



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

6/30/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Cornelius Plan Amendment
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, July 13, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Dick Reynolds, City of Cornelius
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> YA



FORM 2

DLCD

Notice of Adoption

DEPT OF

JUN 23 2010

LAND CONSERVATION AND DEVELOPMENT

In person electronic mailed

DEPT OF

JUN 22 2010

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **CITY OF CORNELIUS**

Local file number: **ZTA-01-10**

Date of Adoption: **JUNE 21, 2010**

Date Mailed: **JUNE 22, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 2/26/10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Minor Zoning Code Amendments**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Minor Text Amendments and new language to the following Chapters:

Chapter 18.05-15 - General Provisions, Application/Review Procedures

Chapters 18.20, 25, 35 – Single Family and Multi-Family Residential

Chapters 18.50 & 18.55 – Core Commercial Employment and General Industrial

Chapter 18.54 – Proposed new Light Industrial (LI) Code language

Chapter 18.100 – Site Design Review & Chapter 18.60-85 – Main Street District

Does the Adoption differ from proposal? Please select one

NO

Plan Map Changed from: **N/A**

to:

Zone Map Changed from: **N/A**

to:

Location: **N/A**

Acres Involved: **N/A**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Compliance with Metro Titles and Functional Plan

Local Contact: **Dick Reynolds, Planning Manager** Phone: (503) 357-3011 Extension: N/A
Address: **1355 N. Barlow** Fax Number: **503-357-6322**
City: **Cornelius** Zip: **97113** E-mail Address: **rreynolds@ci.cornelius.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Updated December 22, 2009

ORDINANCE NO. 916
CORNELIUS, OREGON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNELIUS,
OREGON CREATING A NEW LIGHT INDUSTRIAL ZONE AND MAKING OTHER
MINOR TEXT AMENDMENTS TO THE DEVELOPMENT & ZONING CODE

FINDINGS: The City of Cornelius has worked over two years with Washington County and Metro in a coordinated effort to establish urban reserve boundaries for future urban development and employment based growth.

The City has need to improve and diversify its employment base by improving and providing new tools that enable balanced and compatible job growth. In response to development customers, the City recognizes the need for certain clarification of existing development code provisions to better enable understanding and improvements consistent with the intent of the Code.

The Cornelius City Council finds through minor text amendments, edits and the addition of new language to the Development & Zoning Code it will enhance the opportunities to help improve and diversify the employment base of the City.

The Cornelius City Council approved the land use decision for the Zoning Code Text Amendments File No. ZTA-01-10 based on the facts, findings, conclusions and public testimony.

NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF CORNELIUS
ORDAINS AS FOLLOWS:

- Section 1. The minor text amendments, edits and deletions that are identified in Exhibit A and C shall be made to the Development & Zoning Code, Chapter 18.
- Section 2. The Code language for a new Light Industrial Zone identified in Exhibit B shall be amended to the Development & Zoning Code, Chapter 18.
- Section 3. Any findings by a court of competent jurisdiction that any portion of this code is unconstitutional or invalid shall not invalidate other provisions of this code.
- Section 4. This Ordinance shall be effective 30 days from adoption

PASSED AND ADOPTED THIS 21st day of June, 2010.

City of Cornelius, Oregon

By: William Bash
William Bash, Mayor

ATTEST:

By: Debby Roth
Debby Roth, CMC
City Recorder-Treasurer

EXHIBIT A

(Amended for Ordinance 916 – June 2010)

AMENDMENT NO. 1

Chapter 18.05.090 Enforcement, is repealed and replaced as follows:

- D) Violations of this title shall be addressed with the following process:
- (1) Education. An explanatory letter and visit (within a week of receiving a written complaint), giving two weeks to demonstrate compliance.
 - (2) Warning. A reminder letter (sent two weeks after the first letter/visit) giving the consequences for not complying or instituting a city-approved compliance plan within a second two weeks.
 - (3) Citation. Notice to appear in municipal court; or
 - (4) Initiate revocation under CCC 18.05.100.

Chapter 18.05.100, added as follows:

18.05.100 Misrepresentation and Revocation of an Approval.

Purpose: The Community Development Director may upon a reasonable notice to the applicant revoke and/or recommend denial of an active Land Use Application or Land Use approval previously authorized. The applicant shall have the opportunity to appeal such an action.

- (A). The Community Development Director may revoke or recommend denial of an active Land Use Application or previously authorized action for any of the following reasons:
- (1) Material misrepresentation of fact in the application or in testimony or evidence submitted, whether the misrepresentation is intentional or unintentional.
 - (2) Failure to comply with the approval and/or conditions of approval within the time and in the manner that was approved without obtaining an extension of time or modification of plans.
 - (3) Failure to maintain and use the property in accordance with the approved plans and conditions.
- (B). Enforcement of misrepresentation and/or non-compliance.
- (1) The Community Development Directors decision to deny a land use application shall follow procedures in 18.15.010.
- (C). Revocation of a land use.
- (1) The Community Development Director prior to revoking an approved Land Use Application shall follow the steps identified in Chapter 18.05.090(D) for code enforcement.
 - (a) In lieu of a citation, the Director shall prepare a report with a Notice of Decision.
 - (b) An appeal of the Directors decision shall follow the procedures identified in Chapter 18.15.090.

AMENDMENT NO. 2

Chapter 18.05.070(D) (4), is repealed and replaced as follows:

(D) Lawfully Existing Development. For the purposes of this code, lawfully existing uses shall include the following:

(1) All existing lots, properties, buildings, and developments developed in accordance with the comprehensive plan, and as approved by the design review board, planning commission, and/or city manager prior to May 1, 2000.

(2) All development plans, land partitions, and preliminary and final subdivision plats reviewed and approved in accordance with the applicable zoning and subdivision standards prior to May 1, 2000.

(3) All conditional use and temporary permits issued prior to May 1, 2000, shall remain valid consistent with the conditions and time periods in effect on the date of adoption.

(4) Discontinuation of a lawfully established Development/Use for one (1) year shall require that all future Development/Uses conform to current Development Code Standards.

AMENDMENT NO. 3

Chapter 18.120.020(A), (B)(1) & (B)(2), is repealed and replaced as follows:

18.120.020 Types of applications.

For the purpose of this chapter, temporary uses are defined below. The various uses are separated into three types depending upon their respective impacts.

(A) Temporary Business/Event Permit. A person, firm, organization, group or corporation which intends to conduct an event and/or business within the city for a period not to exceed 90 days in any 12-month period.

(B) Time Limit on Approvals.

(1) A permit for temporary business/event cannot exceed 90 days' total duration, with an approved extension.

(2) A permit for temporary business/event for up to 90 days may be issued without notice.

AMENDMENT NO. 4

Chapter 18.120.040, is repealed and replaced as follows:

18.120.040 Temporary business/event permit.

Activities operating up to 45 days shall be approved by the community development director. Permits issued for 45 days or fewer may be extended to a total of 90 days' operation upon submission of a written request approved by the community development director. In hardship situations the city may exempt registered nonprofit organizations located within the city from the temporary use permit fee and temporary sign permit fee. The applicant shall submit a written request for fee exemption with their application materials to be reviewed by the city manager.

AMENDMENT NO. 5

Chapter 18.141.010, 020 & 030, added as follows:

Chapter 18.141, Administrative Relief

18.141.010 Purpose
18.141.020 Authority
18.141.030 Type of application

18.141.010 Purpose.

To provide the Community Development Director a process to grant or deny a deviation from a quantifiable provision of yard setbacks, lot coverage, lot area, lot dimension, or parking standard, to relieve a hardship created by a unusual condition or circumstances.

18.141.020 Authority.

The Community Development Director may expand or reduce a required yard setback, lot coverage, lot area, lot dimension, or parking standard, to relieve a hardship created by an unusual condition or circumstances not more than 10 percent of the required requirement.

18.141.030 Type of Application.

Application for a Community Development Directors Administrative Relief shall be made pursuant to Type I procedures set forth in CCC 18.15.010(A).

AMENDMENT NO. 6

Chapter 18.35.050(F), is repealed

(F) Height of Building. No building shall exceed a height of 35 feet, except as may be approved under a planned development by the planning commission.

AMENDMENT NO. 7

Chapter 18.195.180 R definitions – “Residential care facilities” is repealed

“Residential care facilities” means a living facility for more than five nonrelated persons, which provide specialized care, supervision, treatment or training, or a combination of these for residents. This use classification includes, but is not limited to assisted living facilities, congregate care facilities, nursing homes, convalescent homes, residential homes and sanatoriums.

Chapter 18.195.180 R definitions – Added “Residential home” as follows:

“Residential home” means a residential treatment or training or adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

Chapter 18.195.180 R definitions – Added “Residential facility” as follows:

“Residential facility” means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, licensed under ORS 443.400 to 443.460 or licensed under ORS 418.205 to 418.327 by the Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Chapters 18.20, 25 & 35 - R-7, R-10 & A-2 Residential zones, amended as follows:

18.20.020 Permitted uses.

The following uses and their accessory uses are permitted outright in an R-7 zone:
(F) Residential Home consistent with State law.

18.25.020 Permitted uses.

The following uses and their accessory uses are permitted outright in an R-10 zone:
(F) Residential Home consistent with state law.

18.35.020 Permitted uses.

The following uses and their accessory uses are permitted outright in an A-2 zone:
(I) Residential Facility consistent with State law.

18.35.030 Conditional uses.

The following uses may be permitted when in accordance with Chapter 18.105 CCC:
(H) Site-built detached single-family dwelling, including Residential Home consistent with State law; and detached single-family manufactured housing, subject to CCC 18.20.070.

Chapter 18.45, Highway Commercial, C-2, amended as follows:

18.45.030 Conditional uses permitted.

In a C-2 zone the following uses and their accessory uses may be permitted when in accordance with Chapter 18.105 CCC:

(J) Multi-Family dwelling units, including a Residential Facility consistent with State law and all shall be consistent with A-2 standards.

AMENDMENT NO. 8

18.195.180 C definitions “Child Care, State Registered or Certified”, added as follows:

“Child Care, State Registered or Certified” means family child care home where child care is offered in the home of the provider to not more than sixteen (16) children, including children of the provider, regardless of full-time or part-time status.

Chapters 18.20.080, 25.080 & 35.080 (R-7, R-10 & A-2), amended as follows:

18.20.080 Home occupation.

Home occupations may be allowed as follows:

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

(9) In the case of home child care, there are not more than sixteen (16) children total and the operator is appropriately registered and/or certified by the state; and

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:

(10) In the case of home child care, there are not more than sixteen (16) children total and the operator is appropriately registered and/or certified by the state; and

18.35.080 Home occupation.

Home occupations may be allowed as follows:

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

(10) In the case of home child care, there are not more than sixteen (16) children total and the operator is appropriately registered and/or certified by the state.

AMENDMENT NO. 9

Chapter 18.150.010(E) Accessory uses and structures, added as follows:

(E) Decks, Porches and Steps may be constructed within a residential yard setback area provided that the intruding portion meets all of the following requirements:

- (1) The finished floor and/or step does not exceed 30 inches in height above existing grade; and
- (2) Any fixed bench, railing, or other attachment does not exceed 40 inches in height above the existing grade; and
- (3) Maintains a minimum three (3) foot setback in the side and rear yard. All front yard and/or corner lot setback must be met as required by the specific zoning district.
- (4) All other uncovered decks, porches and steps shall not project more than 24 inches into a required rear or side yard setback.

AMENDMENT NO. 10

Chapter 18.54 added, SEE EXHIBIT B – A new zoning district – Light Industrial, LI is added.

18.55.010 General Industrial, M-1, Purpose, amended as follows:

The purpose of the general industrial or M-1 zone is to provide for various industrial activities which require processing, fabrication and storage of raw, primary materials, including outdoor storage areas, heavy equipment storage and other uses not compatible in the commercial or residential zones

AMENDMENT NO. 11

18.195.190 S definitions, "Storage, Self-Service", added as follows:

"Storage, Self-Service" means the provision of separate storage areas for individual (or business) uses. The storage areas may be designed to allow private access by the tenant for storing and removing personal property. Examples include mini-storage units, multi-story facilities and recreational vehicle storage.

AMENDMENT NO. 12

18.55.030(J), Conditional uses permitted, added as follows:

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

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

AMENDMENT NO. 13

Chapter 18.50.020(A) is repealed and replaced as follows:

18.50.020 Permitted uses.

(A) Uses permitted within the CE district shall be limited to those uses permitted outright in the C-2 zone, Chapter 18.45 CCC and LI zone, Chapter 18.54 CCC, except that no residential use shall be permitted. For industrial uses the performance standards set forth in Chapter 18.54 CCC shall also apply within this district.

(B) While any use listed above may be allowed, there is an underlying intent for this district to cluster complementary and supportive uses. The purpose of such clustering is to strengthen each business by encouraging interactivity between the various businesses in the district.

(C) There shall be no minimum lot size, save and except as required to provide all necessary functional requirements of the proposed development, including building, parking, circulation, etc. Adjustments may be made to lot size in consideration of the potential for shared parking and off-site landscaping. [Ord. 810, 2000; Code 2000 § 11.20.62; Ord. 841 Exh. 2, 2003.]

(D) Hospitals and emergency care facilities and their accessory uses may be permitted when in accordance with Chapter 18.105 CCC.

AMENDMENT NO. 14

Chapter 18.55.030(K) Conditional uses permitted, added as follows:

18.55.030

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

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

Chapter 18.20.040(G) Prohibited uses added as follows:

The following uses shall be prohibited within the R-7 zone:

(G) Free-standing wind turbines.

Chapter 18.25.040(G) Prohibited uses added as follows:

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

(G) Free-standing wind turbines.

Chapter 18.35.040 Prohibited uses added as follows:

The following uses shall be prohibited within the A-2 zone:

(G) Free-standing wind turbines.

AMENDMENT NO. 15

Chapter 18.100.040(A)(2) Approval criteria, is repealed and replaced as follows:

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

(2) Traffic Generation. Based on anticipated vehicular and pedestrian traffic generation and the standards and policies of the comprehensive plan, adequate right-of-way and improvements to streets, pedestrian ways, bikeways, transitways and other ways are provided by the development in order to promote safety, reduce congestion, conserve energy and resources, and encourage transit use, bicycling and walking. Consideration shall be given to the need for constructing, widening and/or improving, to the standards of the comprehensive plan and this code, public streets, bicycle, pedestrian, and other ways in the area of the proposed development impacted by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, street-trees, bikeways, transit facilities, street drainage facilities, traffic calming devices, and other facilities needed because of anticipated vehicular, transit, bicycle, and pedestrian traffic generation. Access and street design shall comply with the standards identified in Chapter 18.143 CCC, Transportation Facilities, inclusive. Street-trees shall be installed to the standards identified in Chapter 17.05.040(D)(3)(k). In lieu of actual construction of off-site improvements, the committee may accept written waivers of remonstrance to the formation of local improvement districts for the purpose of providing the needed off-site improvements or cash payment to the city in an amount equal to the estimated cost of said off-site improvements;

AMENDMENT NO. 16

Chapter 18.150.050 General exception to building height limitations, is repealed and replaced as follows:

18.150.050 General exception to building height limitations.

The following types of structures or structural parts are not subject to the building height limitations of this title: chimneys, tanks, spires, belfries, domes, monuments, fire and hose towers, observation towers, masts, antennas, aerials, ventilators, cooling towers, elevator shafts, transmission towers, smokestacks, flagpoles, solar panels, and other similar projections.

AMENDMENT NO. 17

Chapter 18.100.030(A)(8), added as follows:

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:

(8) Conversion of an existing, legal multi-family residential dwelling (i.e. apartments) to condominiums.

AMENDMENT NO. 18

Chapter 18.100.040(A)(9), is repealed and replaced as follows:

18.100.040 Approval criteria.

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

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

AMENDMENT NO. 19:

Chapter 18.145.050(A), Off-Street Parking, is repealed and replaced as follows:

18.145.050 Design and maintenance standards for off-street parking and loading facilities.
(A) Except as otherwise defined in this code, "one standard parking space" means a minimum of a parking stall of nine feet in width and 20 feet in length. To accommodate compact cars more efficiently, up to 25% of the available parking spaces may have a minimum dimension of eight feet in width and 16 feet in length, so long as they are identified as compact car stalls and are not readily accessible to large cars.

AMENDMENT NO. 20

Chapter 18.85 (MSDO), amended - SEE EXHIBIT C – Main Street Design Overlay.

AMENDMENT NO. 21

Chapter 18.55.020(H), added as follows:

18.55.020, Permitted Uses.

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

EXHIBIT B

(AMENDMENT NO. 10: Chapter 18.54)

Chapter 18.54 LIGHT INDUSTRIAL (LI), added as follows:

18.54.010 Purpose

The LI zoning district provides for light, clean industries for a variety of manufacturing and other uses with controlled external impacts. The district provides for secondary processing industries, involving manufacturing, warehousing, assembling, packaging and treatment of products with components that have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features, shall feature well-landscaped sites and their activities shall occur within enclosed buildings.

Limited supporting commercial uses that are accessory to the primary use of the site may be conditionally permitted and shall comply with Title 4 of the Metro Urban Growth Functional Management Plan. LI uses may be located adjacent to residential and commercial uses with adequate buffering.

18.54.020 Permitted Uses

The following uses are permitted outright with the appropriate site design review.

- A. Secondary manufacturing and processing of products made from components previously prepared from raw materials.
- B. Public and private utilities, including but not limited to telephone exchanges, electric substations, data centers, gas regulator stations, water wells and public work yards.
- C. Industrial hand tool and supply sales primarily wholesaled to other industrial firms or industrial workers.
- D. Research and development companies, experimental and/or testing laboratories.
- E. Internet and telephone system retail sales without counter sales, which are shipped out or shipped directly to customers of products prepared on site. The total retail sales area shall be less than 25% of the total building area in which the use is located.
- F. Wholesale and/or card-lock fuel stations with approved loading and queuing space.
- G. Electronics, building materials and home appliance recycling in an enclosed structure.
- H. Blueprinting, printing, publishing, or other reproduction services.
- I. Self-Service storage facilities
- J. Medical, dental and similar laboratories.

18.54.030 Conditional Uses

The following uses are permitted as Conditional Uses provided such uses are subject to the standards contained in CCC 18.54.060 and approved in accordance with CCC 18.105:

- A. Commercial laundry, dry cleaning, dyeing or rug cleaning plants.
- B. Brewery or winery where all activity, including storage occurs inside an enclosed structure.
- C. Radio, television and similar communication stations, including transmitters and wireless communication towers.
- D. Restaurants without drive-thru.

- E. Hospitals and emergency care facilities.
- F. Automotive, recreational vehicle, motorcycle, truck, manufactured home, boat, farm and other equipment repair or service within an enclosed structure.
- G. Trade, industrial or commercial schools whose primary purpose is to provide training for an industrial need or occupation.
- H. Wholesale building material sales, lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.
- I. Cellular Transmission Towers
- J. Power generation plants and associated facilities, including wind turbines.
- K. Automobile, boat, trailer and recreational vehicle storage.
- L. Child care facilities and pre-schools, if fully integrated with and secondary to the primary use of a site.
- M. Public recreational facilities including parks, playfields and sports and racquet courts on publicly owned property.
- N. Private indoor recreational facilities.
- O. Sewage treatment plants.

18.54.040 Prohibited Uses

The following uses are expressly prohibited:

- A. Outdoor Storage and/or display of raw materials.
- B. Auto wrecking and junk or salvage yards.
- C. Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.
- D. General purpose solid waste landfills, incinerators, and other solid waste facilities
- E. Pulp mills and paper mills.
- F. Slaughter of livestock or poultry, the manufacture of animal by-products or fat rendering.
- G. Leather tanneries.
- H. Indoor motor vehicle sports
- I. Horse stables, riding arenas and other livestock event facilities.

18.54.050 Development requirements.

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

(B) Setback Requirements. In an LI zone the following setbacks shall be the minimum required. The approval authority may require greater setbacks for uses allowed under CCC 18.54.030, based on the approval criteria in Chapter 18.105 CCC, the base standard; however, the review body may require a greater or lesser setback based on the design review criteria set forth in this chapter:

- (1) The front yard shall be 20 feet, except that:
 - (a) Parking shall not be allowed within five feet of the front property line.
 - (b) Where an industrial use abuts a residential zone there shall be a front yard setback of 25 feet.
- (2) No side or rear yard shall be required, except:
 - (a) Fifteen feet when the side yard abuts public street.
 - (b) Twenty-five feet when abutting any residential zone, except that parking shall not be allowed within 10 feet of the side or rear property line.

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

18.54.060 Performance standards.

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

- (A) Design Review Approval. All design review requirements and conditions of approval, including all prior attached conditions, shall be satisfied.
- (B) Environmental Standards. All uses shall comply with the required air, land, and water quality standards set forth by all state, federal and local jurisdictions (i.e., Department of Environmental Quality, Clean Water Services, and Metro).
 - (1) Vibration. No vibration other than that caused by highway vehicles or trains shall be permitted which is discernible without instruments at the property line of the use concerned.
 - (2) Odors. The emission of odorous gases or matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited.
- (C) Heat and Glare.
 - (1) Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed structure, such that glare is not visible from a public street or adjacent property.
 - (2) Exterior lighting shall be designed such that glare is directed away from public streets or adjacent properties.
- (D) Insects and Rodents. Materials including wastes shall be managed and stored, and grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents or create a health hazard.
- (E) Outside Storage. Permitted outside storage shall be appropriately screened consistent with CCC 18.54.070, Development Standards.

18.54.070 Development standards.

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

- (A) Landscape Plan.
 - (1) For all uses in an LI zone, the first five feet of lineal street frontage on the subject site shall be landscaped (exclusive of frontage trees) prior to occupancy, in accordance with the approved site plan and the standards set forth herein.
 - (2) At least 80 percent of the landscape area shall be covered by plant material, lawn, and trees when the plantings are at maturity. The remaining area may be covered in nonvegetative ground cover.
 - (3) Frontage Trees. Frontage trees shall be required and shall be selected from the approved public works street tree list. The total number of trees shall be determined by dividing the total lineal footage of the site, which abuts a public street, by 30. The location of the trees shall be determined through design review, and the following standards shall apply:
 - (a) Trees shall be located at least five feet from a utility pole, fire hydrant, driveway, crosswalk, or utility easement, except as may be approved by the public works director, and at least 20 feet from an overhead street light.
 - (b) There shall be no impervious material within a one-and-one-half-foot radius around the tree trunk.
 - (c) Trees at the time of planting shall have a minimum height of six feet from ground level, and shall be at least two inches in caliper (d.b.h.).
 - (d) Trees shall not cause any vision impairment to vehicular traffic.
 - (e) Installation of required landscaping may be deferred for up to six months; provided, that the owner posts with the city a cash deposit or irrevocable letter of credit assigned

to the city for an amount equal to 150 percent of the estimated cost of the landscaping materials and installation by a qualified contractor.

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

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

(2) The minimum public street width for industrial development shall comply with the standards and design identified in CCC 18.143.040, Street design cross-sections per transportation system plan.

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

- (a) Two-way traffic: 24 feet;
- (b) One-way traffic: 20 feet.

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

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

(C) Access Streets – Sidewalks – Drainage.

(1) All streets shall be designed in accordance with standards set forth in Chapter 18.143 CCC, Transportation Facilities, the subdivision code and public works standards.

(2) All driveways for new construction shall have minimum pavement width of 24 feet and shall not be more than 45 feet in width at the curb, unless specifically approved by the review body to meet unusual requirements of a particular use.

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

(4) Sidewalks and Improvements.

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

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

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

(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) Screening.

(1) Sight-obscuring screening shall be provided for all garbage and trash collection areas, and for any approved outdoor storage, or parking lots abutting a residential development. Such screening shall be a minimum six feet in height, and shall consist of a wall of brick, stone, or other substantial material; or a densely planted evergreen hedge and chain link fencing. Such

screening shall be provided to a height sufficient to block the view of materials stored as viewed from the sidewalk on the opposite side of the street from the screen wall.

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

(G) Parking and Loading Space.

(1) Off-Street Parking. Parking shall be provided as set forth in Chapter 18.145 CCC.

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

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

18.54.080 Signs.

Signs within the LI zone may be allowed consistent with the provisions identified for the Light Industrial, LI zone and Chapter 18.175 CCC .

EXHIBIT C

(Ordinance # 916 Chapter 18.85)

Chapter 18.85 sectional table of contents amended as follows:

**Chapter 18.85
MAIN STREET DESIGN OVERLAY (MSDO)**

Sections:

<u>18.85.010</u>	Purpose.
<u>18.85.020</u>	Architectural style.
<u>18.85.030</u>	Human scale features.
<u>18.85.040</u>	Orientation.
<u>18.85.050</u>	Materials and Colors.
<u>18.85.060</u>	Building base, body and head.
<u>18.85.070</u>	Signage.
<u>18.85.080</u>	Plazas, parks and open spaces.
<u>18.85.090</u>	Special theme areas.

18.85.010 Purpose, repealed and replaced as follows:

18.85.010 Purpose.

The Main Street Design Overlay (MSDO) is a set of design guidelines that apply to a specific central area of the Main Street district which are in addition to the requirements and guidelines of parts of three Main Street district zones: MSR, MSM and MSG. These guidelines are intended to encourage the design of space, structure and activity within the core area of the district and build the unique "early 20th Century country town" theme described in the Main Street plan, as revised and adopted.

These guidelines are intended to recognize separate yet connected land use clusters, such as historic commercial buildings at Baseline Street and 11th Avenue and the Hispanic service activities around 11th Avenue and Adair Street and three-quarters century old cottages toward 14th Avenue. They also recognize the inherent differences in design needs of different land use and mixes, e.g., intensity of small retail business clusters in the MSR subdistrict versus more auto-oriented commercial uses in the MSG subdistrict.

The unified design theme is intended to recognize the physical proximity and unity of the Main Street district along the length of Adair and Baseline Streets from 10th to 14th Avenues. Design treatment consists of (1) a general design theme with which creative architectural treatment is encouraged, (2) common guidelines for setback, building height, materials and orientation, and color, and (3) period (early 20th century) streetscape and public right-of-way improvements throughout the district. This dynamic recognizes the value of district special identity in successful development of a destination place of business. [Code 2000 § 11.20.81DO; Ord. 835 § 2, 2002.]

Chapter 18.85.050 Materials and Colors, repealed and replaced as follows:

18.85.050 Materials and Colors.

Only materials commonly used during the period 1890 to 1930 may be used for the visible surfaces in major renovation and new construction. This includes, but not exclusively, wood lap board siding, brick, and stone and stucco. This excludes more contemporary materials, such as gravel aggregate materials, smooth faced CMU vertically oriented metal siding and panelized products, aluminum siding, tinted glazing and plastic. Large expanses of highly reflective surface and mirror glass exterior walls shall be prohibited. Large expanses of smooth material such as concrete shall be broken up with expansion joints, reveals, or changes in texture and color. Materials that clearly appear like period materials are acceptable.

Colors of primary surfaces shall be common earth tones or muted colors for compatible attractiveness of the Main Street District. Day-glo, fluorescent, or shifting colors are prohibited. Bright, contrasting colors shall be used for trim and accent areas only. [Code 2000 § 11.20.85DO; Ord. 835 § 2, 2002.]

Chapter 18.85.060 Building base, body and head, repealed and replaced as follows:

18.85.060 Building base, body and head.

New buildings shall either maintain the continuity of the height of prominent street walls and align with projecting cornices of adjacent buildings or present an attractive graduation from adjacent building frontage toward the street right-of-way.

New buildings will be encouraged to be built at the street right-of-way or designated plaza edge with no setback or at a distance graduated from the setback of an existing structurally sound "period" cottage. Where buildings are not constructed at zero setback, landscaping, sidewalk extension, or other design features shall be placed next to the public right-of-way to continue compatible urban enclosure. Any object (sign, awning, etc.) overhanging into ODOT right-of-way shall be in compliance with ODOT standards.

At street corners, when possible, the highest point of a building's street facade should be within 25 feet of the corner. [Code 2000 § 11.20.86DO; Ord. 835 § 2, 2002; Ord. 841 Exh. 2, 2003.]

Chapter 18.85.070 Signage, repealed and replaced as follows:

18.85.070 Signage.

Signs shall be oriented toward both pedestrians and vehicles and be integrated into the ground level of the project. Signage projecting into ODOT right-of-way will be discouraged and subject to ODOT standards.

(A) Sign Area. Pedestrian oriented signs (i.e. sandwich boards) shall be no more than two (2) wide by three (3) feet tall with a maximum of one (1) sign per business. Automobile oriented signs shall be no more than 18 square feet.

(B) Sign Height. No freestanding, projecting or awning sign, including supporting structures, shall be more than 16 feet in height.

(C) Projecting Signs. Signs shall project no more than two feet out from the building facade, or 12 inches into pedestrian space (sidewalks, courtyards, etc.).

(D) Sign Lettering. Letter height shall be no more than 12 inches if located up to 15 feet from the ground, 18 inches if located from 15 to 25 feet, or 24 inches if located above 25 feet.

(E) Material, colors, and style of wall and ground signs shall be compatible with the buildings on the site.

(F) Outdoor Displays. Movable outdoor displays, including tables and chairs and sandwich board signs, shall be limited to business hours only, leave at least six feet of unobstructed sidewalk space at all times, and be subject to special sign permits. [Code 2000 § 11.20.87DO; Ord. 835 § 2, 2002.]

Chapter 18.60.010, Purpose, repealed and replaced as follows:

The MS Main Street District, MS Zones, MS Design Overlay, and Zoning Map together implement the Cornelius Main Street Plan.

The Main Street District contains four (4) Main Street land use zones and Design Overlay: Retail Commercial (MSR), Mixed Use (MSM), General Employment (MSG), Civic (MSC), and the Design Overlay (MSDO). Definitions and standards common to all the Main Street zones are contained in this Chapter, followed by each of the zone standards and provisions of the Main Street Design Overlay.

[Change all bracketed 2000 and 2002 Code References to New Code Numbers with no Ordinance numbers.]

2



CITY OF CORNELIUS

NOTICE OF DECISION

Applicant: City of Cornelius

Action: Approval of Zoning Code Text Amendments (ZTA-01-10) to the City of Cornelius Development & Zoning Code, Chapter 18.

Filename: Development & Zoning Code Text Amendments- ZTA-01-10

The application has been evaluated against the following applicable criteria set forth in the Cornelius Code:

- Chapter 18.05, inclusive (Introduction & General Provisions)
- Chapter 18.125, inclusive (Amendments to the Zoning Ordinance)
- City Comprehensive Plan

ACTION TAKEN:

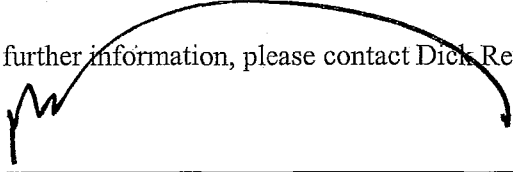
On May 17, 2010 the City Council for the City of Cornelius **APPROVED** the request for Zoning Code Text Amendments (ZTA-01-10) to the City of Cornelius Development & Zoning Code, Chapter 18. The City Council reviewed the Planning Commission and Community Development Department recommendation at a Public Hearing on May 17, 2010 and based upon the facts, findings, conclusions presented in the staff report, and the evidence, testimony and exhibits presented during the Planning Commission hearing (April 13, 2010) and the City Council hearing the Council approves the Zoning Code Text Amendments (ZTA-01-10) to the City of Cornelius Development & Zoning Code, Chapter 18.

This decision has been prepared in written form and placed in the file of City records at the Development and Operations Building, this **day of May 18, 2010** and is available for public inspection or purchase.

RIGHT OF APPEAL

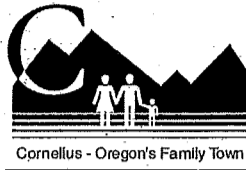
An appeal of a decision by City Council shall be made to the State Land Use Board of Appeals (LUBA) per ORS 197.830

For further information, please contact Dick Reynolds, Planning Manager at 503-357-3011.


Richard Meyer, Community Development Director

5/18/10
Date

[The page contains extremely faint and illegible text, likely bleed-through from the reverse side of the document. The text is too light to transcribe accurately.]



CITY OF CORNELIUS

FINAL CITY COUNCIL FINDINGS REPORT

City of Cornelius Development & Zoning Code Text Amendments
File # ZTA-01-10

TO: City Council
DATE: May 17, 2010
REQUEST: Approval of Text Amendments to the Development & Zoning Code.

PROCESS: A request for a Zoning Code Text Amendment may be initiated by City Council, the Planning Commission, a property owner or his authorized agent by filing an application with the Planning Department on forms prescribed by the Community Development Director or designee. Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing. The Planning Commission (the Commission) shall, within forty (40) days after a hearing, recommend to the City Council (the Council) approval, disapproval, or modification of the proposed amendment. After receipt of the report on the amendment from the Commission, the Council shall hold a public hearing on the Amendment. The Council shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an ordinance, resolution, or order.

APPEAL RIGHTS

As mentioned above the Planning Commission will make a recommendation to City Council. City Council will make a decision. An 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 hearings 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.

APPROVAL CRITERIA: Chapter 18.05, inclusive (Introduction & General Provisions)
Chapter 18.125, inclusive (Amendments to the Zoning Ordinance)
City Comprehensive Plan

BASIC FACTS

1. City Council shall take action on a propose amendment to the zoning ordinance after the Planning Commission has held a public hearing.
2. 120 Day Rule Deadline: Zoning Code Text Amendments are not subject to the 120-day rule. ORS 227.178(6) states "the 120-day period does not apply to an amendment to an acknowledged

Comprehensive Plan or land use regulation or adoption of a new land use regulation that was forwarded to the Director of the Department of Land Conservation and Development under ORS 197.610(1).

3. DLCD 45 Day Notice: The City mailed pre-hearing notice to DLCD on February 26, 2010
4. Public Notice was mailed to affected property owners on March 8, 2010.
5. Public Notice was provided in the local newspaper on March 9, 2010.
6. The first evidentiary hearing was conducted on the April 13, 2010 by Planning Commission. On April 13, 2010 the Planning Commission unanimously approved their Recommendation Report with minor edits and changes to City Council for approval.
7. There was one written comment received and considered at the Planning Commission Hearing on April 13, 2010. This written testimony is found in Exhibit D of the Planning Commission Recommendation Report.
8. The Planning Commission Recommendation Report, including the proposed language and text edits is attached as Exhibit 1 of the Council Findings Report.
9. On May 6, 2010 the Planning Department received a one page letter of written testimony from Bill Brown, Boardwalk Industrial Park, LLC. It is attached as Exhibit 2 of the Council Findings Report. Mr. Brown requests that the amended language for the General Industrial, M-1 zone (18.55.030) recommended by the Planning Commission in Amendment No. 21, be added to the new Light Industrial, LI zone also.
10. In response to the testimony provided by Bill Brown, Boardwalk Industrial Park, LLC staff prepared an Addendum Report for Council's review and consideration supporting an amendment to the Light Industrial, LI zone text/language (See Exhibit 3) that was similar to Amendment No. 21 in the Planning Commission Recommendation Report.
11. At the May 17, 2010 City Council Public Hearing, Bill Brown, Boardwalk Industrial, LLC testified in person. He asked Council to withdraw his testimony that he submitted to the Planning Commission for their April 13, 2010 hearing and his written testimony submitted for the Council Hearing. His new testimony proposed to have internet retail sales be permitted outright and to not require conditional use permit approval for this use.

Chapter 18.125.010(C), Approval Criteria:

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

The analysis in the attached Planning Commission Recommendation Report (See Exhibit 1) demonstrates the proposed Zoning Code Text Amendments comply with the applicable criteria in the Comprehensive Plan and with the appropriate Statewide Planning Goals. (i.e. Citizen Involvement, Land Use Planning & Economic Development).

DECISION

Based upon the facts, findings, conclusions and exhibits in the recommendation (staff) report, testimony and evidence presented at hearing to the Planning Commission and City Council, Council approves Zoning Code Text Amendments, File # ZTA-01-10, subject to the following conditions:

1. The Development & Zoning Code Text Amendments and new additional language are identified in the exhibits of the Planning Commission Recommendation Report (Exhibit 1) and approved, unless changed, amended or modified by City Council in this Findings Report.
2. All facts, findings, conclusions and conditions of approval found in the Planning Commission Recommendation Report (Exhibit 1) are valid and applicable to this approval, unless changed or modified by this Findings Report.
3. Adoption of the Zoning Code Text Amendment, ZTA-01-10 shall be by ordinance.
4. Amend Chapter 18.54.020(E), Light Industrial and to state:

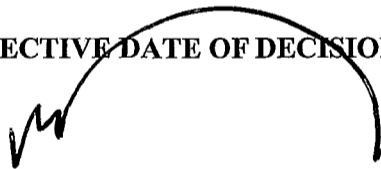
Internet and telephone system retail sales without counter sales, which are shipped out or shipped directly to customers of products prepared on site. The total retail sales area shall be less than 25% of the total building area in which the use is located.

5. Planning Commission Recommendation Report Amendment No. 21 for shall be replaced with an amendment to Chapter 18.55.020(H) with the following language:

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

EFFECTIVE DATE OF DECISION

May 17, 2010



Richard Meyer, Comm. Development Director



Bill Bash, Mayor

New written testimony was received on May 6, 2010 and new oral testimony was presented at the May 17, 2010, Council hearing.

Staff find the criterion is met.

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

The analysis in the Planning Commission Recommendation Report (See Exhibit 1) identifies how this proposal has coordinated and complied with applicable State requirements and policies. The City has need to improve and diversify its employment base by improving and providing new tools that enable balanced and compatible job growth. This need has been expressed by the City Council, Economic Development and Planning Commissions, as well as consultants. The proposed amendments are text based and do not create any new land use zones on actual property. The proposed new Light Industrial, LI zone is not being applied to any specific property and therefore, will not adversely affect the character of any neighborhood at this time.

Staff find the criterion is met .

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

The amendment proposes new language to the code, not new zoning designations. It does not create any new zoning districts. Therefore, no "spot zone" is created.

Staff find the criterion is met.

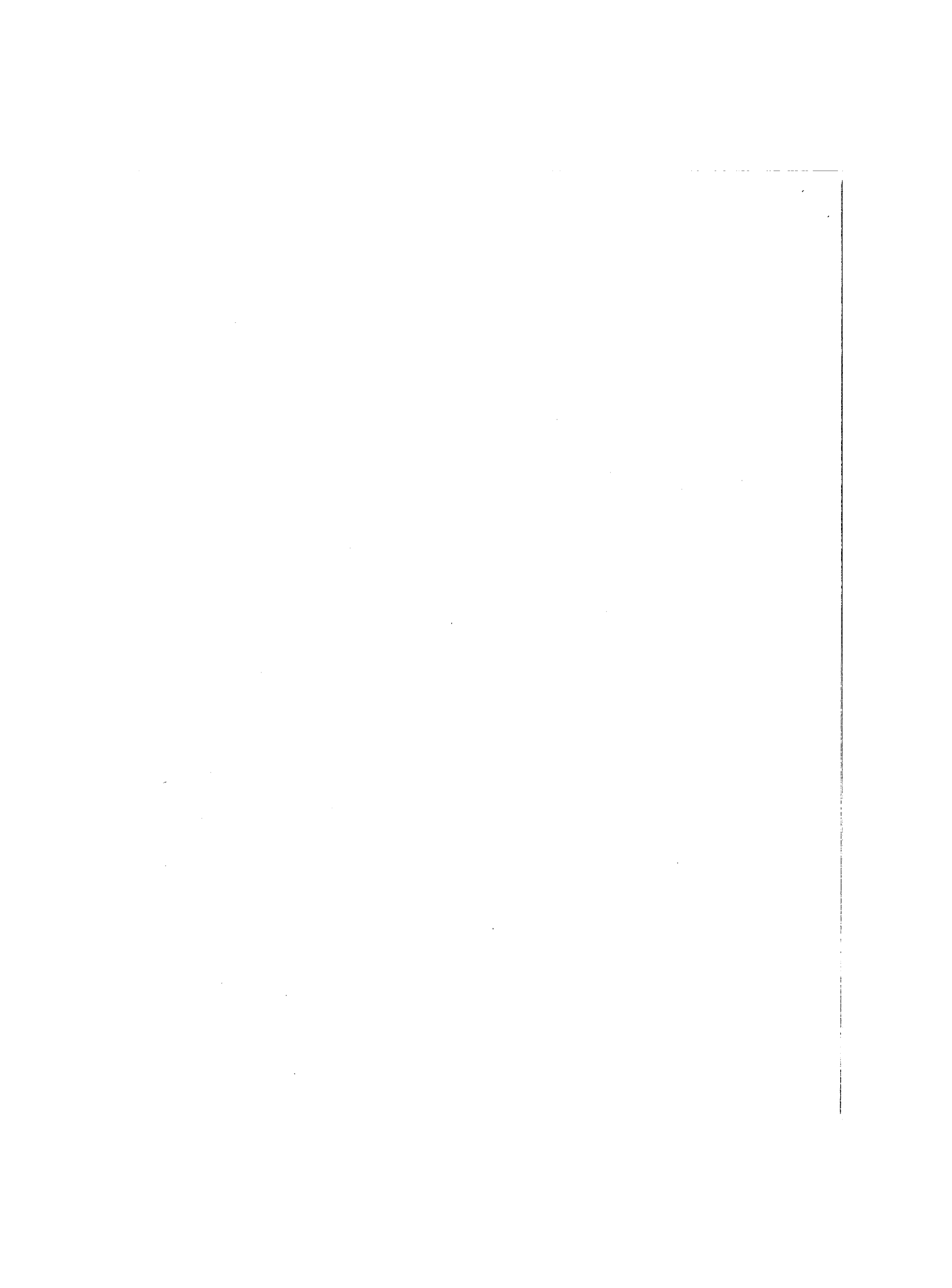
CONCLUSION

Council concluded based on the testimony received at the May 17, 2010 hearing that limiting commercial internet retail uses in the industrial zone was necessary. Council also concluded that there is a need for lands designated for industrial use to comply with the intent and purpose of industrial zones for manufacturing, processing and production uses. The general impacts created by retail internet and telephone sales appear to be low. Therefore, Council finds that limited (25%) internet and telephone retail sales without counter sales may be permitted in conjunction with products prepared on site in both the General Industrial, M-1 and Light Industrial, LI zones. This shall be made a condition of approval (See Exhibit 4).

The proposed amendments are in compliance with the City Comprehensive Plan. The City in preparation of these amendments has provided citizens and interested parties the opportunity to comment and participate in the development of the Code changes. These amendments will improve the land use review process and assist in economic development and diversification in Cornelius.

EXHIBIT 1

Planning Commission Recommendation Report (including Exhibits A, B, C & D)





CITY OF CORNELIUS

PLANNING COMMISSION RECOMMENDATION REPORT

Zoning Code Text Amendments, File No. ZTA-01-10

To: City Council
Date: April 13, 2010
Applicant: City of Cornelius

Proposal: A request to amend the City of Cornelius Development & Zoning Code to include text amendments and new language found in Exhibits A, B & C.

Legal Description: City of Cornelius

Process: A request for a zoning text amendment may be initiated by City Council, the Planning Commission, by a property owner or his authorized agent by filing an application with the Planning Department on forms prescribed by the Community Development Director or designee. Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing. The Planning Commission (the Commission) shall, within forty (40) days after a hearing, recommend to the City Council (the Council) approval, disapproval, or modification of the proposed amendment. After receipt of the report on the amendment from the Commission, the Council shall hold a public hearing on the amendment. The Council shall make its decision after information from the hearing has been received. The decision shall become effective by passage of an ordinance, resolution, or order.

APPEAL RIGHTS

As mentioned above the Planning Commission will make a recommendation to City Council. City Council will make a decision. An 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 hearings 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.

APPLICABLE CRITERIA

- Chapter 18.05 through 18.15, inclusive (Application and Review Procedures)
- Chapter 18.125, inclusive (Amendments to the Zoning Ordinance)
- City Comprehensive Plan

BACKGROUND FACTS

1. The City has worked over two years with Washington County and Metro in a coordinated effort to establish urban reserve boundaries for future urban development and employment based growth.
2. The City commissioned Johnson Reid Land Use Economics to conduct an Economic Opportunities Analysis & Long-Term Urban Land Needs Assessment for Cornelius in 2009 within the context of the county, regional, and state economies; their projections included a significant market for light industry supporting the high technology industrial cluster in Washington County and implied a need for appropriate space and plans.
3. The City has need to improve and diversify its employment base by improving and providing new tools that enable balanced and compatible job growth; this need has been expressed by the City Council, Economic Development and Planning Commissions, as well as consultants.
4. The City, in response to development customers, recognizes the need for certain clarification of existing development code provisions to better enable understanding and improvements consistent with the intent of the Code.
5. The City under the guidance of the Planning Commission and City Council began drafting some minor text amendments in January 2010. This included an introduction of the project to City Council at a work session on February 8, 2010. Staff also coordinated with the Planning Commission at workshops and meetings on January 12, February 9, February 23, March 9, and March 23, 2010 to discuss issues and concepts supporting the proposed amendments.
6. A Public Hearing Notice was published in the Hillsboro Argus on March 9, 2010 and mailed to all of the affected agencies identified in the Comprehensive Plan on March 8, 2010.
7. A Measure 56 Public Notice of the Planning Commission hearing was mailed to all owners of property in the Core Commercial-Employment Zone and the Main Street Design Overlay in the City on March 8, 2010.
8. The first evidentiary hearing was conducted on the April 13, 2010 by Planning Commission. On April 13, 2010 the Planning Commission unanimously approved the Recommendation Report with minor edits and changes to City Council for approval.
9. The notice states that the hearing before City Council shall be May 17, 2010.
10. As of date of this staff report there has been one telephone call for the State Department of Land Conservation & Development, DLCD, asking general questions about the amendments, but they had no specific concern or issues with the proposed changes. Written testimony was also submitted on April 13, 2010 to the Planning Department to enter into the Planning Commission record (Exhibit D).

BASIC FACTS & PRELIMINARY FINDINGS

- A. Please note that the proposed new and edited text amendments to the Development & Zoning Code can be found in Exhibits A, B and C of this report. In Exhibit A and C the proposed new language or edits are bolded and underlined. Exhibit B includes all new language for a proposed Light Industrial chapter and is presented in regular print.

- B. The issues and reasons for the amendments are identified below with a reference to a proposed Code chapter for the change.

AMENDMENT NUMBER.:

1. The Development & Zoning Code (Chapter 18, CCC) currently does not have language that addresses situations where a Land Use application and/or approval has been misrepresented by the applicant before the Community Development Director, Planning Commission, or City Council. This new language clarifies the steps leading to return of an application and revocation of a land use application/approval that are consistent with recent interpretations of the Code.

Proposed New Language - Chapter 18.05.100, Misrepresentation and Revocation of an Approval.

2. Add code language that clarifies how long a land use, one that is not permitted outright, but permitted through some other land use approval, shall be legally recognized on a subject parcel/site, once the use has ceased.

Proposed Amendment to Chapter 18.05.070(D)(4)

3. Correct an inconsistency in the Code language, by editing all 60-day references within the Temporary Use Permit code to 90-days, which is the maximum number of days permitted for a Temporary Use Permit

Proposed Amendment Chapter 18.120.020 & 18.120.040

4. Provide Non-Profit Organizations located in the City the opportunity to request a waiver of the Temporary Sign Permit fee, consistent with the same waiver offered for Temporary Use Permits.

Proposed Amendment Chapter 18.120.040

5. Move the current language for Administrative Relief, Chapter 18.10.070(A)(1)(f), which is a 10% deviation of a measurable development standard into its own new sub-Chapter.

Proposed Amendment Chapter 18.141

6. Correct a repetitive entry in Chapter 18.35, Multi-Family Residential, (A-2) that is unnecessary and potentially confusing. The building height is identified in two sub-sections of Chapter 18.35.050, in sub-section (C) and (F). One needs to be deleted.

Delete 18.35.050(F)

7. Add new definitions and edit the existing code language concerning State licensed 'Residential homes and Residential Facilities' to be consistent with the Oregon Revised Statutes (ORS).

Proposed Amendment 18.195.180, Definitions, Residential zones 18.20, 25, 35.30 and 18.45.030, C2

8. ***ORS 657A.440 Application of zoning ordinances to registered or certified family child care homes.*** (1) *A registered or certified family child care home shall be considered a residential use of property for zoning purposes. The registered or certified family child care home shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings. A city or county may not enact or enforce zoning ordinances prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a registered or certified family child care home.*
- (2) *A city or county may impose zoning conditions on the establishment and maintenance of a registered or certified family child care home in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.*

(4) This section applies only to a registered or certified family child care home where child care is offered in the home of the provider to not more than 16 children, including children of the provider, regardless of full-time or part-time status.

The current Code language limits the number of children at a child care home to seven (7). This is not consistent with the State statutes. Add and edit the existing code language concerning State licensed 'Registered or Certified Child Care Providers' to be consistent with the Oregon Revised Statutes (ORS).

Proposed Amendment to Residential Home Occupation, Chapter 18.20.080, 18.25.080, 18.35.080

9. Provide residential setbacks for decks, porches and steps that is consistent with accessory structure setbacks, which are a minimum of three (3) feet.

Proposed Amendment Chapter 18.150.010

10. New Light-Industrial, LI zone – that helps develop employment opportunities by diversifying the lands designated for industrial use through creation of new industrial zoning districts that are compatible with other surrounding land uses (zoning districts), and also provide some distinction between the purpose and types of uses permitted in different industrial zones.

New Code Language- Chapter 18.54

11. Distinguish between the terms 'storage', 'storage units' and 'storage space'. The renting of storage units or storage space to a consumer is a retail activity and would be permitted in a Commercial zoning district, but would not be considered an industrial use.

Proposed Amendment – New Definition, Chapter 18.195.190

12. The Code currently requires a request for outdoor storage and display in the General Industrial, M-1 zone to be reviewed by the Planning Commission at a public hearing. Staff is proposing to

change the requirement of Conditional Use Permit approval for outdoor storage, display and/or other outdoor activity on property zoned General Industrial, M-1 to a administrative review (CUP) when the subject site abuts the same zoned property on all sides.

Proposed Amendment Chapter 18.55.030

13. Add 'Hospitals' to the list of Conditional Uses in the Core Commercial-Employment, CE zone and replace the General Industrial, M-1 permitted uses in the CE zone with the new Light-Industrial zone uses (if adopted). The Light-Industrial, LI uses are more compatible with commercial and residential uses. The existing CE zone abuts residential and commercial zones on all sides.

Proposed Amendment Chapter 18.50.020

14. Provide zones where 'passive' and 'active' energy uses shall be permitted. Staff finds that in identifying zoning districts for wind turbines and energy generation, the issues of compatibility and overall purpose of the district should be applied. Staff finds that the M-1 industrial zone currently provides for energy generation in the district as identified in the purpose statement, which supports manufacturing and production. This district also tends to have larger lot sizes for production uses. Staff finds the General Industrial, M-1 zone appears to be compatible for wind generation uses. In a residential zone, the operational impacts of a wind turbine such as noise, safety and visual affects are not compatible with a residential use. The concerns for safety, size of parcels and inconsistency with the purpose of a residential zone dictate the need to prohibit wind generation.

Proposed Amendment Chapter 18.55.030 and Chapter 18.20.040, 18.25.040, 18.35.040

15. Add language that will clarify the requirement for 'Street Trees' and their spacing distance as part of the frontage improvement development standard. Street Trees are identified in the street design in the City Comprehensive Plan and in the Public Works Public Utilities Design Standards.

Proposed Amendment Chapter 18.100

16. Provide direction, clarification and new Code language addressing the use of solar panels that are requested to exceed the allowed building height. Add solar panels to the list of other accessories (i.e. cornices, chimneys, ornamental features, etc) that project from buildings and provide ancillary service of some kind.

Proposed Amendment Chapter 18.150.050

17. Require 'Condo' redevelopment to be reviewed as a Type I Site Design Review application. Condominiums are regulated by the State. Local jurisdictions have very little control over their development, except in cases where a new site is developed. In a case where an existing structure is converted to condominiums the City currently is not be able to review the project. Staff finds that issues with off-street parking, emergency access, adequate utilities and pedestrian safety

should be addressed with Condominium conversion. Staff proposes new Code language that would provide a minimum land use review (Design Review, Type I) when buildings are converted to 'condos'.

Proposed Amendment Chapter 18.100.030

18. Strengthen the language in the Code more clearly requiring new and existing development to connect to City utilities and to prevent utility service from other districts or municipalities in the City.

Proposed Amendment Chapter 18.100.040(A)(9)

19. Correct a section of the Code that provides for businesses to use/encourage compact parking spaces in the design of their parking lots. *The Code should state this as "25% of the available parking spaces."*

Proposed Amendment Chapter 18.145.050

20. Add clarity to the design standards in the Main Street Design Overlay zone. Add generic graphic and architectural guidelines to show standards application by example. Add reference to the Main Street Design Overlay (MSDO) in the purpose statement of the Main Street District and Zones (MS). Chapter 18.60.010.

Proposed Amendment Chapter 18.85, Exhibit C

21. In response to testimony received at the hearing (4/13/10), the Planning Commission reviewed the opportunities and impacts of permitting internet retail sales in the General Industrial, M-1 district. Internet retail sales is not an activity that is identified in the purpose statement of the M-1 district and may conflict with uses designated for the Commercial zoning districts. It is an activity that has relatively low-impacts, provides employment opportunities and would appear to operate in a compatible manner with other industrial uses. Internet retail sales may have the potential to increase in size un-noticed and affect development of commercial and/or industrial property in the City. Therefore, some mechanism for review and evaluation needs to monitor such an activity. The Planning Commission finds that internet and telephone sales could be approved through a Conditional Use Permit application, which requires the issues of compatibility and need to be reviewed, but that this review should be administrative.

Proposed Amendment Chapter 18.55.030

FINAL FINDINGS

Chapter 18.125.010(C), Approval Criteria:

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

Chapter II – Citizen and Agency Involvement

The vision statement of Chapter 1, Citizen and Agency Involvement of the Comprehensive Plan states, “*All citizens are involved and participate in decision making for growth and development*”. Chapter 1 also states that when amending the Code the City shall give the citizens and affected governmental units ample opportunity to review and comment on any proposed changes. *Chapter 18.15:030 of the Development & Zoning Code* provides the City with the process to implement Citizen Participation. The public notice requirements for amendments to the Development & Zoning Code have been met with notice in a local newspaper and a Measure 56 Notice to property owners with land in the Main Street Design Overlay, MSDO and the Core Commercial-Employment, CE zone. The public notice describes the proposed amendments and the time, date and place to comment, testify or present evidence. The Planning Commission and City Council hearings shall provide the opportunity for public participation on the proposed protection language.

The Comprehensive Plan (pgs. 11 & 12) lists criteria that shall be used to establish whether or not a plan amendment or change is justified. An amendment need not satisfy each and every one of the criteria, but the city must conclude that at least some of the criteria have been reasonably addressed. The following Comprehensive Plan criteria are applicable to the proposed request:

The proposed change or amendment must meet a public need. Such need must be documented by appropriate facts and evidence and should extend from the state-wide planning goals, METRO 2040, or the city own comprehensive plan.

Economic development is the overwhelming public need for these proposed Code amendments. The proposed Text Amendments are intended to clarify standards and procedures to make processes easier for an applicant to address. The new language for the Industrial zones provides not only a new Light Industrial, LI district, but also other language that will help diversify and improve development of industrial designated property. Metro’s *Title 4: Industrial and Other Employment Areas* seeks to provide and protect a supply of sites in the region for employment by limiting the types and scale of non-industrial uses on lands designated as *Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas*. . Based on *Metro’s Employment and Industrial Areas Map* the City of Cornelius does not have any Regionally Significant Industrial Areas. *The Employment and Industrial Areas Map* does identify ‘Industrial Lands’ in Cornelius that are designated and zoned by the City, General Industrial, M-1. The M-1 district does not permit commercial uses. The only commercial activity that is permitted in the M-1 and the new proposed LI zones are:

1. Retail sales as approved by the Planning Commission, where the sales are in conjunction with and/or directly associated with products manufactured on site.
2. Internet and telephone system retail sales of products prepared on site. The total retail sales area shall be less than 25% of the total building area in which the use is located

The current and proposed Industrial zoning designations in the City are in compliance with Metro’s Title 4.

The amendment is necessary to conform with current state law or regional policy, which requires local compliance.

This criterion is not applicable.

The amendment is necessary to implement the adopted vision for the community, or to respond to unanticipated local circumstances.

As mentioned previously in this report, the City commissioned Johnson Reid Land Use Economics to conduct an Economic Opportunities Analysis & Long-Term Urban Land Needs Assessment for Cornelius in 2009 within the context of the county, regional, and state economies; their projections included a significant market for light industry supporting the high technology industrial cluster in Washington County and implied a need for appropriate space and plans. The City has need to improve and diversify its employment base by improving and providing new tools that enable balanced and compatible job growth; this need has been expressed by the City Council, Economic Development and Planning Commissions, as well as consultants. In response to development customers, the City recognizes the need for certain clarification of existing development code provisions to better enable understanding and improvements consistent with the intent of the Code.

The proposed change or amendment must be in conformance with the unamended goals and policies of the Comprehensive Plan, as well as being consistent with state and regional policies.

There are no new designations being proposed that would change the zoning on existing property and/or land. The proposed amendments are in conformance with the policies of the Comprehensive Plan as well as state and regional policies.

STATEWIDE PLANNING GOALS:

Goal 1 – Citizen Involvement

The City prepared and published a public notice in a local newspaper on March 9, 2010 announcing public hearings to be held before the Planning Commission and the City Council concerning the request. A Measure 56 Public Notice was also sent to all property owners in the Main Street Design Overlay District and in the Core Commercial-Employment, CE zone on March 8, 2010, 37 days prior to the first evidentiary hearing before the Planning Commission. Citizens have the opportunity to submit comment, testimony, ask questions, receive answers or challenge the proposed request at both the public hearing before the Planning Commission and City Council.

Staff finds that the City has provided citizens the opportunity to be involved in the review of this request and the planning process.

Staff find the goal has is met.

Goal 2 – Land Use Planning

The City of Cornelius has an established procedure identified in *Chapter 18.15.030*, which addresses the application, review, notice, decision and appeal procedures. The City (applicant) has addressed the appropriate approval criteria as identified in the Development and Zoning Code requesting approval of Zoning Code text amendments. The application procedure provides a planning process for review of a request that must comply with approval criteria that is driven by the policy framework of the Comprehensive Plan.

Staff find the goal is met.

Goal 3 – Agricultural Land

Staff find this goal is not applicable.

Goal 4 – Forest Land

Staff find the goal is not applicable.

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

Staff find goal is not applicable.

Goal 6 – Air, Water and Land Resources Quality

Staff find goal is not applicable.

Goal 7 – Areas Subject to Natural Disasters and Hazards

Staff find goal is not applicable.

Goal 8 – Economic Development

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

The Code amendment changes that are proposed are designed to clarify standards, requirements and uses to improve the development process. The Light Industrial, LI District is the only new zone proposed with these Code amendments. The new LI zone will provide another option (opportunity) for lands to be developed with clean industries that will be compatible with commercial, residential and other industrial uses.

Staff find the goal is met.

Goal 10 – Housing

Staff find the goal is not applicable.

Goal 12 – Transportation

Staff find the goal is not applicable.

Goal 13 – Energy Conservation

Staff find the goal is not applicable.

Goal 14 – Urbanization

Staff find the goal is not applicable

Goal 15 – Willamette River Greenway

Staff find the goal is not applicable.

Goal 16 – Estuarine Resources

Staff find the goal is not applicable.

Goal 17 – Coastal Shorelands

Staff find the goal is not applicable.

Goal 18 – Beaches and Dunes

Staff find the goal is not applicable.

Goal 19 – Ocean Resources

Staff find the goal is not applicable.

Staff finds that the applicable criteria in the Comprehensive Plan and State Planning Goals have been addressed and the proposed amendments (See Exhibits A, B & C) are in compliance City's Comprehensive Plan.

Staff find the criterion is met.

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

There are no specific properties or land that is proposed to be zoned or rezoned as Light Industrial, LI with this Code amendment. Therefore, the character of neighborhoods are not affected with this proposal at this time.

The only new zone (language) that is proposed with these Code amendments is a Light Industrial, LI zone. The purpose of the LI zoning district is to provide for light, clean industries for a variety of manufacturing and other uses with controlled external impacts. The district would permit secondary processing industries. Industrial establishments would not have objectionable external

features and shall feature well-landscaped sites with their activities occurring within enclosed buildings. LI uses may be located adjacent to residential and commercial uses.

Staff find the criterion is met.

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

The amendment proposes new language to the code. It does not create any new zoning districts. Therefore, no "spot zone" is created.

Staff find the criterion is met.

CONCLUSION

In conclusion, the proposed amendments are in compliance with the City Comprehensive Plan. These amendments will improve the land use review process and assist in economic development. The City, in preparation of these amendments, has provided citizens and interested parties the opportunity to comment and participate in the development of this document. Staff concludes that the proposed amendments have addressed and satisfy the criteria identified in the Comprehensive Plan and the Development and Zoning Code for approval of a Zoning Code Text amendment.

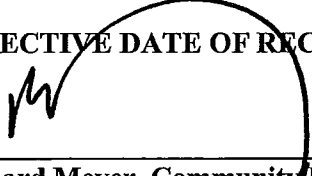
Please note that the proposed Chapter numbers that are identified with the Code amendments (Exhibits A, B & C) are subject to change during final editing of the Code.

RECOMMENDATION


Based upon the facts, findings, conclusions, exhibits and testimony presented in the Planning Commission Recommendation Report and at the public hearing(s) the Community Development Director and the Planning Commission recommend approval to City Council of the Zoning Code Text Amendment (ZTA-01-10) adding the language and text amendments as identified in Exhibits A, B & C to the Development & Zoning Code (Chapter 18 of the City Code), subject to the following conditions:

1. The amendments to Chapter 18 of the City Code shall be adopted by ordinance.

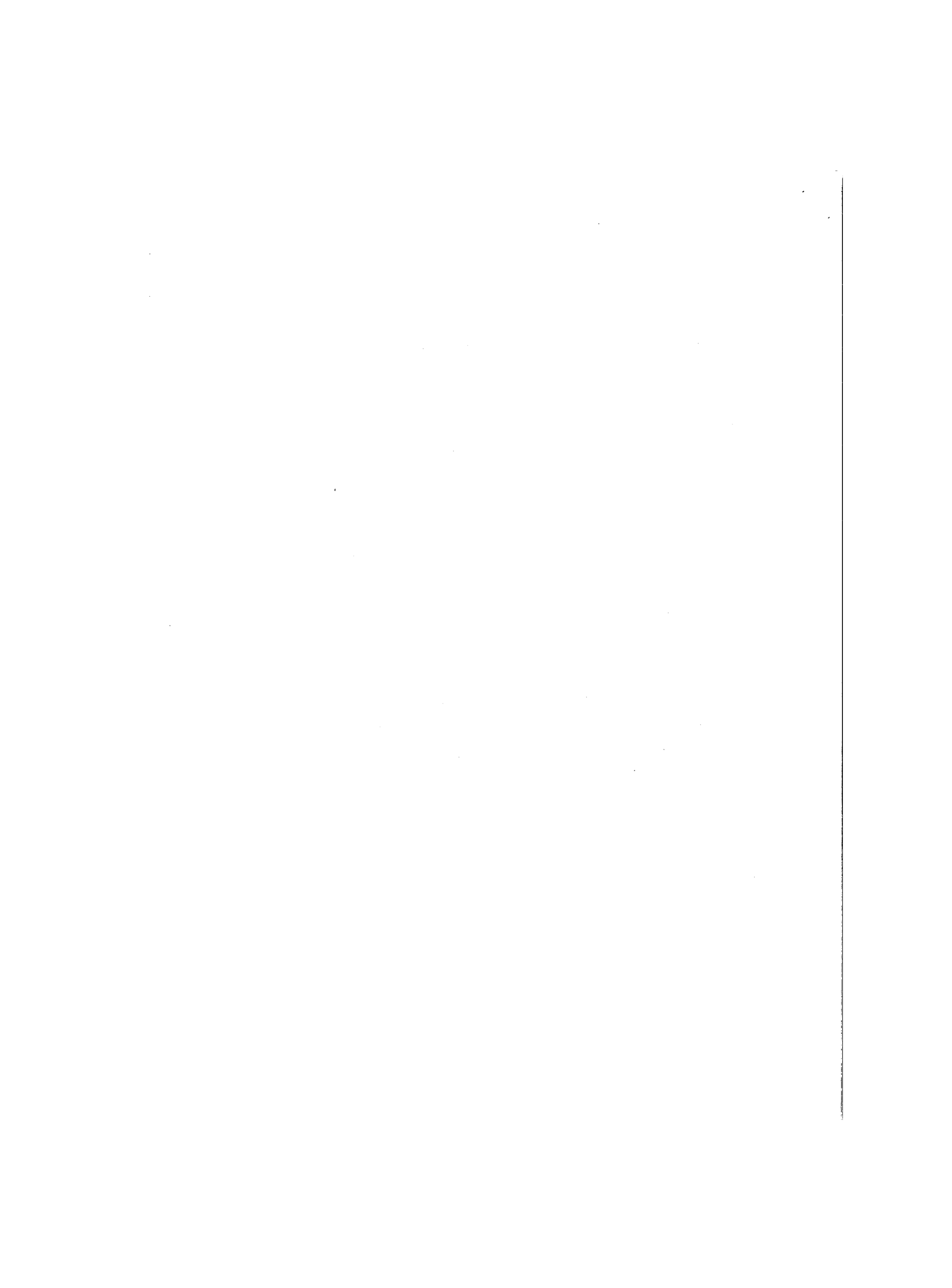
EFFECTIVE DATE OF RECOMMENDATION **April 13, 2010**



Richard Meyer, Community Development Dir.



Vickie Cordell, Planning Commission Chairman



Planning Commission Motion Form

I move that application # ZTA-01-010, Zoning Code Text Amendments

amending the City of Cornelius Development & Zoning Code to include the text amendments and new language as identified in the Planning Commission Recommendation Report,

- (A) **be recommended to City Council for approval**, based on the facts, findings and conclusions presented in the staff report and public testimony & evidence* in this hearing;

DO NOT READ ** PLEASE NOTE A MOTION INVOLVING (B) OR (C) REQUIRES A FACT AND FINDING FOR A CHANGE OR A DENIAL:

- (B) **be recommended to City Council for approval**, based on the facts, findings and conclusions presented in the staff report and public testimony & evidence * in this hearing,

with the following changes:

Amendment to M-1 zone 18.55.030. Internet, telephone, and FAX retail sales without counter sales which are shipped out or shipped directly to customers shall be permitted with

- (C) **be denied and not recommended to City Council**, based on the facts, findings, conclusions and public testimony & evidence* in this hearing;

- (D) **be continued** to (date) at (time) in the Cornelius Council Chambers;

- (1) For Commission deliberation & decision (Public Hearing to be closed)
- (2) For additional staff review & recommendations (Public Hearing to be closed)
- (3) For additional public testimony and Commission deliberation & decision

If needed, list any Special Instructions to Staff:

(Chair to ask Applicant for Waiver of 120 Rule.)

* *Testimony & evidence must relate to decision criteria in the City Code (see staff report).*

Commissioner's Name Starrett Date: 4/13/10
Chair's Initials VC

Completed motion form is to be turned into staff after motion is made.

*approval under an Administrative Conditional Use Permit.
Appeal of an Administrative Conditional Use Permit shall be heard*

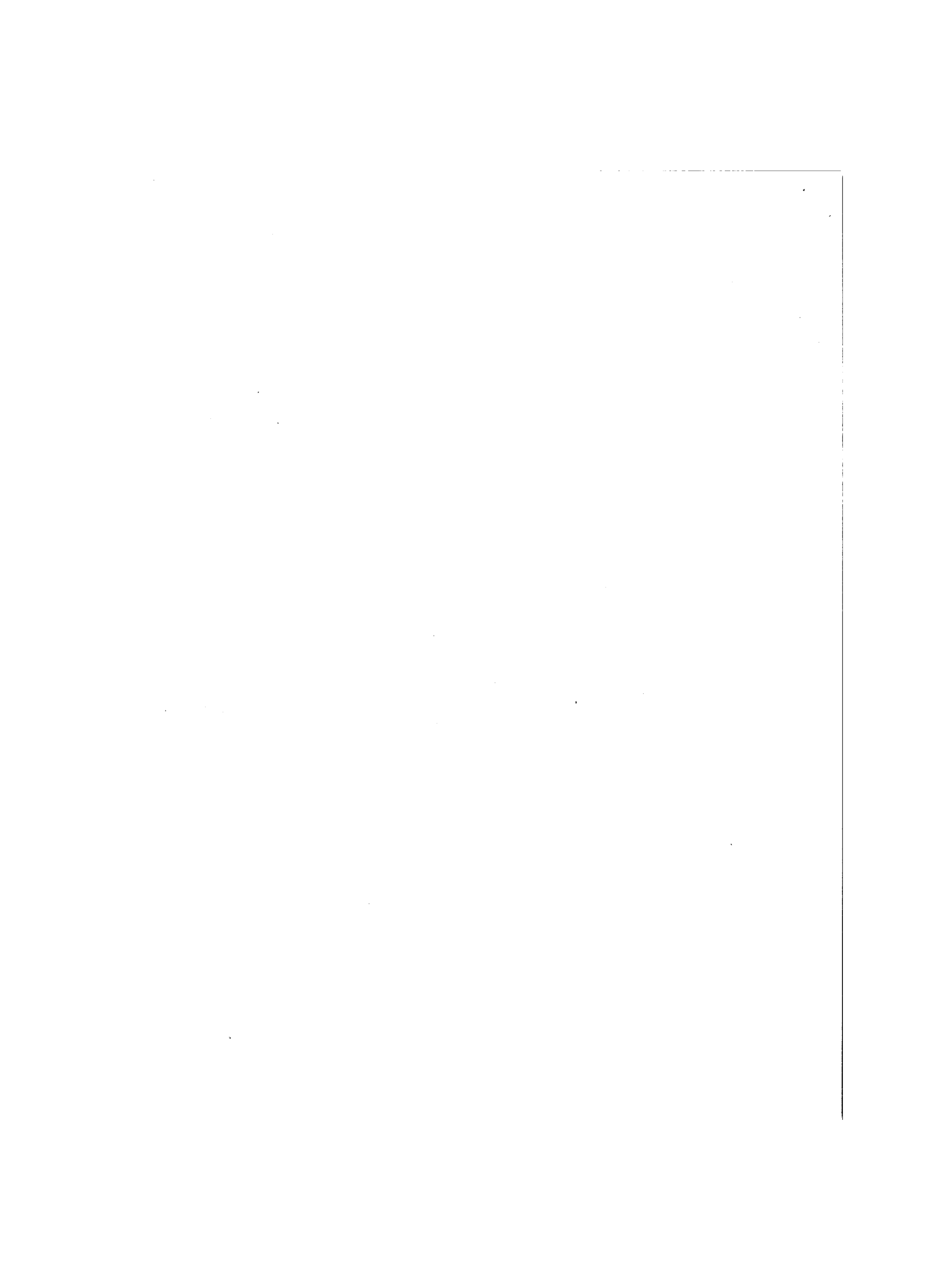


EXHIBIT A

EXHIBIT A - 1
ZTA-01-10

AMENDMENT NO. 1: Chapter 18.05.090 & 100

Chapter 18.05.090, Enforcement

D) Violations of this title shall be addressed with the following process:

- (1) Education. An explanatory letter and visit (within a week of receiving a written complaint), giving two weeks to demonstrate compliance.
- (2) Warning. A reminder letter (sent two weeks after the first letter/visit) giving the consequences for not complying or instituting a city-approved compliance plan within a second two weeks.
- (3) Citation. Notice to appear in municipal court; **or**
- (4) **Initiate revocation under CCC 18.05.100.**

Section 18.05.100 Misrepresentation and Revocation of an Approval.

Purpose: The Community Development Director may upon a reasonable notice to the applicant revoke and/or recommend denial of an active Land Use Application or Land Use approval previously authorized. The applicant shall have the opportunity to appeal such an action.

(A). The Community Development Director may revoke or recommend denial of an active Land Use Application or previously authorized action for any of the following reasons:

(1) Material misrepresentation of fact in the application or in testimony or evidence submitted, whether the misrepresentation is intentional or unintentional.

(2) Failure to comply with the approval and/or conditions of approval within the time and in the manner that was approved without obtaining an extension of time or modification of plans.

(3) Failure to maintain and use the property in accordance with the approved plans and conditions.

(B). Enforcement of misrepresentation and/or non-compliance.

(1) The Community Development Directors decision to deny a land use application shall follow procedures in 18.15.010.

(C). Revocation of a land use.

(1) The Community Development Director prior to revoking an approved Land Use Application shall follow the steps identified in Chapter 18.05.090(D) for code enforcement.

(a) In lieu of a citation, the Director shall prepare a report with a Notice of Decision.

(b) An appeal of the Directors decision shall follow the procedures identified in Chapter 18.15.090.

AMENDMENT NO. 2: Chapter 18.05.070(D) (4)

(D) Lawfully Existing Development. For the purposes of this code, lawfully existing uses shall include the following:

(1) All existing lots, properties, buildings, and developments developed in accordance with the comprehensive plan, and as approved by the design review board, planning commission, and/or city manager prior to May 1, 2000.

(2) All development plans, land partitions, and preliminary and final subdivision plats reviewed and approved in accordance with the applicable zoning and subdivision standards prior to May 1, 2000.

(3) All conditional use and temporary permits issued prior to May 1, 2000, shall remain valid consistent with the conditions and time periods in effect on the date of adoption.

(4) Discontinuation of a lawfully established Development/Use for one (1) year shall require that all future Development/Uses conform to current Development Code Standards.

AMENDMENT NO. 3: Chapter 18.120

18.120.020 Types of applications.

For the purpose of this chapter, temporary uses are defined below. The various uses are separated into three types depending upon their respective impacts.

(A) Temporary Business/Event Permit. A person, firm, organization, group or corporation which intends to conduct an event and/or business within the city for a period not to exceed ~~60~~ 90 days in any 12-month period.

(B) Time Limit on Approvals.

(1) A permit for temporary business/event cannot exceed ~~60~~ 90 days' total duration, with an approved extension.

(2) A permit for temporary business/event for up to ~~60~~ 90 days may be issued without notice.

AMENDMENT NO. 4: Chapter 18.120

18.120.040 Temporary business/event permit.

Activities operating up to 45 days shall be approved by the community development director. Permits issued for 45 days or fewer may be extended to a total of 90 days' operation upon submission of a written request approved by the community development director. In hardship situations the city may exempt registered nonprofit organizations located within the city from the temporary use permit fee **and temporary sign permit fee**. The applicant shall submit a written request for fee exemption with their application materials to be reviewed by the city manager.

AMENDMENT NO. 5: Chapter 18.141

Chapter 18.141
Administrative Relief

18.141.010 Purpose

18.141.020 Authority

18.141.030 Type of application

18.141.010 Purpose.

To provide the Community Development Director a process to grant or deny a deviation from a quantifiable provision of yard setbacks, lot coverage, lot area, lot dimension, or parking standard, to relieve a hardship created by a unusual condition or circumstances.

18.141.020 Authority.

The Community Development Director may expand or reduce a required yard setback, lot coverage, lot area, lot dimension, or parking standard, to relieve a hardship created by an unusual condition or circumstances not more than 10 percent of the required requirement.

18.141.030 Type of Application.

Application for a Community Development Directors Administrative Relief shall be made pursuant to Type I procedures set forth in CCC 18.15.010(A).

AMENDMENT NO. 6: Chapter 18.35.050(F)

(C) Maximum Height. No building shall exceed 35 feet, except for a chimney, radio or television antenna, or as may be approved by the planning commission as part of a planned unit development.

(F) Height of Building. No building shall exceed a height of 35 feet, except as may be approved under a planned development by the planning commission. (DELETE)

AMENDMENT NO. 7: Chapter 18.195.180

18.195.180 R definitions.

“Residential care facilities” means a living facility for more than five nonrelated persons, which provide specialized care, supervision, treatment or training, or a combination of these for residents. This use classification includes, but is not limited to assisted living facilities, congregate care facilities, nursing homes, convalescent homes, residential homes and sanatoriums. **(DELETE)**

“Residential districts” mean zoning districts that provide for residential use as the primary use. These districts include single-family R-7 and R-10, multi-family A-2, and Main Street mixed use MSM.

“Residential home” means a residential treatment or training or adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a

residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home. "Residential facility" means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, licensed under ORS 443.400 to 443.460 or licensed under ORS 418.205 to 418.327 by the Department of Human Services that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Chapters 18.20, 25 & 35 - R-7, R-10 & A-2 Residential zones (Delete the term 'Group Home')

18.20.020 Permitted uses.

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

- (F) **Residential Home** consistent with State law.

18.25.020 Permitted uses.

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

- (F) **Residential Home** consistent with state law.

18.35.020 Permitted uses.

The following uses and their accessory uses are permitted outright in an A-2 zone:

- (I) **Residential Facility** consistent with State law.

18.35.030 Conditional uses.

The following uses may be permitted when in accordance with Chapter 18.105 CCC:

- (H) Site-built detached single-family dwelling, **including Residential Home consistent with State law**; and detached single-family manufactured housing, subject to CCC 18.20.070.

Chapter 18.45, Highway Commercial, C-2

18.45.030 Conditional uses permitted.

In a C-2 zone the following uses and their accessory uses may be permitted when in accordance with Chapter 18.105 CCC:

- (J) Multi-Family dwelling units, **including a Residential Facility consistent with State law and all shall be** consistent with A-2 standards.

AMENDMENT NO. 8 Chapters 18.20.080, 25.080 & 35.080 (R-7, R-10 & A-2) AND 18.195.180

18.195.180 C definitions.

“Child Care, State Registered or Certified” means family child care home where child care is offered in the home of the provider to not more than sixteen (16) children, including children of the provider, regardless of full-time or part-time status.

18.20.080 Home occupation.

Home occupations may be allowed as follows:

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

(9) In the case of home **child** care, there are not more than **sixteen (16)** children total and the operator is appropriately **registered and/or certified** by the state; and

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:

(10) In the case of home **child** care, there are not more than **sixteen (16)** children total and the operator is appropriately **registered and/or certified** by the state; and

18.35.080 Home occupation.

Home occupations may be allowed as follows:

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

(10) In the case of home **child** care, there are not more than **sixteen (16)** children total and the operator is appropriately **registered and/or certified** by the state.

AMENDMENT NO. 9: Chapter 18.150.010

18.150.010 Accessory uses and structures.

(A) Uses and structures normal, incidental and subordinate to the uses allowed as permitted uses in any zone are allowed as accessory uses and structures subject to the provisions of this section.

(E) **Decks, Porches and Steps may be constructed within a residential yard setback area provided that the intruding portion meets all of the following requirements:**

(1) **The finished floor and/or step does not exceed 30 inches in height above existing grade; and**

(2) **Any fixed bench, railing, or other attachment does not exceed 40 inches in height above the existing grade; and**

(3) **Maintains a minimum three (3) foot setback in the side and rear yard. All front yard and/or corner lot setback must be met as required by the specific zoning district.**

(4) **All other uncovered decks, porches and steps shall not project more than 24 inches into a required rear or side yard setback.**

AMENDMENT NO. 10: Chapter 18.54

SEE EXHIBIT B – All new zoning district – Light Industrial, LI

Also Amend General Industrial, M-1

18.55.010 Purpose.

The purpose of the general industrial or M-1 zone is to provide for various industrial activities which require processing, fabrication and storage of raw, primary materials, including outdoor storage areas, heavy equipment storage and other uses not compatible in the commercial or residential zones

AMENDMENT NO. 11: Chapter 18.150.010

18.195.190 S definitions.

“Storage, Self-Service” means the provision of separate storage areas for individual (or business) uses. The storage areas may be designed to allow private access by the tenant for storing and removing personal property. Examples include mini-storage units, multi-story facilities and recreational vehicle storage.

“Storage yard” means any lot, or portion of a lot, which is used for the sole purpose of the outdoor storage of fully operable vehicles, construction equipment, construction materials, or other tangible materials and equipment.

AMENDMENT NO. 12: Chapter 18.55.030

18.55.030 Conditional uses permitted.

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

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

AMENDMENT NO. 13: Chapter 18.50.020

18.50.020 Permitted uses.

(A) Uses permitted within the CE district shall be limited to those uses permitted outright in the C-2 zone, Chapter 18.45 CCC and **LI zone, Chapter 18.54** (DELETE - M-1 zone, Chapter 18.55 CCC), except that no residential use shall be permitted. For industrial uses the performance standards set forth in Chapter **18.54** (DELETE 18.55) CCC shall also apply within this district.

(B) While any use listed above may be allowed, there is an underlying intent for this district to cluster complementary and supportive uses. The purpose of such clustering is to strengthen each business by encouraging interactivity between the various businesses in the district.

(C) There shall be no minimum lot size, save and except as required to provide all necessary functional requirements of the proposed development, including building, parking, circulation, etc. Adjustments may be made to lot size in consideration of the potential for shared parking and off-site landscaping. [Ord. 810, 2000; Code 2000 § 11.20.62; Ord. 841 Exh. 2, 2003.]

(D) Hospitals and emergency care facilities and their accessory uses may be permitted when in accordance with Chapter 18.105 CCC.

AMENDMENT NO. 14: Chapter 18.55.030

18.55.030 Conditional uses permitted.

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

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

18.20.040 Prohibited uses. (R-7)

The following uses shall be prohibited within the R-7 zone:

(G) Free-standing wind turbines.

18.25.040 Prohibited uses. (R-10)

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

(G) Free-standing wind turbines.

18.35.040 Prohibited uses. (A-2)

The following uses shall be prohibited within the A-2 zone:

(G) Free-standing wind turbines.

AMENDMENT NO. 15: Chapter 18.100

18.100.040 Approval criteria.

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

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

(2) Traffic Generation. Based on anticipated vehicular and pedestrian traffic generation and the standards and policies of the comprehensive plan, adequate right-of-way and improvements to streets, pedestrian ways, bikeways, transitways and other ways are provided by the development in order to promote safety, reduce congestion, conserve energy and resources, and encourage transit use, bicycling and walking. Consideration shall be given to the need for constructing, widening and/or improving, to the standards of the comprehensive plan and this code, public streets, bicycle, pedestrian, and other ways in the area of the proposed development impacted by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, street-trees, bikeways, transit facilities, street drainage facilities, traffic calming devices, and other facilities needed because of

anticipated vehicular, transit, bicycle, and pedestrian traffic generation. Access and street design shall comply with the standards identified in Chapter 18.143 CCC, Transportation Facilities, inclusive. **Street-trees shall be installed to the standards identified in Chapter 17.05.040(D)(3)(k).** In lieu of actual construction of off-site improvements, the committee may accept written waivers of remonstrance to the formation of local improvement districts for the purpose of providing the needed off-site improvements or cash payment to the city in an amount equal to the estimated cost of said off-site improvements;

AMENDMENT NO. 16: Chapter 18.150.050

18.150.050 General exception to building height limitations.

The following types of structures or structural parts are not subject to the building height limitations of this title: chimneys, tanks, spires, belfries, domes, monuments, fire and hose towers, observation towers, masts, antennas, aerials, ventilators, cooling towers, elevator shafts, transmission towers, smokestacks, flagpoles, **solar panels**, and other similar projections.

AMENDMENT NO. 17: Chapter 18.100.030

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:

- (8) Conversion of an existing, legal multi-family residential dwelling (i.e. apartments) to condominiums.**

AMENDMENT NO. 18: Chapter 18.100.040(A)(9)

18.100.040 Approval criteria.

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

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

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

AMENDMENT NO. 19: Chapter 18.145.050

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

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

AMENDMENT NO. 20: Chapter 18.85 (MSDO)

SEE EXHIBIT C – Main Street Design Overlay

AMENDMENT NO. 21 Chapter 18.55.030. Conditional Uses Permitted

(J) Internet, telephone and Fax retail sales without counter sales, which are shipped out or shipped directly to customers shall be permitted with approval of an administrative Conditional Use Permit. Appeal of an Administrative Conditional Use Permit shall be reviewed by the Planning Commission.

EXHIBIT B

(AMENDMENT NO. 10: Chapter 18.54)

Chapter 18.54 LIGHT INDUSTRIAL (LI)

18.54.010 Purpose

The LI zoning district provides for light, clean industries for a variety of manufacturing and other uses with controlled external impacts. The district provides for secondary processing industries, involving manufacturing, warehousing, assembling, packaging and treatment of products with components that have been previously prepared from raw materials. Industrial establishments shall not have objectionable external features, shall feature well-landscaped sites and their activities shall occur within enclosed buildings.

Limited supporting commercial uses that are accessory to the primary use of the site may be conditionally permitted and shall comply with Title 4 of the Metro Urban Growth Functional Management Plan. LI uses may be located adjacent to residential and commercial uses with adequate buffering.

18.54.020 Permitted Uses

The following uses are permitted outright with the appropriate site design review.

- A. Secondary manufacturing and processing of products made from components previously prepared from raw materials.
- B. Public and private utilities, including but not limited to telephone exchanges, electric substations, data centers, gas regulator stations, water wells and public work yards.
- C. Industrial hand tool and supply sales primarily wholesaled to other industrial firms or industrial workers.
- D. Research and development companies, experimental and/or testing laboratories.
- E. Internet and telephone system retail sales of products prepared on site. The total retail sales area shall be less than 25% of the total building area in which the use is located.
- F. Wholesale and/or card-lock fuel stations with approved loading and queuing space.
- G. Electronics, building materials and home appliance recycling in an enclosed structure.
- H. Blueprinting, printing, publishing, or other reproduction services.
- I. Self-Service storage facilities
- J. Medical, dental and similar laboratories.

18.54.030 Conditional Uses

The following uses are permitted as Conditional Uses provided such uses are subject to the standards contained in CCC 18.54.060 and approved in accordance with CCC 18.105:

- A. Commercial laundry, dry cleaning, dyeing or rug cleaning plants.
- B. Brewery or winery where all activity, including storage occurs inside an enclosed structure.
- C. Radio, television and similar communication stations, including transmitters and wireless communication towers.
- D. Restaurants without drive-thru.

- E. Hospitals and emergency care facilities.
- F. Automotive, recreational vehicle, motorcycle, truck, manufactured home, boat, farm and other equipment repair or service within an enclosed structure.
- G. Trade, industrial or commercial schools whose primary purpose is to provide training for an industrial need or occupation.
- H. Wholesale building material sales, lumberyards, contractors storage and equipment yards, building maintenance services, and similar uses.
- I. Cellular Transmission Towers
- J. Power generation plants and associated facilities, including wind turbines.
- K. Automobile, boat, trailer and recreational vehicle storage.
- L. Child care facilities and pre-schools, if fully integrated with and secondary to the primary use of a site.
- M. Public recreational facilities including parks, playfields and sports and racquet courts on publicly owned property.
- N. Private indoor recreational facilities.
- O. Sewage treatment plants.

18.54.040 Prohibited Uses

The following uses are expressly prohibited:

- A. Outdoor Storage and/or display of raw materials.
- B. Auto wrecking and junk or salvage yards.
- C. Distillation of oil, coal, wood or tar compounds and the creosote treatment of any products.
- D. General purpose solid waste landfills, incinerators, and other solid waste facilities
- E. Pulp mills and paper mills.
- F. Slaughter of livestock or poultry, the manufacture of animal by-products or fat rendering.
- G. Leather tanneries.
- H. Indoor motor vehicle sports
- I. Horse stables, riding arenas and other livestock event facilities.

18.54.050 Development requirements.

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

(B) Setback Requirements. In an LI zone the following setbacks shall be the minimum required. The approval authority may require greater setbacks for uses allowed under CCC 18.54.030, based on the approval criteria in Chapter 18.105 CCC, the base standard; however, the review body may require a greater or lesser setback based on the design review criteria set forth in this chapter:

- (1) The front yard shall be 20 feet, except that:
 - (a) Parking shall not be allowed within five feet of the front property line.
 - (b) Where an industrial use abuts a residential zone there shall be a front yard setback of 25 feet.
- (2) No side or rear yard shall be required, except:
 - (a) Fifteen feet when the side yard abuts public street.
 - (b) Twenty-five feet when abutting any residential zone, except that parking shall not be allowed within 10 feet of the side or rear property line.

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

18.54.060 Performance standards.

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

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

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

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

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

(C) Heat and Glare.

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

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

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

(E) Outside Storage. Permitted outside storage shall be appropriately screened consistent with CCC 18.54.070, Development Standards.

18.54.070 Development standards.

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

(A) Landscape Plan.

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

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

(3) Frontage Trees. Frontage trees shall be required and shall be selected from the approved public works street tree list. The total number of trees shall be determined by dividing the total lineal footage of the site, which abuts a public street, by 30. The location of the trees shall be determined through design review, and the following standards shall apply:

(a) Trees shall be located at least five feet from a utility pole, fire hydrant, driveway, crosswalk, or utility easement, except as may be approved by the public works director, and at least 20 feet from an overhead street light.

(b) There shall be no impervious material within a one-and-one-half-foot radius around the tree trunk.

(c) Trees at the time of planting shall have a minimum height of six feet from ground level, and shall be at least two inches in caliper (d.b.h.).

(d) Trees shall not cause any vision impairment to vehicular traffic.

(e) Installation of required landscaping may be deferred for up to six months; provided, that the owner posts with the city a cash deposit or irrevocable letter of credit assigned

to the city for an amount equal to 150 percent of the estimated cost of the landscaping materials and installation by a qualified contractor.

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

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

(2) The minimum public street width for industrial development shall comply with the standards and design identified in CCC 18.143.040, Street design cross-sections per transportation system plan.

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

(a) Two-way traffic: 24 feet;

(b) One-way traffic: 20 feet.

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

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

(C) Access Streets – Sidewalks – Drainage.

(1) All streets shall be designed in accordance with standards set forth in Chapter 18.143 CCC, Transportation Facilities, the subdivision code and public works standards.

(2) All driveways for new construction shall have minimum pavement width of 24 feet and shall not be more than 45 feet in width at the curb, unless specifically approved by the review body to meet unusual requirements of a particular use.

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

(4) Sidewalks and Improvements.

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

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

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

(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) Screening.

(1) Sight-obscuring screening shall be provided for all garbage and trash collection areas, and for any approved outdoor storage, or parking lots abutting a residential development. Such screening shall be a minimum six feet in height, and shall consist of a wall of brick, stone, or other substantial material; or a densely planted evergreen hedge and chain link fencing. Such

screening shall be provided to a height sufficient to block the view of materials stored as viewed from the sidewalk on the opposite side of the street from the screen wall.

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

(G) Parking and Loading Space.

(1) Off-Street Parking. Parking shall be provided as set forth in Chapter 18.145 CCC.

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

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

18.54.080 Signs.

Signs within the LI zone may be allowed consistent with the provisions identified for the Light Industrial, LI zone and Chapter 18.175 CCC .

EXHIBIT C

(AMENDMENT NO. 20: Chapter 18.85)

Chapter 18.85 MAIN STREET DESIGN OVERLAY (MSDO)

Sections:

<u>18.85.010</u>	Purpose.
<u>18.85.020</u>	Architectural style.
<u>18.85.030</u>	Human scale features.
<u>18.85.040</u>	Orientation.
<u>18.85.050</u>	Materials and Colors .
<u>18.85.060</u>	Building base, body and head.
<u>18.85.070</u>	Signage.
<u>18.85.080</u>	Plazas, parks and open spaces.
<u>18.85.090</u>	Special theme areas.

18.85.010 Purpose.

The Main Street Design Overlay (MSDO) is a set of design guidelines that apply to a specific central area of the Main Street district which are in addition to the requirements and guidelines of parts of three Main Street district zones: MSR, MSM and MSG. These guidelines are intended to encourage the design of space, structure and activity within the core area of the district and build the unique "early 20th Century country town" theme described in the Main Street plan, as revised and adopted.

These guidelines are intended to recognize separate yet connected land use clusters, such as historic commercial buildings at Baseline Street and 11th Avenue and the Hispanic service activities around 11th Avenue and Adair Street and three-quarters century old cottages toward 14th Avenue. They also recognize the inherent differences in design needs of different land use and mixes, e.g., intensity of small retail business clusters in the MSR subdistrict versus more auto-oriented commercial uses in the MSG subdistrict.

The unified design theme is intended to recognize the physical proximity and unity of the Main Street district along the length of Adair and Baseline Streets from 10th to 14th Avenues. Design treatment consists of (1) a general design theme with which creative architectural treatment is encouraged, (2) common guidelines for setback, building height, materials and orientation, **and color**, and (3) period (early 20th century) streetscape and public right-of-way improvements throughout the district. This dynamic recognizes the value of district special identity in successful development of a destination place of business. [Code 2000 § 11.20.81DO; Ord. 835 § 2, 2002.]

18.85.020 Architectural style.

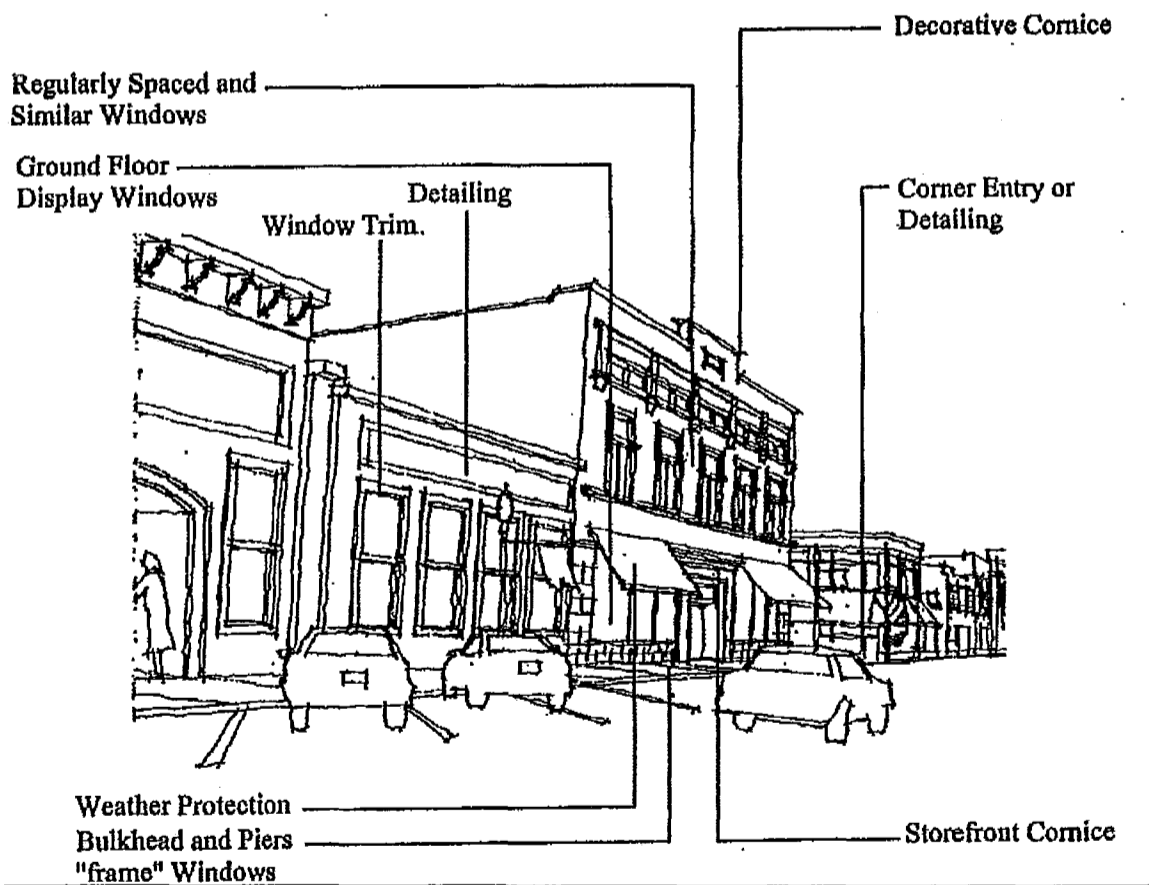
Design of new buildings and renovation or expansion of existing buildings shall be drawn from the design of downtown buildings constructed in a small town during the period 1890 through 1930. This includes the several buildings along Adair and Baseline Streets built during that period, including the houses. Existing houses that were built in or renovated in the style of the early 20th century ("period cottages") are acceptable in the retail subdistrict if they are structurally sound and landscaped, **and improved** consistent with the other design features of the district.

New buildings shall be designed so that their facades define the street as if it were an outside room, creating interesting views for passersby, and maximize views of the street to increase neighborhood security. New facades shall be predominantly glass at the ground floor and be visually engaging.

Repetitive building elements, such as paving materials, lighting, continuous rain protection (awnings) and compatible exterior building materials and color at the ground level will be encouraged. [Code 2000 § 11.20.82DO; Ord. 835 § 2, 2002.]

18.85.025 Architectural Guidelines and Standards

Main Street Building Design Elements (Typical)



Detailed Storefront Design. All buildings shall contribute to the storefront character and visual relatedness of Main Street Retail Zone buildings. This criterion is met by providing all of the architectural features listed in a-d, below, along the front building elevation (i.e., facing the street), as applicable. [Note: the example shown above is meant to illustrate required building design elements, and should not be interpreted as a required architectural style. City staff may provide photos of examples.]

- a. **Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.**
- b. **Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).**
- c. **Large display windows on the ground-floor (non-residential uses only). Display windows shall be framed by bulkheads, piers and a storefront cornice (e.g., separates ground-floor from second story, as shown above).**
- d. **Decorative cornice at top of building (flat roof); or eaves provided with pitched roof.**

18.85.030 Human scale features.

Awnings, porches, stoops, ground level windows, benches, kiosks, cafe tables, places to sit, sidewalk merchandising, articulated building facades, pocket parks and plazas, and zero building setbacks (or improvement setback if in relation to an approved cottage building) shall all be used as the standard not the exception in the Main Street district along Adair Street, 10th Avenue and 19th Avenue. [Code 2000 § 11.20.83DO; Ord. 835 § 2, 2002.]

18.85.040 Orientation.

Buildings shall have their primary entrance door in the wall facing the street or at a building corner adjacent to two streets. For buildings containing multiple tenant lease spaces, any lease space with frontage on a street shall maintain at least one public entrance on the street or share such entrance with an adjacent use. Until there is no need for parking on the interior of a block, structures on that block may have their primary entrance facing that parking, as long as the building is designed to include a future entrance facing the street. [Code 2000 § 11.20.84DO; Ord. 835 § 2, 2002.]

18.85.050 Materials and Colors.

Only materials commonly used during the period 1890 to 1930 may be used for the visible surfaces in major renovation and new construction. This includes, but not exclusively, wood lap board siding, brick, and stone **and stucco**. This excludes more contemporary materials, such as **gravel aggregate materials, smooth faced CMU sheet vertically oriented metal siding and panelized products**, aluminum siding, tinted glazing and plastic. **Large expanses of of highly reflective surface and mirror glass exterior walls shall be prohibited.**

Large expanses of smooth material such as concrete shall be broken up with expansion joints, reveals, or changes in texture and color. Materials that clearly appear like period materials are acceptable.

Colors of primary surfaces shall be common earth tones or muted colors for compatible attractiveness of the Main Street District. Day-glo, fluorescent, or shifting colors are prohibited. Bright, contrasting colors shall be used for trim and accent areas only. [Code 2000 § 11.20.85DO; Ord. 835 § 2, 2002.]

18.85.060 Building base, body and head.

New buildings shall either maintain the continuity of the height of prominent street walls and align with projecting cornices of adjacent buildings or present an attractive graduation from adjacent building frontage toward the street right-of-way.

New buildings will be encouraged to be built at the street right-of-way or designated plaza edge with no setback or at a distance graduated from the setback of an existing structurally sound "period" cottage. Where buildings are not constructed at zero setback, landscaping, **sidewalk extension**, or other design features shall be placed next to the public right-of-way to continue compatible urban enclosure. Any object (sign, awning, etc.) overhanging into ODOT right-of-way shall be in compliance with ODOT standards.

At street corners, when possible, the highest point of a building's street facade should be within 25 feet of the corner. [Code 2000 § 11.20.86DO; Ord. 835 § 2, 2002; Ord. 841 Exh. 2, 2003.]

18.85.070 Signage.

Signs shall be oriented toward both pedestrians and vehicles and be integrated into the ground level of the project. Signage projecting into ODOT right-of-way will be discouraged and subject to ODOT standards.

(A) Sign Area. Pedestrian oriented signs (**i.e. sandwich boards**) shall be no more than **two (2) wide by three (3) feet tall with a maximum of one (1) sign per business.** Automobile oriented signs shall be no more than 18 square feet.

(B) Sign Height. No freestanding, projecting or awning sign, including supporting structures, shall be more than 16 feet in height.

(C) Projecting Signs. Signs shall project no more than two feet out from the building facade, or 12 inches into pedestrian space (sidewalks, courtyards, etc.).

(D) Sign Lettering. Letter height shall be no more than 12 inches **if located up to 15 feet from the ground, 18 inches if located from 15 to 25 feet, or 24 inches if located above 25 feet.**

(E) Material, colors, and style of wall and ground signs shall be compatible with the buildings on the site.

(F) Outdoor Displays. Movable outdoor displays, **including tables and chairs and sandwich board signs,** shall be limited to business hours only, **leave at least six feet of unobstructed sidewalk space at all times,** and be subject to special **sign** permits. [Code 2000 § 11.20.87DO; Ord. 835 § 2, 2002.]

18.85.080 Plazas, parks and open spaces.

Plazas, parks and open spaces shall maximize public use. These spaces shall be well defined, create a secure environment, oriented to receive sunlight, work well with pedestrian circulation patterns, and accommodate special events. [Code 2000 § 11.20.88DO; Ord. 835 § 2, 2002.]

18.85.090 Special theme areas.

Strong landmarks and special features will be encouraged and enhanced. Landmarks, which can be built or expanded upon, include the Old Fire Hall, Centro Cultural and the Cornelius Central Station community center. Development will be encouraged to incorporate small-scale features that accentuate identity and ambiance, build character and respect traditions. [Code 2000 § 11.20.89DO; Ord. 835 § 2, 2002.]

[Add references to this MDO Chapter in the Purpose statement of Chapter 18.60.010 , as follows:]

The MS Main Street District, MS Zones, MS Design Overlay, and Zoning Map together implement . . .

The Main Street District contains four (4) Main Street land use zones and Design Overlay: Retail Commercial (MSR), Mixed Use (MSM), General Employment (MSG), Civic (MSC), and the Design Overlay (MSDO). Definitions and standards common to all the Main Street zones are contained in this Chapter, followed by each of the zone standards and provisions of the Main Street Design Overlay.

[Change all bracketed 2000 and 2002 Code References to New Code Numbers with no Ordinance numbers.]

EXHIBIT D

Written Testimony Received April 13, 2010

4/10/2010

To: City of Cornelius, Planning Commission

Re: Your meeting of 4/13/2010 regarding changes to Chapter 18

Sirs:

Attached is a letter from Dick Reynolds describing a situation from a couple months ago. In particular I question the city's reasoning as to why retail sales cannot occur in an industrial zone when the transaction is done over the internet. I understand the city's desire not to have retail sales in an industrial zone because of the traffic it generates. However internet, and even phone sales, do not generate traffic at the physical location. Sales of this type are normally completed by shipping the product via USPS, UPS or other carriers. This is the expected usage in an M-1 zone.

I believe the definition of RETAIL is part of the problem. As an example, Squires Electronics may have a customer call up and need a spool of special wire that Squires doesn't stock. The customer is going to use it to wire up some special test fixtures that they use for product testing. Squires would purchase the wire from a wire manufacture on a spool and when it arrives would send it out to their customer. Because Squires' customer is not reselling it, and is, in fact, the consumer of the wire, this is a retail sale. It does not fall under the exception of "manufacturing a product on the site" because Squires did not manufacture the product. Therefore Squires is in violation of City code.

Other examples of retail sales:

- 1) A company that rebuilds or restores old cars generally sells to the "ultimate consumer".
- 2) A company building "incubators" would sell to other companies, schools, labs and test facilities. All of these would probably be the "ultimate consumer"
- 3) If the city needed a special belt for their street sweeper, they would probably buy it as a spare part from the original manufacture. It is doubtful that the sweeper manufacture would actually manufacture the belt so that would also result in a retail sale.

This is not a problem caused by the internet. The same arguments would apply to phone sales, and even sales using the mail.

I also question the requirement that a company needs to apply for a Conditional Use Permit to sell their manufactured products in a retail sale. This just adds an extra layer of cost and time delay. Indus Trading Company indicated they did not have these problems when they originally set up their business in Hillsboro. If Cornelius says they want more industrial and manufacturing companies to locate in the city then it needs to think in a more pro-active manner.



Bill Brown
Boardwalk Industrial Park, LLC

Bill

From: Reynolds, Dick [rreynolds@ci.cornelius.or.us]
Sent: Wednesday, November 25, 2009 3:26 PM
To: bill@squires.com
Cc: Tuski, Diane; Meyer, Richard; Franz, Tim
Subject: Retail Sales in the General Industrial (M-1) District

Hi Bill,

I got your telephone message today and Diane Tuski, Permit Coordinator did inform me of your question yesterday. I was swamped yesterday and was not able to get back to you. I wanted to email you with my response today, because I want to include the language in the Code that applies to your question. As I understand you have a potential tenant (Indus Trading Company) for one of your buildings located in the General Industrial, M-1 zone. It was explained to me that they warehouse and market craft materials and imported wares. Diane indicated that they also have internet retail sales of these products. Below are those Code cites that will help you understand my interpretation of the Code, I have underlined the two sections that address retail sales: 18.55.030 and 18.55.040 in the M-1 zone. As you can see the M-1 zone is intended for various industrial activities which require processing, fabrication and storage, including outdoor storage areas, heavy equipment storage and other uses not compatible in the commercial or residential zones.

The indoor storage and warehousing of materials is a permitted use in the M-1 zone. It is the internet retail sales that is prohibited.

If you scroll down to **Prohibited Uses** you'll see - Retail sales are prohibited in the M-1 zone, except as identified in 18.55.030 (where retail sales are in conjunction with and/or directly associated with products manufactured on site).

Also these definitions from the Code for Retail Store and Wholesale will help understand my interpretation:

Retail store means - a place of sale to the ultimate consumer for direct consumption and not for resale.

Wholesale means - the bulk sale of goods generally for resale to a person other than the direct consumer.

The information I received about Indus Trading Company is that they want to sell directly to the ultimate consumer through the internet. The M-1 zone prohibits the sale of products to the ultimate consumer for consumption, because that is defined as retail sales. The only exception would be if a company or person is manufacturing a product on the site. If this is the case, they could apply for approval of a Conditional Use Permit to have retail sales on site of that manufactured product.

Please take a look at the Code language below and call me if you have questions 503-357-3011. If I have the wrong information about what Indus Trading Company and how they operate let me know.

Thanks,

Dick Reynolds
Planning Manager
City of Cornelius

General Industrial, M-1

18.55.010 Purpose.

The purpose of the general industrial or M-1 zone is to provide for various industrial activities which require processing, fabrication and storage, including outdoor storage areas, heavy equipment storage and other uses not compatible in the commercial or residential zones.

18.55.020 Permitted uses.

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

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

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

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

(D) Research and development facilities.

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

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

(G) Existing nonconforming residential structures may be converted to general commercial office use without the need for direct arterial access, provided all other code requirements are met, and provided the conversion complies with all applicable building code requirements. [Ord. 810, 2000; Code 2000 § 11.20.72.]

18.55.030 Conditional uses permitted.

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

(A) A planned commercial and industrial park, as provided under Chapter 18.110 CCC.

(B) Any conditional use allowed in a commercial zone, except residential.

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

(D) Parks, open space, recreation areas.

(E) Cellular transmission towers.

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

(G) Request to exceed the maximum building height.

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

(I) General retail shall only be permitted as approved by the planning commission where retail sales are in conjunction with and/or directly associated with products manufactured on site. The retail sales shall be subordinate to the primary industrial use approved for the site. [Ord. 810, 2000; Code 2000 § 11.20.73.]

18.55.040 Prohibited uses.

(A) General retail, except as identified as a conditional use in CCC 18.55.030.

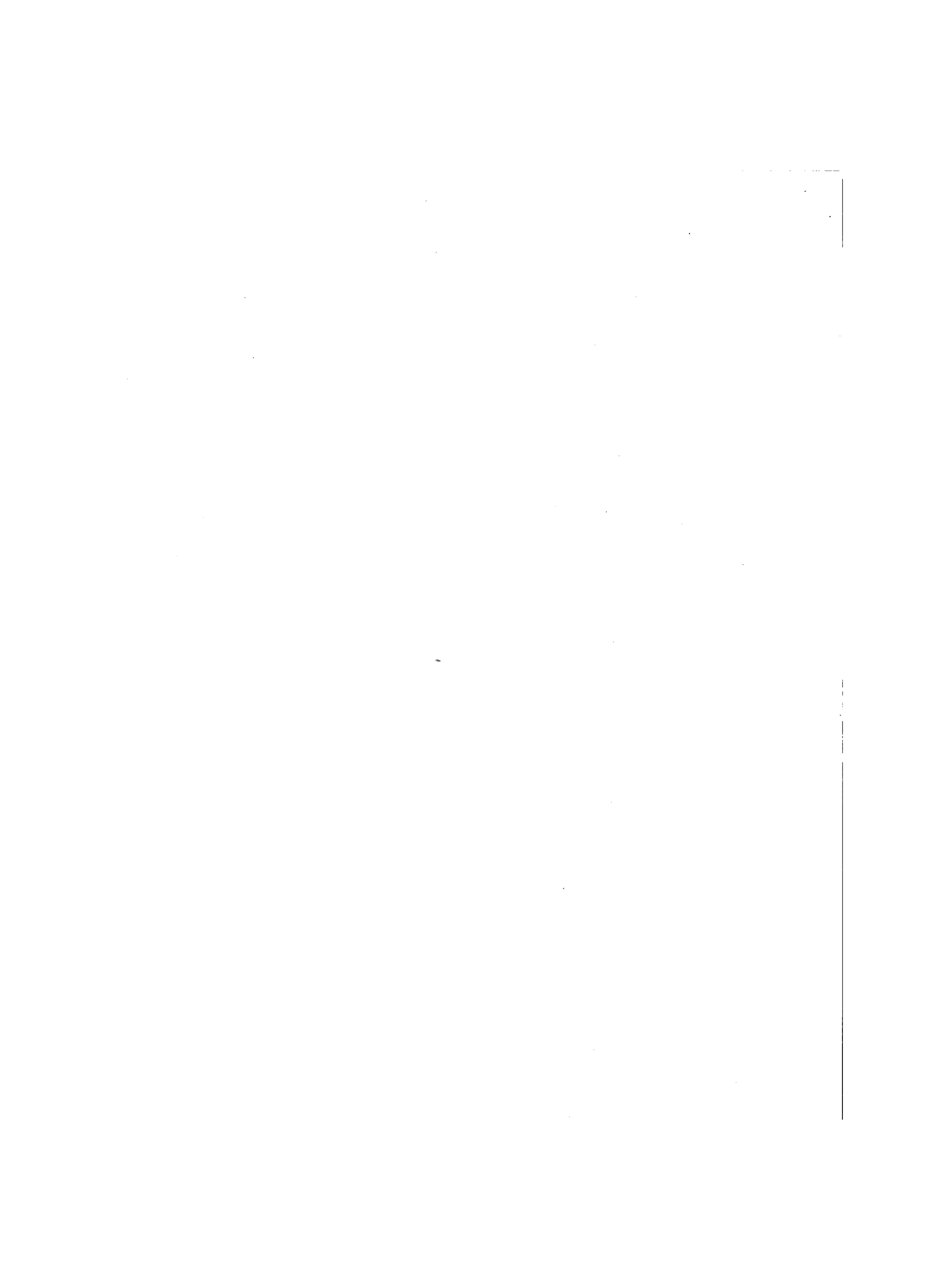
(B) No residential use shall be permitted, except as a nonconforming structure and/or use. [Ord. 810, 2000; Code 2000 § 11.20.74, Ord. 841 Exh. 1, 2003.]

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 9.0.709 / Virus Database: 270.14.81/2524 - Release Date: 11/24/09 11:37:00

EXHIBIT 2



5/6/10

City Council
City of Cornelius
1355 N Barlow Street
Cornelius, OR 97113

RECEIVED

MAY 06 2010

**CORNELIUS
DEVELOPMENT & OPERATIONS**

My understanding is that at your next meeting (in May) you will be receiving a Planning Commission Recommendation Report on Zoning Code Amendments, File ZTA-01-10. At the last Planning Commission I asked them (via letter and Dick Reynolds) to consider adding an amendment addressing Internet Sales in M-1 zoned properties. They have done that as Amendment 21 to Chapter 18.55.030.

I would like to ask the City Council to add a similar usage to the new Light Industrial (LI) zoned properties, for the same reasons it was added to the M-1 zoning

Thank you



William R Brown
Boardwalk Industrial Park, L.L.C.

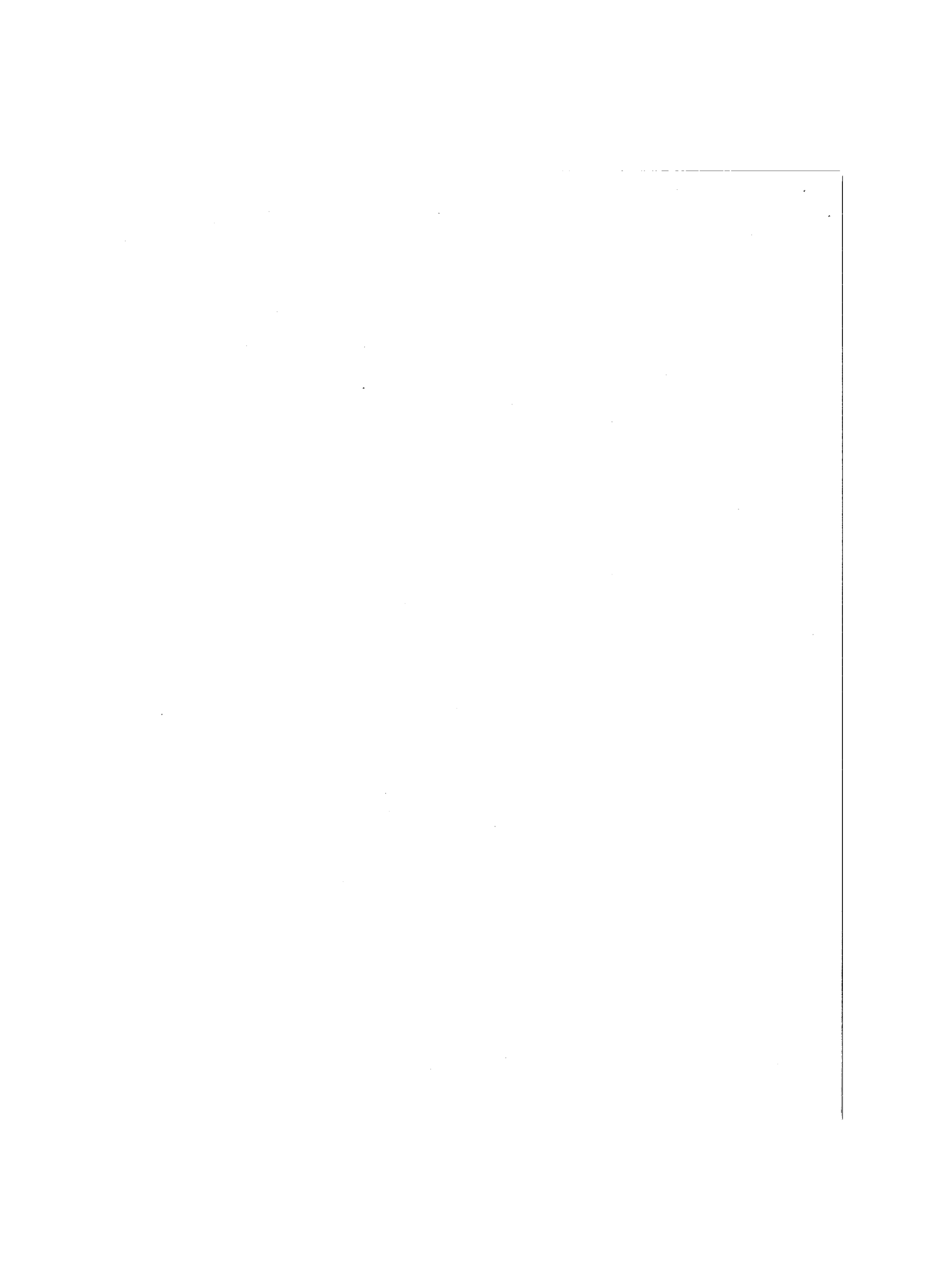
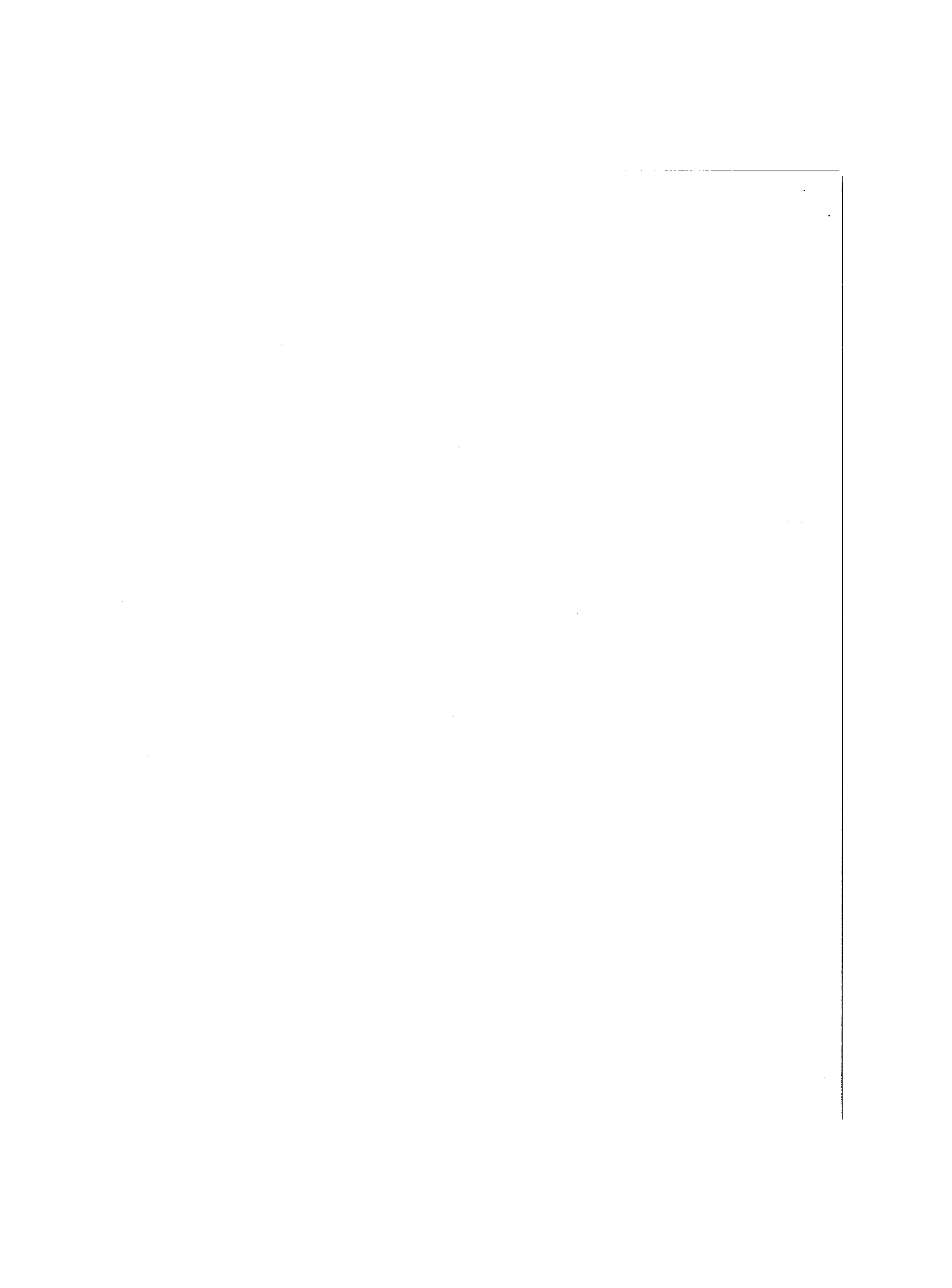


EXHIBIT 3





CITY OF CORNELIUS

May 13, 2010

FINDINGS REPORT ADDENDUM **ZONING CODE TEXT AMENDMENTS, ZTA-01-10**

On May 6, 2010 Bill Brown, Boardwalk Industrial Park, LLC has submitted written testimony that is found in your Council Findings Report as Exhibit 2. He is requesting that the Council consider 'similar language' concerning retail internet and telephone sales in the proposed Light Industrial, LI zone as used in Amendment No. 21, Planning Commission Recommendation Report (Exhibit A) for the General Industrial, M-1 zone.

The language for the proposed permitted uses in the new Light Industrial, LI zone found in Exhibit B of the Planning Commission Recommendation Report are listed below. Item E identifies internet and telephone retail sales as permitted uses:

Chapter 18.54 LIGHT INDUSTRIAL (LI)

18.54.020 Permitted Uses

The following uses are permitted outright with the appropriate site design review.

- A. Secondary manufacturing and processing of products made from components previously prepared from raw materials.
- B. Public and private utilities, including but not limited to telephone exchanges, electric substations, data centers, gas regulator stations, water wells and public work yards.
- C. Industrial hand tool and supply sales primarily wholesaled to other industrial firms or industrial workers.
- D. Research and development companies, experimental and/or testing laboratories.
- E. **Internet and telephone system retail sales of products prepared on site. The total retail sales area shall be less than 25% of the total building area in which the use is located.**
- F. Wholesale and/or card-lock fuel stations with approved loading and queuing space.
- G. Electronics, building materials and home appliance recycling in an enclosed structure.
- H. Blueprinting, printing, publishing, or other reproduction services.
- I. Self-Service storage facilities
- J. Medical, dental and similar laboratories.

Exhibit A, Amendment No. 21 states:

General Industrial, M-1, Chapter 18.55.030. Conditional Uses Permitted

(J) Internet, telephone and Fax retail sales without counter sales, which are shipped out or shipped directly to customers shall be permitted with approval of an administrative Conditional Use Permit. Appeal of an Administrative Conditional Use Permit shall be reviewed by the Planning Commission.

Specifically, Mr. Brown communicated to Staff that he would like the words, "without counter sales, which are shipped out or shipped directly to customers" to be included in new language for the Light

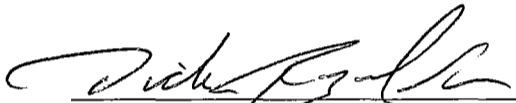


CITY OF CORNELIUS

Industrial, LI zone [18.54.020(E)]. Staff agrees that this language helps support the intent of the Industrial zones, which is to manufacture, produce or process products. This would be opposed to supporting retail activities in an industrial zone or to supplant retail activities that are more compatible in a commercial zone. Staff proposes the following amended language for Light Industrial, LI zone - 18.54.020(E):

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

The Planning Commission reviewed this draft language as a 'Discussion Item' at their May 11, 2010, workshop. The Comprehensive Plan identifies the Planning Commission as the City's Citizen Advisory Committee and in that capacity Staff asked for their advice on this proposed Code language. No changes were proposed. Staff asked the Planning Commission to attend the Council Hearing on May 17, 2010 to make any suggestions or propose any changes to this language, if they did have concerns.


Dick Reynolds, Planning Manager

5/13/10
Date

EXHIBIT 4



(OPTION #2)

City Council Motion Form

I move that application # ZTA-01-010, Zoning Code Text Amendments

amending the City of Cornelius Development & Zoning Code to include the text amendments and new language as identified in the Council Findings Report and the Planning Commission Recommendation Report,

- (A) **be approved** based on the facts, findings and conclusions presented in the staff report and public testimony & evidence* in this hearing;

DO NOT READ ** PLEASE NOTE A MOTION INVOLVING (B) OR (C) REQUIRES A FACT AND FINDING FOR A CHANGE OR A DENIAL:

- (B) **be approved** based on the facts, findings and conclusions presented in the staff report, public testimony, evidence and the Findings Report Addendum in this hearing, with the following changes: **Amend Chapter 18.54.020(E) to state - *Internet and telephone system retail sales without counter sales, which are shipped out or shipped directly to customers of products prepared on site. The total retail sales area shall be less than 25% of the total building area in which the use is located.***

- (C) **be denied** based on the facts, findings, conclusions and public testimony & evidence* in this hearing;

- (D) **be continued** to (date) at (time) in the Cornelius Council Chambers;

- (1) For Commission deliberation & decision (Public Hearing to be closed)
- (2) For additional staff review & recommendations (Public Hearing to be closed)
- (3) For additional public testimony and Commission deliberation & decision

If needed, list any *Special Instructions to Staff:*

(Chair to ask Applicant for Waiver of 120 Rule.)

* Testimony & evidence must relate to decision criteria in the City Code (see staff report).

Councilor's Name Willie Bahr Date: 5-17-10
Mayor's Initials WB

Completed motion form is to be turned into staff after motion is made.



City of Cornelius
Community Development
1355 N Barlow St
Cornelius, OR 97113



Attention: Plan Amendment Specialist
Dept. of Land Conservation &
Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540



