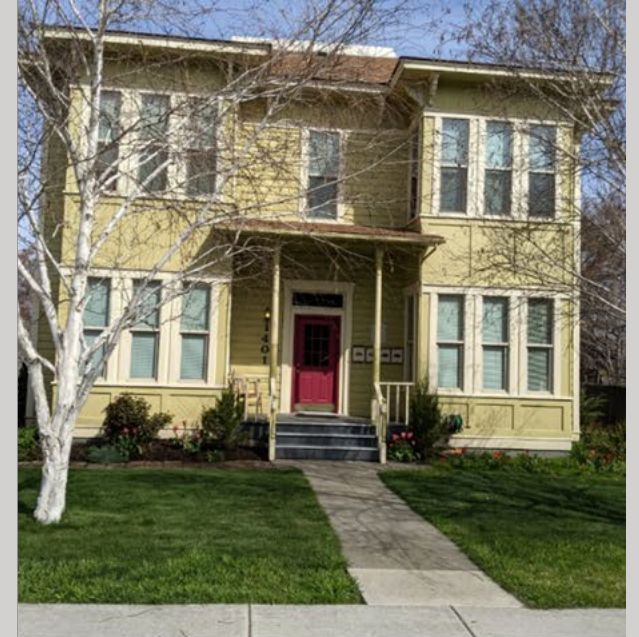




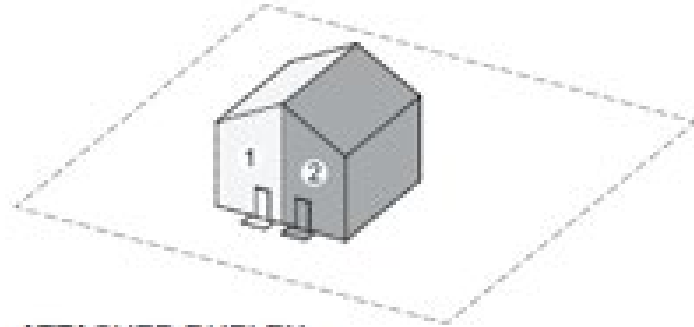
# WHAT IS MIDDLE HOUSING?



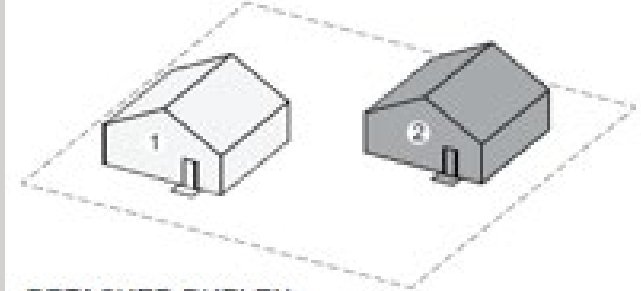
# Middle Housing



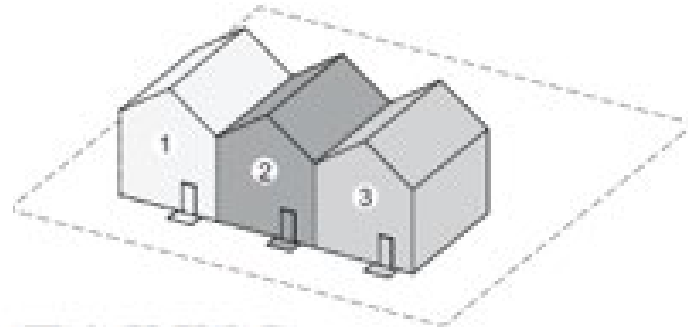
# Middle Housing "plexes" may be....



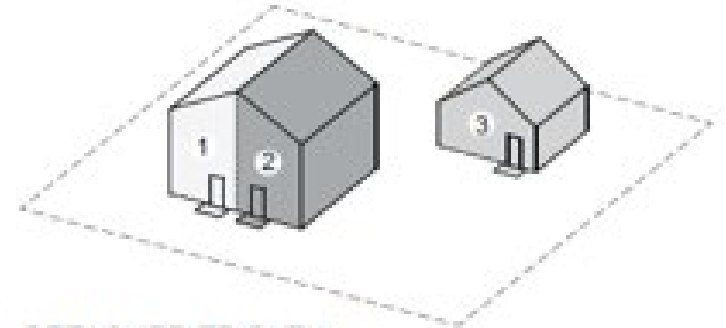
ATTACHED DUPLEX



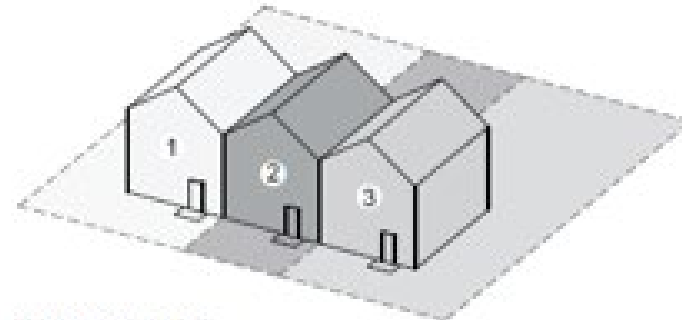
DETACHED DUPLEX



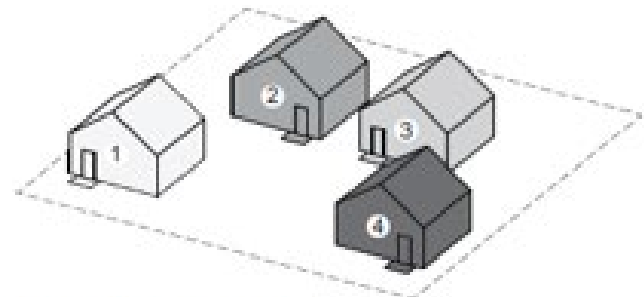
ATTACHED TRIPLEX



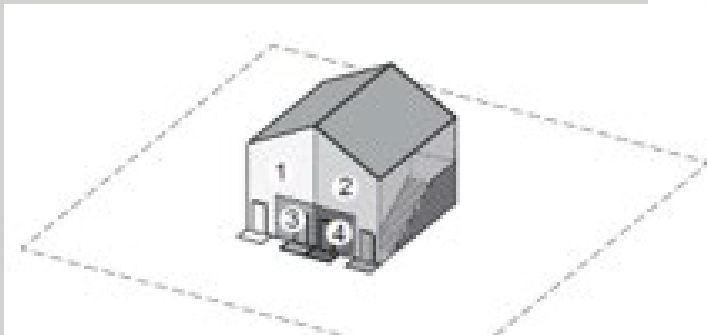
DETACHED TRIPLEX



TOWNHOUSE



DETACHED QUADPLEX



**Stacked**

**Attached**

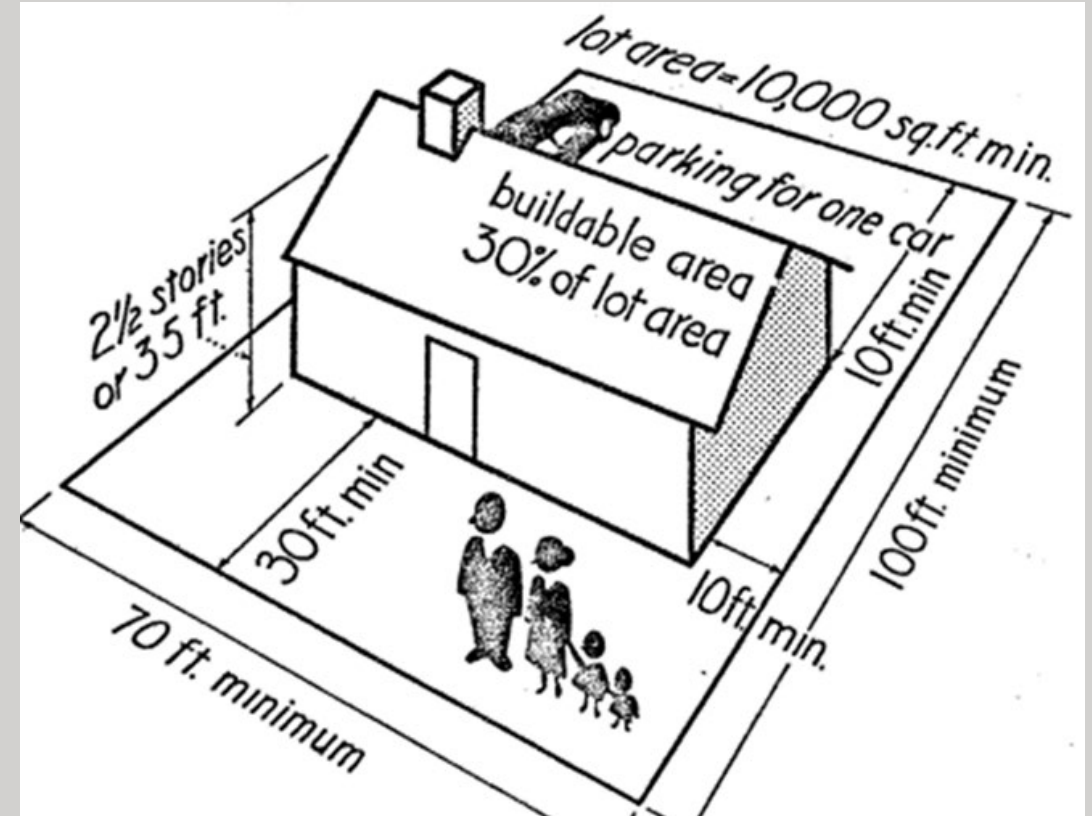
**Detached**



# IMPLEMENTATION REQUIREMENTS

# Middle Housing Implementation Requirements

- **Lot size and setbacks** -no greater than requirement for SFD
- **Density** -
  - Maximum density cannot be applied to plexes,
  - Cottage Cluster minimum density 4 du/acre,
  - Townhomes 4X maximum density of SFD or 25 DU/acre, whichever is less
- **Design Standard** -
  - Same or less restrictive than SFD design standards
  - Clear and Objective standards required

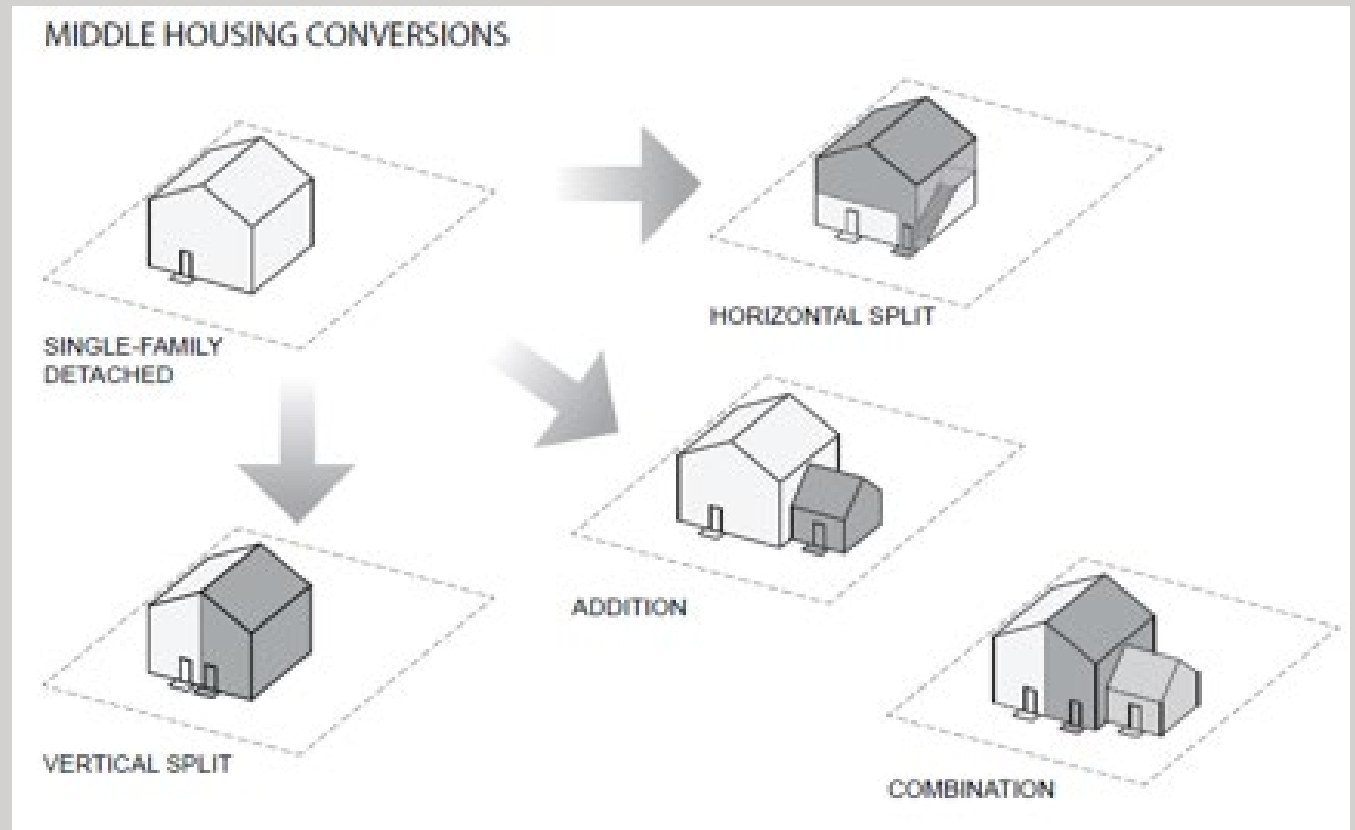
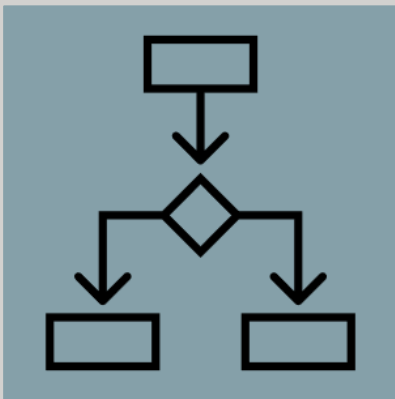


*General illustration of common development/siting standards (Portland, OR)*



# Middle Housing Implementation Requirements

- **Off-Street Parking** -
  - All housing types - one space/unit
  - More can be allowed, but not required
- **Review and Approval** -
  - Type I Procedure
  - Clear and Objective

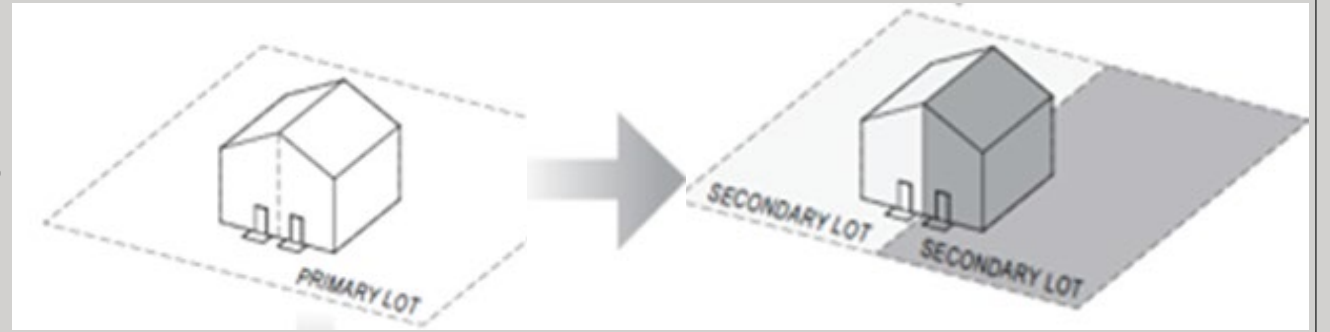






MIDDLE HOUSING  
LAND DIVISIONS AND  
EXPEDITED LAND  
DIVISIONS

# MHLD Review Process



- Completeness review - **21 days**
  - Notice - property owners within **100 feet** of site
  - Comment period - **14 days**
  - Decision by Zoning Administrator with **63 days** of receiving complete application
  - Appeals to Hearings Officer made within **14 days** of Zoning Administrator decision
- Preliminary Plat
    - Prohibit further division of secondary lots
    - Include notation that the middle housing type shall not be altered by MHLD
    - Note that accessory dwelling units are *not* allowed on the secondary lot
  - Final Plat
    - Conforms to preliminary plat
    - Conditions of approval and proposed improvements have been satisfied

# SB 458 MHL D Review Criteria

- Must comply with existing zoning, local building code, and Oregon Residential Specialty Code
- Separate utilities for water, stormwater, and sewer
- Easements are provided as necessary for:
  - Utilities
  - Common areas
  - Pedestrian access
  - Driveways/parking
- Frontage improvements required for lots created that abut a street – must be completed or guaranteed prior to MHL D.

# What Cities *Cannot* Require

- Street frontage improvements for lots that do not abut a street
- Parking/driveway access to each resulting secondary lot
- Minimum lot sizes or dimensions for secondary lots
- Further divisions of a secondary lot after MHL D
- Additional review criteria

# ELD Review Criteria

- Codify statute language for easier implementation
- Must comply with ORS 197.360 - 197.380
- Must be zoned residential and a residential use within the UGB
- Follow same preliminary plat and final plat requirements for MHLD
- Cannot be within floodplain or natural resource overlay districts
- Land division must:
  - Create lots that result in 80% or more of max net density of the zone, or;
  - Sold or rented to households below 120% County AMI





# DESIGN MENU RECOMMENDATIONS

Clear and Objective Standards

# Residential Design Menu

1. Eaves (12 inches)
2. Dormer (4 feet wide)
3. Window trim (3 inches)
4. Recessed entrance (2 feet deep)
5. Balcony (4 feet deep by 6 feet with 4 foot railing)
6. Porch: (4 feet by 6 feet)
7. Off-sets in building face or roof (16 inches)
8. Recessed window (3 inches)
9. Pitched roof (4:12 or 3:12)



# Residential Design Menu

10. A variation of three different building materials, the smallest 5% of the façade

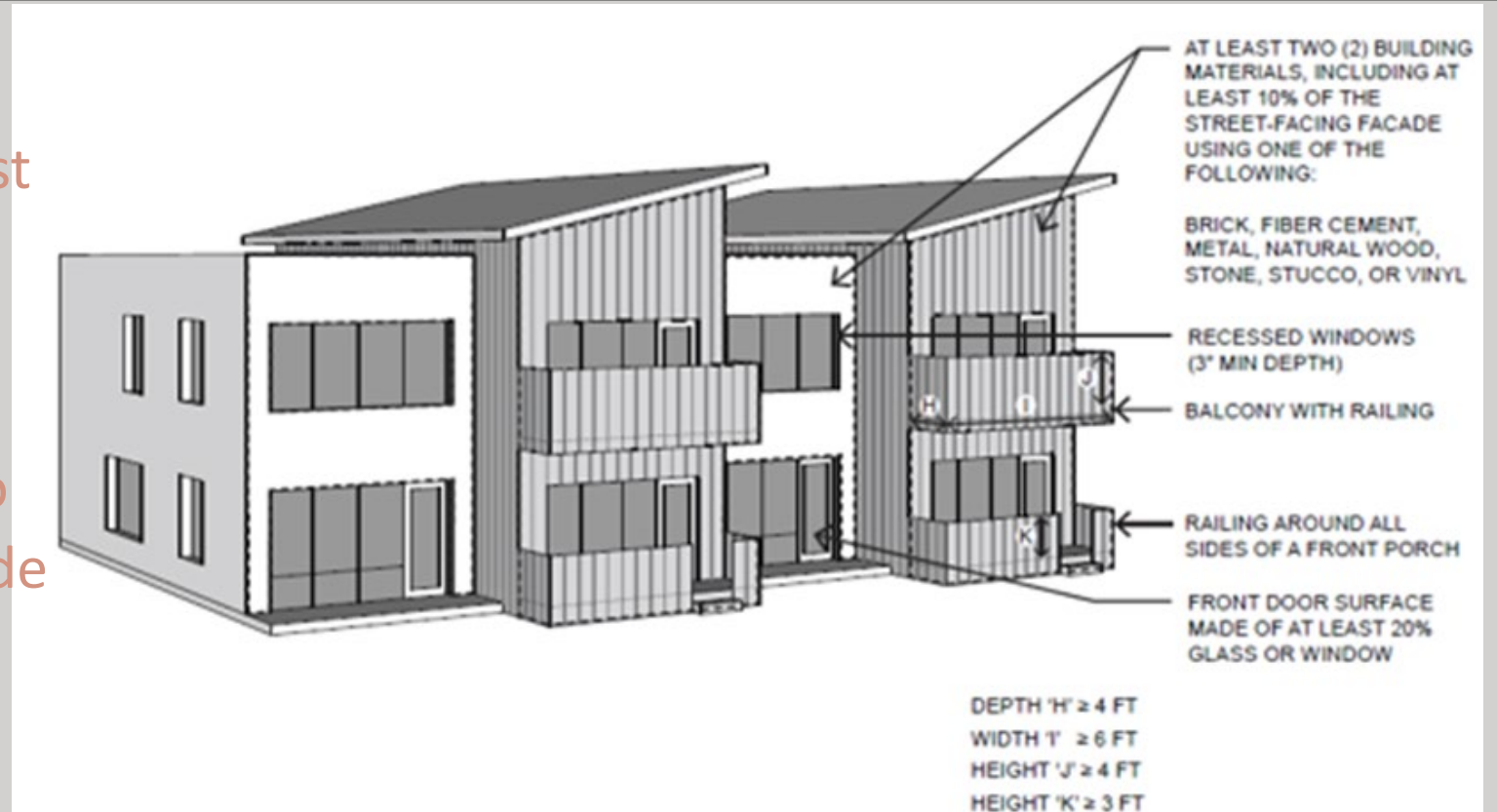
11. Pillars or posts.

12. Knee or eave braces

13. Brick, cedar shingles or stucco covering 10-15% of front façade

14. Shutters on each ground level street facing window (min. 12"x24")

15. Railing around all sides of a front porch, minimum 3 feet tall



# Residential Design Menu

16. Front door surface with at least 25% glass or window
17. Window grids on all street facing windows
18. Roof over front porch or balcony
19. Different colors between at least two of the following on the street-facing façade: trim, doors, walls, shutters, railings, posts/pillars
20. Variation in at least two siding textures, board and batten, vinyl, lap, brick, stone, natural wood, cedar, fiber cement siding, stucco, horizontal or vertical wood, or metal



# PRE-FAB IMPLEMENTATION



# HB 4064 Amendments

- Recently passed (2022 OR legislative session)
- City must allow a manufactured/prefabricated dwelling on any single-family lot
- Apply same development/design requirements as SFD
- Manufacture Dwelling Park minimum lot size cannot exceed one acre
- Must allow prefabricated dwellings in Manufactured Home Park zone



*Prefabricated dwelling example*



# CONCLUSIONS AND RECOMMENDATIONS

## Conclusions

- Proposal implements **four** legislative changes affecting housing in Oregon
- Proposal meets the approval criteria for amendment of the Cornelius Municipal Code

## Recommendations

- Consultants, staff, advisory committee, and Planning Commission recommend approval of the proposed amendments by conducting
  - a public hearing,
  - the First Reading of the Ordinance,
  - the Second Reading of the Ordinance, and
  - Adopting the Ordinance.

Questions?

# City of Cornelius Agenda Report

**To:** Honorable Mayor and Members of the City Council  
**From:** Barbara Fryer, AICP, Community Development Director  
**Through:** Rob Drake, City Manager  
**Date:** May 24, 2022  
**Subject:** Public Hearing for Cornelius Municipal Code Amendment CMCA-01-22, First and Second Ordinance Reading, and Ordinance Adoption



---

**Summary:** A request for City Council consideration of amendments to the Cornelius Municipal Code, consisting of portions of Titles 17 and 18, to clarify or amend language to address changes in State laws intended to increase housing supply – specifically allowing Middle Housing.

**Previous Council Action:** City Council approved a request to apply for grant funding from the Department of Land Conservation and Development to conduct this work. The City received the grant and contracted with Angelo Planning Group (now MIG). This work is the culmination of the contracted work and implements the State law changes.

**Background:** The Cornelius Municipal Code (CMC) was adopted by the Cornelius City Council on March 8, 2008 through Ordinance 900. The CMC has been amended up to and through Ordinance 2021-05, passed October 4, 2021. The Cornelius Community Development Department identified a number of sections where the current CMC language needs amendment to respond to new land use laws regarding housing.

**Financial Implications:** None.

**Advisory Committee:** On May 10, 2022 the Planning Commission held a public hearing to consider the proposed amendments and based on facts, findings and conclusions presented in the staff report and public testimony and evidence in the hearing unanimously voted (3-0; one Commissioner absent) to recommend approval of the proposed amendments to the Cornelius City Council.

**Staff Recommendation:** Staff recommends City Council hold a public hearing and, based on the facts, findings and testimony, approve the proposed amendments and adopt the Ordinance.

**Proposed Motion:** I make a motion to read by title only for the first reading Ordinance No. 2022-03, **AN ORDINANCE OF THE CITY OF CORNELIUS AMENDING CERTAIN PORTIONS OF THE CORNELIUS MUNICIPAL CODE TO AMEND LANGUAGE TO RESPOND TO NEW LAND USE LAWS REGARDING HOUSING.**



I make a motion to read by title only for the second reading and adoption of Ordinance No. 2022-03, **AN ORDINANCE OF THE CITY OF CORNELIUS AMENDING CERTAIN PORTIONS OF THE CORNELIUS MUNICIPAL CODE TO AMEND LANGUAGE TO RESPOND TO NEW LAND USE LAWS REGARDING HOUSING** and that this ordinance shall be effective from and after 30 days following its passage.

Roll call.

**Exhibits:** Draft Ordinance No. 2022-03;  
Decision Report for CMCA-01-22

**ORDINANCE NO. 2022-03**

**AN ORDINANCE OF THE CITY OF CORNELIUS AMENDING CERTAIN PORTIONS OF THE CORNELIUS MUNICIPAL CODE TO AMEND LANGUAGE TO RESPOND TO NEW LAND USE LAWS**

**WHEREAS**, the Cornelius Municipal Code (CMC) was adopted by the Cornelius City Council on March 8, 2008 through Ordinance 900; and

**WHEREAS**, the CMC has been amended up to and through Ordinance 2021-05, passed October 4, 2021; and

**WHEREAS**, four new State legislative actions (SB 1051, HB 2001, SB 458, and HB 4064) require implementation at the local level by June 30, 2022 or a Model Code becomes effective; and

**WHEREAS**, the Cornelius Community Development Department initiated amendment to respond to new land use laws; and

**WHEREAS**, on May 10, 2022 the Planning Commission held a public hearing to consider the proposed amendments and based on facts, findings and conclusions presented in the staff report and public testimony and evidence in the hearing unanimously voted to recommend approval of the proposed amendments to the Cornelius City Council; and

**WHEREAS**, the Cornelius City Council, after providing the required notices, held a public hearing on June 6, 2022 to review the record of the Planning Commission, and to hear and consider additional evidence and testimony on the matter; and

**WHEREAS**, the City Council finds the proposed municipal code text amendments to be in conformance with the applicable approval criteria, as set forth in the Staff Report, attached hereto as Exhibit A.

**NOW, THEREFORE, THE CORNELIUS CITY COUNCIL ORDAINS AS FOLLOWS:**

Section 1. The Cornelius Municipal Code, is further amended with the changes in Exhibit A of this Ordinance.

Section 2. This ordinance shall be effective 30 days following its passage and approval by the Mayor.

**SUBMITTED** to the Cornelius City Council and read into the record at a regularly scheduled meeting thereof on the 6<sup>th</sup> day of June 2022, and read for a second time by title only this same day.

City of Cornelius, Oregon

By: \_\_\_\_\_  
Jeffrey C. Dalin, Mayor

ATTEST:

By: \_\_\_\_\_  
Debby Roth, MMC, City Recorder



**CITY OF CORNELIUS  
COMMUNITY DEVELOPMENT DEPARTMENT**

**Cornelius Municipal Code Amendments to comply with  
legislative changes  
CMCA-01-22**

**City Council Hearing: June 6, 2022**

**Decision Report Date: May 24, 2022**

**Request:** A request for the City Council to consider approval of amendments from the Cornelius Housing Choices Project to comply with legislative changes.

The City of Cornelius Community Development Department

**Applicant:** Cornelius Municipal Code (CMC) Section 1.05.110 (Amendment and repeal of code sections) identifies the process and requirements for amending the code. The Section states the following:

***1.05.110 Amendment and repeal of code sections.***

*This code is the general and permanent law of the city. The council may enact three types of general ordinances to affect this code. Such ordinances may (A) amend existing provisions; (B) add new provisions; or (C) repeal existing provisions. A general ordinance shall specifically amend or repeal a particular section of this code, and a general ordinance creating a new code section shall integrate the new section into the numbering system and organization of this code.*

Application review procedures are provided in CMC Section 18.15.010 (Application review). Amendments specific to the Zoning Ordinance must follow the procedures listed in CMC Section 18.125.010 (Procedure).

**APPEAL RIGHTS**

At their May 10, 2022 public hearing, the Planning Commission made a recommendation of approval to City Council concerning the request. On June 6, 2022, City Council will make a decision. Any appeal of a decision by City Council shall be made to the State Land Use Board of Appeals (LUBA) per ORS 197.830. In order for an issue to be considered for appeal to the Land Use Board of Appeals, it must be raised before the close of the record of the Public Hearing. Such issues must be raised with sufficient specificity so as to afford the hearing body and the

parties an adequate opportunity to respond to each issue. If there is no continuance granted at the hearing, any participant in the hearing may request that the record remain open for at least seven days after the hearing.

## **BACKGROUND**

Four legislative bills were passed affecting housing land use, as follows:

SB 1051 – Passed in 2017, requires Clear and Objective standards for review of all housing proposals. (Exhibit 1)

HB 2001 – Passed in 2019, requires local jurisdictions adopt changes to allow Middle Housing. (Exhibit 2)

SB 458 – Passed in 2021, required local jurisdictions allow applicants to divide Middle Housing projects through an expedited process. (Exhibit 3)

HB 4064 – Passed in 2022, requires local jurisdiction to allow pre-Fab dwellings. (Exhibit 4)

## **APPLICABLE CRITERIA**

Chapter 18.125 (Amendment to the Zoning Ordinance)

Applicable Statewide Planning Goals: 1, 2, 3, 5, 7, 9, 10, 11, 12, and 14

Divisions 7 and 46 of the Oregon Administrative Rules

Titles 1, 3, 7, 12, and 13 of Metro Chapter 3.07 (Urban Growth Management Functional Plan)

Chapter IV – Housing Policies from the City of Cornelius Comprehensive Plan

## **BASIC FACTS AND BACKGROUND INFORMATION**

1. The Cornelius Municipal Code (CMC) was adopted by the Cornelius City Council on March 8, 2008 through Ordinance 900.
2. The CMC has been amended up to and through Ordinance 2021-05, passed October 4, 2021.
3. From time to time, planning practice and interpretation of the CMC leads to the need to clarify or otherwise amend the CMC to maintain efficient and proper guidance and regulation for land use in the City.
4. The Cornelius Community Development Department, having worked with the CMC in its current form, has identified a number of sections where the current CMC language ought to be clarified or amended to meet the intent of the new State rules adopted by the Oregon State Legislature in 2017, 2019, 2021, and 2022.

5. Cornelius Municipal Code Section 1.05.110 authorizes the City to initiate CMC text amendments.
6. On March 31, 2022 staff provided the Oregon Department of Land and Conservation (DLCD) a required notice of the proposal and the date of the first evidentiary hearing (May 10, 2022).
7. On April 14, 2022 public notice of the proposal was published in the Forest Grove News-Times regarding the application and upcoming public hearing.
8. On April 15, 2022, public notice of the proposal was mailed to property owners within the A-2, R-7, R-10 and CR zoning districts.
9. To date, no public comments have been received on the proposed amendments.

## **ZONING ORDINANCE AMENDMENT REVIEW CRITERIA**

### **I. CORNELIUS MUNICIPAL CODE (CMC) SECTION 18.125(C), APPROVAL CRITERIA:**

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

**Findings:** The proposed text amendments are to comply with legislative changes, including:

- Senate Bill 1051 to offer a Clear and Objective path for housing proposals, which requires updates to design standards,
- House Bill 2001 to allow middle housing in all single-family zones, which requires a number of language amendments allow middle housing types and updated related development standards,
- SB 458 to allow expedited land divisions for all middle housing types that are not vertically stacked, which requires a new section in CMC Chapter 17 Land Divisions, and
- HB 4064 to allow pre-fabricated housing as a dwelling type, which requires language amendments and updated related development standards.

The proposal supports Chapter IV (Housing) Policies, including “2. Promote and encourage housing types and densities throughout town, available at various prices and rents, to households of all incomes, age, sex, and race.” Amendments for middle housing land divisions (SB 458) also align with this Comprehensive Plan policy by encouraging expedited land divisions for a variety of housing types (specifically middle housing), thereby further enabling homeownership opportunities for a wider range of housing types.

**Conclusions:** Based upon the finding above, Staff concludes this criterion is met.



2. *The permitted uses of the proposed new zone will not materially and/or adversely affect the character of the neighborhood.*

**Findings:** To implement the changes to State Law, the city is required to update the Development Code to apply development standards that are no more restrictive than the corresponding standards and requirements for single-family detached housing in the same zone. By applying the same or similar development standards for all housing, these updates will ensure that housing development does not materially or adversely affect the character of existing neighborhoods.

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

3. *The proposal will place all property similarly situated in the area in the same zoning category or in appropriate complementary categories, without creating a “spot zone.”*

**Findings:** No existing zoning boundaries will be amended. The Code updates ensure housing development follows a Clear and Objective path for approval and that middle housing and pre-fabricated housing developments are held to the same or similar standards and requirements that currently apply to single-family detached housing.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

## II STATEWIDE PLANNING GOALS

### Goal 1. Citizen Involvement

*To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

**Findings:** When the Oregon Legislature adopted the four bills, they changed the requirements for housing development and applied a deadline for compliance of June 30, 2022.

Statewide Planning Goal 1 requires governing bodies charged with preparing and adopting a comprehensive plan to adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land use planning process. The City convened a Housing Advisory Committee composed of key stakeholders to help inform and guide Development Code updates on behalf of community interests. In addition, the City held an online open house and survey that was published in English and Spanish, which provided information on the project and gathered community input. The City also worked with Centro Cultural to conduct community outreach, share project information, and hold focus groups with members of Cornelius’ Spanish-speaking community. The City also included information on the

City's website to provide the general public with information about the goals of the code update project and the proposed amendments to the Development Code.

The City of Cornelius is holding public hearings with the Planning Commission and City Council on May 10, 2022 and June 6 2022, respectively. These hearings are open to the public and provide an opportunity for community members to comment on the required amendments. The City intends to amend the CMC to meet minimum compliance for the four legislative changes.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

## **Goal 2. Land Use Planning**

*To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to ensure an adequate factual base for such decisions and actions.*

**Findings:** Statewide Planning Goal 2, Land Use Planning requires that local jurisdictions establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The proposed amendments are intended to ensure consistency with state laws (SB 1051, HB 2001, SB 458, HB 4064, and ORS 197.758) and administrative rules (OAR 660-046). These state laws require cities to make changes to their development regulations to:

- Provide clear and objective standards for residential development,
- Allow middle housing in all areas zoned for residential use that allow for development of single-family detached dwellings,
- Allow expedited land divisions for middle housing types, and
- Allow pre-fabricated dwellings.

Proposed amendments to Chapter 18 of the Cornelius Municipal Code add and revise land use development and review standards for middle housing types in the City's residential zone designations. Proposed amendments to Chapter 17 of the Cornelius Municipal Code add new procedures for Expedited Land Divisions. These amendments are consistent with Chapter IV – Housing – of the Cornelius Comprehensive Plan.

The amendments are subject to public notice, an initial evidentiary hearing before the Planning Commission and a final review by the City Council. Thus, a well-established planning process and policy framework exists within the City and has been used to create and adopt the proposed amendments.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

### **Goal 3. Agriculture**

*To preserve and maintain agricultural lands.*

**Findings:** The proposed amendments apply to residential lands within the city limits, which are entirely within the Urban Growth Boundary (UGB), and are therefore not directly applicable to agricultural lands; however, the amendments are supportive of goals to encourage development within the UGB in a more compact and efficient land use pattern that helps to preserve agricultural lands.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

### **Goal 5. Natural Resources, Scenic and Historic Areas, and Open Spaces**

*To provide natural resources and conserve scenic and historic areas and open spaces.*

**Findings:** Statewide Planning Goal 5 requires jurisdictions to inventory lands that contain significant open spaces, scenic resources, historic and cultural resources, and natural areas. The City's natural resource regulations will continue to apply and to protect Goal 5 resources and that there is no change to the standards related to water, air and sound quality. The city will limit the development of housing in significant natural resource sites identified and protected in the Natural Resource Overlay (NRO – CMC 18.95) pursuant to Goal 5, as allowed by OAR 660-046.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

### **Goal 7. Areas Subject to Natural Disasters and Hazards**

*To protect people and property from natural hazards.*

**Findings:** Statewide Planning Goal 7 requires jurisdictions to apply appropriate safeguards when planning for development in areas subject to natural disasters or floods. The City has policies regulating preservation and development of natural drainage-ways, floodplains and wetlands through overlay zones (Cornelius Municipal Code (CMC) – Chapters Natural Resources Overlay (Chapter 18.95) and Floodplain District (Chapter 18.90)). The development restrictions and standards in these overlay zones that are intended to minimize risk and protect natural resource areas applies to all development.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

## **Goal 9. Economic Development**

*To provide adequate opportunities throughout the state for a variety of economic activities liable to the health, welfare, and prosperity of Oregon's citizens.*

**Findings:** The proposed amendments will remove code barriers to Middle Housing and Pre-Fabricated structures, thereby enabling the development of additional housing options. Additionally, the proposal provides a Clear and Objective pathway for residential development that reduces the time involved in processing an application for housing development. Improving opportunities for a broader range of housing types and reducing timelines for housing development, including those that can help provide for work force housing, are ways the city can provide a supportive environment for the development and expansion of desired businesses.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

## **Goal 10. Housing**

*To provide for the housing needs of citizens of the state.*

**Findings:** Per state requirements, local housing policies contained in a Comprehensive Plan must meet Oregon statewide planning Goal 10 and administrative rules that implement state land use planning statutes (ORS 197.295 to 197.314, ORS 197.475 to 197.490, and OAR 600-008). Goal 10 requires incorporated cities to complete a residential Buildable Lands Inventory (BLI) and Housing Needs Analysis (HNA) (Exhibit 5). Goal 10 also requires cities to encourage the numbers of housing units in price and rent ranges commensurate with the financial capabilities of its households. Goal 10 defines needed housing types as “all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes.”

Proposed amendments to provide Clear and Objective standards for housing development (compliant with SB 1051) allows a proposed housing project to go through a Type 1 design review application, reducing the time required for processing a land use application. This allows a property owner to propose a housing development, receive approval, apply for building permits, and build new dwellings more quickly, thereby potentially reducing holding costs for development. This action could reduce the cost of the development, which could be passed along to the consumer.

Proposed amendments expand housing types to comply with HB 2001 as implemented by Oregon Administrative Rules (OAR) in Chapter 660-046 and HB 4064. Allowing middle housing types and pre-fabricated dwellings in zones that allow detached single-family housing will provide property owners the ability to provide more housing choices within

existing and new neighborhoods and may result in housing that is more affordable than existing single-family detached housing development. The proposed Development Code amendments also build on the results of Cornelius' recent HNA project that was completed in 2021, which projects the City's housing needs by 2040. The HNA found that about 30% of the needed housing types by 2040 will be middle housing types (including townhouses, duplexes, triplexes, and quadplexes). The amendments will further enable development of middle housing types in these zones and will ultimately help the city meet their projected housing need. The proposed updates therefore support Goal 10.

Senate Bill 458 (SB 458, 2021) requires cities subject to HB 2001 to allow expedited land divisions for middle housing (i.e., middle housing land divisions – MHLD). The Cornelius Housing Choices Project includes amendments to incorporate the new State MHLD rules in accordance with SB 458 and ORS 197.360-197.380. The recommended amendments were added as a new section to CMC Chapter 17.05 – Land Divisions. The new section includes amendments for MHLDs and Expedited Land Divisions (ELDs; CMC 17.05.060), which the State already requires cities to allow. MHLDs provide an avenue for the city to quickly and efficiently approve a land division for middle housing types so each unit is on an individual lot. MHLDs will better enable fee-simple ownership opportunities for middle housing units. The resulting units will tend to be on smaller lot sizes, and therefore will offer more homeownership opportunities that have the potential to be more affordable to Cornelius residents.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

## **Goal 11. Public Facilities and Services**

*To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

**Findings:** Public facilities and services standards in Titles 12 (Public Improvements) and 13 (Public Utilities) apply to all development and the City's procedures for the review of building permits will continue to apply. As described in OAR 660-046, the City will apply these standards and will work with applicants developing middle housing to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a new middle housing development application. As defined in 660-046-0020(16) "Sufficient Infrastructure" means the following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:

- a. Connection to a public sewer system capable of meeting established service levels.
- b. Connection to a public water system capable of meeting established service levels.

- c. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
- d. Storm drainage facilities capable of meeting established service levels for storm drainage.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

#### **Goal 12. Transportation.**

*To provide and encourage a safe, convenient and economic transportation system.*

**Findings:** The intent of Goal 12 is “to provide and encourage a safe, convenient, and economic transportation system.” The City’s Street/transportation standards in Titles 10, 12, and 13 applies to all development to help ensure a safe transportation system. The increased density that could be provided by Middle Housing helps support a compact urban form which can be more transit-supportive and pedestrian and bicycle-friendly thus potentially reducing the number and length of automobile trips.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

#### **Goal 14. Urbanization**

*To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**Findings:** The proposed amendments are supportive of the goal to achieve stable land use growth which results in a desirable and efficient land use pattern and discourage low-density sprawl. The amendments also support land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.



### III. OREGON ADMINISTRATIVE RULES (OAR)

#### A. OAR Chapter 660, Division 7 (METROPOLITAN HOUSING)

*The purpose of this division is to ensure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metropolitan Portland (Metro) urban growth boundary, to provide greater certainty in the development process and so to reduce housing costs. OAR 660-007-0030 through 660-007-0037 are intended to establish by rule regional residential density and mix standards to measure Goal 10 Housing compliance for cities and counties within the Metro urban growth boundary, and to ensure the efficient use of residential land within the regional UGB consistent with Goal 14 Urbanization. OAR 660-007-0035 implements the Commission's determination in the Metro UGB acknowledgment proceedings that region wide, planned residential densities must be considerably in excess of the residential density assumed in Metro's "UGB Findings". The new construction density and mix standards and the criteria for varying from them in this rule take into consideration and also satisfy the price range and rent level criteria for needed housing as set forth in ORS 197.303.*

**Findings:** Cornelius is subject to the state Metropolitan Housing Rule (MHR – OAR 660-007). The MHR requires Metro jurisdictions to accommodate needed housing and also establishes regional density standards for each jurisdiction. Specifically, the MHR requires that Cornelius designate sufficient buildable land to *provide the opportunity* for meeting the minimum density and dwelling mix. According to the MHR, new residential units in the City of Cornelius is to consist of at least 50 percent attached single family housing or multifamily housing.

Allowing middle housing types per HB 2001 will support the City's production of needed housing and will enable a greater mix of housing types. The proposed Development Code and Comprehensive Plan amendments build on the results of the City's recent HNA project that was completed in 2021, which projects the City's housing needs by 2040. The HNA found that about 30% of the needed housing types by 2040 will be middle housing types (including single-family attached, duplexes, triplexes, and quadplexes). The amendments help the City meet the housing targets established by this rule by facilitating development of higher-density, efficient residential development patterns. In addition, analysis prepared in support of the HNA found that the City's supply of buildable land, as currently zoned, already complies with the Metropolitan Housing Rule.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

## **B. OAR 660-007-0015 Clear and Objective Approval Standards**

*(1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.*

*(2) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in section (1) of this rule, a local government may adopt and apply an optional alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:*

*(a) The applicant retains the option of proceeding under the approval process that meets the requirements of section (1);*

*(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and*

*(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in section (1) of this rule.*

*(3) Subject to section (1), this rule does not infringe on a local government's prerogative to:*

*(a) Set approval standards under which a particular housing type is permitted outright;*

*(b) Impose special conditions upon approval of a specific development proposal; or*

*(c) Establish approval procedures.*

**Findings:** Per OAR 660-046-0110, -0115, -0125, -0210, -0215, and -0225, the City of Cornelius is required to use clear and objective standards for all housing with design standards and approval procedures. The proposal includes a new section for design standards for housing in the existing Site Design Review chapter of the CMC (CMC 18.100.070 Residential Design Requirements). The proposed design requirement standards are clear and objective and apply to all housing types, which is in compliance with HB 2001 and OAR 660-046. As part of the planning effort, the project team and Housing Advisory Committee closely examined the proposed residential design and development standards to ensure compliance with the clear and objective requirement and suggested changes, where needed to achieve this goal.

The application and approval procedures and criteria to incorporate Senate Bill 458 rules (Middle Housing Land Divisions) into Chapter 17 of the CMC are also clear and objective.

These amendments directly reflect the regulating statute in both Senate Bill 458 and ORS 197.360-197.380.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

### **C. OAR 660-007-0035 Minimum Residential Density Allocation for New Construction**

*The following standards shall apply to those jurisdictions which provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing:*

- (1) The Cities of Cornelius, Durham, Fairview, Happy Valley and Sherwood must provide for an overall density of six or more dwelling units per net buildable acre. These are relatively small cities with some growth potential (i.e., with a regionally coordinated population projection of less than 8,000 persons for the active planning area).*

**Findings:** As noted above, the proposed amendments to allow middle housing types in most residential zones will help the City maintain minimum density targets of 6 dwelling units per acre, as established by this Rule. For the purposes of this Rule, middle housing is considered multiple family housing. Consequently, expanding the areas where these housing types are allowed will help the city reach the target of 50% of new units as single family attached (townhouses) or multiple family housing and also will effectively increase the average allowed density throughout the city's residential zones.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

### **D. OAR 660-046 Middle Housing in Medium and Large Cities**

#### **i. OAR 660-046-0010 Applicability**

*(3) A Medium or Large City may regulate Middle Housing to comply with protective measures (including plans, policies, and regulations) adopted and acknowledged pursuant to statewide land use planning goals. Where Medium and Large Cities have adopted, or shall adopt, regulations implementing the following statewide planning goals, the following provisions provide direction as to how those regulations shall be implemented in relation to Middle Housing, as required by this rule.*

- (a) Goal 5: Natural Resources, Scenic, and Historic Areas – OAR chapter 660, division 23, prescribes procedures, and in some cases, standards, for complying with Goal 5. OAR chapter 660, division 16 directed implementation of Goal 5 prior to division 23. Local protection measures adopted pursuant to divisions 23 and 16 are applicable to Middle Housing.*

**Findings:** As mentioned in findings for Statewide Planning Goal 5 the City’s natural resource regulations will continue to apply and to protect Goal 5 resources and that there is no change to the standards related to water, air and sound quality or historic resources. The applicable resource regulations include the Natural Resource Overlay (NRO – CMC 18.95). In addition, local natural hazard regulations that comply with Statewide Goal 7 will also continue to apply to middle housing development. The applicable natural hazard regulations include Floodplain District (Chapter 18.90).

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

**ii. OAR 660-046-0030 Implementation of Middle Housing Ordinance**

- (1) Before a local government amends an acknowledged comprehensive plan or a land use regulation to allow Middle Housing, the local government must submit the proposed amendment to the Department for review and comment pursuant to OAR chapter 660, division 18.*
- (2) In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a local government must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:
  - (a) Waiving or deferring system development charges;*
  - (b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481; and*
  - (c) Assessing a construction tax under ORS 320.192 and ORS 320.195.**

**Findings:** The City has provided notice of the proposed amendments related to these OARs as part of the required 35-day notice process required pursuant to OAR chapter 660, division 18.

The strategies under subsection 2 were considered in the City’s recent Housing Needs Analysis project, and each strategy was evaluated in the Cornelius 2021 Housing Measures Report (Report) to accommodate needed housing. The Cornelius Housing Choices Project (HB 2001 Code Update) is largely informed by the recent HNA recommendations and results. The Report identified SDC exemptions or deferrals as a medium-term priority to apply toward needed housing types, which includes middle housing. The Report also examined tax abatements for needed housing as a strategy to incentivize the production of needed housing types (e.g., middle housing), which was also assigned a medium-term priority. Finally, the Report discusses the possibility of a construction excise tax to encourage needed housing and affordable housing production, however this strategy was identified as a low priority. The city decided not to pursue

Code updates to implement those strategies as a part of this project. The city may continue to consider these strategies again in the future. More details on those strategies and how they may apply to Cornelius are included in the adoption package for the HNA.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

**iii. OAR 660-046-0105 and 660-0460-0205 Applicability of Middle Housing in Medium and Large Cities**

*(1) A Medium [and Large] City must allow for the development of a Duplex, including those Duplexes created through conversion of an existing detached single-family dwelling, on each Lot or Parcel zoned for residential use that allows for the development of detached single-family dwellings.*

*(2) A Large City must allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through additions to or conversions of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings. A Large City may regulate or limit development of these types of Middle Housing on the following types of lands:*

**Findings:** The City currently has three residential zones that permit single-family detached and are therefore subject to HB 2001. Amendments are included for both Single-Family zones (CMC 18.20 - R-7 and CMC 18.25 - R-10) and the Core Residential zone (CMC 18.70 - CR) to permit duplexes, townhouses, triplexes, quadplexes, and cottage clusters. Although the Multi-Family zone (CMC 18.35 – A-2) does not permit new single-family detached development outright and is therefore not subject to HB 2001, an amendment is included to allow cottage clusters in this zone, as every other middle housing type is already permitted outright.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

**iv. OAR 660-046-0220 Middle Housing Siting Standards in Large Cities**

*(1) Large Cities must apply siting standards to Duplexes in the same manner as required for Medium Cities in OAR 660-046-0120.*

*(2) The following governs Large Cities' regulation of siting standards related to Triplexes and Quadplexes:*

*(a) Minimum Lot or Parcel Size:*

*(A) For Triplexes:*

*(i) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 5,000 square feet or less, the minimum Lot or Parcel size for a Triplex may be no greater than 5,000 square feet.*

*(ii) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 5,000 square feet, the minimum Lot or Parcel size for a Triplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.*

*(B) For Quadplexes:*

*(i) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Quadplex may be no greater than 7,000 square feet.*

*(ii) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Quadplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.*

*(C) A Large City may apply a lesser minimum Lot or Parcel size in any zoning district for a Triplex or Quadplex than provided in paragraphs (A) or (B).*

*(b) Density: If a Large City applies density maximums in a zone, it may not apply those maximums to the development of Quadplexes and Triplexes.*

*[...]*

*(3) The following governs Large Cities' regulation of siting standards related to Townhouses:*

*(a) Minimum Lot or Parcel Size: A Large City is not required to apply a minimum Lot or Parcel size to Townhouses, but if it applies those standards, the average minimum Lot or Parcel size for Lot or Parcels in a Townhouse Project may not be greater than 1,500 square feet. A Large City may apply separate minimum Lot or Parcel sizes for internal, external, and corner Townhouse Lots or Parcels provided that they average 1,500 square feet, or less.*

*(b) Minimum Street Frontage: A Large City is not required to apply a minimum street frontage standard to Townhouses, but if it applies those standards, the minimum street frontage standard must not exceed 20 feet. A Large City may allow frontage on public and private streets or alleys; and on shared or common drives. If a Large City allows flag Lots or Parcels, it is not required to allow Townhouses on those Lots or Parcels.*



*(c) Density: If a Large City applies density maximums in a zone, it must allow four times the maximum density allowed for detached single-family dwellings in the same zone for the development of Townhouses or 25 dwelling units per acre, whichever is less.*

*[...]*

*(4) The following governs Large Cities' regulation of siting standards related to Cottage Clusters:*

*(a) Minimum Lot or Parcel Size: A Large City is not required to apply minimum Lot or Parcel size standards to new Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel size for Cottage Clusters on a single Lot or Parcel, the following provisions apply:*

*(A) If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Cottage Cluster may be no greater than 7,000 square feet.*

*(B) If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Cottage Cluster may not be greater than the minimum Lot or Parcel size for a detached single-family dwelling.*

*(c) Density: A Large City may not apply density maximums to the development of Cottage Clusters. A Cottage Cluster development must meet a minimum density of at least four units per acre.*

*(d) Setbacks: A Large City may not require perimeter setbacks to be greater than those applicable to detached single-family dwellings in the same zone. Additionally, perimeter setbacks applicable to Cottage Cluster dwelling units may not be greater than ten feet. The minimum distance between structures may not be greater than what is required by applicable building code requirements or 10 feet.*

*(e) Dwelling Unit Size: A Large City may limit the minimum or maximum size of dwelling units in a Cottage Cluster, but must apply a maximum building footprint of less than 900 square feet per dwelling unit. A Large City may exempt up to 200 square feet in the calculation of dwelling unit footprint for an attached garage or carport. A Large City may not include detached garages, carports, or accessory structures in the calculation of dwelling unit footprint.*

*[...]*

*(g) Lot or Parcel Coverage and Floor Area Ratio: A Large City may not apply Lot or Parcel coverage or floor area ratio standards to Cottage Clusters.*

**Findings:** Amendments are included to update middle housing siting/development standards in CMC 18.20 (R-7), CMC 18.25 (R-10), CMC 18.35 (A-2), and CMC 18.70 (CR). The minimum lot sizes for duplexes and triplexes will be the same minimum lot size as single-family detached in the R-7 (6,000 square feet), and duplexes, triplexes, quadplexes, and cottage cluster minimum sizes for the R-10 will all be the same as the minimum lot size as single-family detached in R-10 (10,000 square feet). Duplexes will be reduced to the same minimum lot size as single-family detached in the Each middle housing type and multi-family lot sizes will be reduced in the A-2 and CR zones – 3,100 square feet for duplexes (same as single-family detached); 5,000 square feet for triplexes; 7,000 square feet quadplexes and cottage clusters; 1,500 square feet for multi-family in the A-2 zone. Townhomes will have a minimum lot size of 1,500 square feet in every applicable HB 2001 zone. Although multi-family lot sizes are not required to be reduced, the project team and Community Advisory Committee found it reasonable to reduce the lot size to be consistent with other middle housing types in that zone. It is generally recommended that multi-unit dwellings have smaller lot sizes *per unit* compared to detached single-unit dwellings and middle housing to help them reach the higher densities these housing types are intended to achieve.

Each middle housing type will either have the same lot width or street frontage width as single-family detached in every applicable zone, except for townhomes, which will be exempt from lot width standards and will have a minimum frontage of 20 feet, consistent with provisions of the OARs. In addition, each middle housing type will be exempt from any density standard except for townhomes, which will have four-times the maximum density required for single-family detached in the R-7 zone (20 units/acre) and a maximum density of 25 units/acre for the A-2 zone. A minimum of four cottage cluster units per acre will also be required, per the recommended Code definition. Setback standards are applied equally for every middle housing type except for cottage clusters, which will have a perimeter setback that is no greater than 10 feet for each zone, and townhomes will be allowed an interior side-yard setback of 0 feet. All other required middle housing siting standards, such as maximum height and depth, will apply the same standard for each housing type in the same zone.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

v. **OAR 660-046-0120 and 660-046-0220 – Duplex and Middle Housing Parking Standards**

[...]

*(a) A Medium City may not require more than a total of two off-street parking spaces for a Duplex.*

[...]

*(e) Parking:*

*(A) For Triplexes, a Large City may require up to the following off-street parking spaces:*

*(i) For Lots or Parcels of less than 3,000 square feet: one space in total;*

*(ii) For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total; and*

*(iii) For Lots or Parcels greater than or equal to 5,000 square feet: three spaces in total.*

*(B) For Quadplexes, a Large City may require up to the following off-street parking spaces:*

*(i) For Lots or Parcels of less than 3,000 square feet: one space in total;*

*(ii) For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total;*

*(iii) For Lots or Parcels greater than or equal to 5,000 square feet and less than 7,000 square feet: three spaces in total; and*

*(iv) For Lots or Parcels greater than or equal to 7,000 square feet: four spaces in total.*

*(D) A Large City may allow, but may not require, off-street parking to be provided as a garage or carport.*

[...]

*(F) A Large City may not apply additional minimum parking requirements to Middle Housing created as provided in OAR 660-046-0230*

[...]

*(f) Parking:*

*(A) A Large City may not require more than one off-street parking space per Townhouse dwelling unit*

[...]

*(f) Parking:*

*(A) A Large City may not require more than one off-street parking space per dwelling unit in a Cottage Cluster.*

**Findings:** As discussed in the findings for middle housing minimum lot sizes, triplexes will not have a lot size less than 5,000 square feet in any zone, and quadplexes will not have a lot size less than 7,000 square feet in any zone. Therefore, amendments are included to require minimum off-street parking of one space per unit each middle housing type (three spaces for

triplexes, and four spaces for quadplexes) for CMC Table 18.145.030-1 Required Off-Street Parking Spaces. This standard also equates to two total spaces for duplexes and one space per unit for townhouses and cottage clusters.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

**vi. OAR 660-046-0225 Middle Housing Design Standards in Large Cities**

*(1) A Large City is not required to apply design standards to Middle Housing. However, if a Large City chooses to apply design standards to Middle Housing, it may only apply the following:*

*(a) Design standards in the Model Code for Large Cities as provided in OAR 660-046-0010(4)(b)*

*(b) Design standards that are less restrictive than those in the Model Code for Large Cities as provided in OAR 660-046-0010(4)(b)*

*(c) The same clear and objective design standards that the Large City applies to detached single-family structures in the same zone. Design standards may not scale by the number of dwelling units or other features that scale with the number of dwelling units, such as primary entrances. Design standards may scale with form-based attributes, including but not limited to floor area, street-facing façade, height, bulk, and scale; or*

*(d) Alternate design standards as provided by OAR 660-046-0235.*

**Findings:** If the City chooses to apply design standards to middle housing, then those standards must be the same or no more restrictive than the design standards that apply to single-family detached housing or design standards the standards established in the Middle Housing Model Code. As mentioned in previous findings, Code Update proposes a new section for design standards for single-family detached housing and middle housing in the existing Site Design Review chapter of the CMC (CMC 18.100.070 Residential Design Requirements). The proposed design requirement standards are clear and objective and apply to both single-family and middle housing types, which complies with HB 2001 and OAR 660-046. As part of the planning effort, the project team and Community Advisory Committee closely examined the proposed residential design and development standards to ensure compliance with the clear and objective requirement and suggested changes, where needed, to achieve this goal.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

**vii. OAR 660-046-0215 Permitted Uses and Approval Procedures and 660-046-0230 Middle Housing Conversions**

***Approval Procedures:***

*Large Cities must apply the same approval process to Middle Housing as detached single-family dwellings in the same zone. Pursuant to OAR 660-008-0015 and ORS 197.307, Large Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Middle Housing consistent with the requirements of ORS 197.307. Nothing in this rule prohibits a Large City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).*

***Middle Housing Conversions***

*(1) Additions to, or conversions of, an existing detached single-family dwelling into Middle Housing is allowed in a Large City pursuant to OAR 660-046-0205(2), provided that the addition or conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the Large City's development code.*

**Findings:** Per CMC 18.100.030, single-family detached development is currently subject to Type I Design Review action. Amendments are included to subject construction of each middle housing type or a change in occupancy/use for middle housing types to Type I process. In addition, amendments to include provisions to allow middle housing conversions are also added as a Type I Design Review action.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

**IV. METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN**

**Title 1. Housing Capacity**

*The Regional Framework Plan calls for a compact urban form and a “fair-share” approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity except as provided in section 3.07.120.*

**Findings:** The Housing Choices Project amendments build off of the recent Housing Needs Analysis (HNA) that was conducted for the city. The updates to allow middle housing types in residential zones that allow single-family will promote infill opportunities and ultimately increases each applicable zone's unit capacity by virtue of allowing a higher density housing type (middle housing).

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

### **Title 3. Water Quality and Flood Management**

*3.07.310 Intent To protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.*

**Findings:** As mentioned in findings for Statewide Planning Goal 5, the City’s natural resource regulations will continue to apply and to protect Goal 5 resources and that there is no change to the standards related to water, air and sound quality.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

### **Title 7. Housing Choice**

*3.07.710 Intent. The Regional Framework Plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress towards increasing the supply of affordable housing. It is the intent of Title 7 to implement these policies of the Regional Framework Plan.*

**Findings:** Updates to allow middle housing in Cornelius’ residential zones will expand the housing types that can be developed to duplexes, triplexes, quadplexes, townhouses, and cottage clusters. As a result of the updates, these middle housing types may become increasingly available to Cornelius residents, thereby increasing the overall range of housing types for community members to choose from. In addition, middle housing types have the potential to be more affordable than traditional single-family homes, largely due to smaller unit sizes with lower potential construction costs and the cost of land being divided among multiple units, reducing the average cost per unit.

Senate Bill 458 (SB 458, 2021) requires cities subject to HB 2001 to allow expedited land divisions for middle housing (i.e., middle housing land divisions – MHLD). The Cornelius Housing Choices Project includes amendments to incorporate the new State MHLD rules in accordance with SB 458 and ORS 197.360-197.380. The recommended amendments were added as a new section to CMC Chapter 17.05 – Land Divisions. The new section includes amendments for MHLDs and Expedited Land Divisions (ELDs; CMC 17.05.060), which the State already requires cities to allow. MHLDs provide an avenue for the city to quickly and efficiently approve a land division for middle housing types so each unit is on an individual lot. MHLDs will better enable fee-simple ownership opportunities for middle housing units. The resulting units will tend to be on smaller lot sizes, and therefore will offer more homeownership opportunities that have potential to be more affordable to Cornelius residents.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.



## **Title 12. Protection of Residential Neighborhoods**

*3.07.1210 Purpose and Intent Existing neighborhoods are essential to the success of the 2040 Growth Concept. The intent of Title 12 of the Urban Growth Management Functional Plan is to protect the region's residential neighborhoods. The purpose of Title 12 is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise and crime and to provide adequate levels of public services.*

**Findings:** The recommended amendments from the Cornelius Housing Choices project were designed to ensure duplexes, triplexes, quadplexes, townhouses, and cottage clusters are compatible with the character and scale of existing single-family neighborhoods. Lot size, dimension, and development requirements for middle housing types will be either the same or comparable to those for single-family detached. The new Residential Design Standards section will apply equally to single-family detached and middle housing, which will help ensure design elements are of a similar character among the variety of housing types that may be developed in Cornelius neighborhoods.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

## **Title 13. Nature in Neighborhoods**

*3.07.1310 Intent. The purposes of this program are to (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.*

**Findings:** Title 13 resources on properties with proposed middle housing development will be protected through use of the City's Natural Resources Overlay (NRO – CMC 18.95). The Cornelius Natural Resources Overlay Map includes the Title 13 Habitat Conservation Areas (HCAs) and mapped CWS Vegetated Corridors for water quality. CMC Chapter 18.94 consolidates the regulatory requirements for Water Quality Resources from Statewide Planning Goal 6, Metro UGMFP Title 3, and Clean Water Services with the Wildlife Habitat and Riparian Resources requirements from Statewide Planning Goal 5 and Metro UGMFP Title 13.

The City's natural resource regulations will continue to apply and to protect Goal 5 and Title 13 resources. There is no change to the standards related to water, air and sound quality. The city will equally regulate middle housing and single-family detached in significant natural resource sites identified and protected in the Natural Resource Overlay (NRO – CMC 18.95) pursuant to Goal 5, as allowed by OAR 660-046.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

**V. CITY OF CORNELIUS COMPREHENSIVE PLAN**  
**IV. Housing Element**

***Vision:** Citizens take pride in the quality and variety of residential neighborhoods. The housing element discusses the existing conditions and the factors that affect the Cornelius housing market. The discussion of the housing market centers on the major variables affecting housing demand: the existing housing stock, household size, household income, housing costs, and housing preferences.*

***Goal:** To provide for the housing needs of prospective as well as present Cornelius citizens.*

**Policies:**

- 1. Ensure that adequate land is available for both single and multi-family housing.*
- 2. Promote and encourage housing types and densities throughout town, available at various prices and rents, to households of all incomes, age, sex, and race.*
- 3. Promote and encourage open spaces and buffers in new subdivisions and other housing developments.*
- 4. Develop strategies for promoting higher end housing options.*
- 5. Develop minimum density standards that comply with regional mandates.*

**Findings:** Recommended CMC amendments from the Cornelius Housing Choices Project to comply with HB 2001 and incorporate SB 458 rules into the CMC will help promote residential density increases, thereby alleviating pressure for the City to consume land for housing production. The recommended middle housing updates will also improve the City's ability to support an increase in housing supply in order for the city to meet its housing needs. In addition, the middle housing amendments will increase the range of housing types that are allowed and therefore available to residents. The current development standards and requirements in the CMC that are intended to implement these policies will also be applied to middle housing types.

**Conclusions:** Based upon the findings above, Staff finds that this criterion is met.

**RECOMMENDATION**

Based upon the facts, findings and conclusions in the Staff Report, the Planning Commission recommends approval of Land Use File No. CMCA-01-22, the 2022 Housing Choices Project Amendments to the Cornelius Municipal Code, to the Cornelius City Council.

**DATE OF RECOMMENDATION:** May 10, 2022



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Dave Waffle, Planning Commission Chair



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Barbara Fryer, AICP, Community Development Director

- Exhibits:    “A”   Cornelius Municipal Code Text Amendment
1.    SB 1051
  2.    HB 2001
  3.    SB 458
  4.    HB 4064
  5.    Cornelius Housing Needs Analysis

EXHIBIT "A" Proposed Text Amendment

## PROPOSED AMENDMENTS

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### Allowed Uses and Development Standards

#### Definitions

We recommend Cornelius adds definitions for triplex, quadplex, and cottage clusters that are separate from multi-family dwellings so the City can apply standards for these housing types that comply with OAR 660-046. The City has two definitions for townhouses – to avoid redundancy and confusion in the Code, we recommend removing the “common-wall” definition and retaining the “attached” language. We also suggest including the term “common-wall” and “townhouse” with the existing single-family attached definition.

The City is also required to allow expedited land divisions for middle housing types, per SB 458. The definitions for Middle Housing Land Division, Secondary Lot, and Primary Lot will help clarify the City’s middle housing land division procedures and requirements.

It may be useful to include a definition for “middle housing” that is specific to the required housing types under HB 2001. Several recommended Code provision updates in this draft include amendments that list every required middle housing type; however it may be more efficient and concise to simply refer to “middle housing” in those instances. In addition, a definition for middle housing also helps provide context for the recommended “middle housing land division” provisions.

We recommend replacing the term “family” with “unit” for each housing type. There is a growing trend among cities to remove the term “family” when referring to housing types. This shift in terminology is inclusive of non-related household members.

HB 2001 allows cities to define duplexes, triplexes, and quadplexes as attached *and detached* housing types. While cities are required to allow attached plexes, allowing detached plexes (meaning multiple detached units on a single lot) is optional. City staff and the Advisory Committee recommends including detached in the middle housing definitions and applying the same development/design standard between attached and detached plexes. Allowing detached plexes offers additional site design flexibility and opportunities for middle housing conversions.

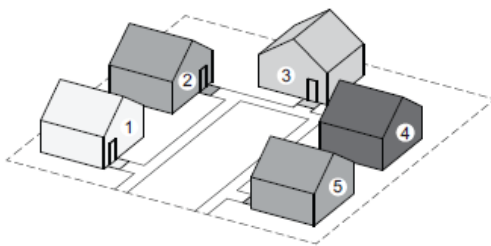
Lastly, in light of the recently passed House Bill 4064 (HB 4064), which requires cities to allow prefabricated structures in single family zones, we recommend a definition

for “prefabricated dwellings” consistent with ORS 455.010. Please see the Cover Memo and other sections of this Code update for further details on HB 4064.

**18.195 DEFINITIONS**

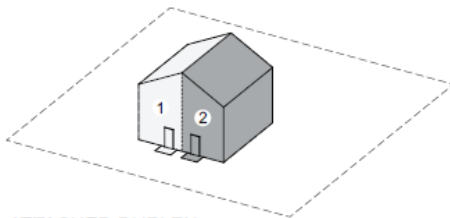
~~“Dwelling, common wall single family” means a dwelling unit that shares a common wall with one other dwelling unit with a zero lot line setback, with each dwelling unit located on a separate lot.~~

“Dwelling, cottage cluster” means a group of four or more detached dwelling units per acre with a footprint of less than 900 square feet that includes a common courtyard. Cottage cluster dwelling units may be located on a single parcel or on individual parcels.

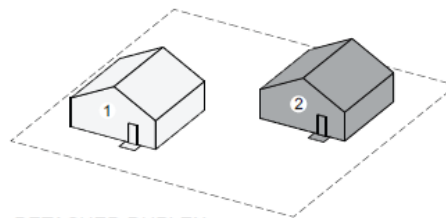


COTTAGE CLUSTER

~~“Dwelling, duplex” or “dwelling, two-family” means a detached building containing two attached or detached dwelling units located on a single parcel.~~



ATTACHED DUPLEX



DETACHED DUPLEX

“Dwelling, middle housing” means a duplex, triplex, quadplex, townhouse, or cottage cluster.

~~“Dwelling, multi-unit multi-family” means a building containing three five or more dwelling units on a single lot or parcel.~~

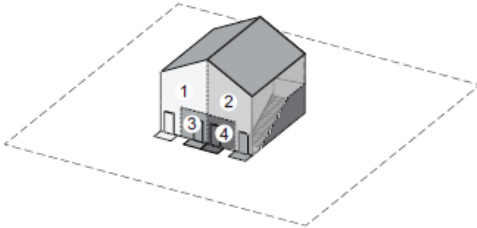
“Dwelling unit” means a residence consisting of self-contained living quarters with individual sleeping, cooking and bathroom facilities, constructed on a lot or parcel. Any building or portion of a building which contains living facilities in one or more rooms which include provisions for sleeping, eating, cooking, and sanitation for not more than one family.



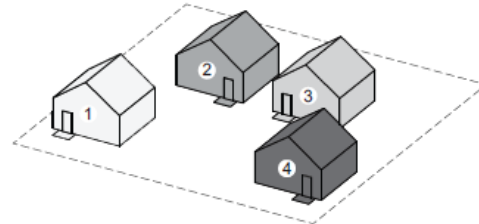
“Dwelling, detached single-unit ~~single-family~~” means a detached building containing one dwelling unit on a single parcel or lot.

“Dwelling, prefabricated” means a prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a dwelling.

“Dwelling, quadplex,” means a building containing four attached or detached dwelling units located on a single parcel or lot.

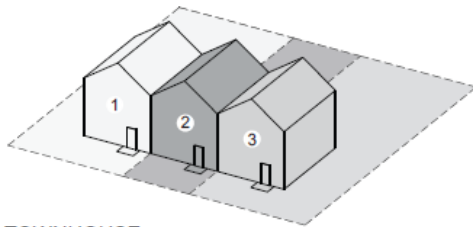


ATTACHED QUADPLEX



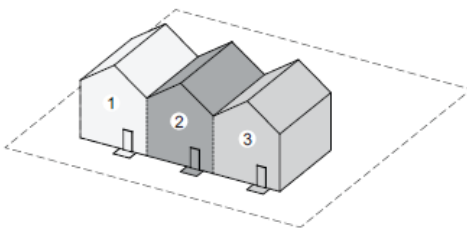
DETACHED QUADPLEX

“Dwelling, ~~single family attached,~~ townhouse” means ~~three two~~ or more dwelling units ~~attached on common walls,~~ separated by common walls on the property lines. ~~Each common wall has a on the common wall(s) zero lot line setback. A typical example of this dwelling type is a townhouse.~~

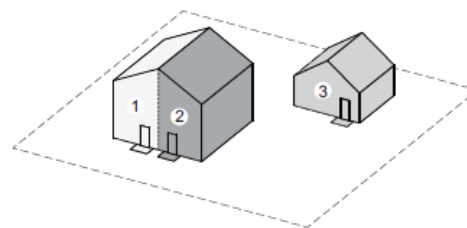


TOWNHOUSE

“Dwelling, triplex,” means a building containing three attached or detached dwelling units located on a single parcel or lot.



ATTACHED TRIPLEX



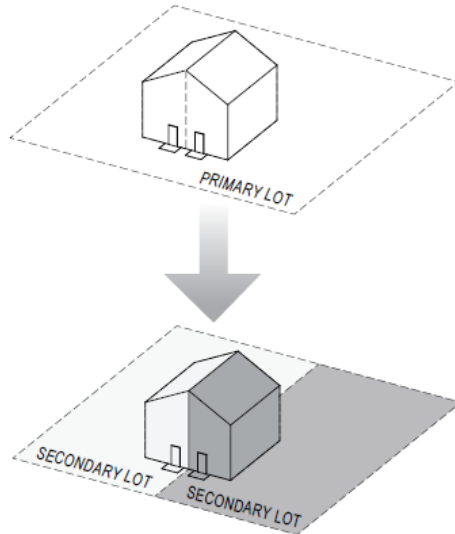
DETACHED TRIPLEX

“Middle housing secondary lot” means a unit of land created from the division of a middle housing primary lot through a middle housing land division.

“Middle housing land division” means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197.758(2) and the partition or subdivision is processed in accordance with the provisions of ORS Chapter 92, CMC Title 17 (Land Divisions) and CMC Title 18 (Special Regulations). The lot or parcel that is the subject of the land division is

referred to as the middle housing primary lot; a lot created by the division is referred to as a middle housing secondary lot.

#### MIDDLE HOUSING LAND DIVISION



“Middle housing primary lot” means a lot or parcel that is developed, or proposed to be developed, with middle housing, and which may therefore be further divided through a middle housing land division to create middle housing secondary lots.

#### Applicable Zones and Standards

According to the OARs, “zoned for residential use means a zoning district in which residential dwellings are the primary use and which implements a residential comprehensive plan map designation.” The following zones meet this definition and allow single-family detached dwellings (SFDs), and are therefore subject to the middle housing requirements:

- Single-Family Residential (R-7 – 18.20)
- Single-Family Residential (R-10 – 18.25)
- Core Residential (CR – 18.70)

The R-7 zone will require the most updates, as the CR zone already allows most middle housing types and is therefore close to compliance. Those recommendations will be discussed in further detail in their respective sections.

**18.20 SINGLE-FAMILY LOW-DENSITY RESIDENTIAL (R-7)**

Each middle housing type must be allowed *outright* in every residential zone that allows SFD outright. Therefore, middle housing types need to be listed under the permitted uses section for this zone.

**18.20.010 Purpose**

The purpose of the ~~single-family low-density~~ residential (R-7) zone is to implement the low-density residential land use designation and policies of the comprehensive plan. The R-7 is intended to establish low density residential home sites ~~where~~ with a minimum gross acreage of 7,000 square feet ~~is available for each dwelling unit~~. To do this, the R-7 ~~single-family low-density~~ residential zone regulates the construction of detached single-unit dwellings ~~family homes~~ and middle housing on existing lots, and provides design guidance for ~~single-family low-density~~ residential subdivisions.

**18.20.020 Permitted Uses**

(A) Detached single unit dwellings – site built, manufactured off-site, or prefabricated ~~Site-built detached single-family dwelling; and detached single-family manufactured housing, subject to CMC 18.20.070.~~

(B) Middle Housing

**18.20.030 Conditional Uses**

[...]

~~(D) Duplex, subject to lot area standards and design review~~

~~(E) Common wall single-family dwellings as defined in CMC 18.195.040~~

**18.20.050 Area, density and lot requirements**

Cities cannot apply a maximum density to plexes or cottage clusters. The maximum density for townhouse must be no greater than 25 units/acre or 4X the maximum density for SFD, whichever is less. For the R-7 zone, 4X the maximum of SFD is 20 units/acre.

We recommend reformatting minimum lot sizes into a table for cleaner presentation, which is more important when multiple housing types are included. The minimum lot size for duplexes can be no larger than SFD minimum lot size. As noted in the audit, triplex minimum lot sizes can be no larger than SFD minimum lot sizes if the SFD lot size is greater than 5,000 sf. Similarly, quadplex and cottage cluster minimum lot size cannot be greater than 7,000 sf if SFD lot size is less than 7,000 sf. In all applicable residential zones, townhouses must have an average lot

size of 1,500 sf. The simplest path to compliance is to require a 1,500 sf minimum lot size for townhomes.

(A) Maximum Density. The average density over the entire development shall not exceed five dwellings per net acre for detached single unit dwellings and 20 dwellings per net acre for townhouses. Maximum density does not apply to duplexes, triplexes, quadplexes, or cottage clusters. A net acre is equal to 32,670 square feet, and excludes roads, common open space, floodplains, riparian setbacks, and slopes over 25 percent.

~~(1) No lot shall be less than 6,000 square feet for single family detached units. Duplexes or common wall single family dwellings shall have at least 4,500 square feet of lot area per unit, except as may be approved as part of a planned unit development.~~

| <u>HOUSING TYPE</u>  | <u>MINIMUM LOT SIZE</u>  |
|--|--------------------------|
| <u>Detached single- unit dwelling, duplex, and triplex</u> | <u>6,000 square feet</u> |
| <u>Quadplex and cottage cluster</u>                        | <u>7,000 square feet</u> |
| <u>Townhouse</u>   | <u>1,500 square feet</u> |

[...]

Lot coverage requirements for duplexes, triplexes, quadplexes, and townhouses cannot be less than the SFD lot coverage requirement, and cottage clusters cannot be subject to lot coverage requirements. The City is recommending eliminating minimum lot coverage requirements due to setbacks already limiting lot coverage. Maximum lot coverage is already largely achieved through existing setback requirements, and the maximum coverage may unnecessarily limit development flexibility, especially for middle housing types

We also recommend using the same minimum lot width and depth requirement as SFD for middle housing, which will enable greater infill and conversion opportunities. Townhouses are not required to have a minimum width, however they cannot have a minimum street frontage that exceeds 20 feet. Therefore, a minimum width of 20 feet would essentially function as a minimum street frontage of 20 feet.

(D) Minimum Yard Area Setbacks.

[...]

(3) Side Yard. The minimum width of side yards shall be not less than five feet, as measured from the foundation of the home. On corner lots the side yard facing the street shall not be less than 10 feet. ~~Common wall single family dwellings~~ Townhouses shall have a zero-foot side yard setback on the side where the common wall is located.

~~(5) Lot Coverage. The area occupied by the home, and all accessory buildings and structures on the lot shall not exceed 50 percent of the lot area~~

(E) Minimum Lot Shape.

(1) ~~No single-family~~ lot shall be less than 60 feet in width or less than 60 feet in depth, except as may be approved as part of a planned unit development. No townhouse lot shall be less than 20 feet in width.

If a middle housing type undergoes a middle housing land division, per SB 458, the resulting units on individual lots are still defined and regulated as the original housing type before the division. Therefore, we recommend adding a provision to clarify that development and design standards only apply to a middle housing *primary lot* and not a secondary lot. Middle housing land division amendments will be further addressed in the next phase of Code updates.

(F) Middle Housing Land Division. If a duplex, triplex, quadplex, or cottage cluster has been divided by a middle housing land division, the area, density, and lot requirements that are applicable to the lot shall apply to the middle housing primary lot, not to the middle housing secondary lot.

**18.20.060 Site Development standards**

Limiting access by number of units may pose a barrier for middle housing development on cul-de-sacs and would limit development of middle housing on any lots in areas where a cul-de-sac provides access to 12 lots. We therefore recommend revising this provision to limit access by number of lots instead of units to provide equal development opportunity among SFD and middle housing on cul-de-sacs.

The provision requiring parking bays where on-street parking is not available cannot apply to middle housing types. Cities cannot require any additional parking for middle housing beyond the minimum off-street parking standards established in OAR 660-046. See the recommended updates for the City’s parking standards (CMC 18.145.030) for more detail.

[...]

(C) Access Streets – Sidewalks – Drainage

[...]

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

[...]

**(F) Parking and Loading Space****(1) Off-Street Parking.**

(a) Resident. One covered parking space shall be provided for each home either on an individual lot or in an off-street parking bay within 100 feet from the dwelling being served.

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

[...]

(H) Middle Housing Land Division. If a duplex, triplex, quadplex, or cottage cluster has been divided by a middle housing land division, the site development standards that are applicable to the lot shall apply to the middle housing primary lot, not to the middle housing secondary lot.

The Oregon State Legislation recently adopted House Bill 4064 (HB 4064, adopted 2022), which requires all cities and counties in the state to allow siting of individual manufactured dwellings or individual prefabricated dwellings on any land zoned to allow for single-family detached houses. Moreover, manufactured homes and prefabricated dwellings on individual lots cannot be subject to any standards that do not apply to single-family detached, with the exception of any protective measures adopted pursuant to statewide planning goals or for exterior thermal envelope requirements.

These new rules are not associated with HB 2001 or SB 458. However, due to the timing of these new rules and the adoption of the middle housing Code amendments, we recommend including the following manufactured home amendments with the larger middle housing code updates.

**18.20.070 Manufactured housing on individual lots.**

All manufactured homes on individual lots within the R-7 zone shall:

~~(A) Be multi-sectional and enclose a space of not less than 1,000 square feet.~~

~~(B) All manufactured homes shall be skirted with a minimum of smooth face or split face concrete blocking or similar material.~~

~~(C) Have a pitched roof with at least a nominal slope of one foot in height for each three feet in width.~~



~~(D) Have exterior siding and roofing material which in color, material grade, and appearance is comparable to the exterior siding and roofing material predominantly used on surrounding residential dwellings.~~

(E) Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards required of site-built single-family construction under the State Building Code (1981) as defined by ORS 455.010.

~~(F) Have at least one covered off-street parking space constructed of like materials as the home.~~

(G) Comply with all federal, state and local building codes for placement, occupation and storage. [Ord. 810, 2000; Code 2000 § 11.20.07; Ord. 2018-05 § 1 (Exh. A), 2018.]

**18.25 SINGLE-FAMILY VERY LOW-DENSITY RESIDENTIAL ZONE (R-10)**

As identified in the Code audit, there are no properties in the City where the R-10 zone applies. However, areas within the City’s urban growth areas (outside City limits, inside the Urban Growth Boundary) are zoned for R-10. These areas would be subject to HB 2001 upon annexation by the City. Therefore, amendments are needed for the R-10 zone to comply with HB 2001.

**18.25.010 Purpose.**

The purpose of the ~~single-family~~ Very Low-Density residential (R-10) zone is to implement the low density residential land use designation and policies of the comprehensive plan. To do this, the R-10 ~~single-family residential zone regulates the construction of detached single-unit dwellings family homes and middle housing on existing lots, and provides design guidance for low-density single-family residential subdivisions.~~

**18.25.020 Permitted Uses.**

(A) Site-built detached ~~single-unit family~~ dwelling, detached ~~single-unit family~~ manufactured housing, subject to CMC ~~18.20.070~~ 18.25.070, and detached single-unit prefabricated dwelling.

(B) Middle Housing.

**18.25.030 Conditional Uses.**

[...]

~~(D) Duplex, subject to lot area standards and design review.~~

**18.25.040 Prohibited Uses.**

[...]

(B) Multi-unit dwellings on a single lot or parcel. ~~More than one dwelling unit on a single lot, except for an accessory dwelling unit or a duplex as approved through CMC 18.20.030.~~

**18.25.050 Area, density, and lot requirements.**

(A) Minimum Density. The minimum density allowed is three dwellings per net acre and four dwellings per net acre for cottage clusters. Any land partition or subdivision shall make provisions to ensure that the minimum density is protected when further partitioning is possible.

(1) ~~No lot shall be less than 10,000 square feet for single family detached units. Duplexes shall have at least 6,000 square feet of lot area per unit, except as may be approved as part of a planned unit development.~~ Lot Size:

| <u>HOUSING TYPE</u>   | <u>MINIMUM LOT SIZE</u>   |
|---|---------------------------|
| <u>Detached single- unit dwelling, duplex, and triplex, quadplex, and cottage cluster</u> | <u>10,000 square feet</u> |
| <u>Townhouse</u>  | <u>1,500 square feet</u>  |

(C) Minimum Yard Area Setbacks.

[...]

(2) Rear Yard. No rear yard shall be less than 25 feet in depth.

(3) Side Yard. The minimum width of side yards shall be not less than 10 feet, as measured from the foundation of the home. On corner lots the side yard facing the street shall not be less than 20 feet. Townhouses shall have a zero-foot side yard setback on the side where the common wall is located.

(5) ~~Lot Coverage. The area occupied by the home and all accessory buildings and structures on the lot shall not exceed 50 percent of the lot area.~~

(6) Cottage Cluster Perimeter Setback. The perimeter setback (all sides except for the front) of a cottage cluster shall not be less than 10 feet.

(D) Minimum Lot Shape. ~~No single-family lot shall be less than 80 feet in width or less than 80 feet in depth, except as may be approved as part of a planned unit development~~ or if the lot has a townhouse. No townhouse lot shall be less than 20 feet in width.

(E) Middle Housing Land Division. If a duplex, triplex, quadplex, or cottage cluster has been divided by a middle housing land division, the area, density, and lot requirements that are applicable to the lot shall apply to the middle housing primary lot, not to the middle housing secondary lot.

**18.25.060 Site Development Standards.**

[...]

(F) Parking and Loading Space.

(a) Off-Street Par Resident. One covered parking space shall be provided for each home either on an individual lot or in an off-street parking bay within 100 feet from the dwelling being served. ~~For an accessory dwelling, one additional off-street parking space is required. However, the commission may waive this additional parking space, if appropriate on-street parking is available within 100 feet of the lot~~

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

[...]

### **18.25.070 Manufactured housing on individual lots.**

All manufactured homes on individual lots within the R-10 zone shall:

~~(A) Be multi-sectional and enclose a space of not less than 1,000 square feet.~~

~~(B) Have a pitched roof with at least a nominal slope of one foot in height for each three feet in width.~~

~~(C) Have exterior siding and roofing material which in color, material grade, and appearance is comparable to the exterior siding and roofing material predominantly used on surrounding residential dwellings in the zoning district.~~

(D) Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards required of site-built single-family construction under the State Building Code (1981) as defined by ORS 455.010.

~~(E) Have at least one covered off-street parking space constructed of like materials as the home.~~

~~(F) Have skirting that consists of smooth or split face concrete blocks.~~

(G) Comply with all federal, state, and local building codes for placement, occupation and storage. [Ord. 810, 2000; Code 2000 § 11.20.17; Ord. 2018-05 § 1 (Exh. A), 2018.]

### **18.25.090 Accessory Dwellings.**

[...]

(B) Accessory dwelling shall comply with the following:

[...]

~~(3) One additional off-street parking space shall be provided, unless waived by the planning commission.~~

## **18.30 MANUFACTURED HOME PARK ZONE (MHP)**

HB 4064 requires cities to allow prefabricated dwellings in manufactured home parks. Therefore, we recommend the following amendments to allow prefabricated dwellings in the City's Manufactured Home Park Zone and incorporate prefabricated home standards in this Code chapter as necessary. In addition, the new rules prohibit cities and counties from requiring a minimum lot size over 1 acre for manufactured home parks.

[...]

#### **18.30.020 Permitted uses.**

The following uses may be permitted within manufactured home parks, provided they are designated on the approved development plan:

(A) Manufactured home dwellings with a minimum width of 12 feet and a minimum floor area of 672 square feet.

[...]

(H) Prefabricated dwellings, as defined in ORS 455.010.

#### **18.30.030 Prohibited Uses.**

[...]

~~(B) Conventional single-family and multi-family units.~~ Non-manufactured or prefabricated dwellings.

[...]

#### **18.30.040 Approval process.**

(A) These provisions address three types of actions:

(1) The replacement of a manufactured home or prefabricated dwelling in an existing manufactured home park, as a Type I process.

[...]

(B) Replacement of a Manufactured Home or prefabricated dwelling. Consistent with Type I procedures, a manufactured home or prefabricated dwelling in an existing manufactured home park may be removed and replaced by another manufactured home upon issuance of a manufactured home placement permit, issued by the community development director, subject to the following standards:

[...]

#### **18.30.060 Area, density and height requirements.**

(A) Minimum Area Dimensions. The minimum area for a manufactured home park shall be one ~~four~~ acres. The minimum width of the tract for portions used only for vehicular access shall be 60 feet. For portions containing manufactured home spaces and buildings open generally to occupants of the park, the minimum dimension shall be 200 feet.

[...]

(D) Minimum Yard Area, Setbacks, Lot Size and Shape.

(1) Front Yard. The front, as measured from the furthest extension of the manufactured home or prefabricated dwelling, including porch or deck, shall not be less than 10 feet from the back of the sidewalk. Accessory structures, garages or carports shall not be less than 20 feet from the back of the sidewalk.

(2) Rear Yard. No rear yard shall be less than 10 feet in depth. However, where a rear yard abuts a perimeter landscape strip, the rear yard may be reduced to five feet.

(3) Side Yard. The minimum width of side yards shall be not less than seven and one-half feet, as measured from the edge of the eave or the furthest extension of the manufactured home, prefabricated dwelling, or accessory structure to the edge of the manufactured home space.

(4) Distance between Manufactured Homes and prefabricated dwellings. Neighboring manufactured homes and prefabricated dwellings shall be separated by an average distance of at least 15 feet, but in no case shall manufactured dwelling units be closer than 10 feet. No accessory building or other structure or building on a manufactured home or prefabricated dwelling space shall be closer than 10 feet from other buildings or structures on the same space, or another manufactured home.

(5) Distance between Manufactured Homes, prefabricated dwellings, and Other Nonresidential Buildings. Manufactured homes and prefabricated dwellings shall be no closer than 20 feet to any permitted building other than another manufactured home, prefabricated dwelling, or an accessory structure on a manufactured home space.

(6) Lot Lines. Manufactured home and prefabricated dwelling lot lines need not be perpendicular to streets or radial to curves, but shall be clearly identified on the master site plan, and identifiable on-site.

(7) Lot Coverage. The area occupied by the manufactured home, prefabricated dwelling, or accessory buildings and structures on the lot shall not exceed 75 percent of the lot area.

(E) No manufactured home or prefabricated dwelling space shall be less than 30 feet in width or less than 85 feet in length, unless legally created prior to May 1, 2000. [Ord. 810, 2000; Code 2000 § 11.20.26.]

### **18.35 MULTI-FAMILY UNIT RESIDENTIAL (A-2)**

As addressed in the Code audit, this zone technically is not subject to HB 2001 because SFD is not allowed outright (permitted as a “conditional use”). The City can still choose to update this zone to comply with HB 2001, which will entail minimal amendments because most middle housing types are already allowed. We recommend updating this zone to be consistent with other zones. For instance, the multi-family zone is intended to accommodate higher density residential uses relative to other zones, but if this zone is not updated then middle housing types would be allowed at a higher density in the lower density zones. Therefore, we find it reasonable to update this zone so it continues to implement higher residential density relative to the rest of the City. The City may also choose to update aspects of the A-2 zone to comply with HB 2001 and leave other provisions unchanged, such as the existing density maximum (i.e., continue to apply density maximums to middle housing).

Whether or not the City chooses to update the A-2 zone to comply with HB 2001, certain amendments still should be made to distinguish middle housing from multi-family and establish consistency with other Code sections. The City may choose to pare down other recommended amendments.

**18.35.010 Purpose**

The purpose of the multi-family unit residential or A-2 zone is to implement the city’s land use designation and policies for medium-density residential housing as set forth in the comprehensive plan. The A-2 zone regulates development of ~~single-family homes-detached single-unit dwellings~~ on existing lots and provides design guidance for small lot ~~single-family~~ residential subdivisions, middle housing developments, and multi-unit family developments.

**18.35.020 Permitted Uses**

[...]

(B) Middle Housing Developments ~~Common wall single-family dwellings as defined in CMC 18.195.040~~

~~(C) Single-family attached units (i.e., townhomes)~~

(C) Multi-unit dwellings ~~Multiple-family~~ of five ~~four~~ or more units.

**18.35.050 Area, density and lot requirements**

The following amendments to lot sizes for middle housing type follow the OAR minimum compliance parameters, however because the A-2 zone technically is not subject to HB 2001, the lot sizes can be adjusted as the City sees fit. As mentioned, we recommend applying at least some of the HB 2001 standards to help ensure



consistent development patterns for middle housing across the City’s residential areas. In addition, we recommend revising the standards to be in a table format (similar to R-7) and reducing minimum lot size for multi-unit dwelling. Although not required, it is generally recommended that multi-unit dwellings have smaller lot sizes *per unit* compared to detached single-unit dwellings and middle housing to help them reach the higher densities these housing types are intended to achieve.

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

(1) Lot Size.

~~(a) Single-family detached residences, duplexes, or common wall single-family dwellings shall have at least 3,100 square feet of lot area per unit.~~

~~(b) Single-family attached residences (e.g., townhomes) shall have at least 3,000 square feet of lot area per unit.~~

~~(c) Multi-family development shall have at least 2,330 square feet per unit, except as may otherwise be approved as part of a planned unit development.~~

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

[...]

~~(E) Lot Coverage. The area occupied by the home and all accessory buildings and structures on the lot shall not exceed 55 percent of the lot area.~~

(G) Minimum Lot Dimensions.

(1) No detached single-unit dwelling, duplex, triplex, quadplex, or cottage cluster lot shall be less than 30 feet in width abutting a public street, nor less than 60 feet in depth, except as may be approved as part of a planned unit development.

(2) For multi-unit dwellings ~~family~~, the minimum average lot width shall be 75 feet abutting a public street, except on a cul-de-sac where the width may be reduced to 50 feet.

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

[...]

### **18.35.060 Site Development Standards**

#### (E) Access Streets – Sidewalks – Drainage

[...]

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

[...]

#### (J) Parking and Loading Space.

##### (1) Off-Street Parking

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

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

## **18.70 CORE RESIDENTIAL (CR)**

### **18.70.020 Permitted Uses**

(A) ~~Single-family d~~ Detached single-unit dwellings, including manufactured homes consistent with CMC 18.70.070 and prefabricated dwellings.

(B) Middle Housing

~~(C)~~ Multi-unit family dwellings.

### **18.70.050 Area, density and lot requirements**

(A) Minimum Lot Size.

~~(1) Single-family detached dwellings and duplex dwellings shall have a minimum lot size of 3,100 square feet.~~

~~(2) Common wall single-family dwellings, single-family attached dwellings (i.e., townhomes), and multi-family dwellings shall have a minimum lot size of 2,000 square feet per unit.~~

~~(3) For approved nonresidential uses there shall be no minimum lot size, but buildings shall meet all required setbacks as listed in subsection (D) of this section.~~

~~(4) In the case of flag lots, the pole portion of the lot shall not count towards the required lot area.~~

| <u>HOUSING TYPE</u>                              | <u>MINIMUM LOT SIZE<sup>1</sup></u> |
|--|-------------------------------------|
| <u>Detached single-unit dwellings and duplex</u> | <u>3,100 square feet</u>            |
| <u>Triplex</u>                                   | <u>5,000 square feet</u>            |
| <u>Quadplex and cottage cluster</u>              | <u>7,000 square feet</u>            |
| <u>Townhouse</u>                                 | <u>1,500 square feet</u>            |
| <u>Multi-unit dwellings</u>                      | <u>2,000 square feet per unit</u>   |
| <u>Approved non-residential uses</u>             | <u>None</u>                         |

<sup>1</sup> In the case of flag lots, the pole portion of the lot shall not count towards the required lot area.

We recommend consolidating the SFD and multi-family lot width provision because they have the same standard. As recommended elsewhere in the Code Update, we also suggest using the term “townhouse” in place of single-family common wall and single-family attached.

(F) Minimum Lot Dimensions.

~~(1) For detached single-unit family detached dwellings, and duplex, triplex, quadplex, cottage cluster, and multi-unit dwelling lots, the minimum lot width shall be 30 feet.~~

~~(2) For single family common wall dwelling and single family attached townhouse dwelling lots, the minimum lot width shall be 20 feet.~~

~~(3) For lots developed with multi-family dwellings, the minimum lot width shall be 30 feet.~~

(G) Middle Housing Land Division. If a duplex, triplex, quadplex, or cottage cluster has been divided by a middle housing land division, the area, density, and lot requirements that are applicable to the lot shall apply to the middle housing primary lot, not to the middle housing secondary lot.

**18.70.060 Site Development Standards**

All multi-unit dwellings family developments are subject to design review requirements as set forth in Chapter 18.100 CMC and are. ~~Developments with three or four units are subject to a Type II site design review process as set forth in CMC 18.100.030(B), and developments with five or more units are subject~~ to a Type III site design review process as set forth in CMC 18.100.030(C).

Detached single-unit dwellings and middle housing developments are subject to design review requirements set forth in Chapter 18.100.070 and are subject to a Type I site design review process as set forth in CMC 18.100.030.

[...]

(I) Middle Housing Land Division. If a duplex, triplex, quadplex, or cottage cluster has been divided by a middle housing land division, the Site Development Standards that are applicable to the lot shall apply to the middle housing primary lot, not to the middle housing secondary lot.

**18.70.070 Manufacture housing on individual lots.**

All manufactured homes on individual lots within the CR zone shall:

(A) Comply with all federal, state and local building codes for placement, occupation and storage.

~~(B) Have a pitched roof with at least a nominal slope of one foot in height for each three feet in width.~~

~~(C) Have exterior siding and roofing material which in color, material grade, and appearance is comparable to the exterior siding and roofing material predominantly used on surrounding residential dwellings.~~

(D) Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards required of site-built single-family construction under the State Building Code (1981) as defined by ORS 455.010.

~~(E) Have at least one covered off-street parking space constructed of like materials as the home.~~

~~(F) Have skirting that consists of smooth or split face concrete blocks.~~

~~(G) Be multisectional and enclose a space of not less than 1,000 square feet. [Ord. 2019-10 § 1 (Exh. A), 2019.]~~

**Parking Standards**

Each middle housing type will need to require no more than one off-street space per unit. The City already complies for duplexes and townhouses, and triplexes with lot sizes over 5,000 sf may require no more than three total spaces, and quadplexes with lot sizes over 7,000 sf may require no more than four total spaces.

The parking provisions in the Multi-Family (18.35.060(J)) and Core Residential (18.70.060(G)) sections of the Code require just one off-street space per unit for multi-family, which conflicts with the requirement stated in Table 1 below. We recommend reducing the parking to one space per unit to be consistent with other Code sections as well as with parking standards for other housing types. It is generally recommended that higher density housing types (e.g., multi-family) require less parking than lower density (single-family), as these households tend to have lower rates of car ownership.

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

(A) Off-street parking shall be provided based on the primary use of the site according to the following standards and regardless of the parking zone in which the use is located (see Map 1 following this chapter).

| <b>Table 1</b>  |  |                                  |               |   |
|---|--|----------------------------------|---------------|---|
| <b>Minimum and Maximum Required Off-Street Vehicle and Bicycle Parking Requirements</b> |  |                                  |               |   |
| <b>(unless otherwise noted, standard is per 1,000 sf of gross floor area)</b>           |  |                                  |               |   |
| <b>Land Use</b>   | <b>Minimum Parking Standards</b>   | <b>Maximum Parking Standards</b> |               | <b>Minimum Bicycle Parking Standards</b>      |
|   |  | <b>Zone A</b>                    | <b>Zone B</b> |   |
| <b>RESIDENTIAL</b>  |  |                                  |               |   |
| <b>HOUSEHOLD LIVING</b>   |  |                                  |               |   |
| Single Units, Attached  | 1.0/DU   | none                             | none          | none  |
| <u>Detached Single Dwelling</u><br>Units, Detached                                      | 1.0/DU   | none                             | none          | none  |
| <u>Middle Housing Duplexes</u>  | 1.0/DU   | none                             | none          | none  |
| Multi-Family Unit <u>Dwellings</u>  | DU < 500 sq ft:<br>1.0/DU;<br>1 bedroom:<br>1.25/DU;<br>2 bedroom:<br>1.5/DU;<br>3 bedroom:<br>1.75/DU | none                             | none          | 1.0/2 DUs except elderly, which is 1.0/20 DUs |

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

[...]

Cities must apply the same parking design and maintenance standards that apply to middle housing that apply to single-family detached.

(B) Excluding detached single unit dwellings and Middle Housing, family, and duplex residences and multi-family uses with not more than four units in the core residential zone, 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.

[...]

(F) Except for detached, single unit dwellings and Middle Housing, single and two-family residences and multi-family uses with not more than four units in the core residential zone, any area intended to be used to meet the off-street parking requirements as contained in this title shall have all parking spaces clearly marked using a permanent paint. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety.

(G) Except for detached, single-unit dwellings and Middle Housing, single and two-family residences and multi-family uses with not more than four units in the core residential zone, 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 and residential development multi-family uses with not more than four units in the core residential zone shall be improved with an asphalt or concrete surface to specification as approved by the building official.

## Design Standards and Review Procedures

Cornelius currently does not have design standards that are specific to single-unit detached housing or middle housing. Cities are not required to apply design standards to middle housing, however if the City chooses to use design standards for middle housing, then those standards cannot be more restrictive than the standards established in the Model Code for Large Cities. Alternatively, the City can apply design standards that are no more restrictive than any design standards that apply to single-family detached. Because existing design standards equally apply to single-family detached and middle housing, the City already complies in this regard.

The City's design standards are currently applied through Site Design Review. Middle housing must be subject to the same review and approval procedures as single-family detached housing. Therefore, each development of or modification to a middle housing type will need to be subject to a Design Review Type I action.

Cities are required to allow conversions of single-family detached dwellings to middle housing types. We recommend the City allow middle housing conversions as a Type I action.



**18.100 Site Design Review**

**18.100.030 Types of Applications**

(A) Design review Type I actions are minor changes to plans already approved by the facilities and design review committee or community development director. Design review Type I actions include:

[...]

(2) Site plans for detached single-unit family dwellings, prefabricated dwelling, middle housing duplex dwellings and accessory dwelling units on individual lots or parcels.

[...]

(10) Conversions of a single-family dwelling to a duplex, triplex, quadplex, or cottage cluster dwelling, provided the following criteria are met:

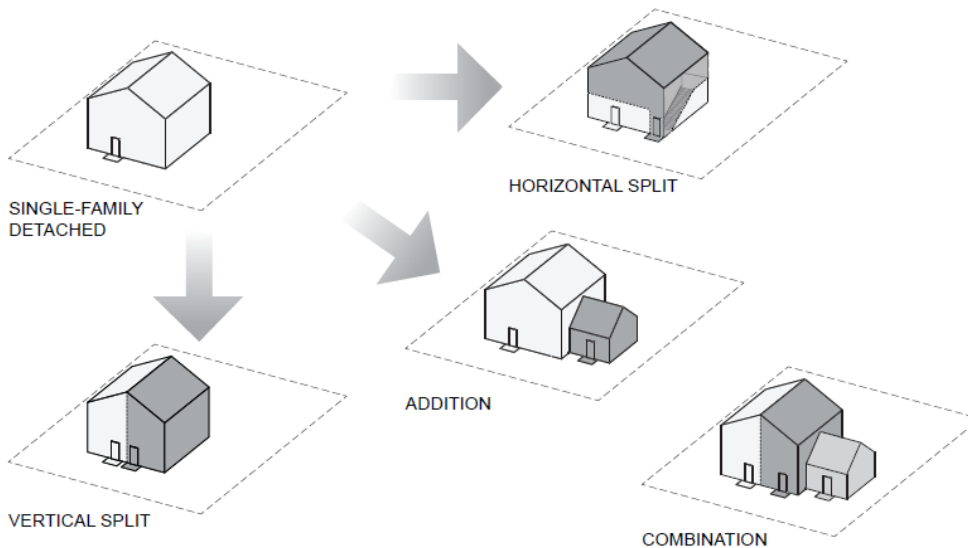
(a) The converted housing type is allowed in the underlying zone.

(b) With the exception of minimum off-street parking requirements, the conversion does not create a nonconforming situation or does not increase nonconformance.

(c) Separate utility connections are provided for each additional unit.

(d) With the exception of cottage clusters, additional design requirements are not required for a conversion.

MIDDLE HOUSING CONVERSIONS



(B) Design Review Type II actions are changes to previously approved design review plans or other moderate changes to structures or sites, which meet certain thresholds. Type II actions include:

[...]

(9) New development of multi-unit dwelling developments ~~family residential projects with three or four units~~ in the core residential district.

**18.100.040 Approval Criteria**

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

[...]

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

Per ORS 197.307, any design standards and approval procedures that apply to residential development must be clear and objective. This requirement also applies to middle housing and is reiterated in HB 2001 and OAR 660-046-0210. Most of the existing criteria in the Design Standards subsection are subjective. Because the existing design standards apply to all development, we recommend the City either creates an entire new section for residential design standards or exempt residential uses from the existing design standards.

(B) Non-Residential Design Standards

[...]

The City is interested in adopting residential design standards that offer a “menu” of options that can be applied to each housing type. Requiring a minimum number of design features from a select list is a common approach many jurisdictions use to help balance cohesive residential design with flexibility for developers and applicants. The following draft residential design menu draws from design features that several other Oregon cities use. The list of features was co-created between APG | MIG, City staff, and the project Advisory Committee.

The following recommended design requirements must be applied equally among single-family dwellings and middle housing. Specifically, any required design features and dimensions for middle housing must be applied at the same rate as single-family. Design features cannot be required *per unit* for middle housing, as this approach would impose a higher design standard compared to single-family. We

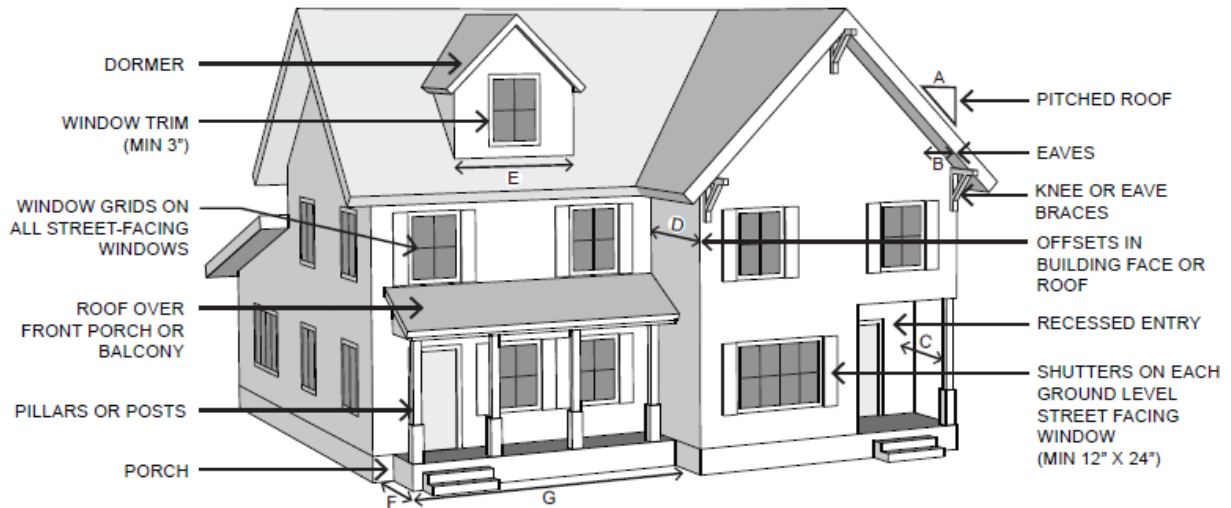
therefore recommend requiring design features on a per development or per lot basis.

### **18.100.070 Residential Design Requirements**

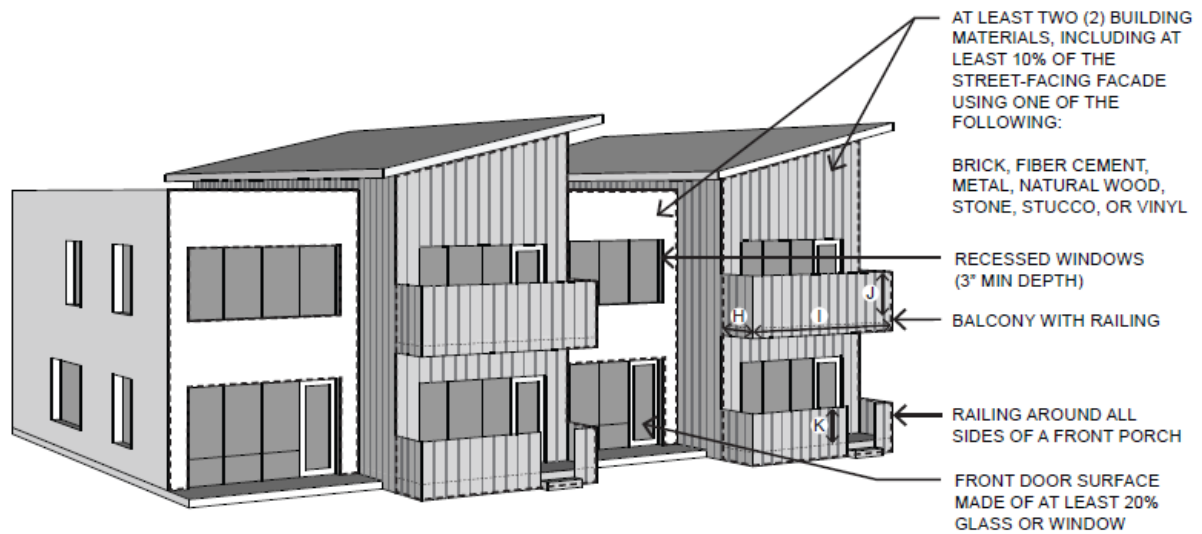
Each detached single-dwelling unit (site built, manufactured, and prefabricated dwellings on individual lots) and middle housing type must incorporate a minimum 3 of the following design features:

1. Eaves: Minimum 12 inches.
2. Dormer: Minimum 4 feet wide.
3. Window trim: Minimum 3 inches.
4. Recessed entrance: Minimum 2 feet deep.
5. Balcony with a railing: Minimum 4 feet deep and 6 feet wide; Railing minimum 4 feet tall.
6. Porch: Minimum 4 feet deep and 6 feet wide.
7. Off-sets in building face or roof: Minimum 16 inches.
8. Recessed window: Minimum 3 inches deep.
9. Pitched roof: Minimum 4:12 or 3:12.
10. A variation of three different building materials, the least of which shall be 5% of the façade
11. Pillars or posts.
12. Knee or eave braces
13. Brick, cedar shingles, or stucco covering 10-15% of the street-facing façade
14. Shutters on each ground level street facing window: Minimum 12 inches wide, 24 inches tall.
15. Railing around all sides of a front porch: Minimum 3 feet tall
16. Front door surface made of at least 25% glass or window.
17. Window grids on all street facing windows.
18. Roof over front porch or balcony.
19. Different colors between at least two of the following on the street-facing façade: trim, doors, windows, walls, shutters, railings, posts/pillars.

20. Variation of at least two siding textures or styles among board and batten, vinyl, lap, brick, stone, natural wood, cedar, fiber cement siding, stucco, horizontal or vertical wood, or metal.



SLOPE 'A' ≥ 4:12  
 DEPTH 'B' ≥ 12 IN.    WIDTH 'E' ≥ 4 FT  
 DEPTH 'C' ≥ 2 FT    DEPTH 'F' ≥ 4 FT  
 DEPTH 'D' ≥ 16 IN.    WIDTH 'G' ≥ 6 FT



DEPTH 'H' ≥ 4 FT  
 WIDTH 'I' ≥ 6 FT  
 HEIGHT 'J' ≥ 4 FT  
 HEIGHT 'K' ≥ 3 FT

**Middle Housing Land Division and Expedited Land Division Updates**

17.05 Land Divisions

The City should add Middle Housing Land Divisions (MHLD) and Expedited Land Divisions (ELD) as new application and procedure types in the CMC. Given that these procedures are land divisions, we recommend MHLD and ELDs be included as new sections in CMC Title 17 – Subdivisions. However, it is important to note that MHLDs and ELDs are not considered land use decisions or limited land use decisions by the State. Other sections of the code also could be workable locations for these provisions.

The majority of the following amendments include the language directly from SB 458 or ORS 197.360 – 197.380.

### **17.05.060 MIDDLE HOUSING LAND DIVISIONS AND EXPEDITED LAND DIVISIONS**

**(A) Purpose.** To provide a simplified and expedited process for subdividing or partitioning lots with middle housing so that each unit is on a separate property, which enables middle housing dwelling units to be sold and owned individually.

**(B) Applicability.** Middle housing on a lot or parcel, as allowed under ORS 197.788 (2) or (3) and House Bill 2001 (2019). This applies to duplexes, triplexes, quadplexes, townhouses, and cottage clusters in the R-7, R-10, and CR zones.

**(C) Application Requirements.** The community development director shall provide forms that specify the information required for review of a middle housing land division.

**(D) Approval Criteria.** The applicant shall demonstrate that the application meets the following criteria:

**(1) Existing Compliance.** The middle housing development complies or will comply with the Oregon Residential Specialty Code, Cornelius Building Requirements (administered by City of Forest Grove), and applicable CMC middle housing regulations.

**(2) Separate Utility Connections.** Separate utility service connections for public water, sewer, and stormwater will be provided for each dwelling unit. The separate utility connections for each dwelling must connect directly to the City line.

**(3) Easements.** Easements will be provided as necessary for each dwelling unit on the site for:

**(a) A public easement for locating, accessing, replacing, and servicing all utilities, consistent with CMC 17.05.030(F). The easement must have one line for water and one line for sewer that connect to each unit, and one manhole in the easement shall be provided to access the utility lines.**

**(b) Pedestrian access from each dwelling unit to a private or public road.**

**(c) Common areas or shared building elements.**

(d) Shared driveways or parking.

(4) One dwelling unit per lot. Exactly one dwelling unit will be located on each resulting lot or parcel (secondary lot), except for lots, parcels, or tracts used as common areas, on which no dwelling units will be permitted.

(5) Frontage improvements. Where a resulting secondary lot abuts a street that does not meet City standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated, in accordance with Cornelius public works standards. Street frontage improvements or additional right-of-way must be completed or guaranteed prior to the MHL.

(E) Preliminary Plat Submittal. An application for an MHL shall include the following:

(1) A description of the manner in which the proposed division complies with each of the provisions of subsection 2 of this section, and other evidence necessary to demonstrate:

(a) How buildings or structures on a resulting secondary lot will comply with applicable building code provisions related to new property lines; and

(b) Notwithstanding the creation of new lots, how structures or buildings located on the newly created secondary lots will comply with the Oregon Residential Specialty Code.

(c) On a lot or parcel where construction is complete, a copy of an approved building permit must be submitted with the MHL application.

(d) How the existing or proposed structure complies with applicable zoning designations.

(2) Copies of a plat showing the following details:

(a) Existing or proposed separate utility connections for each dwelling unit, consistent with CMC 17.05.060(D)(2).

(b) Existing or proposed easements necessary for each dwelling unit on the plan, consistent with CMC 17.05.060(D)(3).

(3) Preliminary Plat Conditions of Approval.

(a) The preliminary plat for the MHL shall:

(i) Prohibit further division of the resulting secondary lots.

(ii) Require that a notation appear on the final plat indicating:

- The approval was given under ORS Chapter 92.
- The middle housing types approved for the primary lot.
- Development and design standards for the middle housing type apply to the primary lot and not the secondary lots.



- Accessory dwelling units are not permitted on secondary lots resulting from a middle housing land division.

(b) The City shall not attach conditions of approval that a secondary lot require driveways, vehicle access, parking, or minimum or maximum street frontage.

(F) Preliminary Plat Procedures for Expedited and Middle Housing Land Division. Unless the applicant requests to use the procedure set forth in CMC 17.05.030 (Land Partitioning) or CMC 17.05.040 (Subdivisions), the City shall use the following procedure for an expedited land division (ELD), as described in ORS 197.360, or a middle housing land division (MHLD).

(1) Completeness Review.

(a) If the application for an ELD or MHLD is incomplete, the City shall notify the applicant of the missing information within 21 days of receiving an application. The application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.

(b) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(2) Notice of Application.

(a) On receipt of a complete application, written notice shall be provided to owners of property within 100 feet of the entire contiguous site for which the application is made and to any City Council-recognized neighborhood association(s) whose boundaries include the site. Notice shall also be provided to any agency responsible for providing public services or facilities to the subject site. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under ORS 197.375, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given.

(b) The notice shall include the following:

- (i.) The deadline for submitting written comments;
- (ii.) A statement of issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period; and
- (iii.) A statement that issues must be raised with sufficient specificity to enable the local government to respond to the issue.
- (iv.) The applicable criteria for the decision.
- (v.) The place, date, and time that comments are due.

- (vi.) A time and place where copies of all evidence submitted by the applicant will be available for review.
- (vii.) The street address or other easily understood geographical reference to the subject property.
- (viii.) The name and telephone number of a local government contact.
- (ix.) A brief summary of the local decision-making process for the land division decision being made.

(3) There shall be a minimum 14-day period to allow for submission of written comments prior to the community development director's decision.

(4) There shall be no public hearing on the application.

(5) The community development director shall make a decision on the application within 63 days of receiving a completed application.

(6) The community development director's decision shall be based on applicable elements of the Cornelius Municipal Code and Comprehensive Plan. An approval may include conditions to ensure that the application meets applicable land use regulations.

(7) Notice of the decision shall be provided to the applicant and to those who received notice under subsection 2 within 63 days of the date of a completed application. The notice of decision shall include:

(a) A summary statement explaining the determination; and

(b) An explanation of appeal rights under ORS 197.375.

(8) Failure to approve or deny application within specified time.

(a) After seven days' notice to the applicant, the City Council may, at a regularly scheduled public meeting, take action to extend the 63-day time period to a date certain for one or more applications for an expedited land division prior to the expiration of the 63-day period, based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete. Upon approval of an extension, the provisions of ORS 197.360 to 197.380, including the mandamus remedy provided by subsection (a), shall remain applicable to the expedited land division, except that the extended period shall be substituted for the 63-day period wherever applicable.

(b) The decision to approve or deny an extension under subsection b of this section is not a land use decision or limited land use decision.

(9) A decision may be appealed within 14 days of the mailing of the decision notice by the applicant or a person or organization who file written comments within the time period

described in CMC 17.05.060(F)(3). The appeal must include the appeal application and a \$300 deposit for costs.

(10) An appeal shall be based solely on one or more of the allegations:

(a) The decision violates the substantive provisions of the applicable land use regulations;

(b) The decision is unconstitutional;

(c) The application was not eligible for review under CMC 17.05.060(B) and should be reviewed as a land use decision or limited land use decision.

(d) The appellant's substantive rights were substantially prejudiced by a procedural error.

(11) The City shall use the City Hearings Officer to decide the appeal decision and the Hearings Officer shall comply with ORS 197.375(3) through (6) when issuing a decision. The Hearings Officer may not be a City employee or official.

(G) Final Plat Requirements for Expedited and Middle Housing Land Divisions.

(1) Expedited Land Division (ELD) – The community development director shall review the final plat for compliance with the approved preliminary plat. If the community development director determines that the final plat conforms to the approved preliminary plat, the community development director shall so certify and sign the final plat. If the final plat does not conform, it shall be returned to the developer to correct the deficiencies and must be resubmitted for approval within the time established by the community development director.

(2) Middle Housing Land Division (MHL) – Final Plat Review Criteria. Approval of a final plat for a MHL will be granted if the review body finds the applicant has met the following criteria:

(a) The final plat substantially conforms to the preliminary plat.

(b) Conditions of approval attached to the preliminary plat have been satisfied.

(c) All proposed improvements required to satisfy applicable standards of the CMC have been constructed.

(3) Final Plat Submittal. An application an ELD or MHL final plat shall include the same items required under 17.05.060(C), as directed by the community development director.

We recommend the City adopt Code provisions to reflect statutory requirements for Expedited Land Divisions (ELD – ORS 197.360 – 197.380). The City is already required to follow these rules. Adding the ORS provisions will help with implementation and provide additional clarity for applicants who wish to follow this procedure.

H. Expedited Land Divisions. An expedited land division (ELD) shall be defined and may be used as provided under ORS 197.360 through 197.380.

(1) Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned unit development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or the right to use it is waived.

(2) Review Procedure and approval criteria. All applications for expedited land divisions shall comply with ORS 197.360 through 197.380, the Cornelius Comprehensive Plan, applicable zoning designation, and submittal requirements requested under CMC 17.05.060(C).

(a) For an ELD to be considered, proposed division must demonstrate how it complies with the following:

(i) The primary lot is zoned for residential uses and is within the urban growth boundary.

(ii) The primary lot is solely for the purpose of residential use, including recreational or open space uses accessory to residential use.

(b) The land division will not provide for dwellings or accessory buildings to be located on land that is within the following overlay zones.

i. Natural Resources Overlay (CMC 18.95)

ii. Floodplain District (CMC 18.90)

(c) The land division satisfies minimum street or other right-of-way connectivity standards established by the City's Transportation System Plan, Engineering Design Manual, and the Municipal Code.

(d) The land division will result in development that either:

(i) Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or

(ii) All dwellings will be sold or rented to households with incomes below 120 percent of the median family income for Washington County. A copy of a deed restriction or other legal mechanism approved by the Director shall be submitted.

(3) Appeal Procedure. An appeal of an ELD shall follow the procedures in ORS 197.375. Where the City has not otherwise appointed a hearings officer (referee) for such appeals, and the City Attorney is a Contractor (not a City employee), the City Attorney shall serve as the referee for ELD appeals.



**Enrolled  
Senate Bill 1051**

Sponsored by COMMITTEE ON BUSINESS AND TRANSPORTATION

CHAPTER .....

AN ACT

Relating to use of real property; creating new provisions; amending ORS 197.178, 197.303, 197.307, 197.312, 215.416, 215.427, 215.441, 227.175, 227.178 and 227.500; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. (1) As used in this section:**

(a) "Affordable housing" means housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater.

(b) "Multifamily residential building" means a building in which three or more residential units each have space for eating, living and sleeping and permanent provisions for cooking and sanitation.

(2) Notwithstanding ORS 215.427 (1) or ORS 227.178 (1), a city with a population greater than 5,000 or a county with a population greater than 25,000 shall take final action on an application qualifying under subsection (3) of this section, including resolution of all local appeals under ORS 215.422 or 227.180, within 100 days after the application is deemed complete.

(3) An application qualifies for final action within the timeline described in subsection (2) of this section if:

(a) The application is submitted to the city or the county under ORS 215.416 or 227.175;

(b) The application is for development of a multifamily residential building containing five or more residential units within the urban growth boundary;

(c) At least 50 percent of the residential units included in the development will be sold or rented as affordable housing; and

(d) The development is subject to a covenant appurtenant that restricts the owner and each successive owner of the development or a residential unit within the development from selling or renting any residential unit described in paragraph (c) of this subsection as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.

(4) A city or a county shall take final action within the time allowed under ORS 215.427 or 227.178 on any application for a permit, limited land use decision or zone change that does not qualify for review and decision under subsection (3) of this section, including resolution of all appeals under ORS 215.422 or 227.180, as provided by ORS 215.427 and 215.435 or by ORS 227.178 and 227.181.

**SECTION 2. ORS 215.416 is amended to read:**



215.416. (1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

(2) The governing body shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 215.427. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

(3) Except as provided in subsection (11) of this section, the hearings officer shall hold at least one public hearing on the application.

(4)(a) *[The application shall not be approved]* **A county may not approve an application** if the proposed use of land is found to be in conflict with the comprehensive plan of the county and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by statute or county legislation.

**(b)(A) A county may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the county comprehensive plan or land use regulations.**

**(B) This paragraph does not apply to:**

**(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or**

**(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).**

**(c) A county may not reduce the density of an application for a housing development if:**

**(A) The density applied for is at or below the authorized density level under the local land use regulations; and**

**(B) At least 75 percent of the floor area applied for is reserved for housing.**

**(d) A county may not reduce the height of an application for a housing development if:**

**(A) The height applied for is at or below the authorized height level under the local land use regulations;**

**(B) At least 75 percent of the floor area applied for is reserved for housing; and**

**(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.**

**(e) Notwithstanding paragraphs (c) and (d) of this subsection, a county may reduce the density or height of an application for a housing development if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal.**

**(f) As used in this subsection:**

**(A) "Authorized density level" means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.**

**(B) "Authorized height level" means the maximum height of a structure that is permitted under local land use regulations.**

**(C) "Habitability" means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.**

(5) Hearings under this section shall be held only after notice to the applicant and also notice to other persons as otherwise provided by law and shall otherwise be conducted in conformance with the provisions of ORS 197.763.

(6) Notice of a public hearing on an application submitted under this section shall be provided to the owner of an airport defined by the Oregon Department of Aviation as a "public use airport" if:

(a) The name and address of the airport owner has been provided by the Oregon Department of Aviation to the county planning authority; and

(b) The property subject to the land use hearing is:

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a “visual airport”; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an “instrument airport.”

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a land use hearing need not be provided as set forth in subsection (6) of this section if the zoning permit would only allow a structure less than 35 feet in height and the property is located outside the runway “approach surface” as defined by the Oregon Department of Aviation.

(8)(a) Approval or denial of a permit application shall be based on standards and criteria which shall be set forth in the zoning ordinance or other appropriate ordinance or regulation of the county and which shall relate approval or denial of a permit application to the zoning ordinance and comprehensive plan for the area in which the proposed use of land would occur and to the zoning ordinance and comprehensive plan for the county as a whole.

(b) When an ordinance establishing approval standards is required under ORS 197.307 to provide only clear and objective standards, the standards must be clear and objective on the face of the ordinance.

(9) Approval or denial of a permit or expedited land division shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

(10) Written notice of the approval or denial shall be given to all parties to the proceeding.

(11)(a)(A) The hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection, to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c) of this subsection.

(C) Notice under this subsection shall comply with ORS 197.763 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the county’s land use regulations. A county may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(D) An appeal from a hearings officer’s decision made without hearing under this subsection shall be to the planning commission or governing body of the county. An appeal from such other person as the governing body designates shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be to a de novo hearing.

(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. At the de novo hearing:

(i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;

(ii) The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal; and

(iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.

(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

(c)(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

(i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

(B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

(12) A decision described in ORS 215.402 (4)(b) shall:

(a) Be entered in a registry available to the public setting forth:

(A) The street address or other easily understood geographic reference to the subject property;

(B) The date of the decision; and

(C) A description of the decision made.

(b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.

(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

(13) At the option of the applicant, the local government shall provide notice of the decision described in ORS 215.402 (4)(b) in the manner required by ORS 197.763 (2), in which case an appeal to the board shall be filed within 21 days of the decision. The notice shall include an explanation of appeal rights.

(14) Notwithstanding the requirements of this section, a limited land use decision shall be subject to the requirements set forth in ORS 197.195 and 197.828.

**SECTION 3.** ORS 227.175 is amended to read:

227.175. (1) When required or authorized by a city, an owner of land may apply in writing to the hearings officer, or such other person as the city council designates, for a permit or zone change, upon such forms and in such a manner as the city council prescribes. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

(2) The governing body of the city shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 227.178. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

(3) Except as provided in subsection (10) of this section, the hearings officer shall hold at least one public hearing on the application.

(4)(a) *[The application shall not be approved]* **A city may not approve an application** unless the proposed development of land would be in compliance with the comprehensive plan for the city and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by ORS 227.215 or any city legislation.

**(b)(A) A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the city comprehensive plan or land use regulations.**

**(B) This paragraph does not apply to:**

**(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or**

**(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).**

**(c) A city may not reduce the density of an application for a housing development if:**

**(A) The density applied for is at or below the authorized density level under the local land use regulations; and**

**(B) At least 75 percent of the floor area applied for is reserved for housing.**

**(d) A city may not reduce the height of an application for a housing development if:**

**(A) The height applied for is at or below the authorized height level under the local land use regulations;**

**(B) At least 75 percent of the floor area applied for is reserved for housing; and**

**(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.**

**(e) Notwithstanding paragraphs (c) and (d) of this subsection, a city may reduce the density or height of an application for a housing development if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal.**

**(f) As used in this subsection:**

**(A) "Authorized density level" means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.**

**(B) "Authorized height level" means the maximum height of a structure that is permitted under local land use regulations.**

**(C) "Habitability" means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.**

(5) Hearings under this section may be held only after notice to the applicant and other interested persons and shall otherwise be conducted in conformance with the provisions of ORS 197.763.

(6) Notice of a public hearing on a zone use application shall be provided to the owner of an airport, defined by the Oregon Department of Aviation as a "public use airport" if:

(a) The name and address of the airport owner has been provided by the Oregon Department of Aviation to the city planning authority; and

(b) The property subject to the zone use hearing is:

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a "visual airport"; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an "instrument airport."

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a zone use hearing need only be provided as set forth in subsection (6) of this section if the permit or zone change would only allow a structure less than 35 feet in height and the property is located outside of the runway "approach surface" as defined by the Oregon Department of Aviation.

(8) If an application would change the zone of property that includes all or part of a mobile home or manufactured dwelling park as defined in ORS 446.003, the governing body shall give written notice by first class mail to each existing mailing address for tenants of the mobile home

or manufactured dwelling park at least 20 days but not more than 40 days before the date of the first hearing on the application. The governing body may require an applicant for such a zone change to pay the costs of such notice.

(9) The failure of a tenant or an airport owner to receive a notice which was mailed shall not invalidate any zone change.

(10)(a)(A) The hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection, to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c) of this subsection.

(C) Notice under this subsection shall comply with ORS 197.763 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the city's land use regulations. A city may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(D) An appeal from a hearings officer's decision made without hearing under this subsection shall be to the planning commission or governing body of the city. An appeal from such other person as the governing body designates shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be to a de novo hearing.

(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. At the de novo hearing:

(i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;

(ii) The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal; and

(iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.

(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

(c)(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

(i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

(B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

(11) A decision described in ORS 227.160 (2)(b) shall:

(a) Be entered in a registry available to the public setting forth:

(A) The street address or other easily understood geographic reference to the subject property;

(B) The date of the decision; and

(C) A description of the decision made.

(b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.

(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

(12) At the option of the applicant, the local government shall provide notice of the decision described in ORS 227.160 (2)(b) in the manner required by ORS 197.763 (2), in which case an appeal to the board shall be filed within 21 days of the decision. The notice shall include an explanation of appeal rights.

(13) Notwithstanding other requirements of this section, limited land use decisions shall be subject to the requirements set forth in ORS 197.195 and 197.828.

**SECTION 4.** ORS 197.303 is amended to read:

197.303. (1) As used in ORS 197.307, “needed housing” means **all housing [types] on land zoned for residential use or mixed residential and commercial use that is** determined to meet the need shown for housing within an urban growth boundary at [particular] price ranges and rent levels[, including] **that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes [at least]** the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

(2) Subsection (1)(a) and (d) of this section [shall] **does** not apply to:

(a) A city with a population of less than 2,500.

(b) A county with a population of less than 15,000.

(3) A local government may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.

**SECTION 5.** ORS 197.307 is amended to read:

197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of state-wide concern.

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of **hous-**



**ing, including** needed housing [on buildable land described in subsection (3) of this section]. The standards, conditions and procedures:

**(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.**

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

(8) In accordance with subsection (4) of this section and ORS 197.314, a jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

(a) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.

(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, ar-

chitectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

**SECTION 6.** ORS 197.312 is amended to read:

197.312. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

**(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.**

**(b) As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.**

**SECTION 7.** ORS 215.441 is amended to read:

215.441. (1) If a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship is allowed on real property under state law and rules and local zoning ordinances and regulations, a county shall allow the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including *[worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for prekindergarten through grade 12 or higher education.]*:

**(a) Worship services.**

**(b) Religion classes.**

**(c) Weddings.**

**(d) Funerals.**

**(e) Meal programs.**

**(f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.**

**(g) Providing housing or space for housing in a building that is detached from the place of worship, provided:**

**(A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;**

**(B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and**

**(C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.**

(2) A county may:

(a) Subject real property described in subsection (1) of this section to reasonable regulations, including site review or design review, concerning the physical characteristics of the uses authorized under subsection (1) of this section; or

(b) Prohibit or restrict the use of real property by a place of worship described in subsection (1) of this section if the county finds that the level of service of public facilities, including transportation, water supply, sewer and storm drain systems is not adequate to serve the place of worship described in subsection (1) of this section.

(3) Notwithstanding any other provision of this section, a county may allow a private or parochial school for prekindergarten through grade 12 or higher education to be sited under applicable state law and rules and local zoning ordinances and regulations.

**(4) Housing and space for housing provided under subsection (1)(g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (1)(g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.**

**SECTION 8.** ORS 227.500 is amended to read:

227.500. (1) If a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship is allowed on real property under state law and rules and local zoning ordinances and regulations, a city shall allow the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including [*worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for prekindergarten through grade 12 or higher education.*]:

**(a) Worship services.**

**(b) Religion classes.**

**(c) Weddings.**

**(d) Funerals.**

**(e) Meal programs.**

**(f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.**

**(g) Providing housing or space for housing in a building that is detached from the place of worship, provided:**

**(A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;**

**(B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and**

**(C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.**

(2) A city may:

(a) Subject real property described in subsection (1) of this section to reasonable regulations, including site review and design review, concerning the physical characteristics of the uses authorized under subsection (1) of this section; or

(b) Prohibit or regulate the use of real property by a place of worship described in subsection (1) of this section if the city finds that the level of service of public facilities, including transporta-

tion, water supply, sewer and storm drain systems is not adequate to serve the place of worship described in subsection (1) of this section.

(3) Notwithstanding any other provision of this section, a city may allow a private or parochial school for prekindergarten through grade 12 or higher education to be sited under applicable state law and rules and local zoning ordinances and regulations.

**(4) Housing and space for housing provided under subsection (1)(g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (1)(g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.**

**SECTION 9.** ORS 197.178 is amended to read:

197.178. (1) Local governments with comprehensive plans or functional plans that are identified in ORS 197.296 (1) shall compile and report annually to the Department of Land Conservation and Development the following information for all applications received under ORS 227.175 for residential permits and residential zone changes:

(a) The **total number of complete applications received for residential development, [including the net residential density proposed in the application and the maximum allowed net residential density for the subject zone] and the number of applications approved;**

*[(b) The number of applications approved, including the approved net density; and]*

*[(c) The date each application was received and the date it was approved or denied.]*

**(b) The total number of complete applications received for development of housing containing one or more housing units that are sold or rented below market rate as part of a local, state or federal housing assistance program, and the number of applications approved; and**

**(c) For each complete application received:**

**(A) The date the application was received;**

**(B) The date the application was approved or denied;**

**(C) The net residential density proposed in the application;**

**(D) The maximum allowed net residential density for the subject zone; and**

**(E) If approved, the approved net residential density.**

(2) The report required by this section may be submitted electronically.

**SECTION 10.** ORS 215.427 is amended to read:

215.427. (1) Except as provided in subsections (3), (5) and (10) of this section, for land within an urban growth boundary and applications for mineral aggregate extraction, the governing body of a county or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 120 days after the application is deemed complete. The governing body of a county or its designee shall take final action on all other applications for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 150 days after the application is deemed complete, except as provided in subsections (3), (5) and (10) of this section.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section **and section 1 of this 2017 Act** upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits additional information, as described in subsection (2) of this section, within 180 days of the date the application was first submitted and the county has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(b) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The period set in subsection (1) of this section **or the 100-day period set in section 1 of this 2017 Act** may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (10) of this section for mediation, may not exceed 215 days.

(6) The period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the county; and

(b) Unless the parties have agreed to mediation as described in subsection (10) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the period set in subsection (1) of this section **and the 100-day period set in section 1 of this 2017 Act do** *[does]* not apply to a decision of the county making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the county or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days or 150 days, as applicable, after the application is deemed complete, the county shall refund to the applicant either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9) A county may not compel an applicant to waive the period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 215.429 **or section 1 of this 2017 Act** as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(10) The periods set forth in *[subsection (1)]* **subsections (1) and (5)** of this section **and section 1 of this 2017 Act** *[and the period set forth in subsection (5) of this section]* may be extended by up to 90 additional days, if the applicant and the county agree that a dispute concerning the application will be mediated.

**SECTION 11.** ORS 227.178 is amended to read:

227.178. (1) Except as provided in subsections (3), (5) and (11) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use de-

cision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section **or section 1 of this 2017 Act** upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(b) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The 120-day period set in subsection (1) of this section **or the 100-day period set in section 1 of this 2017 Act** may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.

(6) The 120-day period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the city; and

(b) Unless the parties have agreed to mediation as described in subsection (11) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the 120-day period set in subsection (1) of this section **and the 100-day period set in section 1 of this 2017 Act do** *[does]* not apply to a decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the city or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days after the application is deemed complete, the city shall refund to the applicant, subject to the provisions of subsection (9) of this section, either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9)(a) To obtain a refund under subsection (8) of this section, the applicant may either:



(A) Submit a written request for payment, either by mail or in person, to the city or its designee;  
or

(B) Include the amount claimed in a mandamus petition filed under ORS 227.179. The court shall award an amount owed under this section in its final order on the petition.

(b) Within seven calendar days of receiving a request for a refund, the city or its designee shall determine the amount of any refund owed. Payment, or notice that no payment is due, shall be made to the applicant within 30 calendar days of receiving the request. Any amount due and not paid within 30 calendar days of receipt of the request shall be subject to interest charges at the rate of one percent per month, or a portion thereof.

(c) If payment due under paragraph (b) of this subsection is not paid within 120 days after the city or its designee receives the refund request, the applicant may file an action for recovery of the unpaid refund. In an action brought by a person under this paragraph, the court shall award to a prevailing applicant, in addition to the relief provided in this section, reasonable attorney fees and costs at trial and on appeal. If the city or its designee prevails, the court shall award reasonable attorney fees and costs at trial and on appeal if the court finds the petition to be frivolous.

(10) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 227.179 **or section 1 of this 2017 Act** as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(11) The [*period*] **periods** set forth in [*subsection (1)*] **subsections (1) and (5)** of this section **and section 1 of this 2017 Act** [*and the period set forth in subsection (5) of this section*] may be extended by up to 90 additional days, if the applicant and the city agree that a dispute concerning the application will be mediated.

**SECTION 12. The amendments to ORS 197.312, 215.416 and 227.175 by sections 2, 3 and 6 of this 2017 Act become operative on July 1, 2018.**

**SECTION 13. (1) Section 1 of this 2017 Act and the amendments to ORS 197.178, 197.303, 197.307, 215.427, 215.441, 227.178 and 227.500 by sections 4, 5 and 7 to 11 of this 2017 Act apply to permit applications submitted for review on or after the effective date of this 2017 Act.**

**(2) The amendments to ORS 215.416 and 227.175 by sections 2 and 3 of this 2017 Act apply to applications for housing development submitted for review on or after July 1, 2018.**

**(3) The amendments to ORS 197.312 by section 6 of this 2017 Act apply to permit applications for accessory dwelling units submitted for review on or after July 1, 2018.**

**SECTION 14. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.**

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**Passed by Senate April 19, 2017**

**Repassed by Senate July 7, 2017**

.....  
Lori L. Brocker, Secretary of Senate

.....  
Peter Courtney, President of Senate

**Passed by House July 6, 2017**

.....  
Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2017

**Approved:**

.....M.,....., 2017

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2017

.....  
Dennis Richardson, Secretary of State

EXHIBIT 2. HB 2001

**Enrolled**  
**House Bill 2001**

Sponsored by Representative KOTEK; Representatives FAHEY, HERNANDEZ, MARSH, MITCHELL, POWER, STARK, WILLIAMS, ZIKA (Presession filed.)

CHAPTER .....

AN ACT

Relating to housing; creating new provisions; amending ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** Section 2 of this 2019 Act is added to and made a part of ORS chapter 197.

**SECTION 2.** (1) As used in this section:

(a) "Cottage clusters" means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.

(b) "Middle housing" means:

(A) Duplexes;

(B) Triplexes;

(C) Quadplexes;

(D) Cottage clusters; and

(E) Townhouses.

(c) "Townhouses" means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:

(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

(3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of more than 10,000 and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.

(4) This section does not apply to:

(a) Cities with a population of 1,000 or fewer;

(b) Lands not within an urban growth boundary;

(c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065;

(d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or

(e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.

(6) This section does not prohibit local governments from permitting:

(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

(b) Middle housing in areas not required under this section.

**SECTION 3.** (1) Notwithstanding ORS 197.646, a local government shall adopt land use regulations or amend its comprehensive plan to implement section 2 of this 2019 Act no later than:

(a) June 30, 2021, for each city subject to section 2 (3) of this 2019 Act; or

(b) June 30, 2022, for each local government subject to section 2 (2) of this 2019 Act.

(2) The Land Conservation and Development Commission, with the assistance of the Building Codes Division of the Department of Consumer and Business Services, shall develop a model middle housing ordinance no later than December 31, 2020.

(3) A local government that has not acted within the time provided under subsection (1) of this section shall directly apply the model ordinance developed by the commission under subsection (2) of this section under ORS 197.646 (3) until the local government acts as described in subsection (1) of this section.

(4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

(a) Waiving or deferring system development charges;

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and

(c) Assessing a construction tax under ORS 320.192 and 320.195.

(5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

**SECTION 4.** (1) Notwithstanding section 3 (1) or (3) of this 2019 Act, the Department of Land Conservation and Development may grant to a local government that is subject to section 2 of this 2019 Act an extension of the time allowed to adopt land use regulations or amend its comprehensive plan under section 3 of this 2019 Act.

(2) An extension under this section may be applied only to specific areas where the local government has identified water, sewer, storm drainage or transportation services that are either significantly deficient or are expected to be significantly deficient before December 31, 2023, and for which the local government has established a plan of actions that will remedy the deficiency in those services that is approved by the department. The extension may not extend beyond the date that the local government intends to correct the deficiency under the plan.

(3) In areas where the extension under this section does not apply, the local government shall apply its own land use regulations consistent with section 3 (1) of this 2019 Act or the model ordinance developed under section 3 (2) of this 2019 Act.

(4) A request for an extension by a local government must be filed with the department no later than:

- (a) **December 31, 2020, for a city subject to section 2 (3) of this 2019 Act.**
- (b) **June 30, 2021, for a local government subject to section 2 (2) of this 2019 Act.**
- (5) **The department shall grant or deny a request for an extension under this section:**
  - (a) **Within 90 days of receipt of a complete request from a city subject to section 2 (3) of this 2019 Act.**
  - (b) **Within 120 days of receipt of a complete request from a local government subject to section 2 (2) of this 2019 Act.**
- (6) **The department shall adopt rules regarding the form and substance of a local government's application for an extension under this section. The department may include rules regarding:**
  - (a) **Defining the affected areas;**
  - (b) **Calculating deficiencies of water, sewer, storm drainage or transportation services;**
  - (c) **Service deficiency levels required to qualify for the extension;**
  - (d) **The components and timing of a remediation plan necessary to qualify for an extension;**
  - (e) **Standards for evaluating applications; and**
  - (f) **Establishing deadlines and components for the approval of a plan of action.**

**SECTION 5.** ORS 197.296 is amended to read:

197.296. (1)(a) The provisions of subsections (2) to (9) of this section apply to metropolitan service district regional framework plans and local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of 25,000 or more.

(b) The Land Conservation and Development Commission may establish a set of factors under which additional cities are subject to the provisions of this section. In establishing the set of factors required under this paragraph, the commission shall consider the size of the city, the rate of population growth of the city or the proximity of the city to another city with a population of 25,000 or more or to a metropolitan service district.

(2) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government shall demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years. The 20-year period shall commence on the date initially scheduled for completion of the periodic or legislative review.

(3) In performing the duties under subsection (2) of this section, a local government shall:

(a) Inventory the supply of buildable lands within the urban growth boundary and determine the housing capacity of the buildable lands; and

(b) Conduct an analysis of **existing and projected** housing need by type and density range, in accordance with **all factors under** ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years.

(4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, "buildable lands" includes:

(A) Vacant lands planned or zoned for residential use;

(B) Partially vacant lands planned or zoned for residential use;

(C) Lands that may be used for a mix of residential and employment uses under the existing planning or zoning; and

(D) Lands that may be used for residential infill or redevelopment.

(b) For the purpose of the inventory and determination of housing capacity described in subsection (3)(a) of this section, the local government must demonstrate consideration of:

(A) The extent that residential development is prohibited or restricted by local regulation and ordinance, state law and rule or federal statute and regulation;

(B) A written long term contract or easement for radio, telecommunications or electrical facilities, if the written contract or easement is provided to the local government; and

(C) The presence of a single family dwelling or other structure on a lot or parcel.

(c) Except for land that may be used for residential infill or redevelopment, a local government shall create a map or document that may be used to verify and identify specific lots or parcels that have been determined to be buildable lands.

(5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of housing capacity *[and need]* pursuant to subsection [(3)] **(3)(a)** of this section must be based on data relating to land within the urban growth boundary that has been collected since the last *[periodic]* review or *[five]* **six** years, whichever is greater. The data shall include:

(A) The number, density and average mix of housing types of urban residential development that have actually occurred;

(B) Trends in density and average mix of housing types of urban residential development;

(C) **Market factors that may substantially impact future urban residential development;**  
**and**

*[(C) Demographic and population trends;]*

*[(D) Economic trends and cycles; and]*

*[(E)]* **(D)** The number, density and average mix of housing types that have occurred on the buildable lands described in subsection (4)(a) of this section.

(b) A local government shall make the determination described in paragraph (a) of this subsection using a shorter time period than the time period described in paragraph (a) of this subsection if the local government finds that the shorter time period will provide more accurate and reliable data related to housing capacity *[and need]*. The shorter time period may not be less than three years.

(c) A local government shall use data from a wider geographic area or use a time period *[for economic cycles and trends]* longer than the time period described in paragraph (a) of this subsection if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to paragraph (a) of this subsection. The local government must clearly describe the geographic area, time frame and source of data used in a determination performed under this paragraph.

(6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than the housing capacity determined pursuant to subsection (3)(a) of this section, the local government shall take one or *[more]* **both** of the following actions to accommodate the additional housing need:

(a) Amend its urban growth boundary to include sufficient buildable lands to accommodate housing needs for the next 20 years. As part of this process, the local government shall consider the effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include sufficient land reasonably necessary to accommodate the siting of new public school facilities. The need and inclusion of lands for new public school facilities shall be a coordinated process between the affected public school districts and the local government that has the authority to approve the urban growth boundary[;].

(b) Amend its comprehensive plan, regional framework plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall *[monitor and record the level of development activity and development density by housing type following the date of the adoption of the new measures; or]* **adopt findings regarding the density expectations assumed to result from measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data in subsection (5)(a) of this section. The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures. For a local government located outside of a metropolitan service district, a quantifiable vali-**



**ation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the metropolitan service district.**

*[(c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.]*

**(c) As used in this subsection, “authorized density level” has the meaning given that term in ORS 227.175.**

(7) Using the **housing need** analysis conducted under subsection (3)(b) of this section, the local government shall determine the overall average density and overall mix of housing types at which residential development of needed housing types must occur in order to meet housing needs over the next 20 years. If that density is greater than the actual density of development determined under subsection (5)(a)(A) of this section, or if that mix is different from the actual mix of housing types determined under subsection (5)(a)(A) of this section, the local government, as part of its periodic review, shall adopt measures that demonstrably increase the likelihood that residential development will occur at the housing types and density and at the mix of housing types required to meet housing needs over the next 20 years.

(8)(a) A local government outside a metropolitan service district that takes any actions under subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to 197.314.

(b) *[The]* A local government shall determine the density and mix of housing types anticipated as a result of actions taken under subsections (6) and (7) of this section and monitor and record the actual density and mix of housing types achieved **following the adoption of these actions**. The local government shall compare actual and anticipated density and mix. The local government shall submit its comparison to the commission at the next periodic review or at the next legislative review of its urban growth boundary, whichever comes first.

(9) In establishing that actions and measures adopted under subsections (6) and (7) of this section demonstrably increase the likelihood of higher density residential development, the local government shall at a minimum ensure that land zoned for needed housing is in locations appropriate for the housing types identified under subsection (3) of this section, *[and]* is zoned at density ranges that are likely to be achieved by the housing market using the analysis in subsection (3) of this section **and is in areas where sufficient urban services are planned to enable the higher density development to occur over the 20-year period**. Actions or measures, or both, may include but are not limited to:

- (a) Increases in the permitted density on existing residential land;
- (b) Financial incentives for higher density housing;
- (c) Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;
- (d) Removal or easing of approval standards or procedures;
- (e) Minimum density ranges;
- (f) Redevelopment and infill strategies;
- (g) Authorization of housing types not previously allowed by the plan or regulations;
- (h) Adoption of an average residential density standard; and
- (i) Rezoning or redesignation of nonresidential land.

(10)(a) The provisions of this subsection apply to local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of less than 25,000.

(b) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan that requires the application of a statewide planning goal relating to buildable lands for residential use, a city shall, according to rules of the commission:

- (A) Determine the estimated housing needs within the jurisdiction for the next 20 years;
- (B) Inventory the supply of buildable lands available within the urban growth boundary to accommodate the estimated housing needs determined under this subsection; and
- (C) Adopt measures necessary to accommodate the estimated housing needs determined under this subsection.

(c) For the purpose of the inventory described in this subsection, “buildable lands” includes those lands described in subsection (4)(a) of this section.

**SECTION 6.** ORS 197.303 is amended to read:

197.303. (1) As used in ORS [197.307] **197.295 to 197.314**, “needed housing” means all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

- (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
- (e) Housing for farmworkers.

**(2) For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), a local government shall use the population projections prescribed by ORS 195.033 or 195.036 and shall consider and adopt findings related to changes in each of the following factors since the last periodic or legislative review or six years, whichever is greater, and the projected future changes in these factors over a 20-year planning period:**

- (a) Household sizes;**
- (b) Household demographics in terms of age, gender, race or other established demographic category;**
- (c) Household incomes;**
- (d) Vacancy rates; and**
- (e) Housing costs.**

**(3) A local government shall make the estimate described in subsection (2) of this section using a shorter time period than since the last periodic or legislative review or six years, whichever is greater, if the local government finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.**

**(4) A local government shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. The local government must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.**

[2] **(5)** Subsection (1)(a) and (d) of this section does not apply to:

- (a) A city with a population of less than 2,500.
- (b) A county with a population of less than 15,000.

[3] **(6)** A local government may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.

**SECTION 7.** ORS 197.312, as amended by section 7, chapter 15, Oregon Laws 2018, is amended to read:

197.312. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection[,]:

(A) "Accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

(B) "**Reasonable local regulations relating to siting and design**" does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.

(6) **Subsection (5) of this section does not prohibit local governments from regulating vacation occupancies, as defined in ORS 90.100, to require owner-occupancy or off-street parking.**

**SECTION 8.** Section 1, chapter 47, Oregon Laws 2018, is amended to read:

**Sec. 1.** (1) For purposes of this section:

(a) A household is severely rent burdened if the household spends more than 50 percent of the income of the household on gross rent for housing.

(b) A regulated affordable unit is a residential unit subject to a regulatory agreement that runs with the land and that requires affordability for an established income level for a defined period of time.

*[(c) A single-family unit may be rented or owned by a household and includes single-family homes, duplexes, townhomes, row homes and mobile homes.]*

(2)(a) The Housing and Community Services Department shall annually provide to the governing body of each city in this state with a population greater than 10,000 the most current data available from the United States Census Bureau, or any other source the department considers at least as reliable, showing the percentage of renter households in the city that are severely rent burdened.

(b) The Housing and Community Services Department, in collaboration with the Department of Land Conservation and Development, shall develop a survey form on which the governing body of

a city may provide specific information related to the affordability of housing within the city, including, but not limited to:

(A) The actions relating to land use and other related matters that the governing body has taken to increase the affordability of housing and reduce rent burdens for severely rent burdened households; and

(B) The additional actions the governing body intends to take to reduce rent burdens for severely rent burdened households.

(c) If the Housing and Community Services Department determines that at least 25 percent of the renter households in a city are severely rent burdened, the department shall provide the governing body of the city with the survey form developed pursuant to paragraph (b) of this subsection.

(d) The governing body of the city shall return the completed survey form to the Housing and Community Services Department and the Department of Land Conservation and Development within 60 days of receipt.

(3)(a) In any year in which the governing body of a city is informed under this section that at least 25 percent of the renter households in the city are severely rent burdened, the governing body shall hold at least one public meeting to discuss the causes and consequences of severe rent burdens within the city, the barriers to reducing rent burdens and possible solutions.

(b) The Housing and Community Services Department may adopt rules governing the conduct of the public meeting required under this subsection.

(4) No later than February 1 of each year, the governing body of each city in this state with a population greater than 10,000 shall submit to the Department of Land Conservation and Development a report for the immediately preceding calendar year setting forth separately for each of the following categories the total number of units that were permitted and the total number that were produced:

- (a) Residential units.
- (b) Regulated affordable residential units.
- (c) Multifamily residential units.
- (d) Regulated affordable multifamily residential units.
- (e) Single-family *[units]* **homes**.
- (f) Regulated affordable single-family *[units]* **homes**.
- (g) Accessory dwelling units.**
- (h) Regulated affordable accessory dwelling units.**
- (i) Units of middle housing, as defined in section 2 of this 2019 Act.**
- (j) Regulated affordable units of middle housing.**

**SECTION 9.** ORS 455.610 is amended to read:

455.610. (1) The Director of the Department of Consumer and Business Services shall adopt, and amend as necessary, a Low-Rise Residential Dwelling Code that contains all requirements, including structural design provisions, related to the construction of residential dwellings three stories or less above grade. The code provisions for plumbing and electrical requirements must be compatible with other specialty codes adopted by the director. The Electrical and Elevator Board, the Mechanical Board and the State Plumbing Board shall review, respectively, amendments to the electrical, mechanical or plumbing provisions of the code.

(2) Changes or amendments to the code adopted under subsection (1) of this section may be made when:

- (a) Required by geographic or climatic conditions unique to Oregon;
- (b) Necessary to be compatible with other statutory provisions;
- (c) Changes to the national codes are adopted in Oregon; or
- (d) Necessary to authorize the use of building materials and techniques that are consistent with nationally recognized standards and building practices.

(3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the director may, at any time following appropriate consultation with the Mechanical Board or Building Codes Structures Board,

amend the mechanical specialty code or structural specialty code to ensure compatibility with the Low-Rise Residential Dwelling Code.

(4) The water conservation provisions for toilets, urinals, shower heads and interior faucets adopted in the Low-Rise Residential Dwelling Code shall be the same as those adopted under ORS 447.020 to meet the requirements of ORS 447.145.

(5) The Low-Rise Residential Dwelling Code shall be adopted and amended as provided by ORS 455.030 and 455.110.

(6) The director, by rule, shall establish uniform standards for a municipality to allow an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code in areas where the local jurisdiction determines that the fire apparatus means of approach to a property or water supply serving a property does not meet applicable fire code or state building code requirements. The alternate method of construction, which may include but is not limited to the installation of automatic fire sprinkler systems, must be approved in conjunction with the approval of an application under ORS 197.522.

(7) For lots of record existing before July 2, 2001, or property that receives any approval for partition, subdivision or construction under ORS 197.522 before July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code may apply the uniform standards established by the director pursuant to subsection (6) of this section. For property that receives all approvals for partition, subdivision or construction under ORS 197.522 on or after July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code must apply the uniform standards established by the director pursuant to subsection (6) of this section.

**(8) The director, by rule, shall establish uniform standards for a municipality to allow alternate approval of construction related to conversions of single-family dwellings into no more than four residential dwelling units built to the Low-Rise Residential Dwelling Code that received occupancy approval prior to January 1, 2020. The standards established under this subsection must include standards describing the information that must be submitted before an application for alternate approval will be deemed complete.**

**(9)(a) A building official described in ORS 455.148 or 455.150 must approve or deny an application for alternate approval under subsection (8) of this section no later than 15 business days after receiving a complete application.**

**(b) A building official who denies an application for alternate approval under this subsection shall provide to the applicant:**

**(A) A written explanation of the basis for the denial; and**

**(B) A statement that describes the applicant's appeal rights under subsection (10) of this section.**

**(10)(a) An appeal from a denial under subsection (9) of this section must be made through a municipal administrative process. A municipality shall provide an administrative process that:**

**(A) Is other than a judicial proceeding in a court of law; and**

**(B) Affords the party an opportunity to appeal the denial before an individual, department or body that is other than a plan reviewer, inspector or building official for the municipality.**

**(b) A decision in an administrative process under this subsection must be completed no later than 30 business days after the building official receives notice of the appeal.**

**(c) Notwithstanding ORS 455.690, a municipal administrative process required under this subsection is the exclusive means for appealing a denial under subsection (9) of this section.**

**(11) The costs incurred by a municipality under subsections (9) and (10) of this section are building inspection program administration and enforcement costs for the purpose of fee adoption under ORS 455.210.**

**SECTION 10.** (1) It is the policy of the State of Oregon to reduce to the extent practicable administrative and permitting costs and barriers to the construction of middle housing, as defined in section 2 of this 2019 Act, while maintaining safety, public health and the general welfare with respect to construction and occupancy.

(2) The Department of Consumer and Business Services shall submit a report describing rules and standards relating to low-rise residential dwellings proposed under ORS 455.610, as amended by section 9 of this 2019 Act, in the manner provided in ORS 192.245, to an interim committee of the Legislative Assembly related to housing no later than January 1, 2020.

**SECTION 11.** Section 12 of this 2019 Act is added to and made a part of ORS 94.550 to 94.783.

**SECTION 12.** A provision in a governing document that is adopted or amended on or after the effective date of this 2019 Act, is void and unenforceable to the extent that the provision would prohibit or have the effect of unreasonably restricting the development of housing that is otherwise allowable under the maximum density of the zoning for the land.

**SECTION 13.** A provision in a recorded instrument affecting real property is not enforceable if:

(1) The provision would allow the development of a single-family dwelling on the real property but would prohibit the development of:

(a) Middle housing, as defined in section 2 of this 2019 Act; or

(b) An accessory dwelling unit allowed under ORS 197.312 (5); and

(2) The instrument was executed on or after the effective date of this 2019 Act.

**SECTION 14.** (1) Sections 2, 12 and 13 of this 2019 Act and the amendments to ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018, by sections 5 to 9 of this 2019 Act become operative on January 1, 2020.

(2) The Land Conservation and Development Commission, the Department of Consumer and Business Services and the Residential and Manufactured Structures Board may take any actions before the operative date specified in subsection (1) of this section necessary to enable the commission, department or board to exercise, on or after the operative date specified in subsection (1) of this section, the duties required under sections 2, 3 and 10 of this 2019 Act and the amendments to ORS 455.610 by section 9 of this 2019 Act.

**SECTION 15.** In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$3,500,000 for the purpose of providing technical assistance to local governments in implementing section 3 (1) of this 2019 Act and to develop plans to improve water, sewer, storm drainage and transportation services as described in section 4 (2) of this 2019 Act. The department shall prioritize technical assistance to cities or counties with limited planning staff or that commit to implementation earlier than the date required under section 3 (1) of this 2019 Act.

**SECTION 16.** This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

**Passed by House June 20, 2019**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....  
Tina Kotek, Speaker of House

**Passed by Senate June 30, 2019**

.....  
Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2019

**Approved:**

.....M,....., 2019

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2019

.....  
Bev Clarno, Secretary of State



EXHIBIT 3. SB 1051

# Enrolled Senate Bill 458

Sponsored by Senators FREDERICK, KNOPP; Senators GOLDEN, HANSELL, KENNEMER, PATTERSON, Representatives DEXTER, FAHEY, HUDSON, KROPF, LEIF, MEEK, MOORE-GREEN, NOBLE, SMITH DB, WRIGHT, ZIKA (at the request of Habitat for Humanity) (Pre-session filed.)

CHAPTER .....

AN ACT

Relating to land division for residential development; creating new provisions; and amending ORS 93.277, 94.775, 94.776, 197.365, 197.370, 197.375 and 197.380.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** Section 2 of this 2021 Act is added to and made a part of ORS 92.010 to 92.192.

**SECTION 2.** (1) As used in this section, “middle housing land division” means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197.758 (2) or (3).

(2) A city or county shall approve a tentative plan for a middle housing land division if the application includes:

(a) A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758 (5);

(b) Separate utilities for each dwelling unit;

(c) Proposed easements necessary for each dwelling unit on the plan for:

(A) Locating, accessing, replacing and servicing all utilities;

(B) Pedestrian access from each dwelling unit to a private or public road;

(C) Any common use areas or shared building elements;

(D) Any dedicated driveways or parking; and

(E) Any dedicated common area;

(d) Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas; and

(e) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.

(3) A city or county may add conditions to the approval of a tentative plan for a middle housing land division to:

(a) Prohibit the further division of the resulting lots or parcels.

(b) Require that a notation appear on the final plat indicating that the approval was given under this section.

- (4) In reviewing an application for a middle housing land division, a city or county:
- (a) Shall apply the procedures under ORS 197.360 to 197.380.
  - (b) May require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197.758.
  - (c) May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.
  - (d) May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.
  - (e) May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.
  - (f) May require the dedication of right of way if the original parcel did not previously provide a dedication.
- (5) The type of middle housing developed on the original parcel is not altered by a middle housing land division.
- (6) Notwithstanding ORS 197.312 (5), a city or county is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division.
- (7) The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval. Nothing in this section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before issuing building permits.

**SECTION 2a.** Section 2 of this 2021 Act applies only to a middle housing land division permitted on or after July 1, 2022.

**SECTION 3.** ORS 93.277 is amended to read:

93.277. A provision in a recorded instrument affecting real property is not enforceable if:

(1) The provision would allow the development of a single-family dwelling on the real property but would prohibit the development of, **or the partitioning or subdividing of lands under section 2 of this 2021 Act for:**

- (a) Middle housing, as defined in ORS 197.758; or
  - (b) An accessory dwelling unit allowed under ORS 197.312 (5); and
- (2) The instrument was executed on or after [August 8, 2019] **January 1, 2021.**

**SECTION 4.** ORS 94.776 is amended to read:

94.776. (1) A provision in a governing document that is adopted or amended on or after [August 8, 2019] **January 1, 2020**, is void and unenforceable to the extent that the provision would prohibit or have the effect of unreasonably restricting the development of, **or the dividing of lands under section 2 of this 2021 Act for**, housing that is otherwise allowable under the maximum density of the zoning for the land.

(2) **Lots or parcels resulting from the division of land in a planned community are subject to the governing documents of the planned community and are allocated assessments and voting right on the same basis as existing units.**

**SECTION 5.** ORS 94.775 is amended to read:

94.775. (1) [Unless the declaration expressly allows the division of lots in a planned community,] Judicial partition by division of a lot in a planned community is not allowed under ORS 105.205[.], **unless:**

- (a) **The declaration expressly allows the division of lots in a planned community; or**
- (b) **The lot may be divided under ORS 94.776.**

(2) The lot may be partitioned by sale and division of the proceeds under ORS 105.245.

[2] (3) The restriction specified in subsection (1) of this section does not apply if the homeowners association has removed the property from the provisions of the declaration.

**SECTION 6.** ORS 197.365 is amended to read:

197.365. Unless the applicant requests to use the procedure set forth in a comprehensive plan and land use regulations, a local government shall use the following procedure for an expedited land

division, as described in ORS 197.360, **or a middle housing land division under section 2 of this 2021 Act:**

(1)(a) If the application for [*expedited*] a land division is incomplete, the local government shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.

(b) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(2) The local government shall provide written notice of the receipt of the completed application for [*an expedited*] a land division to any state agency, local government or special district responsible for providing public facilities or services to the development and to owners of property within 100 feet of the entire contiguous site for which the application is made. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under ORS 197.375, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community planning organization recognized by the governing body and whose boundaries include the site.

(3) The notice required under subsection (2) of this section shall:

(a) State:

(A) The deadline for submitting written comments;

(B) That issues that may provide the basis for an appeal to the referee must be raised in writing prior to the expiration of the comment period; and

(C) That issues must be raised with sufficient specificity to enable the local government to respond to the issue.

(b) Set forth, by commonly used citation, the applicable criteria for the decision.

(c) Set forth the street address or other easily understood geographical reference to the subject property.

(d) State the place, date and time that comments are due.

(e) State a time and place where copies of all evidence submitted by the applicant will be available for review.

(f) Include the name and telephone number of a local government contact person.

(g) Briefly summarize the local decision-making process for the [*expedited*] land division decision being made.

(4) After notice under subsections (2) and (3) of this section, the local government shall:

(a) Provide a 14-day period for submission of written comments prior to the decision.

(b) Make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the substantive requirements of the [*local government's*] **applicable** land use regulations. An approval may include conditions to ensure that the application meets the applicable land use regulations. For applications subject to this section, the local government:

(A) Shall not hold a hearing on the application; and

(B) Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the local government's basis for the determination.

(c) Provide notice of the decision to the applicant and to those who received notice under subsection (2) of this section within 63 days of the date of a completed application. The notice of decision shall include:

(A) The summary statement described in paragraph (b)(B) of this subsection; and

(B) An explanation of appeal rights under ORS 197.375.

**SECTION 7.** ORS 197.370 is amended to read:

197.370. (1) Except as provided in subsection (2) of this section, if the local government does not make a decision on an expedited land division **or a middle housing land division, as defined in section 2 of this 2021 Act**, within 63 days after the application is deemed complete, the applicant may apply in the circuit court for the county in which the application was filed for a writ of mandamus to compel the local government to issue the approval. The writ shall be issued unless the local government shows that the approval would violate a substantive provision of the applicable land use regulations or the requirements of ORS 197.360 **or section 2 of this 2021 Act**. A decision of the circuit court under this section may be appealed only to the Court of Appeals.

(2) After seven days' notice to the applicant, the governing body of the local government may, at a regularly scheduled public meeting, take action to extend the 63-day time period to a date certain for one or more applications for an expedited land division **or a middle housing land division** prior to the expiration of the 63-day period, based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete. Upon approval of an extension, the provisions of ORS 197.360 to 197.380 **and section 2 of this 2021 Act**, including the mandamus remedy provided by subsection (1) of this section, shall remain applicable to the [expedited] land division, except that the extended period shall be substituted for the 63-day period wherever applicable.

(3) The decision to approve or not approve an extension under subsection (2) of this section is not a land use decision or limited land use decision.

**SECTION 8.** ORS 197.375 is amended to read:

197.375. (1) An appeal of a decision made under ORS 197.360 and 197.365 **or under ORS 197.365 and section 2 of this 2021 Act** shall be made as follows:

(a) An appeal must be filed with the local government within 14 days of mailing of the notice of the decision under ORS 197.365 (4)[,] and shall be accompanied by a \$300 deposit for costs.

(b) A decision may be appealed by:

(A) The applicant; or

(B) Any person or organization who files written comments in the time period established under ORS 197.365.

(c) An appeal shall be based solely on allegations:

(A) Of violation of the substantive provisions of the applicable land use regulations;

(B) Of unconstitutionality of the decision;

(C) That the application is not eligible for review under ORS 197.360 to 197.380 **or section 2 of this 2021 Act** and should be reviewed as a land use decision or limited land use decision; or

(D) That the parties' substantive rights have been substantially prejudiced by an error in procedure by the local government.

(2) The local government shall appoint a referee to decide the appeal of a decision made under [ORS 197.360 and 197.365] **this section**. The referee [shall] **may** not be an employee or official of the local government. However, a local government that has designated a hearings officer under ORS 215.406 or 227.165 may designate the hearings officer as the referee for appeals of a decision made under ORS 197.360 and 197.365.

(3) Within seven days of being appointed to decide the appeal, the referee shall notify the applicant, the local government, the appellant if other than the applicant, any person or organization entitled to notice under ORS 197.365 (2) that provided written comments to the local government and all providers of public facilities and services entitled to notice under ORS 197.365 (2) and advise them of the manner in which they may participate in the appeal. A person or organization that provided written comments to the local government but did not file an appeal under subsection (1) of this section may participate only with respect to the issues raised in the written comments submitted by that person or organization. The referee may use any procedure for decision-making consistent with the interests of the parties to ensure a fair opportunity to present information and

argument. The referee shall provide the local government an opportunity to explain its decision, but is not limited to reviewing the local government decision and may consider information not presented to the local government.

(4)(a) The referee shall apply the substantive requirements of the [*local government's*] **applicable** land use regulations and ORS 197.360 **or section 2 of this 2021 Act**. If the referee determines that the application does not qualify as an expedited land division [*as described in ORS 197.360*] **or a middle housing land division, as defined in section 2 of this 2021 Act**, the referee shall remand the application for consideration as a land use decision or limited land use decision. In all other cases, the referee shall seek to identify means by which the application can satisfy the applicable requirements.

(b) **For an expedited land use division**, the referee may not reduce the density of the land division application.

(c) The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure that the application satisfies the land use regulations, within 42 days of the filing of an appeal. The referee may not remand the application to the local government for any reason other than as set forth in this subsection.

(5) Unless the governing body of the local government finds exigent circumstances, a referee who fails to issue a written decision within 42 days of the filing of an appeal shall receive no compensation for service as referee in the appeal.

(6) Notwithstanding any other provision of law, the referee shall order the local government to refund the deposit for costs to an appellant who materially improves his or her position from the decision of the local government. The referee shall assess the cost of the appeal in excess of the deposit for costs, up to a maximum of \$500, including the deposit paid under subsection (1) of this section, against an appellant who does not materially improve his or her position from the decision of the local government. The local government shall pay the portion of the costs of the appeal not assessed against the appellant. The costs of the appeal include the compensation paid the referee and costs incurred by the local government, but not the costs of other parties.

(7) The Land Use Board of Appeals does not have jurisdiction to consider any decisions, aspects of decisions or actions made under ORS 197.360 to 197.380 **or section 2 of this 2021 Act**.

(8) Any party to a proceeding before a referee under this section may seek judicial review of the referee's decision in the manner provided for review of final orders of the Land Use Board of Appeals under ORS 197.850 and 197.855. The Court of Appeals shall review decisions of the referee in the same manner as provided for review of final orders of the Land Use Board of Appeals in those statutes. However, notwithstanding ORS 197.850 (9) or any other provision of law, the court shall reverse or remand the decision only if the court finds:

(a) That the decision does not concern an expedited land division as described in ORS 197.360 **or middle housing land division as defined in section 2 of this 2021 Act** and the appellant raised this issue in proceedings before the referee;

(b) That there is a basis to vacate the decision as described in ORS 36.705 (1)(a) to (d), or a basis for modification or correction of an award as described in ORS 36.710; or

(c) That the decision is unconstitutional.

**SECTION 9.** ORS 197.380 is amended to read:

197.380. Each city and county shall establish [*an application fee*] **application fees** for an expedited land division **and a middle housing land division, as defined in section 2 of this 2021 Act**. The [*fee shall*] **fees must** be set at a level calculated to recover the estimated full cost of processing an application, including the cost of appeals to the referee under ORS 197.375, based on the estimated average cost of such applications. Within one year of establishing [*the fee required*] **a fee** under this section, the city or county shall review and revise the fee, if necessary, to reflect actual experience in processing applications under ORS 197.360 to 197.380 **and section 2 of this 2021 Act**.

**Passed by Senate April 15, 2021**

.....  
Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House May 17, 2021**

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Tina Kotek, Speaker of House

**Received by Governor:**

.....M.,....., 2021

**Approved:**

.....M.,....., 2021

.....  
Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2021

.....  
Shemia Fagan, Secretary of State



EXHIBIT 4. HB 4064

**Enrolled**  
**House Bill 4064**

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Housing for Representative Pam Marsh)

CHAPTER .....

AN ACT

Relating to manufactured structures; creating new provisions; amending ORS 62.803, 90.230, 174.101, 197.286, 197.307, 197.312, 197.314, 197.485, 197.492, 215.010, 307.651, 446.003, 458.352, 458.356 and 458.358 and section 18, chapter 401, Oregon Laws 2019; repealing ORS 446.007; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SITING MANUFACTURED HOMES  
AND PREFABRICATED STRUCTURES**

**SECTION 1.** ORS 197.314 is amended to read:

197.314. (1) *[Notwithstanding ORS 197.296, 197.298, 197.299, 197.301, 197.302, 197.303, 197.307, 197.312 and 197.313, within urban growth boundaries each city and county shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses to allow for siting of manufactured homes as defined in ORS 446.003. A local government may only subject the siting of a manufactured home allowed under this section to regulation as set forth in ORS 197.307 (8).]* **Notwithstanding any other provision in ORS 197.286 to 197.314, within an urban growth boundary, a local government shall allow the siting of manufactured homes and prefabricated structures on all land zoned to allow the development of single-family dwellings.**

*[(2) Cities and counties shall adopt and amend comprehensive plans and land use regulations under subsection (1) of this section according to the provisions of ORS 197.610 to 197.651.]*

*[(3)]* **(2)** *[Subsection (1) of]* This section does not apply to any area designated in an acknowledged comprehensive plan or land use regulation as a historic district or residential land immediately adjacent to a historic landmark.

*[(4) Manufactured homes on individual lots zoned for single-family residential use in subsection (1) of this section shall be in addition to manufactured homes on lots within designated manufactured dwelling subdivisions.]*

**(3) Manufactured homes and prefabricated structures allowed under this section are in addition to manufactured dwellings or prefabricated structures allowed within designated manufactured dwelling subdivisions.**

**(4) A local government may not subject manufactured homes or prefabricated structures within an urban growth boundary, or the land upon which the homes or structures are sited, to any applicable standard that would not apply to a detached, site-built single-family dwelling on the same land, except:**

(a) As necessary to comply with a protective measure adopted pursuant to a statewide land use planning goal; or

(b) To require that the manufacturer certify that the manufactured home or prefabricated structure has an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the Low-Rise Residential Dwelling Code as defined in ORS 455.010.

(5) Within any residential zone inside an urban growth boundary where a manufactured dwelling park is otherwise allowed, a city or county *[shall] may* not adopt~~[, by charter or ordinance,]~~ a minimum lot size for a manufactured dwelling park that is larger than one acre.

*[(6) A city or county may adopt the following standards for the approval of manufactured homes located in manufactured dwelling parks that are smaller than three acres:]*

*[(a) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.]*

*[(b) The manufactured home shall have exterior siding and roofing that, in color, material and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or that is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.]*

*[(7)] (6) This section [shall] may* not be construed as abrogating a recorded restrictive covenant.

**SECTION 2.** ORS 197.307, as amended by section 14, chapter 401, Oregon Laws 2019, is amended to read:

197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

- (a) Set approval standards under which a particular housing type is permitted outright;
- (b) Impose special conditions upon approval of a specific development proposal; or
- (c) Establish approval procedures.

*[(8) In accordance with subsection (4) of this section and ORS 197.314, a jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:]*

*[(a) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.]*

*[(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.]*

*[(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.]*

*[(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.]*

*[(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.]*

*[(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.]*

*[(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.]*

**SECTION 3.** ORS 197.485 is amended to read:

197.485. (1) A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age, in a mobile home or manufactured dwelling park in a zone with a residential density of eight to 12 units per acre.

(2) A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age, on a buildable lot or parcel located outside urban growth boundaries or on a space in a mobile home or manufactured dwelling park, if the manufactured dwelling is being relocated due to the closure of a mobile home or manufactured dwelling park or a portion of a mobile home or manufactured dwelling park.

**(3) A jurisdiction may not prohibit the placement of a prefabricated structure in a mobile home or manufactured dwelling park.**

*[(3)]* (4) A jurisdiction may impose reasonable safety and inspection requirements for homes that were not constructed in conformance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5403).

**SECTION 4.** ORS 197.312 is amended to read:

197.312. (1) A *[city or county]* **local government** may not *[by charter]* prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy, *[or]* manufactured homes **or prefabricated structures**. A city or county may not *[by*

*charter*] prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection:

(A) "Accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

(B) "Reasonable local regulations relating to siting and design" does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.

(6) Subsection (5) of this section does not prohibit local governments from regulating vacation occupancies, as defined in ORS 90.100, to require owner-occupancy or off-street parking.

**SECTION 5.** ORS 197.286 is amended to read:

197.286. As used in ORS 197.286 to 197.314 and 197.475 to 197.490:

(1) "Buildable lands" means lands in urban and urbanizable areas that are suitable, available and necessary for residential uses. "Buildable lands" includes both vacant land and developed land likely to be redeveloped.

[2] "*Manufactured dwelling park*" has the meaning given that term in ORS 446.003.]

[3] (2) "Government assisted housing" means housing that is financed in whole or part by either a federal or state housing agency or a housing authority as defined in ORS 456.005, or housing that is occupied by a tenant or tenants who benefit from rent supplements or housing vouchers provided by either a federal or state housing agency or a local housing authority.

**(3) "Manufactured dwelling," "manufactured dwelling park," "manufactured home" and "mobile home park" have the meanings given those terms in ORS 446.003.**

[4] "*Manufactured homes*" has the meaning given that term in ORS 446.003.]

[5] "*Mobile home park*" has the meaning given that term in ORS 446.007.]

[6] (4) "Periodic review" means the process and procedures as set forth in ORS 197.628 to 197.651.

**(5) "Prefabricated structure" means a prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling.**

[7] (6) "Urban growth boundary" means an urban growth boundary included or referenced in a comprehensive plan.

**SECTION 6.** Section 18, chapter 401, Oregon Laws 2019, as amended by section 1c, chapter 422, Oregon Laws 2019, is amended to read:

**Sec. 18.** [Section 9, chapter 401, Oregon Laws 2019,] **ORS 455.616**, the amendments to ORS [197.307,] 446.003, 455.010, 455.135, 455.156 and 455.610 by sections 10 to [14] **13**, chapter 401, Oregon Laws 2019, and section 1b, **chapter 422, Oregon Laws 2019**, [of this 2019 Act,] and the repeal of section 2, chapter 401, Oregon Laws 2019, by section 17, chapter 401, Oregon Laws 2019, become operative on January 2, 2026.

**NOTE:** Sections 7 and 8 were deleted by amendment. Subsequent sections were not renumbered.

## MANUFACTURED DWELLING REPLACEMENT PROGRAM

**SECTION 9.** ORS 458.356 is amended to read:

458.356. (1) **As used in ORS 458.356 to 458.362:**

(a) **“Manufactured dwelling” means:**

(A) **A manufactured dwelling, as defined in ORS 446.003; or**

(B) **A prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling.**

(b) **“Manufactured dwelling park” has the meaning given that term in ORS 446.003.**

[1] (2) The Housing and Community Services Department shall establish a program to provide loans to individuals to buy and site manufactured dwellings that replace older and less energy efficient manufactured dwellings, or manufactured dwellings destroyed by a natural disaster. The department may contract with local governments or public or private housing sponsors to carry out the department’s responsibilities under this program.

[2] (3) The department may make loans under the program only to individual borrowers who:

(a) Are members of households with income that complies with income restrictions determined at the advice and consent of the Oregon Housing Stability Council, but not to exceed the greater of 100 percent of the statewide or local area median income adjusted for household size as determined annually by the Housing and Community Services Department using United States Department of Housing and Urban Development information; and

(b) Will purchase a manufactured dwelling that:

(A) Meets energy efficiency standards as prescribed by the Housing and Community Services Department;

[B](i) *Will be sited in a manufactured dwelling park that has registered with the department and either has entered into a regulatory agreement with the department or is negotiating a regulatory agreement that is at least partially conditioned upon the replacement of the dwelling;*

[ii] *Will be sited on land owned or purchased under a land sale contract by the individual borrower; or*

[iii] *Will be sited in a manufactured dwelling park that has been affected by a natural disaster and the department has, pursuant to rule, provided the borrower with a waiver of the requirement that the park enter into an agreement under sub-subparagraph (i) of this subparagraph; and*

(B) **Will be sited as required under subsection (4) of this section; and**

(C) Will be the primary residence of the borrower throughout the term of the loan.

(4) **To be eligible for a loan under this section, the borrower must site the replacement manufactured dwelling on land that is:**

(a) **Owned by the borrower or being purchased by the borrower under a land sale contract;**

(b) **In a manufactured dwelling park that has registered with the department and either has entered into a regulatory agreement with the department or is negotiating a regulatory agreement that is at least partially conditioned upon the replacement of the dwelling; or**

(c) **In any location, provided that the borrower has obtained a waiver from the department and is replacing a manufactured dwelling that was destroyed by a natural disaster.**

[3] (5) The department shall prescribe by rule the maximum loan amount per individual, lending requirements and terms for loans made under this program, including:

- (a) Interest rates charged to borrowers, if any;
- (b) Repayment requirements, if any;
- (c) Loan forgiveness opportunities, if any;
- (d) Affordability requirements; and
- (e) Remedies upon transfer or default.

[4] (6) In servicing loans under the program, the department shall deposit all moneys received into the Manufactured Home Preservation Fund established in ORS 458.366.

[5] (7) The council may establish priorities for evaluating loan applications and shall give consideration to prioritizing loans to borrowers who are:

- (a) From low income households; and
- (b) Decommissioning and replacing manufactured dwellings that are older or less resource or energy efficient.

### STANDARDIZING DEFINITIONS

**SECTION 10.** ORS 62.803 is amended to read:

62.803. As used in ORS 62.800 to 62.815, unless the context requires otherwise:

(1) "Lienholder" means the holder of a manufactured dwelling lien:

(a) That is recorded in the deed records of the county in which the manufactured dwelling is located;

(b) That is perfected with the Department of Consumer and Business Services pursuant to ORS 446.611; or

(c) Of which a manufactured dwelling park nonprofit cooperative has actual knowledge.

(2) "Manufactured dwelling" *[has the meaning given that term in ORS 446.003]* **means:**

**(a) A manufactured dwelling, as defined in ORS 446.003; or**

**(b) A prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling.**

(3) "Manufactured dwelling park" has the meaning given that term in ORS 446.003.

(4) "Manufactured dwelling park nonprofit cooperative" means a cooperative corporation that:

(a) Is organized to acquire or develop, and to own, an interest in one or more manufactured dwelling parks that are primarily used for the siting of manufactured dwellings owned and occupied by members of the cooperative;

(b) Limits the use of all income and earnings to use by the cooperative and not for the benefit or profit of any individual; and

(c) Elects to be governed by ORS 62.800 to 62.815.

**SECTION 11.** ORS 90.230 is amended to read:

90.230. (1) If a tenancy is for the occupancy of a recreational vehicle in a manufactured dwelling park[,] or mobile home park, **as defined in ORS 446.003**, or recreational vehicle park, *[all]* as defined in ORS 197.492, the landlord shall provide a written rental agreement for a month-to-month, week-to-week or fixed-term tenancy. The rental agreement must state:

(a) If applicable, that the tenancy may be terminated by the landlord under ORS 90.427 without cause upon 30 or 60 days' written notice for a month-to-month tenancy or upon 10 days' written notice for a week-to-week tenancy.

(b) That any accessory building or structure paid for or provided by the tenant belongs to the tenant and is subject to a demand by the landlord that the tenant remove the building or structure upon termination of the tenancy.

(c) That the tenancy is subject to the requirements of ORS 197.493 (1) for exemption from placement and occupancy restrictions.

(2) If a tenant described in subsection (1) of this section moves following termination of the tenancy by the landlord under ORS 90.427, and the landlord failed to provide the required written



rental agreement before the beginning of the tenancy, the tenant may recover the tenant's actual damages or twice the periodic rent, whichever is greater.

(3) If the occupancy fails at any time to comply with the requirements of ORS 197.493 (1) for exemption from placement and occupancy restrictions, and a state agency or local government requires the tenant to move as a result of the noncompliance, the tenant may recover the tenant's actual damages or twice the periodic rent, whichever is greater. This subsection does not apply if the noncompliance was caused by the tenant.

(4) This section does not apply to a vacation occupancy.

**SECTION 12.** ORS 174.101 is amended to read:

174.101. (1) As used in the statutes of this state, "manufactured structure" has the meaning given that term in this section only if the statute using "manufactured structure" makes specific reference to this section and indicates that the term used has the meaning given in this section. As used in the statutes of this state, "recreational vehicle" has the meaning given that term in this section only if the statute using "recreational vehicle" makes specific reference to this section [or ORS 446.007] and thereby indicates that the term used has the meaning given in this section.

(2) "Manufactured structure" means a manufactured dwelling, as defined in ORS 446.003, or a recreational vehicle, as defined in this section.

(3) "Recreational vehicle" means a vehicle with or without motive power that is designed for use as temporary living quarters and as further defined by rule by the Director of Transportation.

**SECTION 13.** ORS 197.492 and 197.493 are added to and made a part of ORS 197.475 to 197.490.

**SECTION 14.** ORS 197.492 is amended to read:

197.492. As used in this section and ORS 197.493:

[1] "Manufactured dwelling park" has the meaning given that term in ORS 446.003.]

[2] "Mobile home park" and "recreational vehicle" have the meanings given those terms in ORS 446.007.]

(1) "Recreational vehicle" has the meaning given that term in ORS 174.101.

[3] (2) "Recreational vehicle park":

(a) Means a place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose:

(A) The renting of space and related facilities for a charge or fee; or

(B) The provision of space for free in connection with securing the patronage of a person.

(b) Does not mean:

(A) An area designated only for picnicking or overnight camping; or

(B) A manufactured dwelling park or mobile home park.

**SECTION 15.** ORS 215.010 is amended to read:

215.010. As used in this chapter:

(1) The terms defined in ORS 92.010 shall have the meanings given therein, except that "parcel":

(a) Includes a unit of land created:

(A) By partitioning land as defined in ORS 92.010;

(B) In compliance with all applicable planning, zoning and partitioning ordinances and regulations; or

(C) By deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations.

(b) Does not include a unit of land created solely to establish a separate tax account.

(2) "Tract" means one or more contiguous lots or parcels under the same ownership.

(3) The terms defined in ORS chapter 197 shall have the meanings given therein.

(4) "Farm use" has the meaning given that term in ORS 215.203.

(5) "Recreational structure" means a campground structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for recreational, seasonal, emergency or transitional housing purposes and may include

**yrurts, cabins, fabric structures or similar structures as further defined, by rule, by the Director of the Department of Consumer and Business Services.**

[5] (6) “Recreational vehicle” has the meaning given that term in ORS 174.101.

[6] (7) “The Willamette Valley” is Clackamas, Linn, Marion, Multnomah, Polk, Washington and Yamhill Counties and the portion of Benton and Lane Counties lying east of the summit of the Coast Range.

**SECTION 16.** ORS 307.651 is amended to read:

307.651. As used in ORS 307.651 to 307.687, unless the context requires otherwise:

(1) “Governing body” means the city legislative body having jurisdiction over the property for which an exemption may be applied for under ORS 307.651 to 307.687.

(2) “Qualified dwelling unit” means a dwelling unit that, at the time an application is filed pursuant to ORS 307.667, has a market value for the land and improvements of no more than 120 percent, or a lesser percentage as adopted by the governing body by resolution, of the median sales price of dwelling units located within the city.

(3) “Single-unit housing” means a structure having one or more dwelling units that:

(a) Is, or will be, upon purchase, rehabilitation or completion of construction, in conformance with all local plans and planning regulations, including special or district-wide plans developed and adopted pursuant to ORS chapters 195, 196, 197 and 227.

(b) If newly constructed, is completed within two years after application for exemption is approved under ORS 307.674.

(c) Is designed for each dwelling unit within the structure to be purchased by and lived in by one person or one family.

(d) Has one or more qualified dwelling units within the single-unit housing.

(e) Is not a floating home, as defined in ORS 830.700, or a manufactured structure, other than a manufactured home described in ORS 197.307 (8)(a) to (f) **(2021 Edition)**.

(4) “Structure” does not include the land or any site development made to the land, as those terms are defined in ORS 307.010.

**SECTION 17.** ORS 446.003 is amended to read:

446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, *[and for the purposes of ORS chapters 195, 196, 197, 215 and 227, the following definitions apply,]* unless the context requires otherwise[,] or unless administration and enforcement by the State of Oregon under the existing or revised National Manufactured Housing Construction and Safety Standards Act would be adversely affected[, *and except as provided in ORS 197.746 or 446.007*]:

(1) “Accessory building or structure” means any portable, demountable or permanent structure established for use of the occupant of the manufactured dwelling and as further defined by rule by the Director of the Department of Consumer and Business Services.

(2)(a) “Alteration” means any change, addition, repair, conversion, replacement, modification or removal of any equipment or installation that may affect the operation, construction or occupancy of a manufactured dwelling.

(b) “Alteration” does not include:

(A) Minor repairs with approved component parts;

(B) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;

(C) Adjustment and maintenance of equipment; or

(D) Replacement of equipment or accessories in kind.

(3) “Approved” means approved, licensed or certified by the Department of Consumer and Business Services or its designee.

[4] “Board” means the Residential and Manufactured Structures Board.]

[5] (4) “Cabana” means a stationary, lightweight structure that may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a manufactured dwelling to provide additional living space.

[(6)] (5) “Certification” means an evaluation process by which the department verifies a manufacturer’s ability to produce manufactured dwellings to the department rules and to the department approved quality control manual.

[(7)] (6) “Dealer” means any person engaged in the business of selling, leasing or distributing manufactured dwellings or equipment, or both, primarily to persons who in good faith purchase or lease manufactured dwellings or equipment, or both, for purposes other than resale.

[(8)] (7) “Department” means the Department of Consumer and Business Services.

[(9)] (8) “Director” means the Director of the Department of Consumer and Business Services.

[(10)] (9) “Distributor” means any person engaged in selling and distributing manufactured dwellings or equipment for resale.

[(11)] (10) “Equipment” means materials, appliances, subassembly, devices, fixtures, fittings and apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured dwelling.

[(12)] (11) “Federal manufactured housing construction and safety standard” means a standard for construction, design and performance of a manufactured dwelling promulgated by the Secretary of Housing and Urban Development pursuant to the federal National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

[(13)] *“Fire Marshal” means the State Fire Marshal.*

[(14)] (12) “Imminent safety hazard” means an imminent and unreasonable risk of death or severe personal injury.

[(15)] (13) “Insignia of compliance” means the HUD label for a manufactured dwelling.

[(16)] (14) “Inspecting authority” or “inspector” means the Director of the Department of Consumer and Business Services or representatives as appointed or authorized to administer and enforce provisions of ORS [446.111, 446.160, 446.176] **446.003 to 446.200**, 446.225 to 446.285, 446.310 to 446.350[, and 446.990 [and this section].

[(17)] (15) “Installation” in relation to:

(a) Construction means the arrangements and methods of construction, fire and life safety, electrical, plumbing and mechanical equipment and systems within a manufactured dwelling.

(b) Siting means the manufactured dwelling and cabana foundation support and tiedown, the structural, fire and life safety, electrical, plumbing and mechanical equipment and material connections and the installation of skirting and temporary steps.

[(18)] (16) “Installer” means any individual licensed by the director to install, set up, connect, hook up, block, tie down, secure, support, install temporary steps for, install skirting for or make electrical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides consultation or supervision for any of these activities, except architects registered under ORS 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

[(19)] (17) “Listed” means equipment or materials included in a list, published by an organization concerned with product evaluation acceptable to the department that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or materials meets appropriate standards or has been tested and found suitable in a specified manner.

[(20)] (18) “Lot” means any space, area or tract of land, or portion of a manufactured dwelling park, mobile home park or recreation park that is designated or used for occupancy by one manufactured dwelling.

[(21)(a)] (19)(a) “Manufactured dwelling” means a residential trailer, mobile home or manufactured home.

(b) “Manufactured dwelling” does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.020 or 455.610 or the Small Home Specialty Code adopted under section 2, chapter 401, Oregon Laws 2019.

[(22)(a)] (20)(a) “Manufactured dwelling park” means any place where four or more manufactured dwellings or prefabricated structures, as defined in ORS 455.010, that are relocatable and more

than eight and one-half feet wide, are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

(b) "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

[(23)(a)] **(21)(a)** "Manufactured home," except as provided in paragraph (b) of this subsection, means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

(b) For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, "manufactured home" has the meaning given the term in the contract.

[(24)] **(22)** "Manufacturer" means any person engaged in manufacturing, building, rebuilding, altering, converting or assembling manufactured dwellings or equipment.

[(25)] **(23)** "Manufacturing" means the building, rebuilding, altering or converting of manufactured dwellings that bear or are required to bear an Oregon insignia of compliance.

[(26)] **(24)** "Minimum safety standards" means the plumbing, mechanical, electrical, thermal, fire and life safety, structural and transportation standards prescribed by rules adopted by the director.

[(27)] **(25)** "Mobile home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

[(28)] **(26)** "Mobile home park":

(a) Means any place where four or more manufactured dwellings, recreational vehicles as defined in ORS 174.101, or a combination thereof, are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

(b) Does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

[(29)] **(27)** "Municipality" means a city, county or other unit of local government otherwise authorized by law to enact codes.

[(30)] **(28)** "Residential trailer" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

[(31)] **(29)** "Sale" means rent, lease, sale or exchange.

[(32)] **(30)** "Skirting" means a weather resistant material used to enclose the space below a manufactured dwelling.

[(33)] **(31)** "Tiedown" means any device designed to anchor a manufactured dwelling securely to the ground.

[(34)] *"Transitional housing accommodations" means accommodations described under ORS 197.746.*

[(35)] **(32)** "Utilities" means the water, sewer, gas or electric services provided on a lot for a manufactured dwelling.

**SECTION 18.** ORS 446.003, as amended by section 1b, chapter 422, Oregon Laws 2019, and section 7, chapter 260, Oregon Laws 2021, is amended to read:

446.003. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, [*and for the purposes of ORS chapters 195, 196, 197, 215 and 227, the following definitions apply,*] unless the context requires otherwise[,] or unless administration and enforcement by the State of Oregon under the existing or revised National Manufactured Housing Construction and Safety Standards Act would be adversely affected[, *and except as provided in ORS 197.746 or 446.007*]:

(1) “Accessory building or structure” means any portable, demountable or permanent structure established for use of the occupant of the manufactured dwelling and as further defined by rule by the Director of the Department of Consumer and Business Services.

(2)(a) “Alteration” means any change, addition, repair, conversion, replacement, modification or removal of any equipment or installation that may affect the operation, construction or occupancy of a manufactured dwelling.

(b) “Alteration” does not include:

(A) Minor repairs with approved component parts;

(B) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;

(C) Adjustment and maintenance of equipment; or

(D) Replacement of equipment or accessories in kind.

(3) “Approved” means approved, licensed or certified by the Department of Consumer and Business Services or its designee.

[*(4) “Board” means the Residential and Manufactured Structures Board.*]

[*(5)*] (4) “Cabana” means a stationary, lightweight structure that may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a manufactured dwelling to provide additional living space.

[*(6)*] (5) “Certification” means an evaluation process by which the department verifies a manufacturer’s ability to produce manufactured dwellings to the department rules and to the department approved quality control manual.

[*(7)*] (6) “Dealer” means any person engaged in the business of selling, leasing or distributing manufactured dwellings or equipment, or both, primarily to persons who in good faith purchase or lease manufactured dwellings or equipment, or both, for purposes other than resale.

[*(8)*] (7) “Department” means the Department of Consumer and Business Services.

[*(9)*] (8) “Director” means the Director of the Department of Consumer and Business Services.

[*(10)*] (9) “Distributor” means any person engaged in selling and distributing manufactured dwellings or equipment for resale.

[*(11)*] (10) “Equipment” means materials, appliances, subassembly, devices, fixtures, fittings and apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured dwelling.

[*(12)*] (11) “Federal manufactured housing construction and safety standard” means a standard for construction, design and performance of a manufactured dwelling promulgated by the Secretary of Housing and Urban Development pursuant to the federal National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

[*(13) “Fire Marshal” means the State Fire Marshal.*]

[*(14)*] (12) “Imminent safety hazard” means an imminent and unreasonable risk of death or severe personal injury.

[*(15)*] (13) “Insignia of compliance” means the HUD label for a manufactured dwelling.

[*(16)*] (14) “Inspecting authority” or “inspector” means the Director of the Department of Consumer and Business Services or representatives as appointed or authorized to administer and enforce provisions of ORS [*446.111, 446.160, 446.176*] **446.003 to 446.200**, 446.225 to 446.285, 446.310 to 446.350[,] **and** 446.990 [*and this section*].

[*(17)*] (15) “Installation” in relation to:

(a) Construction means the arrangements and methods of construction, fire and life safety, electrical, plumbing and mechanical equipment and systems within a manufactured dwelling.

(b) Siting means the manufactured dwelling and cabana foundation support and tiedown, the structural, fire and life safety, electrical, plumbing and mechanical equipment and material connections and the installation of skirting and temporary steps.

[(18)] **(16)** “Installer” means any individual licensed by the director to install, set up, connect, hook up, block, tie down, secure, support, install temporary steps for, install skirting for or make electrical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides consultation or supervision for any of these activities, except architects registered under ORS 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

[(19)] **(17)** “Listed” means equipment or materials included in a list, published by an organization concerned with product evaluation acceptable to the department that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or materials meets appropriate standards or has been tested and found suitable in a specified manner.

[(20)] **(18)** “Lot” means any space, area or tract of land, or portion of a manufactured dwelling park, mobile home park or recreation park that is designated or used for occupancy by one manufactured dwelling.

[(21)(a)] **(19)(a)** “Manufactured dwelling” means a residential trailer, mobile home or manufactured home.

(b) “Manufactured dwelling” does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.020, 455.610 or 455.616.

[(22)(a)] **(20)(a)** “Manufactured dwelling park” means any place where four or more manufactured dwellings or prefabricated structures, as defined in ORS 455.010, that are relocatable and more than eight and one-half feet wide, are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

(b) “Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

[(23)(a)] **(21)(a)** “Manufactured home,” except as provided in paragraph (b) of this subsection, means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

(b) For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, “manufactured home” has the meaning given the term in the contract.

[(24)] **(22)** “Manufacturer” means any person engaged in manufacturing, building, rebuilding, altering, converting or assembling manufactured dwellings or equipment.

[(25)] **(23)** “Manufacturing” means the building, rebuilding, altering or converting of manufactured dwellings that bear or are required to bear an Oregon insignia of compliance.

[(26)] **(24)** “Minimum safety standards” means the plumbing, mechanical, electrical, thermal, fire and life safety, structural and transportation standards prescribed by rules adopted by the director.

[(27)] **(25)** “Mobile home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

[(28)] **(26)** “Mobile home park”:

(a) Means any place where four or more manufactured dwellings, recreational vehicles as defined in ORS 174.101, or a combination thereof, are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

(b) Does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

[29] (27) "Municipality" means a city, county or other unit of local government otherwise authorized by law to enact codes.

[30] (28) "Residential trailer" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

[31] (29) "Sale" means rent, lease, sale or exchange.

[32] (30) "Skirting" means a weather resistant material used to enclose the space below a manufactured dwelling.

[33] (31) "Tiedown" means any device designed to anchor a manufactured dwelling securely to the ground.

[34] "Transitional housing accommodations" means accommodations described under ORS 197.746.]

[35] (32) "Utilities" means the water, sewer, gas or electric services provided on a lot for a manufactured dwelling.

**SECTION 19. ORS 446.007 is repealed.**

**SECTION 20.** ORS 458.352 is amended to read:

458.352. (1) As used in this section:

(a) "Average income" means an income that complies with income restrictions determined at the advice and consent of the Oregon Housing Stability Council, but not to exceed the greater of 100 percent of the statewide or local area median income adjusted for household size as determined annually by the Housing and Community Services Department using United States Department of Housing and Urban Development information.

**(b) "Manufactured dwelling park" has the meaning given that term in ORS 446.003.**

[b] (c) "Nonprofit corporation" means a corporation that is exempt from income taxes under section 501(c)(3) or (4) of the Internal Revenue Code as amended and in effect on December 31, 2016.

(2) The Housing and Community Services Department shall provide one or more loans to nonprofit corporations to create manufactured dwelling park preservation programs that invest in, and provide loans for, the preservation and affordability of manufactured dwelling parks in this state, including through:

(a) The repair or reconstruction of parks destroyed by natural disasters; or

(b) The acquisition and development of land for parks or for the expansion of parks in areas that have been affected by a natural disaster.

(3) To be eligible for a loan under this section, a nonprofit corporation shall demonstrate to the satisfaction of the department that the nonprofit corporation:

(a) Is a community development financial institution operating statewide to support investment in, and acquisition, renovation and construction of, affordable housing;

(b) Has the ability and capacity to provide the services and reporting required of the program described in subsections (4) and (6) of this section; and

(c) Meets other requirements established by the department regarding financial risk and availability or accessibility of additional resources.

(4) An eligible nonprofit corporation, with input from the department, shall develop a manufactured dwelling park preservation program that:

(a) Invests in, and loans funds to, other nonprofit corporations, housing authorities, manufactured dwelling park nonprofit cooperatives as defined in ORS 62.803, local units of government as



defined in ORS 466.706, agencies as defined in ORS 183.310, or any entity in which a nonprofit corporation has a controlling share, to:

(A) Purchase or refinance manufactured dwelling parks that will maintain the parks as parks long term; or

(B) Develop, expand, repair or reconstruct parks destroyed by natural disasters;

(b) Emphasizes, when providing loans under paragraph (a) of this subsection, the financing of parks whose residents are predominantly members of households with income less than average income; and

(c) Preserves the affordability of the park space rent to park tenants who are members of households with income less than average income.

(5) An eligible nonprofit corporation shall create a park preservation account to be used by the nonprofit corporation for the manufactured dwelling park preservation program and shall deposit the moneys loaned by the department into the account.

(6) An eligible nonprofit corporation shall ensure that all financial activities of the program are paid from and into the park preservation account created under subsection (5) of this section. Each nonprofit corporation shall report to the department no less than semiannually, showing the expenses and incomes of the park preservation account and the results of the manufactured dwelling park preservation program.

(7) A loan made by the department under this section:

(a) May require the nonprofit corporation to pay interest.

(b) May not require the nonprofit corporation to make any loan payments before the maturity date of the loan.

(c) Must have a maturity date of no later than September 15, 2036.

(d) May have its maturity date extended by the department.

(e) Shall have all or part of the unpaid balance forgiven by the department in an amount not to exceed the losses incurred on investments or loans made by the nonprofit corporation under subsection (4)(a) of this section.

(f) May include such agreements by the nonprofit corporation practical to secure the loan made by the department and to accomplish the purposes of the program described in subsection (4) of this section.

(8) The department or the State Treasurer shall deposit moneys received in servicing the loan into the General Housing Account of the Oregon Housing Fund created under ORS 458.620.

**SECTION 21.** ORS 458.358 is amended to read:

458.358. (1) The Housing and Community Services Department shall establish a program to provide grants to persons for safely decommissioning and disposing of a manufactured dwelling [*as defined in ORS 446.003*].

(2) The department may award grants under the program only to a person that is:

(a)(A) An individual who owns a manufactured dwelling sited:

(i) In a manufactured dwelling park that has registered with the department and either has entered into a regulatory agreement with the department or is negotiating a regulatory agreement that is at least partially conditioned upon the replacement of the dwelling;

(ii) On land owned by the individual; or

(iii) On land being purchased by the individual under a land sale contract as defined in ORS 18.960; or

(B) An entity described in paragraph (b)(B) of this subsection that has a controlling interest, including a controlling interest in a general partner of a limited partnership, in:

(i) The manufactured dwelling; or

(ii) A manufactured dwelling park where the manufactured dwelling slated for disposal is sited; and

(b)(A) An individual who is a member of a household with income that complies with income restrictions determined at the advice and consent of the Oregon Housing Stability Council, and not exceeding the greater of 100 percent of the statewide or local area median income adjusted for

household size as determined annually by the Housing and Community Services Department using United States Department of Housing and Urban Development information; or

(B) A nonprofit corporation as defined in ORS 317.097, a manufactured dwelling park nonprofit cooperative as defined in ORS 62.803, a housing authority as defined in ORS 456.005, a local unit of government as defined in ORS 466.706 or a state governmental entity.

(3) Grants awarded under the program may not exceed \$15,000 or the cost of decommissioning and disposing of the manufactured dwelling.

(4) The Oregon Housing Stability Council may establish priorities for the evaluation of grant applications and shall consider prioritizing grant awards:

(a) For the safe remediation of dwellings with environmental and public health hazards and risks, including asbestos, lead paint and mold;

(b) To owners from low income households; and

(c) For the decommissioning of manufactured dwellings that are older or less resource and energy efficient.

**UNIT CAPTIONS**

**SECTION 22.** The unit captions used in this 2022 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2022 Act.

**EMERGENCY CLAUSE**

**SECTION 23.** This 2022 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2022 Act takes effect on its passage.

**Passed by House February 14, 2022**

**Received by Governor:**

**Repassed by House March 2, 2022**

.....M.,....., 2022

**Approved:**

.....  
Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2022

.....  
Dan Rayfield, Speaker of House

.....  
Kate Brown, Governor

**Passed by Senate February 28, 2022**

**Filed in Office of Secretary of State:**

.....M.,....., 2022

.....  
Peter Courtney, President of Senate

.....  
Shemia Fagan, Secretary of State

EXHIBIT 5. Cornelius Housing Needs Analysis



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MEMORANDUM

## **Cornelius Buildable Lands Inventory –Methodology and Initial Results (DRAFT)**

### **City of Cornelius Housing Needs Analysis**

DATE June 3, 2020  
TO Ryan Wells and Tim Franz, City of Cornelius  
FROM Matt Hastie, Clinton “CJ” Doxsee, and Courtney Simms, APG  
CC

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#### **INTRODUCTION**

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The purpose of this memorandum is to summarize the methodology of a Geographic Information Systems (GIS)-based Buildable Land Inventory (BLI) for the City of Cornelius Housing Needs Analysis (HNA). The results will help determine whether the City has a sufficient supply of land to meet long-term (20 year) housing needs. The memo also will inform the strategies and approaches that may be effective and appropriate for increasing the developability of residential land, which can lead to greater overall housing supply.

The memorandum summarizes the methodology and key findings of the analysis, then presents the initial results in a series of tables and maps. This memorandum focuses solely on the supply and capacity of buildable residential land within the Metro Urban Growth Boundary (UGB). The methodology was informed by Metro’s BLI methodology from the 2018 Metro Buildable Lands Inventory, which was used to estimate available residential and employment land within the entire Portland Metropolitan Region (Metro) region.

The projected need for land to support future housing and the comparison of projected need and supply will be described in a separate Housing Needs Analysis report.

#### **Regulatory Basis**

Oregon Administrative Rules (OAR) provide guidance for the standards and methods to be used in preparing an inventory of buildable land. The methods and definitions used here are consistent with OAR 660-008 and OAR 660-024. Metro does not apply additional regulations or requirements but has developed its own methodology for identifying buildable lands within the Metro region. That methodology and resulting data has been used as a starting point for this analysis to ensure

consistency with regional procedures and to make efficient use of project resources. As noted in the following sections, the regional BLI data has been supplemented with local data, where available.

## METHODOLOGY

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The methodology generally follows the rules and assumptions identified in the methodology of Metro’s 2018 BLI. The steps used to generate the BLI include the following:

Step 1: Calculate deductions for environmental resources

Step 2: Identify residential land (land zoned for residential or mixed use)

Step 3: Identify vacant tax lots (and complement developed tax lots) by zoning class

Step 4: Remove tax lots from the BLI that don’t have the potential to provide residential or employment growth capacity (e.g., parks, schools or other public facilities, or land committed to future non-residential purposes)

Step 5: Calculate deductions for “future streets”

Step 6: Calculate BLI estimates (BLI includes capacity estimates for vacant land and properties with the potential for redevelopment)

The buildable lands inventory uses methods and definitions that are consistent with OAR 660-008 and OAR 660-024.

### Step 1 – Calculate Deductions for Environmental Resources

Environmental resources typically provide beneficial environmental functions or aesthetic enhancements that are necessary to preserve. The preservation of these resources often provides a constraint on the developability of an area. To reflect this, areas that are identified as environmental resources are removed from the buildable inventory as a constraint.

Most areas that are considered environmental resources fall into multiple categories. Examples of these include areas that are in a floodway or floodplain, wetland, or include steep slopes. Often, this constrained land overlaps. Using an environmental hierarchy to classify the environmental features avoids double counting the capacity deduction for the BLI. Moreover, the City includes two environmental overlays, the Natural Resource Overlay (NRO) and Floodplain District (FP), which align closely with the Metro Titles 3 and 13 designations, as refined through the Tualatin Basin regional approach developed by Cornelius and other partnering organizations in the basin, and FEMA floodplain designations. Within the NRO district, density transfers are allowed where natural resources constrain development. BLI reductions will reflect the higher assumed protections when environmental features are overlapping.

Environmental Constraints categories used are the following:

- Floodways – FEMA’s latest flood hazard data and updated with the City of Cornelius’s Floodplain District.
- Flood Plain District (FP) – the City’s FP district regulates and restricts development in special flood hazard areas within the City.
- Slopes 25% or Steeper – Steep slopes were calculated using a digital elevation model to identify areas with slopes 25% or greater, which is consistent with OAR 660-008.
- Natural Resource Overlay (NRO) – The City’s NRO overlay regulates and restricts development in areas with natural resources as identified in the City’s natural resource inventory and map.
- Environmental Constraints – Title 3 and 13 data were provided by Metro RLIS. Significant Natural Resource Overlay (SNRO) data is provided by Metro RLIS and updated with the City of Cornelius’s Natural Resource overlay.
- Rights of Way – Utility ROW was provided by Metro RLIS, while transportation ROW was obtained using City GIS data.

These lands are combined and then overlaid with City tax lots to estimate the amount of land in each parcel where development is limited by these environmental constraints. These constrained areas are deducted from the gross area of the parcel to estimate the area of the parcel that is unconstrained and potentially buildable.

The land impacted by these constraints is removed from the inventory of developable land as follows.

#### Single-family residential

1. Floodways: 100% removed
2. Floodplain and Floodplain District: 100% removed
3. Slopes > 25% and Title 3 treated the same way: 100% removed
  - a. If tax lot  $\geq$  50% constrained, follow the “maximum capacity rule” (defined below) to add back units<sup>1</sup>
  - b. If tax lot is <50% constrained, assume 90% of unconstrained area is in BLI (i.e., apply 10% discount to vacant buildable acres)
4. Natural Resource Overlay (NRO):
  - a. 100% of Natural Resource Overlay that have been delineated
  - b. 50% of all other Natural Resource Overlay areas removed from BLI.
5. Title 13: 50% of Title 13 constrained acres removed from BLI (consistent with Title 13 model Ordinance)
6. Assume at least one unit per tax lot, even if fully constrained

#### Multi-family residential

1. Floodways: 100% removed

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<sup>1</sup> This add back represents Metro’s approach for estimating/calculating the density transfer to mitigate the loss of potential development productivity for dwelling units.

2. Floodplain and Floodplain District: 50% removed
3. Slopes > 25%: 100% removed
4. Title 3: remove 50% of the constrained land with the other 50% considered buildable
5. Natural Resource Overlay:
  - a. 100% of Natural Resource Overlay that have been delineated
  - b. 50% of all other Natural Resource Overlay areas removed from BLI.
6. Title 13: 15% of Title 13 constrained acres removed from BLI (consistent with Title 13 Model Ordinance)
7. Assume at least one unit per tax lot, even if fully constrained

Table 1 summarizes the acreage for each constraint. Note that land can be subject to more than one constraint, and only acres outside of existing right-of-way (ROW) are counted in the table. As shown on the table, most of the environmental constraints are inventoried under Metro’s Title 13 (81 acres). The next largest constraint in Cornelius is the City’s Natural Resource Overlay (NRO) consisting of approximately 81 acres.<sup>2</sup> The third largest constraint in the City are floodplains, consisting of approximately 62 acres across the City.

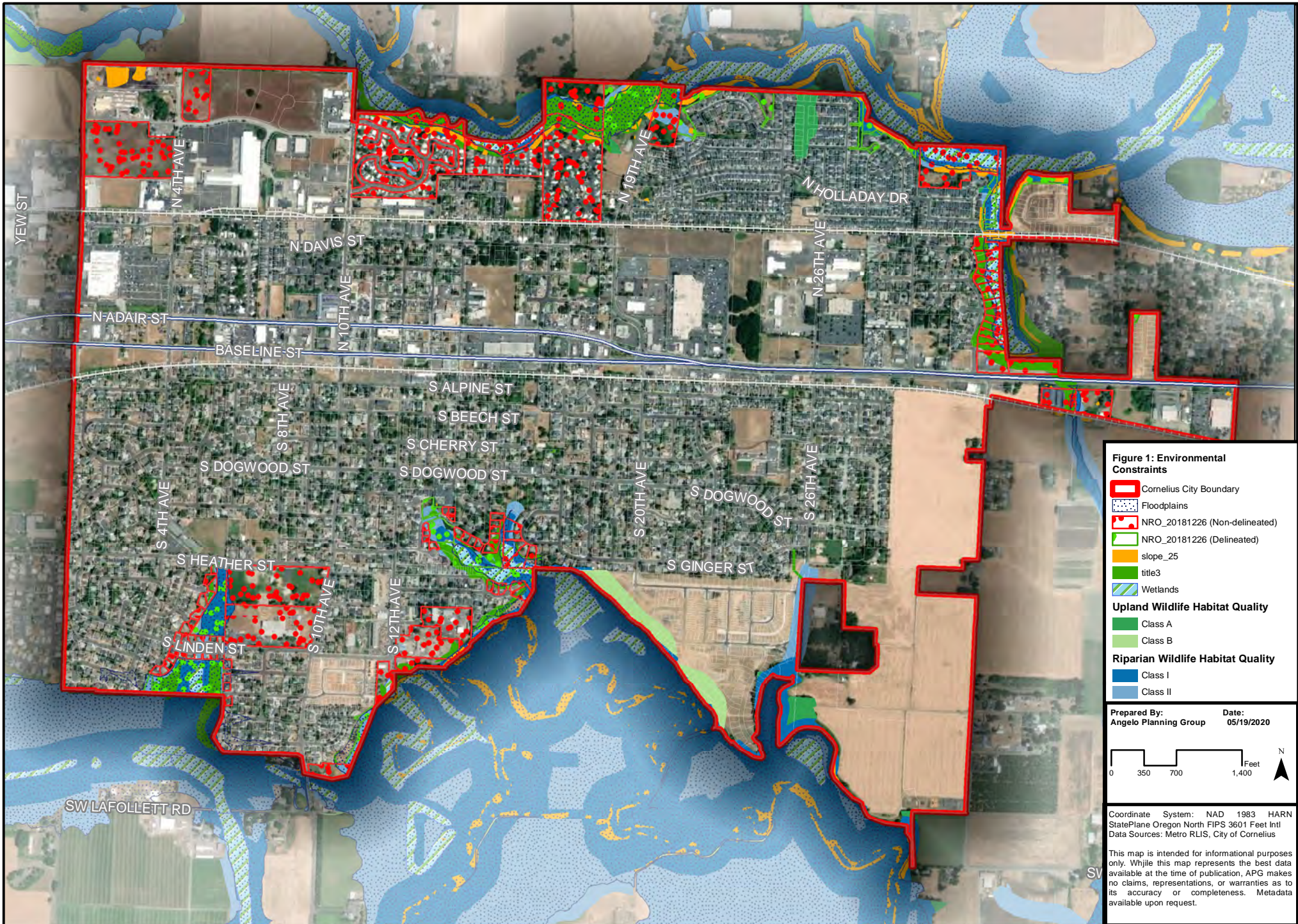
*Table 1: Environmental Constraints*

| <b>Constraint</b>         | <b>Total</b> |
|---------------------------|--------------|
| Constraints Total:        | 340.3        |
| Floodway                  | 7.6          |
| Slopes >25%               | 7.5          |
| Floodplain                | 62.6         |
| Title 3                   | 24.8         |
| Wetland                   | 17.9         |
| Natural Resource Overlay: | 81.3         |
| Delineated                | 33.3         |
| Not delineated            | 48.0         |
| Title 13                  | 138.6        |

Both Metro’s Title 13 and the City’s NRO seek to preserve natural areas and share several overlapping areas. Similar overlapping conditions exist for several other constraints such as floodplains, floodways, and wetlands or Metro’s Title 3 and slopes greater than 25%. After accounting for overlapping natural resources, the total acreage of land with environmental constraints located in residential areas is approximately 144 acres. The overlaid constraints are deducted from the amount of buildable land as described in more detail below. Figure 1 illustrates the locations of each environmental constraint.

<sup>2</sup> The City’s NRO consists of a combination of delineated and non-delineated areas. Delineated areas apply to tax lots which have completed a delineation study to identify the exact location(s) of on-site natural resources. Non-delineated NRO areas consist of areas for which environmental resources are known to occur, but the exact location(s) have not been identified.

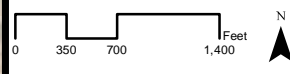




**Figure 1: Environmental Constraints**

- Cornelius City Boundary
- Floodplains
- NRO\_20181226 (Non-delineated)
- NRO\_20181226 (Delineated)
- slope\_25
- title3
- Wetlands
- Upland Wildlife Habitat Quality**
- Class A
- Class B
- Riparian Wildlife Habitat Quality**
- Class I
- Class II

Prepared By: Angelo Planning Group      Date: 05/19/2020



Coordinate System: NAD 1983 HARN  
 StatePlane Oregon North FIPS 3601 Feet Intl  
 Data Sources: Metro RLIS, City of Cornelius

This map is intended for informational purposes only. While this map represents the best data available at the time of publication, APG makes no claims, representations, or warranties as to its accuracy or completeness. Metadata available upon request.



## Step 2 – Identify Residential Land

For the purposes of this analysis, residential land is identified as the following:

- Land with a comprehensive plan designation of “Residential,” including low-density residential and mid-density residential. Zoning for residential tax lots within Cornelius’ City limits generally match comprehensive plan designation, with some small exceptions for lots with “Open Space” designations that have residential zoning. These are examined on a case-by-case basis.
- Land with a comprehensive plan designation of “Mixed Use.” While many uses are possible within this area, expanding housing opportunities is a primary development objective of the Commercial Mixed Use (CMU) district. “Development within the CMU District shall have a significant commercial element, along with medium to high density residential uses.” (CMC 153.063(C)(1))
- Other land (open space, commercial, industrial, etc.) is excluded as it does not require residential uses. Although the City’s development code allows for residential use in some of these zones, there is no guarantee that it will be used for residential development.

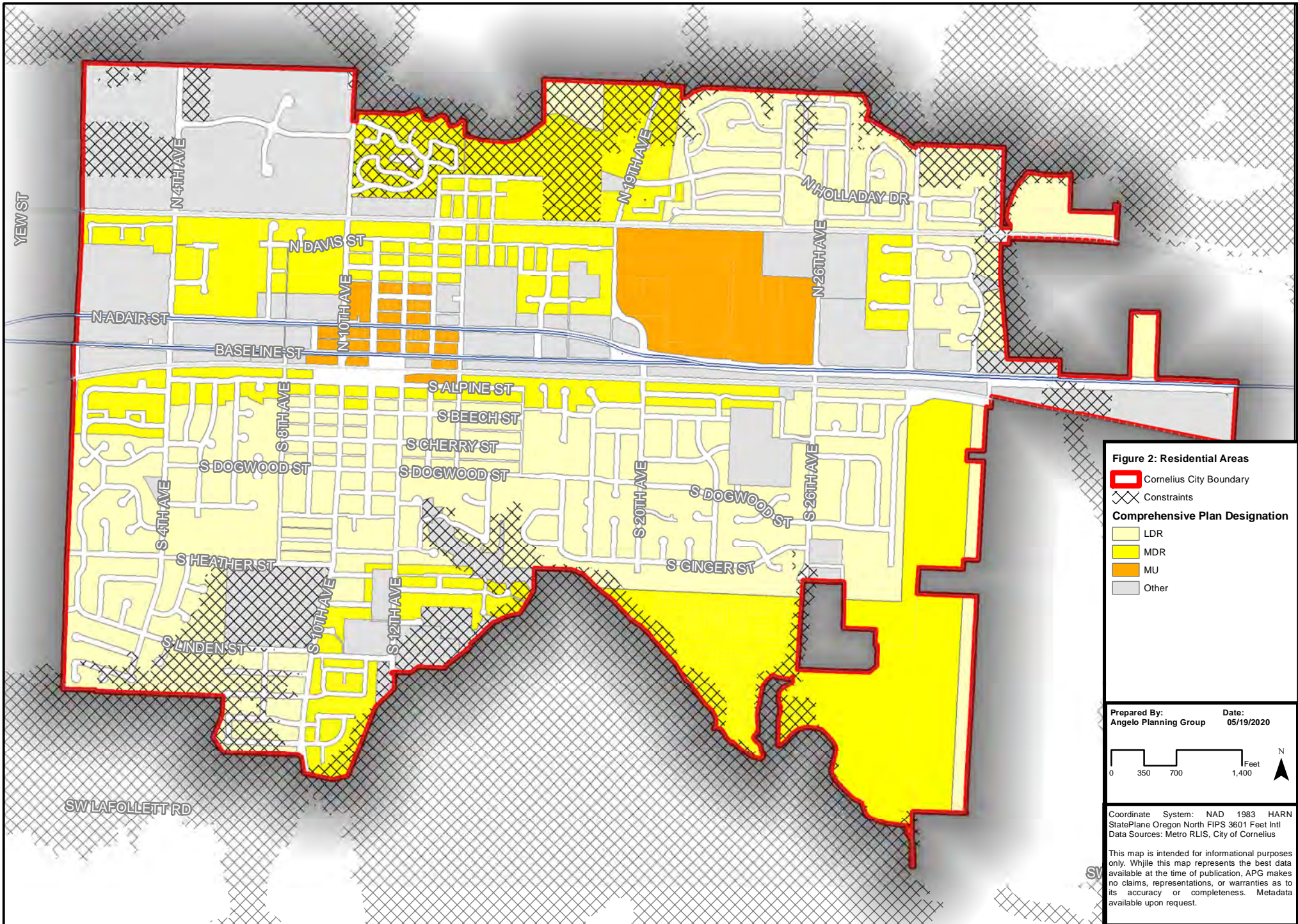
Table 2 summarizes the distribution of low-density, medium density, and mixed use areas by identified constraints. There is a total of 890 acres of residential land within located in the City. Of that, almost half of the residential land is designated for single-family residential uses. Most of the remainder of the residential land is designated for multi-family residential. Less than a tenth of the land is designated for mixed-use residential areas.

Environmental constraints reduce the amount of buildable residential land by just over 147 acres. The constraints are fairly evenly distributed between low-density and medium-density residential areas, though medium-density residential areas have slightly more constraints (81 acres) than low-density residential areas (66 acres). None of the mixed-use areas have constraints on them.

*Table 2: Gross Acreage in Residential Land Inventory*

| <b>Constraints (Acres)</b> | <b>Constrained</b> |      | <b>Unconstrained</b> |      | <b>Total</b> |      |
|----------------------------|--------------------|------|----------------------|------|--------------|------|
| Total                      | 147.2              | 100% | 746.5                | 100% | 897.2        | 100% |
| Low-Density Residential    | 66.1               | 55%  | 363.9                | 49%  | 430.0        | 48%  |
| Medium-Density Residential | 81.2               | 45%  | 309.1                | 41%  | 387.7        | 43%  |
| Mixed-Use                  | 0.0                | 0%   | 73.5                 | 10%  | 73.5         | 8%   |

Figure 2 illustrates all residential areas with constraints overlaid. As shown, areas with constraints are generally found near the City boundary. Most of the constraints within the City’s boundary can be found along the northern and southern limits of the City. There are no constraints centrally located within the City.



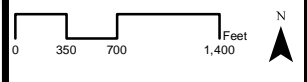
**Figure 2: Residential Areas**

- Cornelius City Boundary
- Constraints

**Comprehensive Plan Designation**

- LDR
- MDR
- MU
- Other

Prepared By: Angelo Planning Group  
 Date: 05/19/2020



Coordinate System: NAD 1983 HARN  
 StatePlane Oregon North FIPS 3601 Feet Intl  
 Data Sources: Metro RLIS, City of Cornelius

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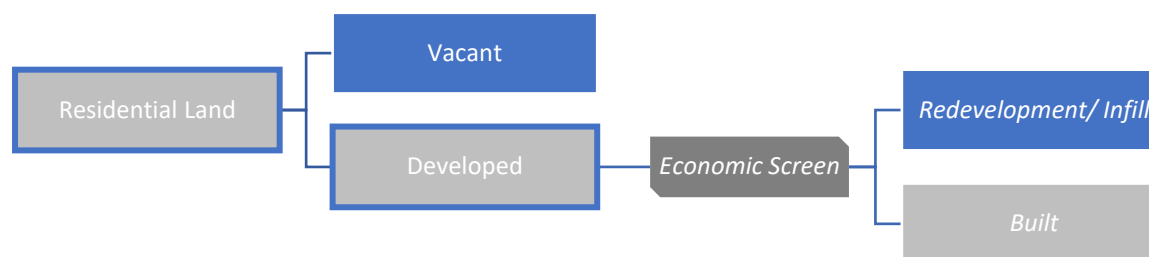
### Step 3 – Identify Vacant Tax Lots (and complement developed tax lots)

This step classifies each tax lot into a set of mutually exclusive categories based on development status; this means classification into “vacant” and “developed” land.<sup>3</sup>

The region’s buildable land inventory is sorted into *vacant* and *developed* capacity. Vacant tax lots are areas that are generally undeveloped and provide relatively easy opportunities for new residential development. Developed tax lots are areas that currently have some form of residential development, some of which have the potential to allow for new residential development through redevelopment or infill development. Developed tax lots are subjected to economic screens (described in Step 6) to determine potential redevelopment/infill capacity. If a certain level of capacity is reached, the redevelopment potential is considered as part of the buildable land inventory.

Figure 3 illustrates the structure of categories for organizing the BLI.

Figure 3: Residential Land Buildable Land Structure



Vacant land is defined and identified as follows:

- Any tax lot that is fully vacant, based on Metro aerial photo.
- Tax lot with less than 2,000 sq. ft. developed AND developed portion is under 10% of the entire tax lot area.
- Tax lots that are 95% or more “vacant” from the GIS vacant land inventory.<sup>4</sup>

Developed land is defined as follows:

- Land developed at densities consistent with zoning and with improvements that make it unlikely to redevelop. Tax lots that are partially vacant are considered developed at this step and are screened for their redevelopment/infill potential in Step 6.

<sup>3</sup> The BLI methodology does not identify areas with redevelopment potential until step 6.

<sup>4</sup> Metro’s RLIS database, updated in January of 2020.

## Step 4 – Tax Lot Exclusions.

This step removes tax lots from the BLI that do not have the potential to provide residential growth capacity. Examples of these types of exclusions include schools, parks, and churches, which are typically found in areas with residential zoning, but will not likely provide potential for additional residential capacity because they are used for or committed to non-residential purposes.

The following types of tax lots will be removed from the inventory based on Washington County Assessor PCA code designations, owner names, assessed values, and other data sources:

- Tax exempt with property codes for city, state, federal and Native American designations
- Schools
- Churches and social organizations
- Private “streets”
- Rail properties
- Tax lots under 1,000 sq. ft. (0.023 gross acres)
- Parks, open spaces and, where possible, private residential common areas

Table 3 provides a summary of the amount of land in residential areas that is excluded from the residential buildable inventory. Approximately 77 acres of land (146 tax lots) were identified as one of the uses listed for exclusion from the residential buildable inventory. Any residential development potential from lots categorized as exempt are excluded from the buildable inventory.

*Table 3: Excluded Land*

| <b>Jurisdiction/Status</b> | <b>Number of Tax Lots</b> | <b>Unconstrained Acres</b> |
|----------------------------|---------------------------|----------------------------|
| Total:                     | 3,285                     | 746.4                      |
| Developed                  | 2,795                     | 535.7                      |
| Vacant                     | 386                       | 133.6                      |
| Exempt                     | 104                       | 77.2                       |

## Step 5 – Calculate Deductions for “Future Streets”

A portion of the vacant land supply is set aside for future right-of-way as follows:

- Tax lots under 3/8 acre assume 0% set aside for future streets.
- Tax lots between 3/8 acre and 1 acre assume a 10% set aside for future streets.
- Tax lots greater than an acre assume an 18.5% set aside for future streets.

Table 4 summarizes the right-of-way set-asides by development status. The set-asides are removed from the unconstrained acreage for each tax lot. The set-asides result in a reduction of approximately 18 acres from the buildable inventory.

*Table 4: Land Deductions<sup>5</sup>*

|           | Unconstrained<br>Acres | Net Acres (ROW<br>Removed) |
|-----------|------------------------|----------------------------|
| Total:    | 669.2                  | 651.4                      |
| Developed | 535.7                  | 535.7                      |
| Vacant    | 133.6                  | 115.8                      |

## Step 6 – Estimate Potentially Buildable Lands and Housing Unit Capacity (Includes Capacity Estimates for Vacant and Redevelopment Land)

Once the net unconstrained land (buildable land with no environmental constraints) has been calculated, then the estimated number of units for vacant and developed land can be calculated.

Step 6 involves multiple calculations and economic screening to estimate the potential buildable land capacity. The calculations and screening are completed in the following order.

- Assign Parcels to Zones
- Estimate Capacity within Vacant Land
- Conduct Screening on Developed Land
  - o Estimate Infill Capacity
  - o Estimate Redevelopment Capacity

### Assign Parcels to Zones

Only land which allows for and assumes residential development within the Cornelius Municipal Code is considered part of the Residential BLI. As such, areas are assigned a zoning district, which includes minimum and maximum densities. Land is classified by zone type (residential, mixed use, etc.) to estimate the amount of land that is potentially developable. To do this, each parcel is assigned a zone.

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<sup>5</sup> Net acres with ROW removed does not use the weighted unconstrained acreage. Calculations for other capacity are based on the weighted unconstrained acreage.

Table 5 provides a summary of City zoning that is applied to developed and vacant land in the inventory.

*Table 5: Developed and Vacant Land by Zone*

| <b>Zoning</b> | <b>Unconstrained Acres*</b> | <b>Number of Tax Lots</b> |
|---------------|-----------------------------|---------------------------|
| Total:        | 651.4                       | 3,181                     |
| Developed:    | 535.7                       | 2,795                     |
| A2            | 107.2                       | 612                       |
| CMU           | 9.7                         | 51                        |
| CR            | 30.1                        | 132                       |
| GMU           | 44.0                        | 9                         |
| MHP           | 17.9                        | 30                        |
| R7            | 326.8                       | 1,961                     |
| Vacant:       | 115.8                       | 386                       |
| A2            | 91.8                        | 280                       |
| CMU           | 1.5                         | 5                         |
| CR            | 0.5                         | 3                         |
| GMU           | 7.6                         | 1                         |
| MHP           | 0.9                         | 3                         |
| R7            | 13.5                        | 94                        |

\*Vacant land includes removal of ROW. Constrained and exempt land removed from developed and vacant areas.

### **Estimate Capacity within Vacant Land**

For vacant lots with single family or multifamily zoning, the net developable acreage for each tax lot is simply multiplied by the minimum and maximum density allowed within that zone. For vacant lots with mixed use zoning, the potential number of units is based on minimum square footage of units, maximum number of stories, and maximum or minimum density standards, should they exist. For properties that have received land use approval for development but not yet been developed, capacity reflects the amount of development approved.

### **Conduct Economic Screening to Estimate Infill and Redevelopment Capacity**

Infill. Infill development represents development within single-family zoning where a lot may be sufficiently large to allow homeowners to divide their lot and build an additional housing unit on the previously undeveloped portion. According to the Metro BLI, the following conditions must be met for a single-family zoned tax lot to potentially allow for infill development:

- If the tax lot is zoned single family residential and classified developed, it was assumed that one single family unit presently exists on the tax lot regardless of what's indicated on the assessor's land use code. The one exception to this rule is for tax lots in single-family zoned areas that have current land use for an apartment (according to Metro's multifamily



residential database). These parcels were not considered in calculating infill potential for single family infill supply (as any infill of such land use with this type of zoning would yield a single-family dwelling unit with the associated loss of the multi-family units, which would be unlikely). Lots greater than 2.5 times the minimum zoned lot size are included in the infill supply, except:

- In addition to meeting the size threshold, the assessor’s real market building value must be below \$300,000 to be counted in the infill supply (since lots with higher value homes would be excluded from the infill supply).
- Tax lots that exceed the minimum zoned lot size by a factor of five are passed through into the infill supply regardless of building value.

As such, each lot that is categorized as part of the infill supply is assumed to have the capacity for additional units.

The net capacity for additional dwelling units on eligible infill tax lots is generated using the calculations summarized below. The net additional infill units are calculated as the lower of the following two computations. Tax lots can end up with zero additional infill units.

- Additional DU infill= (Calculated area of TL – min lot size) / min lot size (rounded down to a whole number); can equal 0.
- Additional DU infill = (net unconstrained sq. ft. / 2,000 sq. ft.), rounded down to a whole number; can equal 0.

*Accessory Dwelling Units (ADU).* ADU capacity is reported in probabilistic terms by geographic location within Metro’s UGB. Each single family tax lot is assigned a small probability of having an ADU built there. The probability ranges from 9% in central Portland locations to 0% for suburban areas near the UGB. Cornelius is assumed to have 0% capacity for the purpose of this BLI.

Redevelopment. If the tax lot is zoned for multi-family residential development or mixed-use residential development and is classified as developed, then the redevelopment capacity would have to meet a “units requirement” in addition to the economic requirements described previously. This inventory uses Metro’s “strike price” methodology to determine if the requirements are met.

*Units requirement.* The multi-family or mixed-use residential redevelopment must add at least 50% more units over the number of units which already exist, or produce at least three units total to be counted towards redevelopment potential. The rationale is that developers would not tear down and redevelop an apartment or condo units unless they could yield a significant gain in rents and dwelling units. Elements of this methodology include:

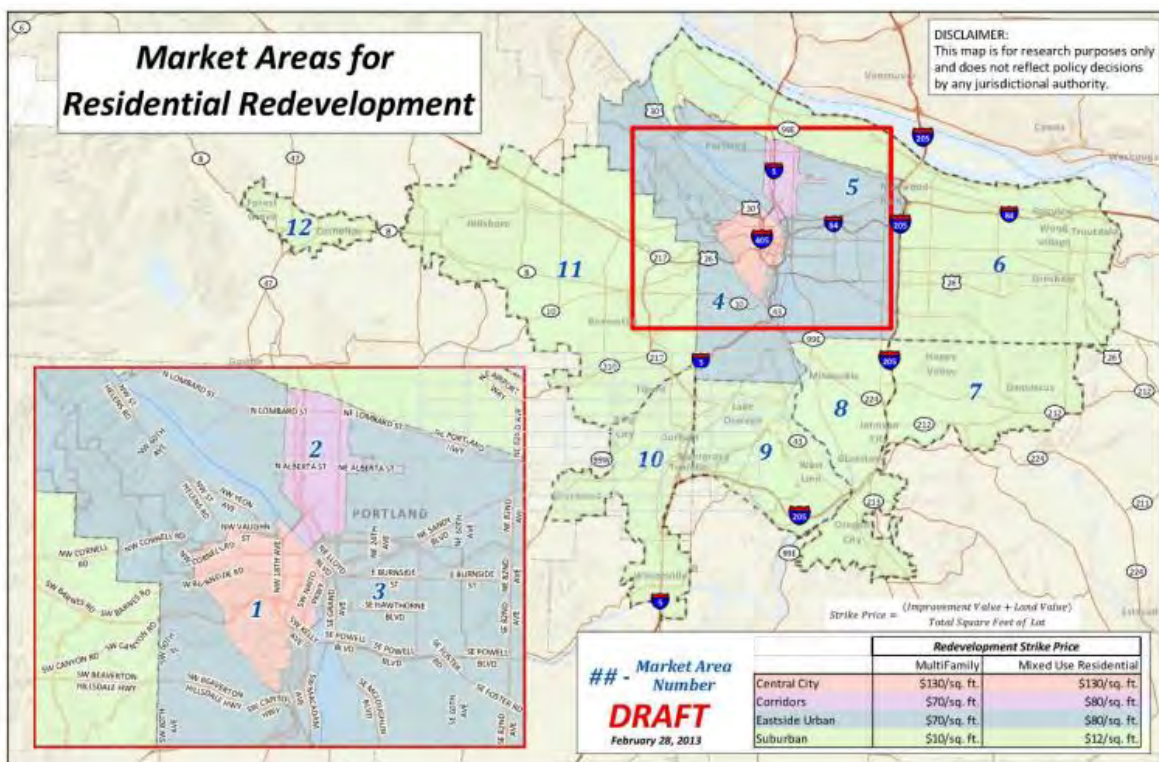
- Redevelopment of a multi-family structure must add at least 50% more units; if it doesn’t, the tax lot is not counted.
- If the structure is a commercial (or industrial) building or single-family dwelling unit (in a multi-family or mixed-use zone), the redevelopment must yield at least three or more dwelling units

- Redevelopment must pass through an economic filter first before evaluation of additional dwelling units through redevelopment (see below for economic filter thresholds)

Note, for several parcels, development approvals for specific numbers of units exist. These approvals have been used to assign these lots a development capacity that matches the number of units already approved.

Strike Price Requirement. The “strike price” is used to indicate the price at which point it becomes cost effective for a developer to consider a site for redevelopment. Metro’s strike prices are based on current market conditions but are pushed to a modest degree to acknowledge that demand will increase over time. Strike prices also vary by market subarea. As shown in Figure 4, the study area is located entirely within the “Suburban” market subarea category. The strike prices are \$10 per square foot for multi-family development and \$12 per square foot for mixed-use development.

Figure 4: Market Areas for Residential Development (Metro BLI, 2018)



## RESULTS

The results of Draft 1 of the BLI are presented in Tables 6 through 8 and illustrated in Figure 5.

*Table 6: BLI Summary*

| <b>Development Status</b> | <b>Tax Lots</b> | <b>Total Acres</b> | <b>Constrained Acres</b> | <b>Unconstrained Acres<sup>6</sup></b> |
|---------------------------|-----------------|--------------------|--------------------------|--|
| Total                     | 3,475           | 1,202              | 184.1                    | 1,017.9                                |
| Not Buildable             | 3,019           | 964.3              | 158.1                    | 806.2                                  |
| Built Out                 | 2,876           | 796.4              | 105.8                    | 690.6                                  |
| Exempt                    | 143             | 167.8              | 52.2                     | 115.6                                  |
| Potentially Buildable     | 456             | 237.7              | 26.0                     | 211.7                                  |
| Infill                    | 54              | 30.1               | 2.8                      | 27.3                                   |
| Redevelopment             | 15              | 48.1               | 8.1                      | 40.0                                   |
| Vacant                    | 387             | 159.5              | 15.1                     | 144.4                                  |

As summarized in Table 7, Cornelius has an estimated 211 acres of unconstrained residential land with some form of additional capacity. Most of the additional capacity is available through vacant land (approximately 144 acres). Most of this land is located in southeast Cornelius and has received recent land use approval for multi-phase development. While that area is approved for development, it will continue to represent additional capacity until homes are constructed there. The remainder of buildable land (approximately 68 acres) is distributed between infill and redevelopment categories. Of that, most of the potential capacity is through redevelopment (approximately 40 acres).

Almost three-fifths of the buildable land is zoned for Multi-Family Residential (approximately 130 acres). Buildable areas with Single-family Residential and Gateway Mixed-Use zones comprise approximately one-sixth of buildable land each (approximately 31 and 35 acres respectively). With one exception, the supply of buildable land in all other zones is less than three acres each. The one exception is the Core Residential zone with approximately 11 acres of buildable land.

<sup>6</sup> The measurement of “Unconstrained Acres” is lower than “Gross-Constrained” because an additional deduction is made for developed parcels that have infill capacity to account for an existing structure. It is assumed that the existing structure remains and other land on the parcel is developed.

*Table 7: Unconstrained Acres by Zone, Residential Zones*

| Zone                            | Projected Density | Unconstrained Acres |        |        |       |       |
|---------------------------------|-------------------|---------------------|--------|--------|-------|-------|
|                                 |                   | Vacant              | Infill | Redev. | Total | Share |
| Total                           |                   | 144.4               | 28.5   | 40.0   | 212.9 | 100%  |
| Single-Family Residential (R-7) | 4-5/acre          | 14.0                | 17.5   |        | 31.5  | 15%   |
| Manufactured Home Park (MHP)    | max 10/acre       | 1.2                 |        |        | 1.2   | 1%    |
| Multi-family Residential (A-2)  | 8-14/acre         | 117.8               |        | 12.4   | 130.2 | 61%   |
| Central Mixed-Use (CMU)         |                   | 1.6                 |        | 1.3    | 2.9   | 1%    |
| Core Residential (CR)           | min 8/acre        | 0.5                 | 11.1   |        | 11.5  | 5%    |
| Gateway Mixed Use (GMU)         |                   | 9.3                 |        | 26.4   | 35.7  | 17%   |

Table 8 provides a summary of the additional housing unit capacity for each zone. The housing unit capacity is determined by the projected density for each zone. Overall, there is an estimated capacity for over 2,122 additional dwelling units. Similar to the amount of unconstrained acreage, vacant areas account for most of the capacity with over 1,300 units. Most of this land is located in southeast Cornelius and has received recent land use approval for multi-phase development. Infill and redevelopment land accounts for under 800 units of the estimated capacity. Most if this potential capacity is through redevelopment in Multi-Family Residential and Gateway Mixed-Use zones (approximately 642 units).

For vacant land, the distribution of zoning is heavily concentrated in the Multi-Family Residential zone (approximately 983 units). Vacant Single-family Residential and Gateway Mixed-Use zones account for over 100 units each. Vacant land in all other zones account for approximately 32 units. Most of the remaining vacant unit development potential is anticipated to be in the Central Mixed-Use zone.

The capacity for additional dwelling units in the infill category is relatively distributed between the Single-Family Residential and Core Residential zones. The available supply of Infill land in the Single-Family Residential zone accounts for over 80 potential units in the inventory, while the Core Residential zone accounts for over 65.

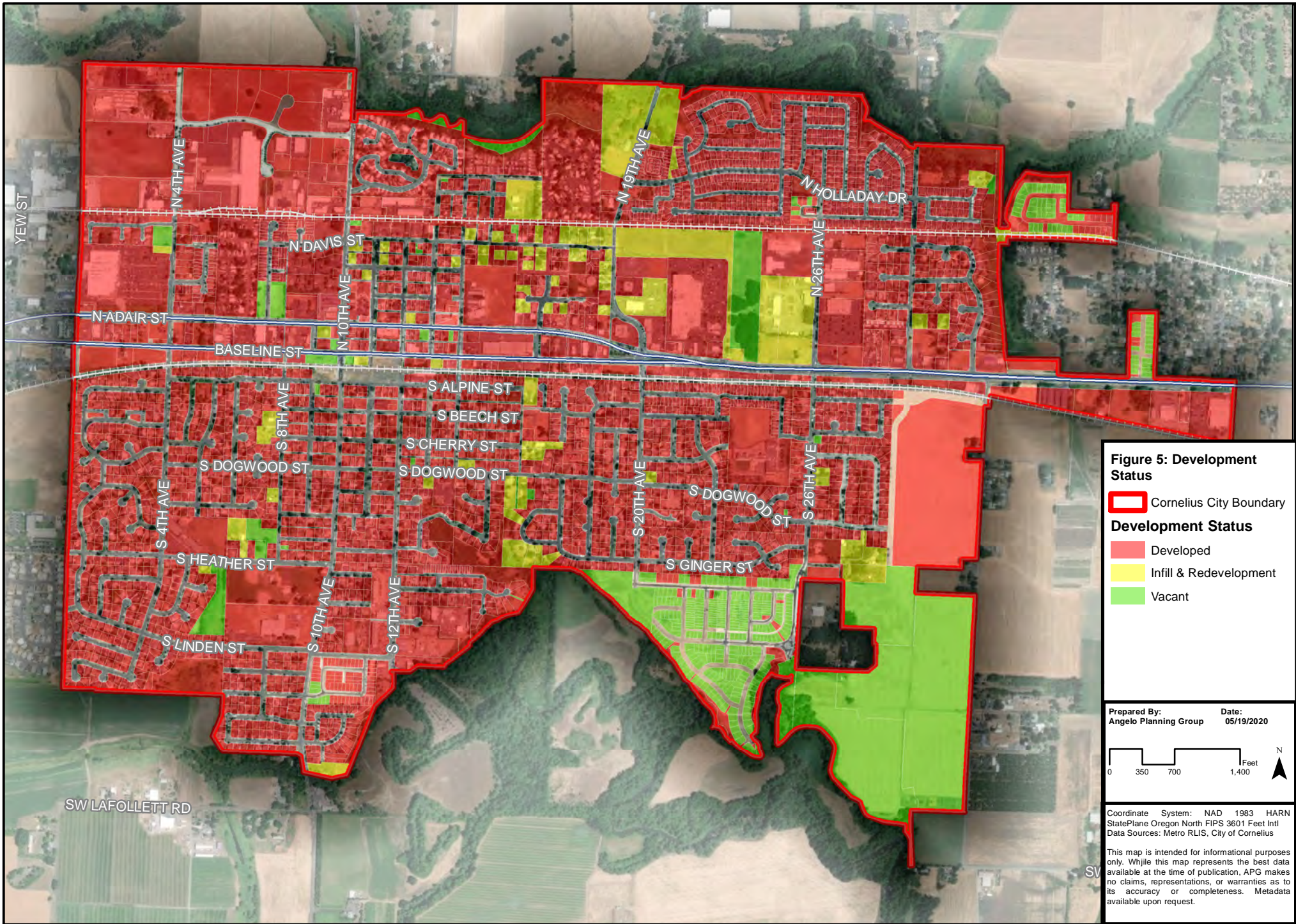
The redevelopable supply of land accounts for under 650 additional dwelling units in the supply. Of that, most the units are anticipated to be available in the Gateway Mixed-Use zone (approximately 420 units). Most of the remaining redevelopable capacity is expected in the Multi-Family Residential zone (approximately 208 units) The remaining potential supply of additional units is anticipated to be in the Central Mixed-Use zone with approximately 14 additional units.

*Table 8: Housing Unit Capacity by Zone, Residential Zones*

| Jurisdiction and Zone           | Projected Density | Capacity |        |        |       | Total | Share |
|---------------------------------|-------------------|----------|--------|--------|-------|-------|-------|
|                                 |                   | Vacant   | Infill | Redev. |       |       |       |
| Total                           |                   | 1,333    | 147    | 642    | 2,122 | 100%  |       |
| Single-Family Residential (R-7) | 4-5/acre          | 106      | 81     |        | 187   | 9%    |       |
| Manufactured Home Park (MHP)    | max 10/acre       | 11       |        |        | 11    | 1%    |       |
| Multi-family Residential (A-2)  | 8-14/acre         | 983      |        | 208    | 1,281 | 60%   |       |
| Central Mixed-Use (CMU)         |                   | 16       |        | 14     | 30    | 1%    |       |
| Core Residential (CR)           | min 8/acre        | 5        | 66     |        | 71    | 3%    |       |
| Gateway Mixed Use (GMU)         |                   | 122      |        | 420    | 542   | 26%   |       |

Figure 5 illustrates the location of vacant and infill/redevelopment areas within the City of Cornelius.





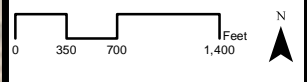
**Figure 5: Development Status**

- Cornelius City Boundary

**Development Status**

- Developed
- Infill & Redevelopment
- Vacant

Prepared By: Angelo Planning Group  
 Date: 05/19/2020



Coordinate System: NAD 1983 HARN  
 StatePlane Oregon North FIPS 3601 Feet Intl  
 Data Sources: Metro RLIS, City of Cornelius

This map is intended for informational purposes only. While this map represents the best data available at the time of publication, APG makes no claims, representations, or warranties as to its accuracy or completeness. Metadata available upon request.

Appendix I: Voicemail Transcription – Ms. Fryer,  
Disregard for Traffic System Impacts



## Barbara Fryer, Community Development Director voicemail message about Terry Keyes, City Engineer

I (Kristen Svicarovich) left voicemail messages for Terry Keyes, City Engineer, on 8/15/23 and 8/16/23 to discuss the rezone on the corner of NW 336th Avenue/TV Highway-Baseline (OR8). I asked for him to return my phone call because I wanted to discuss my safety concerns at that location, share the data I found, and that I wanted to learn more about the Transportation System Plan. Below is the voicemail message I received from Barbara Fryer on 8/16/2023.

### **Voicemail from Barbara Fryer on August 16, 2023**

Hi Kristen, this is Barbara Fryer calling from the City of Cornelius.

I understand that you've left a couple of messages for Terry Keyes, and uh, at this point he did not require a traffic analysis study. And he um, is not available to talk about the project.

And um, if you have formal comments that you would like to submit, you are welcome to do that. Um, we ask that if you're going to submit written comments and you want them considered by the Planning Commission before the hearing, that you submit them at least by um 4 o'clock, or you can submit them at the hearing, um but the Planning Commission won't have the opportunity to read them beforehand.

So um, at this point the traffic study is not an issue for the City of Cornelius, we are not requiring it, we are not going to require it, and we stand by the findings in the staff report.

So if you are uh wanting a different result, um I'm not sure what to tell you because uh the State law is pretty clear that if you meet the three criteria of Section 9 of the TPR, even if there are impacts to the system no traffic study is required and no TPR requirements are required.

So um, I'll just leave it at that.

Uh, talk to you later, bye.

Appendix J: City Council Packet Expedited Annexation –  
July 17, 2023



City Council Meeting Agenda Monday, July 17, 2023
1355 N. Barlow St-Cornelius, OR 97113
In Person/Hybrid Meeting
TVCTV Live-Channel 30

Zoom Meeting: https://us02web.zoom.us/j/4174814374
Meeting ID: 417 481 4374 Phone (253) 215 8782 US

City Council Meeting

7:00 pm Call to Order- Pledge of Allegiance and Roll Call

City Council: Council President John Colgan, Councilor Angeles Godinez, Councilor Doris Gonzalez, Councilor Eden Lopez and Mayor Dalin.

1. ADOPTION OF AGENDA

2. CONSENT AGENDA

- A. Meeting Minutes: June 5, 2023 Council Meeting
B. Resolution No. 2023-24: Cornelius Community Vision 2035 Facilitation Services
C. Resolution No. 2023-25: AN-01-23 Expedited Annexation for 0 336th Avenue
D. Metro 2040 Grant Letter of Interest
E. Community Action Customer Assistance Program Amendment

The items on the Consent Agenda are considered routine. All will be adopted by one motion unless a Council Member or an audience member requests to consider an item separately before voting on the motion. Any item removed from the Consent Agenda will be discussed as determined by the Mayor.

3. CITIZEN PARTICIPATION – ITEMS NOT ON THE AGENDA

Please sign a citizen participation card and turn it in to the staff table along with any written testimony. Please wait to be called up to the microphone. Please keep comments to three (3) minutes or less. Please stay on topic and do not repeat information. Please honor the process; i.e.: do not carry on conversations while others are speaking. Thank you.

4. APPOINTMENTS

- A. Oath of Office – Chief of Police James Coley

Debby Roth, City Recorder

5. **PRESENTATIONS**

- A. Emergency Operations *Fire Chief Jim Geering*
- B. Garbage Collection Rates *Peter Brandom, City Manager*
- C. Strategic Plan Status Update *Peter Brandom, City Manager*

6. **PUBLIC HEARINGS**

- A. Resolution No. 2023-27-Garbage Collection Rate Increase

7. **UNFINISHED BUSINESS-NONE**

8. **NEW BUSINESS**

- A. Resolution No. 2023-26: Execution of the 2023 Oregon State Fire Marshal (OSFM) Wildfire Season Staffing Grant Agreement Number: WFS-176 *Fire Chief Jim Geering*
- B. Resolution No. 2023-27: Garbage Collection Rate Increase *Peter Brandom, City Manager*
- C. Resolution No. 2023-28: 19th and Davis Mini-Roundabout Bid Award *Terry Keyes, City Engineer*
- D. Resolution No. 2023-29: Water Park Booster Station Bid Award *Terry Keyes, City Engineer*
- E. Resolution No. 2023-30: City Manager Performance Review *Mayor Jef Dalin*

9. **REPORTS**

- A. City Council Reports:
- B. Mayor Dalin:
- C. City Manager:

10. **COUNCIL ANNOUNCEMENTS**

- A. August 1, 2023 – National Night Out Harleman Park 5:30-8:00 pm
- B. August 4, 2023 – Movies in Harleman Park 8:30 pm
- C. August 7, 2023 – City Council Meeting 7:00 pm
- D. August 11, 2023 – Movies in Harleman Park 8:30 pm
- E. August 18, 2023 – Movies in Harleman Park 8:30 pm
- F. August 25, 2023 – Movies in Harleman Park 8:30 pm

11. **ADJOURNMENT**

# City of Cornelius Agenda Report

**To:** Peter Brandom, City Manager  
**From:** Barbara Fryer, Community Development Director  
**Date:** July 17, 2023  
**Subject:** Resolution No. 2023-25: AN-01-23 Expedited Annexation of 0 336<sup>th</sup> Avenue



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**Summary:** An Expedited Annexation (AN-02-23) application to add 0.61 acres to the City of Cornelius.

The property is currently outside the City of Cornelius, but wholly within the existing Urban Growth Boundary (UGB). The property's southern boundary abuts the Cornelius city limits. The property owner, Dehen Homes OR336 LLC, has submitted a request (Exhibit A) for the property to be annexed into the Cornelius city limits to allow the property owner to develop the property consistent with the Comprehensive Plan adopted via Ordinance No. 2015-07 (Exhibit B).

**Previous Council Action:** Comprehensive Plan Amendment, Ordinance No. 2015-07.

**Relevant City Strategic Plan Goal(s):** Not applicable.

**Background:** The subject property, 0.61 acres, at the south western corner of N. 336<sup>th</sup> Avenue and Tualatin Valley Highway described as Township 1 North, Range 3 West, Map 35 CD, Tax Lot 01200. The proposed annexation includes the parcel cited above plus ½ the street width of N 336<sup>th</sup> Avenue along the frontage of said parcel. The property is wholly within the NE UGB area which was approved through HB 4078 (Exhibit C), commonly known as the 'Grand Bargain'. This application is for the annexation of this property located within the Urban Growth Boundary (UGB) into the Cornelius city limits. There are City services available nearby that can be extended to serve future residential development of the area.

Currently, the property is vacant and has no electors registered to the site. There is one property owner, Dehen Homes OR336 LLC. Both 100% of the electors and 100% of the property owners for this annexation have signed the annexation petition; therefore, the annexation qualifies for an Expedited Annexation.

**Cost:** Staff time.

**Advisory Committee Recommendation:** No Advisory Committee Review is required for this annexation.

**Staff Recommendation:** Approve resolution No. 2023-25 as presented by staff.

**Proposed Motion:** I make a motion to to approve resolution No. 2023-25, A RESOLUTION OF THE CORNELIUS CITY COUNCIL AUTHORIZING THE ANNEXATION OF APPROXIMATELY 0.61 ACRES OF LAND AND THE ABUTTING ½ STREET OF N 336<sup>TH</sup> AVENUE and this action takes effect immediately.

**Exhibits:**     A: Dehen Homes OR336 LLC Signed  
                  B: Ordinance No. 2015-07  
                  C. HB 4078  
                  D: City Council Staff Report

**RESOLUTION NO. 2023-25**

**A RESOLUTION AUTHORIZING ANNEXATION OF REAL PROPERTY  
AND ABUTTING ½ STREET RIGHT-OF-WAY**

**WHEREAS**, the applicant/owner, Dehen Homes OR336 LLC, requested annexation of the real property described as Township 1 North, Range 1 W, Map 35 CD, Tax Lot 01200 and ½ street right-of-way of N 336<sup>th</sup> Avenue described within Exhibit A and mapped within Exhibit B to this Resolution; and

**WHEREAS**, the applicant certified in Exhibit C of their application materials that 100% of the landowners and 100% of the registered voters initiated an expedited annexation under Metro Code 3.09.045(A); and

**WHEREAS**, notice was provided to the “Necessary Parties” as required by an Expedited Annexation under Metro Code 3.09.045(B) on June 13, 2023, greater than 20 days prior to City Council consideration of the annexation on July 17, 2023; and

**WHEREAS**, the Council Staff Report was distributed to Metro on June 30, 2023, at least 7 days prior to City Council consideration; and

**WHEREAS**, the proposed change is consistent with the City’s adopted Comprehensive Plan and public facilities master plans as updated through Ordinance No. 2015-07; and

**WHEREAS**, the annexation will promote provision of public facilities and services to the property; and

**WHEREAS**, the annexation will provide sanitary sewer and storm sewer services to the property where those services currently do not occur; and

**WHEREAS**, the annexation will remove the Cornelius Rural Fire Protection District and the Washington County Sheriff’s Office upon annexation as the City supplies said services;

**NOW, THEREFORE, BE IT RESOLVED BY THE CORNELIUS CITY COUNCIL AS  
FOLLOWS:**

Section 1. The property described in Exhibit A and mapped on Exhibit B shall be annexed into the City of Cornelius pursuant to Metro Code 3.09.045.

Section 2. This resolution is effective immediately upon its enactment by the City Council.



**INTRODUCED AND APPROVED** by the Cornelius City Council at their regular meeting this seventeenth day of July, 2023.

City of Cornelius, Oregon

Attest:

By: \_\_\_\_\_  
Jeffrey C. Dalin, Mayor

By: \_\_\_\_\_  
Debby Roth, MMC, City Recorder



AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 | www.aks-eng.com

AKS Job #9996

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

## EXHIBIT A

### Annexation

A tract of land located in the Southwest One-Quarter of Section 35, Township 1 North, Range 3 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Commencing at the southeast corner of the plat "Cascadia Gardens", recorded as Document Number 2019-035170, Washington County Records, also being on the north right-of-way line of SW Tualatin Valley Highway (50.00 feet from centerline) and the City of Cornelius city limits line; thence along said north right-of-way line and said city limits line, North 89°53'10" East 400.48 feet to the southeast corner of Document Number 96101805, Washington County Records, and the Point of Beginning; thence leaving said city limits line along the east line of said Deed, North 00°08'37" West 151.17 feet to the southwest corner of Document Number 89-36570, Washington County Records; thence along the south line of said Deed and the easterly extension thereof, North 89°51'30" East 201.10 feet to the centerline of NW 336th Avenue; thence along said centerline, South 00°08'30" East 151.27 feet to said north right-of-way line of SW Tualatin Valley Highway and said city limits line; thence along said north right-of-way line and said city limits line, South 89°53'10" West 201.09 feet to the Point of Beginning.

The above described tract of land contains 30,410 square feet, more or less.

The Basis of Bearings for this description is based on Survey Number 34,530, Washington County Survey Records.

5/8/2023



*Michael S. Kalina*



**ANNEXATION CERTIFIED**

BY *MF*

**MAY 15 2023**

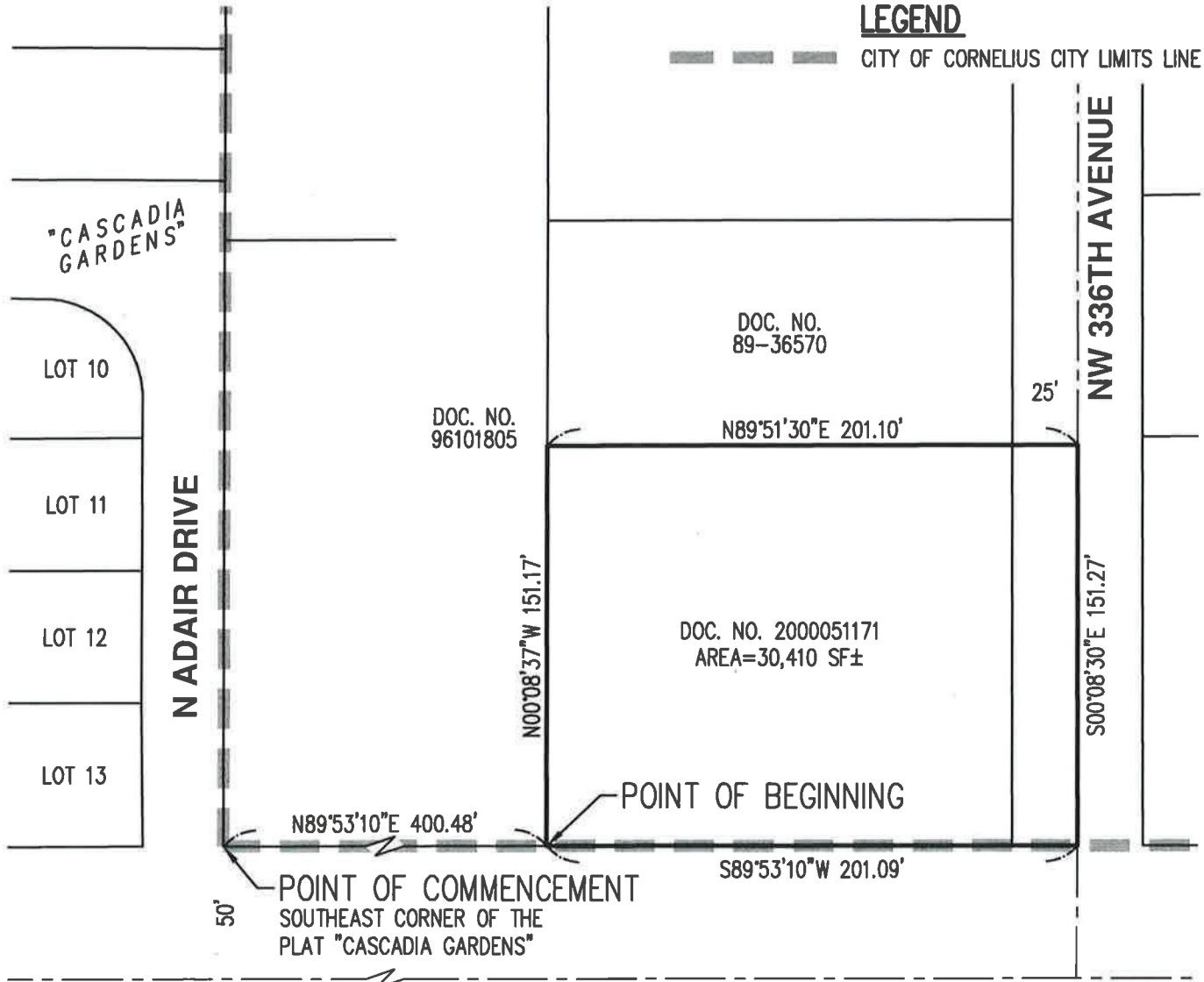
**WASHINGTON COUNTY A & T  
CARTOGRAPHY**

# EXHIBIT B

A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 35,  
TOWNSHIP 1 NORTH, RANGE 3 WEST, WILLAMETTE MERIDIAN,  
WASHINGTON COUNTY, OREGON

## LEGEND

--- CITY OF CORNELIUS CITY LIMITS LINE




5/8/2023

SW TUALATIN VALLEY HIGHWAY

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

**ANNEXATION CERTIFIED**

BY 



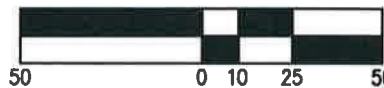
**MAY 15 2023**

OREGON  
JANUARY 12, 2016  
MICHAEL S. KALINA  
89558PLS

WASHINGTON COUNTY & T  
CARTOGRAPHY

RENEWS: 6/30/25

SCALE: 1" = 50 FEET



AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062  
503.563.6151 WWW.AKS-ENG.COM



ANNEXATION

|                  |           |
|------------------|-----------|
| TL 1N335CD 01200 |           |
| DRWN: WCB        | CHKD: MSK |
| AKS JOB: 9996    | EXHIBIT B |



## CITY COUNCIL REPORT

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### CITY OF CORNELIUS COMMUNITY DEVELOPMENT DEPARTMENT

**0.61 Acre annexation at 0 N 336<sup>th</sup> AVENUE**

**EXPEDITED ANNEXATION**

**AN-02-23**

---

**Staff Report Date:** June 21, 2023

**City Council Date:** July 17, 2023

**Request:** An Expedited Annexation (AN-02-23) to add one 0.61 acre parcel and abutting right-of-way for N 336<sup>th</sup> Avenue to the City of Cornelius

**Applicant:** Dehen Homes OR336, LLC and  
AKS Engineering & Forestry, LLC, Mimi Doukas, AICP

**Property Owner:** Dehen Homes OR336, LLC

**Location:** North western intersection of N 336<sup>th</sup> Avenue and Tualatin Valley Highway.

**Map:** Township 1 North, Range 3 West, Map 35 CD, Tax Lot 01200.

**Process:** The annexation (AN-02-23) was initiated by the applicant, Dehen Homes OR336, LLC. The requestor has filed an application with the Community Development Department on forms prescribed by the Community Development Director or designee. The proposed annexation is an Expedited Annexation and follows the requirements of Metro Code 3.09. A necessary party can request a public hearing. If a public hearing is not requested, the Council shall make its decision as a consent agenda item. The decision shall become effective by passage of an ordinance, resolution, or order.

## **APPLICABLE CRITERIA**

Annexation: Oregon Revised Statutes Chapter 222 describes boundary changes for cities. However, the State Legislature has directed Metro Regional Services (Metro) to establish criteria, which must be used by all cities within the Metro boundary; these criteria are found in Metro Code Chapter 3.09. The City Comprehensive Plan identifies annexation requirements in *Chapter II, Urbanization, Policies*.

## **BASIC FACTS and BACKGROUND INFORMATION**

1. The subject property is located adjacent to the northern boundary of the City of Cornelius.
2. The subject property consists of 0.61 acres located at the north western corner of N 336<sup>th</sup> Avenue and Tualatin Valley Highway.
3. The property is within the Urban Growth Boundary (UGB), which was created in 2014 through HB 4078 (Exhibit B), commonly known as the 'Grand Bargain'.
4. The subject property consists of one tax lot, Township 1 North, Range 3 West, Map 35 CD, Tax lot 01200, and the ½ street right-of-way of N 336<sup>th</sup> Avenue.
5. The Site is developed right-of-way for SW 345<sup>th</sup> Avenue.
6. The applicant, who is also the property owner, is requesting an Expedited Annexation (AN-02-23) for the annexation of approximately 0.61 acres of unincorporated land into the Cornelius City Limits.
7. The property owner provided a signature authorizing the Annexation. A signed copy of the annexation application is found in Exhibit A.
8. The proposed annexation abuts the City Limits along its northern boundary, which comprises the western ½ street of the N 336<sup>th</sup> Avenue right-of-way and the parcel described above. N 336<sup>th</sup> Avenue is a Washington County facility.
9. On June 13, 2023 Public Notice of the proposal was mailed to Necessary Parties, as required by Metro Code 3.09 (Exhibit D).

## ANNEXATION REVIEW CRITERIA

The City Comprehensive Plan identifies the following annexation policies in *Chapter II, Urbanization, Policies*, section 4:

*a. Annexation will be permitted if:*

- (1) The City is able to provide adequate services to the area, including sewer, water, administration, and fire protection. The new area can meet city standards for roads, sewers, water, and other services and appropriate amendments to the City's Public Facilities Master Plans have been considered.*

**Findings:** The applicant has submitted an annexation application, included as Exhibit "A", to annex approximately 0.61 acres and the abutting ½ street of right-of-way for N 336<sup>th</sup> Avenue into the City of Cornelius. The proposed annexation is required for urban development of the site.

When the area was added to the City's Urban Growth Boundary in 2014, the City began planning for the site. This included adopting an Ordinance (ORD No. 2015-07) to designate the UGB area with Comprehensive Plan designations and update the infrastructure master plans:

Parks Master Plan,  
Sanitary Sewer System Master Plan,  
Water System Master Plan,  
Transportation System Plan,  
Stormwater/Surface Drainage Master Plan,  
Administrative Plan, and  
Fire Service Plan.

This annexation includes annexation into Clean Water Services (CWS), withdrawal from the Cornelius Rural Fire Protection District (CRFPD), and the Washington County Sheriff's Office (SO).

**Based upon the findings above:** Staff concludes that adequate infrastructure and services including, water, sewer, police, administration, fire and future transportation facilities are available and can be coordinated to provide service to the proposed right-of-way annexation area. As part of the annexation, the property will be added to Clean Water Services, and withdrawn from the Cornelius Rural Fire Protection District and the Washington County Sheriff's Office. **This criterion is met.**

- (2) The proposed use of the area to be annexed conforms with the Comprehensive Plan, or has been Master Planned, including all adjacent and intervening properties. The City does not intend to support piecemeal annexations.*

**Findings:** The subject property is located within the UGB as recognized by Metro, Washington County, and the State. The entire northeastern UGB area has been master planned as noted above, through Ordinance No. 2015-07. As property owners need services to develop or redevelop their

property, annexation will occur in this area. This property is not served by sanitary sewer or storm water at present, so the property owner needs to annex to extend sanitary sewer and storm water to serve development on the site. The site has a City Very Low Density Residential Land Use Designation on the site.

**Based upon the findings above:** Staff finds that the proposed annexation is consistent with the Comprehensive Plan for urban uses. **This criterion is met.**

(3) *A substantial portion of the area to be annexed is contiguous to the City and represents a logical direction for city expansion.*

**Findings:** The subject property abuts the northern corporate limits of the City of Cornelius. Since the subject property is currently located within the Metro UGB, and because this property was added to the UGB for the explicit purpose of accommodating regional urbanization in the near term, annexation of this site represents the Region’s first choice for local corporate annexation and is therefore a logical selection for expansion of the City of Cornelius.

All boundary changes in the Portland Metropolitan area must address Chapter 3.09 of the Metro Code. Per Metro Code Chapter 3.09, as part of the regional growth management and mapping network Metro requires that upon annexation of new lands, the City is required to have Metro maps updated to reflect and identify these boundary changes. Metro charges a mapping fee for this service. The City finds that, since the annexation request was initiated and requested by an applicant to facilitate development of their property, that this Metro fee for mapping shall be paid by the Applicant.

**Based upon the findings above:** Staff finds the proposed annexation is consistent with the annexation policies and represents a logical direction for City expansion. The proposed annexation is consistent and complies with Chapter 3.09 of Metro’s Local Government Boundary Changes requirements. **These criteria are met.**

## DECISION

Based on the facts, findings, and conclusions within this Council Report, staff recommends the Cornelius City Council approves City File # AN-02-23, Annexation of 0 N 336<sup>th</sup> Avenue and abutting ½ street right-of-way of N 336<sup>th</sup> Avenue by approving Resolution No. 2023-25

Exhibits:        “A”     Dehen Homes OR336, LLC Signed Application  
                      “B”     HB 4078  
                      “C”     Affidavit for Notice to Necessary Parties



**CITY COUNCIL STAFF REPORT  
AN-02-23**

**Exhibit "A"**

Dehen Homes OR336, LLC  
Signed Annexation Application

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# NW 336<sup>th</sup> Avenue and SW Baseline Street Expedited Annexation and Zone Change

---

**Date:** June 2023

**Submitted to:** City of Cornelius  
Department of Community Development  
1355 N. Barlow Street  
Cornelius, OR 97113

**Applicant:** Dehen Homes OR336 LLC  
18118 SE 36<sup>th</sup> Street  
Vancouver, WA 98683

**AKS Job Number:** 9996



12965 SW Herman Road, Suite 100  
Tualatin, OR 97062  
(503) 563-6151

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## Exhibits

**Exhibit A:** Washington County Assessor’s Map

**Exhibit B:** Application Form and Checklist

**Exhibit C:** Certification of Landowners and Petition for Annexation by 100% of the Property Owners

**Exhibit D:** Certification of Legal Description and Map of Annexation Area; Documents Referenced in Legal Description

**Exhibit E:** City of Cornelius Ordinance No. 2015-07

**Exhibit F:** Neighborhood Meeting Documentation

**Exhibit G:** Preliminary Service Availability Memo

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# NW 336<sup>th</sup> Avenue and SW Baseline Street Expedited Annexation and Zone Change

|  |  |
|--|--|
| <b>Submitted to:</b>                         | City of Cornelius<br>Department of Community Development<br>1355 N. Barlow Street<br>Cornelius, OR 97113   |
| <b>Applicant:</b>                            | Dehen Homes OR336 LLC<br>18118 SE 36 <sup>th</sup> Street<br>Vancouver, WA 98683   |
| <b>Property Owner:</b>                       | Dehen Homes OR336 LLC<br>18118 SE 36 <sup>th</sup> Street<br>Vancouver, WA 98683   |
| <b>Applicant's Consultant:</b>               | AKS Engineering & Forestry, LLC<br>12965 SW Herman Road, Suite 100<br>Tualatin, OR 97062<br><br>Contact: Mimi Doukas, AICP<br>Email: mimid@aks-eng.com<br>Phone: (503) 563-6151  |
| <b>Site Location:</b>                        | Northwest corner of the intersection of NW 336 <sup>th</sup><br>Avenue and SW Baseline Street.   |
| <b>Washington County<br/>Assessor's Map:</b> | Map 1N335CD, Tax Lot 1200  |
| <b>Site Size:</b>                            | ±0.61 acres  |
| <b>Land Use Districts:</b>                   | <b><u>Current Washington County Zoning District:</u></b> Agriculture<br>and Forest District (AF-5)<br><b><u>City of Cornelius Zoning District Planned Upon<br/>Annexation:</u></b> Very Low-Density Residential (R-10) |

---

## **I. Executive Summary**

On behalf of Dehen Homes OR336 LLC (Applicant), AKS Engineering & Forestry is submitting this application for an expedited annexation and zone change to the City of Cornelius Community Development Department (hereafter referred to as “the City”). The subject property is ±0.61 acres and is located within the City of Cornelius Urban Growth Boundary (UGB). The property was annexed into the UGB in 2014 by House Bill 4078. The property is planned to be annexed into the Very Low-Density Residential (R-10) zoning district upon annexation as established by the City of Cornelius Ordinance No. 2015-07, which amended the City’s Comprehensive Plan to provide Comprehensive Plan and future zoning designations for the northeast UGB area. Ordinance No. 2015-07 also amended other City plan documents to anticipate the future public facilities and services required to serve the northeast UGB area, including the subject property.

Pursuant to ORS 199.510(c) this application includes a simultaneous annexation of the property into the boundaries of Clean Water Services for the provision of sanitary sewer, storm and surface water management.

The Applicant is requesting this annexation and zone change in order to provide City services to the subject property for the future development of needed housing on the subject property.

This application includes the City application forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City’s approval of the application.

## **II. Site Description/Setting**

The subject property is ±0.61 acres and is located at the northwest intersection of NW 336<sup>th</sup> Avenue and SW Baseline Street. The property is currently located in Washington County and is in the Agriculture and Forestry (AF-5) zoning district. This area is within the MetroUGB and the Metro jurisdictional boundary. At the time of annexation, the City will apply the Very Low-Density Residential (R-10) zoning district as established by City Ordinance No. 2015-07.

The subject property is located within the Hillsboro School District (HSD), the Cornelius Parks and Recreation District, the Washington County Sheriff’s Department District, and the City of Cornelius Water District. The property is planned to be annexed into the Clean Water Services (CWS) Service District for sanitary sewer and stormwater services as part of this application.

The subject property is currently unimproved. The property does not include significant topographic variance or slopes greater than 10 percent. The subject property does not contain any Significant Natural Resources identified in the City’s Natural Resources Inventory and Map. Existing vegetation includes trees and grass plantings. The property is bordered by NW 336<sup>th</sup> Avenue to the east and SW Baseline Street to the south, and is adjacent to the City of Cornelius city limits along SW Baseline Street to the south.

## **III. Applicable Review Criteria**

### **CORNELIUS COMPREHENSIVE PLAN**

Chapter II      Urbanization Element

Policy 4

---

In order to ensure orderly development in conformance with the Comprehensive Plan, the city adopts these policies for annexation:

- a. Annexation will be permitted if:
- (1) The City is able to provide adequate services to the area, including sewer, water, administration, and fire protection. The new area can meet city standards for roads, sewers, water, and other services, and appropriate amendments to the City's Public Facilities Master Plans have been considered.

**Response:** The Cornelius City Council adopted Ordinance No. 2015-07 on November 16<sup>th</sup>, 2015, following neighborhood outreach and area concept planning. The City assessed the capacity of its existing public facilities relative to future potential growth in the northeast UGB area as part of the planning effort for Ordinance 2015-07. The Ordinance amended the City's various master plans to describe how various urban services will need to be provided to accommodate future growth in the northeast UGB area. Master plans that were amended to reflect the future development of the northeast UGB include the Parks Master Plan, the Sanitary Sewer System Master Plan, the Water System Master Plan, the Transportation System Plan, the Stormwater/Surface Drainage Master Plan, and Administrative and Fire Service plans. Amendments to these master plans are addressed and discussed in detail in Ordinance No. 2015-07.

The property included in this annexation application is a lot within the northeast UGB area that was examined as part of Ordinance 2015-07. The annexation is intended to allow the subject property to receive City services in order to facilitate the development of needed housing on the subject property. Ordinance No. 2015-07 indicated that city facilities were adequate to serve the subject property upon future annexation. Further information on service availability to the affected territory can be found in the Service Availability Memo (Exhibit G). This criterion is met.

- (2) The proposed use of the area to be annexed conforms with the Comprehensive Plan, or has been Master Planned, including all adjacent and intervening properties. The City does not intend to support piecemeal annexations.

**Response:** Exhibit A of Ordinance No. 2015-07 depicts the adopted Comprehensive Plan Map and Zoning Map designations for land in the northeast UGB area. As demonstrated by the Comprehensive Plan Map and Zoning Map, the subject property is to be designated Very Low Density Residential (R-10) upon annexation into the City. The property is intended to provide needed housing and will conform to the Comprehensive Plan. This criterion is met.

- (3) A substantial portion of the area to be annexed is contiguous to the City and represents a logical direction for city expansion.

**Response:** The subject property was added to the Metro Urban Growth Boundary on April 1, 2014, with the signing of House Bill 4078. Because the subject property is currently located within the Metro UGB, and because the property was added to the UGB for the explicit purpose of accommodating regional urbanization in the near term, annexation of this site represents the Region's first choice for local annexation and is therefore a logical selection for expansion of the City of Cornelius

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A parcel south of the subject property across the SW Baseline Street right-of-way and located at 3865 Baseline Street (Washington County Assessor’s Map 1S302B, Tax Lot 400) is located within the City boundary. Additionally, the portion of SW Baseline Street along the property’s southern boundary is within the City limits. Therefore, the subject property is contiguous to the City via its southern lot line. This criterion is met.

**CORNELIUS MUNICIPAL CODE**

**Chapter 18.125 Amendment to the Zoning Ordinance**

**18.125.010 Procedure**

(...)

(C) **Approval Criteria.** The applicant shall demonstrate the request meets the following criteria:

(1) **The proposal conforms with the city’s comprehensive plan.**

**Response:** The subject property was added to the City’s UGB through the Comprehensive Plan Amendment adopted by Ordinance No. 2015-07. The subject property is designated for residential use by the Comprehensive Plan and will be given an R-10 zoning designation upon annexation. The annexation is necessary to develop the property with needed housing and provide city services to the subject property. This use conforms with the City’s comprehensive plan; therefore, this criterion is met.

(2) **The permitted uses of the proposed new zone will not materially and/or adversely affect the character of the neighborhood.**

**Response:** The subject property is located in a residential neighborhood. Properties to the north, east, and west are currently improved with single-family dwellings. According to the Comprehensive Plan Map and Zoning Map, the subject property will be located in the R-10 zoning district following its annexation. The subject property is intended to be improved with needed housing, which is a permitted use in the R-10 zoning district and conforms with the overall character of the existing neighborhood. Furthermore, adjacent properties are designated for the R-10 zoning district upon annexation, as shown in the Comprehensive Plan Map and Zoning Map. Therefore, the permitted uses of the proposed new zone will not materially or adversely affect the character of the neighborhood, and this criterion is met.

(3) **The proposal will place all property similarly situated in the area in the same zoning category or in appropriate complementary categories, without creating a “spot zone.”**

**Response:** The area to be annexed includes one lot that is ±0.61 acres in size. The subject property will receive an R-10 zoning designation upon annexation into the City. As shown in the Comprehensive Plan Map and Zoning Map and established by Ordinance No. 2015-07, the adjacent properties are designated for the R-10 zoning district upon future annexation into the City. The land use and zoning designation established in Ordinance No. 2015-06 applies to a relatively large tract of contiguous land and cannot be considered spot zoning. Therefore, the subject property will be placed in the same zoning category as adjacent properties when future properties are annexed into the City. This criterion is met.

(...)



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(E) Zoning of Annexed Areas. The provisions of this chapter regarding amendments to the ordinance codified in this title shall not apply to action authorized by this section, but the commission shall proceed promptly to recommend a comprehensive zoning plan for the area in accordance with the provisions of this chapter. In order to afford zoning protection to newly annexed areas prior to the time when a comprehensive zoning plan is adopted, interim zoning shall be established as follows:

- (1) An area annexed to the city which is not zoned shall be automatically classified as an R-7 zone.
- (2) Zoning regulations applicable to an area annexed to the city which is zoned by the county at the time of annexation shall continue to apply in accordance with ORS 227.310 unless, at the time of annexation or at a subsequent time, the council rezones the annexed area.

**Response:** With the adoption of Ordinance No. 2015-07, the City of Cornelius amended its Comprehensive Plan to establish the land use and zoning regulations for the northeast UGB area. These criterion do not apply.

## METRO CODE

### Title III Planning

#### Chapter 3.09 Local Government Boundary Change

##### 3.09.010 Purpose and Applicability

The purpose of this chapter is to carry out the provisions of ORS 268.347 to 268.354. This chapter applies to boundary changes within the boundaries of Metro or of urban reserves designated by Metro and any annexation of territory to the Metro boundary. Nothing in this chapter affects the jurisdiction of the Metro Council to amend the region's Urban Growth Boundary (UGB).

**Response:** Chapter 3.09 of the Metro Code implements those Oregon Revised Statutes in Sections 268.347 through 268.354 relating to boundary changes within a metropolitan service district. The criteria below fully implement the relevant State statutes. Therefore, the findings herein demonstrate that Metro and State annexation criteria are met.

(...)

##### 3.09.040 Requirements for Petitions

- A. A petition for a boundary change must contain the following information:
  1. The jurisdiction of the reviewing entity to act on the petition;
  2. A map and a legal description of the affected territory in the form prescribed by the reviewing entity;
  3. For minor boundary changes, the names and mailing addresses of all persons owning property and all electors within the affected territory as shown in the records of the tax assessor and county clerk; and
  4. For boundary changes under ORS 198.855(3), 198.857, 222.125 or 222.170, statements of consent to the annexation signed by the requisite number of owners or electors.
- B. A city, county and Metro may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.

**Response:** The City is the reviewing entity that will act on this application. All necessary application forms and exhibits, as well as associated review fees, have been submitted with this

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application. A certified legal description and map of the affected territory are included in Exhibit E. The Certification of Property Owners according to Washington County Tax Assessor and Clerk Records is included in Exhibit C. The Petition for Annexation of 100 percent of the property owners is included in Exhibit D along with the names and mailing addresses of said property owners. These criteria are met.

### 3.09.045 Expedited Decisions

(...)

- D. To approve a boundary change through an expedited process, the city shall:
1. Find that the change is consistent with expressly applicable provisions in:
    - a. Any applicable urban service agreement adopted pursuant to ORS 195.065;
    - b. Any applicable annexation plan adopted pursuant to ORS 195.205;
    - c. Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;
    - d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;
    - e. Any applicable comprehensive plan;
    - f. Any applicable concept plan; and

**Response:** The planned annexation is consistent with the intergovernmental planning agreement between the jurisdictions of the City of Cornelius, Washington County, and Metro. The affected territory was included in the City's Comprehensive Plan Amendment, approved by Ordinance No. 2015-07, and the City's concept plan for the northeast UGB area. The City addressed future transportation and sanitary sewer needs in the area through the adoption of Ordinance No. 2015-07. Although the City of Cornelius Water District provides stormwater facilities and services to the subject property, the City has a contract with Clean Water Services (CWS) for stormwater treatment. CWS availability for treatment of the affected territory was addressed as part of the Comprehensive Plan Amendment. This application includes a concurrent annexation into the CWS district boundaries for provision of sanitary sewer services. These criteria are met as applicable.

2. Consider whether the boundary change would:
  - a. Promote the timely, orderly, and economic provision of public facilities and services;
  - b. Affect the quality and quantity of urban services; and
  - c. Eliminate or avoid unnecessary duplication of facilities or services.

**Response:** The planned annexation would promote the timely, orderly, and economic provision of public facilities and services. The territory to be annexed is located within the northeast UGB area designated in the City's Comprehensive Plan and addressed in Ordinance No. 2015-07 and other implemented plans such as the City's Transportation Plan. The

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property is contiguous to the City boundary and annexation of the property is integral to providing City services to the area. Future improvements to the site can and will affect the quality and quantity of urban services. The planned annexation will not create unnecessary duplication of facilities and services. The service districts that currently serve the site, including the Hillsboro School District (HSD), the Cornelius Parks and Recreation District, the Washington County Sheriff's Department District, and the City of Cornelius Water District, will continue to do so after the annexation and further development of the property. Further information on service availability to the affected territory can be found in the Service Availability Memo (Exhibit G). These criteria are met.

- E. A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and partially outside the UGB.

**Response:** The subject property to be annexed is located within the northeast UGB area as designated by the City Comprehensive Plan and examined by Ordinance No. 2015-07. This criterion is not applicable.

### 3.09.050 Hearing and Decision Requirements for Decisions Other Than Expedited Decisions

- A. The following requirements for hearings on petitions operate in addition to requirements for boundary changes in ORS Chapters 198, 221 and 222 and the reviewing entity's charter, ordinances or resolutions.

**Response:** This narrative and accompanying exhibits respond to all state and local requirements pertaining to boundary changes. Additionally, Metro Code Chapter 3.09, Cornelius Comprehensive Plan Chapter II Policy 4, and Cornelius Development Code Chapter 18.125 implement the applicable annexation provisions from ORS Chapters 198, 221, and 222. This narrative demonstrates satisfaction with the applicable boundary change requirements.

- B. Not later than 15 days prior to the date set for a hearing the reviewing entity shall make available to the public a report that addresses the criteria identified in subsection (D) and includes the following information:

1. The extent to which urban services are available to serve the affected territory, including any extra territorial extensions of service;

**Response:** Urban services are available or will be made available to serve the annexed property to a level consistent with City standards. The provision of urban services is discussed in further detail in the Ordinance No. 2015-07, which amended the City's Comprehensive Plan and assessed availability of urban services in the northeast UGB area. Additional information on service availability to the affected territory can be found in the Service Availability Memo (Exhibit G).

2. Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

**Response:** Metro Code Section 3.09.020 defines the term "affected territory" as a territory described in a petition. "Necessary party" is defined as any county, city, or district whose jurisdictional boundary or adopted urban service area includes any part of the affected territory or who provides any urban services to any portion of the affected territory, Metro, or any other unit of local government, as defined in ORS 190.003, that is a party

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to any agreement of provision of an urban service to the affected territory. The proposed annexation will withdraw ±0.61 acres of land from the current Washington County jurisdictional boundary. The legal description for the area planned for withdrawal is included in Exhibit D.

3. The proposed effective date of the boundary change.

**Response:** The Notice of Decision will indicate the proposed effective date of the boundary change.

C. The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.

**Response:** This application includes responses and the necessary exhibits that demonstrate compliance with all applicable boundary change criteria. This criterion is met.

D. To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of section 3.09.045.

**Response:** Responses to Metro Code Sections 3.09.045 (D) and (E) are included above. This criterion is met.

#### IV. Conclusion

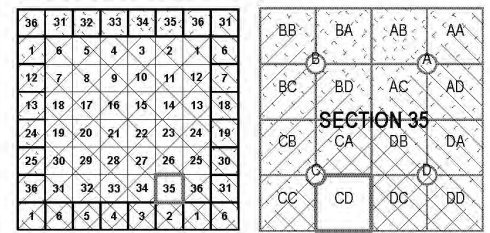
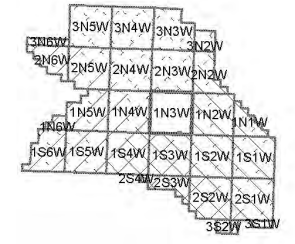
The required findings have been made and this written narrative and accompanying documentation demonstrate that the application is consistent with the applicable provisions of the City of Cornelius Municipal Code. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests that the City approve this application.

## **Exhibit A: Washington County Assessor's Map**

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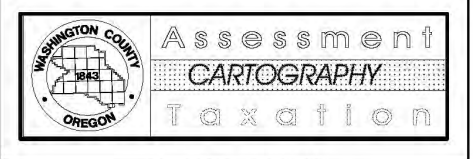
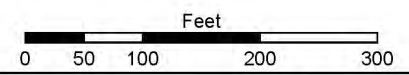


WASHINGTON COUNTY OREGON  
SE 1/4 SW 1/4 SECTION 35 T11N R3W  
SCALE 1"= 100'



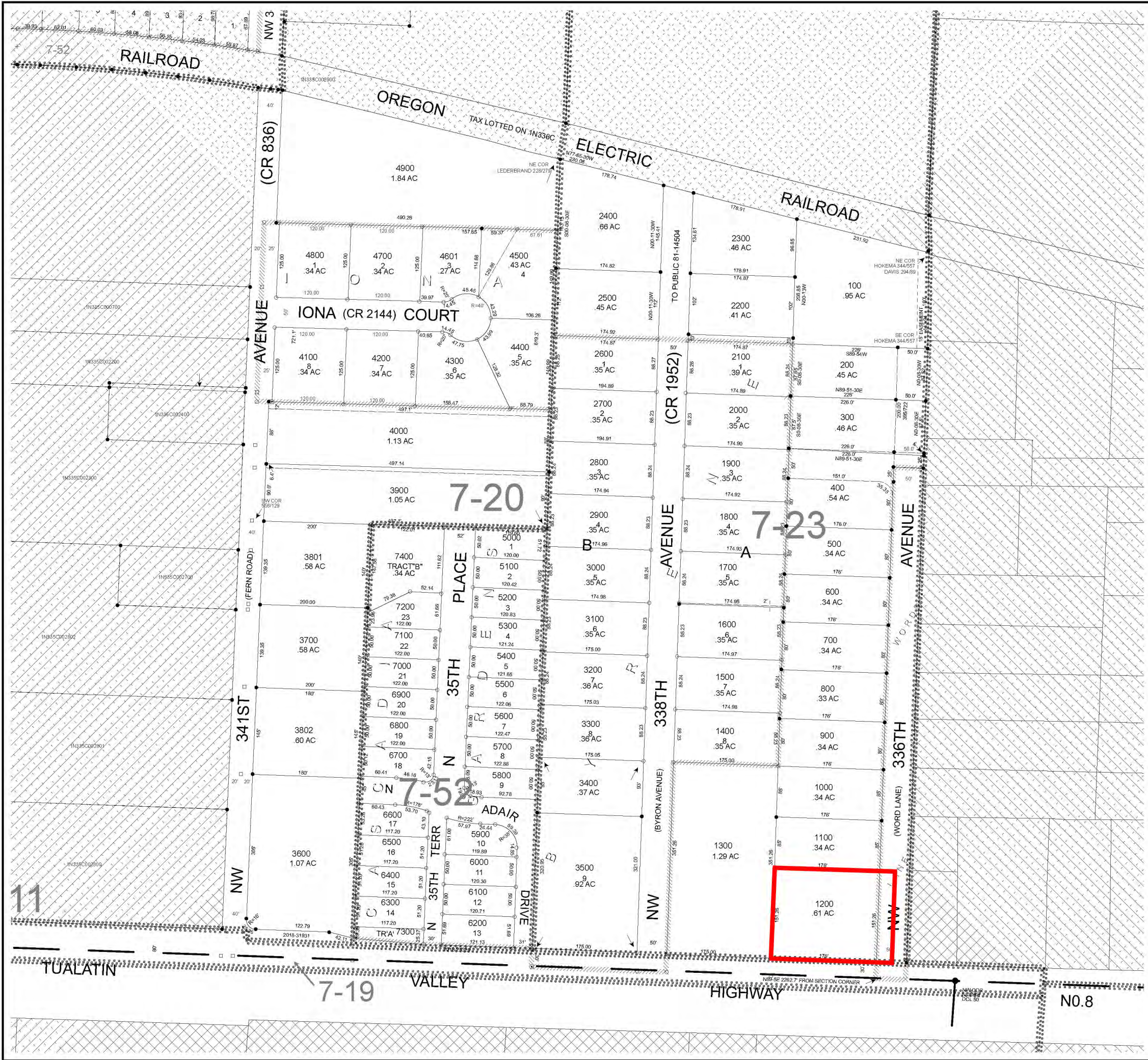
FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[www.co.washington.or.us](http://www.co.washington.or.us)

Cancelled Taxlots For: 1N335CD  
4600, 101, 3800



PLOT DATE: 1/18/2023  
FOR ASSESSMENT PURPOSES  
ONLY - DO NOT RELY ON  
FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern  
are for reference only and may not indicate the most current property boundaries.  
Please consult the appropriate map for the most current information.





## **Exhibit B: Application Form and Checklist**

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**Community Development**  
Located at 1300 S. Kodiak Circle, Cornelius, Oregon 97113  
www.ci.cornelius.or.us

| OFFICIAL USE ONLY      |                       |                 |
|------------------------|-----------------------|-----------------|
| Date Received: _____   | Date Complete: _____  | ↓ File Number ↓ |
| Application Fee: _____ | Receipt Number: _____ | _____           |

**APPLICATION TYPE**

**Type I – administrative review without public notice**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Design Review I              | <input type="checkbox"/> Lot Line Adjustment    | <input type="checkbox"/> Administrative Relief |
| <input type="checkbox"/> Land Partition—Final Plat    | <input type="checkbox"/> Subdivision—Final Plat |  |
| <input type="checkbox"/> Other please describe: _____ |   |  |

**Type II – administrative review with public notice**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Design Review II             | <input type="checkbox"/> Land Partition—Preliminary Plat | <input type="checkbox"/> Subdivision—Preliminary Plat |
| <input type="checkbox"/> Other please describe: _____ |  |   |

**Type III – public hearing(s) required with public notice**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Design Review III            | <input type="checkbox"/> Conditional Use Permit        | <input type="checkbox"/> Planned Unit Development     |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input checked="" type="checkbox"/> Zone Map Amendment | <input type="checkbox"/> Zone Text Amendment          |
| <input checked="" type="checkbox"/> Annexation        | <input type="checkbox"/> ROW/Easement Vacation         | <input type="checkbox"/> Subdivision—Preliminary Plat |
| <input type="checkbox"/> Other please describe: _____ |  |   |

**Applicant's Consultant:**  
AKS Engineering & Forestry  
Mimi Doukas, AICP, RLA  
12965 SW Herman Road, Ste. 100  
Tualatin, OR 97062  
503-563-6151  
mimid@aks-eng.com

**APPLICANT INFORMATION**

Name: Dehen Homes OR336 LLC Signature: Jodi Dehen  
 Mail Address: 18118 SE 36th Street, Vancouver, WA 98683  
 Phone: Please contact Applicant's Consultant Fax: Please contact Applicant's Consultant E-mail: Please contact Applicant's Consultant

**PROPERTY OWNER INFORMATION**





Name: Dehen Homes OR336 LLC Signature: Jodi Dehen, Manager of the Manager  
 Mail Address: 18118 SE 36th Street, Vancouver, WA 98683  
 Phone: Please contact Applicant's Consultant Fax: Please contact Applicant's Consultant E-mail: Please contact Applicant's Consultant

**SUBJECT SITE INFORMATION**

Property Address: No situs (northwest intersection of NW 336th Avenue and SW Baseline Street)  
 Map & Tax Lot Number(s): Washington County Assessor's Map 1N335CD, Tax Lot 1200  
 Current Zoning: Agriculture and Forestry District (AF-5) Total Size of Site: ±0.61 acres  
 Existing Use: N/A  
 Proposed Use: Annexation into City of Cornelius for future development of needed middle housing

**Community Development**  
Located at 1300 S. Kodiak Circle, Cornelius, Oregon 97113  
[www.ci.cornelius.or.us](http://www.ci.cornelius.or.us)

## Written Narrative Requirements

-  A. **Checklist:** Please provide one completed and signed copy of this two-page checklist.
-  B. **Description of proposal:** Please describe what the existing conditions are on-site and the changes proposed to the site. Provide findings verifying that the intended use is allowed by the City's *Development Code*.
-  C. **Approval criteria findings:** Please provide a narrative that evaluates and verifies the proposal meets the approval criteria identified below: Chapter 18.125.010(C), of the Development Code
1. *The proposal conforms with the City's Comprehensive Plan.*
- Please note when making findings, the applicant shall address all applicable Comprehensive Plan policies.
2. *The Permitted use of the proposed new zone will not materially and/or adversely affect the character of the neighborhood*
  3. *The proposal will place all property similarly situated in the area in the same zoning category or in appropriate complementary categories, without creating a "spot zone".*
-  D. **Additional Requirements:** Please be advised that special studies, investigations and reports may be required to ensure that the proposal does not adversely affect the surrounding community, and does not create hazardous conditions for persons or improvements on the site.

- ✓ E. **Neighborhood Review Meeting:** information required (*Dev. Code Chapter 18.10.030*)
  - ✓ 1. A copy of the notice sent to surrounding property owners.
  - ✓ 2. A copy of the mailing list used to send out meeting notices.
  - ✓ 3. An affidavit of mailing notices.
  - ✓ 4. Representative copies of written materials and plans presented at the Neighborhood Review Meeting.
  - ✓ 5. Notes of the meeting, including the meeting date, time, and location, the names and addresses of those who attended, and oral and written comments received.

**Plan Requirements**

- ✓ A. **Proposed Zoning Map (include the following):**
  - ✓ 1. North arrow, scale and date of plan.
  - ✓ 2. The entire lot(s), including area and property lines dimensioned.
  - ✓ 3. Identify City and Urban Growth Boundary, if within 250 ft.
  - ✓ 4. Surrounding Zoning Districts within 250 ft. of the property.
  - ✓ 5. Title block, identifying project.
  - ✓ 6. Vicinity Map
  - ✓ 7. Significant Natural Resources (i.e. wetlands, sensitive areas, water features, etc.)

I have provided the items required in this 2-page submittal checklist. I understand that any missing information, omissions or both may deem my project incomplete, which may lengthen the time to process the request.

  
Signature

524/2023  
Date

Mimi Doukas  
Print name

(503)-563-6151  
Telephone Number

## **Exhibit C: Certification of Landowners and Petition for Annexation by 100% of the Property Owners**

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CERTIFICATION OF LAND OWNERS

ORS 198.855(3) If the annexation petition is signed by all of the owners of all land in the territory proposed to be annexed or is signed by a majority of the electors registered in the territory proposed to be annexed and by the owners of more than half of the land in the territory, an election in the territory and district shall be dispensed with. After the hearing on the petition, if the county board approves the petition as presented or as modified or, if an election is held, if the electors approve the annexation, the county board shall enter an order describing the boundaries of the territory annexed and declaring it annexed to the district (<https://www.oregonlaws.org/ors/198.855>)

Petition signed by all landowners (100%)

I hereby certify that the attached petition for a proposed boundary change involving the territory described in the petition contains the names of the owners\* of all land in the territory proposed to be annexed within the area described in the petition, as shown on the last available complete assessment roll.

NAME TED FOSTER

TITLE GIS TECH

DEPARTMENT CARTOGRAPHY

COUNTY OF WASHINGTON

DATE 5/15/23

\*"Landowner" or "owner of land" means any person shown as the owner of land on the last available assessment roll; however, where such person no longer holds the title to the property, then the terms mean any person entitled to be shown as owner of land on the next assessment roll; or, where land is subject to a written agreement of sale, the terms mean any person shown in the agreement as purchaser to the exclusion of the seller; and the terms include any public agency owning land.

**ANNEXATION CERTIFIED**

BY TF

**MAY 15 2023**

**WASHINGTON COUNTY A & T  
CARTOGRAPHY**

**PETITION FOR ANNEXATION TO THE CITY OF CORNELIUS, OREGON**

**TO:** The Council of the City of Cornelius, Oregon

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Cornelius.

| Signature  | Printed Name             | I am a:* |    |    | Address  | Tax Map | Tax Lot | Precinct No. | Date    |
|--|--------------------------|----------|----|----|--|---------|---------|--------------|---------|
|  |                          | PO       | RV | OV |  |         |         |              |         |
| DEHEN HOMES OR336 LLC<br>By: DEHEN HOMES, LLC,<br>its manager<br>By: <i>Jodi Dehen</i> | Dehen Homes<br>OR336 LLC | X        |    |    | 18118 SE 36 <sup>th</sup> Street<br>Vancouver, WA<br>98683 | 1N335CD | 1200    | 346          | 5-10-23 |

*JODI DEHEN, MANAGER*

\*PO = Property Owner

RV = Registered Voter

OV = Owner Voter

**Exhibit D: Certification of  
Legal Description and Map of Annexation Area;  
Documents Referenced in Legal Description**

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**CERTIFICATION OF LEGAL DESCRIPTION AND MAP**

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 1N335CD01200) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME TED FOSTER  
TITLE GIS TECH  
DEPARTMENT CARTOGRAPHY  
COUNTY OF WASHINGTON  
DATE 5/15/23

**ANNEXATION CERTIFIED**

BY TF

**MAY 15 2023**

**WASHINGTON COUNTY A & T  
CARTOGRAPHY**



AKS ENGINEERING & FORESTRY, LLC  
12965 SW Herman Road, Suite 100, Tualatin, OR 97062  
P: (503) 563-6151 | www.aks-eng.com

AKS Job #9996

OFFICES IN: BEND, OR - KEIZER, OR - TUALATIN, OR - VANCOUVER, WA

## EXHIBIT A

### Annexation

A tract of land located in the Southwest One-Quarter of Section 35, Township 1 North, Range 3 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Commencing at the southeast corner of the plat "Cascadia Gardens", recorded as Document Number 2019-035170, Washington County Records, also being on the north right-of-way line of SW Tualatin Valley Highway (50.00 feet from centerline) and the City of Cornelius city limits line; thence along said north right-of-way line and said city limits line, North 89°53'10" East 400.48 feet to the southeast corner of Document Number 96101805, Washington County Records, and the Point of Beginning; thence leaving said city limits line along the east line of said Deed, North 00°08'37" West 151.17 feet to the southwest corner of Document Number 89-36570, Washington County Records; thence along the south line of said Deed and the easterly extension thereof, North 89°51'30" East 201.10 feet to the centerline of NW 336th Avenue; thence along said centerline, South 00°08'30" East 151.27 feet to said north right-of-way line of SW Tualatin Valley Highway and said city limits line; thence along said north right-of-way line and said city limits line, South 89°53'10" West 201.09 feet to the Point of Beginning.

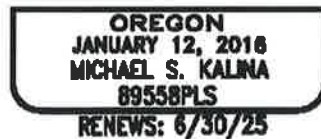
The above described tract of land contains 30,410 square feet, more or less.

The Basis of Bearings for this description is based on Survey Number 34,530, Washington County Survey Records.

5/8/2023



*Michael S. Kalina*



**ANNEXATION CERTIFIED**

BY *MF*

**MAY 15 2023**

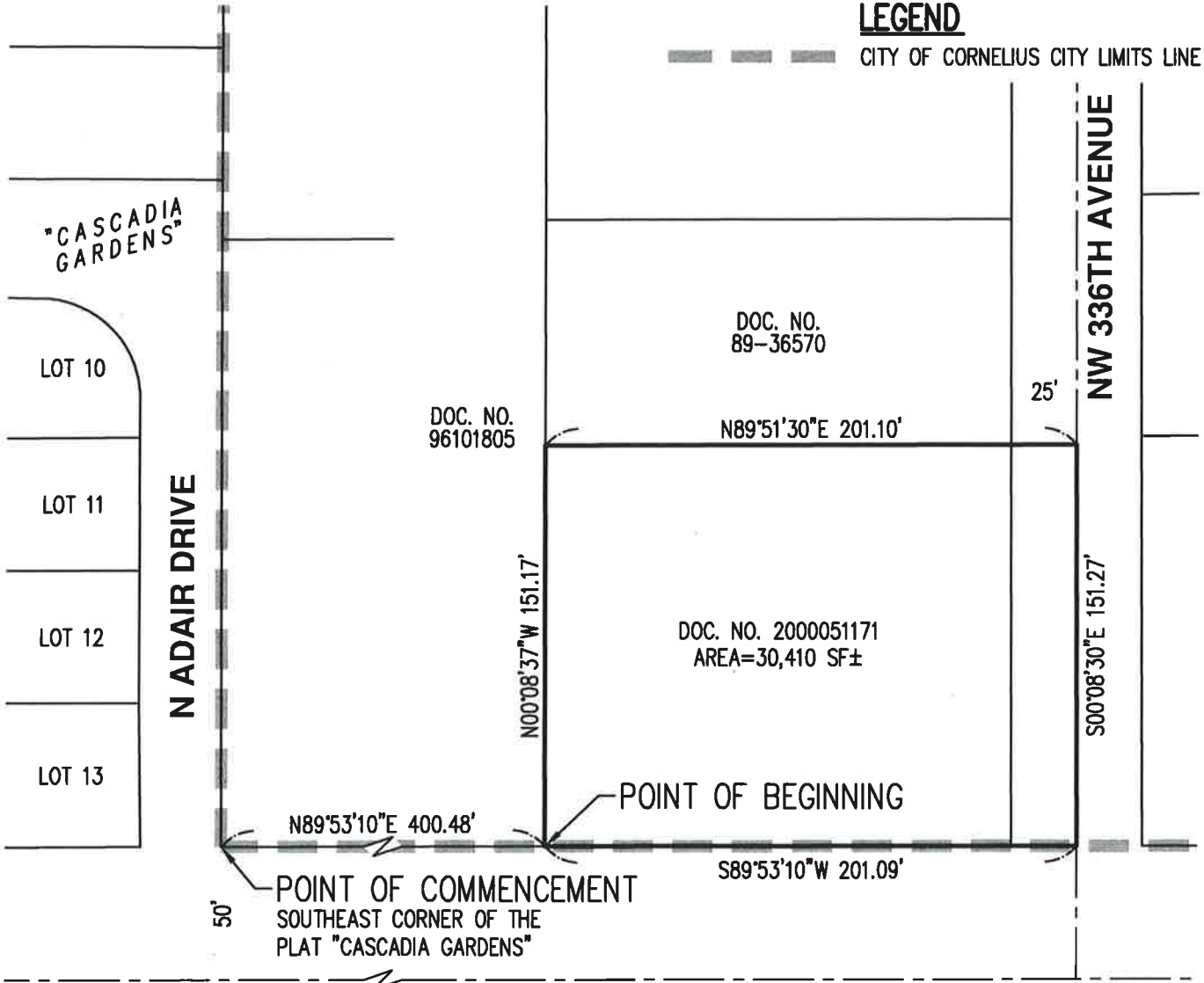
**WASHINGTON COUNTY A & T  
CARTOGRAPHY**

# EXHIBIT B

A TRACT OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 35,  
TOWNSHIP 1 NORTH, RANGE 3 WEST, WILLAMETTE MERIDIAN,  
WASHINGTON COUNTY, OREGON

## LEGEND

 CITY OF CORNELIUS CITY LIMITS LINE




5/8/2023

SW TUALATIN VALLEY HIGHWAY

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

**ANNEXATION CERTIFIED**

BY 



**MAY 15 2023**

OREGON  
JANUARY 12, 2016  
MICHAEL S. KALINA  
89558PLS

WASHINGTON COUNTY A & T  
CARTOGRAPHY

RENEWS: 6/30/25

SCALE: 1" = 50 FEET



AKS ENGINEERING & FORESTRY, LLC  
12965 SW HERMAN RD, STE 100  
TUALATIN, OR 97062  
503.563.6151 WWW.AKS-ENG.COM



ANNEXATION

|                  |           |
|------------------|-----------|
| TL 1N335CD 01200 |           |
| DRWN: WCB        | CHKD: MSK |
| AKS JOB: 9996    | EXHIBIT B |

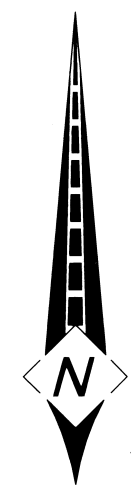
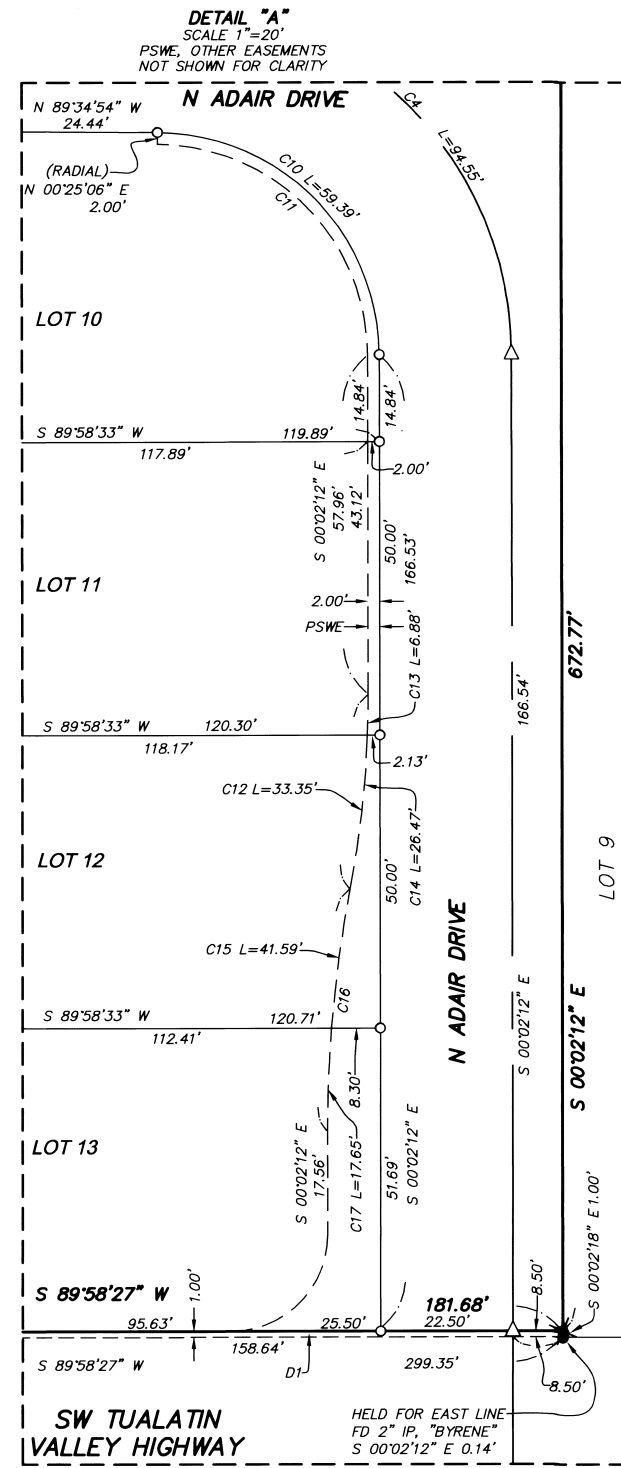
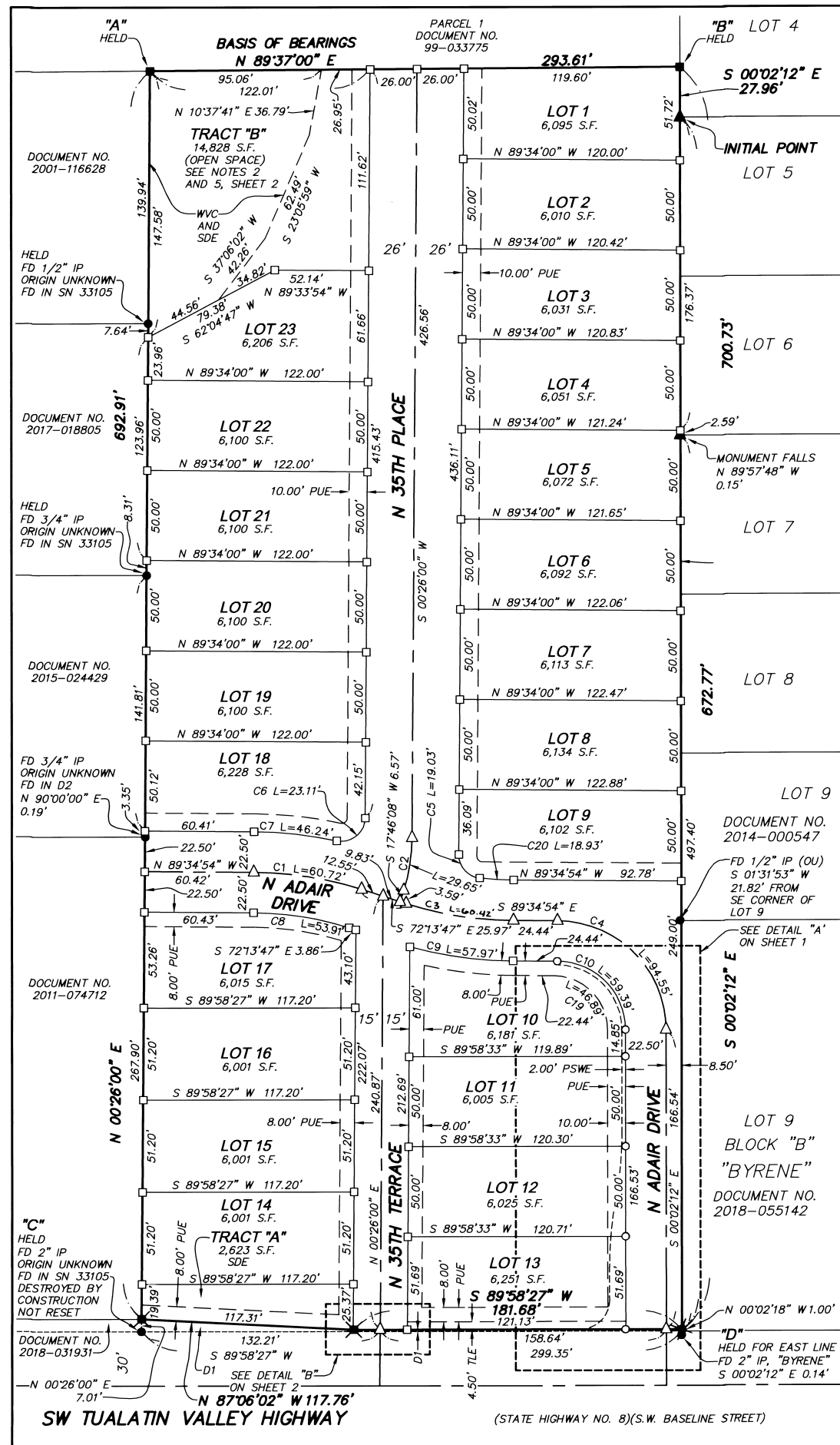
# "CASCADIA GARDENS"

RECORDED AS DOCUMENT NO. 2019-035170

A TRACT OF LAND LOCATED IN THE  
S.W. 1/4 SECTION 35, T.1N., R.3W., W.M.,  
CITY OF CORNELIUS, WASHINGTON COUNTY, OREGON  
SEPTEMBER 24, 2018 SCALE 1"=50'  
PLANNING CASE FILE NOS. CUP/PUD-02-17 AND SUB-02-17  
SHEET 1 OF 2

**LEGEND:**

- ✱ SET 5/8" x 30" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" SET ON MARCH 29, 2019
  - SET 1.17" COPPER DISC (BERNTSEN BP1) MARKED "BOLDEN LS 60377" SET DURING REMAINING MONUMENTATION. SET ON \_\_\_\_\_ 20\_\_
  - △ 5/8" x 30" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" SET IN MONUMENT BOX DURING REMAINING MONUMENTATION. SET ON \_\_\_\_\_ 20\_\_
  - 5/8" x 30" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" SET DURING REMAINING MONUMENTATION. SET ON \_\_\_\_\_ 20\_\_
  - FOUND MONUMENT AS NOTED
  - FOUND 5/8" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" FROM SN 33105
  - ▲ FOUND 5/8" IRON ROD FROM THE PLAT OF "BYRENE"
- IR = IRON ROD IP = IRON PIPE  
FD = FOUND W/ = WITH  
OU = ORIGIN UNKNOWN  
R/W = RIGHT OF WAY  
S.F. = SQUARE FEET  
SN = SURVEY NUMBER WASHINGTON COUNTY SURVEY RECORDS  
PUE = PUBLIC UTILITY EASEMENT  
PSWE = PUBLIC SIDEWALK EASEMENT  
TLE = TREE AND STREET LIGHT EASEMENT FOR THE BENEFIT OF THE CITY OF CORNELIUS  
SDE = STORM SEWER, SURFACE WATER, DRAINAGE AND DETENTION EASEMENT TO CITY OF CORNELIUS.  
WVC = WETLAND AND VEGETATED CORRIDOR SEE NOTE 5, SHEET 2  
D1 = DOCUMENT NO. 2018-025329  
3WF = 3' WIRE FENCE  
3CLF = 3' CHAINLINK FENCE  
5CLF = 5' CHAINLINK FENCE

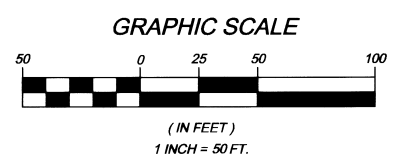


SIGNED ON: 03 Apr 19

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
TOBY G. BOLDEN  
60377LS

RENEWS: DECEMBER 31, 2019



**CENTERLINE CONCEPTS**  
LAND SURVEYING, INC.  
19376 MOLALLA AVE., SUITE 120  
OREGON CITY, OREGON 97045  
PHONE 503.650.0188 FAX 503.650.0189

# "CASCADIA GARDENS"

RECORDED AS DOCUMENT NO. 2019-035170

A TRACT OF LAND LOCATED IN THE  
S.W. 1/4 SECTION 35, T.1N., R.3W., W.M.,  
CITY OF CORNELIUS, WASHINGTON COUNTY, OREGON  
SEPTEMBER 24, 2018  
PLANNING CASE FILE NOS. CUP/PUD-02-17 AND SUB-02-17  
SHEET 2 OF 2

**NARRATIVE:**

THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THAT TRACT OF LAND DESCRIBED IN DEED DOCUMENT NO. 2018-062661, WASHINGTON COUNTY DEED RECORDS.

THE BASIS OF BEARINGS AND BOUNDARY DETERMINATION EXCEPT FOR THE SOUTH LINE ARE PER SURVEY NO. 33105, WASHINGTON COUNTY SURVEY RECORDS. I HELD NORTH 89°37'00" EAST, 293.61 FEET BETWEEN FOUND MONUMENTS "A" AND "B" FOR BEARING BASIS.

FOR THE SOUTH LINE OF DOCUMENTS NO. 2018-062661 AND 2018-025329, I HELD RECORD BEARINGS AND DISTANCES AND RECORD POSITION OF FOUND MONUMENTS "C" AND "D" PER SAID SURVEY. FOR THE NORTHWEST CORNER OF SAID DOCUMENT NO. 2018-025329 I HELD RECORD DISTANCE FROM THE SOUTHWEST CORNER ALONG THE ESTABLISHED WEST LINE. I THEN HELD RECORD ANGLE FROM THE WEST LINE TO ESTABLISH THE WESTERLY PORTION OF SAID NORTH LINE PER SAID DOCUMENT NO. 2018-025329. I THEN HELD A LINE 1.00 FEET NORTHERLY OF AND PARALLEL WITH SAID ESTABLISHED SOUTH LINE FOR THE EASTERLY PORTION OF THE NORTH LINE OF SAID DOCUMENT NO. 2018-025329.

**PLAT RESTRICTIONS**

- THIS PLAT SUBJECT TO THE CONDITIONS OF CITY OF CORNELIUS CASE FILES CUP/PUD-02-17 AND SUB-02-17.
- TRACT "B" IS SUBJECT TO AN ACCESS EASEMENT OVER ITS ENTIRETY FOR THE BENEFIT OF THE CITY OF CORNELIUS.
- TRACT "A" IS SUBJECT TO AN ACCESS EASEMENT AND A STORM SEWER, SURFACE WATER, DRAINAGE AND DETENTION EASEMENT OVER ITS ENTIRETY FOR THE BENEFIT OF THE CITY OF CORNELIUS.
- THERE SHALL BE NO DIRECT ACCESS TO S.W. TUALATIN VALLEY HIGHWAY FROM LOTS 13 OR TRACT "A" UNLESS APPROVED BY THE GOVERNING JURISDICTION. "A"
- THE DELINEATED WETLAND AND VEGETATED CORRIDOR IS SUBJECT TO A STORM SEWER, SURFACE WATER, DRAINAGE AND DETENTION EASEMENT OVER ITS ENTIRETY TO THE CITY OF CORNELIUS, AS SHOWN.

**DECLARATION:**

KNOW ALL PEOPLE BY THESE PRESENTS THAT SB LAND DEVELOPMENT, LLC, THE OWNER OF THE LAND REPRESENTED ON THE ANNEXED MAP, AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, DOES HEREBY DECLARE THE ANNEXED MAP TO BE A CORRECT MAP OF THE SUBDIVISION OF SAID PROPERTY AND HAS CAUSED THIS SUBDIVISION PLAT TO BE PREPARED AND THE PROPERTY SUBDIVIDED AS SHOWN IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 OF OREGON REVISED STATUTES.

FURTHERMORE, WE DO HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE FOREVER THE RIGHTS OF WAY AND GRANT ALL EASEMENTS AS SHOWN OR NOTED ON SAID MAP.

*[Signature]*  
JASON B. SAGE, MEMBER  
SB LAND DEVELOPMENT, LLC  
1815 NW 169TH PL STE 1040,  
BEAVERTON, OREGON 97006

**ACKNOWLEDGEMENT:**

STATE OF OREGON }  
COUNTY OF Washington } SS  
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON  
April 23, 2019, BY JASON B. SAGE, MEMBER OF  
SB LAND DEVELOPMENT, LLC.

*[Signature]*  
Catherine A. Patterson  
NOTARY PUBLIC - OREGON  
COMMISSION NO.: 950465  
MY COMMISSION EXPIRES: May 15, 2020

**CONSENT AFFIDAVIT**

A SUBDIVISION PLAT CONSENT AFFIDAVIT BY BISMARCK MORTGAGE COMPANY LLC, A TRUST DEED BENEFICIARY HAS BEEN RECORDED IN DOCUMENT NO. 2019-035172 OF THE WASHINGTON COUNTY DEED RECORDS.

**SURVEYOR'S CERTIFICATE:**

I, TOBY G. BOLDEN, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LAND REPRESENTED ON THE ATTACHED SUBDIVISION MAP, SAID LAND BEING DESCRIBED AS FOLLOWS:

A TRACT OF LAND LOCATED IN THE S.W. 1/4 OF SECTION 35, T.1N., R.3W., W.M., CITY OF CORNELIUS, WASHINGTON COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, SAID POINT BEING A 5/8" IRON ROD WITH NO CAP FOUND AT THE NORTHWEST CORNER OF LOT 5, BLOCK B, "BYRENE", WASHINGTON COUNTY PLAT RECORDS; THENCE ALONG THE WEST LINE OF SAID BLOCK B, SOUTH 00°02'12" EAST, 672.77 FEET TO THE NORTH RIGHT OF WAY LINE OF S.W. TUALATIN VALLEY HIGHWAY, BEING 31.00 FEET NORTH OF THE CENTERLINE THEREOF WHEN MEASURED AT RIGHT ANGLES, ALSO BEING COINCIDENT WITH THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT NO. 2018-025329; THENCE ALONG SAID NORTH RIGHT OF WAY LINE, SOUTH 89°58'27" WEST, 181.68 FEET TO AN ANGLE POINT THEREON; THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, BEING A VARIABLE DISTANCE FROM SAID CENTERLINE THEREOF, BEING COINCIDENT WITH THE NORTH LINE OF SAID TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT NO. 2018-025329, NORTH 87°06'02" WEST, 117.76 FEET TO THE EAST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT NO. 2011-074712, WASHINGTON COUNTY DEED RECORDS; THENCE ALONG SAID EAST LINE OF SAID TRACT OF LAND DESCRIBED DEED RECORDED AS DOCUMENT NO. 2011-074712, AND CONTINUING ALONG THE EAST LINE OF THOSE TRACTS OF LAND DESCRIBED IN DEEDS RECORDED AS DOCUMENTS NO. 2015-024429, 2017-018805, AND 2001-116628, WASHINGTON COUNTY DEED RECORDS, NORTH 00°26'00" EAST, 692.91 FEET TO THE NORTHEAST CORNER OF SAID TRACT OF LAND DESCRIBED IN DEED RECORDED AS DOCUMENT NO. 2001-116628; THENCE ALONG THE SOUTH LINE OF THAT TRACT OF LAND DESCRIBED AS PARCEL 1 IN DEED RECORD AS DOCUMENT NO. 99-033775, WASHINGTON COUNTY DEED RECORDS, NORTH 89°37'00" EAST, 293.61 FEET TO THE WEST LINE OF SAID BLOCK B OF SAID PLAT OF "BYRENE"; THENCE ALONG THE WEST LINE OF SAID BLOCK B, SOUTH 00°02'12" EAST, 27.96 FEET TO THE INITIAL POINT.

CONTAINING 207,117 SQUARE FEET

AS PER O.R.S. 92.070(2), I ALSO CERTIFY THAT THE REMAINING MONUMENTATION OF THIS SUBDIVISION WILL BE ACCOMPLISHED WITHIN 90 CALENDAR DAYS FOLLOWING THE COMPLETION OF PAVING IMPROVEMENTS OR ONE YEAR FOLLOWING THE ORIGINAL PLAT RECORDATION, WHICHEVER COMES FIRST, IN ACCORDANCE WITH O.R.S. 92.060.

SIGNED ON: 03 APR 19  
REGISTERED PROFESSIONAL LAND SURVEYOR

*[Signature]*  
OREGON  
JULY 13, 2004  
TOBY G. BOLDEN  
60377LS

RENEWS: DECEMBER 31, 2019

**REMAINING MONUMENTATION:**

IN ACCORDANCE WITH O.R.S. 92.070, THE REMAINING CORNERS OF THIS SUBDIVISION HAVE BEEN CORRECTLY SET WITH PROPER MONUMENTS. AN AFFIDAVIT HAS BEEN PREPARED REGARDING THE SETTING OF SAID MONUMENTS AND IS RECORDED IN DOCUMENT NO. \_\_\_\_\_ WASHINGTON COUNTY RECORDS.

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_  
WASHINGTON COUNTY SURVEYOR

BY: \_\_\_\_\_

**APPROVALS:**

APPROVED THIS 4th DAY OF June, 2019

*[Signature]*  
BY: \_\_\_\_\_  
CITY OF CORNELIUS COMMUNITY DEVELOPMENT DIRECTOR

APPROVED THIS 29th DAY OF May, 2019

*[Signature]*  
BY: \_\_\_\_\_  
CITY OF CORNELIUS PLANNING COMMISSION CHAIR

APPROVED THIS 6th DAY OF June, 2019

*[Signature]*  
BY: \_\_\_\_\_  
WASHINGTON COUNTY SURVEYOR

APPROVED THIS 6th DAY OF June, 2019  
WASHINGTON COUNTY BOARD OF COMMISSIONERS

*[Signature]*  
BY: \_\_\_\_\_  
County Surveyor

ALL TAXES, FEES, ASSESSMENTS OR OTHER CHARGES AS PROVIDED BY O.R.S. 92.095 HAVE BEEN PAID AS OF THIS 6 DAY OF June, 2019.

DIRECTOR OF ASSESSMENT AND TAXATION  
(WASHINGTON COUNTY ASSESSOR)  
BY: *[Signature]*  
DEPUTY

ATTEST THIS 6th DAY OF June, 2019  
DIRECTOR OF ASSESSMENT AND TAXATION  
EX-OFFICIO COUNTY CLERK

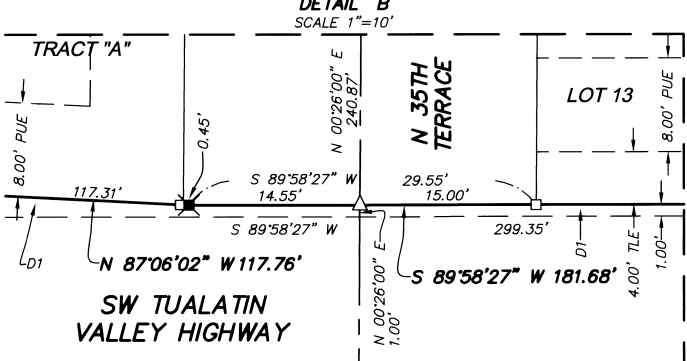
BY: *[Signature]*  
DEPUTY

STATE OF OREGON }  
COUNTY OF WASHINGTON } SS

I DO HEREBY CERTIFY THAT THIS SUBDIVISION PLAT WAS RECEIVED FOR RECORD ON THIS 6th DAY OF JUNE, 2019 AT 3:12 O'CLOCK P.M., AND RECORDED IN THE COUNTY CLERK RECORDS.

*[Signature]*  
DEPUTY COUNTY CLERK

| CURVE TABLE |        |         |            |               |        |
|-------------|--------|---------|------------|---------------|--------|
| CURVE       | LENGTH | RADIUS  | DELTA      | CHORD BEARING | CHORD  |
| C1          | 60.72' | 200.50' | 17°21'07"  | N 80°54'20" W | 60.49' |
| C2          | 29.65' | 98.00'  | 17°20'08"  | N 09°06'04" E | 29.54' |
| C3          | 60.42' | 199.50' | 17°21'07"  | S 80°54'20" E | 60.19' |
| C4          | 94.55' | 60.50'  | 89°32'42"  | N 44°48'33" W | 85.22' |
| C5          | 19.03' | 13.00'  | 83°53'10"  | S 41°30'35" E | 17.38' |
| C6          | 23.11' | 13.00'  | 101°51'58" | N 51°21'59" E | 20.19' |
| C7          | 46.24' | 223.00' | 11°52'52"  | N 83°38'28" W | 46.16' |
| C8          | 53.91' | 178.00' | 17°21'07"  | N 80°54'20" W | 53.70' |
| C9          | 57.97' | 222.00' | 14°57'44"  | S 82°06'02" E | 57.81' |
| C10         | 59.39' | 38.00'  | 89°32'42"  | N 44°48'33" W | 53.53' |
| C11         | 56.26' | 36.00'  | 89°32'42"  | N 44°48'33" W | 50.71' |
| C12         | 33.35' | 178.00' | 10°44'05"  | N 05°19'50" E | 33.30' |
| C13         | 6.88'  | 178.00' | 2°12'54"   | N 01°04'15" E | 6.88'  |
| C14         | 26.47' | 178.00' | 8°31'11"   | N 06°26'17" E | 26.44' |
| C15         | 41.59' | 222.00' | 10°44'05"  | S 05°19'50" W | 41.53' |
| C16         | 23.95' | 222.00' | 6°10'49"   | S 07°36'28" W | 23.93' |
| C17         | 17.65' | 222.00' | 4°33'16"   | S 02°14'26" W | 17.64' |
| C18         | 25.92' | 16.50'  | 90°00'39"  | N 44°58'07" E | 23.34' |
| C19         | 46.89' | 30.00'  | 89°32'42"  | N 44°48'33" W | 42.26' |
| C20         | 18.93' | 177.00' | 6°07'44"   | S 86°31'02" E | 18.92' |



CENTERLINE CONCEPTS  
LAND SURVEYING, INC.  
19376 MOLALLA AVE., SUITE 120  
OREGON CITY, OREGON 97045  
PHONE 503.650.0188 FAX 503.650.0189

AUG 9 1989

34-142877

TICOR TITLE INSURANCE



89-36570

Washington County

STATUTORY WARRANTY DEED

CLIFFORD W. JOHNSON AND WILMA A. JOHNSON, HUSBAND AND WIFE;

Grantor,

conveys and warrants to MICHAEL C. KENNEDY

Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in WASHINGTON County, Oregon, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF...

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES. The said property is free from encumbrances except STATUTORY POWERS OF THE UNITED SEWERAGE AGENCY OF WASHINGTON CTY & THE POWER OF THE TUALATIN VALLEY IRRIGATION DISTRICT; RIGHTS OF THE PUBLIC IN STREETS, ROADS AND HIGHWAYS; 1989/90 TAXES WHICH ARE A LIEN DUE BUT NOT YET PAYABLE; MORTGAGE in favor of DEPARTMENT OF VETERANS' AFFAIRS recorded 10-23-79 in FEE #79043672, WASHINGTON COUNTY, OREGON, which the grantee\*

The true consideration for this conveyance is \$ 57,500.00

(Here comply with the requirements of ORS 93.030)

Dated this 2nd day of August 19 89

Clifford W. Johnson  
CLIFFORD W. JOHNSON

\* herein agrees to assume and pay;

Wilma A. Johnson  
WILMA A. JOHNSON

State of Oregon, County of Washington  
The foregoing instrument was acknowledged before me this 2nd day of August, 19 89, by Clifford W. Johnson and Wilma A. Johnson

State of Oregon, County of \_\_\_\_\_  
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ by \_\_\_\_\_ President and Secretary of \_\_\_\_\_ a \_\_\_\_\_ corporation,  
on behalf of the corporation.

[Signature]  
Notary Public for Oregon  
My commission expires: 8-14-91

Notary Public for Oregon  
My commission expires:

WARRANTY DEED  
CLIFFORD W. JOHNSON WILMA A. JOHNSON  
MICHAEL C. KENNEDY  
GRANTOR  
GRANTEE

This Space Reserved for Recorder's Use

Until a change is requested, all tax statements shall be sent to the following address:

MICHAEL C. KENNEDY  
85 NW 336TH AVE.  
HILLSBORO, OR 97124

Escrow No. 142877 Title No. 34-142877

After recording return to:  
MICHAEL C. KENNEDY  
85 NW 336TH AVE.  
HILLSBORO, OR 97124

WASHINGTON COUNTY  
REAL PROPERTY TRANSFER TAX  
58.00 8/9/89  
FEE PAID DATE

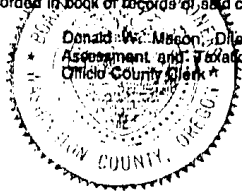
AUG 9 1989

EXHIBIT "A"

Beginning at the southwest corner of Section 35, Township 1 North, Range 3 West of the Willamette Meridian, Washington County, Oregon; and running thence North 89° 54' East, 2262.7 feet; thence North 0° 08' 30" West, 30.0 feet to the initial point of WORD'S LANE as dedicated by plat recorded in Plat Book 14, Page 39; thence North 08° 08' 30" West along the west line of WORD'S LANE 151.26 feet to the true point of beginning of the tract herein described; thence from the above described point of beginning North 0° 08' 30" West, 85.0 feet; thence South 89° 51' 30" West, 176.0 feet; thence South 0° 08' 30" East, 85.0 feet; thence North 89° 51' 30" East, 176.0 feet to the true point of beginning.-----

STATE OF OREGON }  
County of Washington } SS

I, Donald W. Mason, Director of Assessment and Taxation and Ex-Officio Recorder of Conveyances for said county, do hereby certify that the within instrument of writing was received and recorded in book of records of said county.



Donald W. Mason, Director of Assessment and Taxation, Ex-Officio County Clerk

Doc : 89016570  
Rect: 15498 74.00  
08/09/1989 10:26:10AM

2



STEWART TITLE COMPANY NO. 96123509-4  
RETURN DOCUMENT TO DESIGNEE BELOW SAK



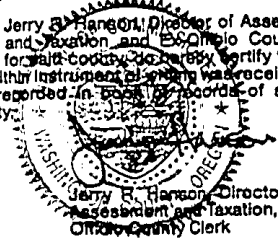
STEWART TITLE

AFTER RECORDING RETURN TO:  
KURT J. ALBEE  
ELONDA F. ALBEE  
33765 SW TUALATIN VALLEY HWY  
HILLSBORO, OREGON 97123

UNTIL FURTHER NOTICE, ALL FUTURE  
TAX STATEMENTS SHALL BE SENT TO:  
KURT J. ALBEE  
ELONDA F. ALBEE  
33765 S.W. TUALATIN VALLEY HWY  
HILLSBORO, OREGON 97123  
TAX ACCOUNT NO.: 1N335CD-01300

STATE OF OREGON }  
County of Washington } SS

I, Jerry R. Hanson, Director of Assessment and Taxation, and Escrow County Clerk for Washington County, Oregon, certify that the within instrument of conveyance was received and recorded in books and records of said county.



Doc : 96101805  
Rect: 175386 258.00  
11/13/1996 02:19:03pm

STATUTORY WARRANTY DEED

LLOYD C. BARON AND TREPHA M. BARON, GRANTORS, convey and warrant to KURT J. ALBEE AND ELONDA F. ALBEE, HUSBAND AND WIFE, Grantees, the following described real property free of encumbrances except as specifically set forth herein situated in WASHINGTON County, Oregon, to-wit:

SEE EXHIBIT "A" ATTACHED

The said property is free from encumbrances EXCEPT: RIGHTS OF THE PUBLIC IN AND TO ANY PORTION OF THE HEREIN DESCRIBED PREMISES LYING WITHIN THE BOUNDARIES OF TUALATIN VALLEY HIGHWAY.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$220,000.00.

Dated this 12<sup>th</sup> day of November, 1996.

Lloyd C. Baron  
LLOYD C. BARON

Trephe M. Baron  
TREPHE M. BARON

STATE OF OREGON  
COUNTY OF WASHINGTON

WASHINGTON COUNTY  
REAL PROPERTY TRANSFER TAX  
\$220.00 11-13-96  
FEE PAID DATE

On 11-12, 1996 personally appeared the above named LLOYD C. BARON AND TREPHE M. BARON and acknowledged the foregoing instrument to be THEIR voluntary act and deed.

Sharon A. Krieger  
Notary Public for  
STATE OF OREGON  
My commission expires 7/7/97



1-2

NOV 13 1996

10-8  
220  
20

NOV 13 1996

EXHIBIT "A"

Legal Description:

A tract of land in the Southeast one-quarter of the Southwest one-quarter of Section 35, Township 1 North, Range 3 West of the Willamette Meridian, in the County of Washington, and State of Oregon, described as follows:

Beginning at the Southwest corner of that tract conveyed to Aristide Vassias and wife by Deed Book 358, page 148, which point is North 89°54' East 2262.7 feet and North 0°08'30" West 351.26 feet and South 89°51'30" West 176.0 feet from the Southwest corner of Section 35, Township 1 North, Range 3 West of the Willamette Meridian, in the County of Washington and State of Oregon; thence from the place of beginning South 89°51'30" West 175.0 feet; thence South 0°08'30" East parallel with the West line of Word's Lane, aka N.W. 336th Avenue, 351.26 feet, more or less, to the South line of said Section 35; thence North 89°54' East on said South line 175.0 feet; thence North 0°08'30" West parallel with the West line of Word's Lane 351.28 feet, more or less, to the place of beginning.

2

**Exhibit E: City of Cornelius Ordinance No. 2015-07**

---

**ORDINANCE NO. 2015-07  
CORNELIUS, OREGON**

**AN ORDINANCE AMENDING THE CITY OF CORNELIUS COMPREHENSIVE PLAN TO IDENTIFY PUBLIC IMPROVEMENTS NECESSARY TO ALLOW FOR URBANIZATION AND ESTABLISHING THE COMPREHENSIVE PLAN DESIGNATION FOR LANDS ADDED TO THE NORTHEAST URBAN GROWTH BOUNDARY IN 2014**

**FINDINGS:**

1. On April 1<sup>st</sup>, 2014 approximately 345 acres of land was added to the Metro Urban Growth Boundary for the benefit of the City of Cornelius.
2. Prior to allowing land within the Urban Growth Boundary to annex into the City of Cornelius the City must demonstrate how utilities and services can be provided.
3. The State of Oregon acknowledged the City of Cornelius Comprehensive Plan on July 3<sup>rd</sup> 1978 after its adoption via Ordinance 500.
4. The City of Cornelius Water Master Plan (a component of the Comprehensive Plan) was deemed acknowledged on March 1<sup>st</sup> 2004 via the adoption of Ordinance 846.
5. The City of Cornelius Sanitary Sewer System Master Plan (a component of the Comprehensive Plan) was deemed acknowledged on September 20<sup>th</sup>, 2004 via the adoption of Ordinance 853.
6. The City of Cornelius Transportation System Plan (a component of the Comprehensive Plan) was deemed acknowledged on June 20<sup>th</sup> 2005 via the adoption of Ordinance 860.
7. The City of Cornelius Parks Master Plan (a component of the Comprehensive Plan) was deemed acknowledged on November 2<sup>nd</sup>, 2009 via the adoption of Ordinance 911.
8. The City desires to adopt comprehensive plan designations to guide the rezoning of property during the annexation process.
9. The City desires to amend the City of Cornelius Comprehensive Plan and supporting plans to identify future improvements necessary to serve the area of land added to the Northeast Urban Growth Boundary.
10. The City has analyzed the utility needs of the expanded Urban Growth Boundary and has identified public improvements necessary to support urbanization and is amending the Comprehensive Plan to include those improvements.
11. The City has analyzed the Transportation System within the community consistent with The Oregon Transportation Planning Rule and concluded that additional improvements may be necessary beyond those currently planned for the future and identified within the Comprehensive Plan.
12. The City has examined the Parks and Open Space needs of the community relative to the Urban Growth Boundary expansion and has proposed specific amendments to the Parks Master Plan to reflect the need for additional parks facilities.
13. The 2014 Urban Growth Boundary Findings and Summary dated October 5, 2015 is incorporated via reference as findings in support of this ordinance.

**NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF CORNELIUS ORDAINS AS FOLLOWS:**

Section 1. The City of Cornelius Comprehensive Plan Map is amended as outlined in Exhibit A

Section 2. The City of Cornelius Parks Master Plan, Appendix G of the Comprehensive Plan is amended as outlined in Exhibit B.

Section 3. The City of Cornelius Sanitary Sewer System Master Plan, Appendix H of the Comprehensive Plan is amended as outlined in Exhibit C

Section 4. The City of Cornelius Water Master Plan, Appendix I of the Comprehensive Plan is amended as outlined in Exhibit D.

Section 5. The City of Cornelius Transportation System Plan, Appendix M of the Comprehensive Plan is amended as outlined in Exhibit E.

Section 6. The City of Cornelius Storm Drainage/Surface Water Management Master Plan, Appendix H of the Comprehensive Plan is amended as outlined in Exhibit F.

Section 7. Prior to annexation of land within the NE UGB each applicant shall complete a wetland determination of the property.

Section 8. Land annexed into the City shall have a Natural Resource Overlay Zone applied and be subject to applicable provisions of the Cornelius City Code for those areas that contain wetlands and/or are within the vegetated corridor of Council Creek and/or its tributaries.

Section 9. Upon adoption by the Cornelius City Council, this ordinance shall take effect in 30 days.

PRESENTED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2015.

City of Cornelius, Oregon

By: \_\_\_\_\_  
Jeffrey C. Dalin, Mayor

ATTEST:

By: \_\_\_\_\_  
Debby Roth, MMC, City Recorder-Treasurer

# Exhibit A

## Comprehensive Plan Map Amendments



**2014 UGB NE Expansion Area  
Proposed Zoning Alternative #1  
(Commercial South of TV Hwy Only)  
Draft 5-20-15**



150 75 0 150 Feet

**Comprehensive Plan / Zoning**

Low-density Residential / R-7 (90 Acres)

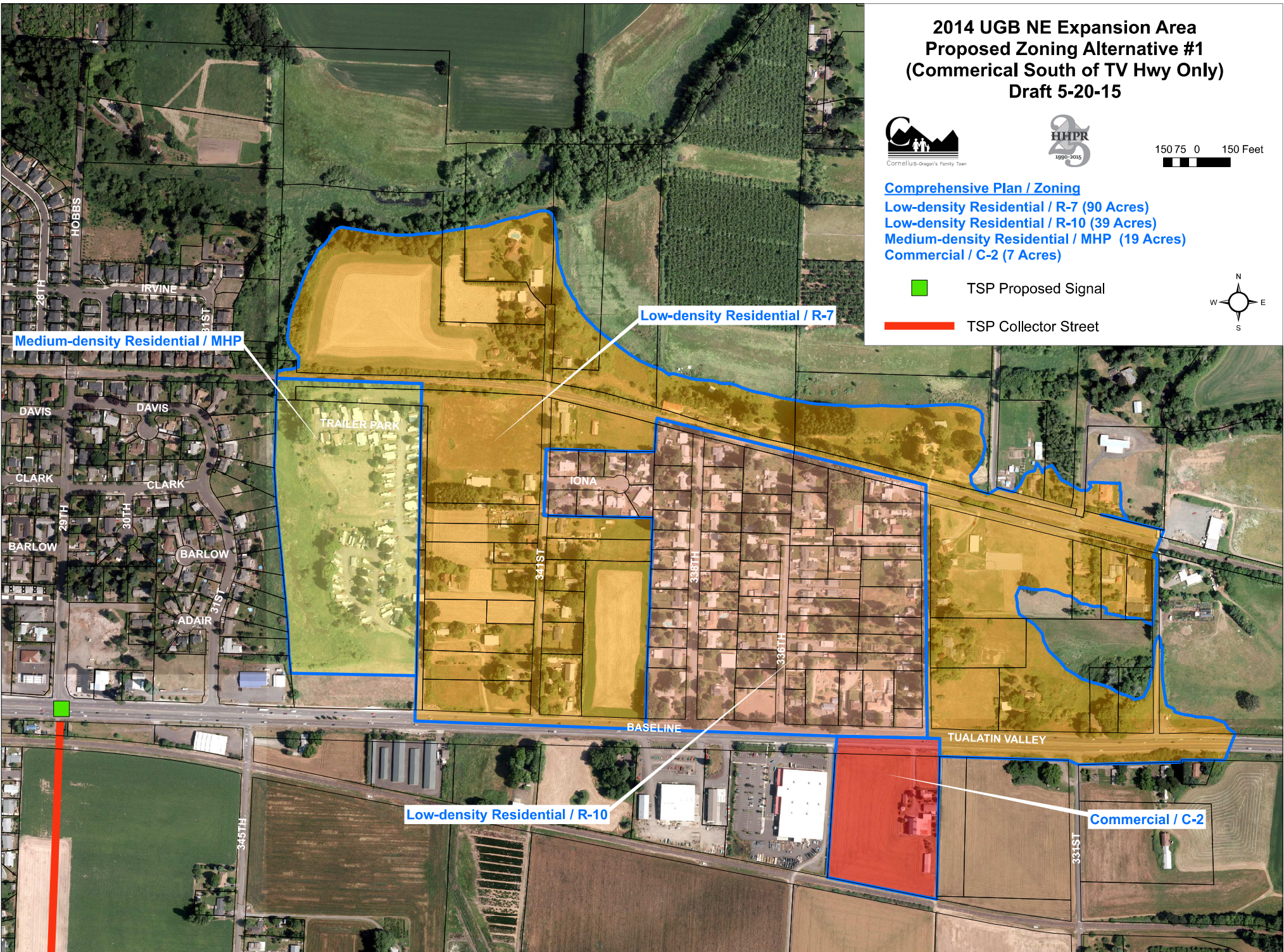
Low-density Residential / R-10 (39 Acres)

Medium-density Residential / MHP (19 Acres)

Commercial / C-2 (7 Acres)

 TSP Proposed Signal

 TSP Collector Street



Medium-density Residential / MHP

Low-density Residential / R-7

Low-density Residential / R-10

Commercial / C-2



# Exhibit B

## Amendments to the City of Cornelius Parks Master Plan (Appendix G)



# CITY OF CORNELIUS

---

## Amendments to 2009 Parks Master Plan:

The following amendments are recommended to the 2009 Parks Master Plan, Appendices G of the Comprehensive Plan:

1. Remove the portion of the proposed trail along the Council Creek corridor that coincides with private land ownership as show on attached Map 6.
2. Include the following improvements identified in Council Creek Master Plan as components of the City of Cornelius Parks Master Plan
  - a. The proposed east-west trail alignment along the northern railroad right-of-way as shown on Council Creek Regional Trail Master Plan Segment 5 Jobs Ditch
  - b. The proposed North-South trail alignment following 29th Avenue as shown on Council Creek Regional Trail Master Plan Segment 5 Jobs Ditch
  - c. Include Trailhead Locations as shown on Council Creek Regional Trail Master Plan Segment 5 Jobs Ditch
  - d. Include trail design cross sections as shown on the attached excerpt of the Council Creek Trail Master Plan.
3. Change the planned Community Park in the NE area (CP-1) to a Neighborhood Park (NP)

# Exhibit C

## Amendments to the City of Cornelius Sanitary Sewer Master Plan (Appendix H)

## TECHNICAL MEMORANDUM

**Date:** August 10, 2015  
**To:** Michael Cerbone, Community Development Director, City of Cornelius  
Terry Keyes, City Engineer, City of Cornelius  
**From:** Ken Condit, PE, through Keith Jones, AICP  
**Project:** City of Cornelius Comprehensive Plan Amendment –  
Urban Growth Boundary Expansion Areas  
**Subject:** Conceptual Analysis of Wastewater Facilities Extensions

### A. EXECUTIVE SUMMARY – KEY FINDINGS

#### 1. Southeast Urban Growth Boundary Expansion Area

- a. The extension of sewer service to the Southeast Urban Growth Boundary (UGB) Expansion Area (South Area) will require a pump station and force main.
- b. A central location for the South-Area pump station appears feasible and offers the most flexibility in developing the layout of the future South-Area collector sewers.
- c. It is preferable to have the wastewater (WW) generated by the new school in the northeast portion of the South Area conveyed by gravity to the new pump station serving the South Area.
- d. Under this concept, only the northwest portion of the South Area will be served by direct, gravity flow to the City's existing sewer system.
- e. The WW generated in the South Area will be conveyed to the City's existing South Trunk Sewer under Ginger Street. The preferred point of connection to the South Trunk is at 20th Avenue and Ginger.

#### 2. South Trunk Sewer Upgrade

- a. Our analysis confirms that the upper reaches of the South Trunk must be increased in size to handle existing and projected peak flows. These sewer reaches extend from Heather Street, through Free Orchards Park to Emerald Loop, and east along Ginger to 23rd Avenue.
- b. Within the scope of this study, we have identified 3,005 linear feet of the South Trunk that needs to be increased in size. The scope of our analysis excluded the South Trunk reaches downstream of Heather.

#### 3. Northeast Urban Growth Boundary Expansion Area

- a. A conceptual sewer layout has been developed for the Northeast Urban Growth Boundary Expansion Area (North Area) to show the feasibility of extending gravity sewer service to the area.
- b. The conceptual layout divides the North Area into four sewer sub-basins that would convey WW to the existing North-South Trunk Sewer and/or the existing Council Creek Trunk Sewer.

### B. INTRODUCTION

This technical memorandum describes the results of the analysis we performed to address sanitary sewer service extensions into the areas covered by the recent UGB expansion. The analysis was performed as part of the Comprehensive Planning process that is required for lands within the UGB.

Planning-level concepts have been developed to document the feasibility of providing WW facilities in the UGB expansion areas and connecting these facilities to the existing WW infrastructure. The projected impacts of connecting these service extensions to the City's existing sewer system have also been identified.

Clean Water Services (CWS) will need to conduct a separate facilities planning process to address the projected impacts on downstream WW components owned by that agency.

**C. SOUTHEAST UGB EXPANSION AREA SERVICE CONCEPT**

**1. General Concept**

- a. The sewer service concept for the South Area assumes future developments will generally follow existing local topography.
- b. Due to the general topography (sloping down toward the river), most of the South Area cannot be served by gravity sewers that would be tributary to the City’s existing sewer system. Therefore, gravity sewers for the South Area will need to be tributary to a future South Cornelius Pump Station (SCPS).
- c. The force main for the SCPS will discharge WW into the City’s existing South Trunk sewer located under Ginger Street (see Item 5 below for discharge options).
- d. The alignments of future South-Area gravity sewers and the SCPS force main will be affected by development patterns. Alignments shown in our conceptual layout are provided for illustration purposes.

**2. Projected WW Production**

- a. Projected Build-Out Development:
  - Projected Residential – 1,200 DU
  - Projected Institutional (High School) – 2,500 Students
  - Projected Commercial & Industrial – None
- b. CWS Flow Criteria from West Basin Facilities Plan (Carollo, 2012) and other CWS input:
  - Average Residential Occupancy – 2.6 People/Dwelling Unit (DU)
  - Average Per Capita WW Flow – 67 Gallons per Capita/Day
  - I/I contributions from future developments on currently undeveloped land:
    - Near-term I/I Contribution Factor (25 years for PS planning) – 1,650 gpd/acre (gpad)
    - Long-term I/I Contribution Factor (50 years for sewer planning) – 4,000 gpad
- c. Projected Average Dry-Weather WW Flows at Build-Out.
  - Projected Build-Out Population – 3,120 People
  - Projected Average WW Production – 209,000 Gallons per Day (gpd)
  - Projected Institutional (High School) – 30,000 gpd (12 gpd/student)
  - Projected Total Average WW Flow – 239,000 gpd
- d. Projected Peak Build-Out WW Flows.
  - Estimated Peaking Factor – 3.0 (Peak-to-Average Flow Ratio)
  - Projected Peak WW Contribution – 720,000 gpd
  - Peak Infiltration/Inflow Allowances
    - Near-term I/I Contribution – 297,000 gpd (1,650 gpad x 180 net acres)
    - Long-term I/I Contribution – 720,000 gpd (4,000 gpad x 180 net acres)
    - Net acreage excludes low-lying land along southerly boundary of South Area and half of school site that is assumed to be playing fields.
  - Projected Peak Flow –
    - Near-term (25-year) Planning for PS Capacity – 1,020,0000 gpd ≈ 710 gallons per minute (gpm)
    - Long-term (50-year) Planning for Sewer Capacity – 1,440,0000 gpd ≈ 1,000 gpm

### 3. South Cornelius Pump Station

- a. Concept-Level PS Capacity – 750 gpm (Preliminary Projection for Build-Out and Near-term I/D).
- b. Approximate Minimum Elevation for Development – 156-160 feet
- c. Approximate PS Floor Level (Top of Wetwell) – Elevation 154-158 feet
- d. Approximate Sewer Inverts at Wetwell – Elevation 140-142 feet
- e. Potential PS Sites Identified for Planning (see Exhibit 1)
  - Site 1 – Central Location near swale south of 26th Avenue
  - Site 2 – SE Location between 345th Avenue and Tualatin River
  - Site 3 – SW Location near swale outlet to river
- f. Site 1 is identified as the preferred site for planning purposes.
  - The more centralized site offers more flexibility in developing the tributary gravity sewers.
  - The central site helps to limit the maximum depth of the tributary gravity sewers.
  - The other two sites would probably require a lower inlet invert at the PS wetwell.

### 4. School Site Service Options

- a. Sewer service to the school can be extended from the new South-Area collection system or potentially from the existing City sewer system to the west (see Exhibit 1).
- b. Gravity Flow South: This option would have WW from the school conveyed by gravity into the sewer system for the South Area tributary to the future SCPS.
- c. Gravity Flow West:
  - This option would have WW from the school conveyed by gravity into the City’s sewer system at the east end of existing Dogwood Street.
  - Flows through the Dogwood sewer eventually reach the South Trunk Sewer at 23rd Avenue.
  - The ability to serve the school site from Dogwood would depend on the actual location and elevation of the school, as well as the elevation, capacity and accessibility of the existing sewer in Dogwood.
- d. For planning purposes we show the school being served by the future South-Area sewers and SCPS. The reasons for this assumption are described below.
  - This approach provides a more conservative projection for the PS capacity.
  - There are concerns about accessibility for maintenance if sewer service were extended from Dogwood.
  - Because the WW contribution from the school is a small portion of the overall South-Area WW flow, future impacts on the existing South Trunk Sewer would likely be similar for either option.

### 5. South-Area Connection to City’s Existing Sewer System

- a. South-Area WW can be discharged into the existing South Trunk Sewer at either 20th Avenue or Webb/26th Avenue (see Exhibit 1)
- b. It is preferable to connect to the South Trunk Sewer at 20th Avenue because that is further downstream and will not impact the existing pipe between 26th and 20th.
- c. The force main from the SCPS can discharge to a gravity sewer in the South Area that will extend west and then north to the intersection of Ginger and 20th as shown in Exhibit 1. Based on the preliminary projection for the SCPS capacity and minimum sewer slope, this South-Area outlet sewer will need to be 12 inches in diameter.

## 6. Assumptions for Conceptual Layout

- a. The layout assumes the gravity sewers tributary to the SCPS would be 8 inches in diameter with a minimum slope of 0.5%.
- b. The layout assumes a minimum depth to the sewer invert of about 6 feet.

## D. IMPACT OF SOUTH AREA ON EXISTING SYSTEM

### 1. Scope

Our study of downstream impacts from the South Area was limited to an analysis of the effect the projected peak hourly flow from projected development will have on an upper reach of the existing South Trunk Sewer. This section of the existing sewer extends under Ginger Street, Emerald Loop and the Free Orchards City Park to Heather Street, near 15th Avenue (see Exhibit 1).

### 2. Background

The 2012 CWS West Basin Facilities Plan (WBFP) previously identified capacity deficiencies in most of the South Trunk Sewer and recommended replacement of about 3,800 feet of this upper reach with larger pipe sizes.

### 3. Purpose

The purpose of our impact analysis is to provide updated recommendations for pipe replacements. The update is based on the peak flow projections we generated from the current land-use plan for the South Area (see Section C above) and more-recent information on I/I contributions provided by CWS.

### 4. South Trunk Field Survey

A field survey was performed of the manholes along the upper reach of the South Trunk from Heather Street to 26th Avenue. This survey established current data for existing pipe sizes, invert elevations and manhole rim elevations that were used to generate an updated model of this upper reach. The data is shown in Appendix A.

### 5. South Trunk Analysis

- a. We evaluated the upper reach of the South Trunk by applying estimates of peak WW and infiltration/inflow contributions from currently developed areas and applying the projected near-term and long-term SCPS flow capacities at the preferred discharge point.
- b. We generated flow estimates from existing, tributary developments using criteria for WW generation listed in the WBFP and updated I/I criteria supplied by CWS. These estimates assume no redevelopment will occur in the tributary areas to significantly increase WW flows.
- c. Breakdowns of the estimated flows into the South Trunk are listed in Table 1 (following page) and shown in Exhibit 2. The projected peak WW flows from developed areas are similar to the WBFP, but do not coincide exactly. The projected I/I contributions are lower than the WBFP because CWS identified a lower, per-acre I/I contribution based on more-recent flow data the agency obtained for the South Trunk sub-basin.

### 6. Results of Analysis

The pipe replacements identified in our planning-level analysis of the South Trunk are listed in Table 2 (following page). The results of our analysis are further described in the following paragraphs.

- a. Our results generally coincide with the recommendations of the WBFP from Heather (MH #20045) upstream to 20th and Ginger (MH #20034). An 18-inch sewer pipe is needed to convey projected peak flows through these segments for both the near-term and long-term I/I contributions from the South Area.



The 18-inch pipe size assumes the existing, inverted siphons in Free Orchards Park will be replaced with straight, gravity sewers that will be laid aboveground across the low-lying swales. These sewers will need to be supported from pedestrian boardwalks or similar structures through these locations.

Pipe bursting could potentially be used to replace the existing buried 12-inch sewer with an 18-inch pipe. However, the existing South Trunk has a fairly shallow depth of burial under Emerald Loop and where Ginger transitions to 18th Avenue. Consequently, surface heaving could be a major concern with pipe bursting in this stretch. Installation methods will need to be further addressed at a later stage of project development.

- b. Our analysis indicates a 12-inch pipe is needed for the pipe reach in Ginger between 20th and 23rd Avenues based on the average slope. This conclusion contrasts with the WBFP recommendation for a 15-inch pipe along this reach. The difference may result from the lower I/I contribution provided by CWS and a shift of the South-Area sewer connection further downstream along the South Trunk.

It should be noted our survey of the MHs along the South Trunk shows one sewer length in this reach, between MHs #20031 and #20032, has a very mild slope of 0.07%. If this pipe were replaced through pipe bursting, it would continue to have a mild slope, which would reduce the pipe capacity and could promote solids deposition. This issue will need to be considered when evaluating installation methods for this reach.

| SFR Land Use Factor = 1,200.0 gpad for existing developments (WBFP, TM 2.3, Table 2) |           |            |  |            |            |              |                        |              |                        |                 |
|--|-----------|------------|--|------------|------------|--------------|------------------------|--------------|------------------------|-----------------|
| Peaking Factor = 3.0 (multiplier applied to residential flow)                        |           |            |  |            |            |              |                        |              |                        |                 |
| Avg. I/I Contribution = 5,150.0 gpad avg. for Basin FG-6 (CWS Input - July 2015)     |           |            |  |            |            |              |                        |              |                        |                 |
| Area   | Inlet MH# | Acreage    | Flows from Currently Developed Areas (gpm) |            |            |              | Future SCPS Flow (gpm) |              | Cumulative Flows (gpm) |                 |
|  |           |            | Base WW                                    | Peak WW    | Peak I/I   | Total Peak   | Near Term              | Long Term    | Near Term              | Long Term       |
| 1  | 22461     | 20         | 17   | 50         | 72         | 122          | 0                      | 0            | 122                    | 122             |
| 2  | 20030     | 85         | 74   | 223        | 304        | 527          | 0                      | 0            | 649                    | 649             |
| 3  | 20034     | 20         | 17   | 50         | 72         | 122          | 750                    | 1,000        | 1,521                  | 1,771           |
| 4  | 20036     | 55         | 46   | 138        | 197        | 335          | 0                      | 0            | 1,856                  | 2,106           |
| 5  | 20043     | 8          | 7  | 20         | 29         | 49           | 0                      | 0            | 1,905                  | 2,155           |
|  |           | <b>188</b> | <b>160</b>                                 | <b>481</b> | <b>672</b> | <b>1,155</b> | <b>750</b>             | <b>1,000</b> | <b>1,905</b>           | <b>2,155</b>    |
|  |           |            |  |            |            |              |                        |              | <b>2.75 MGD</b>        | <b>3.10 MGD</b> |

| Pipe Reach                  | Upstrm MH# | Dnstrm MH# | Location         | Existing Size (in.) | Proposed Size (in.) | Reach Length (ft) | Approx. Avg. Slope | Pipe Capacity (gpm) *** |
|-----------------------------|------------|------------|------------------|---------------------|---------------------|-------------------|--------------------|-------------------------|
| 1                           | 20030      | 20034      | 23th-20th Ave.   | 10                  | 12                  | 825               | 0.25%              | 775                     |
| 2                           | 20034      | 20036      | 20th-19th Ave.   | 12                  | 18                  | 510               | 0.15%              | 1,780                   |
| 3                           | 20036      | 20040      | 19th Ave-Emerald | 12                  | 18                  | 805               | 0.22%              | 2,150                   |
| 4                           | 20040      | 20043      | Emerald-Fawn **  | 6, 10 & 12          | 18                  | 420               | 0.28%              | 2,425                   |
| 5                           | 20043      | 20045      | Fawn-Heather **  | 6 & 10              | 18                  | 445               | 0.34%              | 2,675                   |
| <b>Total Length - 3,005</b> |            |            |                  |                     |                     |                   | <b>Linear Feet</b> |                         |
| <b>12" Pipe - 825</b>       |            |            |                  |                     |                     |                   | <b>Linear Feet</b> |                         |
| <b>18" Pipe - 2,180</b>     |            |            |                  |                     |                     |                   | <b>Linear Feet</b> |                         |

\*\* Free Orchards Park      \*\*\* New Pipe w/Max. Depth 80% of Pipe Diameter

**E. NORTH EXPANSION AREA SERVICE CONCEPT****1. General Concept:**

- a. The conceptual sewer layout would provide gravity service to the North Area. The layout is shown in Exhibit 3.
- b. The sewer layout is generally based on current development patterns (layout of lots, streets & railroad) with most sewers following an existing R-O-W.
- c. The gravity sewers would be divided into four separate sub-basins: Northwest, Northeast, Southwest and Southeast.
- d. All four sub-basins would be tributary to the Clean Water Services' Council Creek Trunk Sewer.

**2. Projected WW Production**

- a. Projected Build-Out Development:
  - Projected Residential – 480 DU
  - Projected Commercial – 6 acres
  - Projected Industrial & Institutional – None
- b. CWS Flow Criteria from West Basin Facilities Plan (Carollo, 2012) and other CWS input:
  - Average Residential Occupancy – 2.6 People/Dwelling Unit (DU)
  - Average Per Capita WW Flow – 67 Gallons per Capita/Day
  - Average flow contribution from commercial land – 1,000 gpd/acre (gpad)
  - Long-term I/I contribution from currently undeveloped land – 4,000 gpd/acre (gpad)
- c. Projected Average Dry-Weather WW Flows at Build-Out.
  - Projected Build-Out Population – 1,250 People
  - Projected Residential – 83,620 Gallons per Day (gpd)
  - Projected Commercial – 6,000 gpd
  - Projected Total Average WW Flow – 89,620 gpd
- d. Projected Peak Build-Out WW Flows.
  - Estimated Peaking Factor – 4.0 (Peak-to-Average Flow Ratio)
  - Projected Peak WW Contribution – 358,500 gpd
  - Peak Infiltration/Inflow Allowance – 300,000 gpd (4,000 gpad x 75 net acres)
  - Projected Peak Flow – 660,000 gpd  $\approx$  460 gallons per minute (gpm)

**3. Sewer Drainage Pattern**

- a. NW Sub-basin
  - This sub-basin would drain to the west along the existing ODOT railroad R-O-W.
  - WW flows would discharge into an existing sewer that extends down from the Trailer Park to the existing North-South Trunk Sewer.
  - The east boundary of the NW sub-basin is limited by a highpoint in the RR line between 338th and 341st Avenues. East of this point the RR grade slopes down to Dairy Creek.

- b. NE Sub-basin
  - This sub-basin would serve areas that generally slope to the north and east toward Council Creek or Dairy Creek.
  - WW flows would discharge through a gravity sewer extending across the RR line and north along 334th Avenue to the existing Council Creek Trunk Sewer.
- c. SW Sub-basin
  - This sub-basin would generally drain west to the existing sewer along East Lane just north of Baseline Street. The service concept is laid out to minimize the amount of area served by the SW Sub-basin due to constraints posed by existing utilities in the Baseline R-O-W.
  - The existing sewer extending along Baseline is on the south side of the R-O-W. Gravity sewer service from the area north of Baseline is prevented from discharging into this existing sewer by the 72-inch water transmission main under the north side of Baseline.
  - Existing utilities along the north side of the Baseline R-O-W limit the space that would be available for a new parallel sewer on the north side of Baseline.
  - The mobile home park on East and West Lanes is currently served by existing gravity sewers.
- d. SE Sub-basin
  - This Sub-basin would serve a small area on the south side of Baseline, east of the current City limit.
  - The area would be served by an extension of the existing 8-inch sewer that extends along the south side of Baseline. The Baseline sewer discharges into the north-south trunk sewer.

**4. Approximate Peak WW Flow Distribution to Existing Trunk Sewers**

- a. Approximate flow to N-S Trunk (NW, SW & SE Sub-basins) – 290,000 gpd (60%)
- b. Approximate flow directly to Council Creek Trunk (NE Sub-basin) – 195,000 gpd (40%)

**5. Assumptions for Conceptual Layout**

- a. The layout assumes gravity sewers would be 8 inches in diameter with a minimum slope of 0.5%.
- b. The layout assumes a minimum depth to the sewer invert of 6 feet and a maximum depth of about 15 feet.

**F. IMPACT OF NORTH AREA ON EXISTING SYSTEM**

**1. City’s Baseline Street Sewer**

A small amount of additional WW from projected commercial development in the SE Sub-basin will discharge into the City’s existing sewer along the south side of Baseline. This projected WW contribution will be too minor to impact the existing sewer system.

**2. North-South Trunk Sewer**

The conceptual layout for the North Area would convey projected flows from the NW and SW Sub-basins into the existing CWS North-South Trunk Sewer. CWS records show this line extending from East Lane, just north of Baseline, up to the Council Creek Trunk Sewer. These records also show the line as an 8-inch pipe with most sections between manholes laid at a slope of 0.4%. The North-South Trunk sewer currently receives flows from collector sewers in Baseline and two other City collector sewers north of Baseline.

If future development is evenly distributed throughout the North Area, the NW and SW Sub-basins could carry more than half the projected flows. Since an 8-inch pipe with a 0.4% slope has a capacity of about 0.5 MGD before surcharging, future flows from the NW and SW Sub-basins could surcharge the line. Future CWS facilities planning efforts will need to model the line to verify whether the North-South Trunk will be adequate.

**3. Council Creek Trunk Sewer**

The sewer service concept for the North Area results in all future WW flows generated in the area being conveyed to the Council Creek Trunk Sewer. The NE Sub-basin will drain directly to this line and the other sub-basins will be conveyed to this line through the North-South Trunk Sewer.

CWS records show the Council Creek line as a 42-inch pipe between the North-South Trunk and 334th Avenue. This existing 42-inch pipe line would need to be at or very near capacity to be impacted at all by the projected WW flows from the North Area. Future CWS modeling of this line will need to address the potential for any impacts from the North Area.

**G. ORDER-OF-MAGNITUDE ESTIMATE OF PROBABLE COST**

As part of the comprehensive planning process, we developed estimates of the probable project costs for the SCPS, the associated PS force main and downstream South-Area gravity sewer, and the South Trunk Sewer replacements. We used cost information presented in the WBFPP as the basis for the estimates and then applied an inflation factor based on the 20-City Average Construction Cost Index (CCI) published by Engineering News Record (ENR).

The probable project costs include a 30% allowance for construction contingencies and a 35% allowance for non-construction costs (engineering, environmental and legal services and project administration).

| <b>Table 3</b>  |                      |
|---|----------------------|
| <b>Estimates of Probable Project Costs (July 2015 **)</b> |                      |
| <b>Project Description</b>                                | <b>Probable Cost</b> |
| 750-gpm South Cornelius Pump Station                      | \$ 880,000           |
| 8-inch Force Main & 12-inch Downstream Gravity Sewer      | \$ 650,000           |
| South Trunk – Reach 1 Replacement (12-inch Sewer)         | \$ 280,000           |
| South Trunk – Reach 2-5 Replacement (18-inch Sewer)       | \$ 1,450,000         |
| <b>Total Estimated Probable Project Costs</b>             | <b>\$ 3,260,000</b>  |

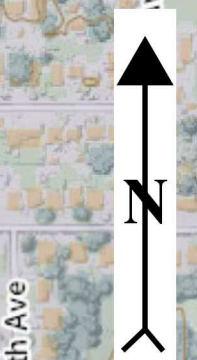
\*\* July 2015 ENR CCI = 10,037

The level of detail of these cost estimates is consistent with Estimate Class 4 described by the Association for the Advancement of Cost Engineering International (Recommended Practice #18R-97, Rev. November 2011). Accordingly, the accuracy is anticipated to be within –25% to +35% of the actual cost.

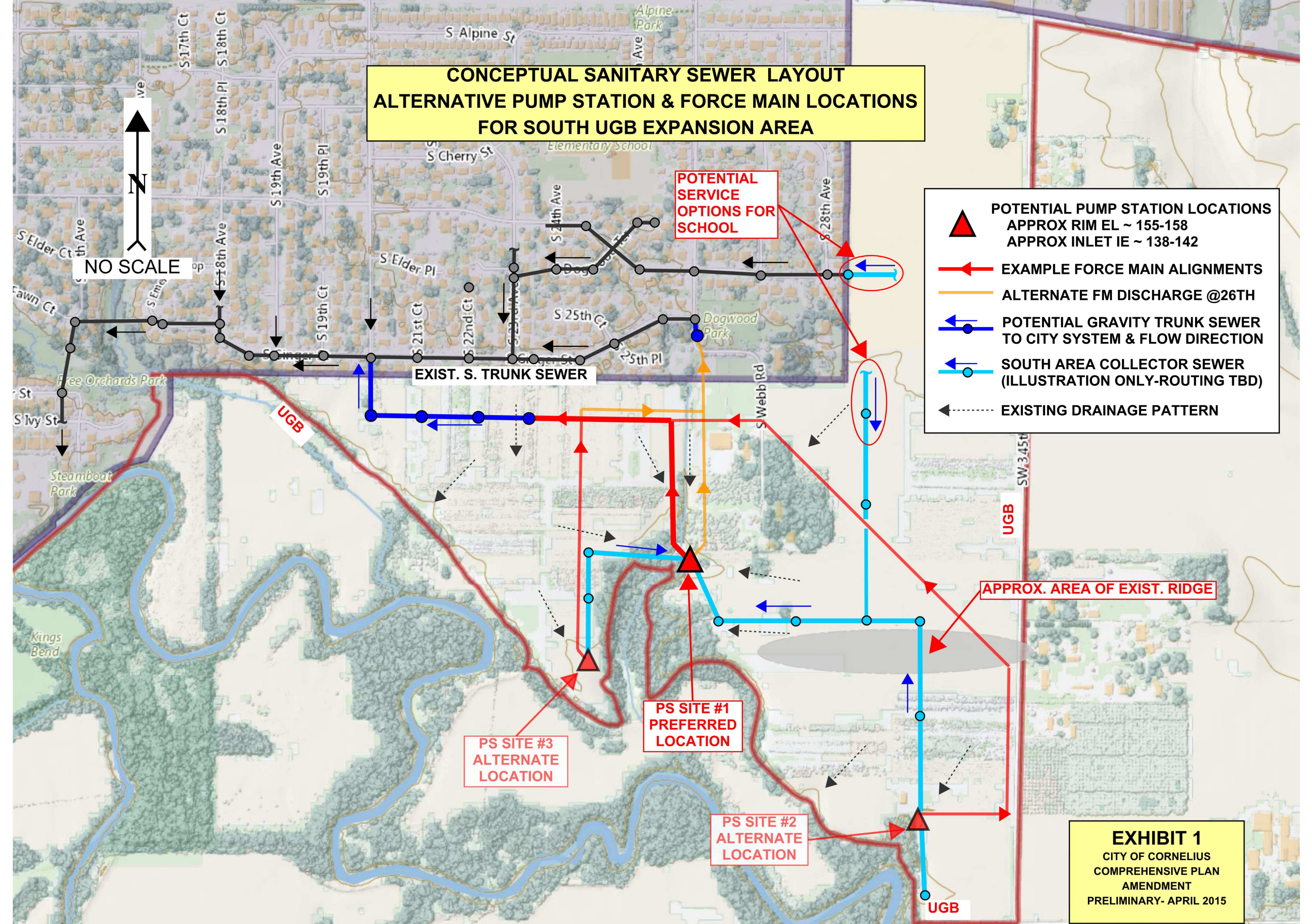
The actual cost of the improvements will depend on project scope, design development, and actual market conditions at bid time. Costs will also depend on specific site conditions and other variable factors. More detailed estimates of the probable costs will need to be prepared as part of further project planning and design efforts.



**CONCEPTUAL SANITARY SEWER LAYOUT  
ALTERNATIVE PUMP STATION & FORCE MAIN LOCATIONS  
FOR SOUTH UGB EXPANSION AREA**



NO SCALE



POTENTIAL SERVICE OPTIONS FOR SCHOOL

EXIST. S. TRUNK SEWER

UGB

UGB

APPROX. AREA OF EXIST. RIDGE

PS SITE #3 ALTERNATE LOCATION

PS SITE #1 PREFERRED LOCATION

PS SITE #2 ALTERNATE LOCATION

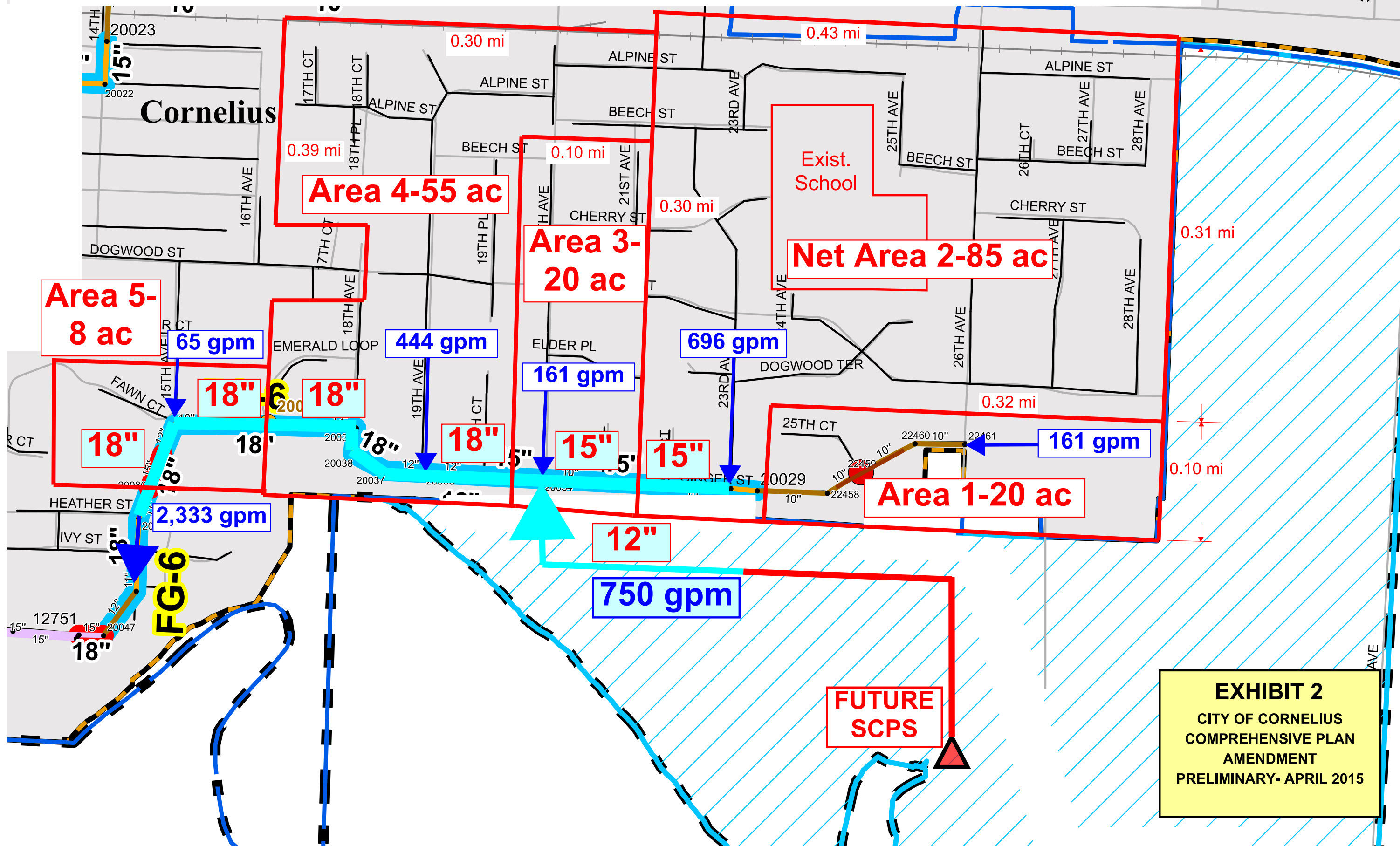
UGB

- POTENTIAL PUMP STATION LOCATIONS  
APPROX RIM EL ~ 155-158  
APPROX INLET IE ~ 138-142
- EXAMPLE FORCE MAIN ALIGNMENTS
- ALTERNATE FM DISCHARGE @26TH
- POTENTIAL GRAVITY TRUNK SEWER TO CITY SYSTEM & FLOW DIRECTION
- SOUTH AREA COLLECTOR SEWER (ILLUSTRATION ONLY-ROUTING TBD)
- EXISTING DRAINAGE PATTERN

**EXHIBIT 1**  
CITY OF CORNELIUS  
COMPREHENSIVE PLAN  
AMENDMENT  
PRELIMINARY- APRIL 2015



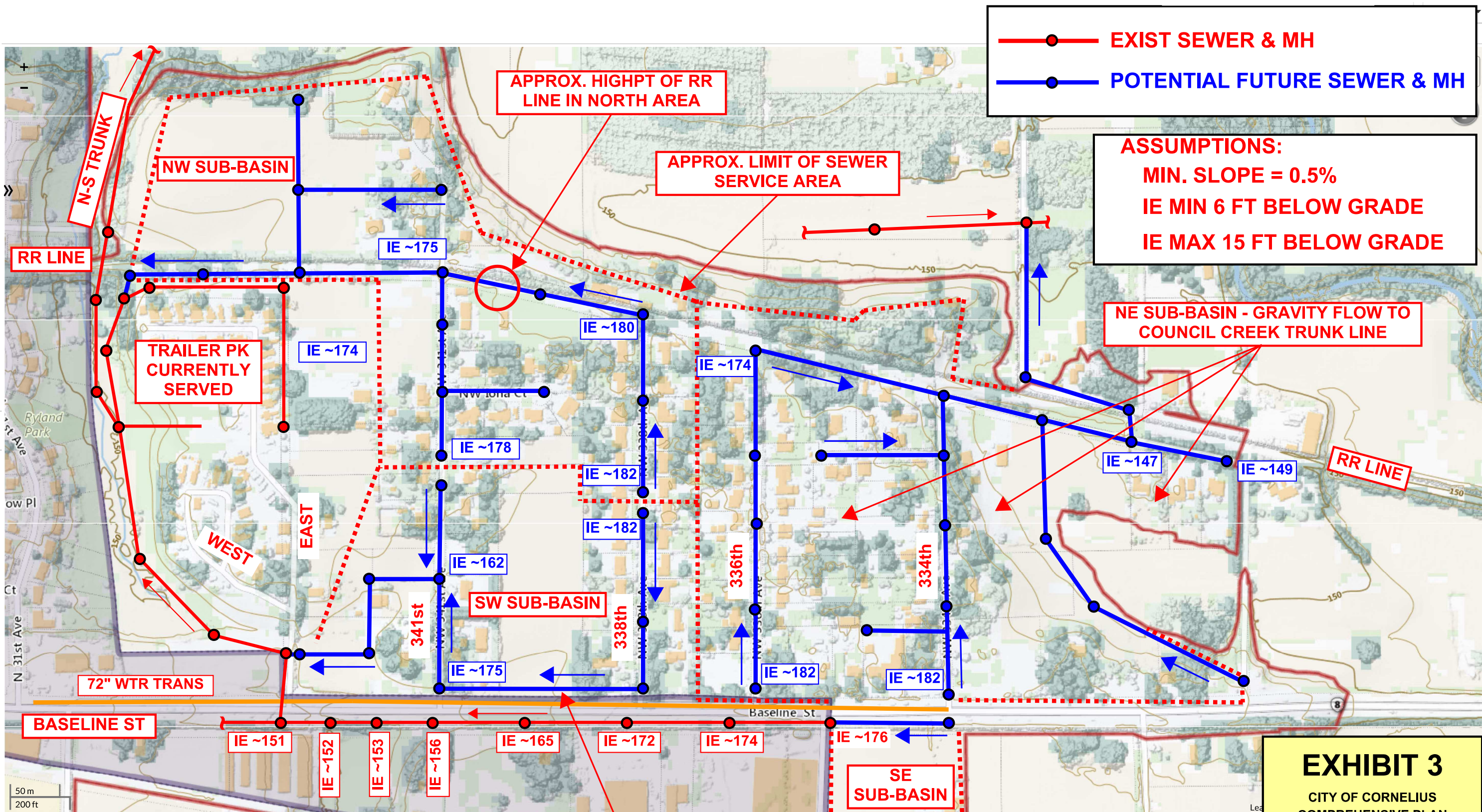
# SOUTH TRUNK SEWER EVALUATION ESTIMATED TRIBUTARY AREAS & FLOWS



**EXHIBIT 2**  
CITY OF CORNELIUS  
COMPREHENSIVE PLAN  
AMENDMENT  
PRELIMINARY- APRIL 2015



# CONCEPTUAL SANITARY SEWER LAYOUT FUTURE SERVICE FOR NORTH UGB EXANSION AREA



—●— **EXIST SEWER & MH**  
—●— **POTENTIAL FUTURE SEWER & MH**

**ASSUMPTIONS:**  
 MIN. SLOPE = 0.5%  
 IE MIN 6 FT BELOW GRADE  
 IE MAX 15 FT BELOW GRADE

**NE SUB-BASIN - GRAVITY FLOW TO COUNCIL CREEK TRUNK LINE**

**MIN. ALLOWABLE SEWER SLOPES: \*\***  
 8" DIA 0.40%  
 10" DIA 0.28%  
 12" DIA 0.22%  
 \*\* FOR 2.0 FPS VELOCITY

**POTENTIAL PARALLEL SEWER IN NEW EASEMENT TO AVOID HWY CROSSINGS & UTILITIES**

**EXHIBIT 3**  
 CITY OF CORNELIUS  
 COMPREHENSIVE PLAN  
 AMENDMENT  
 PRELIMINARY- APRIL 2015



**APPENDIX A**

**City of Cornelius  
South Trunk Sewer Survey Data**

| Model Pipe# | MH#                                 | Location     | Rim Elev | MH Inlet                |              |                  | MH Outlet                  |                     |                  | Run                  | Slope (ft/ft) |
|-------------|-------------------------------------|--------------|----------|-------------------------|--------------|------------------|----------------------------|---------------------|------------------|----------------------|---------------|
|             |                                     |              |          | Size & Mat'l            | Dip          | IE               | Size & Mat'l               | Dip                 | IE               |                      |               |
| 6122        | 22461                               | 26th/Ginger  | 175.77   | 10"PVC(S)               | 10           | 165.77           | 10"PVC(W)                  | 10.1                | 165.67           | 216.61               | 0.0028        |
| 6124        | 22460                               |              | 173.21   | 10"PVC(E)               | 8.14         | 165.07           | 10"PVC(SW)                 | 8.25                | 164.96           | 263.44               | 0.0022        |
| 6090        | 22459                               | 25th/Ginger  | 174.91   | 10"PVC(NE)              | 10.53        | 164.38           | 10"PVC(SW)                 | 10.7                | 164.21           | 168.04               | 0.0035        |
| 6088        | 22458                               |              | 174.25   | 10"PVC(NE)              | 10.62        | 163.63           | 10"PVC(W)                  | 10.79               | 163.46           | 307.38               | 0.0034        |
| 1           | 20029                               |              | 173.35   | 10"PVC(E)               | 10.95        | 162.4            | 10"CSP(W)                  | 11.05               | 162.3            | 108.56               | 0.0027        |
| 2           | 20030                               | 23rd/Ginger  | 173.23   | 10"CSP(E)               | 11.22        | 162.01           | 10"CSP(W)                  | 11.29               | 161.94           | 260.11               | 0.0029        |
| 3           | 20031                               |              | 174.14   | 10"CSP(E)               | 12.95        | 161.19           | 10"CSP(W)                  | 13.09               | 161.05           | 156.34               | 0.0007        |
| 4           | 20032                               |              | 173.21   | 10"CSP(E)               | 12.27        | 160.94           | 10"CSP(W)                  | 12.39               | 160.82           | 122.03               | 0.0029        |
| 5           | 20033                               |              | 172.54   | 10"CSP(E)               | 12.07        | 160.47           | 10"CSP(W)                  | 12.19               | 160.35           | 282.94               | 0.0028        |
| 6           | 20034                               | 20th/Ginger  | 170.84   | 10"CSP(E)               | 11.29        | 159.55           | 12"CSP(W)                  | 11.39               | 159.45           | 254.93               | 0.0014        |
| 7           | 20035                               |              | 168.6    | 12"CSP(E)               | 9.5          | 159.1            | 12"CSP(W)                  | 9.58                | 159.02           | 254.70               | 0.0017        |
| 8           | 20036                               | 19th/Ginger  | 166.61   | 12"CSP(E)               | 8.03         | 158.58           | 12"CSP(W)                  | 8.13                | 158.48           | 149.79               | 0.0019        |
| 9           | 20037                               |              | 163.79   | 12"CSP(E)               | 5.6          | 158.19           | 12"CSP(NW)                 | 5.7                 | 158.09           | 152.39               | 0.0026        |
| 10          | 20038                               |              | 162.04   | 12"CSP(SE)              | 4.34         | 157.7            | 12"CSP(N)                  | 4.4                 | 157.64           | 118.03               | 0.0038        |
| 11          | 20039                               | 18th/Emerald | 164.47   | 12"CSP(S)               | 7.28         | 157.19           | 12"CSP(W)                  | 7.35                | 157.12           | 383.81               | 0.0019        |
| 12          | 20040                               | Emerald      | 160.72   | 12"CSP(E)               | 4.33         | 156.39           | 12"CSP(W)                  | 4.38                | 156.34           | 22.56                | 0.0080        |
|             | 20042                               | Emerald      | 161.16   | 12"CSP(E)               | 5            | 156.16           | 10" ??(W)<br>10" ??(W)     | 5.15<br>4.82        | 156.01<br>156.34 |                      |               |
| 13 & 15     | <i>(Ignore MH# 20079 - blowoff)</i> |              |          |                         |              |                  |                            |                     |                  | 394.50               | 0.0023        |
|             | 20043                               | 15th/Fawn    | 160.34   | 10"CSP(E)               | 5.25         | 155.09           | 12"CSP(SW)                 | 5.3                 | 155.04           |                      |               |
| 14          |                                     |              |          | 10"CSP(E)               | 5.25         | 155.09           |                            |                     |                  | 130.08               | 0.0035        |
|             | 20044                               | Sou. of Fawn | 159.08   | 12"CSP(NE)              | 4.5          | 154.58           | 12"CSP(SW)<br>8"CSP(SW)-?? | 4.4<br>NOT SURVEYED | 154.68           |                      |               |
| 213 & 16    | <i>(Ignore MH# 20079 - blowoff)</i> |              |          |                         |              |                  |                            |                     |                  | 313.56               | 0.0040        |
|             | 20045                               | Heather      | 157.95   | 12"CSP(NE)<br>8"CSP(NE) | 4.51<br>4.55 | 153.44<br>153.40 | 10"CSP(S)                  | 4.53                | 153.42           | (Should be 12" Out?) |               |
| ???         | 64144                               |              | 160.03   | 12"CSP(N)               | 6.98         | 153.05           | 12"CSP(S)                  | 7.05                | 152.98           | 141.59               | 0.0026        |

# Exhibit D

## Amendments to the City of Cornelius Water Master Plan (Appendix I)

# Cornelius Urban Growth Boundary Expansion

## Water Plan

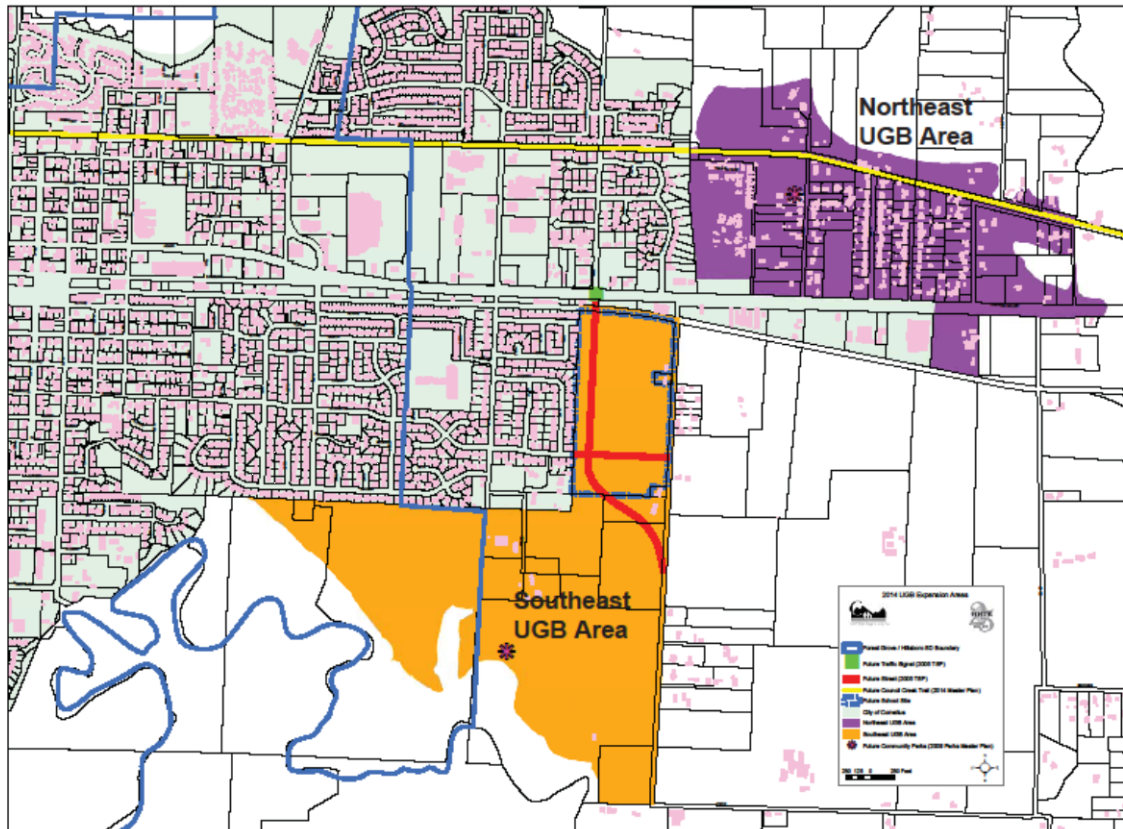
August 28, 2015



Terry Keyes, PE  
City Engineer  
City of Cornelius

## Study Area

The Urban Growth Expansion (UGB) area consists of two parts. The Northeast UGB area is primarily north of Baseline and south of the Council Creek flood plain, just east of the current City limits. The Southeast UGB area is north of the Tualatin River flood plain and west of 345<sup>th</sup> Avenue. These areas are shown in the map below.



## Water Infrastructure – Northeast UGB Area

The City of Hillsboro currently provides water service to the Northeast UGB. Attachment 1 shows the current system. While Hillsboro and Cornelius have had very preliminary talks regarding Cornelius taking over the water system in this area, the City of Cornelius has been cool to the idea because much of the system in the area is undersized and does not meet current standards.

Attachment 2 shows the improvements that are likely needed to bring the water system in this area up to City of Cornelius standards. Most of the improvements involve upgrading the existing lines to 8" and adding fire hydrants. The line on 341<sup>st</sup> is shown as a 12" line based on the assumption that without a looped system, any significant development north of the railroad will need a 12" line to achieve adequate flow.

The cost of bringing the water infrastructure in this area up to current standards is approximately:

$$4,000 \text{ LF @ } \$130/\text{LF} = \mathbf{\$520,000}$$

This cost cannot be justified based on the limited amount of water user fee revenue the area would produce. Therefore, if the Northeast UGB area is annexed to the City of Cornelius, the annexation will likely occur in small chunks as development occurs. With each annexation, Cornelius will take over the portion of the water system needed to serve that area. The development necessitating the annexation will be primarily responsible for improving the annexed part of the Hillsboro water system to Cornelius standards.

Storage needs for the Northeast UGB area can be easily handled by the City's current 1.5 MG (million-gallons) above ground reservoir and its 50+MG Aquifer Storage and Recovery (ASR) System scheduled to come on line in 2017.

Flow needs for this area can be handled from three sources.

1. 12" Cornelius main line on the north side of Baseline that currently ends at East Lane
2. 12" Cornelius main line on the south side of Baseline that currently ends at the Coastal Farm Store at about 336<sup>th</sup> Avenue
3. Existing but unused transfer station from the Hillsboro 72" transmission line in Baseline to the Cornelius system at East Lane

In summary, the City of Cornelius can easily serve the Northeast UGB area. The primary concern is the fact that most pipes in this area are substandard. Bringing this area up to current standards is an expensive proposition that is not currently programmed into the Cornelius water rate structure. Therefore, improvements to the water infrastructure in this area will be required at the time of development. Until areas are annexed into the City the system within this area will remain within Hillsboro's service district and will be maintained and operated by Hillsboro.

#### **Water Infrastructure Needs – Southeast UGB Area**

The Southeast UGB area represents a clean slate in that the area contains almost no existing water infrastructure. The only public water facility in the area is a 2" plastic line from Baseline south along 345<sup>th</sup> to serve approximately 8 residents within ¼ mile of Baseline. Since most of these residents are outside the UGB expansion area, the City does not intend to upgrade this 2" plastic line in the foreseeable future. However, the south end of this line may be looped into the new water infrastructure in the UGB area to protect against an emergency such as a line break.

When developed, the Southeast UGB area will be served by 12" mains under the planned collector streets. The collector streets are expected to include: 29<sup>th</sup> south of Baseline, 26<sup>th</sup> and 20<sup>th</sup> south of Ginger, Dogwood east of 28<sup>th</sup>, and a new east-west collector south of the current city limits that connects 20<sup>th</sup>, 26<sup>th</sup> and 29<sup>th</sup>. All local streets will be underlain with 8" water mains, the minimum standard required by Cornelius.

In addition, to provide adequate flow and pressure to this area at build-out, some improvements in the City's existing water system may be required. The needed improvements will be determined when the City completes its water master plan update later this year. However, the improvements to the existing system that are likely to be needed at full development of the UGB area include:

- 12" line to replace existing 8" line in Dogwood from 18<sup>th</sup> to 20<sup>th</sup>
- 12" line to replace 8" line in 20<sup>th</sup> from Dogwood to Southeast UGB area
- 12" line to replace 8" line in 26<sup>th</sup> from Dogwood to Southeast UGB area

These improvements are not needed initially, but will be required as the area nears build-out. When the City's water master plan update is completed in late 2015, the amount of development the existing system can support will be determined. For development that occurs before the master plan update is complete, the developer will be responsible for proving that the existing system can provide adequate flow and pressure to the UGB area. If adequate flow and pressure cannot be attained, the developer will need to make the improvements noted above.

Storage needs for the Southeast UGB area can be handled by the City's current 1.5 MG above ground reservoir and its 50+MG Aquifer Storage and Recovery (ASR) System scheduled to come on line in 2017.

### **Water Infrastructure Costs – Southeast UGB Area**

All the new water mains in the Southeast UGB area will be installed and funded by developers. However, the City must pay for oversizing of lines greater than 8" size. In other words, while the developers are responsible for funding the installation of 8" lines under all the streets in this area, the City must fund the additional cost of 12" lines where they are needed. The cost of this upsizing of lines to 12" is estimated to be:

12" oversize cost in UGB area = ~10,000 LF @ \$20/LF = \$200,000

Furthermore, the City must fund improvements to piping outside the UGB area. These improvements are listed above and will cost approximately:

12" replacement lines inside UGB area = ~2,200 LF @ \$140/LF = \$300,000

Water SDCs from the southeast UGB area are expected to be:

1,100 single family residences @ \$3,884 SDC per residence = ~\$4M

Therefore, the water SDCs captured from the new development in the southeast UGB area are more than adequate to fund the improvements to pipes needed to serve this area.

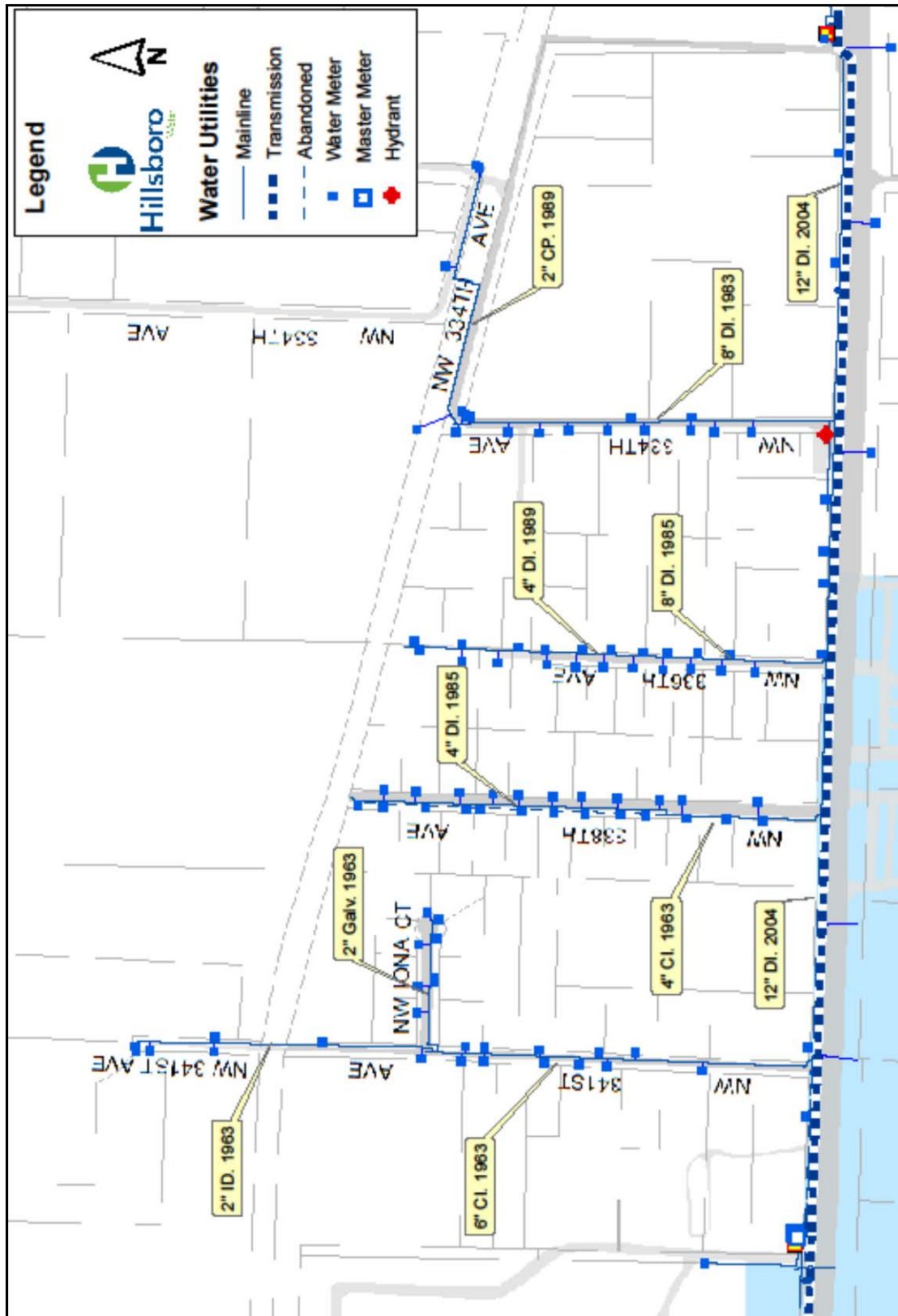
### **Recommendations**

In the Northeast UGB area, staff recommends the area continue to be served by the City of Hillsboro until parcels are annexed. At the time parcels are annexed into the City of Cornelius, Cornelius should take over the portion of Hillsboro's system needed to serve the annexed parcel. Developers should pay for all improvements needed to bring lines up to City of Cornelius standards.

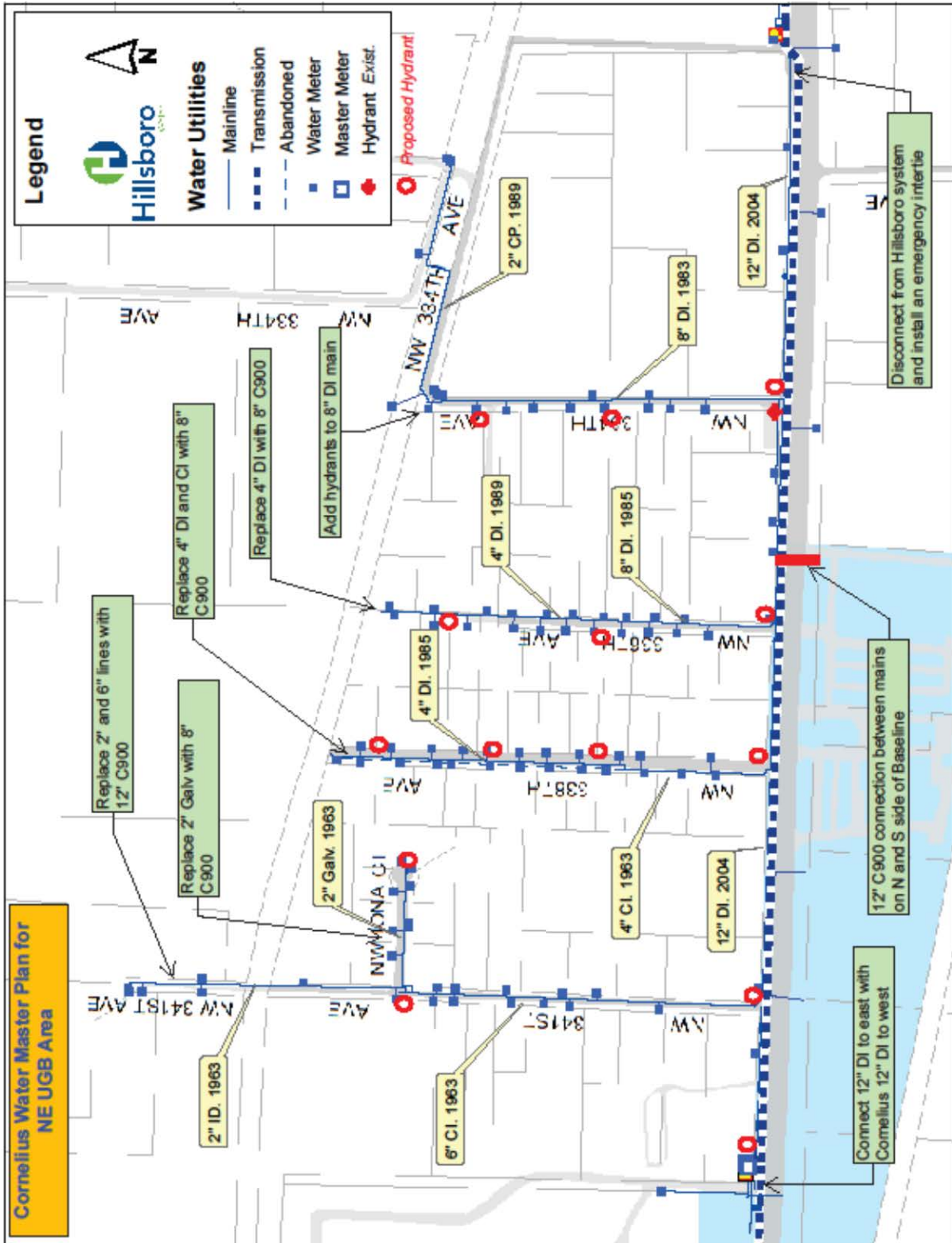
In the Southeast UGB area, developers should design and install all water mains. The City shall pay for oversizing mains under collectors to 12" from the 8" standard size. The City shall also design, build, and fund improvements necessary to the water mains within the current City boundaries.



Attachment 1 – Hillsboro Water System in Northeast UGB Area



Attachment 2 – Cornelius Water Improvement Needs for Northeast UGB Area



# Exhibit E

## Amendments to the City of Cornelius Transportation System Plan (Appendix M)

## RECOMMENDATIONS

### Transportation Planning Rule Findings

The traffic analysis completed for the proposed Cornelius UGB expansion areas found the potential vehicle trip increase would not significantly impact the surrounding transportation system and would satisfy the requirements of OAR 660-012-0060. No capacity improvements to existing facilities beyond those identified in the RTP and Cornelius TSP are required to support the UGB expansion areas. Further analysis of Tualatin Valley Highway west of 345<sup>th</sup> Avenue should be included in the upcoming Cornelius TSP update to identify specific projects to serve fronting property needs for access, capacity and safety.

### Local Improvements

Local roadway projects would be required to support the UGB expansion areas and provide adequate access and internal circulation. Based on the City’s functional classification designations<sup>13</sup> and the future 2040 PM peak hour volume forecasts, recommended local improvements were identified as shown in Table 11. Planning level cost estimates were developed for each roadway project based on the collector cross-section with parking on both sides of the street (shown in Figure 9). If the collector facilities were constructed with a narrower cross-section (shown in Figures 10 and 11) the costs would be lower.

**Table 11: Local Improvements to Support UGB Expansion**

| Project                           | Description  | Planning Level Cost Estimate |
|-----------------------------------|--|------------------------------|
| 20 <sup>th</sup> Avenue Extension | Construct a collector facility south of Ginger Street then east to 29 <sup>th</sup> Avenue extension   | \$7,450,000                  |
| 26 <sup>th</sup> Avenue Extension | Construct a collector facility south of Ginger Street to the 20 <sup>th</sup> Avenue extension east-west alignment   | \$1,300,000                  |
| 29 <sup>th</sup> Avenue Extension | Construct a collector facility south of Tualatin Valley Highway to realignment with 345 <sup>th</sup> Avenue, install railroad crossing treatments on 29 <sup>th</sup> Avenue, close railroad crossing on 345 <sup>th</sup> Avenue | \$6,800,000                  |

<sup>13</sup> Cornelius Transportation System Plan, DKS Associates, adopted June 20, 2005, Figure 8-3.



|  |  |             |
|--|--|-------------|
| Dogwood Street Extension                               | Construct a collector facility east to 345 <sup>th</sup> Avenue (east UGB expansion area boundary) | \$1,600,000 |
| 29 <sup>th</sup> Avenue/Tualatin Valley Highway Signal | Install a traffic signal, interconnect with adjacent railroad crossing                             | \$600,000   |

Note: Collector facility cost estimate based on Figure 9 cross-section

The remaining roadways needed to support future development would function as local streets. The preliminary alignment for the recommended collector facilities are shown on Figure 7. These alignments are conceptual and will be refined with further engineering analysis prior to construction.

### Policies and Standards

New policies and standards should be adopted to support the UGB expansion areas:

- Development should be limited to 130 residential units connecting to 20<sup>th</sup> Avenue and 260 residential units connecting to 26<sup>th</sup> Avenue prior to construction of the 29<sup>th</sup> Avenue connection to Tualatin Valley Highway. With a roadway connection between 20<sup>th</sup> and 26<sup>th</sup> Avenue, a combined development limit of 390 residential units should be applied.
- Roadway and trail cross-sections shown in Figures 9 to 14 should be incorporated into the Cornelius TSP.

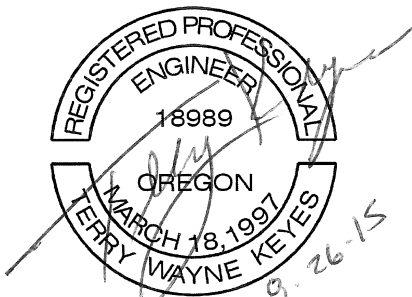
# Exhibit F

## Amendments to the City of Cornelius Storm Drainage/Surface Water Master Plan (Appendix H)

# Cornelius Urban Growth Boundary Expansion

## Stormwater Plan

August 26, 2015



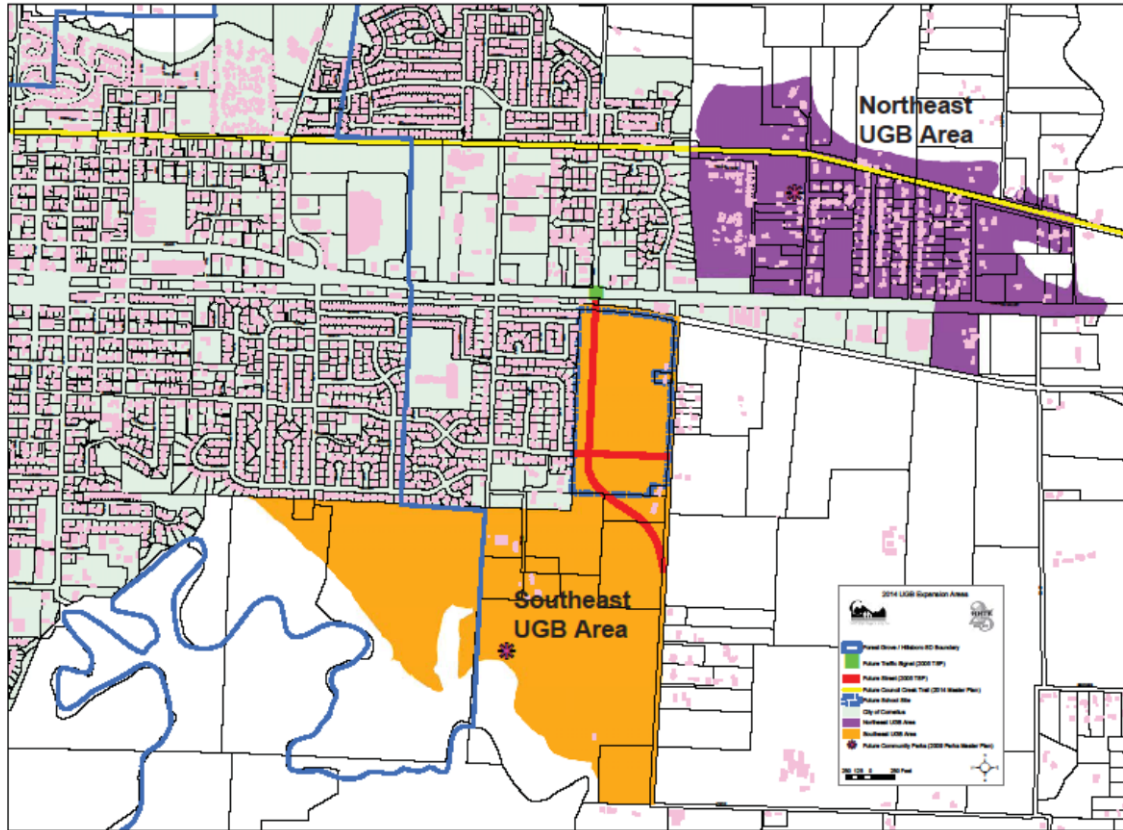
RENEWS 6/30/2017

Terry Keyes, PE  
City Engineer  
City of Cornelius



## Study Area

The Urban Growth Expansion (UGB) area consists of two parts. The Northeast UGB area is primarily north of Baseline and south of the Council Creek flood plain, just east of the current City limits. The Southeast UGB area is north of the Tualatin River flood plain and west of 345<sup>th</sup> Avenue. These areas are shown in the map below.



The terrain in these two areas is generally flat. The Northeast area largely slopes to the north toward Council Creek. The only waterway in this area is a large wetland area that separates the UGB expansion area from the current City boundary. This wetland area drains north toward Council Creek.

The Southeast area primarily slopes to the south toward the Tualatin River. The only waterway in this area is an agricultural ditch that starts where 26<sup>th</sup> Avenue turns into Webb Road and then traverses in a south-southwest direction toward the Tualatin River.

### **Existing Stormwater Facilities**

The only existing stormwater facilities in the Northeast UGB area are roadside and trackside ditches along Baseline, the north-south streets traversing the area, and the railroad north of Baseline.

The stormwater facilities in the Southeast UGB area are limited to the roadside ditches on 345<sup>th</sup> Avenue and railroad ditches along the railroad south of Baseline.

As development occurs, these facilities are expected to be replaced with facilities meeting current Clean Water Service (CWS) standards.

### **Stormwater Standards Overview**

Any new development in the UGB expansion areas must at a minimum meet the current *Design and Construction (D&C) Standards for Sanitary Sewer and Surface Water Management* issued by CWS.

Some UGB expansion areas in Washington County, notably Tigard's River Terrace and the unincorporated North Bethany, created additional stormwater standards that go beyond the D&C Standards. In the case of River Terrace, severe erosion in the stream corridors coming off the south side of Bull Mountain necessitated a more stringent approach to stormwater control in the area.

In North Bethany's case, CWS desired to incorporate extensive LIDA (low-impact development practices) into the area and pre-built a number of large regional facilities. This was deemed more desirable to the creation of individual stormwater facilities in each development phase.

One downside of the North Bethany approach is that CWS has had difficulty keeping ahead of development with new facilities. Also, by CWS constructing regional facilities rather than each developer constructing their own facilities, North Bethany has a large stormwater fee or system development charge that is unique in Washington County.

Finally, the D&C Standards issued by CWS are expected to change significantly as a result of a new MS4 permit from the State of Oregon, Department of Environmental Quality (DEQ) to CWS. One change in the new MS4 permit will be an increased level of treatment for stormwater. However, the most significant change in the standards is expected to be a requirement to deal with hydro-modification. Instituting this type of requirement is expected to create the need for very large detention and retention facilities on new development sites.

### **Cornelius Plan**

Because Cornelius does not face the problems Tigard does on Bull Mountain and because the City does not have the staff to plan, design, and build regional facilities, as CWS is doing in North Bethany, Cornelius will require developers to meet the current stormwater standards issued by CWS. While this approach is not innovative, it has been used successfully for decades in urban Washington County to manage stormwater runoff.

The only variations from the CWS standards are:

1. Prohibition on the use of proprietary treatment systems, e.g., Stormfilters, for treatment on parts of the system that the City must maintain in the future, i.e., facilities to be dedicated to the City.
2. Unless required by CWS rules, prohibition on single-family residential lot LIDA facilities.

The reason for the prohibition on proprietary systems is the additional maintenance burden these pose for the City at a time when stormwater maintenance funding is extremely limited. Likewise, the single-family lot LIDA facilities require on-going City inspection and oversight that the City does not have funding to undertake.

### **Costs**

Since developers will be responsible for designing and constructing stormwater facilities in the new UGB areas, the City will incur zero capital costs for these systems. The City will, however, incur, increased maintenance costs long-term, but these costs are funded by monthly stormwater fees payable by the new residents and businesses in the area.

### **Recommendations**

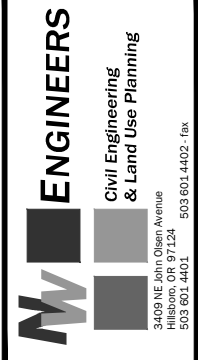
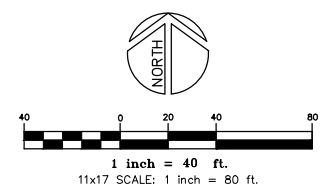
Staff recommends the City use the CWS D&C Standards that are applicable at the time of development to address stormwater issues in the UGB areas. Staff further recommends, the following two conditions be placed on all new development in these areas:

1. Prohibition on the use of proprietary treatment systems for treatment on parts of the system that the City must maintain in the future.
2. Unless required by CWS rules, prohibition on single-family residential lot LIDA facilities being used to meet subdivision stormwater quality or quantity requirements.

## **Exhibit F: Neighborhood Meeting Documentation**

---

# 2 PARCEL PARTITION PROPOSED MIDDLE HOUSING



FOR: DEHEN HOMES, LLC  
 JODI DEHEN  
 18118 SE 36TH ST.  
 VANCOUVER, WA 98683  
 SITE: TAX MAP 1N335CD  
 TAX LOT 1200  
 CITY OF CORNELIUS, OREGON

2-PARCEL PARTITION  
 PROPOSED MIDDLE HOUSING  
 N0802  
 SITE EXHIBIT

| REVISION | BY | DATE |
|----------|----|------|
| 1        |    |      |
| 2        |    |      |
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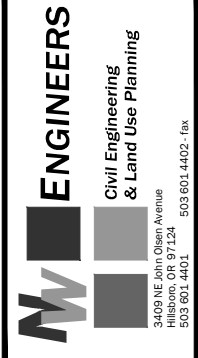
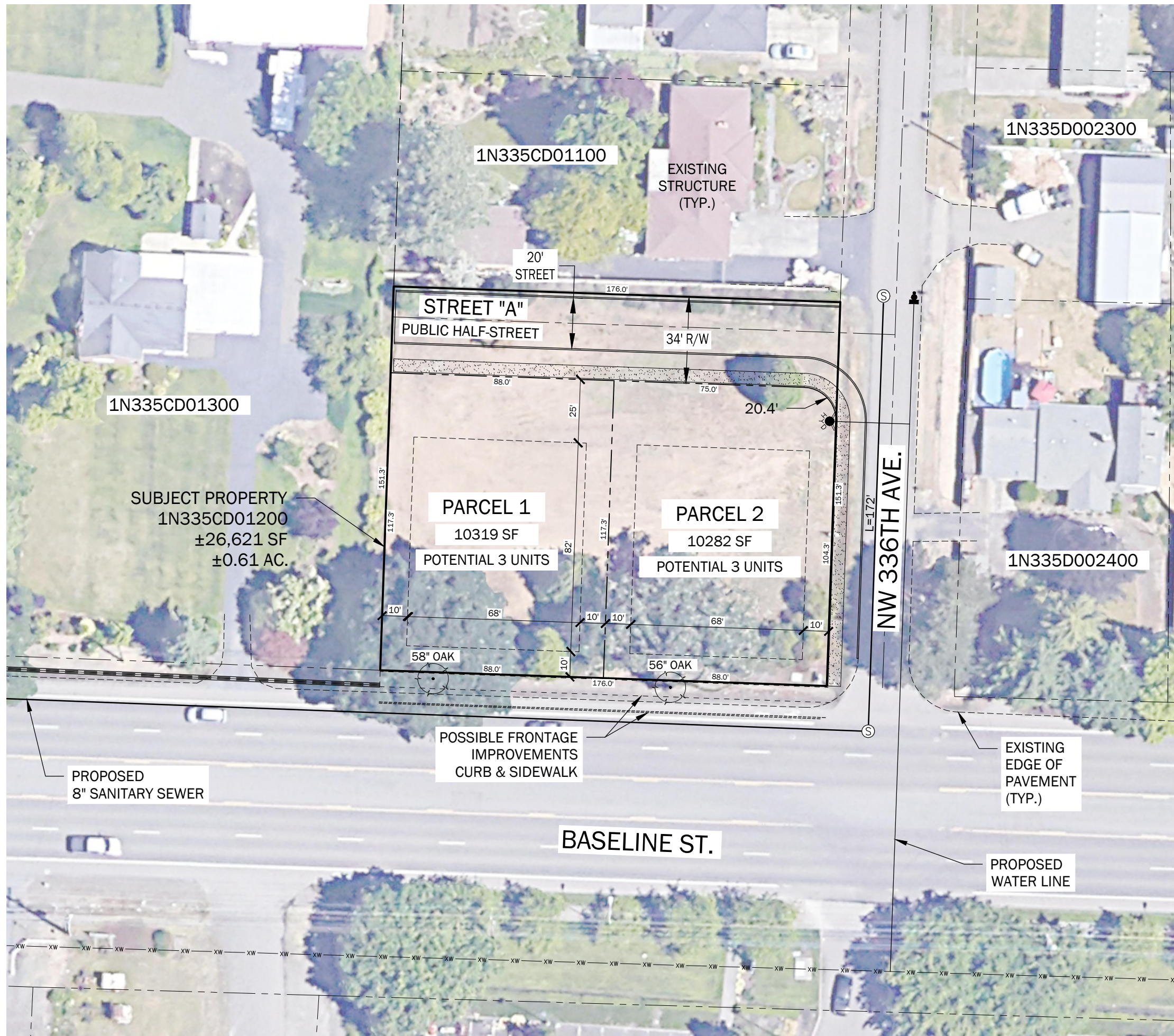
| DESIGNED | DRAWN | REVIEWED | SUBMITTAL |
|----------|-------|----------|-----------|
|          |       |          |           |

1



# 2 PARCEL PARTITION PROPOSED MIDDLE HOUSING

AERIAL PHOTOGRAPH DATE: 05/13/2021  
SOURCE: GOOGLE EARTH

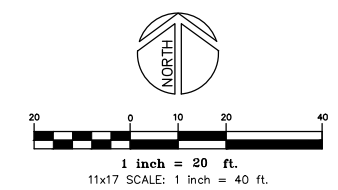


FOR: DEHEN HOMES, LLC  
JODI DEHEN  
18118 SE 36TH ST.  
VANCOUVER, WA 98683  
SITE: TAX MAP 1N335CD  
CITY OF CORNELIUS, OREGON

2-PARCEL PARTITION  
PROPOSED MIDDLE HOUSING  
N0802  
AERIAL PHOTOGRAPH

| REVISION | BY | DATE |
|----------|----|------|
| 1        |    |      |
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| DESIGNED | DRAWN | REVIEWED | SUBMITTAL |
|----------|-------|----------|-----------|
|          |       |          |           |





DEVELOPER OR AGENT: Dehen Homes OR336 LLC

PROJECT LOCATION: Hillsboro, OR 97124

Washington County tax lot 1200,  
MAP IN-3-35CD

**AFFIDAVIT OF MAILING NOTICE**

I, Jodi Anne Dehen, being first duly sworn; say that I am  
Manager, Dehen Homes LLC  
(represent) the party intended to submit an application to the City of Cornelius for a  
proposed annexation and rezoning affecting land located at  
0 NW 336<sup>th</sup>, Hillsboro, OR, and that pursuant to Ordinance 810, Chapter  
97124  
18.10, and the guidelines set out by the Community Development Director, did on the  
7<sup>th</sup> day of December, 2022, personally mail notice to  
affected property owners within 250 feet of the proposed development site.

*Sign and Date in the presence of a Notary Public. Certain City staff are Notary Publics and are available for witnessing.*

Signature: 

Dated this 7<sup>th</sup> day of December, 2022.

State of Oregon Washington  
County of Clackamas

~~Subscribed and sworn to (or affirmed) before me this 7<sup>th</sup> day of December, 2022~~

  
Notary Public for the State of Oregon Washington

My Commission expires: April 17, 2026

NOTARY PUBLIC  
STATE OF WASHINGTON  
RENEE GREEN  
MY COMMISSION EXPIRES  
APRIL 17, 2026  
COMMISSION # 171464





## Tips for Planning a Successful Middle Housing Project



Schedule a meeting with the Community Development Department to discuss your proposed project, as every individual property and proposal is unique.



Building Permits will be required. Get written detailed bids from three contractors. Compare the bids and ask questions.



Check the contractor's license and complaint history through the Oregon Construction Contractors Board at [www.oregon.gov/ccb](http://www.oregon.gov/ccb)



Ask for and check references. Look at other jobs the contractor completed recently.

# Cornelius

Oregon's Family Town

Community Development Department

### In-Person Customer Service Hours:

Monday through Friday  
8:30 am to 5:00 pm

Physical Address:  
1300 S. Kodiak Circle  
Mailing Address:  
1355 N. Barlow Street  
Cornelius, Oregon 97113

Phone: 503.357.3011  
Fax: 503.357.3424  
Email:  
[Barbara.Fryer@Corneliusor.gov](mailto:Barbara.Fryer@Corneliusor.gov)  
[Tim.Franz@Corneliusor.gov](mailto:Tim.Franz@Corneliusor.gov)

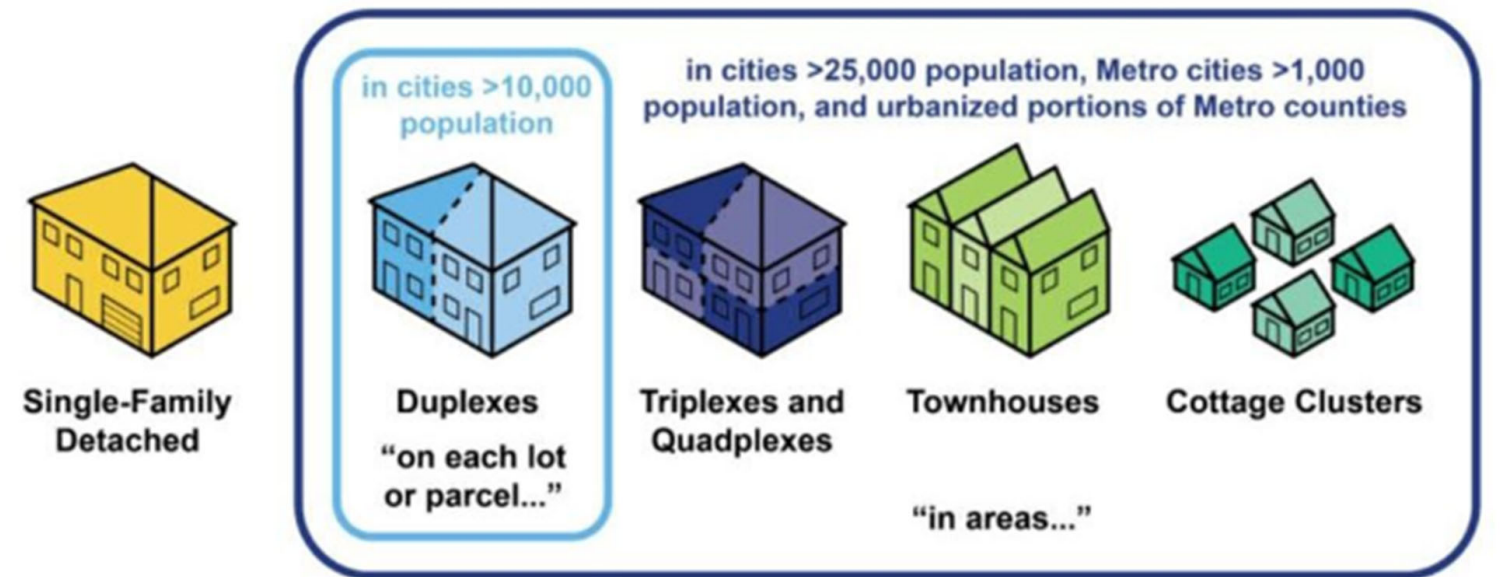
# Middle Housing

City of Cornelius

## Middle Housing Overview

The Oregon State Legislature passed House Bill 2001, which requires cities in the Portland Metropolitan area adopt regulations that allow for Middle Housing in certain zoning districts. The term Middle Housing applies to duplexes, triplexes, quadplexes, townhomes, and cottage clusters within the City's residential zoning districts (R-10, R-7, A-2, and CR).

### House Bill 2001 enables



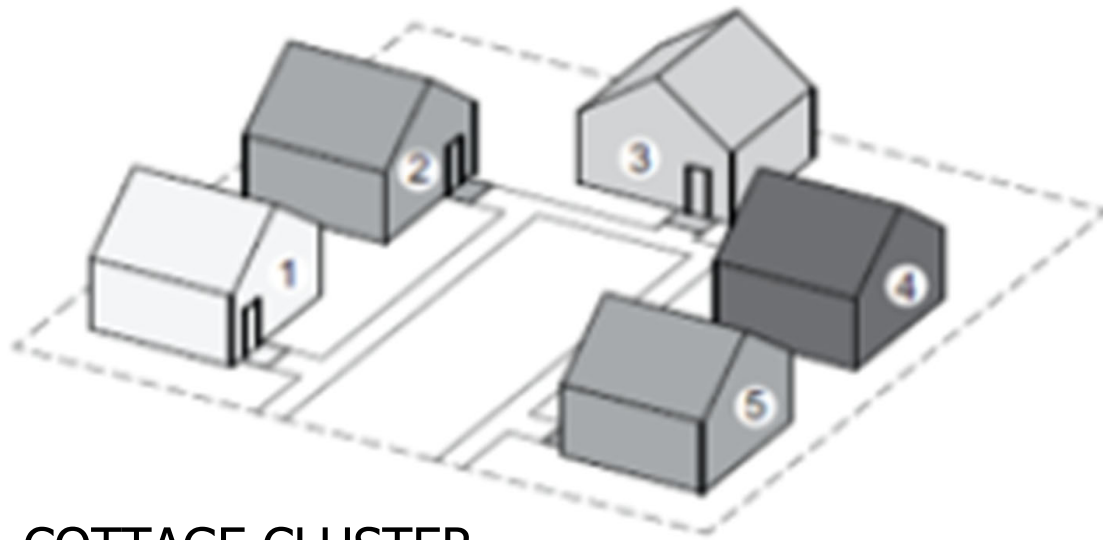
"...that allow(s) for the development of detached single-family dwellings"

Source: DLCD

## Types of Middle Housing

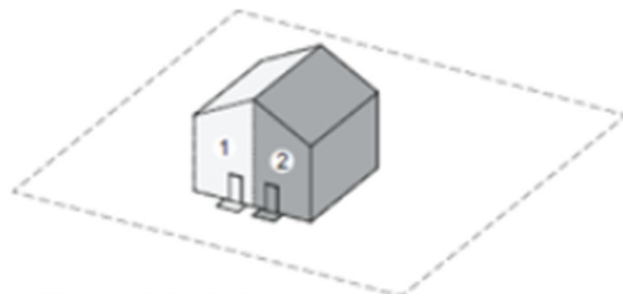
**Middle Housing** means a duplex, triplex, quadplex, townhouse or cottage cluster development.

**Cottage cluster** means a group of four or more detached dwelling units per acre with a footprint of less than 900 square feet that includes a common courtyard. Cottage cluster dwelling units may be located on a single parcel or on individual parcels.

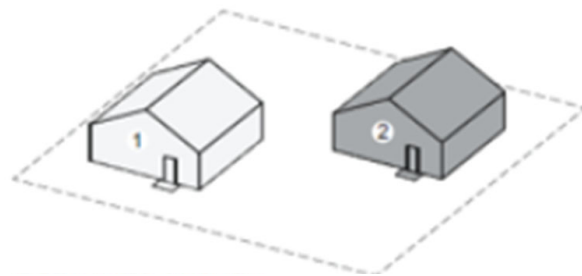


COTTAGE CLUSTER

**Duplex** means a building containing two attached or detached dwelling units located on a single parcel.

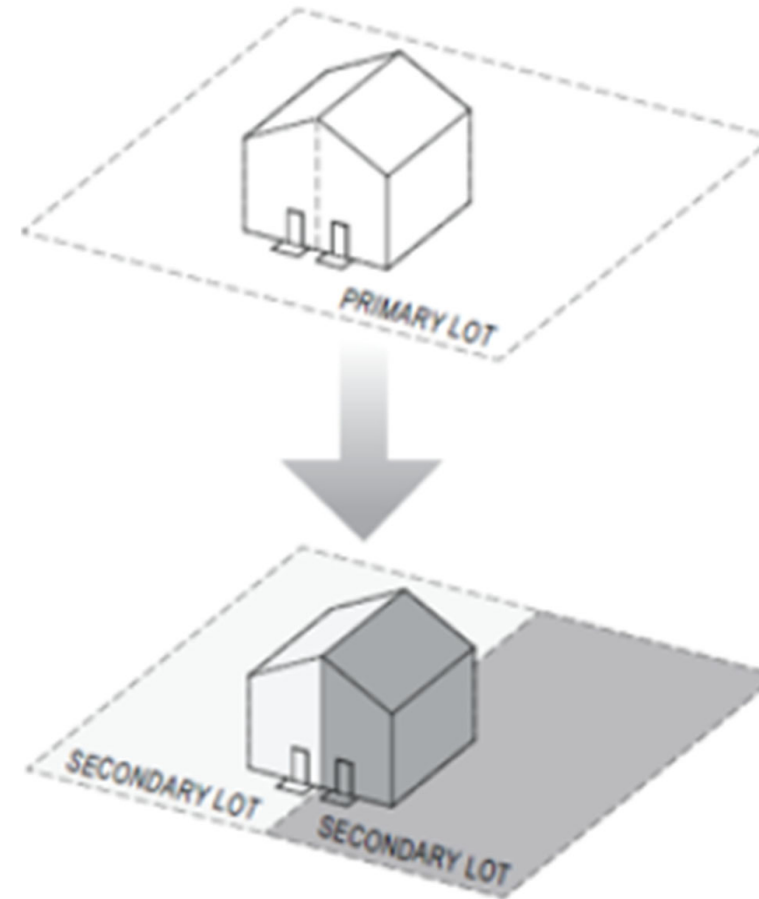


ATTACHED DUPLEX



DETACHED DUPLEX

## Middle Housing Land Division



With a Middle Housing Project, there is also the opportunity for an Expedited Middle Housing Land Division. This means that each dwelling created in a Middle Housing project can be sold individually, resulting in more homes available for ownership. The primary parcel controls the footprint for the structures through the setbacks. Individual lots created through an Expedited Middle Housing land division need not comply with the lot size of the underlying zone. The lot or parcel that is the subject of the land division is referred to as the middle housing primary lot; a lot created by the division is referred to as a middle housing secondary lot.

## Review Timeline

- In most cases, review and approval for Middle housing will be within 10-working days of a complete application, per CMC 18.100.030
- Review of Expedited Land Divisions will occur within 63-days, per CMC 17.05.060

More information about Middle Housing and Land Partitioning can be found within CMC Chapters 17 & 18 on the City of Cornelius website

<https://www.ci.cornelius.or.us>

## Middle Housing Minimum Lot Size

### Chapter 18.20 LOW-DENSITY RESIDENTIAL ZONE (R-7)

| HOUSING TYPE                                       | MINIMUM LOT SIZE  |
|--|-------------------|
| Detached single-unit dwelling, duplex, and triplex | 6,000 square feet |
| Quadplex and cottage cluster                       | 7,000 square feet |
| Townhouse  | 1,500 square feet |

### Chapter 18.25 VERY LOW-DENSITY RESIDENTIAL ZONE (R-10)

| HOUSING TYPE  | MINIMUM LOT SIZE   |
|---|--------------------|
| Detached single-unit dwelling, duplex, and triplex, quadplex, and cottage cluster | 10,000 square feet |
| Townhouse   | 1,500 square feet  |

Each Middle Housing project is unique. Existing lot size and configuration, structures and utility availability contribute to the final configuration and build out will vary throughout neighborhoods.

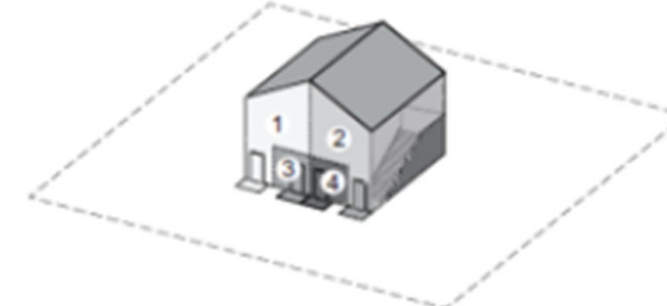
### Chapter 18.70 CORE RESIDENTIAL ZONE (CR)

| HOUSING TYPE                             | MINIMUM LOT SIZE <sup>1</sup> |
|--|-------------------------------|
| Detached single-unit dwelling and duplex | 3,100 square feet             |
| Triplex                                  | 5,000 square feet             |
| Quadplex and cottage cluster             | 7,000 square feet             |
| Townhouse                                | 1,500 square feet             |
| Multi-unit dwellings                     | 2,000 square feet per unit    |
| Approved nonresidential uses             | None                          |

### Chapter 18.35 MULTI-UNIT RESIDENTIAL ZONE (A-2)

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

**Quadplex** means a building containing four attached or detached dwelling units located on a single parcel or lot.



ATTACHED QUADPLEX

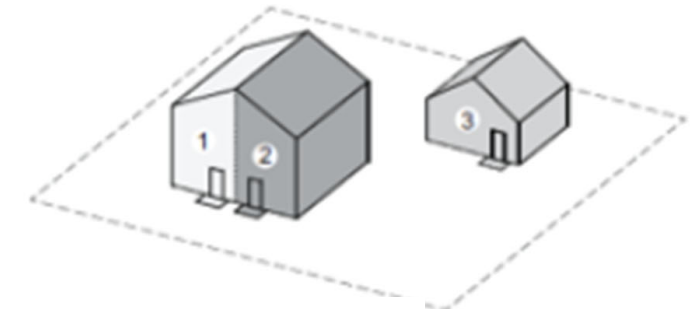
**“Triplex”** means a building containing three attached or detached dwelling units located on a single parcel or lot.



ATTACHED TRIPLEX

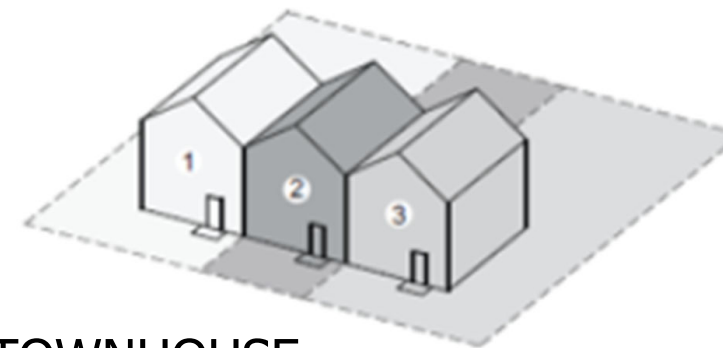


DETACHED QUADPLEX



DETACHED TRIPLEX

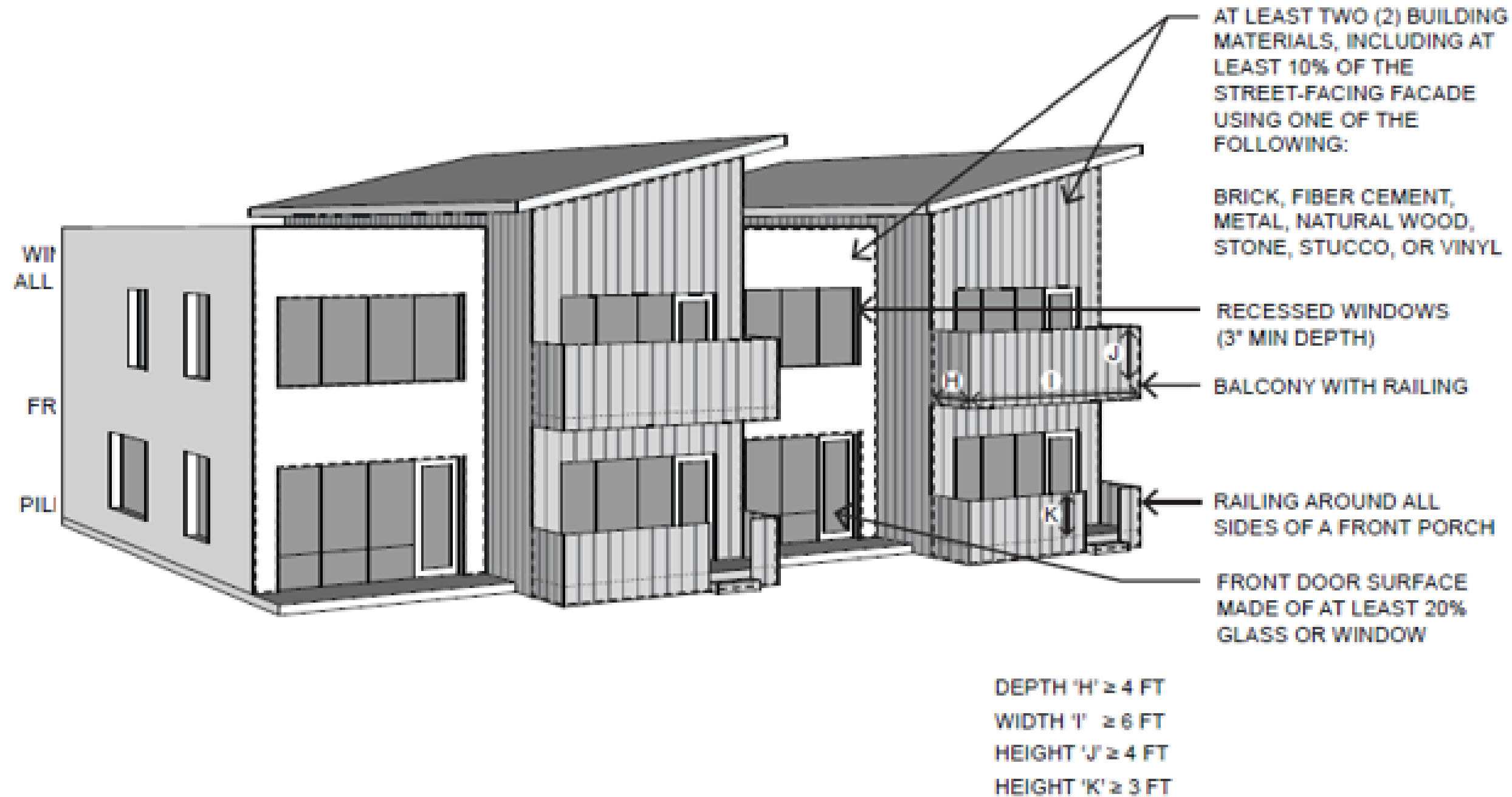
**Townhouse** means two or more dwelling units, separated by common walls on the property lines. Each common wall has a zero lot line setback.



TOWNHOUSE

## Middle Housing Design Requirements

With the Middle Housing code update, the CMC was expanded to include residential design requirements (CMC 18.100.070). For new residential structures, a minimum of 3 architectural features, from a list of 20, must be incorporated into the front design of the building. Below is an example of some of the features.





## Notices for Neighborhood Meeting Review

### Relevant to the property annexation/rezone and included in the notice mailing:

Marcella Radke, seller of the property : 13355 SW Kleir Drive, Hillsboro, OR 97123

Sophia Dehen (owner of Dehen Homes LLC and lives in Hillsboro sent a copy so we knew the date they would be received by list of neighbors after being sent 12-7-22): 2197 SE Oak Crest Drive, Hillsboro, OR 97123

Safley Law LLC (our Real Estate attorney): 2416 NE Regents Drive, Portland, OR 97212

Matt Newman, NW Engineers: 3409 NW John Olsen Ave., Hillsboro, OR 97124

Barbara Fryer, AICP, City of Cornelius Community Development: 1355 N. Barlow St., Cornelius, OR 97113

Tim Franz, City of Cornelius Community Development: 1355 N. Barlow St., Cornelius, OR 97113

### Neighbor's within 250 feet as required to send notices to listed below and their addresses given to me by our realtor Maggie Armstrong, I combined the list below from 2 title company spreadsheets that had different information on each that was sent to me:

Kurt and Elonda Albee: 33765 SW TV Hwy, Hillsboro, OR 97123

Tad Arias: "owner address" 135 NW 338<sup>th</sup> Ave., Hillsboro, OR 97124 that I sent the notice to, while site address is: 105 NW 338<sup>th</sup> Ave., Hillsboro, OR 97124

Coastal Farm Real Estate, "owner address" P.O. Box 99, Albany, OR 97321 that I sent the notice to, site address 3865 Baseline St., Cornelius, OR 97123

Benjamin Cullick: 33845 SW Tualatin Valley Hwy, Hillsboro, OR 97123

Jim and Phyllis Richards Family LLC: "owner address" P.O. Box 159, Albany, OR 97321 that I sent notice to for both "site addresses" 3827 Baseline St, Cornelius, OR 97123 and 3793 Baseline St., Cornelius, OR 97123

Michael Kennedy: 85 NW 336<sup>th</sup> Ave., Hillsboro, OR 97124

Susan Karels: 110 NW 336<sup>th</sup> Ave., Hillsboro, OR 97124

Kinnaman Family Rev. Trust: 160 NW 336<sup>th</sup> Ave., Hillsboro, OR 97124

Marsha and Mike Moore: 260 NW 336<sup>th</sup> Ave., Hillsboro, OR 97124 (this address was not on either of the lists from the title companies, the seller gave me this address to include in the mailing)

Karen and Jacob Palenick: "owner address" 3453 SE Walnut St., Hillsboro, OR 97123 that I sent the notice to, site address 33430 SW Tualatin Valley Hwy, Hillsboro, OR 97123

James Powell: 130 NW 336<sup>th</sup> Ave., Hillsboro, OR 97124

Kenneth Ryan: 175 NW 336<sup>th</sup> Ave., Hillsboro, OR 97124

Steve Scarbrough: 160 NW 338<sup>th</sup> Ave., Hillsboro, OR 97124

George and Francine Svcarovich: 145 NW 336<sup>th</sup> Ave., Hillsboro, OR 97124

Kathryn Truscott: 135 NW 334<sup>th</sup> Ave., Hillsboro, OR 97124

Charles and Rebecca Wade: 115 NW 336<sup>th</sup> Ave, Hillsboro, OR 97214

Christopher Warner: 33585 SW Tualatin Valley Hwy, Hillsboro, OR 97123

Wilfert Investments: "owner address" 430 NW 231st Ave., Hillsboro, OR 97124 that I sent the notice to, the two lists from the title companies didn't have the same "property address" listed, one had 33505 SW Tualatin Valley Hwy, the other had listed 33535 SW Tualatin Valley Hwy but the "owner address" was the same as above that the notice went to for both site addresses.

Neighborhood Review Meeting Notes 12.28.22 Cornelius Library, RE: Dehen Homes OR336 LLC annexation and rezoning/City of Cornelius/Property NW 336<sup>th</sup> & Baseline, Washington County tax lot 1200

- Sign in sheet announced and requested for people to sign in
- notes included with post meeting info (will be part of public record and certain requests to email info, Matt Newman responded that we can email them the information if requested)
- Announcement that the meeting is regarding Annexation into the City of Cornelius and re-Zoning to R-10 Middle housing
- Matt Newman has board up showing aerial view of property and proposed infrastructure and approximate size of partitioned lots as well as an annexation and rezone map
- Most people w in rural and r5 but is holding zone until properties are annexed
- Matt Newman leading the meeting, explains what is happening w property
- To bring property in required to extend urban services (water, sewer, electricity) from Cornelius
- Bringing services from new development down the street (development name? 341<sup>st</sup>)
- Matt Newman explained what is involved in extending services and 2019 middle housing ordinance (req by legislature to adopt middle housing ordinance)
- What it means – many of these homes on large lots
- Zoning city limits is rural but what we are proposing is annexation into R10
- What R10 means is 10k sq ft lot
- City wants a road going through back of the property eventually
- For property to be built road will need to be built
- Plan for future development (portion has already been built with subdivision)
- Currently zoned A5 for one house in WA County but Cornelius won't allow it
- (voiced concern from neighbor) Annexing forced to neighbors if this lot is developed? Law from state health enforced by various agencies the neighbor said (?)
- Requirement is to extend the water line, sewer line, bury utilities, sidewalks, etc.
- Currently need to get topography survey to get a more accurate perspective of infrastructure
- Waiting to hear where the sewer line would come out of the ground
- Water would be laid at minimum which is .4% (every 200 ft would go up a ft)
- Sewer is deep enough for part of 336<sup>th</sup> but neighbors showing concern that the rest of the street will have to go on gravity feed eventually midway point up the street, asking what the proposed solution is? Not sure how it is funded for Local Improvement District?
- Neighbors asking where does the line extend to? In right of way by highway?
- ODOT didn't want frontage road which is why it is possibly on North side (state gets involved with frontage roads)
- 33 ft allocated for road going in, when next property is developed would need additional footage
- Only affected when neighbors want to develop, are not forced into it
- Process wise annexation first
- Baseline and to the South is already annexed
- Annexation process takes three months
- Neighbors asking what is the problem with staying in WA County? Developer can't stay in unincorporated Washington County and build, due to UGB, being forced into annexation



- In order to get urban services to build anything, developer has to annex into Cornelius and rezone R-10
  - Meeting is for public process (required)
  - Big question if there are services available, it must be proven
  - Annexation and rezoning application first, then after is Development application years later (with plans etc)
  - Matt Newman advises that it will be a minimum of 2 years before development will occur due to application requirements and infrastructure process
  - R-10 requirements explained
  - Have to meet minimum density of three units per lot
  - If the lot is to be developed, to do middle housing as required as rezone, developer must partition the lot
  - Next step after annexation and rezoning is partition which is Land Use Application
  - Have to show how R-10 standards are being met, lot size and infrastructure
  - Would need to have preliminary design
  - Then Conditions of Approval when designs are done
  - To make money on the project, need to do multiple houses or other middle housing due to infrastructure cost
  - Street improvements will be required only along frontage including lights, possibly a fire hydrant, sidewalk 6 ft sidewalk (minimum paved width 20ft on North side)
- 
- Second step getting land use approval, third step is civil design, then move into construction
  - 2024 most likely before Dehen Homes OR336 LLC can even start infrastructure improvements at the earliest
  - After the infrastructure improvements occur is when the actual building will start
  - Could prevail on cost of improvements
  - Once requirements are met to do middle housing under state ordinance
  - Every lot with middle housing R-10 allows duplex, triplex, quadplex and cottage cluster
  - End plan goal: Cottage Cluster sending pictures around, Jodi Dehen emphasized that this is NOT the purpose of the meeting, that annexation and rezoning is, that nothing is approved at any step at this point, application not yet in for annexation and rezoning, this meeting is the first step
  - What law says regarding middle housing ordinance Matt Newman explained
  - For cottage clusters, Max 900 sq ft, could sometimes include garage and cottage clusters have a community area
  - Part of annexation app requirement is that neighbors within 250 feet of the subject property are sent a notice regarding annexation and rezoning meeting (this meeting), another part of that is the sign in sheet with names and address/phone list of who attended said meeting.
  - another request is made for people to sign in (Jodi Dehen noted that 29 people are present at the meeting but only 19 signed in)
  - We submit application with some of the exhibits shown and show that services can be extended

- Include these findings for review and that is what the hearing is about, once it is approved then the property will be annexed
- After annexation approved then rezoning, then partition, then comes the development application
- Neighbors voicing upset and concern that if approval goes through and their septic fails may need to annex in for utilities
- Neighbors asking how they can prevent developers from getting approved for any of it
- Annexation and rezoning is part of bringing parcels into the urban growth boundary and city development
- Neighbor asks if part of annexation includes traffic report for single family houses etc., developers were told at a City of Cornelius pre-application conference meeting that they will not be required to do a traffic report
- What else traffic engineers likely look for is peak trips and documentation has to be provided in the application
- Neighbors asking if they can get an email of information provided, Matt Newman explained it will be accessible publicly but before that time, Jodi Dehen offers that if they email her at her contact information provided, she can send what is required to share
- Some neighbors strongly and loudly stating that most of them are against development of this lot
- Others asking questions about process, curious and thankful for transparent sharing of what is happening during this process
- Meeting scheduled for 6:30pm-7:30pm, concluded by 7:35pm



## Neighborhood Review Meeting

For a Preliminary Proposal affecting the vacant land parcel located at:  
O NW 336<sup>th</sup> Street and Baseline (Tualatin Valley Highway), Hillsboro,  
Oregon 97124

A meeting to discuss the preliminary proposal to annex the property into  
the City of Cornelius and change the existing County (AF-5) zoning to  
the City of Cornelius (R-10) zoning designation

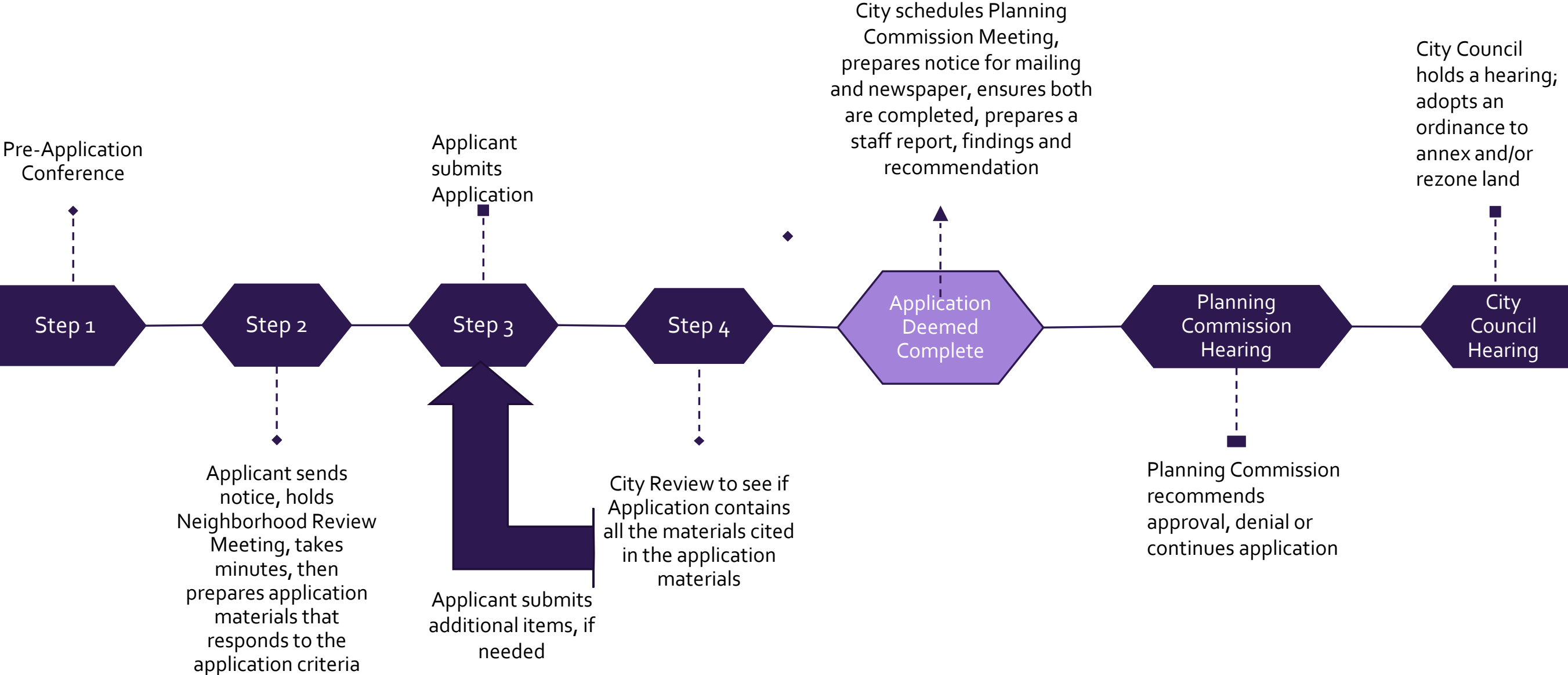
This neighborhood review meeting will be held on Wednesday,  
December 28<sup>th</sup>, 2022 at 6:30pm-7:30pm at Cornelius Public Library in  
the Walters Gallery meeting room, 1370 N Adair Street, Cornelius,  
Oregon 97113

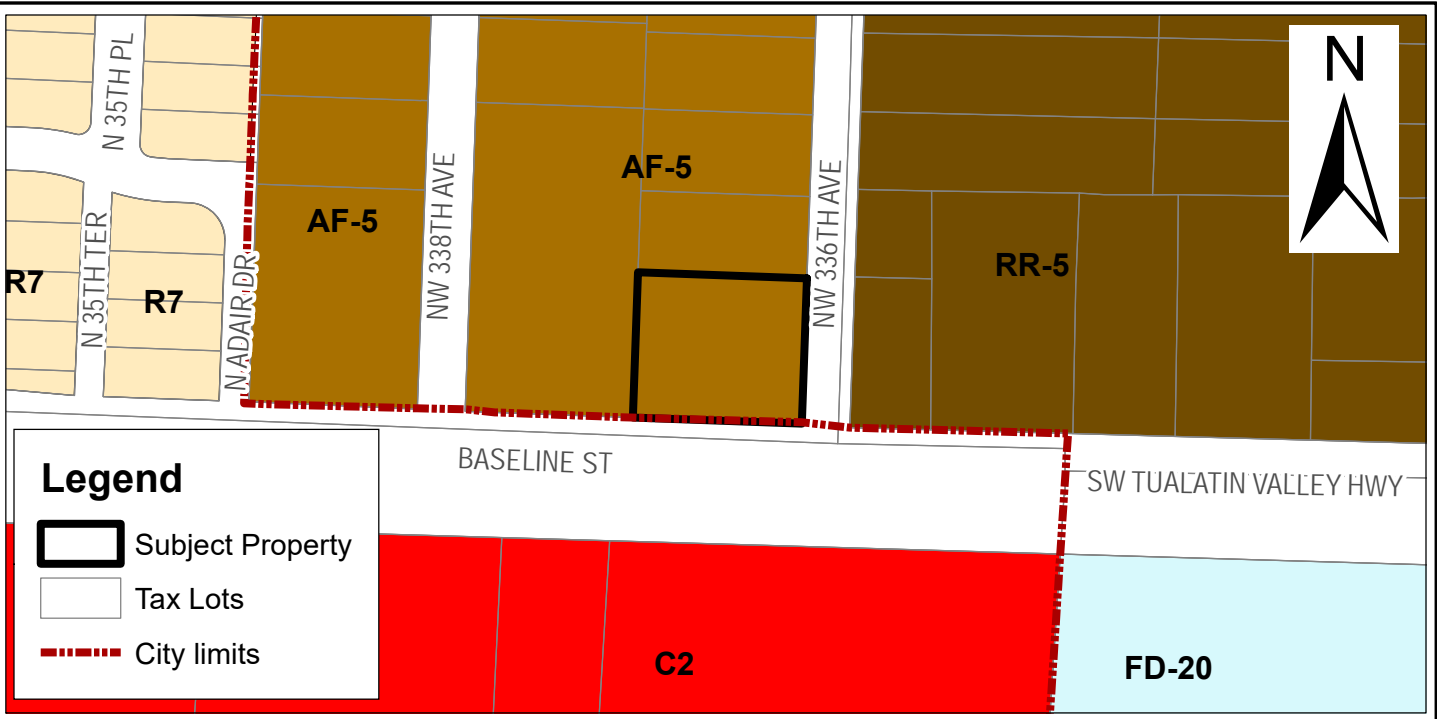
PLEASE KNOW ALL INTERESTED PERSONS ARE WELCOME TO ATTEND

For more information, please contact Jodi Dehen, Dehen Homes OR336  
LLC, at [jodi@dehenhomes.com](mailto:jodi@dehenhomes.com) or 503-771-5072




Looking forward to meeting you!

# Project Milestones for Annexation and Rezone Application

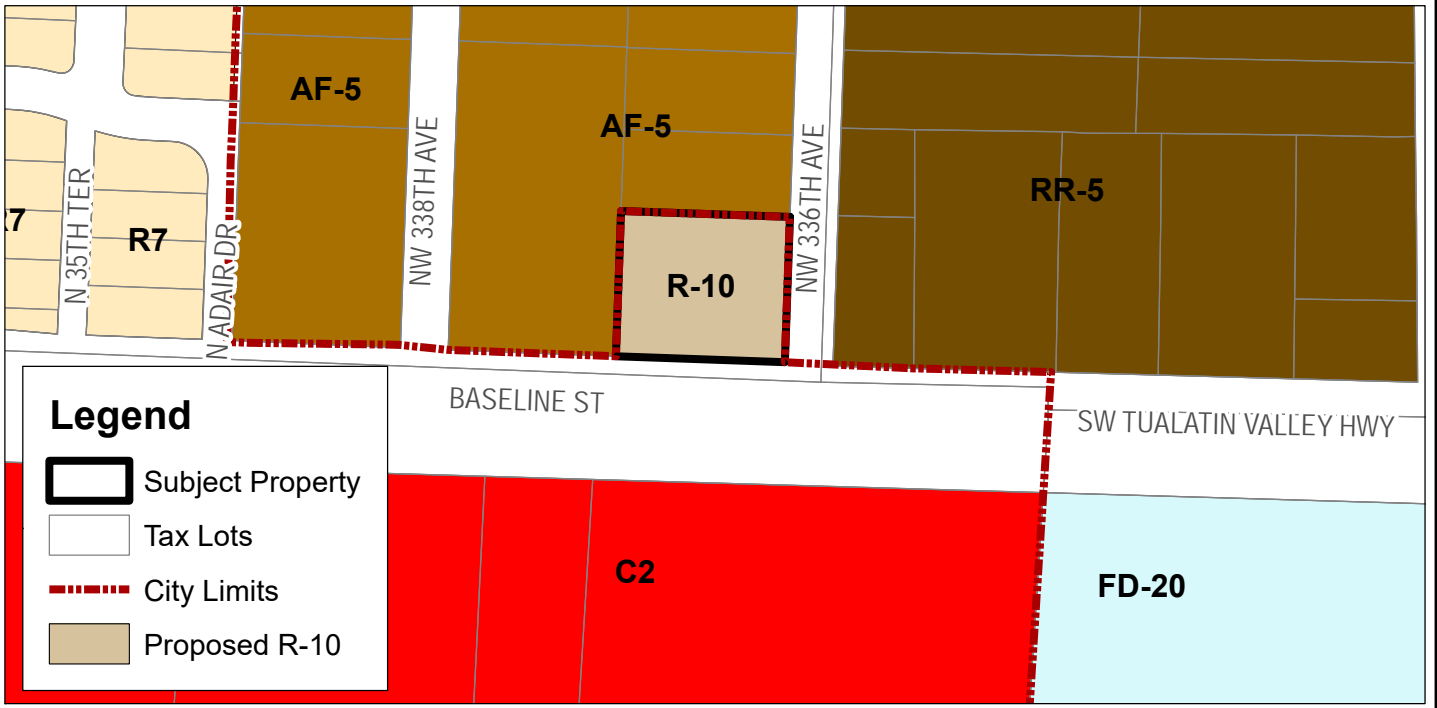








**Legend**

-  Subject Property
-  Tax Lots
-  City limits

**EXISTING CITY LIMITS & ZONING**



**Legend**

-  Subject Property
-  Tax Lots
-  City Limits
-  Proposed R-10

**PROPOSED CITY LIMITS & ZONING**

**NW ENGINEERS**  
 Engineering & Planning  
 3409 NE JOHN OLSEN AVENUE  
 HILLSBORO, OREGON 97124  
 T: 503.601.4401  
 F: 503.601.4402  
 W: www.nw-eng.com

**ANNEXATION & ZONE CHANGE  
 FOR TAX LOT: 1N335CD01200  
 CITY OF CORNELIUS, OREGON**

Source:  
 Metro Data Resource Center's RLIS, 2022.

|                           |
|---------------------------|
| Date:<br>12/28/2022       |
| Scale:<br>1 in. = 200 ft. |
| Project #:<br>N0802       |
| Drawn By: CEB             |



# NEIGHBORHOOD MEETING ATTENDANCE ROSTER



PROJECT: Dehen Homes OR336 LLC - Hillsboro MEETING DATE: 12-28-22  
 NW 336th iBaseline, tax lot 1200, MAP IN-3-35CD

PLEASE PRINT LEGIBLY!

| NAME                   | MAILING ADDRESS & E-MAIL ADDRESS                                  | CITY, STATE   | ZIP CODE | PHONE #                      |
|------------------------|---|---------------|----------|------------------------------|
| SHON LINDREN           | 18118 SE 36TH ST. VANCOUVER WA 98683<br>lindleyshon@gmail.com     | VANCOUVER WA  | 98683    | 360-771-8900                 |
| Jodi Dehen             | 18118 SE 36th Street<br>Vancouver, WA 98683<br>jod@dehenhomes.com | Vancouver, WA | 98683    | 503-413-9900<br>503-771-5072 |
| Sophia Dehen           | 18118 SE 36th St<br>Vancouver, WA 98683<br>sophiadehen@gmail.com  | VANCOUVER, WA | 98683    | 3609771147                   |
| MAT NEUMAN             | 3409 NE John Dickson Ave.<br>Hillsboro OR 97124                   | Hillsboro OR  | 97124    | 503-601-4401                 |
| Dorothy Sahlfeld       | 240 NW 334th Ave<br>Hillsboro OR 97123                            | Hillsboro OR  | 97124    | 503-589-5878                 |
| Michelle Taylor        | 420 NW 336th Ave<br>Hillsboro OR 97124                            | Hillsboro OR  | 97124    | 503869-6303                  |
| Margaret Bitulks       | mbarbks@stinsonlumber.com<br>860 NW 336th Ave<br>Hillsboro OR     | Hillsboro, OR | 97124    | 5036405358                   |
| Lindsay Cullick        | 33845 Wataam Valley Highway<br>Hillsboro OR 97124                 | Hillsboro OR  | 97124    | 503-278-054                  |
| Dennis Eubanks         | 33995 NW Fontact<br>Hillsboro OR 97124                            | Hillsboro OR  | 97124    | 5036402028                   |
| Michael & Jean Anthony | 385 NW 336th Ave<br>Hillsboro, OR 97124                           | Hillsboro, OR | 97124    | 503-563-7866                 |



# NEIGHBORHOOD MEETING ATTENDANCE ROSTER



PROJECT: Dehen Homes OR336 LLC - Hillsboro      MEETING DATE: 12-28-22  
NW 336th = Baseline, tax lot 1200, map 1N-3-35CD

**PLEASE PRINT LEGIBLY!**

| NAME                    | MAILING ADDRESS & E-MAIL ADDRESS                                  | CITY, STATE   | ZIP CODE | PHONE #      |
|-------------------------|---|---------------|----------|--------------|
| Peter Yarb              | 220 NW 336th Ave Hillsboro<br><small>Peter-yarb@yahoo.com</small> | Hillsboro OR  | 97124    | 2086019226   |
| Duane & Marcella Packer | 13355 SW Glenview Dr. E   | Hillsboro, OR | 97123    | 503-628-6809 |
| Kurt & Elonda Atzee     | 33765 SW T.V. Hwy   | Hillsboro, OR | 97123    | 503-550-3026 |
| Jasmin Vasquez Rios     | 1910 NW 336th Ave   | Hillsboro, OR | 97124    | 971-297-9329 |
| Mike Agostini           | 425 NW 336th Ave  | Hillsboro OR  | 97124    | 503-939-3815 |
| Christopher Wanner      | 33585 SW 336th  | Hillsboro, OR | 97123    | 503 544 6486 |
|                         |   |               |          |              |
|                         |   |               |          |              |
|                         |   |               |          |              |
|                         |   |               |          |              |

## **Exhibit G: Preliminary Service Availability Memo**

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May 23, 2023



City of Cornelius  
Community Development & Planning Department  
1355 N. Barlow St  
Cornelius, OR 97113

**Re: Public Utility Service Availability  
Annexation Application for Tax Lot 1200 (Tax Map 1N335CD)  
Cornelius, Oregon**

This narrative is being provided to support the Annexation Application for Tax Lot 1200 (Map 1N 3 35CD). Approximately 0.70 acres of property will be annexed into the City of Cornelius under this proposal (including a portion of the right-of-way along 336<sup>th</sup> Street). The following paragraphs are intended to discuss the impacts and availability of the following public facilities and services to the subject property proposed for annexation.

#### **SANITARY SEWER**

The subject properties are not currently served by public sanitary sewer; therefore, future construction of a sanitary main extension will be required. The City Engineer has indicated that the existing sanitary sewer system ends about 400 feet to the west at Baseline Rd and Adair Street. The 8" sanitary sewer main will require extension along the north side of Baseline and has sufficient depth to serve the project area.

#### **STORMWATER**

The subject property falls under the jurisdiction of Clean Water Services (CWS). As such, on-site stormwater quality and quantity facilities (if required) will be designed in accordance with the *Design and Construction Standards for Sanitary Sewer and Surface Water Management, R&O 19-22*, dated Nov. 12, 2019. Stormwater routing is available to serve the project site and will likely be connected to existing ditches/stormwater mains along the north side of Baseline Rd ( $\pm 400$  feet west).

Additional details of the stormwater facilities and the associated conveyance systems will be developed during the preliminary and engineering design phases.

#### **DOMESTIC WATER**

The project area has the potential to be served by connecting to the City of Cornelius water system. Notes from the City Engineer, indicate the connection of the "City water system is possible in two ways." A new water main can connect to an existing water main along the north side of Baseline Rd ( $\pm 560$  ft extension from the west) or can alternatively connect to the city system on the south side of Baseline Rd ( $\pm 75$  ft extension across Baseline Rd/TV Highway). In either case, potable water service to the project is available.

We look forward to working with you on this project. If you have any questions or comments, please contact me at (503) 563-6151 or PaulS@aks-eng.com.

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**



**Paul A. Sellke, PE, GE**  
Project Engineer



**CITY COUNCIL STAFF REPORT  
AN-02-23**

**Exhibit "B"**  
HB 4078

**Enrolled**  
**House Bill 4078**

Sponsored by Representatives DAVIS, CLEM; Representatives BARKER, BENTZ, CAMERON, THATCHER, Senators HASS, JOHNSON, STARR (Presession filed.)

CHAPTER .....

AN ACT

Relating to post-acknowledgement changes to regional framework plan in Metro; creating new provisions; amending ORS 195.085, 197.299 and 197.626; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. The Legislative Assembly finds and declares that:**

**(1) Oregon law requires a metropolitan service district to establish an urban growth boundary and to maintain development capacity sufficient for a 20-year period within the boundary based on periodic assessments of the development capacity within the boundary.**

**(2) Metro, the metropolitan service district for the Portland metropolitan area, has not implemented an approved legislative amendment to the urban growth boundary since 2005.**

**(3) In 2010, Metro assessed the development capacity within the urban growth boundary and determined that the boundary did not contain sufficient capacity for a 20-year period.**

**(4) The Metro Council, the governing body of Metro, established policies, including an investment strategy, for using land within the urban growth boundary more efficiently by adopting Ordinance No. 10-1244B on December 16, 2010.**

**(5) Ordinance No. 10-1244B significantly increased the development capacity of the land within the urban growth boundary, but left unmet needs for housing and employment.**

**(6) On July 28, 2011, the Metro Council held a public hearing in Hillsboro to allow public review of and to take comments on proposed expansion of the urban growth boundary to fill the unmet needs for housing and employment in the region.**

**(7) On September 14 and 28, 2011, the Metro Council sought advice on expansion of the urban growth boundary from the Metro Policy Advisory Committee, which is composed primarily of elected and other local government officials in the region. On September 28, 2011, the Metro Council received a recommendation from the committee.**

**(8) The Metro Council, with the advice and support of the committee, established six desired outcomes as the basis for comparing policy and strategy options to increase the development capacity of the region.**

**(9) On September 30, 2011, the Metro Council reported likely effects of the proposed expansion of the urban growth boundary to:**

**(a) The cities and counties in the region; and**

**(b) Nearly 34,000 households within one mile of land proposed to be included within the urban growth boundary.**

**(10) The Metro Council developed, in cooperation with the cities and counties responsible for land use planning in areas potentially to be included within the urban growth boundary,**



policies and strategies addressing the affordability of housing, the compatibility of residential use with nearby agricultural practices and the protection of industrial lands from conflicting uses.

(11) On October 6 and 20, 2011, the Metro Council held public hearings on the proposed expansion of the urban growth boundary.

(12) On October 20, 2011, the Metro Council unanimously adopted Ordinance No. 11-1264B, expanding the urban growth boundary to fill the unmet needs for increased development capacity for housing and for industries that require large areas of developable land.

(13) The adopted policies and strategies reflect the intention of the Metro Council to develop vibrant, prosperous and sustainable communities with reliable transportation choices that minimize carbon emissions and to distribute the benefits and burdens of development equitably in the Portland metropolitan area.

(14) The Director of the Department of Land Conservation and Development referred the expansion of the urban growth boundary by Ordinance No. 11-1264B to the Land Conservation and Development Commission for review.

(15) On May 10, 2012, the commission held a public hearing, according to rule-based procedures adopted by the commission, to consider the proposed amendment to the urban growth boundary made by Ordinance No. 11-1264B.

(16) The commission continued the public hearing to June 14, 2012, and requested that the Metro Council submit additional information describing how the record demonstrates compliance with the appropriate statewide land use planning goals, administrative rules and instructions.

(17) On June 14, 2012, the commission unanimously approved the expansion of the urban growth boundary by Ordinance No. 11-1264B in Approval Order 12-UGB-001826.

(18) Metro and other local governments have made significant investments in infrastructure to ensure that housing, education and employment needs in the region are met.

(19) Ordinance No. 11-1264B and its findings satisfy Metro's obligations under ORS 197.295 to 197.314 and under statewide land use planning goals relating to citizen involvement, establishment of a coordinated planning process and policy framework and transition from rural to urban land uses.

**SECTION 2.** (1) Section 3 of this 2014 Act is added to and made a part of ORS 195.137 to 195.145.

(2) Section 4 of this 2014 Act is added to and made a part of ORS 197.295 to 197.314.

**SECTION 3.** (1) For purposes of land use planning in Oregon, the Legislative Assembly designates the land in Washington County that was designated as rural reserve in Metro Resolution No. 11-4245, adopted on March 15, 2011, as the acknowledged rural reserve in Washington County, except that:

(a) The real property in Area 5C on Metro's map denominated as the "Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)," that is more particularly described as tax lots 1500 and 1501, section 1 of township 2 south, range 2 west, Willamette Meridian, is not designated as a reserve area.

(b) The Legislative Assembly designates as acknowledged urban reserve the real property that is part of the original plat of Bendemeer, Washington County, Oregon, more particularly described as:

(A) All of lots 1 through 18, inclusive;

(B) The parts of lots 64, 65 and 66 that are situated between the east boundary of the right of way of West Union Road and the west boundary of the right of way of Cornelius Pass Road; and

(C) The real property that is more particularly described as: Beginning at a point of origin that is the south bank of Holcomb Creek and the east boundary of the right of way of Cornelius Pass Road; thence easterly along the south bank of Holcomb Creek, continuing

along the south bank of Holcomb Lake to its intersection with the west boundary of Area 8C; thence southerly along the west boundary of Area 8C to its intersection with the north boundary of the right of way of West Union Road; thence westerly along the right of way to its intersection with the east boundary of the right of way of Cornelius Pass Road; thence northerly along the right of way to the point of origin.

(2) For purposes of land use planning in Oregon, the Legislative Assembly designates the land in Washington County that was designated as urban reserve in Metro Resolution No. 11-4245, adopted on March 15, 2011, as the acknowledged urban reserve in Washington County, except that:

(a) The real property in Area 8A on Metro's map denominated as the "Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)," east of the east boundary of the right of way of Jackson School Road and east of the east bank of Storey Creek and the east bank of Waibel Creek is included within the acknowledged urban growth boundary.

(b) The real property in Area 8A on Metro's map denominated as the "Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)," that is south of the south boundary of the right of way of Highway 26 and west of the real property described in paragraph (a) of this subsection is designated as acknowledged rural reserve.

(c) The real property in Area 8B on Metro's map denominated as the "Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)," that is more particularly described as tax lots 100, 900, 901, 1100, 1200, 1300 and 1400 in section 15 of township 1 north, range 2 west, Willamette Meridian, is not designated as a reserve area.

(d) The real property in Area 8B on Metro's map denominated as the "Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)," that is not described in paragraph (c) of this subsection is designated as acknowledged rural reserve.

(e) The real property in Area 7B on Metro's map denominated as the "Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)," that is north of the south bank of Council Creek is designated as acknowledged rural reserve.

(f) The real property in Area 7B on Metro's map denominated as the "Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)," that is south of the south bank of Council Creek is included within the acknowledged urban growth boundary.

(3) For purposes of land use planning in Oregon, in relation to the following real property in Washington County that is not reserved by designation in Metro Resolution No. 11-4245, adopted on March 15, 2011, the Legislative Assembly designates:

(a) As acknowledged rural reserve the real property that is situated south of the City of North Plains on Metro's map denominated as the "Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)," more particularly described as tax lots 100, 101, 200 and 201 in section 11 of township 1 north, range 3 west, Willamette Meridian, and tax lots 1800 and 2000 and that portion of tax lot 3900 that is north of the south line of the Dobbins Donation Land Claim No. 47 in section 12 of township 1 north, range 3 west, Willamette Meridian.

(b) As acknowledged rural reserve the real property that is situated north of the City of Cornelius on Metro's map denominated as the "Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)," and that is north of the south bank of Council Creek, east of the east right of way of Cornelius-Schefflin Road and west of the west bank of Dairy Creek.

(c) As acknowledged rural reserve the real property that is north of the City of Forest Grove on Metro's map denominated as the "Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)," more particularly described as east of Area 7B, west of the east right of way of Highway 47 and south of the south right of way of Northwest Purdin Road.

(d) As acknowledged rural reserve the real property that is situated west of Area 8B on Metro's map denominated as the "Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)."

(4) Land in a county in Metro that is planned and zoned for farm, forest or mixed farm and forest use and that is not designated as urban reserve may not be included within the urban growth boundary of Metro before at least 75 percent of the land in the county that was designated urban reserve in this section has been included within the urban growth boundary and planned and zoned for urban uses.

(5)(a) The real property described in subsection (2)(a) of this section:

(A) Is employment land of state significance; and

(B) Must be planned and zoned for employment use.

(b) In its first legislative review of the urban growth boundary on or after the effective date of this 2014 Act, Metro shall not count the employment capacity of the real property described in subsection (2)(a) of this section in determining the employment capacity of the land within Metro.

(6) If the real property described in subsection (2)(f) of this section or section 4 (1) to (3) of this 2014 Act is planned and zoned for employment use, in its first legislative review of the urban growth boundary on or after the effective date of this 2014 Act, Metro shall not count the employment capacity of the real property described in subsection (2)(f) of this section or in section 4 (1) to (3) of this 2014 Act in determining the employment capacity of the land within Metro.

**SECTION 4.** For the purpose of land use planning in Oregon, the Legislative Assembly designates the urban growth boundary designated in Metro Ordinance No. 11-1264B, adopted October 20, 2011, as the acknowledged urban growth boundary of Metro, subject to the conditions of approval in the ordinance, except that:

(1) The real property in Area 7C on Metro's map denominated as the "Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)," is included within the acknowledged urban growth boundary.

(2) The real property in Area 7D on Metro's map denominated as the "Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)," is included within the acknowledged urban growth boundary.

(3) The real property in Area 7E on Metro's map denominated as the "Urban and Rural Reserves in Washington County, Attachment A to Staff Report for Resolution No. 11-4245 (03/17/11 DRAFT)," is included within the acknowledged urban growth boundary.

**SECTION 5.** ORS 197.299 is amended to read:

197.299. (1) A metropolitan service district organized under ORS chapter 268 shall complete the inventory, determination and analysis required under ORS 197.296 (3) not later than *[five]* **six** years after completion of the previous inventory, determination and analysis.

(2)(a) The metropolitan service district shall take such action as necessary under ORS 197.296 (6)(a) to accommodate one-half of a 20-year buildable land supply determined under ORS 197.296 (3) within one year of completing the analysis.

(b) The metropolitan service district shall take all final action under ORS 197.296 (6)(a) necessary to accommodate a 20-year buildable land supply determined under ORS 197.296 (3) within two years of completing the analysis.

(c) The metropolitan service district shall take action under ORS 197.296 (6)(b), within one year after the analysis required under ORS 197.296 (3)(b) is completed, to provide sufficient buildable land within the urban growth boundary to accommodate the estimated housing needs for 20 years from

the time the actions are completed. The metropolitan service district shall consider and adopt new measures that the governing body deems appropriate under ORS 197.296 (6)(b).

(3) The Land Conservation and Development Commission may grant an extension to the time limits of subsection (2) of this section if the Director of the Department of Land Conservation and Development determines that the metropolitan service district has provided good cause for failing to meet the time limits.

(4)(a) The metropolitan service district shall establish a process to expand the urban growth boundary to accommodate a need for land for a public school that cannot reasonably be accommodated within the existing urban growth boundary. The metropolitan service district shall design the process to:

(A) Accommodate a need that must be accommodated between periodic analyses of urban growth boundary capacity required by subsection (1) of this section; and

(B) Provide for a final decision on a proposal to expand the urban growth boundary within four months after submission of a complete application by a large school district as defined in ORS 195.110.

(b) At the request of a large school district, the metropolitan service district shall assist the large school district to identify school sites required by the school facility planning process described in ORS 195.110. A need for a public school is a specific type of identified land need under ORS 197.298 (3).

**SECTION 6.** ORS 197.626 is amended to read:

197.626. (1) A local government shall submit for review and the Land Conservation and Development Commission shall review the following final land use decisions in the manner provided for review of a work task under ORS 197.633:

(a) An amendment of an urban growth boundary by a metropolitan service district that adds more than 100 acres to the area within its urban growth boundary;

(b) An amendment of an urban growth boundary by a city with a population of 2,500 or more within its urban growth boundary that adds more than 50 acres to the area within the urban growth boundary;

(c) A designation of an area as an urban reserve under ORS 195.137 to 195.145 by a metropolitan service district or by a city with a population of 2,500 or more within its urban growth boundary;

(d) An amendment of the boundary of an urban reserve by a metropolitan service district;

(e) An amendment of the boundary of an urban reserve to add more than 50 acres to the urban reserve by a city with a population of 2,500 or more within its urban growth boundary; and

(f) A designation or an amendment to the designation of a rural reserve under ORS 195.137 to 195.145 by a county, in coordination with a metropolitan service district, and the amendment of the designation.

**(2) When the commission reviews a final land use decision of a metropolitan service district under subsection (1)(a), (c), (d) or (f) of this section, the commission shall issue a final order in writing within 180 days after the commission votes whether to approve the decision.**

[(2)] (3) A final order of the commission under this section may be appealed to the Court of Appeals in the manner described in ORS 197.650 and 197.651.

**SECTION 7.** ORS 195.085 is amended to read:

195.085. (1) [No later than the first periodic review that begins after November 4, 1993,] Local governments and special districts shall demonstrate compliance with ORS 195.020 and 195.065.

(2) The Land Conservation and Development Commission may adjust the deadline for compliance under this section when cities and counties that are parties to an agreement under ORS 195.020 and 195.065 are scheduled for periodic review at different times.

(3) Local governments and special districts that are parties to an agreement in effect on November 4, 1993, which provides for the future provision of an urban service shall demonstrate compliance with ORS 195.065 no later than the date such agreement expires or the second periodic review that begins after November 4, 1993, whichever comes first.

(4) An urban service agreement in effect on the effective date of this 2014 Act does not apply to real property described as Area 2 on Metro's map denominated "2011 UGB Expansion Areas, Ordinance 11-1264B, Exhibit A, October, 2011."

**SECTION 8.** (1) For the purpose of ORS 195.065, the City of Hillsboro and Tualatin Valley Fire and Rescue shall enter into an urban service agreement for the unincorporated communities of Reedville, Aloha, Rock Creek and North Bethany in Washington County.

(2) The agreement must generally follow a boundary between the City of Hillsboro and Tualatin Valley Fire and Rescue along the north-south axis of Southwest 209th Avenue in Washington County, between Southwest Farmington Road and the intersection of Northwest Cornelius Pass Road and Northwest Old Cornelius Pass Road, excluding areas that are within the City of Hillsboro on the effective date of this 2014 Act.

(3) The City of Hillsboro and Tualatin Valley Fire and Rescue shall report to the Legislative Assembly in the manner described in ORS 192.245 on or before January 1, 2015, on the agreement required by this section.

**SECTION 9.** When the Land Conservation and Development Commission acts on remand of the decision of the Oregon Court of Appeals in Case No. A152351, the commission may approve all or part of the local land use decision if the commission identifies evidence in the record that clearly supports all or part of the decision even though the findings of the local government either:

(1) Do not recite adequate facts or conclusions of law; or

(2) Do not adequately identify the legal standards that apply, or the relationship of the legal standards to the facts.

**SECTION 10.** The amendments to ORS 197.626 by section 6 of this 2014 Act apply to a final land use decision of a metropolitan service district that is submitted to the Land Conservation and Development Commission for review on or after the effective date of this 2014 Act.

**SECTION 11.** Section 8 of this 2014 Act is repealed December 31, 2015.

**SECTION 12.** The amendments to ORS 197.299 by section 5 of this 2014 Act become operative January 1, 2015.

**SECTION 13.** This 2014 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect on its passage.

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**Passed by House February 28, 2014**

.....  
Ramona J. Line, Chief Clerk of House

.....  
Tina Kotek, Speaker of House

**Passed by Senate March 4, 2014**

.....  
Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2014

**Approved:**

.....M,....., 2014

.....  
John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2014

.....  
Kate Brown, Secretary of State



**CITY COUNCIL STAFF REPORT**  
**AN-02-23**

**Exhibit “C”**

Affidavit for Notice to Necessary Parties

AFFIDAVIT OF MAILING

State of Oregon        )  
                                  )    ss  
County of Washington)

I, Rachael Patterson, being first duly sworn, depose and say:

That I served upon the following named persons a Notice of Expedited Annexation Request Copy of which is marked Exhibit A, attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy thereof on the 13 day of June, 2023. I further certify that said copies were then placed in a sealed envelope addressed as follows:

See Exhibit B attached hereto and by the reference incorporated herein,

Said envelope(s) were then placed in the United States Post Office at Cornelius, Oregon, with postage thereon fully prepaid.

Signed: Rachael Patterson

**Cornelius**  
Oregon's Family Town

Mailed June 13, 2023

**NOTICE IS HEREBY GIVEN** that the City of Cornelius City Council is scheduled to adopt a decision on an application for an expedited annexation on Monday, **July 17 at 7:00 pm** in the Cornelius Council Chambers, 1355 N. Barlow Street, Cornelius, Oregon. You may also participate electronically or by phone as follows: ZOOM MEETING (ONLINE)\* <https://zoom.us/j/417814374> ;United States:1 - (253) 215-8782 Meeting ID 417 481 4374.

The expedited annexation request will be considered as part of the Council's Regular Agenda, without a public hearing, unless a written objection to the annexation is filed by a necessary party prior to the July 17, 2023 meeting.

**Applicant:** Dehen Homes OR 336 LLC; AKS Engineering & Forestry, LLC  
**Property Owner:** Dehen Homes OR336 LLC  
**Location:** Northwest corner of the intersection of NW 336<sup>th</sup> Avenue and SW Baseline Street  
**Map:** 1N335CD01200  
**Size:** Approximately 0.61 acres  
**File No:** AN-02-23

**Applicable Criteria:** Metro Code 3.09.045, Cornelius Comprehensive Plan Chapter 2, Urbanization.

**Review:** Expedited annexation, no public hearing. Applicant must meet the application criteria of Metro Code 3.09.04A, and the approval criteria of Metro Code 3.09.045D. Comprehensive Plan Chapter 2, Policy 4(a)(1 through 3).

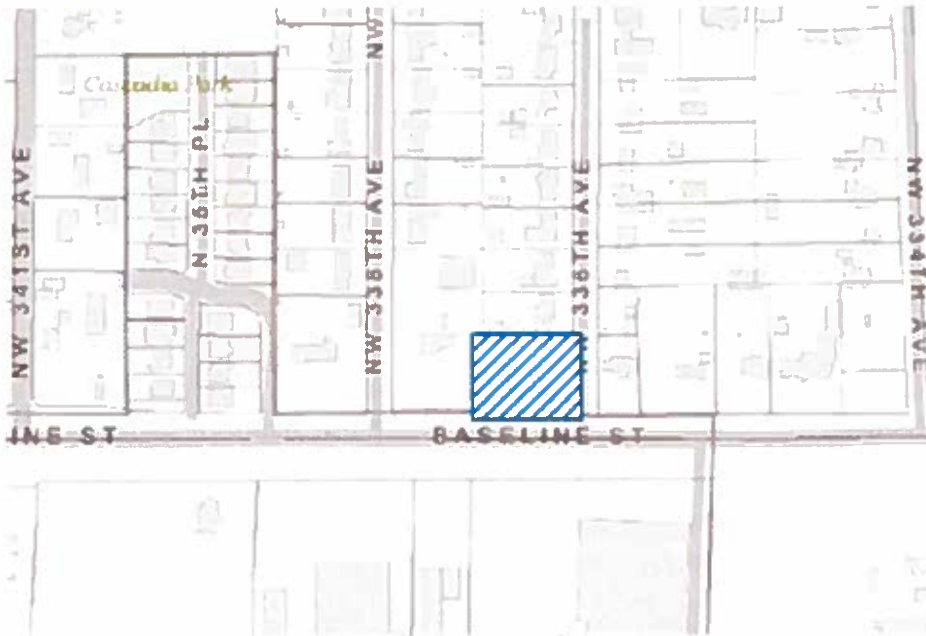
**Comments:** Necessary Parties, which include Metro, Washington County, TriMet, Clean Water Services, NW Natural, PGE, Hillsboro School District 1J, Port of Portland, and NW Regional Education Service District may submit a written objection to the annexation **BY July 17, 2023 at 2:00 PM.** If a written objection is not filed, the City Council may approve the annexation without a hearing or consideration of comments.

If a written objection is filed, it must describe the reason the necessary party is objecting to the annexation and how the annexation is inconsistent with applicable review criteria, including urban service area agreements.

Written objections and comments may be submitted to Barbara Fryer, Community Development Director, by mail at 1355 North Barlow Street, Cornelius, OR 97113, or by email at [barbara.fryer@corneliusor.gov](mailto:barbara.fryer@corneliusor.gov).

**Application Materials:** The staff report and all application materials will be available on July 10, 2023, at the Cornelius Community Development Department 1300 S. Kodiak Circle and on the City of Cornelius Web page at <https://www.ci.cornelius.or.us>. Copies are available for purchase.

Vicinity Map  
File Number: AN-02-23



Area of Annexation  
Approximately 0.61 Acres and 1/2 Street  
of 336th Public Right-of-Way

| A            | B   | C                               | D                                 | E            | F     | G        |
|--------------|---|---------------------------------|-----------------------------------|--------------|-------|----------|
| Company Name | Department  | Name                            | Address Line 1                    | City         | State | ZIP Code |
| 1            |   |                                 |                                   |              |       |          |
| 2            | City of Cornelius                                 |                                 | 1355 N Barlow St                  | Cornelius    | OR    | 97113    |
| 3            | City of Forest Grove                              | Attn: James Reitz               | PO Box 326                        | Forest Grove | OR    | 97116    |
| 4            | City of Hillsboro                                 |                                 | 123 W Main Street                 | Hillsboro    | OR    | 97123    |
| 5            | Clean Water Services                              | Attn: Jackie Humphreys          | 2550 SW Hillsboro Hwy.            | Hillsboro    | OR    | 97124    |
| 6            | Comcast Cable Communications                      |                                 | 14200 SW Bngadon Court            | Beaverton    | OR    | 97005    |
| 7            | Cornelius Rural Fire Protection Dist.             |                                 | 1355 N Barlow St                  | Cornelius    | OR    | 97113    |
| 8            | CPO 12C   | c/o Joseph Auth                 | 325 NW 334th Ave.                 | Hillsboro    | OR    | 97124    |
| 9            | CPO Coordinators                                  | Carol Renaud                    | 155 N 1st Ave, Suite 370 M-S 20   | Hillsboro    | OR    | 97124    |
| 10           | Department of Economic Development                |                                 | 775 Summer St, NE                 | Salem        | OR    | 97301    |
| 11           | Department of Energy                              |                                 | 550 Capitol St NE Fl 1            | Salem        | OR    | 97301    |
| 12           | DEQ   |                                 | 700 NE Multnomah St Ste. 600      | Portland     | OR    | 97232    |
| 13           | Dept of Land Conservation and Development         | Attn: Anne Debbaud              | 635 Capitol Street NE, Suite 150  | Salem        | OR    | 97301    |
| 14           | Dept of Land Use & Transportation                 | Attn: Scott Young               | 155 N 1st Ave, Ste #350-15        | Hillsboro    | OR    | 97124    |
| 15           | District 18 Watermaster                           |                                 | 1400 SW Walnut St. #240, MS 49    | Hillsboro    | OR    | 97124    |
| 16           | Evergreen Disposal & Recycling                    |                                 | PO Box 5069                       | Aloha        | OR    | 97006    |
| 17           | Forest Grove School District                      |                                 | 1728 Main St                      | Forest Grove | OR    | 97116    |
| 18           | Hillsboro School District                         | Attn: Casey Walelich            | 3083 NE 49th Place                | Hillsboro    | OR    | 97124    |
| 19           | Home Builders Association                         | Attn: Justin Wood               | 15555 SW Bangy Road Suite 301     | Lake Oswego  | OR    | 97035    |
| 20           | METRO Parks                                       |                                 | 600 NE Grand Ave                  | Portland     | OR    | 97232    |
| 21           | Metro Regional Services                           | Compliance Coordinator          | 600 NE Grand Ave.                 | Portland     | OR    | 97232    |
| 22           | Metro Regional Services                           | Senior Transportation Planner   | 600 NE Grand Ave.                 | Portland     | OR    | 97232    |
| 23           | NW Natural Gas Company                            | Attn: Caleb Winter              | 250 SW Taylor St.                 | Portland     | OR    | 97204    |
| 24           | ODOT Rail Division                                |                                 | 555 13th St. NE Suite 3           | Salem        | OR    | 97301    |
| 25           | ODOT Region 1                                     | Development Review Program      | 123 NW Flanders                   | Portland     | OR    | 97209    |
| 26           | Oregon State Dept of Fish & Wildlife              |                                 | 4034 Fairview Industrial Dr SE    | Salem        | OR    | 97302    |
| 27           | Oregon State Division of State Lands              |                                 | 775 Summer Street NE              | Salem        | OR    | 97301    |
| 28           | Port of Portland                                  |                                 | P.O. Box 3529                     | Portland     | OR    | 97208    |
| 29           | Portland & Western Railroad, Inc.                 |                                 | 1200 Howard Dr SE                 | Albany       | OR    | 97321    |
| 30           | Portland General Electric                         |                                 | 121 SW Salmon St                  | Portland     | OR    | 97204    |
| 31           | Tri-Met   |                                 | 4012 SE 17th Ave                  | Portland     | OR    | 97202    |
| 32           | Tualatin Soil and Water Conservation District     |                                 | 7175 NE Evergreen Pkwy. #400      | Hillsboro    | OR    | 97124    |
| 33           | Tualatin Valley Irrigation Dist                   |                                 | 2330 Elm St                       | Forest Grove | OR    | 97116    |
| 34           | US Army Corps of Engineers                        |                                 | P.O. Box 2946                     | Portland     | OR    | 97208    |
| 35           | USPS  | Attn: Post Master               | 1330 SW Walnut Street             | Hillsboro    | OR    | 97123    |
| 36           | Washington County Assessment and Taxation Dept    |                                 | 155 N 1st Ave                     | Hillsboro    | OR    | 97124    |
| 37           | Washington County Enhanced Sheriff's Patrol Dist. |                                 | 215 SW Adams Ave., MS-32          | Hillsboro    | OR    | 97124    |
| 38           | Washington County Health & Human Services         |                                 | 155 N 1st Ave, Ste. 170 MS-23     | Hillsboro    | OR    | 97123    |
| 39           | Washington County Housing Authority               |                                 | 111 NE Lincoln Street Suite 200-L | Hillsboro    | OR    | 97124    |
| 40           | Washington County Land Use & Transportation       | Planning Division               | 155 N 1st Ave, Ste#350 MS 14      | Hillsboro    | OR    | 97124    |
| 41           | Washington County Land Use & Transportation       | Planning & Development Services | 155 N 1st Ave, Ste. 350, MS 14    | Hillsboro    | OR    | 97124    |
| 42           | WCCCA 9-1-1                                       | Data Services                   | 17911 NW Evergreen Pl             | Beaverton    | OR    | 97006    |

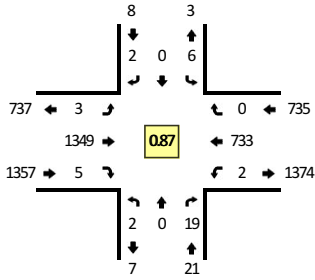
# Appendix K: Traffic Counts



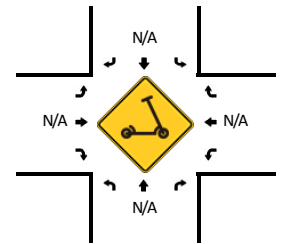
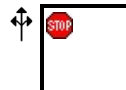
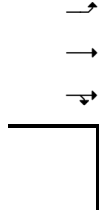
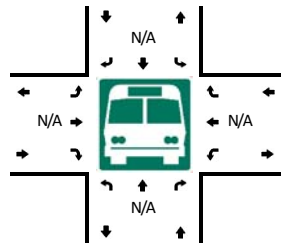
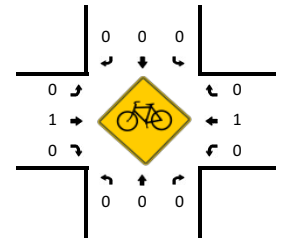
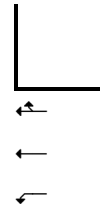
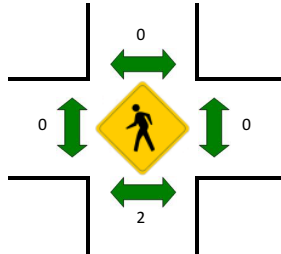
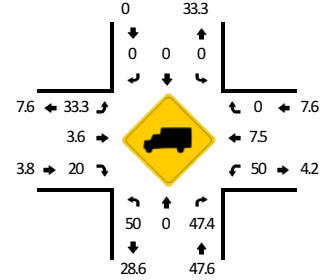
**LOCATION:** NW 336th Ave -- SW Tualatin Valley Hwy  
**CITY/STATE:** Hillsboro, OR

**QC JOB #:** 16285001  
**DATE:** Tue, Aug 1 2023

Peak-Hour: 7:15 AM -- 8:15 AM  
 Peak 15-Min: 7:45 AM -- 8:00 AM



TRUE DATA TO IMPROVE MOBILITY



| 15-Min Count<br>Beginning At | NW 336th Ave<br>(Northbound) |      |       |   | NW 336th Ave<br>(Southbound) |      |       |   | SW Tualatin Valley Hwy<br>(Eastbound) |      |       |   | SW Tualatin Valley Hwy<br>(Westbound) |      |       |   | Total | Hourly<br>Totals |
|------------------------------|------------------------------|------|-------|---|------------------------------|------|-------|---|---------------------------------------|------|-------|---|---------------------------------------|------|-------|---|-------|------------------|
|                              | Left                         | Thru | Right | U | Left                         | Thru | Right | U | Left                                  | Thru | Right | U | Left                                  | Thru | Right | U |       |                  |
| 7:00 AM                      | 0                            | 0    | 3     | 0 | 0                            | 0    | 0     | 0 | 0                                     | 296  | 3     | 0 | 1                                     | 129  | 1     | 0 | 433   |                  |
| 7:15 AM                      | 1                            | 0    | 2     | 0 | 2                            | 0    | 0     | 0 | 0                                     | 334  | 0     | 0 | 0                                     | 145  | 0     | 0 | 484   |                  |
| 7:30 AM                      | 0                            | 0    | 4     | 0 | 3                            | 0    | 1     | 0 | 1                                     | 393  | 3     | 0 | 1                                     | 180  | 0     | 0 | 586   |                  |
| 7:45 AM                      | 1                            | 0    | 8     | 0 | 0                            | 0    | 1     | 0 | 2                                     | 353  | 0     | 0 | 1                                     | 243  | 0     | 0 | 609   | 2112             |
| 8:00 AM                      | 0                            | 0    | 5     | 0 | 1                            | 0    | 0     | 0 | 0                                     | 269  | 2     | 0 | 0                                     | 165  | 0     | 0 | 442   | 2121             |
| 8:15 AM                      | 0                            | 0    | 5     | 0 | 0                            | 0    | 1     | 0 | 0                                     | 279  | 2     | 0 | 3                                     | 175  | 0     | 0 | 465   | 2102             |
| 8:30 AM                      | 0                            | 0    | 5     | 0 | 3                            | 0    | 1     | 0 | 1                                     | 275  | 2     | 0 | 2                                     | 196  | 2     | 0 | 487   | 2003             |
| 8:45 AM                      | 1                            | 0    | 5     | 0 | 0                            | 0    | 1     | 0 | 0                                     | 260  | 5     | 0 | 7                                     | 174  | 2     | 0 | 455   | 1849             |

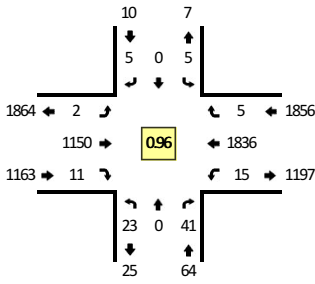
| Peak 15-Min<br>Flowrates | Northbound |      |       |   | Southbound |      |       |   | Eastbound |      |       |   | Westbound |      |       |   | Total |
|--------------------------|------------|------|-------|---|------------|------|-------|---|-----------|------|-------|---|-----------|------|-------|---|-------|
|                          | Left       | Thru | Right | U | Left       | Thru | Right | U | Left      | Thru | Right | U | Left      | Thru | Right | U |       |
| All Vehicles             | 4          | 0    | 32    | 0 | 0          | 0    | 4     | 0 | 8         | 1412 | 0     | 0 | 4         | 972  | 0     | 0 | 2436  |
| Heavy Trucks             | 4          | 0    | 20    |   | 0          | 0    | 0     |   | 4         | 40   | 0     |   | 0         | 80   | 0     |   | 148   |
| Buses                    |            |      |       |   |            |      |       |   |           |      |       |   |           |      |       |   |       |
| Pedestrians              |            | 4    |       |   |            | 0    |       |   |           | 0    |       |   |           | 0    |       |   | 4     |
| Bicycles                 | 0          | 0    | 0     |   | 0          | 0    | 0     |   | 0         | 0    | 0     |   | 0         | 4    | 0     |   | 4     |
| Scooters                 |            |      |       |   |            |      |       |   |           |      |       |   |           |      |       |   |       |

Comments:

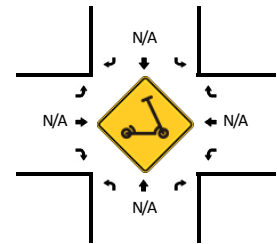
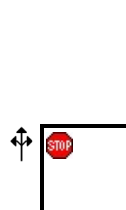
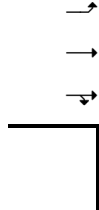
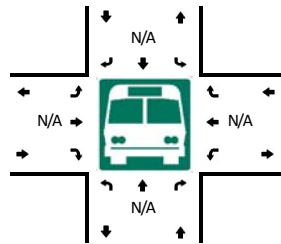
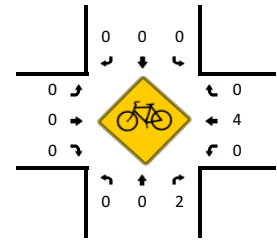
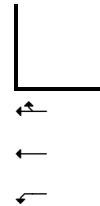
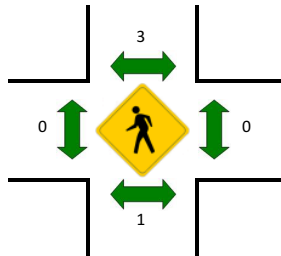
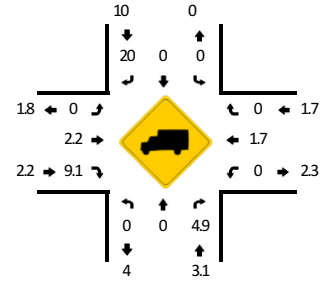
**LOCATION:** NW 336th Ave -- SW Tualatin Valley Hwy  
**CITY/STATE:** Hillsboro, OR

**QC JOB #:** 16285003  
**DATE:** Tue, Aug 1 2023

**Peak-Hour: 4:30 PM -- 5:30 PM**  
**Peak 15-Min: 5:00 PM -- 5:15 PM**



TRUE DATA TO IMPROVE MOBILITY



| 15-Min Count Period Beginning At | NW 336th Ave (Northbound) |      |       |   | NW 336th Ave (Southbound) |      |       |   | SW Tualatin Valley Hwy (Eastbound) |      |       |   | SW Tualatin Valley Hwy (Westbound) |      |       |   | Total | Hourly Totals |
|----------------------------------|---------------------------|------|-------|---|---------------------------|------|-------|---|------------------------------------|------|-------|---|------------------------------------|------|-------|---|-------|---------------|
|                                  | Left                      | Thru | Right | U | Left                      | Thru | Right | U | Left                               | Thru | Right | U | Left                               | Thru | Right | U |       |               |
| 3:30 PM                          | 6                         | 0    | 9     | 1 | 1                         | 0    | 0     | 0 | 0                                  | 375  | 2     | 0 | 3                                  | 406  | 3     | 0 | 806   |               |
| 3:45 PM                          | 5                         | 0    | 15    | 0 | 0                         | 0    | 2     | 0 | 2                                  | 300  | 8     | 0 | 9                                  | 391  | 1     | 0 | 733   |               |
| 4:00 PM                          | 2                         | 0    | 13    | 0 | 1                         | 0    | 0     | 0 | 3                                  | 323  | 6     | 0 | 5                                  | 436  | 0     | 0 | 789   |               |
| 4:15 PM                          | 6                         | 0    | 10    | 0 | 1                         | 0    | 0     | 0 | 0                                  | 267  | 5     | 2 | 11                                 | 405  | 1     | 0 | 708   | 3036          |
| 4:30 PM                          | 7                         | 0    | 13    | 0 | 2                         | 0    | 1     | 0 | 0                                  | 295  | 1     | 0 | 5                                  | 442  | 0     | 0 | 766   | 2996          |
| 4:45 PM                          | 6                         | 0    | 9     | 0 | 1                         | 0    | 1     | 0 | 1                                  | 262  | 3     | 0 | 4                                  | 467  | 3     | 1 | 758   | 3021          |
| 5:00 PM                          | 6                         | 0    | 8     | 0 | 0                         | 0    | 2     | 0 | 1                                  | 302  | 4     | 0 | 2                                  | 479  | 2     | 0 | 806   | 3038          |
| 5:15 PM                          | 4                         | 0    | 11    | 0 | 2                         | 0    | 1     | 0 | 0                                  | 291  | 3     | 0 | 3                                  | 448  | 0     | 0 | 763   | 3093          |
| Peak 15-Min Flowrates            | Northbound                |      |       |   | Southbound                |      |       |   | Eastbound                          |      |       |   | Westbound                          |      |       |   | Total |               |
|                                  | Left                      | Thru | Right | U | Left                      | Thru | Right | U | Left                               | Thru | Right | U | Left                               | Thru | Right | U |       |               |
| All Vehicles                     | 24                        | 0    | 32    | 0 | 0                         | 0    | 8     | 0 | 4                                  | 1208 | 16    | 0 | 8                                  | 1916 | 8     | 0 | 3224  |               |
| Heavy Trucks                     | 0                         | 0    | 0     |   | 0                         | 0    | 0     |   | 0                                  | 20   | 4     |   | 0                                  | 24   | 0     |   | 48    |               |
| Buses                            |                           |      |       |   |                           |      |       |   |                                    |      |       |   |                                    |      |       |   |       |               |
| Pedestrians                      |                           | 0    |       |   |                           | 8    |       |   |                                    | 0    |       |   |                                    | 0    |       |   | 8     |               |
| Bicycles                         | 0                         | 0    | 8     |   | 0                         | 0    | 0     |   | 0                                  | 0    | 0     |   | 0                                  | 4    | 0     |   | 12    |               |
| Scooters                         |                           |      |       |   |                           |      |       |   |                                    |      |       |   |                                    |      |       |   |       |               |

Comments: