



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT



March 1, 2006

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Cornelius Plan Amendment
DLCD File Number 001-05

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: March 14, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.625 (1), 197.830 (2), and 197.830 (9) 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 APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Stacy Hopkins, DLCD Regional Representative
Dick Reynolds, City of Cornelius

<paa> yal



FORM 2

DEPT OF

DLCD NOTICE OF ADOPTION

FEB 24 2006

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18

LAND CONSERVATION
AND DEVELOPMENT

HAND DELIVERED

(See reverse side for submittal requirements)

Jurisdiction: City of Cornelius Local File No.: CPA-02-05
ZMA-01-05
(If no number, use none)
Date of Adoption: 2/21/06 Date Mailed: _____
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 9/6/05 + 11/1/05

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: _____

(Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write ASee Attached.≡
Amend the Comprehensive Plan Map to change approximately
2 acres from Medium Residential to Commercial.

Amend the Zoning Map to change the zoning designation
of approximately 2 acres from Multi-Family Residential, A-2 to
Highway Commercial, C-2.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write ASame.≡ If you did not give notice for the proposed amendment, write AN/A.≡

A Same. ≡

Plan Map Changed from: Medium Residential to Commercial
Zone Map Changed from: Multi-Family Residential, A-2 to Highway Commercial, C-2
Location: NW Corner of Adair St. & N. 4th Ave. Acres Involved: approx. 2
Specify Density: Previous: 8 Single Family D.U.s New: Ø
Applicable Statewide Planning Goals: 9, 10, 12
Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 001-05 (14660)

Did the Department of Land Conservation and Development **receive** a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: ODOT, DSL, Cleanwater Services, Tri-Met, City of Forest Grove

Local Contact: Dick Reynolds Area Code + Phone Number: 503-357-3011

Address: 1355 N. Barlow City: Cornelius

Zip Code+4: 97113 Email Address: RREYNOLDS@CI.CORNELIUS.OR.US

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies 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**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Tamara.Good@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.



CITY OF CORNELIUS

NOTICE OF DECISION

Applicant: Dan Boultinghouse, PacLand
Action: Request is for approval of an amendment of the City Comprehensive Plan changing the designation of seven (7) tax lots, one (1) tract and a portion of N. Clark Street, approximately 2.67 acres in size from Medium Residential to Commercial.
Location: 119, 133, 175, 219, 261, 273 and 295 N. 4th Avenue; Map # 1N3-33CC - Tax Lot #'s 2300, 2200, 2100, 2000, 1800, 13700, 13800, Tract B (Prairie Park Subdivision), and a portion of N. Clark Street
Filename: PacLand Amendment of the Comprehensive Plan Map From Medium (Density) Residential to Commercial File # CPA-02-05

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

- Sections 11.10.20 through 11.10.39 (Application and Review Procedures)
- Sections 11.30.80, inclusive (Amendments to the Comprehensive Plan)

ACTION TAKEN:

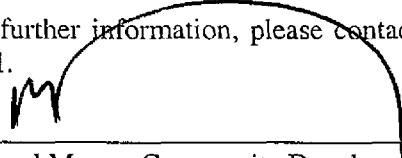
On February 21, 2006 the City Council for the City of Cornelius adopted Ordinance # 865 that **APPROVED** the request for approval of an amendment to the Comprehensive Plan Map to change the designation on the subject properties from Medium Residential to Commercial. The City Council reviewed the Planning Commission and Community Development Department recommendation at a Public Hearings on January 17 and February 6, 2006. Based upon the facts, findings, conclusions presented in the staff report, and the evidence, testimony and exhibits presented during the Planning Commission hearings (December 20, 2005 and January 12, 2006) and the City Council hearings the Council approves the Comprehensive Plan Amendment (CPA-02-05).

This decision has been prepared in written form and placed in the file of City records at the Development & Operations Building, 1300 S. Kodiak Circle this **23rd day of February 2006** and is available for public inspection.

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 Richard Meyer, Community Development Director at 503-357-3011.


Richard Meyer, Community Development Director

2/23/06
Date

**ORDINANCE NO. 865
CITY OF CORNELIUS, OREGON**

**AN ORDINANCE OF THE CORNELIUS CITY COUNCIL FOR THE CITY OF
CORNELIUS, OREGON AMENDING THE COMPREHENSIVE PLAN TO DESIGNATE
CERTAIN TRACTS OF LAND (MAP # 1N3-33CC, TAX LOT #'S 2300, 2200, 2100,
2000, 1800, 13700, 13800, TRACT B OF PRAIRIE PARK SUBDIVISION AND A
PORTION OF N. CLARK STREET) as COMMERCIAL ON THE CITY
COMPREHENSIVE PLAN MAP.**

WHEREAS, the City of Cornelius Community Development Department reviewed and analyzed the proposal for compliance with the Comprehensive Plan and Chapter 11 of the City Code (also known as the Development & Zoning Code) and recommended to the Planning Commission to recommend approval of the request to City Council; and

WHEREAS, the City of Cornelius provided public notice consistent with Section 11.10.33, Development and Zoning Code (Chapter 11 of the City Code) 20 days prior to the Planning Commission Hearing held on December 20, 2005; and

WHEREAS, the City of Cornelius Community Development Department further reviewed the complete application and analyzed the proposal for compliance with the Statewide Planning Goals and Oregon Administrative Rules; and

WHEREAS, the City of Cornelius Planning Commission has conducted an analysis, including review of reports prepared by the City Community Development Department, and has further considered the matter in a public hearing duly noticed; and

WHEREAS, the City of Cornelius Planning Commission held ~~a~~ public hearings on the proposed amendment that designates the subject properties to Commercial on the Comprehensive Plan Map on December 20, 2005 and January 12, 2006, at the Old Cornelius Fire Hall; and based on the facts, findings and conclusions presented in the staff report and public testimony received, the Planning Commission adopted by motion to recommend to City Council the Comprehensive Plan Amendment for final adoption; and

WHEREAS, the City of Cornelius City Council, after providing the required notices, held public hearings on January 17 and February 6, 2006 to review the record of the Planning Commission, and to hear and consider additional evidence and testimony on the matter; and

WHEREAS, the City Council finds the proposed Comprehensive Plan Amendment to be in compliance with the City's Comprehensive Plan, the City's Development & Zoning Code, the Statewide Planning Goals and Oregon Administrative Rules; as set forth in the Recommendation Report of the Planning Commission and the Community Development Department, attached hereto as Exhibit # 1.

NOW THEREFORE, THE CITY OF CORNELIUS ORDAINS AS FOLLOWS:

SECTION 1. The City Council for the City of Cornelius hereby approves the proposed Comprehensive Plan Amendment with conditions listed in the Findings Report (CPA-02-05) for the tracts of land depicted on the map in the Findings Report, see Exhibit # 1.

SECTION 2. This Ordinance becomes effective thirty (30) days after adoption.

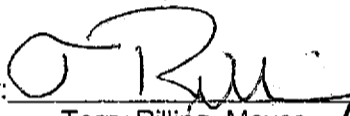
SUBMITTED to the Cornelius City Council and read into the record at a regularly scheduled meeting thereof on the 21st day of February 2006, and read for a second time by title only this same day.

ENACTED this the 21st day of February 2006, by the City Council by the following votes:

YEAS 4

NAYS 0

CITY OF CORNELIUS, OREGON

By: 
Terry Rilling, Mayor

ATTEST:

By: 
Debby Roth, Deputy City Recorder

EXHIBIT # 1



CITY OF CORNELIUS

FINDINGS REPORT

PacLand Amendment of the Comprehensive Plan Map From Medium (Density) Residential to Commercial File # CPA-02-05

Date: January 13, 2004
Applicant: Daniel Boultinghouse, PacLand
Owner: Terry Emmert
Address: 119, 133, 175, 219, 261, 273 and 295 N. 4th Avenue

Project: Request is for approval of an amendment of the City Comprehensive Plan changing the designation of seven (7) tax lots, one (1) tract and a portion of N. Clark Street, approximately 2.67 acres in size from Medium Residential to Commercial.

Legal Description: Map # 1N3-33CC - Tax Lot #'s 2300, 2200, 2100, 2000, 1800, 13700, 13800, Tract B (Prairie Park Subdivision), and a portion of N. Clark Street.

Land Area: Approximately 2.67 Acres
Existing Zoning: Multi-Family Residential, A-2

Process: A request for a comprehensive plan amendment may be initiated by a property owner or his authorized agent by filing an application with the Planning Department on forms prescribed by the Planning 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

The Planning Commission will make a recommendation to City Council concerning the request. 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 hearing body and the parties an adequate opportunity to respond to each issue. If there is no continuance granted at the hearing, any participant in the hearing may request that the record remain open for at least seven days after the hearing.

APPLICABLE CRITERIA

Sections 11.10.00 through 11.10.39 (Introduction & General Provisions)
City Comprehensive Plan
Section 11.30.80, inclusive Comprehensive Plan Amendment
Oregon Statewide Planning Goals

BASIC FACTS

1. Application Complete: November 10, 2005
2. 120 Day Rule Deadline: Comprehensive Plan 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 November 1, 2005.
4. Public Notice was provided in the local newspaper and mailed to surrounding property owners on November 16, 2005.
5. Public written comments are included in the exhibits for Planning Commission recommendation report.
6. Agency comments have been received from agencies or other jurisdictions:

Oregon Dept. of Transportation – Rail – Letter dated November 29, 2005
Oregon Dept. of Transportation (ODOT) – Letter dated November 18, 2005
Oregon Dept. of Land Conservation & Development (DLCD) – Letter dated September 30, 2005
7. DKS Associates conducted a review for the City of the applicant's Traffic Studies and TPR Compliance analysis – December 6, 2005.
8. The Planning Commission held public hearings on the December 20, 2005 and January 12, 2006.
9. The record was also extended at the request of a participant at the hearing for seven (7) days from December 20 – 27, 2005.
10. The Planning Commission Recommendation Report is found in Exhibit 1.

BACKGROUND INFORMATION

1. The subject properties are located within the City boundary, north of Tualatin Valley Highway, west of N. 4th Avenue and south of the Union Pacific Railroad line.
2. The area proposed for the Comprehensive Plan Amendment consists of seven (7) tax lots designated by the City as Medium Residential and zoned Multi-Family Residential, A-2.
3. The seven (7) subject tax lots are currently developed with a single-family residence on each.

4. City Acres (approx.) Zoned:	Residential	781.809 – 67.97%
	Commercial	220.472 – 19.20%
	Industrial	147.980 – 12.86%

FINAL FINDINGS

Comprehensive Plan Amendment, Section 11.30.70., Approval Criteria:

1. *The proposed plan and amendments shall conform to the requirements of the Oregon Statewide Planning Goals, and applicable administrative rules of the State Land Conservation and Development Commission.*

The analysis in the attached Planning Commission Recommendation Report (See Exhibit 1) demonstrates the proposed Comprehensive Plan Amendment designating the subject property from Medium Residential to Commercial does comply with the Statewide Planning Goals and applicable administrative rules.

Staff find the criteria is met.

2. *The proposed amendments shall comply with all other applicable laws, rules and regulations of the state, city, and other governmental agencies having jurisdiction over land use regulation within the City.*

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 Planning Commission record also demonstrates that all jurisdictions having regulation within the City have had the opportunity to comment and participate in the proposed action.

Staff also finds that the proposed designation of the subject properties to Commercial is consistent with the designation of the majority of properties throughout the City that are located along the Tualatin Valley Highway corridor.

Staff find the criteria is met.

3. *The proposed amendment shall address the criteria identified in the Chapter 1 of the City Comprehensive Plan.*

The five (5) criteria that are identified in Chapter 1 of the City Comprehensive Plan have been addressed in the attached Planning Commission Recommendation Report (See Exhibit 1).

Staff find the criteria is met.

CONCLUSION

The City in cooperation and agreement with the County, Metro and the State is responsible for comprehensive planning within its Urban Growth Boundary. The City's Comprehensive Plan identifies and directs commercial development and uses to occur along the Tualatin Valley Highway corridor. The location of the subject properties either abut or are adjacent to Tualatin Valley Highway and are

contiguous to the City designated commercial district. The addition of the subject properties allow for complimentary commercial uses on abutting properties to anchor a major intersection in the City. The rezone would be supported by the physical boundary of a collector street between the auto oriented commercial uses permitted on the west side of N. 4th Avenue from residential uses on the east side. Staff concludes that with conditions the proposed Comprehensive Plan Amendment complies with the approval criteria as demonstrated in this report.

DECISION

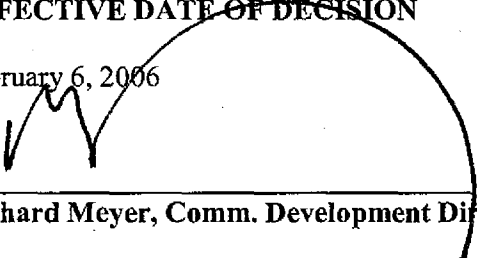
Based upon the facts, findings, conclusions and exhibits in the staff report, testimony and evidence presented at hearing to the Planning Commission the City Council approves the Comprehensive Plan Amendment, File # CPA-02-05 (Designating the Subject Parcels for Commercial Use), subject to the following conditions:

1. The only area to be amended and redesignated Commercial on the Comprehensive Plan Map shall be the properties that are located within the City of Cornelius as identified in Exhibit 1.
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 Comprehensive Plan Amendment shall be by ordinance.
4. Amend Condition # 3 of the Planning Commission Recommendation Report to read;

When and if development occurs on the subject parcels, the Applicant shall pay \$150,000 to the City of Forest Grove to mitigate impacts at this location. This fee in lieu can be applied by the City in the future to either extend the eastbound right-turn lane to accommodate additional queues and vehicle stacking at the Pacific & Quince intersection, or complete other capacity improvements at the intersection deemed appropriate by the City of Forest Grove and ODOT.

EFFECTIVE DATE OF DECISION

February 6, 2006


Richard Meyer, Comm. Development Director


Terry Rilling, Mayor

EXHIBIT 1



CITY OF CORNELIUS

CITY COUNCIL EXTENDED RECORD – STAFF SUMMARY

PacLand Amendment of the Comprehensive Plan Map, File # CPA-02-05

Date: February 1, 2006
To: City Council
Applicant: Daniel Boultinghouse, PacLand
Owner: Terry Emmert

Legal Description: Map # 1N3-33CC - Tax Lot #'s 2300, 2200, 2100, 2000, 1800, 13700, 13800, Tract B (Prairie Park Subdivision), and a portion of N. Clark Street.

Address: 119, 133, 175, 219, 261, 273, 295 and 335 N. 4th Avenue

Requests: The applicant is requesting approval of an amendment of the City Comprehensive Plan (Map) changing the designation of seven (7) tax lots, one (1) tract and a portion of N. Clark Street, approximately 2.67 acres in size from Medium Residential to Commercial. The applicant has also requested a change in zoning on the same properties from Multi-Family Residential, A-2 to Highway Commercial., C-2

Process:

The Planning Commission hearing on the proposed amendments was held on December 20, 2005. At the hearing a staff report was presented, testimony was given supporting the proposal and in opposition of the proposal. At the request of one of the opponents the record was held open for seven (7) days, until December 27, 2005 in order to allow response to new issues or evidence raised during the hearing. All parties that had submitted testimony had the opportunity to review the new testimony/evidence and submit arguments for seven (7) more days, until January 3, 2006. The applicant then had two (2) days after the record was closed to all other parties to submit final written arguments in support of the application. The final written arguments were submitted by the applicant on January 5, 2006. The Planning Commission reconvened the hearing on January 12, 2006 and voted to recommend CPA-02-05 and ZMA-01-05 to City Council for approval. Please see the Planning Commission Recommendation Report to City Council.

The City Council held a public hearing January 17, 2006 on the Planning Commission recommendation and record. They continued the hearing until February 6, 2006 with allowance for the record to be left open for the submission of written argument for seven (7) days, until January 24, 2006. Any arguments submitted were limited to evidence already in the record – no new evidence was accepted. The applicant had three (3) days after the record was closed to all other parties to submit final written arguments in support of the application. Final written arguments were submitted on January 27, 2006. The new written arguments can be found in the following exhibits:

- Exhibit A – Written Argument Submitted Between January 17 and January 24, 2006.
- Exhibit B - Final Written Arguments in Support of the Application(s)
- Exhibit C - Written Testimony Submitted at the January 17, 2006 Council Hearing
- Exhibit D - Miscellaneous Written Comments Submitted Prior to January 24, 2006

Written Arguments Submitted – January 17 – 24, 2006

United Food & Commercial Workers Union Local 555 submitted two issues:

I suggest that traffic is an issue now and would be horrible in the future. Consumers from Yamhill, North Plains, Gail (Gales) Creek, Mountindale and other surrounding communities would alter traffic flows on Highway 47 and add to the congestion on Hwy. 8.

The City of Cornelius and the City of Forest Grove use their Transportation System Plans (TSP) and Metro's Regional Transportation Plan (RTP) to plan and coordinate of future improvements to the City's transportation facility. The regional, county and city coordination and planning of the transportation system includes studies and analysis of permitted land uses. Permitted uses and project traffic are factors that are analyzed in models to forecast transportation system impacts. The City hired DKS Associates to conduct an independent review of the traffic studies submitted by Kittelson Associates for the applicant of this proposal. DKS Associates and the traffic engineers with the Oregon Department of Transportation both agree with the findings and conclusions of the Kittelson Associates traffic studies, which show compliance with Oregon Transportation Planning Rule TPR). Staff's conclusion is the same as previously stated in the Planning Commission Recommendation Report that the applicant has shown compliance with the TPR and provided acceptable mitigation as required by the Plan.

I believe this application will also fail Oregon's Land Use Goal # 9 pertaining to economic development.

Please see the Planning Commission Recommendation Report for a more through analysis on compliance with Goal # 9. In summary there are thirty-three (33) commercially designated vacant/underutilized tax lots in the City, of which sixteen (16) are over one (1) acre in size and only ten (10) are over 2 acres in size. There are only three (3) sets of properties over one (1) acre in size that are contiguous as previously mentioned in the staff report. This data reflects that there are limited large commercial parcels (over 2 acres) in the City and they are few opportunities to aggregate contiguous properties into large area for development. The Vacant Land Inventory Map (See Exhibit E) helps illustrates this and some of the other constraints of the commercial properties in the City that do not have adequate size, geometry and street frontage to support development.

The subject properties (2.67 acres) would increase the vacant commercial lands inventory approximately four percent (4%) to 71.32 acres. The City overall has approximately 220 acres that are designated for commercial use, which is roughly 19% of it's total area. In contrast almost 68% (782 acres) of the City is designated for residential use. The addition of approximately 2.67 acres to commercial and the subtraction of that amount from residential is less than .2% (2.67/1150.261 acres) of a change in land use designation. This kind of change does move the City incrementally closer to a more efficient balance of commercial, residential and industrial. Another important need that this amendment fulfills is that it creates a block of approximately 15.66 acres (2.67 + 12.99 = 15.66) when combined with the abutting tax lot to the west, of commercially developable land. The aggregation of these lots will provide commercial land that abuts an arterial street and a collector street with full City services available. In addition the rectangular shape of the this land area provides multiple site design advantages for a variety of commercial uses.

Therefore, staff find that the proposed comprehensive plan amendment would enhance the local economy, City tax base and satisfies Goal 9.

David Morelli, 1320 Cedar St., Forest Grove presented multiple issues:

Evidence demonstrating a lack of commercial lands?

Please see documentation in the Planning Commission Recommendation Report that demonstrates compliance with State Goal 9. The analysis in this section of the Recommendation Report identifies the issues and problems that constrain the development of commercially designated property in Cornelius including size, access, shape, abutting uses and infrastructure.

Can smaller lots be combined to produce larger lots?

Yes, smaller parcels of land can be combined or aggregated to produce larger lots. There are several tools that currently exist in the City Development and Zoning Code that provide a process for creation of larger parcels. These tools include lot line adjustments, land partitions, subdivisions, and re-plats. Washington County also permits tax lot consolidations through their Department of Cartography & records.

Finding that there is no specific shortage of parcels 2.7 acres?

Please see the Planning Commission Recommendation Report for a more thorough analysis on compliance with Goal # 9. In Cornelius the current vacant land inventory for property designated for commercial use is approximately 68.65 acres. There are thirty-three (33) vacant/underutilized tax lots that exist in the City today, of which:

- 51.5% Seventeen (17) are under one (1) acre in size; and
- 39.5% Thirteen (13) are between one (1) and five (5) acres in size; and
- 9.0% Three (3) are larger than five (5) acres in size.

Finding that the applicant already has access to more than 2.7 acres of commercial property in the immediate vicinity of the 2.7 acre parcel.

There is no criteria requirement for a Comprehensive Plan Amendment that relates to 'access to a specific amount' of commercial land.

Finding that the applicant is not facing a shortage of parcels of 20 acres or less.

Finding that a lack of large parcels is not proof of a the inability to create large parcels.

Please see Planning Commission Recommendation Report Pgs 5-8 and also the above responses.

Mr. Morelli's letter also includes the request for five (5) additional findings that relate or are based on the development of the abutting 20 acre parcel.

As referenced many times during the Planning Commission and City Council review of this Comprehensive Plan Amendment, the applicant is proposing to re-designate 2.7 acres of property from residential use to commercial use. This application does not include any proposed development on the 2.7 acres or any of the abutting properties with this Comprehensive Plan Amendment. Development and/or Site Plan review or both occur during a separate application and review process. Mr. Morelli's reference to a twenty (20) acre parcel is misleading and incorrect. The closest large parcel abutting the subject properties is 12.99 acres. Review of a proposed development on the subject properties or an abutting property is not relevant to the proposed Comprehensive Plan Amendment criteria.

Who will pay for the construction of the Holiday (Holladay) Street extension?

As previously mentioned, both the City of Cornelius and Forest Grove have submitted this proposed project as a Major Streets Transportation Improvement Program (MSTIP) funded project. At the time the subject properties are developed, the applicant will also be responsible to pay their proportionate amount for this street extension. The Holladay Street extension is identified in the Regional Transportation Plan (RTP) as a priority project for the City of Forest Grove. It is identified as 'Project 3156 – Forest Grove Connectivity Improvements' and scheduled for 2011-2020. The planning horizon that was conducted for the Comprehensive Plan Amendment was 2020 (City of Forest Grove) and 2025 (City of Cornelius) based on the Transportation System Plans for each city.

The increased traffic on Yew and Adair must be mitigated without appeal to Holladay Street.

East-west connectivity between the City of Cornelius and the City of Forest Grove has long been recognized as a transportation issue that affects the use and volumes of traffic on Hwy. 8 (Baseline & Adair). In the Transportation System Plans (TSP) for both cities the need for alternative east-west connectivity has been identified. The Holladay Street extension from N. 4th Avenue in Cornelius west to Yew Street in Forest Grove is identified as the only east-west alternative connection on the north side of both cities in their respective TSP's. The Yew and Adair Street intersection has already been identified having existing operational deficiencies created by traffic generated north side of Adair Street. The planned Holladay Street extension is the only agreed upon and planned street connection between Cornelius and Forest Grove that can provide alternative east-west access. Therefore, it is an appropriate mitigation measure for operational problems at Yew and Adair Street.

Finding that consideration of the Accident Rate Warrant in the "Manual on Uniform Traffic Control Devices" must be given when considering the impact of increased traffic at Yew/Adair.

The analysis for the proposed Comprehensive Plan Amendment and the Zone Map Amendment are required to address the State Transportation Planning Rule, which looks at future conditions and impacts to the transportation system. Mr. Morelli's letter cites data (1994-97) from the City of Forest Grove TSP that is almost 10 years old. There have been improvements to the system (i.e. traffic signal at 4th/Hwy 8) and other factors that taken place since 1994-97 that affect the transportation system. Carl Springer, DKS Associates the City of Cornelius traffic engineer for this project concurs with the applicants analysis that "warrants are not mandates. Meeting one warrant does not require (ODOT) a traffic signal to be installed". Other considerations are made as part of the engineering review of a particular situation and in this case an important consideration is the spacing between adjoining signals (existing and proposed).

Mike Connors & Kittelson Associates representing the applicant submitted testimony and final arguments:

The information submitted by the applicants representatives summarized approval criteria and clarified compliance with the Transportation Planning Rule. They also addressed specific comments and testimony presented in the January 17, 2006 hearing. The applicant also proposes a specific change to Condition # 3 in File # CPA-02-05:

Current Condition of Approval: "When and if development occurs on the subject parcels the Applicant will be required to construct an extension of the eastbound, right-turn lane to accommodate additional queues and vehicle stacking at Pacific & Quince in Forest Grove

Proposed Condition of Approval: "When and if development occurs on the subject parcels, the Applicant shall pay \$150,000 to the City of Forest Grove to mitigate impacts at this location.

This fee in lieu can be applied by the City in the future to either extend the eastbound right-turn lane to accommodate additional queues and vehicle stacking at the Pacific & Quince intersection, or complete other capacity improvements at the intersection deemed appropriate by the City of Forest Grove and ODOT.”

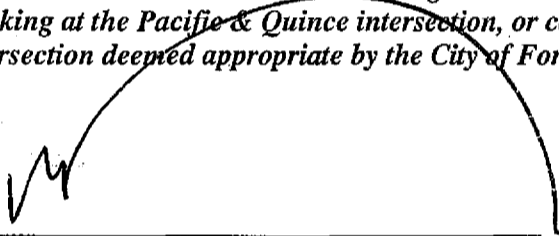
City of Cornelius, ODOT and City of Forest Grove staff all support the proposed change in Condition # 3 of CPA-02-05 as proposed by the applicant.

Conclusion

Staff presented a Findings Report that included the Planning Commission Recommendation Report at the January 17, 2006 Council hearing that demonstrated the applicant’s proposal conditionally complies with the criteria identified in the Development & Zoning Code for a Comprehensive Plan Amendment. The new testimony that has been submitted between January 17 – 24, 2006 has been addressed with additional analysis where necessary. Staff conclusion remains the same that the applicant has addressed the criteria identified in the Development & Zoning Code and the City Comprehensive Plan for conditional approval of Comprehensive Plan (Map) Amendment, CPA-02-05, with the following change:

Comprehensive Plan Amendment, CPA-02-05 Condition # 3

When and if development occurs on the subject parcels, the Applicant shall pay \$150,000 to the City of Forest Grove to mitigate impacts at this location. This fee in lieu can be applied by the City in the future to either extend the eastbound right-turn lane to accommodate additional queues and vehicle stacking at the Pacific & Quince intersection, or complete other capacity improvements at the intersection deemed appropriate by the City of Forest Grove and ODOT.



Richard Meyer, Community Development Director

2/1/06
Date

EXHIBIT 1



CITY OF CORNELIUS

PLANNING COMMISSION RECOMMENDATION REPORT

PacLand Amendment of the Comprehensive Plan Map From Medium (Density) Residential to Commercial File # CPA-02-05

TO: City Council
DATE: January 12, 2006
APPLICANT: Daniel Boultinghouse, PacLand
OWNER: Terry Emmert

REQUEST: Request is for approval of an amendment of the City Comprehensive Plan changing the designation of seven (7) tax lots, one (1) tract and a portion of N. Clark Street, approximately 2.67 acres in size from Medium Residential to Commercial.

LEGAL DESCRIPTION: Map # 1N3-33CC - Tax Lot #'s 2300, 2200, 2100, 2000, 1800, 13700, 13800, Tract B (Prairie Park Subdivision), and a portion of N. Clark Street.

SITE ADDRESS: 119, 133, 175, 219, 261, 273 and 295 N. 4th Avenue
LAND AREA: Approximately 2.67 Acres

PROCESS: A request for a comprehensive plan amendment may be initiated by a property owner or his authorized agent by filing an application with the Planning Department on forms prescribed by the Planning 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: Sections 11.10.00 through 11.10.39 (Introduction & General Provisions)
City Comprehensive Plan
Section 11.30.80, inclusive Comprehensive Plan Amendment
Oregon Statewide Planning Goals

BASIC FACTS

1. Application Complete: November 10, 2005
2. 120 Day Rule Deadline: Comprehensive Plan 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 November 1, 2005.
4. Public Notice was provided in the local newspaper and mailed to surrounding property owners on November 16, 2005.
5. Public written comments are included in the exhibits for Planning Commission recommendation report.
6. Agency comments have been received from agencies or other jurisdictions:

Oregon Dept. of Transportation – Rail – Letter dated November 29, 2005
Oregon Dept. of Transportation (ODOT) – Letter dated November 18, 2005
Oregon Dept. of Land Conservation & Development (DLCD) – Letter dated September 30, 2005
7. DKS Associates conducted a review for the City of the applicant's Traffic Studies and TPR Compliance analysis – December 6, 2005.
8. The Planning Commission held public hearings on the December 20, 2005 and January 12, 2006.
9. The record was also extended at the request of a participant at the hearing for seven (7) days from December 20 – 27, 2005.

BACKGROUND INFORMATION

1. The subject properties are located within the City boundary, north of Tualatin Valley Highway, west of N. 4th Avenue and south of the Union Pacific Railroad line.
2. The area proposed for the Comprehensive Plan Amendment consists of seven (7) tax lots designated by the City as Medium Residential and zoned Multi-Family Residential, A-2.
3. The seven (7) subject tax lots are currently developed with a single-family residence on each.

4.	City Acres (approx.) Zoned:	Residential	781.809 – 67.97%
		Commercial	220.472 – 19.20%
		Industrial	147.980 – 12.86%

FINAL FINDINGS

Section 11.30.70., Approval Criteria:

1. *The proposed plan and amendments shall conform to the requirements of the Oregon Statewide Planning Goals, and applicable administrative rules of the State Land Conservation and Development Commission.*

Statewide Planning Goals:

Goal 1 – Citizen Involvement

The City Development & Zoning Code provides a process and procedures to ensure citizens have a avenue to participate as directed by Goal 1 and the City Comprehensive Plan. The applicant conducted a Neighborhood Meeting on August 24, 2005 to explain their proposal and answer questions. Approximately two hundred and twenty-five (225) neighbors and property owners signed-in and attended the meeting. Upon receipt of a complete application on November 10, 2005 from the applicant the City prepared and published a public notice announcing public hearings to be held before the Planning Commission concerning the request. The Planning Commission hearing was scheduled for 7:00 PM on Tuesday, December 20, 2005 in the “Old Fire Hall”, 1310 N. Adair Street, Cornelius. The City Council hearing shall be scheduled for the first available date in 2006 and shall be held in the “Old Fire Hall”, 1310 N. Adair Street, Cornelius. The City provides public notice in a local newspaper, prior to the public hearings. The Code provisions requiring the Neighborhood Meeting, public notices for comment and public hearings give the opportunity for citizens to submit testimony, ask questions, receive answers or challenge the proposed request. After a decision is rendered a ten (10) day appeal period follows, which allows the opportunity to request a review of the decision at the Land Use Board of Appeals.

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 is met.

Goal 2 – Land Use Planning

The City of Cornelius has an established procedure identified in Section 11.10.00, which addresses the application, review, notice, decision and appeal procedures for land use planning within the City boundary. The applicant has submitted on application forms provided by the City of Cornelius the required information to review the proposal. The applicant has addressed the appropriate approval criteria as identified in the City Development & Zoning Code requesting approval of a Comprehensive Plan Amendment. The City land use process requires specific application, notice and review procedures to be addressed for compliance with the approval criteria. The policy framework of the Comprehensive Plan drives this process. The City Development & Zoning Code has been adopted by the City and acknowledged by the State.

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.

The applicant participated in Clean Water Services (CWS) required pre-screening process, prior to submitting an application to the City. Clean Water Services has identified a Sensitive Area and wetland on Tax Lot #'s 3600 and 3700, Map # 1N333CC. This parcel abuts the subject sites that are requesting the Comprehensive Plan Amendment. The applicant has applied for mitigation measures of the Sensitive Area and wetland on Tax Lot #'s 3600 and 3700 as part of the proposed development on these parcels. If a fill permit is approved mitigation will be required and processed by CWS and the Division of State Lands. The location of the wetland and the required mitigation is not proposed and would be permitted on the subject parcels. The wetland that has been delineated on the abutting parcels is not identified as a 'significant natural resource' in the City inventory. The location, delineation and required mitigation of this wetland will not impact the proposed change of the designation of the subject properties from Residential to Commercial. There are no other natural feature, open space, cultural or historical resources that are located on or abutting the subject parcels.

Staff find the goal is met.

Goal 6 – Air, Water and Land Resources Quality

The City provides and complies with regional, state and federal programs for monitoring and protection of air, water and land resources. City services for water delivery, storm water and sanitary sewer are available and all have the capacity to accept build out of these parcels to commercial standards. The City purchases water from the Joint Water Commission (JWC) through the City of Hillsboro. JWC completed a new 72' transmission line in 2002 that has the capacity to serve all of Cornelius's projected growth. The City has an intergovernmental agreement with Clean Water Services (CWS) for the provision and management of sanitary and storm sewer. The subject parcels are served by City's 'south drainage basin sanitary sewer collection system'. Sanitary sewer from the south drainage basin is pumped from the Linden Street Pump Station and transmitted to the CWS Forest Grove Treatment Plant, where it is treated. In 1974 the Linden Street Pump Station had a transmission capacity of 2300 gpm. The City in cooperation with CWS rebuilt the Linden Street Pump Station in 2004 and increased the pump and transmission capacity to 4,750 gpm. The sanitary is now capable of handling new impacts to the 'south drainage basin collection system. Stormwater from the subject properties drains into the Tarrybrooke drainage basin. The City Storm Drainage/Surface Water Management Master Plan indicates (Pg. 4-5) that the northern sub-basin, where the subject properties are located flows at more than two hundred (200) percent of capacity under existing

development. When and if development occurs on the subject parcels the applicant will be required to demonstrate that their on-site stormwater management will not create greater impacts on the City's existing and constrained stormwater system. This shall be made a condition of approval.

Staff with conditions the goal is met.

Goal 7 – Areas Subject to Natural Disasters and Hazards

Development shall only be possible through the City's implementation of its Development & Zoning Code. The City does identify areas of natural disasters and hazards (i.e. 100 year Floodplain). Floodplain elevations are determined and addressed through the approved land use process. The City, Regional and State requirements are in place or have been adopted by the City to protect against natural disasters or hazards. There are no floodplain hazard issues identified on the subject parcels or on the abutting properties.

Staff find the goal is met.

Goal 8 – Recreational Needs

Staff find this goal is not applicable.

Goal 9 – Economic Development

The applicant's proposal requests a comprehensive plan amendment from City medium (density) residential designation to commercial. There are eight (8) properties proposed for comprehensive plan amendment, approximately 2.67 acres. Development of these properties to commercial densities and standards would increase business opportunities, employment and economic development for the City. Land designated for commercial use in Cornelius basically runs in a corridor along TV Highway. Lands on the south side of the highway are very constrained by lot width, ODOT access standards and the abutting Portland-Western Railroad line. Whereas, commercial lands on the north side of TV Highway are generally larger, have wider and multiple street frontages, and for the most part do not abut a railroad line. The City needs to provide opportunities for commercial lands to be aggregated for comprehensive uses that can be coordinated into locations with street frontage, utilities and readily available vehicle access. The proposed amendment of these residential sites to commercial designation provides such an opportunity.

Goal 9 - *OAR 660-009-0010(4)* states "a jurisdiction which changes its plan designations of lands in excess of two acres to or from commercial or industrial use must address all applicable planning requirements; and

- (a) Demonstrate that the proposed amendment is consistent with the parts of its acknowledged comprehensive plan which address the requirements of this division; or
- (b) Amend its comprehensive plan to explain the proposed amendment, pursuant to *OAR 660-009-0015 through 660-009-0025*; or
- (c) Adopt a combination of the above, consistent with the requirements of this division.

This request is for a Comprehensive Plan Amendment of approximately 2.67 acres. Therefore, the requirements of OAR 660-009-0010(4) are applicable.

OAR 660-009-0010(5) states that the effort necessary to comply with OAR 660-009-0015 through 660-009-0025 will vary depending upon the size of the jurisdiction, the detail of previous economic development planning efforts, and the extent of new information on local, state, and national trends. A jurisdiction's planning effort is adequate if it uses the best available or readily collectable information to respond to the requirements of this rule. The City of Cornelius in reviewing this request shall comply with OAR 660-009-0010(4) and Goal 9 by using the 'best available information to respond to this rule'. In response to this rule the City has done the following analysis of readily available information:

Market Study 2002 – Commercial Uses that may locate or expand. In November 2002 the City of Cornelius completed a 'Retail Analysis & Business Development Program' that was sponsored by Oregon Economic & Community Development Department. The purpose of this analysis was to provide a realistic picture of market demand for retail goods and services in the Cornelius market area. The market analysis considers a five-year time period from 2001-2006. The market area was delineated based on business owner surveys, interviews, drive time estimates, transportation facilities and location of existing commercial developments. Two trade areas were drawn from this information a five (5) mile radius for convenience shopping and a three (3) mile radius for comparison goods shopping. The study finds that the estimates of retail sales potential are directly linked to trade area household figures and average expenditures by type of merchandise for trade area households. The study used Urban Land Institute estimates for sales per square foot of store space, which are used to convert potential sales to estimates of supportable space. The results of the study show that the Cornelius trade area has higher potential for retail sales than what is being spent in Cornelius and that a significant portion of retail expenditures is occurring outside the Cornelius trade area.

Inventory of Vacant or Underutilized Commercial Lands. Currently, there is approximately 68.65 acres of vacant commercial designated lands (See Exhibit E) in the City that are zoned Highway Commercial (C-2), Core Commercial-Employment (CE) and Main Street (MS) located on thirty-three (33) vacant/underutilized tax lots.

Contiguous Vacant/Underutilized Commercial Zoned Parcels of 1-5 Acres – There are only two sets of commercially zoned properties that are between 1- 5 acres in size that are contiguous to each other. One set is located in the Highway Commercial, C-2 zone, where three parcels abut each other for an aggregated area of approximately 7.4 acres. All three (3) of these parcels front Tualatin Valley Highway with City services (water, sanitary and storm) stubbed at the west end of the parcels, near Tax Lot # 600.

1S302B00500	@3.50 Acres	Commercial (C-2)
1S302B00600	@2.60 Acres	Commercial (C-2)
1S302B00404	@1.30 Acres	Commercial (C-2)

The second set is located in the Core Commercial-Employment, CE zone where two parcels abut each other for a combined acreage of approximately 4.0 acres.

1N334DC04500	@1.50 Acres	Commercial (CE)
1N334DC04600	@2.50 Acres	Commercial (CE)

Contiguous Vacant/Underutilized Commercial Zoned Parcels of 5 Acres or Larger -
 There are three parcels of vacant/underutilized land in the City zoned for commercial use that are over 5 acres in size. Two of these parcels are zoned Core Commercial-Employment, CE and one abuts Tualatin Valley Highway. The other has frontage on N. 19th Avenue, a City Collector street. Although these parcels are large by City standards they are both somewhat constrained by their long, rectangular shape.

1N334CD00300	@10.0 Acres	Commercial (CE)
1N334CC00100	9.21 Acres	Commercial (CE)

The third parcel of vacant/underutilized land in the City zoned for commercial use that is over 5 acres in size is located in the Highway Commercial, C-2 district. This site abuts Tualatin Valley Highway and also is contiguous with all of the subject parcels. This site is somewhat constrained by a small wetland area. The City's Natural Resource Inventory and Division of State Lands wetland inventory does not identify this wetland to be significant.

1N333CC03700	12.99 Acres	Commercial (C-2)
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Assessment of Economic Development Potential

In Cornelius the current vacant land inventory for property designated for commercial use is approximately 68.65 acres. There are thirty-three (33) vacant/underutilized tax lots that exist in the City today, of which:

- 51.5% Seventeen (17) are under one (1) acre in size; and
- 39.5% Thirteen (13) are between one (1) and five (5) acres in size; and
- 9.0% Three (3) are larger than five (5) acres in size.

In summary there are thirty-three (33) commercially designated vacant/underutilized tax lots in the City, of which sixteen (16) are over one (1) acre in size and only ten (10) are over 2 acres in size. There are only three (3) sets of properties over one (1) acre in size that are contiguous as previously mentioned in the staff report. This data reflects that there are limited large commercial parcels (over 2 acres) in the City and they are few opportunities to aggregate contiguous properties into large area for development. The Vacant Land Inventory Map (See Exhibit E) helps illustrates this and some of the other constraints of the commercial properties in the City that do not have adequate size, geometry and street frontage to support development.

The subject properties (2.67 acres) would increase the vacant commercial lands inventory approximately four percent (4%) to 71.32 acres. The City overall has approximately 220 acres that are designated for commercial use, which is roughly 19% of it's total area. In contrast almost 68% (782 acres) of the City is designated for residential use. The addition of approximately 2.67 acres to commercial and the subtraction of that amount from residential is less than .2% (2.67/1150.261 acres) of a change in land use designation. This kind of change does move the City incrementally closer to a more efficient balance of commercial, residential and industrial. Another important need that this amendment fulfills is that it creates a block of approximately 15.66 acres (2.67 + 12.99 = 15.66) when combined with the abutting tax lot to the west, of commercially developable land. The aggregation of these lots will provide commercial land that abuts an arterial street and a collector street with full City services available. In addition the rectangular shape of the this land area provides multiple site design advantages for a variety of commercial uses.

Therefore, staff find that the proposed comprehensive plan amendment would enhance the local economy, City tax base and satisfies Goal 9.

Staff find the goal is met.

Goal 10 – Housing

Cornelius currently has the residential capacity to meet the County housing projections for the City (See Exhibit F). The eight (8) subject properties are currently developed with single-family residences. Changing the designation of the subject parcels from residential to commercial potentially removes eight (8) single family residential units from the existing housing stock and it removes a maximum of twenty-eight (28) multifamily residential dwelling units ($2.67 \times .75 = 2.02 \times 14 \text{ DU's/acre} = 28.04$) based on conservative projections from the housing market.

The Cornelius Comprehensive Plan (Appendices C) states in the December 1998 Vacant Land Inventory & Population & Employment Update that Washington County identified that within the existing Cornelius Urban Growth Boundary 515 housing units exist with 38 building permits in progress totaling 553 residential dwelling units. The tables identified in Exhibit F indicate that since December 1998 the number of residential units constructed in Cornelius has been 455. The total to date provides 1008 ($553 + 455 = 1008$) housing units. Cornelius must provide an additional eleven (11) housing units to fulfill its allotted need of 1019 housing units.

In Exhibit F the tables identify the current vacant lands zoned for residential use with some already platted. These tables provide a conservative estimate based on 75% of the gross acreage being available for the development of residential units. These results based on the existing Urban Growth Boundary provide for a potential minimum 239 units and a maximum 293 units. Utilizing these projections Cornelius would exceed its need for the required number of eleven (11) housing units by 228-282 ($239 - 11 = 228$ or $293 - 11 = 282$). The 2.67 acre subject properties currently are developed with eight (8) existing dwelling units. Under the current A-2 residential zoning district this land has the potential to provide a maximum of 28 multi-family dwelling units, if completely redeveloped. These eight (8) housing units are included in the 553 that were inventoried in December 1998. If these housing units were lost to commercial redevelopment it would drop the existing housing number to 1000 ($553 + 455 = 1008 - 8 = 1000$). The data presented in this report indicates that the City still has the potential to provide between 239 and 293 more dwelling units city-wide. Removal of the eight (8) housing units on the subject property brings the existing housing number down to 1000 existing units, but with the potential of 239 to 293 more housing units possible on vacant/underutilized land. This results in 1239-1293 housing units at full build out of the current vacant residential land. These numbers exceed the County required allotment of 1019 housing units by 220 to 274 ($1239 - 1019 = 220$ or $1293 - 1019 = 274$).

Therefore, staff finds that redesignating the approximately 2.67 acres of the subject properties from residential to commercial will not affect housing numbers or the provision of housing in the City. The City will still be able to meet the housing numbers and needs of the community.

Staff find the goal is met.

Goal 11 – Public Facilities and Services

The City of Cornelius as required by the State Department of Land Conservation & Development received acknowledgement in 2004 of compliance with Periodic Review Task # 3 for its adoption of its Public Facilities Plans that include Water, Sanitary and Stormwater Master Plans.

Water – Cornelius is supplied by two connections to an 18-inch secondary supply line serving the City of Hillsboro. The water source is the upper Tualatin River at the Haines Falls intake station. This diversion primarily serves satellite water systems along the 18-inch transmission line and is an auxiliary supply source for the City of Hillsboro. During the high runoff season (November through June), the natural flow in the Tualatin River exceeds the intake capacity, allowing Haines Falls to fully supply areas along the 18-inch transmission line. In the dry season, the withdrawal is from the natural flow augmented by storage releases, conveyed by gravity, from Barney Reservoir on the North Fork of the Trask River. Water from the reservoir is discharged into the Tualatin River and impounded again at Haines Falls. After settling at Haines Falls, water is chlorinated and is discharged into the 18-inch secondary Hillsboro supply line or it is returned to the Tualatin River. The Cornelius water system runs off the pressure of Hillsboro's 18-inch supply line, which runs through the center of the City along Baseline Road (Tualatin Valley Highway). In addition, Cornelius has a 1.5 mg reservoir and pump station, which are used for standby purposes only.

The area proposed for a zone change can be served by an extension of an existing 8-inch water line located along N. 4th Avenue. There is also an 12 inch mainline that runs along the north right-of-way of Tualatin Valley Highway.

Sewer – The City of Cornelius and the subject property within the Urban Growth Boundary is located within the Cleanwater Service area that is served by the Hillsboro regional treatment plant. Cleanwater Services (CWS) has a standard agreement with the large cities within the service area, including Cornelius. In that agreement the Cities agree to:

1. Comply with the CWS's construction and maintenance standards for sanitary and storm water sewer facilities.
2. Follow and accomplish the CWS's work program for storm and surface water.
3. Obtain the CWS's consent before issuing construction permits within wetlands, floodways and floodplains. The agreement provides that the city owns and is responsible for sanitary sewer lines under 24-inches in diameter within the City limits and for storm water facilities within the City limits as identified on a map, which is virtually all of the facilities. CWS agreed not to extend sanitary sewer service to areas outside the City within the City's Urban Planning Area unless the City approves.

There is an eight (8) inch City of Cornelius sanitary sewer line located in the N. 4th Avenue right-of-way directly adjacent to subject ownerships.

Storm Drainage – CWS has responsibility for surface water management in Washington County's urban growth boundaries. CWS has entered into an intergovernmental agreement with Cornelius for allocation of the City and CWS responsibilities. The City has responsibilities for operations and maintenance of storm and surface water facilities within the City. The City may not issue permits for construction within or modification to a wetland, floodway, or without first receiving approval from CWS.

There is a eighteen (18) inch storm drain line at the intersection of N. 4th Avenue and in the Tualatin Valley Highway right-of-way, which could be extended west to the subject properties.

Fire – The subject properties are currently served by the Cornelius Fire Department.

Police – The subject properties are currently served by the Cornelius Police Department, which provides 24 hour/day service. The City's 2000 census population is 9,930 and is served by 12 sworn officers for a level of service of approximately 1.21 officers per 1000 population.

Staff find that the City has planned for and provides key facilities that are available and to appropriate levels to adequately serve the needs of the subject properties and their change to commercial use.

Staff find the goal is met.

Goal 12 – Transportation

OAR 660-012-0060 Plan and Land Use Regulation Amendments

OAR 660-012-0060

- (1) *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.*

Oregon Department of Transportation (ODOT) has jurisdiction and ownership of the Tualatin Valley Highway right-of-way. ODOT's comments to staff include the requirement that amendments to a comprehensive plan shall assure that the allowed land uses are consistent with the function and capacity of the abutting state highway. Therefore this amendment of the comprehensive plan map for the subject properties requires a Traffic Study to determine if there is a significant affect on the existing facility per the state Transportation Planning Rule (TPR), OAR 660-012-0060. Section 0060 of the TPR requires a determination be made as to whether the proposal will have a "significant affect" on the state transportation system. 'Significantly affect' is defined as when the amendment as measured at the end of the planning period (2025 – Cornelius TSP) identified in the adopted transportation system plan would:

1. *Change the functional classification of an existing or planned transportation facility (exclusive of map errors in an adopted plan);*
2. *Change standards implementing a functional classification system; or*
3. *As measured at the end of the planning period identified in the adopted transportation system plan:*
 - A) *Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

- B) *Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan;*
or
- C) *Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

The applicant's proposal does not change the functional classification or the standards implementing a functional classification. The applicant's comprehensive plan amendment does propose to change the designation on the subject properties from residential to commercial. To demonstrate compliance with the TPR the applicant is required to assure that by designating the subject properties to commercial it will not reduce or worsen the performance of the existing or planned transportation facility below the minimum acceptable level identified in the Cornelius TSP.

In order to address this requirement the applicant has submitted a 'Compliance Analysis for the TPR' report prepared by Kittelson & Associates as part of the application packet. This initial analysis determined that there were two intersections that were significantly affected. They are N. Adair & Yew Streets and Pacific Avenue & Quince Street, both located in the City of Forest Grove. The Kittelson analysis concluded that the proposal can comply with the TPR, by providing mitigation at these intersections. Kittelson's recommendations are:

- 1) N. Adair & Yew Streets – The intersection would function at levels to meet ODOT mobility standards over the planning horizon, if a traffic signal were installed. The intersection (in Kittelson's opinion) does not meet signal warrants, but it should be monitored by ODOT for future warrants and the proposed retailer would pay a proportionate share for a traffic signal.
- 2) Pacific Avenue & Quince Street – If ODOT determines that there is 'significant affect' and mitigation is required then the retail developer shall construct an extended eastbound right turn lane and establish a right-turn overlap.

In response to the Kittelson Traffic Study the City Design Review Committee, DKS Associates (City Transportation Consultant) and ODOT all identified concerns with this study. Specifically, that the building square footage and type of use in the trip generation comparison appears not to represent a realistic build-out of the subject properties. TPR analysis requires the traffic study to consider a 'worst-case' scenario when considering a comprehensive plan amendment. Kittelson responded to these concerns with an addendum (Exhibit G) to the 'Compliance Analysis' that was submitted on November 29, 2005 to staff. Table 1 (pg. 6) of the addendum provides a trip generation scenario analyzing three (3) different types of land uses and square footages on the subject site:

1.	Fast Food Restaurant w/Drive-Through	8,000 sq. ft.
2.	Shopping Center	30,000 sq. ft.
3.	Supermarket	30,000 sq. ft.

The trip generation analysis on these three scenarios indicate that a Shopping Center generates 75 new net trips and a Supermarket 215 net new trips. The Kittelson addendum states that the increased trip generation numbers associated with the Supermarket development do not change the findings of the original analysis of August 31, 2005, except the added recommendation to

provide continuous north-bound and southbound left-hand turn lanes on N. 10th Avenue between N. Adair and Baseline. The Kittelson addendum concludes the critical intersections that need to be mitigated are Pacific & Quince, Adair & Yew streets in Forest Grove and N. 10th Avenue & Baseline/Adair in Cornelius:

Pacific & Quince: Kittelson proposes an extension of the eastbound right-turn lane as mitigation to reduce the volume-to-capacity ratio to a level equal or lower than the current zoning.

Adair & Yew: This intersection is forecast to continue to operate at LOS F and at a v/c ratio over 1.0 during weekday PM peak hour. A signal warrant analysis indicates a traffic signal will not be required under 2006, 2020 and 2025 conditions. The applicant proposes to pay a proportionate share of the cost of a traffic signal at this intersection.

N. 10th Avenue & Baseline/Adair: The striping along N. 10th Avenue between Baseline and N. Adair Street should be converted to a two-way left-turn lane to accommodate the north and south bound left turn lane queues.

The City's transportation consultants, DKS Associates have reviewed both the Kittelson Compliance Analysis and the Addendum Letter. DKS Associates have made the following findings in the TPR Compliance Analysis (See Exhibit D):

1. The Yew Street/Adair Street and the Pacific Avenue/Quince Street intersections are forecasted to not meet performance standards during the PM peak hour with planning year conditions under both the current and proposed zoning. The additional traffic generated by the proposed zoning would cause the v/c ratio at the two study intersections to slightly increase. The TPR requires that a comprehensive plan amendment shall not worsen the performance of an intersection that operates below minimum acceptable performance standards
2. A traffic signal would improve the v/c ratio at the Yew Street/Adair Street intersection to 0.80 and meet the TPR mitigation requirement. However, the intersection does not meet signal warrants with planning year conditions under both the current and proposed zoning. No mitigation measures are identified at this intersection.
3. The Pacific Avenue/Quince Street intersection would be improved to meet the TPR mitigation requirement with the extension of the eastbound right turn lane on Pacific Avenue and an overlap signal phase.
4. The applicant's (Kittelson) addendum to the TPR Compliance Analysis further evaluates the 'worst case build-out' scenario for the subject site based on Highway Commercial, C-2 zoning. Several potential site layout scenarios were reviewed with the building and parking lot area located in various configurations. Trip generation estimates for several potential land uses were determined for comparison. DKS finds that the 'worst case trip generation' were adequately addressed and that no further analysis regarding this issue is necessary.
5. The year 2025 analysis of the zoning scenarios did not include several roadway extensions that are listed in the Cornelius TSP Motor Vehicle Action Plan,

specifically the Davis Street extension from 4th Avenue to 10th Avenue. The applicant states that these projects “do not have a direct bearing on the proposed development and/or significantly impact any of the study intersections’ capacity & operations”. The Davis Street extension would be expected to serve as the major east-west roadway north of TV Highway in the study area and carry traffic generated by the subject site. However, the addition of this roadway extension project in the year 2025 rezone analysis would not be expected to impact the study intersection operational analysis and required mitigations. No further analysis regarding this issue is recommended.

DKS concludes that although the initial comments submitted on the TPR compliance analysis identify valid concerns, the issues raised and the recommended revisions to the analysis would not be expected to impact the findings and conclusions. Therefore, the designation of the subject properties to commercial from residential will not reduce or worsen the performance of the existing or planned transportation facility below the minimum acceptable level identified in the Cornelius TSP in the forecast study year of 2025.

Staff finds that both Kittelson and DKS Associates conclude that intersections at Pacific & Quince and N. Adair & Yew need operational improvements to perform at an acceptable level in the forecast year of 2025. In addition Kittelson found that the intersection at N. 10th and N. Adair will need to be converted to a two-way left-turn lane to accommodate the north and south bound left turn lane queues.

The proposed mitigation at Pacific & Quince identifies the construction of an extension of the eastbound, right-turn lane to accommodate additional queues and vehicle stacking. This shall be made a condition of approval.

In order to provide mitigation for the intersection of N. Adair & Yew a new traffic signal would be required. The applicant has indicated they would be willing to pay for a proportionate amount of the cost of a signal at this intersection. ODOT has stated that they will not permit a signal at this location. Staff has identified an alternative mitigation measure that would alleviate the impacts to this intersection. The City of Cornelius TSP and the City of Forest Grove TSP both identify the connection of N. Holladay Drive (Street) from N. 4th Avenue and to Yew Street at 24th Avenue (See Exhibit H). DKS has identified this as a project that is reasonably likely to occur within the planning horizon used in their analysis. This road connection would provide an alternative northern route for customers, employees and vendors that is more likely to be constructed in the near future. Participation by the applicant in the construction of this street extension would help mitigate the impacts at N. Adair & Yew. This shall be made a condition of approval.

The potential vehicle queuing and stacking issues that were identified at N. 10th Avenue between Baseline and N. Adair are proposed by Kittelson to be addressed by converting it to a two-way left-turn lane to accommodate the north and south bound left turn lane queues. N. 10th Avenue is a City Collector Street with an existing 60 feet of right-of-way. In order to provide turn lanes as recommended by Kittelson additional right-of-way will need to be acquired to conform to City Street design standards as identified in the Cornelius TSP. The applicant shall participate in the proportionate costs of mitigating the impacts to N. Adair, Baseline and N. 10th Avenue intersections. This shall be made a condition of approval.

Staff also finds that all of the existing subject properties abut N. 4th Avenue, a unimproved City Collector Street that are developed with single-family residences. Currently, N. 4th Avenue between the railroad tracks and N. Adair Street has not been dedicated nor constructed to City Collector Street standards. Public improvements that include dedication and full, collector street build out with sidewalks, bicycle lanes and planter strips along N. 4th Avenue are required when new development or redevelopment occurs. Public improvements are more likely to occur as a result of major aggregated commercial development as opposed to incremental residential redevelopment. Public improvements to City standards will enhance safe operations of N. 4th Avenue and N. Adair Street.

Staff find with conditions the goal is met.

Goal 13 – Energy Conservation

The proposed comprehensive plan amendment of the subject properties has the potential for more intensive commercial use of the land area. The change of the subject properties, which abut N. 4th Avenue to a commercial designation provide the opportunity for aggregation of the these properties for development of a coordinated site. This may result in commercial retail or services being constructed in a central location, which may lower energy use as measured in fuel consumption for customer/employee vehicle trips. The subject properties are adjacent to developed residential properties and could be accessible for commercial shoppers to travel by foot or bicycle to use the site also. This would reduce vehicle travel and energy consumption. Any development or re-development that occurs on the subject properties shall comply with the requirements found in the City Development & Zoning Code and the Unified Building Code for energy efficiency. Since most of the structures on the subject sites are not older residential dwellings, redevelopment and compliance with the Building Code will result in improved energy efficiency and conservation.

Staff find the goal is met.

Goal 14 – Urbanization

The subject properties are all located within the City boundary and does not abut any rural lands outside of the City. Therefore, this goal is not applicable.

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 find with conditions the criteria is met.

2. ***The proposed amendments shall comply with all other applicable laws, rules and regulations of the state, city, and other governmental agencies having jurisdiction over land use regulation within the City.***

The applicant is proposing a Comprehensive Plan Amendment to redesignate approximately 2.67 acres of land from Medium Residential to Commercial on the City Comprehensive Plan Map. The approval criteria for a Comprehensive Plan Amendment is found in *Section 11.30.80* of the City's Development & Zoning Code. The processing of this request by City is demonstration of compliance with *Section 11.30.80*. Actual approval of a specific use and development of the site shall comply with the required City land use process. The City Zoning & Development Code provides guidance and requirements for use and development in the City to proactively plan for safe traffic circulation, general public health, safety, visual and design issues

A request for a Comprehensive Plan Amendment also requires that the City notify the State Department of Land Conservation and Development (DLCD) 45 days prior to the first evidentiary hearing (ORS 197.610). The City provided pre-hearing notice to DLCD on November 1, 2005. The City shall also comply with requirements to notify DLCD within 5 days of the decision. Other specific state statutes and requirements have already been addressed in this report as part of Criteria # 1, Statewide Planning Goals.

All land use and development activities that are proposed on the subject properties shall comply with City process, procedures and requirements as identified in the City Code, Comprehensive Plans and Master Plans. Any future development of the subject sites shall conform to the City of Cornelius Transportation System Plan (TSP). The TSP provides Collector Street Cross Sections, Figure 8-6 that are used to guide future land use and development of abutting properties. All of the subject properties proposed for commercial designation abut N. 4th Avenue, a City Collector Street. Approval of the proposed Comprehensive Plan Amendment would require compliance with the safe design for a City Collector Street at the time of development of the subject properties. This shall be made a condition of approval.

Oregon Department of Transportation – Tualatin Valley Highway, a Principal Arterial as designated by Washington County Department of Land Use & Transportation (LUT) is designed to carry large volumes of traffic between Forest Grove and Cornelius to Hillsboro. According to the Washington County LUT, the design capacity of a Principle Arterial is 45,000 to 50,000 average daily trips. The applicant is required to demonstrate compliance with *OAR 660-012-0060 Plan and Land Use Regulation Amendment*. As identified earlier in this staff report the applicant has addressed the State Transportation Planning Rule, specifically *OAR 660-012-0060* and the analysis shows the operational movements of the transportation facility can be provided to mitigate the 'significant affects' created by the change from a residential to a commercial designation.

Oregon Department of Land Conservation & Development - Goal 6, *OAR 660-009-0010(4)* states “a jurisdiction which changes its plan designations of lands in excess of two acres to or from commercial or industrial use must address all applicable planning requirements; and

- (d) Demonstrate that the proposed amendment is consistent with the parts of its acknowledged comprehensive plan which address the requirements of this division; or
- (e) Amend its comprehensive plan to explain the proposed amendment, pursuant to *OAR 660-009-0015 through 660-009-0025*; or
- (f) Adopt a combination of the above, consistent with the requirements of this division.

This request is for a Comprehensive Plan Amendment of approximately 2.67 acres. Therefore, the requirements of *OAR 660-009-0010(4)* are applicable.

OAR 660-009-0010(5) states that the effort necessary to comply with *OAR 660-009-0015 through 660-009-0025* will vary depending upon the size of the jurisdiction, the detail of previous economic development planning efforts, and the extent of new information on local, state, and national trends. A jurisdiction’s planning effort is adequate if it uses the best available or readily collectable information to respond to the requirements of this rule. The City of Cornelius in reviewing this request shall comply with *OAR 660-009-0010(4)* and Goal 9 by using the ‘best available information to respond to this rule’. In addressing Goal 9 as part of Criteria #1 staff has finds that the request complies with the requirements of *OAR 660-009-0015 through 660-009-0025*.

Clean Water Services (CWS) – is the regional sanitary and stormwater management agency for the Tualatin Basin in Washington County. The City of Cornelius has an intergovernmental agreement with CWS to implement their policies and standards. Changes in use of property are pre-screened by CWS to identify any sensitive area or resource conflicts. The applicant has completed the pre-screening and service provider letter review by CWS, prior to submittal of a complete application to the City. The CWS Service Provider Letter conditions shall be implemented as part of any development approval.

Staff finds with conditions the criteria is met

3. *The proposed amendment shall address the criteria identified in the Chapter 1 of the City Comprehensive Plan.*

Chapter 1 (pgs 11-12) of the City Comprehensive Plan lists criteria to be used to for approval of an amendment. It states that an amendment need not satisfy all of the criteria, but that it reasonably addresses some of the criteria. The criteria for the Comprehensive Plan are:

- a. *The fact that an applicant owns land for which the change is being sought is not in itself sufficient justification for the change or amendment.*

All property owners have signed the application forms requesting approval of a Comprehensive Plan Amendment from residential to commercial designation. Property owners are required to document their interest in a proposed amendment request by signing the appropriate application forms. This criteria is not however, applicable to justify approval of the request.

- b. *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 statewide planning goals, Metro 2040, or the City Comprehensive Plan.*

The City of Cornelius is almost built out to the limits of the existing Urban Growth Boundary. This has resulted in a very limited land supply to accommodate the opportunities for growth of all kinds of development based on the population and employment allocations assigned from Metro and Washington County. Residential uses tend to create urban service demands that are disproportionate to their tax revenue contribution. Commercial and industrial land uses tend to contribute to more proportionate tax revenue in relation to their demand for urban services. The majority of land in the City of Cornelius approximately sixty-eight (68%) percent has been developed/zoned residential. This places a heavy burden on residents to support the necessary urban services and facilities. The need for more commercially zoned property that can be developed within the City is crucial for it's health, development and sustainability.

The land zoned for commercial use in the City is mainly coordinated along the Tualatin Valley Highway (TV Hwy) corridor. The commercially zoned land along the south side of TV Hwy are narrow parcels that also abut the Portland & Western Railroad right-of-way (ROW). These narrow lot widths and relationship to the railroad ROW constrain and in some ways restrict the types of commercial uses that can occur on all of these properties throughout the City. Commercial land on the north side of TV Highway are larger parcels in size and dimension. They also have other street access options other than TV Hwy. Most of the large scale commercial and industrial developments have been constructed on the north side of TV Highway. As a result there are few parcels in the City that are large enough to support a major commercial development and that are vacant or easily re-developable. The subject parcels are all located on the north side of TV Hwy with street frontage on the south and the east sides of the site. Therefore, these parcels provide an opportunity to aggregate these lots and fill a need for larger parcels that can accommodate various commercial development in the City.

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

The proposed Comprehensive Plan Amendment is requesting a map designation from City medium (density) residential to City commercial use. The amendment is not necessary to conform with state law or regional policy. The applicable state law and regional policies that are applicable to the proposed comprehensive plan amendment have been addressed in approval criteria #'s 1 & 2.

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

As mentioned above (b.) commercial and industrial land uses contribute to more proportionate tax revenue in relation to their demand for urban services. The majority of land in the City of Cornelius over sixty (60) percent has been developed/zoned residential. This places a heavy burden on residents to support the necessary urban services and facilities. In order to balance revenue with the demand for urban services that City needs more commercially zoned property that can be developed.

- e. *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.*

Urbanization Element: As identified earlier in the report a significant amount of commercially zoned property is constrained by narrow lot dimensions and abutting railroad right-of-way. This creates a need for larger, wider, and deeper parcels that can be developed with major commercial projects. The land zoned for commercial use in the City is mainly coordinated along the Tualatin Valley Highway (TV Hwy) corridor. The redesignation of these lands from residential to commercial use provides new opportunities for large parcel development to help meet the City's commercial needs. The designation of this area to City Commercial does provide for a coordinated and quality growth pattern.

Land Use Element: The Land Use Element goal seeks to establish a proper relationship among residential, commercial, industrial and public uses. The area proposed for redesignation to City Commercial is approximately 2.67 acres, which abuts City Commercial lands to the west and a City collector street (east) and a major state highway (south). Residential lands abut the site to the north and across N. 4th Avenue. There are already city facilities in place that service the neighboring residential uses. With urban services in place and a supporting residential population nearby this provides for a coordinated provision of urban services and support.

Economic Element: The Economic Element requires a diversified economic base that is supportive and attractive to commercial and industrial development. The designation of the subject properties to City Commercial use provides the opportunity for the development of new commercial sites that will enhance employment and support other local businesses. The location of these parcels to a major arterial highway and other city services and infrastructure also enhances their development potential.

Public Facilities and Services Element: The goal of this element states that the City shall plan and develop the necessary public facilities and services to meet the needs of the residents of Cornelius. Industrial and residential areas have different public facility requirements in concerning infrastructure and available services (i.e. street sizes, water provision, wastewater collection/treatment, police and fire access and energy needs). The surroundings infrastructure and services have been planned and designed for the abutting commercial uses. Therefore, efficiencies are already in place for the provision of the supporting infrastructure designed for adjacent commercial uses.

- f. *The amendment must meet the standards and requirements of the zone in which it is located, or proposed to be located.*

This criteria is not applicable.

Staff finds the criteria is met.

CONCLUSION

The City in cooperation and agreement within it's the County, Metro and the State is responsible for comprehensive planning with it's Urban Growth Boundary. The City's Comprehensive Plan identifies and directs commercial development and uses to occur along the Tualatin Valley Highway corridor. The

location of the subject properties either abut or are adjacent to Tualatin Valley Highway and are contiguous to the City designated commercial district. The addition of the subject properties allow for complimentary commercial uses on abutting properties to anchor a major intersection in the City. The rezone would be supported by the physical boundary of a collector street between the auto oriented commercial uses permitted on the west side of N. 4th Avenue from residential uses on the east side. Staff concludes that with conditions the proposed Comprehensive Plan Amendment complies with the approval criteria as demonstrated in this report.

RECOMMENDATION

Based on the facts, findings and conclusions presented in the Recommendation Report and public testimony & evidence at the public hearings the Planning Commission recommends APPROVAL of CPA-02-05 (Amendment of the Comprehensive Plan Map, Designating the Subject Parcels to City Commercial) to the City Council, subject to the following conditions:

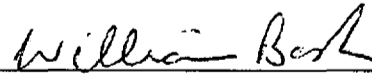
1. The Comprehensive Plan Amendment is only applicable to the property and parcels identified in the approval, Map # 1N3-33CC - Tax Lot #'s 2300, 2200, 2100, 2000, 1800, 1700, 13700, 13800, Tract B (Prairie Park Subdivision), and a portion of N. Clark Street.
2. When and if development occurs on the subject parcels the applicant will be required to demonstrate that their on-site stormwater management will not create greater impacts on the City's existing and constrained stormwater system.
3. When and if development occurs on the subject parcels the applicant will be required to construct an extension of the eastbound, right-turn lane to accommodate additional queues and vehicle stacking at Pacific & Quince in Forest Grove.
4. When and if development occurs on the subject parcels the applicant will be required to pay a proportionate participation in the future City improvement of the street extension of N. Holladay Drive (Street) from N. 4th Avenue to Yew Street (at 24th Avenue).
5. When and if development occurs on the subject parcels the applicant will be required to pay a proportionate participation in the future City improvements mitigating the impacts to N. Adair , Baseline and N. 10th Avenue intersections created by converting it to a two-way left-turn lane to accommodate the north and south bound left turn lane queues.
6. Approval of the proposed Comprehensive Plan Amendment would require compliance with the safe design for City Collector Streets as identified in the Cornelius TSP at the time of development of the subject properties.
7. The Comprehensive Plan Amendment shall be approved by City Council and adopted by Ordinance.

EFFECTIVE DATE OF RECOMMENDATION



Richard Meyer, Community Development Director

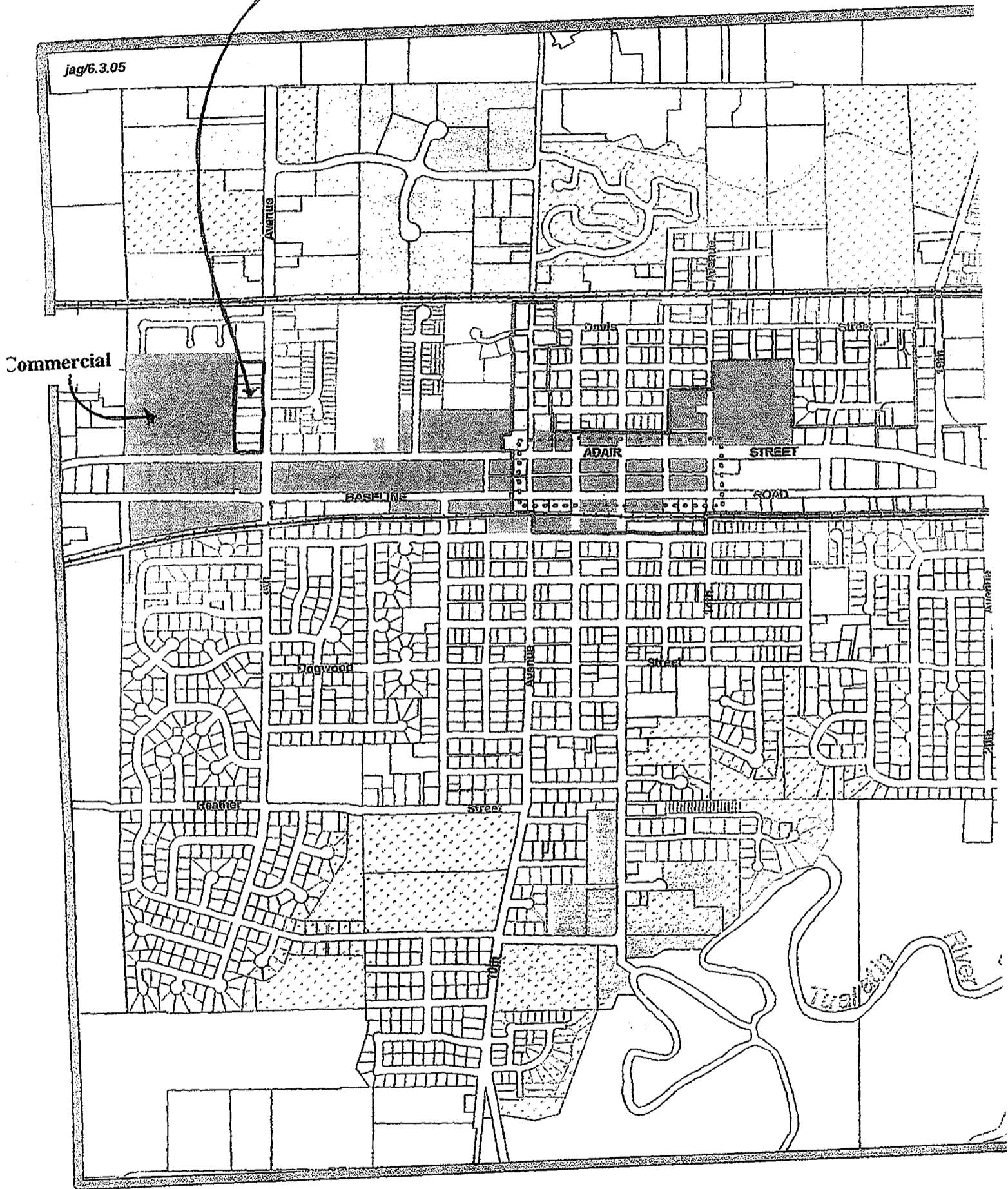
January 12, 2006



William Bash, Planning Comm. Chair

EXHIBIT A

SUBJECT PROPERTIES - Residential



1N 3 33CC

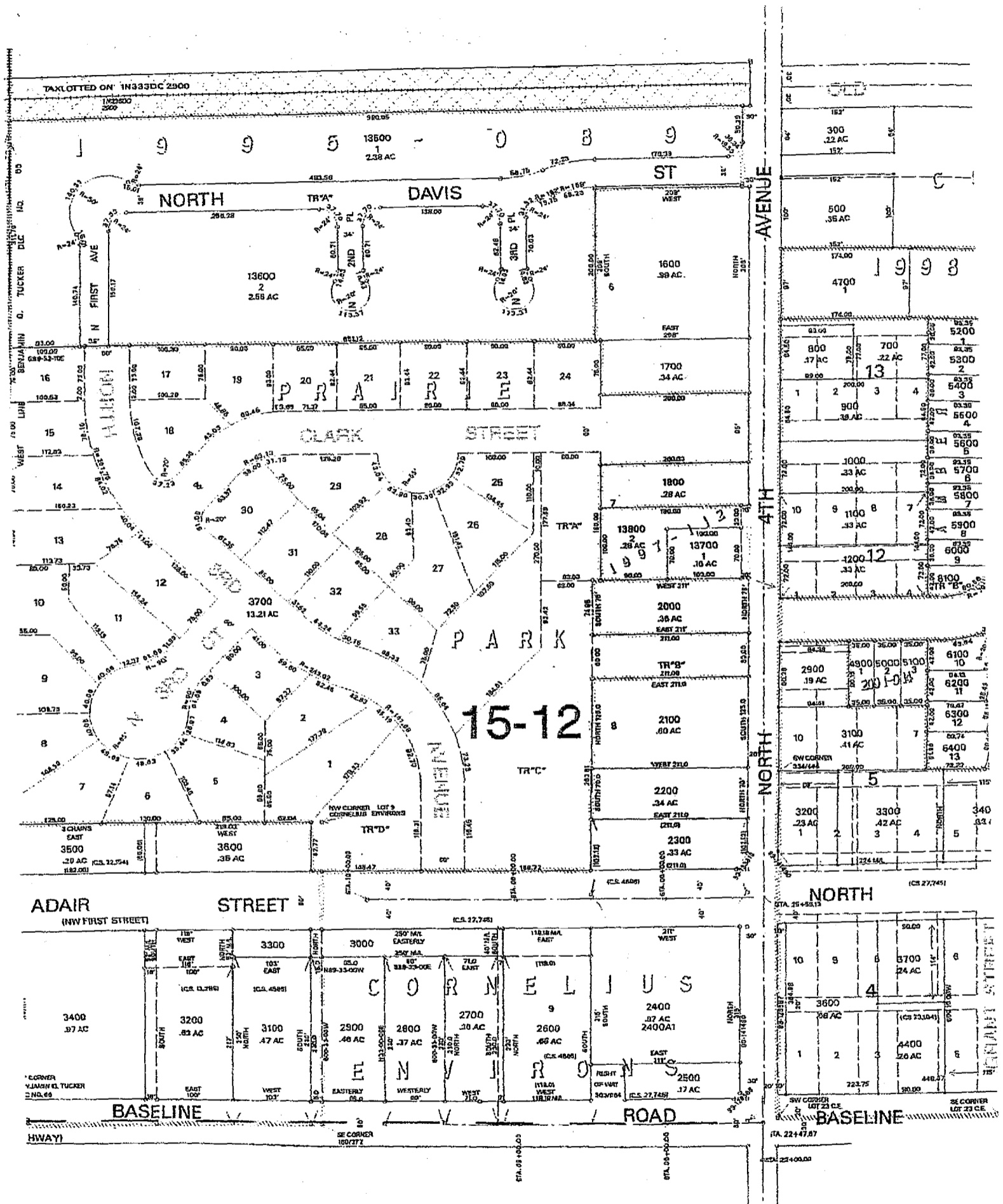


EXHIBIT B

● GREENLIGHT ENGINEERING
● Traffic Engineering/Transportation Planning

November 29, 2005

RECEIVED

DEC 01 2005

Mr. Dick Reynolds
Planning Manager
City of Cornelius
1355 North Barlow Court
Cornelius, OR 97113

Community Development

RE: DR-15-05, CPA-01-05, ZMA-01-05, CUP-05-05 – Proposed Retail Center

Dear Mr. Reynolds:

Thank you for the opportunity to comment on this application for a proposed retail center at the corner of North Adair Street and North 10th Avenue. Greenlight Engineering has reviewed the site plan application, along with the Transportation Impact Analysis and TPR compliance analysis, completed by Kittelson & Associates, and dated August 2005. Several site visits have been conducted in order to evaluate the existing signal timing, safety, and capacity of the transportation network at the study intersections. Greenlight Engineering would like to submit the following comments into the record.

EXECUTIVE SUMMARY

Based on the information submitted by the applicant and on work conducted by Greenlight Engineering, the proposed retail center does not comply with sections 11.30.14A(1), 11.30.14A(2), 11.30.70C(1) and 11.30.33.B(3) of the *City of Cornelius Code* and should be denied. The intersection of Yew Street and North Adair Street fails to meet measure of effectiveness criteria found in chapter two of the *Cornelius Transportation System Plan*, with no proposed mitigation. The intersection of South Heather Street and South 10th Avenue does not have sufficient sight distance. Additionally, the analysis fails to consider the safety issues resulting from long queues on North 10th Avenue, or the presence of traffic queues across the railroad tracks. Traffic queues on North 4th Avenue between North Adair Street and West Baseline Street may cause safety problems even with the proposed widening of North 4th Avenue.

FINDINGS

The transportation system within the study area of the proposed retail center contains some challenges. The core transportation system serving the site area consists of two parallel highways spaced 250 feet apart. As traffic increases within the study area, the vehicle queues between the highways has lengthened to a point that the queues are beginning to block traffic on

22183 SW Pinto Drive • Tualatin, OR 97062
Phone: 503.317.4559 • Fax: 503.691.9825 • Email: greenlighteng@aol.com

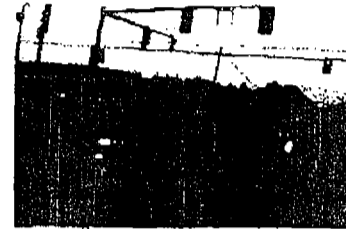
Vehicle Queuing



N 10th Ave./W Baseline St.
Looking North From 10th
Truck Blocks Traffic



N 10th Ave./W Baseline St.
Looking North From 10th
Queue Full From N Adair St.



N 10th Ave./N Adair St.
Looking North From 10th
Queue Full From Baseline

Several site visits during the weekday PM peak hour revealed that existing queues for northbound and southbound North 10th Avenue between North Adair Street and West Baseline Street exceed the queue storage that is currently available (see attached DVD). The existing left turn lane storage for the northbound and southbound lefts from North 10th Avenue is limited to a length of 60 feet. When more than four vehicles are queued at the red light, waiting to go straight, this queue of vehicles block vehicles from entering the left turn lanes. This adds to the queuing problem, which at times extends through the full 250 foot length between North Adair Street and West Baseline Street. This blocks traffic on North Adair Street and West Baseline Street from turning from the highways. The stopped vehicles on the highways increase the potential for rear end crashes. Drivers who are blocked from exiting a highway during a green light are more likely to turn through the intersection on a red light, without right of way. This is a safety issue that has not been addressed within the Transportation Impact Analysis. The proposed retail center does not comply with sections 11.30.14A(1), 11.30.14A(2), 11.30.70C(1) and 11.30.33.B(3) of the *City of Cornelius Code*.

The Transportation Impact Analysis indicates that under the average weekday PM peak hour and Saturday peak hour, with the construction of the proposed development, queuing will exceed the available storage, resulting in left turning vehicles blocking through lanes on North 4th Avenue. The applicant has proposed widening North 4th Avenue to four lanes in order to allow the use of the entire 250 foot spacing between the highways for left turn lane storage. Even with the additional widening, there is not enough storage to accommodate the traffic anticipated from this development. If the queue storage is completely filled or nearly filled, this will prevent any regional traffic growth to occur with a means of mitigation. Table 4 of the Transportation Impact Analysis indicates that the northbound through queue will extend a length of 225 feet during the Saturday peak hour. With the addition of one more vehicle, the entire 250 distance between the highways will be filled with queued vehicles. During the weekday PM peak hour, the Transportation Impact Analysis estimates a 175-foot through-queue for northbound vehicles, and a 175-foot left-turn queue for southbound vehicles. An additional three unexpected queued vehicles would completely fill the 250 feet of storage. When this occurs, traffic on the highway is blocked from turning on to North 4th Avenue. The stopped vehicles on the highways increase the potential for rear-end crashes. Drivers who are blocked from exiting a highway during a green light are more likely to turn through the intersection on a red light, without right of way.

Adair Street will be blocked. Entering drivers will then stop and queue out of the driveway on to North Adair Street. This will affect the estimated queue distance on North Adair Street and result in more conflicts with the Tri-Met bus stop.

The proposed site driveways do not accommodate the trucks that are proposed to access the site. Figures L-1 and L-2 of the transportation impact study reveal the following:

1. Trucks entering the driveway from North Adair Street must use the entire driveway when entering, but this blocks the entire driveway. If drivers are waiting to exit the driveway, the truck driver must wait on North Adair Street until the driveway is clear. This will introduce safety and queuing issues on North Adair Street.
2. Trucks exiting from the driveway on North 4th Avenue use the entire driveway and road width to exit. Trucks must swing into oncoming traffic on North 4th Avenue when exiting.
3. Trucks exiting the driveway on North Adair Street use the entire driveway and road width when exiting. This will block traffic on North Adair Street and block traffic from entering the driveway.
4. Trucks entering the driveway from North 4th Avenue must wait until the driveway is clear in order to use the entire driveway while entering the site.

The close proximity of the railroad is a safety concern. At times the queued vehicles traveling northbound at South 10th Avenue and West Baseline Street extend over the railroad tracks. The significant number of at-grade railroad crossings within Cornelius was listed as a safety concern in the June 2005 Cornelius Transportation System Plan Update. Additional traffic from this proposed retail center will increase the frequency that traffic is queued over the railroad tracks. The proposed retail center does not comply with sections 11.30.14A(1), 11.30.14A(2), 11.30.70C(1) and 11.30.33.B(3) of the *City of Cornelius Code*.

The Transportation Impact Analysis did not include review of 2004 crash records. The 2004 crash records should be reviewed for additional safety issues within the study area.

The Transportation Impact Analysis did not include crash records for the intersection of Yew Street/North Adair Street and Yew Street/West Baseline Street. The intersection of Yew Street/North Adair Street is currently operating at an unacceptable v/c ratio and probably has a higher crash rate than the signalized intersections. This is a safety concern that should be addressed within the Transportation Impact Analysis.

The Transportation Impact Analysis has identified a high number of angle-type accidents at the intersections of North Adair Street/North 4th Avenue, North Adair Street/South 10th Avenue, West Baseline Street/South 4th Avenue, and West Baseline Street/South 10th Avenue. The traffic from the proposed retail center will degrade the safety of these intersections. A field investigation revealed that during the weekday PM peak hour, the queues at North Adair Street

Under the existing traffic at Yew Street and North Adair Street, the southbound v/c ratio is reported as an unacceptable 1.34. With the addition of the site-generated traffic, the v/c ratio is reported to degrade to an unacceptable v/c ratio of 1.96. According to the Traffix output provided in the Transportation Impact Study, this results in over 200 seconds of additional delay for southbound drivers at Yew Street and North Adair Street. This is a significant impact to the current operations of this intersection. On page 18 of the August 31st, 2005, TPR Compliance Analysis completed by Kittelson & Associates, the impact to the intersection of Pacific Avenue/Quince Street is demonstrated to be a significant impact, although the v/c ratio only degrades from 1.14 to 1.15. Using the same criteria to determine a significant impact, the intersection of Yew Street and North Adair Street would meet the criteria and would be considered a significant impact.

Analysis of the intersection of Quince Street and Pacific Avenue was completed using a peak-hour factor of 0.99. The other intersections were analyzed using peak hour factors ranging from 0.84 to 0.95. The traffic counts and peak-hour factor should be provided with the traffic study for the intersection of Quince Street and Pacific Avenue.

Proposed Mitigation

The applicant has proposed to widen North 4th Avenue to four lanes as shown in Figure L-1 of the Transportation Impact Analysis. As described under "Queuing", this mitigation does not adequately address the queuing problem. In addition, this design presents safety issues. When there are eight or more vehicles queued in the southbound, left-turn lane on North 4th Avenue at West Baseline Street, the southbound through vehicles from North Adair Street will be forced to change lanes within the intersection in order to move into the southbound through lane when traveling south from North Adair Street. This design will force drivers to make an illegal lane change within the intersection in order to travel southbound to West Baseline Street.

Under the proposed design, the through movements on North 4th Avenue are miss-aligned. Drivers on North 4th Avenue traveling northbound at North Adair Street will unexpectedly find that they need to move over the width of a full travel lane in order to avoid colliding with the curb. Drivers on North 4th Avenue traveling southbound at West Baseline Street will unexpectedly find that they need to move over the width of a full travel lane in order to avoid colliding with the curb. This design is likely to result in side swipe accidents as drivers negotiate into the proper lanes.

The applicant has proposed adding a right turn overlap at the intersection of Pacific Avenue and Quince Street. This improvement should be approved by ODOT before including it as mitigation in the TPR analysis.

A left-turn lane is warranted on North 4th Avenue along the site frontage using ODOT Left Turn Lane Criteria. The Transportation Impact Analysis indicates that the ODOT criteria is not applicable, but does not indicate which criteria are applicable. Due to the high volume of traffic

EXHIBIT C



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

800 NE Oregon Street M/S 18, Suite 1145

Portland, Oregon 97232-2162

Phone: (503) 731-4065

Fax: (503) 731-4068

Web Address: <http://www.lcd.state.or.us>



September 30, 2005

SEP 04 2005

Mr. Dick Reynolds
City of Cornelius
1355 N. Barlow
Cornelius, OR 97113

RE: Amending the Comprehensive Plan Map to change 2+ acres from Multi-Family Residential (A-2) to Highway Commercial (C-2) (DLCD File No. 001-05)

Dear Mr. Reynolds:

Thank you for the opportunity to comment on the proposed Comprehensive Planning Map change from Multi-Family Residential (A-2) to Highway Commercial (C-2) at the northwest corner of Adair Street and NW 4th Avenue. Please enter this letter into the record for the proceedings on this application.

Economic Development

The department believes this proposal triggers the Goal 9 administrative rule. Specifically, OAR 660-009-0010(4) states:

“...a jurisdiction which changes its plan designations of lands in excess of two acres to or from commercial or industrial use, pursuant to OAR 660, division 18 (a post acknowledgment plan amendment), must address all applicable planning requirements; and:

- (a) Demonstrate that the proposed amendment is consistent with the parts of its acknowledged comprehensive plan which address the requirements of this division; or
- (b) Amend its comprehensive plan to explain the proposed amendment, pursuant to OAR 660-009-0015 through 660-009-0025; or
- (c) Adopt a combination of the above, consistent with the requirements of this division.”

To meet the requirements of this rule, Cornelius needs to make findings that this proposal is consistent with the projections and data contained in its most recent Economic Opportunities Analysis (EOA) as well as the economic development policies in Cornelius's Comprehensive Plan. If Cornelius cannot make findings of consistency, a new Economic Opportunities Analysis must be conducted to justify the proposed amendment.



Oregon
Theodore R. Kulongoski, Governor

Oregon Department of Transportation
ODOT Region 1
123 NW Flanders St
Portland, OR 97209 - 4037
Telephone (503) 731-8200
FAX (503) 731-8259

File code: PLA9 2A - 29
ODOT Case No: 2225

November 18, 2005

City of Cornelius
Planning Department
1355 N Barlow Street
Cornelius, OR 97113

email/D.R.

RECEIVED

NOV 18 2005

Community Development

Attn: Richard Reynolds, Planning Manager

Re: Wal-Mart in Cornelius
North Adair Street (Tualatin Valley Highway) and North 4th Avenue

Dear Mr. Reynolds,

We have reviewed the applicant's proposal for a Comprehensive Plan Amendment and Rezone of 2.67 acres as well as design review for a proposed Wal-Mart for the larger site. The site is adjacent to North Adair Street which is Tualatin Valley Highway a State highway facility. ODOT has jurisdiction of this State highway facility and an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard of this facility. According to the 1999 Oregon Highway Plan (OHP), this facility is classified a Statewide Highway, NHS non-state freight route and the performance standard is 0.99 volume to capacity (v/c) ratio.

For zone changes and comprehensive plan amendments local governments must make findings that the proposed amendment complies with the Transportation Planning Rule (TPR) OAR 660-012-0060. There must be substantial evidence in the record to either make the finding of "no significant effect" on the transportation system, or if there is a significant effect assurance that the allowed land uses are consistent with the identified function, capacity, and performance standard of the transportation facility.

In order to determine whether or not there will be a significant effect on the State transportation system, ODOT requests the City of Cornelius require the applicant to amend the traffic impact study (TIS) prepared in August of 2005. The amended analysis should address the following:

Zone Change Analysis

- Kittelson & Associates (KAI) prepared a traffic impact study (TIS) to the City of Cornelius for the rezone. In our letter dated August 17, 2005, ODOT requested KAI to submit a memorandum justifying why they have proposed "Shopping Center" as the reasonable worst case scenario in order to comply with Oregon Administrative Rule 660-012. In the letter we suggested the worst case scenario should be a "Supermarket". The following two paragraphs provide an example on what could be the reasonable worst case scenario.

City of Cornelius
Wal-Mart in Cornelius
ODOT RESPONSE

3

The applicant should contact Jason Grassman PE, ODOT Region 1 Traffic Analyst at (503) 731-8221 to address any questions regarding the traffic analysis. Thank you for providing ODOT the opportunity to participate in this land use review. If you have any further questions regarding this matter, please contact me at (503) 731-8221.

Sincerely,

Timothy Wilson, AICP
Development Review Planner

C: Jason Grassman PE, ODOT Region 1 Traffic
Marty Jensvold, ODOT Region 1 Access Management
Sam Hunaidi, ODOT District 2A Assistant Manager

EXHIBIT D

Memorandum

To: Richard Meyer, City of Cornelius
Dick Reynolds, City of Cornelius

From: Reah Beach, P.E.
Carl Springer, P.E.

Date: December 6, 2005

Subject: Peer Review of Traffic Studies Prepared for P/A No. P05269-001
Proposed Cornelius Wal-Mart

The purpose of this memorandum is to present comments from our peer review of the transportation analysis submitted for the proposed Wal-Mart Super Center store at Adair Street and 4th Avenue in Cornelius, Oregon. Our review is focused on the August 2005 transportation impact analysis study, the Transportation Planning Rule (TPR) compliance analysis letter submitted on August 31, 2005 and the Response to Design Review Committee Comments letter submitted on November 29, 2005 by Kittelson and Associates. The comments for each submitted analysis are organized according to relevant sections of the studies, with a concluding section regarding key issues that should be considered by the city in their approval criteria review.

TPR Compliance Analysis

The applicant has proposed a comprehensive plan amendment and zone change for 2.67-acres of property located on the northwest corner of the Adair Street/4th Avenue intersection. The analysis conducted was based on TPR regulations and Oregon Highway Plan policies.

Site Trip Generation Comparison (A-2 versus C-2)

Vehicle trip generation for the project site was estimated under the current zoning and the proposed zoning to determine the potential increase in traffic. The property is currently zoned A-2 (Multifamily Residential) which would typically allow for medium density residential land use. The proposed zoning C-2 (Highway Commercial) would typically allow for general retail land use.

The trip generation comparison of the two zone designations should be based on the reasonable worst case buildout of the site. Under the current zoning, the allowable maximum density of 14 units per acre would result in 38 dwelling units within the 2.67-



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Portland, OR 97201-5502

(503) 243-3500
(503) 243-1934 fax
www.dksassociates.com

Total Traffic Conditions

The future planning horizon year traffic conditions were evaluated under the current and proposed zoning to determine the incremental impact. The Yew Street/Adair Street and the Pacific Avenue/Quince Street intersections are forecasted to not meet performance standards during the PM peak hour with planning year conditions under both the current and proposed zoning. The additional traffic generated by the proposed zoning would cause the v/c ratio at the two study intersections to slightly increase. The TPR requires that a comprehensive plan amendment shall not worsen the performance of an intersection that operates below minimum acceptable performance standards.

A traffic signal would improve the v/c ratio at the Yew Street/Adair Street intersection to 0.80 and meet the TPR mitigation requirement. However, the intersection does not meet signal warrants with planning year conditions under both the current and proposed zoning. No mitigation measures are identified at this intersection.

The Pacific Avenue/Quince Street intersection would be improved to meet the TPR mitigation requirement with the extension of the eastbound right turn lane on Pacific Avenue and an overlap signal phase.

The total traffic conditions analysis may require an update if the changes recommended in the previous sections (worst case trip generation, planned improvements and trip distribution) are found to have an impact on the rezone analysis findings. The proposed zoning trip generation estimate and future revised trip distribution may not be appropriate to reasonably assess short-term and long-term traffic impacts.

Conclusions

The recommendations presented in the TPR compliance analysis may need to be revised based on an updated traffic impact analysis. Further analysis was recommended in this review which may affect the traffic impact analysis findings and resulting conclusions.

Response to Design Review Committee Comments

The applicant submitted additional analysis in response to initial comments on the TPR compliance analysis. This review addresses initial comments that were presented by DKS Associates.

Comprehensive Plan Amendment

The reasonable worst case buildout of the site was evaluated further to assess the potential impacts of the proposed C-2 (Highway Commercial) zoning. Several potential site layout scenarios were reviewed with the building and parking lot area located in various configurations. Trip generation estimates for several potential land uses were determined for comparison. The concerns raised in the TPR Compliance Analysis Review section of this memorandum regarding worst case trip generation were addressed adequately in the submitted response letter. No further analysis regarding this issue is recommended.

The year 2025 analysis of the zoning scenarios did not include several roadway extensions that are listed in the Cornelius TSP Motor Vehicle Action Plan, specifically the Davis Street extension from 4th Avenue to 10th Avenue. The applicant states that these projects "do not have a direct bearing on the proposed development and/or significantly impact any

2006 Background Traffic Conditions

The impact of planned and proposed growth was assessed consistent with city and ODOT guidelines. Year 2006 background traffic volumes were estimated by applying a one-percent per year growth rate to existing traffic volumes. The growth rate is based on historical count data from 1994 to 2003 on Adair Street and Baseline Street provided by ODOT. Traffic related to five planned developments within the study area was also included in the 2006 background traffic volumes. There are no transportation improvements planned within the study area for the next year. Therefore the existing roadway geometries were utilized as a basis for the 2006 background conditions.

Project Trip Generation

The trip generation estimate for the proposed Wal-Mart Super Center store was based on trip rate data reported by the national publication from the Institute of Transportation Engineers (ITE)² for Shopping Center land use (ITE Category 820). The trip generation rate was applied to 179,902 square-feet of building area which does not include the "open air" garden area located outside the main building structure. This assumption seems appropriate based on the ITE description of the Shopping Center land use.

The trip estimates shown in Table 3 of the impact study were reviewed considering ITE recommended practices for trip generation analysis. The 34-percent reduction taken for pass-by trips was consistent with published ITE data for similar land uses. The resulting net new trips are reasonable estimates for the purposes of the impact analysis.

The trip generation estimates for new major retail uses are representative of conditions once the store is established and activity patterns have stabilized. Many new large retail outlets experience a bonus of trip activity during the first few months of operation. This is particularly true during the first few weeks. The traffic volumes during the 'grand opening' phase of the store will be higher than represented in this report, and the associated traffic congestion will be worse, for a time. However, the methods used in the study are consistent with standard traffic impact study guidelines that focus on the longer term permanent conditions of the site, and so, this higher level of traffic activity in the first few weeks and months is not discretely analyzed for impact assessment purposes.

Project Trip Distribution

The trip distribution assumptions for this site were derived from several sources. This included existing turning movement patterns observed from traffic counts, the street network within the study area, the location of other similar retail centers plus travel patterns represented in the regional travel demand model. A review of the data produced an estimate of how patrons would travel to and from the site during the AM, Saturday midday and PM peak hours. The estimated trip distributions are shown in Figure 11 of the impact study.

The project trip distribution assumes that approximately 80 percent of the site trips would access the site by traveling on TV Highway (Adair Street and Baseline Street) to 4th Avenue. The remaining project trips would travel on local roadways such as Holladay

² *Trip Generation Manual, 7th Edition*, Institute of Transportation Engineers, 2003.

through travel lanes further out. This results in the through travel lanes on 4th Avenue becoming off-set from the receiving through travel lanes north of Adair Street and south of Baseline Street. With the proposed four lane roadway section in place, safety issues may occur if an adequate transition distance is not provided.

The traffic signals on Adair Street and Baseline Street at 4th Avenue should be coordinated to reduce queuing impacts on 4th Avenue and reduce the potential for queue spillback on the adjacent roadways. The traffic signals could be interconnected with either underground conduit or wireless technology depending on the existing traffic controllers at the intersections. Also, the close proximity of the Portland & Western railroad line south of Baseline Street creates a potential safety issue with northbound vehicle queues at the 4th Avenue/Baseline Street intersection. Traffic signal pre-emption should be provided to improve safety and reduce the potential for vehicle queue spillback on 4th Avenue to the rail crossing. The traffic signal and the rail crossing interconnect would require an underground conduit connection.

A southbound right turn lane is assumed at the 4th Avenue/Adair Street intersection. Based on the queuing analysis, 65 feet of storage is recommended to accommodate site generated traffic. The recommended storage length is not appropriate and should be extended. See comments provided below in the Turn Lane Recommendations section of this memo.

Alternative Access Scenario

Additional analysis of the proposed project impacts was evaluated without the proposed site access onto Adair Street during the PM peak hour when traffic volumes and impacts are typically highest. Without the proposed right-in/right-out access on Adair Street, all project traffic would have to access the site from 4th Avenue. The analysis found the 4th Avenue/Adair Street intersection would continue to meet performance standards without the Adair Street access.

Although the Adair Street access is not required to maintain performance standards at the 4th Avenue/Adair Street study intersection, it does improve internal site circulation and significantly reduce southbound right and westbound right vehicle queues at the 4th Avenue/Adair Street intersection. The proposed Adair Street access will require a major deviation to the ODOT access management standards.

Turn Lane Recommendations

The need for turn lanes at the study intersections with the addition of project traffic was evaluated based on several criteria. The ODOT right and left turn lane warrants were used for study intersections located in TV Highway during the PM and Saturday midday peak hours. In addition, 2006 total traffic operating conditions and vehicle queue estimates were evaluated at all of the study intersections for turn lane needs during the PM and Saturday midday peak hours.

Turn lanes are recommended at the following locations:

- A westbound right turn lane at the proposed right-in/right-out site access on Adair Street.
- A southbound right turn lane at the 4th Avenue/Adair Street intersection with 65-foot of vehicle storage.

Conclusions and Recommendations

The previous section identified several issues and findings regarding potential traffic impacts of the proposed Wal-Mart Super Center store in Cornelius. We have the following conclusions and recommendations.

The overall traffic impact study was done consistent with guidelines and methods outlined by ODOT and the City of Cornelius for proposed development review. Project impacts were identified associated with project added traffic at several locations. In most cases, mitigation measures were recommended as part of the development application. However, there are a few outstanding issues to be addressed. The applicant proposed solutions are noted in Table B for each case, along with any comments or suggestions about additional issues to be resolved to fully address impacts and issues identified in this review.

Table B: Study Intersections Impact Issues and Recommendations

Location	Impact Issue	Proposed Solution by the Applicant	Remaining Issues or Recommendations
4 th Avenue at Adair Street and Baseline Street	Vehicle queues blocking adjacent intersections, traffic safety	Side by side left turn lanes on 4 th Avenue.	The lane transition on 4 th Avenue from the four lane section to the two lane sections north of Adair Street and south of Baseline Street should be evaluated to determine if adequate transition distance is provided. Traffic signals should be coordinated to reduce vehicle queues on 4 th Avenue. Traffic signal pre-emption with the rail crossing south of Baseline should be provided.
4 th Avenue along project frontage	Center left turn lane to meet collector cross-section NB left turn delays and vehicle queues	None recommended.	Frontage improvements should be constructed on 4 th Avenue along the project frontage to meet the collector three-lane roadway standard. A center left turn lane should be provided on 4 th Avenue along the project frontage to reduce vehicle delays and improve local street circulation.
4 th Avenue/Adair Street	SB vehicle queues	SB right turn lane with 65 feet of storage.	The SB right turn lane should be extended to provide a minimum of 150 feet of storage to adequately accommodate SB queue needs.
Site Access on Adair Street	WB right turn vehicle deceleration.	WB right turn lane with 300 feet of storage.	ODOT may not allow major deviation to access spacing standards. A WB right turn lane with 300 feet of storage should be provided at the 4 th Avenue/Adair Street intersection if the site access on Adair Street is not permitted.
Site Access on Adair Street	WB right turn lane conflicts with existing bus pullout	None recommended.	The WB right turn lane construction should be coordinated with TriMet staff.

EXHIBIT E

VACANT RESIDENTIAL LANDS - NOVEMBER 2005

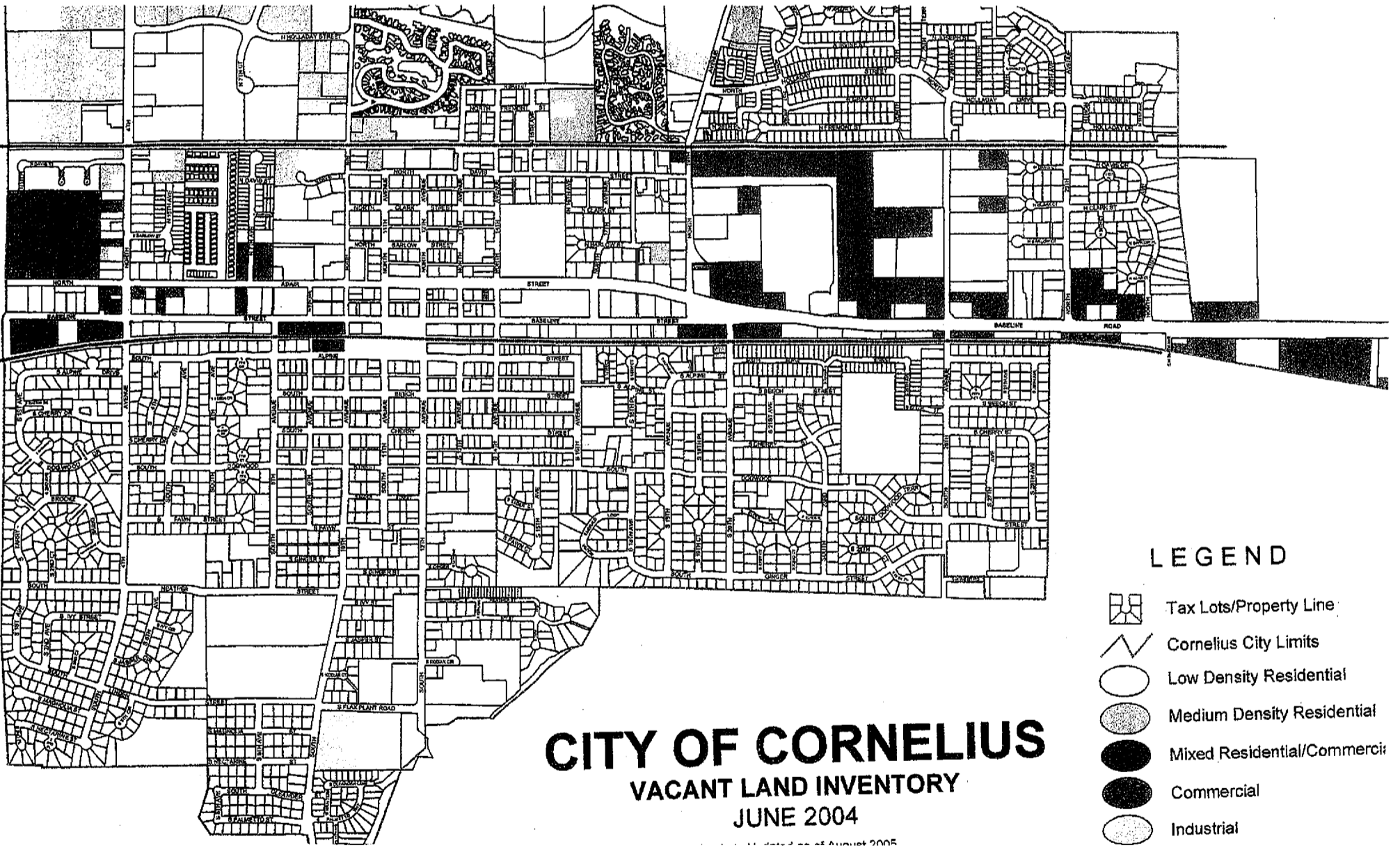
Land Divisions Platted – Not Constructed:

<u>Name/Location</u>	<u>Number of Units</u>
North Davis Gardens	6
Davis Meadows	10
Gewndolyn Court	5
Sherburne Court	5
Linda Lane	19
Hobbs Farm Estates Ph. 5 & 6	66 (37 + 29)
Tanner Part. N. 20 th	2
Sub-Total	113

Vacant/Underdeveloped Residential Land - Density Based on Net Acreage (75%) :








<u>Tax ID #</u>	<u>Zone</u>	<u>Acres</u>	<u>Min. Density</u>	<u>Max Dens.</u>
1S304BD-900, 1000, 1100	R-7	3.31 (2.48)	10 Units	12 Units
1S303D-402	R-7	1.10 (0.825)	3	4
1S303AD-400, 500, 2500	R-7	3.5 (2.52)	10	12
1S303AC-4200	R-7	.5 (.35)	1	2
1S303AB-3100	R-7	11.26 (8.45)	34	42
1S303BC-4002	R-7	0.20	1	1
1N334CB-200	R-7	6.7 (5.0)	20	25
1N334CB-500	A-2	3.09 (2.3)	18	32
1N333DD-300	A-2	0.3	2	3
1N333DC-700	A-2	1.0 (.75)	6	11
1N334CA-201	A-2	3.5 (2.6)	21	36
Sub-Total			126	180

Total Potential DU's Vacant or Undeveloped Residential Land – 239 (Min.) - 293 (Max.)



CITY OF CORNELIUS
VACANT LAND INVENTORY
JUNE 2004

LEGEND

-  Tax Lots/Property Line
-  Cornelius City Limits
-  Low Density Residential
-  Medium Density Residential
-  Mixed Residential/Commercial
-  Commercial
-  Industrial

August 2005

EXHIBIT F

The Cornelius Comprehensive Plan (Appendices C) states in the 1998 Vacant Land Inventory & Population & Employment Update that Washington County identified that within the existing Cornelius Urban Growth Boundary 515 housing units exist with 38 building permits in progress totaling 553 dwelling units. Cornelius must provide an additional 466 housing units to fulfill the allotted need of 1019 housing units. The tables below indicate that since December 1998 the number of residential units constructed in Cornelius is 455. The summary on the attached page calculates the current lands zoned with some platted for residential use. It provides a conservative estimate based on 75% of the gross acreage being available for residential units. These results based on the existing Urban Growth Boundary provide at Minimum Density 239 units and at Maximum Density 293 units.

The summation of the housing units includes those constructed since December 1998 (455) added to the projected number of housing units to be constructed (239 - 293). This provides a potential increase in the total housing inventory by 694 to 748. Utilizing these projections Cornelius exceeds its required number of 466 housing units by 228-282 dwelling units ($694 - 466 = 228$ or $748 - 466 = 282$).

RESIDENTIAL UNITS CONSTRUCTED SINCE DECEMBER 1998

Single Family Residential:

<u>Name/Location</u>	<u>Number New of Units</u>
Duyck Part. N. 4 th Ave.	1
Council Creek II	28 - 2 = 26
Heather Kristen Terrace	10
Ternbrook	5
Greenich Village	49
Behrman's Place	8
Stillwater Meadows	42
Cedar Terrace	43
NobleCrest Part.	2
Sheelar Park	25 - 1 = 24
Nature's Ridge	41 - 1 = 40
Hobbs Farm Estates Ph. 1-4 (*)	120 - 2 = 118
	<u>368</u>

* Rezoned from Industrial to Single-Family Residential in 2000, prior to development.

Multi-Family Residential:

Tanner Duplexes (Alpine)	2
Jose Arciga Apts.	15
Roher Apts.	12 - 1 = 11
Davis Street Apts.	48
Kodiak Circle Apts.	12 - 1 = 11
	<u>87</u>

Total New DU's Constructed (1998 to present) 455 = (368 + 87)

EXHIBIT G



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION PLANNING/TRAFFIC ENGINEERING

610 SW ALDER, SUITE 700 • PORTLAND, OR 97205 • (503) 228-5230 • FAX (503) 273-8169

November 29, 2005

Project #: 7059

Dick Reynolds
City of Cornelius
1355 N Barlow Court
Cornelius, OR 97113

RE: *Response to Design Review Committee Comments – Cornelius Wal-Mart*

Dear Mr. Reynolds,

This letter is in response to the November 23, 2005 letter from you requesting additional information to aid in the development review for the proposed Wal-Mart in Cornelius, Oregon. Concerns outlined in your letter from DKS and ODOT are listed in *italics*; our responses follow in standard text. Each item is addressed in detail below, arranged by the jurisdiction/party of origin.

COMPREHENSIVE PLAN AMMENDMENT

1. *The TPR Compliance Analysis prepared by Kittelson & Associates does not appear to comply with the Transportation Planning Rule (OAR 660-012-0060).*

Comments from DKS Associates

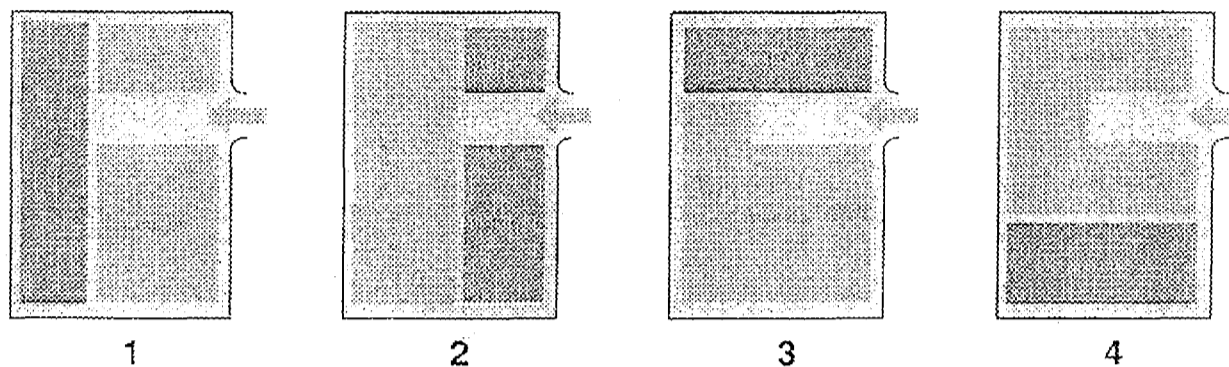
- a. *The assumed reasonable worst case C-2 zoning should have a larger building area than assumed. 2.67 acres generally allows roughly 25,000 to 30,000 square feet of building areas for retail uses. The assumption of 8,000 sq. ft. seems too low to reasonably assess impacts. This is about 3 to 4 times the trip generation potential considered in the study.*

Please refer to the ODOT section of this letter for our response.

- b. *The long-range analysis identified only one new street project by 2025, it would appear that there may be other Action Plan street projects?*

The TPR analysis conducted by Kittelson & Associates identified the extension of North Holladay Street from North Yew Street to 4th Avenue as the only improvement likely to occur that had any significant effect on the proposed development and its impacts. While the City of Cornelius Action Plan (Table 8-10, City of Cornelius TSP) does identify other projects in the vicinity of the site, these projects do not have a direct bearing on the proposed development and/or significantly impact any of the study intersections' capacity or operations.

Figure 1 - Potential Layout Scenarios

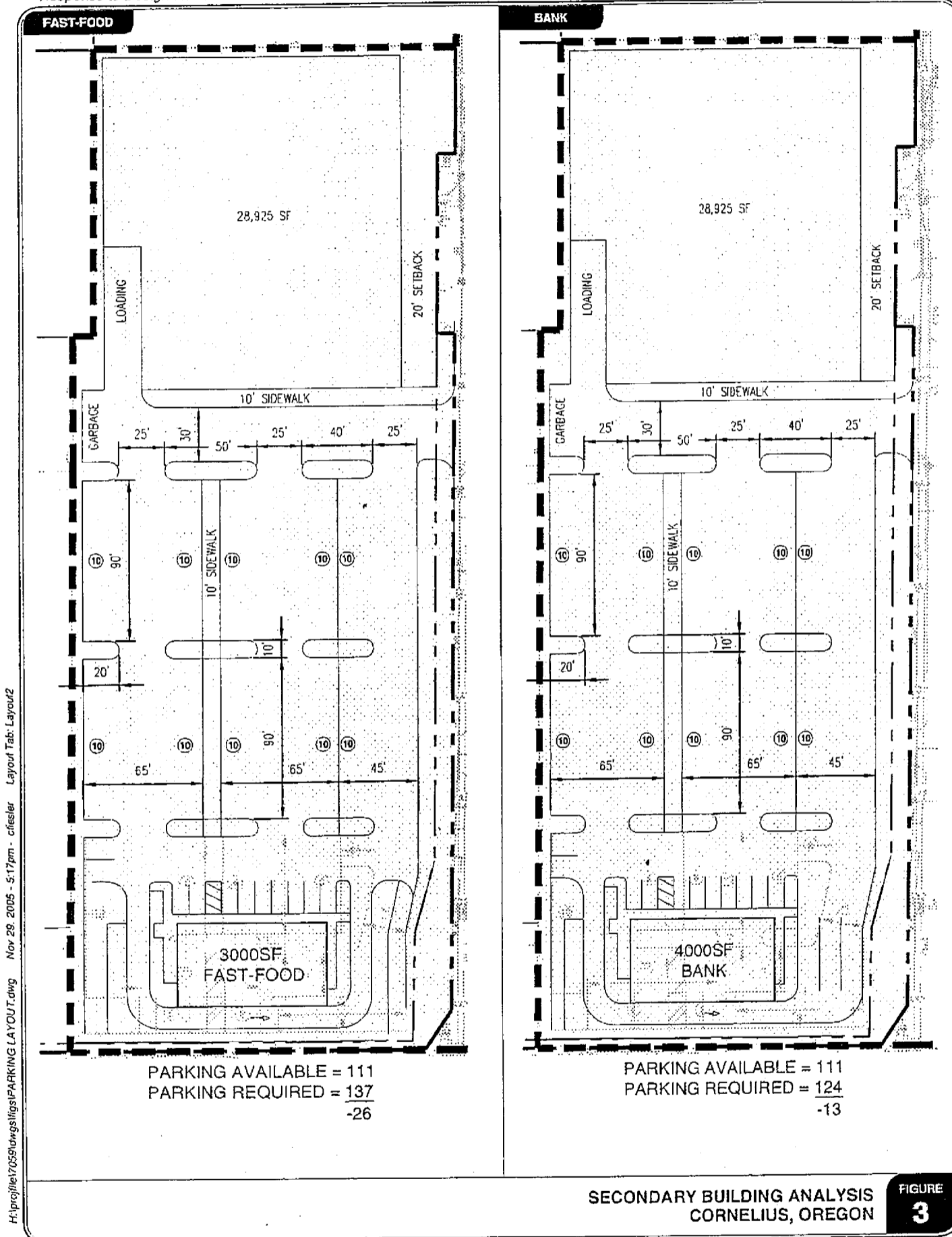


In reviewing possible layout scenarios and likely uses to develop in a standalone manner within the City of Cornelius, we could not justify on past experience in the Oregon market the development of a specialty supermarket (e.g., New Seasons Market) in a relatively low density suburban area. While New Seasons Market operates on a comparable sized site at SE Division Street/SE 20th Avenue in Portland, the development requirements, access, demographics, availability and cost of land, and mode choice characteristics differ substantially. Therefore, typical suburban flexible retail space and traditional standalone type users were originally examined. In examining these scenarios, it became difficult to identify multiple users that would be willing to locate on the rear portion of the development and be blocked visually from Tualatin Valley Highway. Thus, we assumed two fast-food restaurants as a reasonable worst-case development scenario even though it is highly unlikely that a second high trip generating use would be developed on the rear portion of the property.

In regards to ODOT's comments regarding possible excess space for other development beyond that of a 30,000 square-foot building, Kittelson & Associates reviewed the zoning code and developed a generic supermarket site plan (see Figure 2) to illustrate the build-out needs for the building, parking, maneuvering areas, internal sidewalks, landscaping, and other site amenities. As can be seen, the site can accommodate approximately a 29,000 square-foot supermarket with 145 parking spaces (5.01 spaces/1,000 sf) without accounting for ADA related spaces or cart corrals that would likely reduce the number of available spaces to less than 140 spaces.

Assuming the minimum requirement of 107 parking spaces (3.7 spaces/1,000 sf * 28,925), one may assume that additional development could occur in place of the excess 33 spaces. However, the retail market requirements for parking and the physical area necessary to develop an additional building (and the parking related to that building) would preclude such development on the subject site.

From a marketplace standpoint, retail developers in suburban areas typically will not go forward without a minimum of 4.0 spaces per 1,000 square-feet. Therefore, the number of excess spaces would likely be significantly less than 33 spaces. Secondly, in evaluating the site from a physical space standpoint assuming a typical standalone 3,000 square-foot fast-food restaurant or a 4,000 square-foot drive-through bank pad, the building pad, drive-through, and parking requirements clearly demonstrate in Figure 3 that the site is not large enough to accommodate a secondary building.



H:\proj\117059\dwg\stg\stg\parking layout.dwg Nov 28, 2005 - 5:17pm - cjesler Layout Tab: Layout2

vehicle trip ends (105 in, 110 out). This results in 70 net new additional weekday p.m. peak hour trips as compared to the August 31, 2005 TPR analysis.

While we have reservations regarding the likelihood of a 30,000 square-foot specialty supermarket developing on the subject site with ITE trip generation rate levels, we have done a sensitivity analysis assuming the additional trip generation (70 net new trips) associated with the supermarket development scenario during the weekday p.m. peak hour. Table 2 shows the operational results with the previously identified mitigation improvements (i.e., the eastbound right-turn lane with right-turn overlap) at the critical Pacific Avenue/Quince Street intersection.

Table 2
Year 2020 Weekday PM Peak Hour
Operations Analysis Comparison
(Pacific Avenue/Quince Street Intersection)

Reasonable Worst-Case Development Scenario	Level-of-Service	V/C Ratio
Current A-2 zoning	E	1.14
Proposed C-2 zoning (30 ksf Supermarket)	E	1.15
Proposed C-2 zoning (30 ksf Supermarket) <i>(mitigated)</i> ¹	E	1.12

1. Mitigated condition assumes the installation of an extended eastbound right-turn lane on Pacific Avenue with an overlap right-turn signal phase.

As shown in Table 2, the sensitivity analysis clearly indicates that the increased trip generation numbers associated with the supermarket development scenario do not change the findings of the original analysis dated August 31, 2005. As indicated in Table 2, the critical Pacific Avenue/Quince Street intersection volume-to-capacity ratio can be effectively reduced through the recommended mitigation to a level equal or lower to that of the current zoning scenario. Attachment "A" contains the updated 2006 and 2020/2025 operational analysis assuming supermarket worst-case development Scenario 3.

Figures 12 – 15 in Attachment "A" show the weekday p.m. peak hour site-generated trips and total traffic conditions for year 2006 and 2020/2025 applying the estimated trip generation for development Scenario 3 (30,000 square-foot supermarket). It also contains the year 2006 and 2020/2025 operational worksheets for all study intersections.

As shown in Figures 12 – 15 in Attachment "A", all study intersections are forecast to operate at levels which meet the level-of-service standards of the City of Cornelius and the v/c mobility standard of ODOT during the weekday p.m. peak hour, with the exception of the North Adair Street/North Yew Street intersection. This intersection is forecast to continue operating at LOS F and a v/c ratio over 1.0 during the weekday p.m. peak hour. A signal warrant analysis (also included in Attachment "A") indicates a traffic signal will not be warranted at this intersection under 2006 and 2020/2025 conditions. Based on these findings, none of the conclusions reached in the August 31, 2005 TPR analysis change. Therefore, the proposed zone change is found to comply with OAR 660-012-0060.

impacted intersections of North 4th Avenue/West Baseline Street and North 4th Avenue/North Adair Street still operate acceptably.

4. *The analysis for State facilities must be consistent with ODOT methodology. The TIS used 100-second cycle length for the Pacific Avenue/Mountain View intersection. According to the Application of Oregon Highway Plan Mobility Standards, "The cycle length for the analysis should not exceed... 90 seconds for a three-staged traffic signal (e.g. protected highway left turns and permissive side street left turns).*

Field observations indicate that the signal was operating free, with no set cycle length. This was confirmed with Doug Anderson from ODOT Region 1 per a telephone conversation on November 29th, 2005. To comply with the Oregon Highway Plan Mobility Standards, a sensitivity analysis was conducted to reflect a 90-second cycle length at the Pacific Avenue/Mountain View Lane intersection. Attachment D contains weekday p.m. peak hour operational worksheets for the three most critical weekday p.m. peak hour scenarios: 2006 build-out, 2020 future year with current zoning, and 2020 future year with proposed zoning (supermarket). Table 3 shows the effects of different cycle lengths at the Pacific Avenue/Mountain View Lane intersection.

Table 3
Weekday PM Peak Hour Operations - Pacific Avenue/Mountain View Lane Intersection

Operational Characteristic	2006 Total Traffic Conditions		2025 Current Zoning		2025 Proposed Zoning	
	90-second cycle length	100-second cycle length	90-second cycle length	100-second cycle length	90-second cycle length	100-second cycle length
V/C	0.73	0.72	0.78	0.77	0.79	0.78
Delay	12.4	12.8	14.0	14.4	14.2	14.6
LOS	B	B	B	B	B	B

As can be seen in Table 3, there is no significant operational change at the intersection related to the cycle length under any scenario.

5. *Figure 1 of the TIS shows an eastbound right-turn lane for the W Baseline St/N 10th Avenue intersection. There is not an existing eastbound right-turn lane. There is a TriMet bus pull off that has not been designated by ODOT as a right-turn lane. The analysis should be updated to reflect this.*

Field observations indicate that the bus pull-out is in fact being used by drivers as a right-turn lane, though not striped by ODOT to operate as one. This may be due in part to the fact that the same situation currently exists at the W Baseline St/N 4th Avenue intersection, where the bus pull-out is also striped as a right-turn lane for eastbound drivers. Exhibit A shows the striping and lane configuration for the eastbound approach at the West Baseline Street/North 4th Avenue intersection. Clearly visible in the picture is the bus pull-out lane which is also striped as a right-turn lane. Exhibit B illustrates the current striping and lane configuration at the West Baseline Street/North 10th Avenue intersection.

While the bus pull-out at 10th Avenue may currently operate as an effective right-turn lane based on field observations, an updated operational analysis was conducted during the critical weekday p.m. peak hour assuming all vehicles use the eastbound shared through/right-turn lane. Attachment "E" contains the weekday p.m. peak hour operational worksheets for year 2006 build-out, 2025 current zoning, and 2025 proposed worst-case (supermarket scenario) zoning. Table 4 compares the operational results with and without a separate right turn.

Table 4
Weekday PM Peak Hour Operations - Baseline St/10th Avenue Intersection

Operational Characteristic	2006 Total Traffic Conditions		2025 Current Zoning		2025 Proposed Zoning	
	Without EBRT	With EBRT	Without EBRT	With EBRT	Without EBRT	With EBRT
V/C	0.63	0.60	0.75	0.72	0.76	0.73
Delay	14.6	13.7	18.6	17.0	19.3	17.4
LOS	B	B	B	B	B	B

As shown in Table 4, the intersection operates acceptably with or without the inclusion of the eastbound right-turn lane. In any case, it is concluded that the inclusion of an eastbound right-turn lane in the original analysis does not change the findings of the August 31, 2005 TPR Compliance Analysis or the August 2005 Transportation Impact Analysis.

- The TIS is missing the manual turning movement counts for the Pacific Avenue/Quince Street intersection. These counts need to be included in the appendix of the zone change and land use traffic impact studies.*

Please see Attachment "F" for the weekday a.m., weekday p.m., and Saturday mid-day peak hour manual turning movement counts for the Pacific Avenue/Quince Street intersection. These counts were unintentionally left out of the original August 2005 traffic impact study.

- We anticipate there may be a need for a westbound right-turn lane at 4th and Adair. The applicant should look into whether or not there is enough right-of-way for this improvement.*

A review of aerial photography, tax lot lines, and available survey data indicates that there is not sufficient right-of-way to develop an exclusive westbound right-turn lane to ODOT standards at the North Adair Street/North 4th Avenue intersection. Additionally, analyses indicate that this intersection operates acceptably under all scenarios studied. As a result, it is recommended that a westbound right-turn lane at the North 4th Avenue/North Adair Street intersection not be required as part of the proposed development application.

- The analysis should address potential mitigation for queuing problems on 10th Avenue between Adair and Baseline.*

Attachment "G" contains queuing analysis worksheets for the weekday a.m., weekday p.m., and Saturday midday peak hours on North 10th Avenue between North Adair Street and West Baseline Street. There is approximately 250 feet between the stop bars on North 10th

CONCLUSIONS

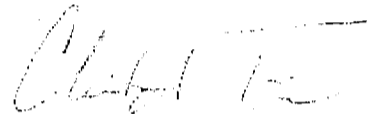
Based on the responses contained herein, the findings of the August 31, 2005 TPR Compliance Analysis and the August 2005 Transportation Impact Analysis remain unchanged with the exception of potentially converting the north- and southbound left-turns on North 10th Avenue between North Adair Street and West Baseline Street to a continuous two-way center left-turn lane.

We hope this letter adequately addresses the issues highlighted in your November 23, 2005 letter related to the TIS and TPR analyses conducted by Kittelson & Associates. If you have any questions, please contact us at (503) 228-5230.

Sincerely,
KITTELSON & ASSOCIATES, INC.



Marc Butorac, P.E., P.T.O.E.
Principal Engineer



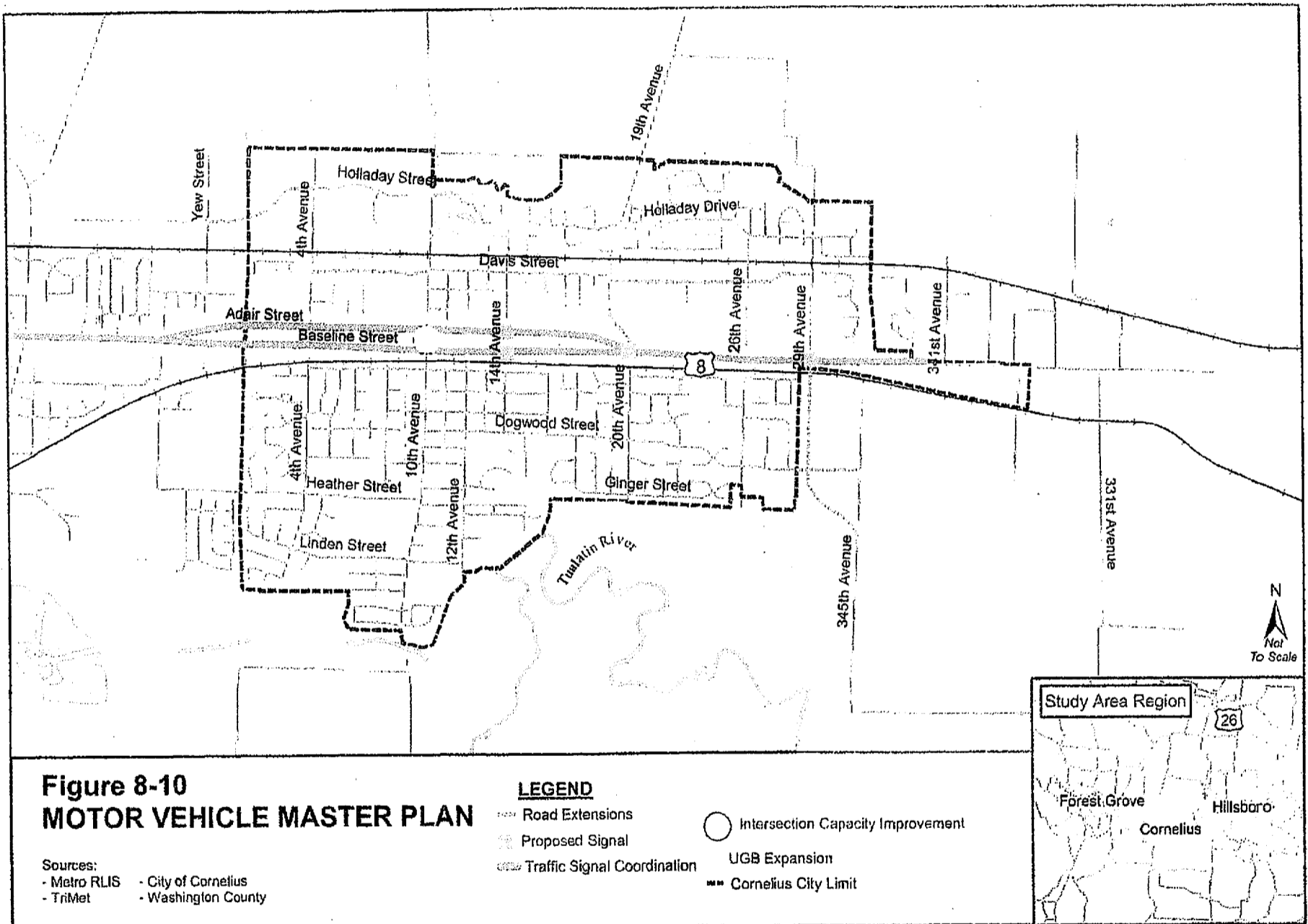
Christopher Tiesler
Engineering Associate

cc: Dan Boltinghouse, PACLAND
Jason Grassman, ODOT
Carl Springer, DKS Associates

Attachments:

- "A" Supermarket Worst-Case Development Scenario - Figures & Worksheets
- "B" Horizon Year Traffic Volumes from City of Cornelius and Forest Grove TSP's
- "C" Updated Figures 9 and 11 of TPR analysis report.
- "D" Operational Worksheets for Pacific Avenue/Mountain View Lane with 90-sec cycle
- "E" Operational Worksheets for West Baseline Street/North 10th Avenue intersection
- "F" Pacific Avenue/Quince Street Manual Turning Movement Counts
- "G" Queuing Analysis Worksheets for 10th between Adair Street and Baseline Street

EXHIBIT H





CITY OF CORNELIUS

NOTICE OF DECISION

Applicant: Dan Boultinghouse, PacLand

Action: Request is for approval of an amendment of the City Zoning Map changing the designation of seven (7) tax lots, one (1) tract and a portion of N. Clark Street, approximately 2.69 acres in size from Multi-Family Residential, A-2 to Highway Commercial., C-2

Location: 119, 133, 175, 219, 261, 273 and 295 N. 4th Avenue; Map # 1N3-33CC - Tax Lot #'s 2300, 2200, 2100, 2000, 1800, 13700, 13800, Tract B (Prairie Park Subdivision), and a portion of N. Clark Street

Filename: PacLand Zone Map Amendment, File # ZMA-01-05

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

- Sections 11.10.20 through 11.10.39 (Application and Review Procedures)
- Sections 11.30.70, inclusive (Amendments to the Zoning Ordinance)

ACTION TAKEN:

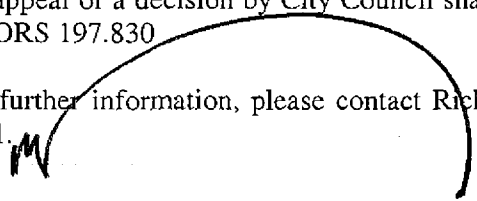
On February 21, 2006 the City Council for the City of Cornelius adopted Ordinance # 866 that **APPROVED** the request for approval of an amendment to the City Zoning Map to change the designation on the subject properties from Multi-Family Residential, A-2 to Highway Commercial, C-2. The City Council reviewed the Planning Commission and Community Development Department recommendation at a Public Hearings on January 17, February 6 and 21, 2006. Based upon the facts, findings, conclusions presented in the staff report, and the evidence, testimony and exhibits presented during the Planning Commission hearings (December 20, 2005 and January 12, 2006) and the City Council hearings, as well as the supplemental findings the Council approves the Zone Map Amendment (ZMA-01-05).

This decision has been prepared in written form and placed in the file of City records at the Development & Operations Building, 1300 S. Kodiak Circle this **23rd day of February 2006** and is available for public inspection.

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 Richard Meyer, Community Development Director at 503-357-3011.


Richard Meyer, Community Development Director

2/23/06
Date

**ORDINANCE NO. 866
CITY OF CORNELIUS, OREGON**

**AN ORDINANCE OF THE CORNELIUS CITY COUNCIL FOR THE CITY OF
CORNELIUS, OREGON AMENDING THE OFFICIAL ZONING MAP TO
DESIGNATE CERTAIN TRACTS OF LAND (MAP # 1N3-33CC, TAX LOT #'S
2300, 2200, 2100, 2000, 1800, 13700, 13800, TRACT B OF PRAIRIE PARK
SUBDIVISION AND A PORTION OF N. CLARK STREET) as HIGHWAY
COMMERCIAL, C-2 ON THE CITY ZONING MAP.**

WHEREAS, the City of Cornelius Community Development Department reviewed and analyzed the proposal for compliance with the Comprehensive Plan and Chapter 11 of the City Code (also known as the Development & Zoning Code) and recommended to the Planning Commission to recommend approval of the request to City Council; and

WHEREAS, the City of Cornelius provided public notice consistent with Section 11.10.33, Development and Zoning Code (Chapter 11 of the City Code) 20 days prior to the Planning Commission Hearing held on December 20, 2005; and

WHEREAS, the City of Cornelius Community Development Department further reviewed the complete application and analyzed the proposal for compliance with the Statewide Planning Goals and Oregon Administrative Rules; and

WHEREAS, the City of Cornelius Planning Commission has conducted an analysis, including review of reports prepared by the City Community Development Department, and has further considered the matter in a public hearing duly noticed; and

WHEREAS, the City of Cornelius Planning Commission held a public hearings on the proposed amendment that changes the subject properties from Multi-Family Residential, A-2 to Highway Commercial, C-2 on the City Zoning Map on December 20, 2005 and January 12, 2006, at the Old Cornelius Fire Hall; and based on the facts, findings and conclusions presented in the staff report and public testimony received, the Planning Commission adopted by motion to recommend to City Council the Zone Map Amendment for final adoption; and

WHEREAS, the City of Cornelius City Council, after providing the required notices, held public hearings on January 17, February 6 and 21, 2006 to review the record of the Planning Commission, and to hear and consider additional evidence and testimony on the matter.

WHEREAS, the City Council finds the proposed Zone Map Amendment to be in compliance with the City's Comprehensive Plan, the City's Development & Zoning Code, the Statewide Planning Goals and Oregon Administrative Rules; as set forth in the Recommendation Report of the Planning Commission and the Community Development Department, attached hereto as Exhibit # 1; and

NOW THEREFORE, THE CITY OF CORNELIUS ORDAINS AS FOLLOWS:

SECTION 1. The City Council for the City of Cornelius hereby approves the proposed Zone Map Amendment with conditions listed in the Findings Report (ZMA-01-05) for the tracts of land depicted on the map in the Findings Report, see Exhibit #1.

SECTION 2. This Ordinance becomes effective thirty (30) days after adoption.

SUBMITTED to the Cornelius City Council and read into the record at a regularly scheduled meeting thereof on the 21st day of February 2006, and read for a second time by title only this same day.

ENACTED this the 21st day of February 2006, by the City Council by the following votes:
YEAS 4 NAYS 0

CITY OF CORNELIUS, OREGON

By: 
Terry Rilling, Mayor

ATTEST:

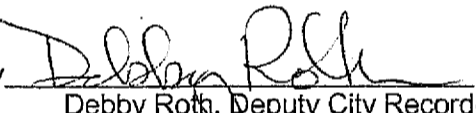
By: 
Debby Roth, Deputy City Recorder

EXHIBIT # 1



CITY OF CORNELIUS

FINDINGS REPORT

PacLand Zone Map Amendment /ZMA-01-05 Zoning Map Amendment - Change Zoning from Multi-Family Residential, A-2 to Highway Commercial, C-2

Date: January 17, 2006
Applicant: Daniel Boultinghouse, PacLand
Owner: Terry Emmert
Address: 119, 133, 175, 219, 261, 273 and 295 N. 4th Avenue

Project: Request is for approval of an amendment of the City Zoning Map changing the designation of seven (7) tax lots, one (1) tract and a portion of N. Clark Street, approximately 2.69 acres in size from Multi-Family Residential, A-2 to Highway Commercial., C-2

Legal Description: Map # 1N3-33CC - Tax Lot #'s 2300, 2200, 2100, 2000, 1800, 13700, 13800, Tract B (Prairie Park Subdivision), and a portion of N. Clark Street.

Land Area: Approximately 2.69 Acres
Existing Zoning: Multi-Family Residential, A-2

Process: A request for a zone change 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 Planning 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

The Planning Commission will make a recommendation to City Council concerning the request. 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 hearing body and the parties an adequate opportunity to respond to each issue. If there is no continuance granted at the hearing, any participant in the hearing may request that the record remain open for at least seven days after the hearing.

APPLICABLE CRITERIA

- Sections 11.10.20 through 11.10.39 (Application and Review Procedures)
- Sections 11.30.70, inclusive (Amendments to the Zoning Ordinance)

BASIC FACTS

1. Application Complete: November 10, 2005
2. 120 Day Rule Deadline: Plan Amendments (Zone Map 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 November 1, 2005.
4. Public Notice was provided in the local newspaper and mailed to surrounding property owners on November 16, 2005.
5. Public written comments are included in the exhibits for Planning Commission recommendation report.
6. Agency comments have been received from agencies or other jurisdictions:

Oregon Dept. of Transportation – Rail – Letter dated November 29, 2005
Oregon Dept. of Transportation (ODOT) – Letter dated November 18, 2005
Oregon Dept. of Land Conservation & Development (DLCD) – Letter dated September 30, 2005
7. DKS Associates conducted a review for the City of the applicant's Traffic Studies and TPR Compliance analysis – December 6, 2005.
8. The Planning Commission held public hearings on the December 20, 2005 and January 12, 2006.
9. The record was also extended at the request of a participant at the hearing for seven (7) days from December 20 – 27, 2005.
10. The Planning Commission Recommendation Report is found in Exhibit 1.

BACKGROUND FACTS

1. The subject properties are located on the west side of N. 4th Avenue, north of Adair Street and south N. Davis Court (See Exhibit 1).
2. The subject properties currently are zoned Multi-Family Residential, A-2 and are all developed with single family residences.
3. The Planning Commission recommended approval of Comprehensive Plan Amendment (CPA-02-05) designating the subject properties for commercial use.

4. The subject properties are adjacent to Multi-Family Residential zoned property to the east and north; a 12.99 acre vacant property to the west zoned Highway Commercial, C-2; and Highway Commercial, C-2 property across N. Adair Street to the south.
5. N. 4th Avenue & N. Adair Street are currently have not been improved to City street standards.
6. The intersection at N. 4th Avenue and N. Adair is controlled by a signal light.
7. A Tri-Met Bus Stop with pull out and shelter is located abutting the southern most subject property on N. Adair Street.

FINAL FINDINGS

Section 11.30.70., Zone Map Amendment Approval Criteria:

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

The analysis demonstrating compliance with Approval Criteria # 1 is found in the attached Planning Commission Recommendation Report (See Exhibit 1). The Zone Map Amendment changing the zoning from Multi-Family Residential, A-2 to Highway Commercial, C-2 is in conformance with the City's Comprehensive Plan (File # CPA-02-05), Statewide Planning Goals and applicable administrative rules.

Staff find the criteria is met.

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

As stated in the Planning Commission Recommendation Report (See Exhibit 1), the subject properties zoned Multi-Family Residential, A-2 are not located in a typical residential neighborhood. They are sandwiched between a large vacant property to the west zoned Highway Commercial, C-2 and a City Collector street on the east. A state highway (N. Adair St.) borders on the south with Highway Commercial, C-2 zoned properties abutting it. The character of this neighborhood is mixed with both commercial and medium density residential uses. The neighborhood is also dominated by vehicular uses both for existing commercial properties, residential properties and by pass-through traffic. Much of the commercial zoned land in this neighborhood is under developed or vacant. Most of the residential land is also underdeveloped based on the Multi-Family Residential, A-2 district standards. Any improvement or development to property within the neighborhood will create impacts, but only in a fashion as can be supported by the infrastructure and master plans for the area. As the subject sites are improved with commercial development requiring central access it will reduce the existing conflicts on N. 4th Avenue created by vehicle backing motions onto the street from the single-family residences. Other conflicts that exist when residential development abuts commercial property include site and vehicle lighting, noise, hours of operation (i.e. 24 hour), and cut through traffic. Staff finds that the rezoning of the subject properties from Multi-Family Residential, A-2 to Highway Commercial, C-2 will improve the functionality of the neighborhood by using the City Collector street (N. 4th Avenue) as the division between the commercial and residential uses. The use of the

site design and other development requirements in the City Code provide the analysis tools to properly plan for the health and safety of the subject neighborhood. The change in zoning as proposed will not create material or adverse affects on the character of this mixed commercial and residential neighborhood.

Staff find the criteria is met.

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

The applicant's request is for a change on the City Zoning Map of the subject properties to Highway Commercial, C-2. All of the subject properties and tax lots abut property to the west that is currently zoned Highway Commercial, C-2. This rezone would place all of the property north of Adair Street, west of N. 4th Avenue and south of N. Clark Street (platted only) in the same zoning category – Highway Commercial, C-2.

Staff find the criteria is met.

CONCLUSION

Staff concludes that the approval criteria have been addressed. The applicant's proposal for a zone map amendment from Multi-Family Residential, A-2 to Highway Commercial, C-2 is in compliance with the City Comprehensive Plan and the State Planning Goals. Staff finds the permitted uses of the proposed new zone will not materially and/or adversely affect the character of the neighborhood and that a spot zone is not created.

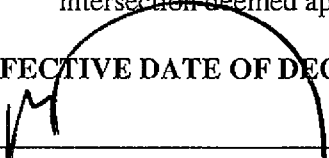
DECISION

Based upon the facts, findings, conclusions and exhibits in the staff report, testimony and evidence presented at hearings to the Planning Commission, as well as the supplemental findings the City Council approves the Zone Map Amendment, File # ZMA-01-05 (Rezoning the Subject Parcels to Highway Commercial, C-2), subject to the following conditions:

1. The only area to be rezoned Highway Commercial, C-2 shall be the subject properties only as identified in this report (Exhibit 1).
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 zone map amendment shall be by ordinance.
4. Amend Condition # 3 in the Planning Commission Recommendation report to read - When and if development occurs on the subject parcels, the Applicant shall pay \$150,000 to the City of Forest Grove to mitigate impacts at this location. This fee in lieu can be applied by the City in the future to either extend the eastbound right-turn lane to accommodate additional queues and vehicle stacking at the Pacific & Quince intersection, or complete other capacity improvements at the intersection deemed appropriate by the City of Forest Grove and ODOT.

EFFECTIVE DATE OF DECISION

February 21, 2006


Richard Meyer, Comm. Development Dir.


Terry Rillings, Mayor



CITY OF CORNELIUS

CONTINUED HEARING REPORT

PacLand Zone Map Amendment /ZMA-01-05 Zoning Map Amendment - Change Zoning from Multi-Family Residential, A-2 to Highway Commercial, C-2

Date: February 16, 2006
To: City Council
Applicant: Daniel Boultinghouse, PacLand
Owner: Terry Emmert
Address: 119, 133, 175, 219, 261, 273 and 295 N. 4th Avenue
Project: Request is for approval of an amendment of the City Zoning Map changing the designation of seven (7) tax lots, one (1) tract and a portion of N. Clark Street, approximately 2.69 acres in size from Multi-Family Residential, A-2 to Highway Commercial., C-2

Legal Description: Map # 1N3-33CC - Tax Lot #'s 2300, 2200, 2100, 2000, 1800, 13700, 13800, Tract B (Prairie Park Subdivision), and a portion of N. Clark Street.

Land Area: Approximately 2.69Acres
Existing Zoning: Multi-Family Residential, A-2

Background

The City of Cornelius Development & Zoning Code permits a Zone Map Amendment if in compliance with the identified criteria in the Development & Zoning Code and the Comprehensive Plan. All public notice requirements for a Zone Map Amendment were met. The Planning Commission unanimously recommended approval of the Zone Map Amendment to the City Council on January 12, 2006. The Council opened the public hearing on January 17, 2006 and immediately continued the hearing to Feb. 6, 2006, where staff and applicant presentations were made. Public testimony and evidence was received, but no decision was made. The Council closed the record and continued the hearing until February 21, 2006. The Council instructed staff to report back on two issues:

1. Staff is to contact the Oregon Department of Transportation concerning a request posed by the City of Forest Grove to use the mitigation funds proposed to address impacts at Pacific & Quince and Yew & Adair for engineering and design of improvements at Pacific & Quince.
2. The City Attorney also requested Council for the opportunity to review a letter submitted by the Cornelius First organization that was represented to be prepared by a land use attorney.

Issue # 1 – Mitigation Funds for Engineering and Design of Improvements at Pacific & Quince

As directed by City Council, staff conducted a conference call with the Oregon Department of Transportation Planning and Traffic sections staff (Tim Wilson, Marty Jensvold and Jason Grasserman) and Carl Springer, DKS Associates, the City's traffic consultant on Tuesday,

February 14, 2006. The purpose of call was to address the request posed by the City of Forest Grove to use the mitigation funds proposed to address impacts at Pacific & Quince and Yew & Adair for engineering and design of improvements at Pacific & Quince. ODOT staff did not have a concern or issue with how the mitigation money was used as long as it was in compliance with the Forest Grove Transportation System Plan (TSP). ODOT staff and DKS also stated that Forest Grove would have to assure that it is 'reasonably likely' that construction of the improvements to resolve the incremental impacts created by the zone map amendment would be completed within the planning horizon (2020). This determination is founded in the Transportation Planning Rule (TPR) as identified in *OAR 660-012-0060(4)(E)*.

The problem with this analysis is that even though it may provide compliance with one part of the TPR (*OAR 660-012-0060(4)(E)*), it does not meet all of the requirements of the TPR. The City Attorney does not recommend combining the mitigation funds from both impacted intersections (Pacific & Quince and Yew & Adair) for the following reasons:

1. The TPR requires that any traffic impacts that further degrade a failing intersection (i.e. Yew/Adair) must be mitigated. The Planning Commission Recommendation Report identifies the mitigation for the failing intersection, Yew/Adair to be payment of the applicants proportionate share of the extension of N. Holladay Street west to 24th/Yew. There does not appear to be a demonstrated connection in the record that establishes improvements to the intersection at Pacific & Quince as mitigation for the incremental impacts at Yew & Adair; and
2. There is also a legal concern about introducing new mitigation measures assuring that the improvements are reasonably likely to be provided by the end of the planning period (2020), because the record is closed. The new mitigation measures would most likely not be include in the record.

These potential legal flaws lead staff and the City Attorney to recommend that the mitigation funds shall be used as planned to address impacts at Pacific & Quince and at Yew & Adair with the understanding that the funds may be used for engineering/design purposes also. The mitigation funds may not be combined and applied to the Pacific & Quince intersection only.

Issue # 2 - Review of Letter Submitted by Cornelius First by City Attorney

The Council at its last meeting asked the City Attorney's office to review the letter submitted by Cornelius First. The letter opposes the proposed Comprehensive Plan Amendment and Zone Map Amendment applications to convert the 2.67 acre parcel from residential to commercial. The letter essentially asserts that the applications fail to demonstrate compliance with Goals 9 (economic development), 10 (housing) and 12 (transportation) and related elements of the City's Comprehensive Plan.

We reviewed the letter and are ultimately not persuaded by the arguments made in it. With regard to economic development issues, Cornelius First for the first time asserts that the proposal is not consistent with Goal 9 or the City's related Comprehensive Plan provisions. The letter questions the City's reliance on the "2002 Market Study" that found that the City could clearly support increased retail development. Cornelius First argues that because the 2002 Market Study was not officially incorporated into the Comprehensive Plan it cannot be relied on to justify the decision.

Regardless of whether this document needed to be officially incorporated into the Comprehensive Plan, the proposed findings base the applications' compliance on other existing and acknowledged Plan provisions and studies. In other words, we believe even if the Study cannot be relied on other findings serve to justify the applications' compliance with Goal 9 and the Plan's related criteria.

Similarly, we disagree with Cornelius First's position that the applications will result in a residential land deficit. The letter quotes or references at great length relevant provisions of the Plan and asserts that the proposed finding is inconsistent with the Plan, but does not specifically address the evidence in the record demonstrating any inconsistency. We believe the City's calculations based on the evidence in the record adequately demonstrate that the City will maintain a sufficient supply of needed housing if the applications are approved.

With regard to transportation concerns, Cornelius First asserts that the applicant's traffic study should have considered the entire site where the proposed retail center may be located when it studied the impacts of the amendments on the transportation system, as opposed to just the 2.67 acre parcel. The City Attorney's office agrees with the applicant's testimony to the City Council on this issue – it would be contrary to the Transportation Planning Rule to require the entire site to be factored into this analysis. To be clear, the impacts from the proposed retail development as a whole have been considered by the City during the Planning Commission's review of the site plan.


Based on the evidence in the record and the arguments presented we believe that the City Council is in a position to approve the application, should that be its wish. We do recommend that if the City Council votes to approve the application that it direct staff to revise the findings to specifically respond to the issues raised in Cornelius First's letter. It is important that the City's findings demonstrate that it considered the arguments and responded to them.

I have presented this approach to the applicant's attorney and he is in agreement with it. If the Council agrees with this approach final findings would be drafted and presented to the Council for adoption at its February 21, 2006 meeting.

Conclusion

Staff concludes that the information gathered in researching these two issues does not change the conclusion or recommendation of the Findings Report and/or the Planning Commission Recommendation Report, with the exception of the following additional condition:

Amend Condition # 3 in the Planning Commission Recommendation report to read - When and if development occurs on the subject parcels, the Applicant shall pay \$150,000 to the City of Forest Grove to mitigate impacts at this location. This fee in lieu can be applied by the City in the future to either extend the eastbound right-turn lane to accommodate additional queues and vehicle stacking at the Pacific & Quince intersection, or complete other capacity improvements at the intersection deemed appropriate by the City of Forest Grove and ODOT.

Date  February 16, 2006
Richard Meyer, Comm. Development Dir.



CITY OF CORNELIUS

PacLand Zone Map Amendment /ZMA-01-05

SUPPLEMENTAL FINDINGS - RESPONSE TO OPPOSITION TESTIMONY

On behalf of Cornelius First, Tracy Irwin testified at the January 17th and February 6th public hearings and submitted a letter, dated February 6, 2006, in opposition to the CPA and ZMA applications. Additionally, Chris Christofferson of Greenlight Engineering, whom has been retained by Cornelius First, testified at the January 17th and February 6th hearings, referencing his earlier written submissions, regarding the Applicant's TPR analysis. Since Cornelius First raised a number of substantive issues, some of which have been raised by other parties whom testified and submitted written comments, the City Council elected to adopt findings to respond specifically to these issues. The City Council does not agree with these arguments and issues raised by Cornelius First and other parties for the following reasons.

Cornelius First's February 6th letter raises a number of issues for the first time that are specific to the CPA application. The City Council will not consider those arguments in the February 6th letter that are specific to the CPA Application because they were submitted after the City Council had closed the record and rendered a decision on the CPA application, and therefore they are not timely. Additionally, the arguments specific to the ZMA application are of limited value given that the City Council approved the CPA application prior to the submission of these arguments and there are compelling reasons to rezone the property to ensure that the zone is consistent with the new Comprehensive Plan designation. Nonetheless, the City Council will respond to these arguments in the alternative.

Cornelius First and other parties testified and submitted written comments that relate to the Applicant's proposed Wal-Mart store on the larger 15.92 acre site. These arguments are not relevant to the CPA and ZMA applications because these applications merely propose to change the Comprehensive Plan designation and zoning on the 2.67 acre parcel. The Wal-Mart store was proposed as part of the Design Review (DR-15-05) and Conditional Use Permit (CUP-05-05) applications, which were reviewed and approved by the Planning Commission. Cornelius First and other parties could raise issues related specifically to the proposed Wal-Mart store by appealing these Planning Commission decisions to the City Council. Therefore, the City Council will not consider these arguments because they are not relevant.

Cornelius First and other parties argued that the CPA and ZMA applications are not consistent with Goal 9. Cornelius First's argument is based largely on its assertion that the Staff Report improperly relies on updated information regarding the vacant commercial land inventory that is not consistent with the 1998 Vacant Land Inventory (VLI) and the acknowledged Comprehensive Plan. The City Council disagrees that the updated information provided by the Staff is inconsistent with the 1998 VLI and/or the Comprehensive Plan, or that it cannot be considered as part of this decision. The updated information provided by the Staff is additional evidence that the City Council can appropriately consider for purposes of demonstrating compliance with the Comprehensive Plan and to verify that the assumptions of the Comprehensive Plan and the 1998 VLI are still accurate. Moreover, the City Council concludes that the CPA and ZMA applications are consistent with Goal 9 based solely on the Comprehensive Plan and the 1998 VLI, without considering this updated information. The Comprehensive Plan Goal 9 provisions recognize that the "Cornelius land area is predominately residential," which "places a heavy tax burden on

the City's residents to support necessary urban services and facilities," and that "without a successful mix of commercial, industrial and residential the City tax base cannot reach its full potential." Comprehensive Plan, p.19, 33. The Comprehensive Plan also recognizes that "much of the land along the Tualatin Valley Highway is not ideally suited for residential use because of highway noise and the proximity of the railroad" and that "much of the land fronting the highway is suitable and needed for commercial development." Comprehensive Plan, p.27, 33. Based on these findings, the City adopted policies to "support and promote continued commercial and light industrial development and diversification of the area's economy" and to "encourage commercial development * * * and seek to capture the value of high traffic volumes on the highway." Comprehensive Plan, p.33-34. The City Council concludes that the redesignation and rezoning of the 2.67 acre parcel is consistent with these Comprehensive Plan policies by providing additional commercial land along the Tualatin Valley Highway that can be used for commercial development by itself or in consolidated with the adjacent commercial property to support a larger commercial development.

Cornelius First and other parties argued that the CPA and ZMA applications are not consistent with Goal 10. Cornelius First's argument is based largely on its assertion that the Staff Report improperly relies upon updated information regarding the vacant residential land inventory that is not consistent with the 1998 VLI or the acknowledged Comprehensive Plan. The City Council disagrees that the updated information provided by the Staff is inconsistent with the 1998 VLI and/or the Comprehensive Plan, or that it cannot be considered as part of this decision. The updated information provided by the Staff is additional evidence that the City Council can appropriately consider for purposes of demonstrating compliance with the Comprehensive Plan and to verify that the assumptions of the Comprehensive Plan and the 1998 VLI are still accurate. Moreover, the City Council concludes that the CPA and ZMA applications are consistent with Goal 10 based solely on the Comprehensive Plan and the 1998 VLI, without considering this updated information. The Comprehensive Plan and the 1998 VLI demonstrate that the City has sufficient residential lands to meet the City's housing needs based on vacant and redevelopable residential lands. The 1998 Vacant Land Inventory & Population and Employment Update (Appendix C) provides a summary of Total Dwelling Unit Capacity (pg. 9). The 1998 VLI indicates that based on the Single-Family Residential (R-7) and the Multi-Family Residential (A-2) zoning districts, "Cornelius must accommodate an additional 466 dwelling units. With an existing capacity of 515 units, Cornelius meets the basic allotment of dwelling units established by Metro, exceeding it by 49 dwelling units". This does not include potential dwelling unit numbers permitted in the new Main Street District. The applicant is proposing to change the zoning on approximately 2.67 acres of land from A-2 residential to C-2, commercial. Based on the 1998 Development Code the maximum number of dwelling units permitted per gross acre in the A-2 zone was 14 dwelling units. The changing of this zoning on the subject parcels from A-2 to C-2 results in a potential loss of 30 net dwelling units ($2.67 \times 14/\text{acre} = 37.38$ or $37 - 7$ existing dwelling units = 30). The 1998 VLI states that Cornelius exceeds the Metro dwelling unit allotment by 49. If the net loss of 30 dwelling units is subtracted from the excess of 49 units ($49 - 30 = 19$) the result is that Cornelius still exceeds its housing allotment by 19 dwelling units.

The Vacant Land Inventory & Population and Employment Update (Appendix C) also projects population growth based on data from Metro Regional Services (Metro). The Metro projection in the VLI for the year 2020 based on a 2.86 continued average growth rate is a population of 14,000. This population of 14,000 is based on an average household size of 2.92 persons and the VLI forecasts an additional 2055 dwelling units would be needed to accommodate 6000 more people in Cornelius. The projections in the VLI conclude that there would be a 1054 dwelling unit deficiency by the year 2017. This is a forecast based on a straight-line projection of growth. Please note that the reason a population average growth rate of 2.86 occurs is because it includes actual 1990 to 1997 increases when there was large tracts of undeveloped land designated for residential use that existed within the Urban Growth Boundary (UGB). This also reflects the fact that the UGB as determined by Metro allowed for population growth in

Cornelius. Expansion of the UGB for additional residential growth requires Cornelius to demonstrate to Metro that residential development has and will occur at densities sufficient to accommodate housing needs for the year 2020. In order for the population to grow to 14,000 the UGB would have to be expanded whether it be under 1998 or current conditions. At the time the UGB is expanded for residential growth Cornelius will be able to accommodate an increase in population based on Metro and City approved densities for 2020 and other future housing needs. The loss of housing units due to the CPA and ZMA proposals would not cause the City to be unable to satisfy the identified housing needs of the community. Additionally, the City Council notes that there has been very little development of A-2 zoned property and multi-family dwelling units due to the lack of market needs. Comprehensive Plan, p.14 (Table 1), 29.

Cornelius First and other parties argued that the CPA and ZMA applications are not consistent with Goal 12. Cornelius First's argument is based largely on its assertion that the Applicant did not consider traffic impacts from the proposed Wal-Mart store and did not propose adequate mitigation to the intersections that were identified as significantly affected pursuant to the TPR analysis. The City Council rejects Cornelius First's assertion that the TPR analysis is required to consider the traffic impacts from the proposed Wal-Mart store because it includes 12.99 acres of property already commercially zoned that has been accounted for in the TSP and it is not appropriate to consider traffic impacts from a proposed development that had not yet been finally approved when the record in these proceedings was closed. Moreover, the City Council relies upon the expert testimony of the Kittleson, ODOT and DKS that the TPR analysis should not consider the traffic impacts from the proposed Wal-Mart store. The City Council also rejects Cornelius First's assertion that the Applicant did not propose adequate mitigation to the intersections that were identified as significantly affected pursuant to the TPR analysis based on the expert testimony of Kittleson, ODOT and DKS. Kittleson, ODOT and DKS all agree on the scope, methodology, conclusions and proposed mitigation for the TPR analysis. Mr. Christofferson is the only traffic engineer involved in this proceeding that believes the TPR analysis is flawed. The Applicant provided detailed, point-by-point response to all of Mr. Christofferson's assertions, which the City Council hereby adopts. The City Council elects to rely on the majority of traffic experts that considered the TPR analysis, especially ODOT and DKS, the City's own traffic consultant.

Cornelius First and other parties argue that the CPA and ZMA applications are not consistent with DZC Sections 11.30.70(C)(2) and 11.30.70(C)(3) because of the manufactured home park to the north of the property and the residential uses to the east of N. 4th Avenue. The City Council rejects this assertion. The neighborhood is mixed with commercial and medium density residential zones and uses, with a predominant commercial presence along Tualatin Valley Highway. The proposed CPA and ZMA will allow N. 4th Avenue to serve as a buffer between the commercial and residential uses, whereas currently there is no buffer between the existing residential uses and the adjacent commercial property to the west. Development of the property individually or in conjunction with the adjacent commercial property to the west will require improvements to N. 4th Avenue that will reduce existing conflicts created by multiple single family residences accessing this City Collector street. The proposed CPA and ZMA will place all of the properties along the Tualatin Valley Highway corridor that are north of Adair Street, west of N. 4th Avenue and south of N. Clark Street in the same Comprehensive plan designation and zone.

DATE

February 21, 2006



Richard Meyer, Community Development Director



CITY OF CORNELIUS

PLANNING COMMISSION RECOMMENDATION REPORT

PacLand Zone Map Amendment /ZMA-01-05 Zoning Map Amendment - Change Zoning from Multi-Family Residential, A-2 to Highway Commercial, C-2

Date: January 12, 2006
To: City Council
Applicant: Daniel Boultinghouse, PacLand
Owner: Terry Emmert

Request: Request is for approval of an amendment of the City Zoning Map changing the designation of seven (7) tax lots, one (1) tract and a portion of N. Clark Street, approximately 2.69 acres in size from Multi-Family Residential, A-2 to Highway Commercial., C-2

Legal Description: Map # IN3-33CC - Tax Lot #'s 2300, 2200, 2100, 2000, 1800, 13700, 13800, Tract B (Prairie Park Subdivision), and a portion of N. Clark Street.

Address: 119, 133, 175, 219, 261, 273 and 295 N. 4th Avenue
Current Zoning: Multi-Family Residential, A-2

Process: A request for a zone change 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 Planning 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

- Sections 11.10.20 through 11.10.39 (Application and Review Procedures)
- Sections 11.30.70, inclusive (Amendments to the Zoning Ordinance)

BASIC FACTS

1. Application Complete: November 10, 2005.
2. DLCD 45 Day Notice: The City mailed pre-hearing notice to DLCD on November 1, 2005.
3. Public Comments (Exhibit B):
 - a. Greenlight Engineering Letter dated November 29, 2005.
4. Agency Comments (Exhibit C):
 - Oregon Dept. of Transportation – Rail – Letter dated November 29, 2005
 - Oregon Dept. of Transportation (ODOT) – Letter dated November 18, 2005
 - Oregon Dept. of Land Conservation & Development (DLCD) – Letter dated September 30, 2005

BACKGROUND

1. The subject properties are located on the west side of N. 4th Avenue, north of Adair Street and south N. Davis Court (See Exhibit A).
2. The subject properties currently are zoned Multi-Family Residential, A-2 and are all developed with single family residences.
3. The Planning Commission recommended approval of Comprehensive Plan Amendment (CPA-02-05) designating the subject properties for commercial use.
4. The subject properties are adjacent to Multi-Family Residential zoned property to the east and north; a 12.99 acre vacant property to the west zoned Highway Commercial, C-2; and Highway Commercial, C-2 property across N. Adair Street to the south.
5. N. 4th Avenue & N. Adair Street are currently have not been improved to City street standards.
6. The intersection at N. 4th Avenue and N. Adair is controlled by a signal light.
7. A Tri-Met Bus Stop with pull out and shelter is located abutting the southern most subject property on N. Adair Street.

FINAL FINDINGS

Section 11.30.70.. Approval Criteria:

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

All of the subject parcels are located within the Urban Growth Boundary and the City limits. The subject land consists of eight (8) tax lots, one (1) tract and a portion of N. Clark Street that were previously designated by the City as Medium Residential and zoned Multi-Family Residential, A-2. The Comprehensive Plan has recently been recommended by the Planning Commission to be amended (File # CPA-02-05) to designate the subject properties for Commercial use. The applicants are requesting a map amendment to zone the properties Highway Commercial, C-2. This is a zone would be compliant and is permitted under the Comprehensive Plan designation of Commercial. The existing zoning of Multi-Family Residential, A-2 does not conform with the Comprehensive Plan designation of Commercial that the Planning Commission recommends (CPA-02-05).

Statewide Planning Goals:

Goal 1 – Citizen Involvement

The City Development & Zoning Code provides a process and procedures to ensure citizens have a avenue to participate as directed by Goal 1 and the City Comprehensive Plan in land use decisions. The applicant conducted a Neighborhood Meeting on August 24, 2005 to explain their proposal and answer questions. Approximately two hundred and twenty-five (225) neighbors and property owners signed-in and attended the meeting. Upon receipt of a complete application on November 10, 2005 from the applicant the City prepared and published a public notice announcing public hearings to be held before the Planning Commission concerning the request. The Planning Commission hearing is scheduled for 7:00 PM on Tuesday, December 20, 2005 in the "Old Fire Hall", 120 N. 13th Avenue, Cornelius. The City Council hearing shall be scheduled for the next available hearing date in 2006 following the Planning Commission recommendation. It is the provision of public notices and public hearings that give the opportunity for citizens to submit comment, testimony, ask questions, receive answers or challenge the proposed request. After a decision is rendered an appeal period follows, which allows the opportunity for opponents to request a review of the decision at the Land Use Board of Appeals.

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 is met.

Goal 2 – Land Use Planning

The City of Cornelius has an established procedure identified in *Section 11.10.00*, which describing the application, review, notice, decision process and appeal procedures. The appropriate approval criteria as identified in the Development and Zoning Code requesting approval of a zone map amendment have been addressed. The City 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.

It has been determined that wetland is located on Tax Lot #'s 3600 and 3700, which abut the subject parcels. This wetland does not affect the proposed zone map amendment of the subject properties. It may affect future development of the abutting sites, but not the subject application.

Staff find the goal is met.

Goal 6 – Air, Water and Land Resources Quality

The City provides and complies with regional, state and federal programs for monitoring and protection of air, water and land resources. City services for water delivery, storm water and sanitary sewer are available and all have the capacity to accept build out of these parcels to commercial standards. The City purchases water from the Joint Water Commission (JWC) through the City of Hillsboro. JWC completed a new 72' transmission line in 2002 that has the capacity to serve all of Cornelius's projected growth. The City has an intergovernmental agreement with Clean Water Services (CWS) for the provision and management of sanitary and storm sewer. The subject parcels are served by City's 'south drainage basin sanitary sewer collection system'. Sanitary sewer from the south drainage basin is pumped from the Linden Street Pump Station and transmitted to the CWS Forest Grove Treatment Plant, where it is treated. In 1974 the Linden Street Pump Station had a transmission capacity of 2300 gpm. The City in cooperation with CWS rebuilt the Linden Street Pump Station in 2004 and increased the pump and transmission capacity to 4,750 gpm. The sanitary is now capable of handling new impacts to the 'south drainage basin collection system. Stormwater from the subject properties drains into the Tarrybrooke drainage basin. The City Storm Drainage/Surface Water Management Master Plan indicates (Pg. 4-5) that the northern sub-basin, where the subject properties are located flows at more than two hundred (200) percent of capacity under existing development. When and if development occurs on the subject parcels the applicant will be required to demonstrate that there on-site stormwater management will not create greater impacts on the City's exist and constrained stormwater system. This shall be made a condition of approval.

Staff find with conditions the goal is met.

Goal 7 – Areas Subject to Natural Disasters and Hazards

As previously mentioned development shall only be possible through the City's implementation of its Development & Zoning Code. The City does identify areas of natural disasters and hazards (i.e. 100 year Floodplain). Floodplain elevations are determined and addressed through the approved land use process. None of the subject properties abut or are within the 100 year floodplain. The City, Regional and State requirements are in place or have been adopted by the City to protect against natural disasters or hazards.

Staff find the goal is met.

Goal 8 – Recreational Needs

Staff find the goal is not applicable.

Goal 9 – Economic Development

The applicant's proposal requests a zone map amendment from Multi-Family Residential, A-2 to Highway Commercial, C-2. There are eight (8) properties proposed for zone map amendment, approximately 2.67 acres. Cornelius currently only has ten (10) parcels that are vacant and zoned commercial that are over two (2) acres in size. Many of these ten sites have compromised access issues. Development of the subject properties to commercial densities and standards would increase business opportunities, employment and economic development for the City. Land designated for commercial use in Cornelius basically runs along the TV Highway corridor. Lands on the south side of the highway are very constrained by lot width, ODOT access standards and the abutting Portland-Western Railroad line. Whereas commercial lands on the north side of TV Highway are generally larger, have wider and multiple street frontages, and for the most part do not abut a railroad line. The City needs to provide opportunities for commercial lands to be aggregated for comprehensive uses that can be coordinated into locations with street frontage and readily available access. The proposed amendment of these residential sites to commercial designation provides an opportunity to provide an adequate supply of sites of various size, types and location for a variety commercial uses.

Staff find the goal is met.

Goal 10 – Housing

Cornelius currently has the residential capacity to meet the County housing projections for the City (See Exhibit D). The eight (8) subject properties are currently developed with single-family residences. Changing the designation of the subject parcels from residential to commercial removes eight (8) single family residential units from the existing housing stock, but based on the A-2 zoning district it potentially removes a maximum of twenty-eight (28) multifamily residential dwelling units ($2.67 \times .75 = 2.02 \times 14 \text{ DU's/acre} = 28.04$) from the housing market. Even with the loss of the eight (8) residential units on the subject properties the City of Cornelius has enough residential housing units built and planned to exceed the County required allotment of 1019 by 220 to 274 housing units.

Staff find the goal is met.

Goal 11 – Public Facilities & Services

The City of Cornelius as required by the State Department of Land Conservation & Development received acknowledgement in 2004 of compliance with Periodic Review Task # 3 for its adoption of its Public Facilities Plans that include Water, Sanitary and Stormwater Master Plans.

Water – Cornelius is supplied by two connections to an 18-inch secondary supply line serving the City of Hillsboro. The water source is the upper Tualatin River at the Haines Falls intake station. This diversion primarily serves satellite water systems along the 18-inch transmission line and is an auxiliary supply source for the City of Hillsboro. During the high runoff season (November through June), the natural flow in the Tualatin River exceeds the intake capacity, allowing Haines Falls to fully supply areas along the 18-inch transmission line. In the dry season, the withdrawal is from the natural flow augmented by storage releases, conveyed by gravity, from Barney Reservoir on the North Fork of the Trask River. Water from the reservoir is discharged into the Tualatin River and impounded again at Haines Falls. After settling at Haines Falls, water is chlorinated and is discharged into the 18-inch secondary Hillsboro supply line or it is returned to the Tualatin River. The Cornelius water system runs off the pressure of Hillsboro's 18-inch supply line, which runs through the center of the City along Baseline Road (Tualatin Valley Highway). In addition, Cornelius has a 1.5 mg reservoir and pump station, which are used for standby purposes only.

The area proposed for a zone change can be served by an extension of an existing 8-inch water line located along N. 4th Avenue. There is also an 12 inch mainline that runs along the north right-of-way of Tualatin Valley Highway.

Sewer – The City of Cornelius and the subject property within the Urban Growth Boundary is located within the Cleanwater Service area that is served by the Hillsboro regional treatment plant. Cleanwater Services (CWS) has a standard agreement with the large cities within the service area, including Cornelius. In that agreement the Cornelius agree to:

1. Comply with the CWS's construction and maintenance standards for sanitary and storm water sewer facilities.
2. Follow and accomplish the CWS's work program for storm and surface water.
3. Obtain the CWS's consent before issuing construction permits within wetlands, floodways and floodplains. The agreement provides that the city owns and is responsible for sanitary sewer lines under 24-inches in diameter within the City limits and for storm water facilities within the City limits as identified on a map, which is virtually all of the facilities. CWS agreed not to extend sanitary sewer service to areas outside the City within the City's Urban Planning Area unless the City approves.

There is an eight (8) inch City of Cornelius sanitary sewer line located in the N. 4th Avenue right-of-way directly adjacent to subject ownerships.

Storm Drainage – CWS has responsibility for surface water management within the Washington County urban growth boundaries. CWS has entered into an intergovernmental agreement with Cornelius for allocation of the City and CWS responsibilities. The City has responsibilities for operations and maintenance of storm

and surface water facilities within the City. The City may not issue permits for construction within or modification to a wetland, floodway, or without first receiving approval from CWS.

Stormwater from the subject properties drains into the Tarrybrooke drainage basin. The City Storm Drainage/Surface Water Management Master Plan indicates (Pg. 4-5) that the northern sub-basin, where the subject properties are located flows at more than two hundred (200) percent of capacity under existing development. When and if development occurs on the subject parcels the applicant will be required to demonstrate that their on-site stormwater management will not create greater impacts on the City's existing and constrained stormwater system. This shall be made a condition of approval. There is a eighteen (18) inch storm drain line at the intersection of N. 4th Avenue and in the Tualatin Valley Highway right-of-way, which could be extended west to the subject properties.

Fire – The subject properties are currently served by the Cornelius Fire Department.

Police – The subject properties are currently served by the Cornelius Police Department, which provides 24 hour/day service. The City's 2000 census population is 9,930 and is served by 12 sworn officers for a level of service of approximately 1.21 officers per 1000 population.

Staff find that the City has planned for and provides key facilities that are available and to appropriate levels to adequately serve the needs of the subject properties and their change to commercial use.

Staff find the goal is met.

Goal 12 – Transportation

As identified in the staff report for the Comprehensive Plan Amendment (CPA-02-05) recommending approval of a commercial designation on the subject properties compliance with the Oregon Transportation Planning Rule shall be addressed for amendments of land 2 acres or larger. The subject properties total approximately 2.67 acres in size.

OAR 660-012-0060 Plan and Land Use Regulation Amendments

OAR 660-012-0060

- (1) *Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility.*

Oregon Department of Transportation (ODOT) has jurisdiction and ownership of the Tualatin Valley Highway right-of-way. ODOT's comments to staff include the requirement that amendments to a comprehensive plan shall assure that the allowed land uses are consistent with the function and capacity of the abutting state highway. Therefore this amendment of the comprehensive plan map for the subject properties

requires a Traffic Study to determine if there is a significant affect on the existing facility per the state Transportation Planning Rule (TPR), OAR 660-012-0060. Section 0060 of the TPR requires a determination be made as to whether the proposal will have a "significant affect" on the state transportation system. 'Significantly affect' is defined as when the amendment as measured at the end of the planning period (2025 – Cornelius TSP) identified in the adopted transportation system plan would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of map errors in an adopted plan);
2. Change standards implementing a functional classification system; or
3. As measured at the end of the planning period identified in the adopted transportation system plan:
 - A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

The applicant's proposal does not change the functional classification or the standards implementing a functional classification. The applicant's comprehensive plan amendment does propose to change the designation on the subject properties from residential to commercial. To demonstrate compliance with the TPR the applicant is required to assure that by designating the subject properties to commercial it will not reduce or worsen the performance of the existing or planned transportation facility below the minimum acceptable level identified in the Cornelius TSP.

In order to address this requirement the applicant has submitted a 'Compliance Analysis for the TPR' report prepared by Kittelson & Associates as part of the application packet. This initial analysis determined that there were two intersections that were significantly affected. They are N. Adair & Yew Streets and Pacific Avenue & Quince Street, both located in the City of Forest Grove. The Kittelson analysis concluded that the proposal can comply with the TPR, by providing mitigation at these intersections. Kittelson's recommendations are:

- 1) N. Adair & Yew Streets – The intersection would function at levels to meet ODOT mobility standards over the planning horizon, if a traffic signal were installed. The intersection (in Kittelson's opinion) does not meet signal warrants, but it should be monitored by ODOT for future warrants and the proposed retailer would pay a proportionate share for a traffic signal.

- 2) Pacific Avenue & Quince Street – If ODOT determines that there is ‘significant affect’ and mitigation is required then the retail developer shall construct an extended eastbound right turn lane and establish a right-turn overlap.

In response to the Kittelson Traffic Study the City Design Review Committee, DKS Associates (City Transportation Consultant) and ODOT all identified concerns with this study. Specifically, that the building square footage and type of use in the trip generation comparison appears not to represent a realistic build-out of the subject properties. TPR analysis requires the traffic study to consider a ‘worst-case’ scenario when considering a comprehensive plan amendment. Kittelson responded to these concerns with an addendum to the ‘Compliance Analysis’ that was submitted on November 29, 2005 to staff. Table 1 (pg. 6) of the addendum provides a trip generation scenario analyzing three (3) different types of land uses and square footages on the subject site:

1.	Fast Food Restaurant w/Drive-Through	8,000 sq. ft.
2.	Shopping Center	30,000 sq. ft.
3.	Supermarket	30,000 sq. ft.

The trip generation analysis on these three scenarios indicate that a Shopping Center generates 75 new net trips and a Supermarket 215 net new trips. The Kittelson addendum states that the increased trip generation numbers associated with the Supermarket development do not change the findings of the original analysis of August 31, 2005, except the added recommendation to provide continuous north-bound and southbound left-hand turn lanes on N. 10th Avenue between N. Adair and Baseline. The Kittelson addendum concludes the critical intersections that need to be mitigated are Pacific & Quince, Adair & Yew streets in Forest Grove and N. 10th Avenue & Baseline/Adair in Cornelius:

Pacific & Quince: Kittelson proposes an extension of the eastbound right-turn lane as mitigation to reduce the volume-to-capacity ratio to a level equal or lower than the current zoning.

Adair & Yew: This intersection is forecast to continue to operate at LOS F and at a v/c ratio over 1.0 during weekday PM peak hour. A signal warrant analysis indicates a traffic signal will not be required under 2006, 2020 and 2025 conditions. The applicant proposes to pay a proportionate share of the cost of a traffic signal at this intersection.

N. 10th Avenue & Baseline/Adair: The striping along N. 10th Avenue between Baseline and N. Adair Street should be converted to a two-way left-turn lane to accommodate the north and south bound left turn lane queues.

The City’s transportation consultants, DKS Associates have reviewed both the Kittelson Compliance Analysis and the Addendum Letter. DKS Associates have made the following findings in the TPR Compliance Analysis (See Exhibit E):

1. The Yew Street/Adair Street and the Pacific Avenue/Quince Street intersections are forecasted to not meet performance standards during the PM peak hour with planning year conditions under both the current and proposed zoning. The additional traffic generated by the proposed zoning would cause

the v/c ratio at the two study intersections to slightly increase. The TPR requires that a comprehensive plan amendment shall not worsen the performance of an intersection that operates below minimum acceptable performance standards

2. A traffic signal would improve the v/c ratio at the Yew Street/Adair Street intersection to 0.80 and meet the TPR mitigation requirement. However, the intersection does not meet signal warrants with planning year conditions under both the current and proposed zoning. No mitigation measures are identified at this intersection.
3. The Pacific Avenue/Quince Street intersection would be improved to meet the TPR mitigation requirement with the extension of the eastbound right turn lane on Pacific Avenue and an overlap signal phase.
4. The applicant's (Kittelson) addendum to the TPR Compliance Analysis further evaluates the 'worst case build-out' scenario for the subject site based on Highway Commercial, C-2 zoning. Several potential site layout scenarios were reviewed with the building and parking lot area located in various configurations. Trip generation estimates for several potential land uses were determined for comparison. DKS finds that the 'worst case trip generation' were adequately addressed and that no further analysis regarding this issue is necessary.
5. The year 2025 analysis of the zoning scenarios did not include several roadway extensions that are listed in the Cornelius TSP Motor Vehicle Action Plan, specifically the Davis Street extension from 4th Avenue to 10th Avenue. The applicant states that these projects "do not have a direct bearing on the proposed development and/or significantly impact any of the study intersections' capacity or operations". The Davis Street extension would be expected to serve as the major east-west roadway north of TV Highway in the study area and carry traffic generated by the subject site. However, the addition of this roadway extension project in the year 2025 rezone analysis would not be expected to impact the study intersection operational analysis and required mitigations. No further analysis regarding this issue is recommended.

DKS concludes that although the initial comments submitted on the TPR compliance analysis identify valid concerns, the issues raised and the recommended revisions to the analysis would not be expected to impact the findings and conclusions. Therefore, the designation of the subject properties to commercial from residential will not reduce or worsen the performance of the existing or planned transportation facility below the minimum acceptable level identified in the Cornelius TSP in the forecast study year of 2025.

Staff finds that both Kittelson and DKS Associates conclude that intersections at Pacific & Quince and N. Adair & Yew need operational improvements to perform at an acceptable level in the forecast year of 2025. In addition Kittelson found that the intersection at N. 10th and N. Adair will need to be converted to a two-way left-turn lane to accommodate the north and south bound left turn lane queues.

The proposed mitigation at Pacific & Quince identifies the construction of an extension of the eastbound, right-turn lane to accommodate additional queues and vehicle stacking. This shall be made a condition of approval.

In order to provide mitigation for the intersection of N. Adair & Yew a new traffic signal would be required. The applicant has indicated they would be willing to pay for a proportionate amount of the cost of a signal at this intersection. ODOT has stated that they will not permit a signal at this location. Staff has identified an alternative mitigation measure that would alleviate the impacts to this intersection. The City of Cornelius TSP and the City of Forest Grove TSP both identify the connection of N. Holladay Drive (Street) from N. 4th Avenue and to Yew Street at 24th Avenue. DKS has identified this as a project that is reasonably likely to occur within the planning horizon used in their analysis. This road connection would provide an alternative northern route for customers, employees and vendors that is more likely to be constructed in the near future. Participation by the applicant in the construction of this street extension would help mitigate the impacts at N. Adair & Yew. This shall be made a condition of approval.

The potential vehicle queuing and stacking issues that were identified at N. 10th Avenue between Baseline and N. Adair are proposed by Kittelson to be addressed by converting it to a two-way left-turn lane to accommodate the north and south bound left turn lane queues. N. 10th Avenue is a City Collector Street with an existing 60 feet of right-of-way. In order to provide turn lanes as recommended by Kittelson additional right-of-way will need to be acquired to conform to City Street design standards as identified in the Cornelius TSP. The applicant shall participate in the proportionate costs of mitigating the impacts to N. Adair, Baseline and N. 10th Avenue intersections. This shall be made a condition of approval.

Staff also finds that all of the existing subject properties abut N. 4th Avenue, a unimproved City Collector Street that are developed with single-family residences. Currently, N. 4th Avenue between the railroad tracks and N. Adair Street has not been dedicated nor constructed to City Collector Street standards. Public improvements that include dedication and full, collector street build out with sidewalks, bicycle lanes and planter strips along N. 4th Avenue are required when new development or redevelopment occurs. Public improvements are more likely to occur as a result of major aggregated commercial development as opposed to incremental residential redevelopment. Public improvements to City standards will enhance safe operations of N. 4th Avenue and N. Adair Street.

Staff find with conditions the goal is met.

Goal 13 – Energy Conservation

The amendment of the subject properties from Multi-Family Residential, A-2 to Highway Commercial, C-2 most likely provides a faster timeframe for new development to take place. Any new development would require compliance with building codes for energy and weatherization efficiency. New development could also happen under the existing zoning (A-2), but it is unlikely to occur unless demolition of the existing residents occurs

or the existing parcels are aggregated into larger land area for redevelopment. Staff finds that the energy efficiencies through new construction are more likely to occur under a commercial designation.

Staff find the goal is met.

Goal 14 – Urbanization

The applicant is proposing a change from one urban land use to another urban land use. The applicant is not proposing to transition a rural land use to an urban land use. The change does affect existing housing stock, but as demonstrated earlier in this report it does not affect Cornelius's ability to provide for the 1019 housing units allotted by Washington County. The zone change will provide for additional commercial lands that will enhance employment opportunities, retail options and livability.

Staff find the goal is met.

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 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.*

Neighborhood Zoning - The subject parcels currently zoned Multi-Family Residential, A-2 abut a 12.99 acre parcel to the west that is zoned Highway Commercial, C-2. Properties located to the south and southeast are also zoned Highway Commercial, C-2. Multi-Family Residential, A-2 zoned properties are located across N. 4th Avenue to the east. North is both Multi-Family Residential, A-2 and Manufactured Home Park, MHP zoned property.

Neighborhood Transportation System - The subject properties abut N. 4th Avenue, City Collector Street on the east and N. Adair Street (aka Tualatin Valley Highway) a City Arterial Street on the south. The most southern tax lot also abuts a Tri-Met bus stop with pull-out, pedestrian pad and bus shelter (N. 4th & Adair).

Neighborhood Development – The subject properties are currently developed with single-family residential homes. Single-family residential homes are also located east across N. 4th Avenue. The large commercially zoned property to the west is vacant. Commercial zoned lands to the south and southeast are for the most part underdeveloped. The subject properties are located north of N. Adair Street (aka TV Hwy) and three parcels south of the Portland & Western Railroad Line lying between two transportation system lines.

The subject properties zoned Multi-Family Residential, A-2 are not located in a typical residential neighborhood. As identified above the subject sites are sandwiched between a large vacant property to the west zoned Highway Commercial, C-2 and a City Collector street on the east. A state highway (N. Adair St.) borders on the south with Highway Commercial, C-2 zoned properties abutting it. The character of this neighborhood is mixed with both commercial and medium density residential uses. The neighborhood is also dominated by vehicular uses both for existing commercial properties, residential properties and by pass-through traffic. Much of the commercial zoned land in this neighborhood is under developed or vacant. Most of the residential land is also underdeveloped based on the Multi-Family Residential, A-2 district. Any improvement or development to property within the neighborhood will create impacts, but only in a fashion as can be supported by the infrastructure and master plans for the area. As the subject sites are improved with commercial development requiring central access it will reduce the existing conflicts on N. 4th Avenue created by vehicle backing motions onto the street from the single-family residences. Other conflicts that exist when residential development abuts commercial property include site and vehicle lighting, noise, hours of operation (i.e. 24 hour), and cut through traffic. Staff finds that the rezoning of the subject properties from Multi-Family Residential, A-2 to Highway Commercial, C-2 will improve the functionality of the neighborhood by using the City Collector street (N. 4th Avenue) as the division between the commercial and residential uses. The use of the site design and other development requirements in the City Code provide the analysis tools to properly plan for the health and safety of the subject neighborhood. The change in zoning as proposed will not create material or adverse effects on the character of this mixed commercial and residential neighborhood.

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 complementary categories, without creating a "spot zone".*

The applicant's request is for a change on the City Zoning Map of the subject properties to Highway Commercial, C-2. All of the subject properties and tax lots abut property to the west that is currently zoned Highway Commercial, C-2. This rezone would place all of the property north of Adair Street, west of N. 4th Avenue and south of N. Clark Street (platted only) in the same zoning category – Highway Commercial, C-2.

Staff find the criterion is met.

CONCLUSION

Staff concludes that the approval criteria have been addressed. The applicant's proposal for a zone map amendment from Multi-Family Residential, A-2 to Highway Commercial, C-2 is in compliance with the City Comprehensive Plan and the State Planning Goals. Staff finds the permitted uses of the proposed new zone will not materially and/or adversely affect the character of the neighborhood and that a spot zone is not created.

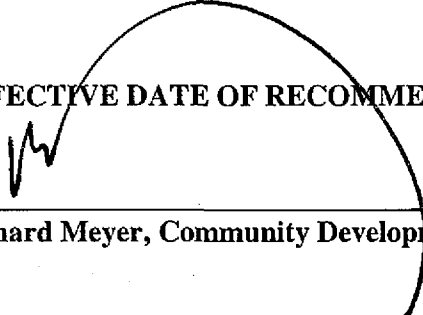
RECOMMENDATION

Based on the facts, findings and conclusions presented in the Recommendation Report and public testimony & evidence at the public hearings the Planning Commission recommends approval of ZMA-01-05 (PacLand Zone Map Amendment) City Council, subject to the following condition:

1. The request shall be reviewed for approval by the City Council and adopted by ordinance
2. When and if development occurs on the subject parcels the applicant will be required to demonstrate that their on-site stormwater management will not create greater impacts on the City's existing and constrained stormwater system.
3. When and if development occurs on the subject parcels the applicant will be required to construct an extension of the eastbound, right-turn lane to accommodate additional queues and vehicle stacking at Pacific & Quince in Forest Grove.
4. When and if development occurs on the subject parcels the applicant will be required to pay a proportionate participation in the future City improvement of the street extension of N. Holladay Drive (Street) from N. 4th Avenue to Yew Street (at 24th Avenue).
5. When and if development occurs on the subject parcels the applicant will be required to pay a proportionate participation in the future improvements mitigating the impacts to N. Adair , Baseline and N. 10th Avenue intersections created by converting it to a two-way left-turn lane to accommodate the north and south bound left turn lane queues
6. The zone map amendment is only applicable to the subject properties and lands identified in the staff report.

EFFECTIVE DATE OF RECOMMENDATION

January 12, 2006


Richard Meyer, Community Development Dir.



William Bash, Planning Comm. Chair

EXHIBIT A

EXHIBIT B

● GREENLIGHT ENGINEERING
● Traffic Engineering/Transportation Planning

November 29, 2005

RECEIVED

DEC 01 2005

Mr. Dick Reynolds
Planning Manager
City of Cornelius
1355 North Barlow Court
Cornelius, OR 97113

Community Development

RE: DR-15-05, CPA-01-05, ZMA-01-05, CUP-05-05 – Proposed Retail Center

Dear Mr. Reynolds:

Thank you for the opportunity to comment on this application for a proposed retail center at the corner of North Adair Street and North 10th Avenue. Greenlight Engineering has reviewed the site plan application, along with the Transportation Impact Analysis and TPR compliance analysis, completed by Kittelson & Associates, and dated August 2005. Several site visits have been conducted in order to evaluate the existing signal timing, safety, and capacity of the transportation network at the study intersections. Greenlight Engineering would like to submit the following comments into the record.

EXECUTIVE SUMMARY

Based on the information submitted by the applicant and on work conducted by Greenlight Engineering, the proposed retail center does not comply with sections 11.30.14A(1), 11.30.14A(2), 11.30.70C(1) and 11.30.33.B(3) of the *City of Cornelius Code* and should be denied. The intersection of Yew Street and North Adair Street fails to meet measure of effectiveness criteria found in chapter two of the *Cornelius Transportation System Plan*, with no proposed mitigation. The intersection of South Heather Street and South 10th Avenue does not have sufficient sight distance. Additionally, the analysis fails to consider the safety issues resulting from long queues on North 10th Avenue, or the presence of traffic queues across the railroad tracks. Traffic queues on North 4th Avenue between North Adair Street and West Baseline Street may cause safety problems even with the proposed widening of North 4th Avenue.

FINDINGS

The transportation system within the study area of the proposed retail center contains some challenges. The core transportation system serving the site area consists of two parallel highways spaced 250 feet apart. As traffic increases within the study area, the vehicle queues between the highways has lengthened to a point that the queues are beginning to block traffic on

22183 SW Pinto Drive • Tualatin, OR 97062
Phone: 503.317.4559 • Fax: 503.691.9825 • Email: greenlighteng@aol.com

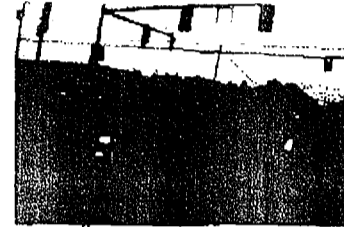
Vehicle Queuing



N 10th Ave./W Baseline St.
Looking North From 10th
Truck Blocks Traffic



N 10th Ave./W Baseline St.
Looking North From 10th
Queue Full From N Adair St.



N 10th Ave./N Adair St.
Looking North From 10th
Queue Full From Baseline

Several site visits during the weekday PM peak hour revealed that existing queues for northbound and southbound North 10th Avenue between North Adair Street and West Baseline Street exceed the queue storage that is currently available (see attached DVD). The existing left turn lane storage for the northbound and southbound lefts from North 10th Avenue is limited to a length of 60 feet. When more than four vehicles are queued at the red light, waiting to go straight, this queue of vehicles block vehicles from entering the left turn lanes. This adds to the queuing problem, which at times extends through the full 250 foot length between North Adair Street and West Baseline Street. This blocks traffic on North Adair Street and West Baseline Street from turning from the highways. The stopped vehicles on the highways increase the potential for rear end crashes. Drivers who are blocked from exiting a highway during a green light are more likely to turn through the intersection on a red light, without right of way. This is a safety issue that has not been addressed within the Transportation Impact Analysis. The proposed retail center does not comply with sections 11.30.14A(1), 11.30.14A(2), 11.30.70C(1) and 11.30.33.B(3) of the *City of Cornelius Code*.

The Transportation Impact Analysis indicates that under the average weekday PM peak hour and Saturday peak hour, with the construction of the proposed development, queuing will exceed the available storage, resulting in left turning vehicles blocking through lanes on North 4th Avenue. The applicant has proposed widening North 4th Avenue to four lanes in order to allow the use of the entire 250 foot spacing between the highways for left turn lane storage. Even with the additional widening, there is not enough storage to accommodate the traffic anticipated from this development. If the queue storage is completely filled or nearly filled, this will prevent any regional traffic growth to occur with a means of mitigation. Table 4 of the Transportation Impact Analysis indicates that the northbound through queue will extend a length of 225 feet during the Saturday peak hour. With the addition of one more vehicle, the entire 250 distance between the highways will be filled with queued vehicles. During the weekday PM peak hour, the Transportation Impact Analysis estimates a 175-foot through-queue for northbound vehicles, and a 175-foot left-turn queue for southbound vehicles. An additional three unexpected queued vehicles would completely fill the 250 feet of storage. When this occurs, traffic on the highway is blocked from turning on to North 4th Avenue. The stopped vehicles on the highways increase the potential for rear-end crashes. Drivers who are blocked from exiting a highway during a green light are more likely to turn through the intersection on a red light, without right of way.

Adair Street will be blocked. Entering drivers will then stop and queue out of the driveway on to North Adair Street. This will affect the estimated queue distance on North Adair Street and result in more conflicts with the Tri-Met bus stop.

The proposed site driveways do not accommodate the trucks that are proposed to access the site. Figures L-1 and L-2 of the transportation impact study reveal the following:

1. Trucks entering the driveway from North Adair Street must use the entire driveway when entering, but this blocks the entire driveway. If drivers are waiting to exit the driveway, the truck driver must wait on North Adair Street until the driveway is clear. This will introduce safety and queuing issues on North Adair Street.
2. Trucks exiting from the driveway on North 4th Avenue use the entire driveway and road width to exit. Trucks must swing into oncoming traffic on North 4th Avenue when exiting.
3. Trucks exiting the driveway on North Adair Street use the entire driveway and road width when exiting. This will block traffic on North Adair Street and block traffic from entering the driveway.
4. Trucks entering the driveway from North 4th Avenue must wait until the driveway is clear in order to use the entire driveway while entering the site.

The close proximity of the railroad is a safety concern. At times the queued vehicles traveling northbound at South 10th Avenue and West Baseline Street extend over the railroad tracks. The significant number of at-grade railroad crossings within Cornelius was listed as a safety concern in the June 2005 Cornelius Transportation System Plan Update. Additional traffic from this proposed retail center will increase the frequency that traffic is queued over the railroad tracks. The proposed retail center does not comply with sections 11.30.14A(1), 11.30.14A(2), 11.30.70C(1) and 11.30.33.B(3) of the *City of Cornelius Code*.

The Transportation Impact Analysis did not include review of 2004 crash records. The 2004 crash records should be reviewed for additional safety issues within the study area.

The Transportation Impact Analysis did not include crash records for the intersection of Yew Street/North Adair Street and Yew Street/West Baseline Street. The intersection of Yew Street/North Adair Street is currently operating at an unacceptable v/c ratio and probably has a higher crash rate than the signalized intersections. This is a safety concern that should be addressed within the Transportation Impact Analysis.

The Transportation Impact Analysis has identified a high number of angle-type accidents at the intersections of North Adair Street/North 4th Avenue, North Adair Street/South 10th Avenue, West Baseline Street/South 4th Avenue, and West Baseline Street/South 10th Avenue. The traffic from the proposed retail center will degrade the safety of these intersections. A field investigation revealed that during the weekday PM peak hour, the queues at North Adair Street

Under the existing traffic at Yew Street and North Adair Street, the southbound v/c ratio is reported as an unacceptable 1.34. With the addition of the site-generated traffic, the v/c ratio is reported to degrade to an unacceptable v/c ratio of 1.96. According to the Traffix output provided in the Transportation Impact Study, this results in over 200 seconds of additional delay for southbound drivers at Yew Street and North Adair Street. This is a significant impact to the current operations of this intersection. On page 18 of the August 31st, 2005, TPR Compliance Analysis completed by Kittelson & Associates, the impact to the intersection of Pacific Avenue/Quince Street is demonstrated to be a significant impact, although the v/c ratio only degrades from 1.14 to 1.15. Using the same criteria to determine a significant impact, the intersection of Yew Street and North Adair Street would meet the criteria and would be considered a significant impact.

Analysis of the intersection of Quince Street and Pacific Avenue was completed using a peak-hour factor of 0.99. The other intersections were analyzed using peak hour factors ranging from 0.84 to 0.95. The traffic counts and peak-hour factor should be provided with the traffic study for the intersection of Quince Street and Pacific Avenue.

Proposed Mitigation

The applicant has proposed to widen North 4th Avenue to four lanes as shown in Figure L-1 of the Transportation Impact Analysis. As described under "Queuing", this mitigation does not adequately address the queuing problem. In addition, this design presents safety issues. When there are eight or more vehicles queued in the southbound, left-turn lane on North 4th Avenue at West Baseline Street, the southbound through vehicles from North Adair Street will be forced to change lanes within the intersection in order to move into the southbound through lane when traveling south from North Adair Street. This design will force drivers to make an illegal lane change within the intersection in order to travel southbound to West Baseline Street.

Under the proposed design, the through movements on North 4th Avenue are miss-aligned. Drivers on North 4th Avenue traveling northbound at North Adair Street will unexpectedly find that they need to move over the width of a full travel lane in order to avoid colliding with the curb. Drivers on North 4th Avenue traveling southbound at West Baseline Street will unexpectedly find that they need to move over the width of a full travel lane in order to avoid colliding with the curb. This design is likely to result in side swipe accidents as drivers negotiate into the proper lanes.

The applicant has proposed adding a right turn overlap at the intersection of Pacific Avenue and Quince Street. This improvement should be approved by ODOT before including it as mitigation in the TPR analysis.

A left-turn lane is warranted on North 4th Avenue along the site frontage using ODOT Left Turn Lane Criteria. The Transportation Impact Analysis indicates that the ODOT criteria is not applicable, but does not indicate which criteria are applicable. Due to the high volume of traffic

EXHIBIT C



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

800 NE Oregon Street M/S 18, Suite 1145

Portland, Oregon 97232-2162

Phone: (503) 731-4065

Fax: (503) 731-4068

Web Address: <http://www.lcd.state.or.us>

RECEIVED

OCT - 3 2005

Finance Office

REC

OCT 04 2005



CC
PUBLIC

September 30, 2005

Mr. Dick Reynolds
City of Cornelius
1355 N. Barlow
Cornelius, OR 97113

RE: Amending the Comprehensive Plan Map to change 2+ acres from Multi-Family Residential (A-2) to Highway Commercial (C-2) (DLCD File No. 001-05)

Dear Mr. Reynolds:

Thank you for the opportunity to comment on the proposed Comprehensive Planning Map change from Multi-Family Residential (A-2) to Highway Commercial (C-2) at the northwest corner of Adair Street and NW 4th Avenue. Please enter this letter into the record for the proceedings on this application.

Economic Development

The department believes this proposal triggers the Goal 9 administrative rule. Specifically, OAR 660-009-0010(4) states:

“...a jurisdiction which changes its plan designations of lands in excess of two acres to or from commercial or industrial use, pursuant to OAR 660, division 18 (a post acknowledgment plan amendment), must address all applicable planning requirements; and:

- (a) Demonstrate that the proposed amendment is consistent with the parts of its acknowledged comprehensive plan which address the requirements of this division; or
- (b) Amend its comprehensive plan to explain the proposed amendment, pursuant to OAR 660-009-0015 through 660-009-0025; or
- (c) Adopt a combination of the above, consistent with the requirements of this division.”

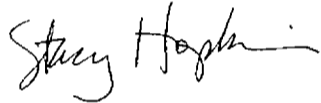
To meet the requirements of this rule, Cornelius needs to make findings that this proposal is consistent with the projections and data contained in its most recent Economic Opportunities Analysis (EOA) as well as the economic development policies in Cornelius's Comprehensive Plan. If Cornelius cannot make findings of consistency, a new Economic Opportunities Analysis must be conducted to justify the proposed amendment.

Transportation

When compiling findings, please indicate how the proposal complies with Statewide Planning Goal 12, the Transportation Planning Rule. While Cornelius prepared a Transportation System Plan (TSP) recently, any decision to approve this post-acknowledgment plan amendment must address the newest changes to the Transportation Planning Rule (Oregon Administrative Rule, 660-12). It is unclear if the comprehensive plan map change will trigger a "significant affect" on the transportation system, as defined in OAR 660-12-0060. There must be substantial evidence in the record to either make the finding of "no significant affect" on the transportation system, or if there is significant affect "assurance that allowed land uses are consistent with the identified function, capacity, and level of service of the transportation facility".

Thank you again for the opportunity to comment on this post-acknowledgment plan amendment. If I may be of further assistance, or if you would like to discuss any of the above comments, please do not hesitate to contact me at 503.731.4065, extension 25 or stacy.hopkins@state.or.us.

Warm regards,



Stacy Hopkins
Regional Representative

<j:\pa\pa2005\Cornelius 001-05.doc>

cc: Rob Hallyburton, Mara Ulloa (*via e-mail*)
DLCD File No. 001-05



Oregon

Theodore R. Kulongoski, Governor

Oregon Department of Transportation

ODOT Region 1
123 NW Flanders St
Portland, OR 97209 - 4037
Telephone (503) 731-8200
FAX (503) 731-8259

File code: PLA9 2A - 29
ODOT Case No: 2225

November 18, 2005

City of Cornelius
Planning Department
1355 N Barlow Street
Cornelius, OR 97113

email/DR

RECEIVED

NOV 18 2005

Community Development

Attn: Richard Reynolds, Planning Manager

Re: Wal-Mart in Cornelius
North Adair Street (Tualatin Valley Highway) and North 4th Avenue

Dear Mr. Reynolds,

We have reviewed the applicant's proposal for a Comprehensive Plan Amendment and Rezone of 2.67 acres as well as design review for a proposed Wal-Mart for the larger site. The site is adjacent to North Adair Street which is Tualatin Valley Highway a State highway facility. ODOT has jurisdiction of this State highway facility and an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard of this facility. According to the 1999 Oregon Highway Plan (OHP), this facility is classified a Statewide Highway, NHS non-state freight route and the performance standard is 0.99 volume to capacity (v/c) ratio.

For zone changes and comprehensive plan amendments local governments must make findings that the proposed amendment complies with the Transportation Planning Rule (TPR) OAR 660-012-0060. There must be substantial evidence in the record to either make the finding of "no significant effect" on the transportation system, or if there is a significant effect assurance that the allowed land uses are consistent with the identified function, capacity, and performance standard of the transportation facility.

In order to determine whether or not there will be a significant effect on the State transportation system, ODOT requests the City of Cornelius require the applicant to amend the traffic impact study (TIS) prepared in August of 2005. The amended analysis should address the following:

Zone Change Analysis

- Kittelson & Associates (KAI) prepared a traffic impact study (TIS) to the City of Cornelius for the rezone. In our letter dated August 17, 2005, ODOT requested KAI to submit a memorandum justifying why they have proposed "Shopping Center" as the reasonable worst case scenario in order to comply with Oregon Administrative Rule 660-012. In the letter we suggested the worst case scenario should be a "Supermarket". The following two paragraphs provide an example on what could be the reasonable worst case scenario.

The New Seasons Market at the SE Division Street / SE 20th Avenue intersection in the City of Portland has a combined tax lot rectangular dimensions of approximately 170 feet by 350 feet. The proposed zone change site at the N Adair Street / N 4th Avenue intersection in the City of Cornelius has a combined tax lot rectangular dimensions of approximately 190 feet by 660 feet. The New Seasons Market is approximately 28,000 square feet with approximately 70 off-street parking spaces. The City of Cornelius requires 3.7 off-street parking spaces per 1000 square feet; therefore, a 28,000 square foot supermarket is required to have 104 off-street parking spaces. The proposed zone change site has 190 feet by 310 feet of additional space to create these 34 additional off-street parking spaces.

In the TIS, KAI used 8,000 square feet of fast-food restaurants with drive-through windows as the reasonable worst case scenario for the site. According to the Institute of Transportation Engineers (ITE), this land use would generate 275 vehicle trips. Out of these 275 vehicle trips, 130 trips would be pass-by creating a total of 145 net new vehicle trips. According to ITE, a 28,000 square foot supermarket would generate 340 vehicle trips. Out of these 340 vehicle trips, 125 trips would be pass-by creating a total of 215 net new vehicle trips. The site has plenty of space to add additional square footage. To be conservative, the site could also add a 4000 square foot bank with a drive-through window with the supermarket and still be able to meet City of Cornelius off-street parking requirement.

- Provide supporting documentation to verify that the background volumes for 2020 and 2025 appropriately reflect future traffic volume assumptions.
- Figure 4 and figure 8 are inconsistent with each other. When the analysis is redone to reflect the worst scenario for the zone change these figures should be updated.

Zone Change and Design Review Analysis

- The analysis for State facilities must be consistent with ODOT methodology. The TIS used 100-second cycle length for the Pacific Avenue / Mountain View intersection. According to the Application of Oregon Highway Plan Mobility Standards, "The cycle length for the analysis should not exceed... 90 seconds for a three-staged traffic signal (e.g. protected highway left turns and permissive side streets left turns)."
- Figure 1 of the TIS, shows an eastbound right-turn lane for the W Baseline Street / N 10th Avenue intersection. There is not an existing eastbound right-turn lane. There is a Tri-Met bus pull off that has not been designated by ODOT as a right-turn lane. The analysis should be updated to reflect this.
- The TIS is missing the manual turning movement counts for the Pacific Avenue / Quince Street intersection. These counts need to be included in the appendix of the zone change and land use traffic impact studies.
- We anticipate there may be a need for a west bound right lane at 4th and Adair. The applicant should look into whether or not there is enough right of way for this improvement.
- The analysis should address potential mitigation for queuing problems on 10th St between Adair and Baseline.

City of Cornelius
Wal-Mart in Cornelius
ODOT RESPONSE

3

The applicant should contact Jason Grassman PE, ODOT Region 1 Traffic Analyst at (503) 731-8221 to address any questions regarding the traffic analysis. Thank you for providing ODOT the opportunity to participate in this land use review. If you have any further questions regarding this matter, please contact me at (503) 731-8221.

Sincerely,

Timothy Wilson, AICP
Development Review Planner

C: Jason Grassman PE, ODOT Region 1 Traffic
Marty Jensvold, ODOT Region 1 Access Management
Sam Hunaidi, ODOT District 2A Assistant Manager



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Rail Division
555 13th Street NE, Suite 3
Salem, OR 97301-4179
Telephone (503) 986-4321
FAX (503) 986-3183
TTY (503) 986-3416

November 29, 2005

Attn: Dick Reynolds/Planning Commission
City of Cornelius
1355 N. Barlow Street
Cornelius, Oregon 97113

File Code:

**Re: Comment for the December 20 Public Hearing on the proposed amendment
of the City Comprehensive Plan allowing construction of a Walmart Store**

The North 4th Street at-grade crossing No 3F-008.40 will require significant upgrades to meet current standards, should a Walmart Store be constructed in the area proposed by the amendment to the City Comprehensive Plan.

The required upgrades would likely include modern pedestrian facilities and train activated flashing light and automatic gate signals.

As with any crossing alteration, the City will be required to make application with the Department of Transportation to initiate the upgrades resulting in an Order authorizing the alterations.

Glen Kirkpatrick
Senior Rail Crossing Safety Specialist
Ph: (503) 986-4097
Fax: (503) 986-3183

cc: Crossing File 3F-008.40

Wgrail/gek/cornelisuwalmart

EXHIBIT D

The Cornelius Comprehensive Plan (Appendices C) states in the 1998 Vacant Land Inventory & Population & Employment Update that Washington County identified that within the existing Cornelius Urban Growth Boundary 515 housing units exist with 38 building permits in progress totaling 553 dwelling units. Cornelius must provide an additional 466 housing units to fulfill the allotted need of 1019 housing units. The tables below indicate that since December 1998 the number of residential units constructed in Cornelius is 455. The summary on the attached page calculates the current lands zoned with some platted for residential use. It provides a conservative estimate based on 75% of the gross acreage being available for residential units. These results based on the existing Urban Growth Boundary provide at Minimum Density 239 units and at Maximum Density 293 units.

The summation of the housing units includes those constructed since December 1998 (455) added to the projected number of housing units to be constructed (239 - 293). This provides a potential increase in the total housing inventory by 694 to 748. Utilizing these projections Cornelius exceeds its required number of 466 housing units by 228-282 dwelling units (694- 466 = 228 or 748 - 466 = 282).

RESIDENTIAL UNITS CONSTRUCTED SINCE DECEMBER 1998

Single Family Residential:

<u>Name/Location</u>	<u>Number New of Units</u>
Duyck Part. N. 4 th Ave.	1
Council Creek II	28 - 2 = 26
Heather Kristen Terrace	10
Ternbrook	5
Greenich Village	49
Behrman's Place	8
Stillwater Meadows	42
Cedar Terrace	43
NobleCrest Part.	2
Sheelar Park	25 - 1 = 24
Nature's Ridge	41 - 1 = 40
Hobbs Farm Estates Ph. 1-4 (*)	120 - 2 = <u>118</u>
	368

* Rezoned from Industrial to Single-Family Residential in 2000, prior to development.

Multi-Family Residential:

Tanner Duplexes (Alpine)	2
Jose Arciga Apts.	15
Roher Apts.	12 - 1 = 11
Davis Street Apts.	48
Kodiak Circle Apts.	12 - 1 = <u>11</u>
	87

Total New DU's Constructed (1998 to present) 455 = (368 + 87)

EXHIBIT E

Memorandum

To: Richard Meyer, City of Cornelius
Dick Reynolds, City of Cornelius

From: Reah Beach, P.E.
Carl Springer, P.E.

Date: December 6, 2005

Subject: Peer Review of Traffic Studies Prepared for P/A No. P05269-001
Proposed Cornelius Wal-Mart

The purpose of this memorandum is to present comments from our peer review of the transportation analysis submitted for the proposed Wal-Mart Super Center store at Adair Street and 4th Avenue in Cornelius, Oregon. Our review is focused on the August 2005 transportation impact analysis study, the Transportation Planning Rule (TPR) compliance analysis letter submitted on August 31, 2005 and the Response to Design Review Committee Comments letter submitted on November 29, 2005 by Kittelson and Associates. The comments for each submitted analysis are organized according to relevant sections of the studies, with a concluding section regarding key issues that should be considered by the city in their approval criteria review.

TPR Compliance Analysis

The applicant has proposed a comprehensive plan amendment and zone change for 2.67-acres of property located on the northwest corner of the Adair Street/4th Avenue intersection. The analysis conducted was based on TPR regulations and Oregon Highway Plan policies.

Site Trip Generation Comparison (A-2 versus C-2)

Vehicle trip generation for the project site was estimated under the current zoning and the proposed zoning to determine the potential increase in traffic. The property is currently zoned A-2 (Multifamily Residential) which would typically allow for medium density residential land use. The proposed zoning C-2 (Highway Commercial) would typically allow for general retail land use.

The trip generation comparison of the two zone designations should be based on the reasonable worst case buildout of the site. Under the current zoning, the allowable maximum density of 14 units per acre would result in 38 dwelling units within the 2.67-



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Suite 500
Portland, OR 97201-5502

(503) 243-3500
(503) 243-1934 fax
www.dksassociates.com

acre property. The allowable density provides a reasonable worst case buildout for the current zoning.

Under the proposed zoning, the 2.67-acre site would likely accommodate 25,000 to 30,000 square-feet of building area for retail uses. The proposed zoning trip generation estimate was based on 8,000 square-feet of building area which does not represent the reasonable worst case buildout of the site. The potential building size is roughly three to four times the trip generation potential considered in the study. The proposed zoning trip generation estimate is too low to reasonably assess traffic impacts. The trip generation estimate for the proposed zoning should be reassessed based on a reasonable worst case building area.

Planning Horizon Year Traffic Conditions

The future year traffic conditions were determined based on the planning horizon year of each locally adopted TSP. The forecast years of 2020 and 2025 was selected for study intersections within Forest Grove and Cornelius respectively. Long range traffic forecasts utilized turn movement projections provided by the Forest Grove and Cornelius TSPs at seven study intersections. Future traffic volumes at the remaining study intersections were based on growth rates calculated from existing traffic volumes and future TSP volume projections. Overall, the future forecast methodology utilized for the 2020 and 2025 forecasts is acceptable.

Planned Transportation Improvements

The TPR allows roadway projects that are reasonably likely to occur within a planning horizon to be assumed in the future traffic conditions analysis. One planned project was included in the future impact analysis, a new east-west collector roadway extending Holladay Street to the west between 4th Avenue in Cornelius and Yew Street in Forest Grove.

The Motor Vehicle Action Plan provided in the Cornelius TSP¹ identifies projects that are reasonably expected to be funded by the year 2025. The impact of these future roadway projects should be considered in the future traffic conditions analysis. There are several roadway extension projects that are expected to result directly from future development within Cornelius. Although an estimated schedule is not provided for these projects, their inclusion in the action plan suggests they are reasonably expected to be funded by the year 2025.

Revised Trip Distribution

The distribution of site generated trips was revised to reflect travel pattern changes resulting from the future Holladay Street extension between 4th Avenue and Yew Street. The impact of the planned roadway projects identified in the Cornelius Motor Vehicle Action Plan (see previous section) to the site trip distribution should be evaluated. Specifically, the Davis Street extension between 4th Avenue and 10th Avenue may impact the assumed trip distribution within the study area.

¹ Cornelius Transportation System Plan Update, DKS Associates, Inc., Adopted June 20, 2005, Table 8-10.

Total Traffic Conditions

The future planning horizon year traffic conditions were evaluated under the current and proposed zoning to determine the incremental impact. The Yew Street/Adair Street and the Pacific Avenue/Quince Street intersections are forecasted to not meet performance standards during the PM peak hour with planning year conditions under both the current and proposed zoning. The additional traffic generated by the proposed zoning would cause the v/c ratio at the two study intersections to slightly increase. The TPR requires that a comprehensive plan amendment shall not worsen the performance of an intersection that operates below minimum acceptable performance standards.

A traffic signal would improve the v/c ratio at the Yew Street/Adair Street intersection to 0.80 and meet the TPR mitigation requirement. However, the intersection does not meet signal warrants with planning year conditions under both the current and proposed zoning. No mitigation measures are identified at this intersection.

The Pacific Avenue/Quince Street intersection would be improved to meet the TPR mitigation requirement with the extension of the eastbound right turn lane on Pacific Avenue and an overlap signal phase.

The total traffic conditions analysis may require an update if the changes recommended in the previous sections (worst case trip generation, planned improvements and trip distribution) are found to have an impact on the rezone analysis findings. The proposed zoning trip generation estimate and future revised trip distribution may not be appropriate to reasonably assess short-term and long-term traffic impacts.

Conclusions

The recommendations presented in the TPR compliance analysis may need to be revised based on an updated traffic impact analysis. Further analysis was recommended in this review which may affect the traffic impact analysis findings and resulting conclusions.

Response to Design Review Committee Comments

The applicant submitted additional analysis in response to initial comments on the TPR compliance analysis. This review addresses initial comments that were presented by DKS Associates.

Comprehensive Plan Amendment

The reasonable worst case buildout of the site was evaluated further to assess the potential impacts of the proposed C-2 (Highway Commercial) zoning. Several potential site layout scenarios were reviewed with the building and parking lot area located in various configurations. Trip generation estimates for several potential land uses were determined for comparison. The concerns raised in the TPR Compliance Analysis Review section of this memorandum regarding worst case trip generation were addressed adequately in the submitted response letter. No further analysis regarding this issue is recommended.

The year 2025 analysis of the zoning scenarios did not include several roadway extensions that are listed in the Cornelius TSP Motor Vehicle Action Plan, specifically the Davis Street extension from 4th Avenue to 10th Avenue. The applicant states that these projects "do not have a direct bearing on the proposed development and/or significantly impact any

of the study intersections' capacity or operations". The Davis Street extension would be expected to serve as the major east-west roadway north of TV Highway in the study area and carry traffic generated by the subject site. However, the addition of this roadway extension project in the year 2025 rezone analysis would not be expected to impact the study intersection operational analysis and required mitigations. No further analysis regarding this issue is recommended.

Although the initial comments submitted on the TPR compliance analysis are valid concerns, the issues raised and the recommended revisions to the analysis would not be expected to impact the findings and conclusions.

Transportation Impact Analysis

Study Intersections

The selection of traffic study intersection locations were done based on input from City and ODOT staff during the scoping of the traffic impact study. The list of study intersections identified in the August 2005 report is consistent with the recommendations made of City of Cornelius staff. Overall, the study intersection coverage of the traffic impact study is adequate based on the proposed development.

Traffic Counts

The existing traffic counts that were collected to assess the current overall system performance were sampled during the morning and evening commute hours, and the Saturday midday peak hours. This is a reasonable range of time periods to evaluate the type of retail activity expected with this development. As noted in the report, the traffic counts were collected in April and August 2005 at various intersections. As noted in the August 2005 report, historical counts collected by ODOT in the vicinity of the site show no significant seasonal peak characteristics. We agree with the applicant that it is not necessary, at these locations, to apply seasonal factors to account for month-to-month variation. Overall, we find that the traffic counts are a fair representation of baseline traffic flows within the study area.

Existing Operation Conditions

The existing conditions analysis identifies current operational characteristic of the roadways within the study area to serve as a basis of comparison to future conditions.

The existing lane configurations shown in Figure 3 of the impact study identify a separate eastbound right turn lane at the Baseline Street/TV Highway intersection. This area along the south curb of Baseline Street operates as a TriMet bus pull-off and is not designated as a separate right turn lane by ODOT. Although vehicles may utilize the additional roadway width as a right-turn lane to bypass vehicles stopped in the eastbound through lane, the existing traffic operations at this intersection should not be based on this assumption.

The existing traffic analysis identified the Yew Street/Adair Street intersection does not meet ODOT performance standards. The southbound minor street is controlled by a stop sign and currently operates at or near capacity during the PM peak hour. The remaining study intersections currently meet performance standards.

2006 Background Traffic Conditions

The impact of planned and proposed growth was assessed consistent with city and ODOT guidelines. Year 2006 background traffic volumes were estimated by applying a one-percent per year growth rate to existing traffic volumes. The growth rate is based on historical count data from 1994 to 2003 on Adair Street and Baseline Street provided by ODOT. Traffic related to five planned developments within the study area was also included in the 2006 background traffic volumes. There are no transportation improvements planned within the study area for the next year. Therefore the existing roadway geometries were utilized as a basis for the 2006 background conditions.

Project Trip Generation

The trip generation estimate for the proposed Wal-Mart Super Center store was based on trip rate data reported by the national publication from the Institute of Transportation Engineers (ITE)² for Shopping Center land use (ITE Category 820). The trip generation rate was applied to 179,902 square-feet of building area which does not include the "open air" garden area located outside the main building structure. This assumption seems appropriate based on the ITE description of the Shopping Center land use.

The trip estimates shown in Table 3 of the impact study were reviewed considering ITE recommended practices for trip generation analysis. The 34-percent reduction taken for pass-by trips was consistent with published ITE data for similar land uses. The resulting net new trips are reasonable estimates for the purposes of the impact analysis.

The trip generation estimates for new major retail uses are representative of conditions once the store is established and activity patterns have stabilized. Many new large retail outlets experience a bonus of trip activity during the first few months of operation. This is particularly true during the first few weeks. The traffic volumes during the 'grand opening' phase of the store will be higher than represented in this report, and the associated traffic congestion will be worse, for a time. However, the methods used in the study are consistent with standard traffic impact study guidelines that focus on the longer term permanent conditions of the site, and so, this higher level of traffic activity in the first few weeks and months is not discretely analyzed for impact assessment purposes.

Project Trip Distribution

The trip distribution assumptions for this site were derived from several sources. This included existing turning movement patterns observed from traffic counts, the street network within the study area, the location of other similar retail centers plus travel patterns represented in the regional travel demand model. A review of the data produced an estimate of how patrons would travel to and from the site during the AM, Saturday midday and PM peak hours. The estimated trip distributions are shown in Figure 11 of the impact study.

The project trip distribution assumes that approximately 80 percent of the site trips would access the site by traveling on TV Highway (Adair Street and Baseline Street) to 4th Avenue. The remaining project trips would travel on local roadways such as Holladay

² *Trip Generation Manual, 7th Edition*, Institute of Transportation Engineers, 2003.

Street west of 10th Avenue and 4th Avenue south of TV Highway. For the purposes of this impact assessment, the assumed trip distribution was found to be acceptable.

2006 Total Traffic Conditions

Year 2006 total traffic conditions were estimated by adding traffic from the proposed project to the background traffic volumes. The assumed lane configurations (Figure 10 of the impact study) for the 2006 total traffic conditions included the addition of a southbound right turn lane at the 4th Avenue/Adair Street intersection, a westbound right turn lane at the Adair Street project driveway and exiting lanes at each project driveway. The assumptions for developing short-term traffic volumes and planned roadway improvements seem reasonable.

The addition of background traffic and proposed project traffic to the study intersections were evaluated. The locations that were expected to operate below minimum standards are shown in Table A.

Table A: Study Intersections Operating Below Minimum Performance Standards

Location	Critical Movement	AM Peak	PM Peak	Saturday Midday
<i>2006 Background Conditions</i>				
Yew Street/Adair Street	SB		◆	
<i>2006 Total Conditions</i>				
Yew Street/Adair Street	SB		◆	

The Yew Street/Adair Street intersection continues to operate with LOS F and a v/c ratio greater than 1.0 during the PM peak hour with the addition of background traffic and site generated traffic. This intersection is currently controlled by stop signs on the side streets. A traffic signal is not warrant at the Yew Street/Adair Street intersection based on 2006 total traffic conditions volumes. No mitigation measures are identified at this location to mitigate the addition of project traffic. A future traffic signal at this location would require ODOT approval.

Queuing Analysis

A vehicle queuing analysis was conducted at the study intersections to determine storage length requirements based on the 2006 total traffic conditions. The analysis was based on acceptable methodology. The queuing analysis findings summarized in Table 4 of the impact study suggest that with the proposed off-site transportation improvements in place, vehicle storage requirements would be accommodated with the proposed project.

Side by side left turn lanes are recommended on 4th Avenue to provide a 250 foot northbound left turn lane at Adair Street and a 250 foot southbound left turn lane at Baseline Street. This improvement would require 4th Avenue to be widened to a four lane cross-section between Adair Street and Baseline Street. The lane transition on 4th Avenue from the four lane section to the two lane sections north of Adair Street and south of Baseline Street should be evaluated to determine if adequate transition distance is provided. The addition of side by side left turn lanes in the center of 4th Avenue pushes the

through travel lanes further out. This results in the through travel lanes on 4th Avenue becoming off-set from the receiving through travel lanes north of Adair Street and south of Baseline Street. With the proposed four lane roadway section in place, safety issues may occur if an adequate transition distance is not provided.

The traffic signals on Adair Street and Baseline Street at 4th Avenue should be coordinated to reduce queuing impacts on 4th Avenue and reduce the potential for queue spillback on the adjacent roadways. The traffic signals could be interconnected with either underground conduit or wireless technology depending on the existing traffic controllers at the intersections. Also, the close proximity of the Portland & Western railroad line south of Baseline Street creates a potential safety issue with northbound vehicle queues at the 4th Avenue/Baseline Street intersection. Traffic signal pre-emption should be provided to improve safety and reduce the potential for vehicle queue spillback on 4th Avenue to the rail crossing. The traffic signal and the rail crossing interconnect would require an underground conduit connection.

A southbound right turn lane is assumed at the 4th Avenue/Adair Street intersection. Based on the queuing analysis, 65 feet of storage is recommended to accommodate site generated traffic. The recommended storage length is not appropriate and should be extended. See comments provided below in the Turn Lane Recommendations section of this memo.

Alternative Access Scenario

Additional analysis of the proposed project impacts was evaluated without the proposed site access onto Adair Street during the PM peak hour when traffic volumes and impacts are typically highest. Without the proposed right-in/right-out access on Adair Street, all project traffic would have to access the site from 4th Avenue. The analysis found the 4th Avenue/Adair Street intersection would continue to meet performance standards without the Adair Street access.

Although the Adair Street access is not required to maintain performance standards at the 4th Avenue/Adair Street study intersection, it does improve internal site circulation and significantly reduce southbound right and westbound right vehicle queues at the 4th Avenue/Adair Street intersection. The proposed Adair Street access will require a major deviation to the ODOT access management standards.

Turn Lane Recommendations

The need for turn lanes at the study intersections with the addition of project traffic was evaluated based on several criteria. The ODOT right and left turn lane warrants were used for study intersections located in TV Highway during the PM and Saturday midday peak hours. In addition, 2006 total traffic operating conditions and vehicle queue estimates were evaluated at all of the study intersections for turn lane needs during the PM and Saturday midday peak hours.

Turn lanes are recommended at the following locations:

- A westbound right turn lane at the proposed right-in/right-out site access on Adair Street.
- A southbound right turn lane at the 4th Avenue/Adair Street intersection with 65-foot of vehicle storage.

A westbound right turn lane is recommended at the right-in/right-out site access on Adair Street. The right turn lane and taper would extend back to just west of 4th Avenue providing approximately 300 feet of vehicle storage. The existing bus pullout located west of 4th Avenue would be located within the right turn lane. The proposed right turn lane and future location of the bus pullout will require coordination with TriMet staff.

If the proposed right-in/right-out site access is not allowed by ODOT, a westbound right turn lane should be provided at the 4th Avenue/Adair Street intersection to accommodate the forecasted 225 westbound right turning vehicles. Further analysis should be conducted to determine the required length of the westbound right turn lane. The 300 feet of storage recommended at the Adair Street right-in/right-out site access may be appropriate.

The 4th Avenue/Adair Street intersection southbound right turn lane should extend back to provide a minimum 150 foot turn lane pocket. The recommended 65 feet of storage would not provide the benefit of a complete turn lane. Assuming an average vehicle length of 25 feet, only two southbound right turning vehicles could be accommodated before through vehicles block the right turn lane or right turning vehicles block the through lane. A 150 foot turn lane would accommodate up to six vehicles before conflicts occur between through and right turning vehicles.

The ODOT left turn lane warrant was met for the 4th Avenue northbound approach at the south site driveway. However, a center left turn lane was not recommended on 4th Avenue along the project frontage. This finding was based on operational and queuing analysis results and the applicability of ODOT standards on a non-ODOT facility.

A center left turn lane should be provided on 4th Avenue along the project frontage. The Cornelius TSP classifies 4th Avenue as a collector roadway which would require a three-lane cross-section (TSP Figure 8-6). Assuming the no on-street parking collector cross-section option, the project should provide half-street frontage improvements with a minimum of 32 feet of pavement (6 foot bike lane, 12 foot travel lane and 14 foot center turn lane), 6-foot landscape strip and 5 foot sidewalks. The 2006 total traffic volumes at the 4th Avenue site driveways suggest the need for a separate northbound left turn lane along the entire site frontage to reduce the potential for congestion during site peak operating hours. If the Adair Street right-in/right-out site access is not allowed by ODOT, the need for a center left turn lane at the site driveways on 4th Avenue will be even greater.

Railroad Crossing on 4th Avenue

The existing railroad crossing on 4th Avenue located north of the site was evaluated to determine the impact of the proposed project. It was found the crossing was adequate to accommodate the expected increase in traffic volumes on 4th Avenue generated by the proposed project. No rail crossing improvements were identified in the impact study.

Existing traffic counts indicate that approximately 1,200 vehicles per day travel on 4th Avenue north of Adair Street. Based on the project daily trip generation estimate and the site trip distribution, approximately 1,000 new vehicles from the proposed site would travel north of the site on 4th Avenue resulting in more than 2,000 vehicles per day using the railroad crossing. The need for improved rail crossing safety should be considered further. Railroad crossing improvements will require coordination with Portland & Western rail staff.

Conclusions and Recommendations

The previous section identified several issues and findings regarding potential traffic impacts of the proposed Wal-Mart Super Center store in Cornelius. We have the following conclusions and recommendations.

The overall traffic impact study was done consistent with guidelines and methods outlined by ODOT and the City of Cornelius for proposed development review. Project impacts were identified associated with project added traffic at several locations. In most cases, mitigation measures were recommended as part of the development application. However, there are a few outstanding issues to be addressed. The applicant proposed solutions are noted in Table B for each case, along with any comments or suggestions about additional issues to be resolved to fully address impacts and issues identified in this review.

Table B: Study Intersections Impact Issues and Recommendations

Location	Impact Issue	Proposed Solution by the Applicant	Remaining Issues or Recommendations
4 th Avenue at Adair Street and Baseline Street	Vehicle queues blocking adjacent intersections, traffic safety	Side by side left turn lanes on 4 th Avenue.	The lane transition on 4 th Avenue from the four lane section to the two lane sections north of Adair Street and south of Baseline Street should be evaluated to determine if adequate transition distance is provided. Traffic signals should be coordinated to reduce vehicle queues on 4 th Avenue. Traffic signal pre-emption with the rail crossing south of Baseline should be provided.
4 th Avenue along project frontage	Center left turn lane to meet collector cross-section NB left turn delays and vehicle queues	None recommended.	Frontage improvements should be constructed on 4 th Avenue along the project frontage to meet the collector three-lane roadway standard. A center left turn lane should be provided on 4 th Avenue along the project frontage to reduce vehicle delays and improve local street circulation.
4 th Avenue/Adair Street	SB vehicle queues	SB right turn lane with 65 feet of storage.	The SB right turn lane should be extended to provide a minimum of 150 feet of storage to adequately accommodate SB queue needs.
Site Access on Adair Street	WB right turn vehicle deceleration.	WB right turn lane with 300 feet of storage.	ODOT may not allow major deviation to access spacing standards. A WB right turn lane with 300 feet of storage should be provided at the 4 th Avenue/Adair Street intersection if the site access on Adair Street is not permitted.
Site Access on Adair Street	WB right turn lane conflicts with existing bus pullout	None recommended.	The WB right turn lane construction should be coordinated with TriMet staff.

Site Plan Review

The conceptual site plan dated November 29, 2005 was evaluated to determine if the on-site traffic needs have been met. The proposed access and internal circulation was evaluated for motor vehicles, bicycles and pedestrians.

The site plan shows two driveways on 4th Avenue and one driveway on Adair Street. The south 4th Avenue access is located opposite Barlow Court. This location is desirable to reduce vehicle turn movement conflicts. The north 4th Avenue access is located at the north border of the site. This location is desirable to achieve maximum driveway spacing. The Adair Street access should be restricted to right-in/right-out turn movements to prevent vehicles from crossing Adair Street between the project site and the property located opposite on the south side of Adair Street.

The project trip distribution indicated that approximately 40 percent of the project traffic would travel to or from the west of 4th Avenue. The Adair Street driveway improves on-site circulation by allowing vehicles direct access to Adair Street and reducing out of direction travel to the 4th Avenue driveways.

The site parking lot area should be modified to relocate the north-south internal roadway along the east border of the site further to the west, preferably halfway between 4th Avenue and the site building. The current proposed location of the north-south internal roadway creates on-site intersections that are too close to the 4th Avenue driveways. The throat of the project driveways should be extending back a minimum of 200 feet from 4th Avenue to reduce queuing impacts both within the site parking lot area and spillback onto the public street.

Sidewalks are shown along the project frontage on 4th Avenue and Adair Street. The internal circulation provides safe pedestrian linkages between the building and public sidewalks. Within the parking lot area, the site building main entrance is connected with three pedestrian paths connecting 4th Avenue and one path connecting to Adair Street. Designated pedestrian crosswalks are shown at the major internal site intersections.

A designated on-site truck route is shown along the north border of the site property and the west and south borders of the site building. The truck route indicates trucks would use the north 4th Avenue site access and the Adair Street access. The truck route appears to limit conflicts with customer and employee vehicles. The truck route should provide an appropriate turning radius to accommodate heavy vehicles.