



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

02/14/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Cornelius Plan Amendment
DLCD File Number 002-10

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, March 02, 2011

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

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

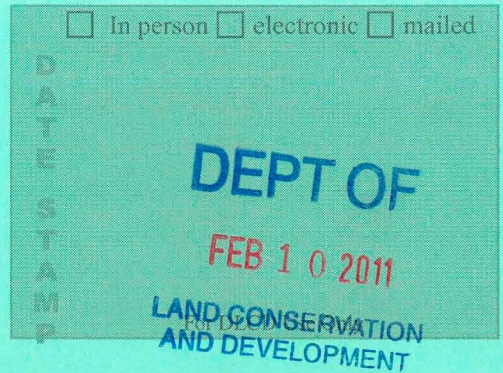
*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification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

Cc: Dick Reynolds, City of Cornelius
Gloria Gardiner, DLCD Urban Planning Specialist
Anne Debbaut, DLCD Regional Representative
Gary Fish, DLCD Transportation Planner
Thomas Hogue, DLCD Regional Representative

<paa> YA

DLCD

Notice of Adoption



THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: City of Cornelius

Local file number: CPA-01-10 (ORD.#919)

Date of Adoption: 2/7/11

Date Mailed: 2/9/11

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: 10/25/10

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation

- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
A Text Amendment to the Comprehensive Plan, Chapter IV, Land Use with a corresponding exhibit to be added to the Appendix. The amendment describes the future designation of use for the North Holladay Planning Area upon annexation into the City. The exhibit is an Urban Growth Diagram required by Metro Title II.
 Does the Adoption differ from proposal? Please select one

NO.

Plan Map Changed from: _____

to: _____

Zone Map Changed from: _____

to: _____

Location: _____

Acres Involved: _____

Specify Density: Previous: _____

New: _____

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 002-10 (18581) [16509]

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

Metro Regional Government

Local Contact: *Dick Reynolds, Planning Mgr.* Phone: (503)357-3011 Extension: *—*
Address: *1355 N. Barlow Street* Fax Number: *503-357-6322*
City: *Cornelius* Zip: *97113* E-mail Address: *PREYNOLDS@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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
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 Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice 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 now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.

Updated March 17, 2009

ORDINANCE NO. 919
CORNELIUS, OREGON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORNELIUS,
OREGON APPROVING A TEXT AMENDMENT TO CHAPTER IV, LAND USE OF
THE COMPREHENSIVE PLAN IDENTIFYING THE GENERAL FUTURE USE OF
LAND IN THE NORTH HOLLADAY URBAN GROWTH BOUNDARY AREA AND
INCLUDING A NORTH HOLLADAY URBAN GROWTH DIAGRAM TO THE
APPENDIX

FINDINGS: Metro Regional Government expanded the City of Cornelius urban growth boundary in 2005 to include approximately 56 acres north of the northwest corner of the City and south of Council Creek. Metro required the City to address the Title 11 Urban Growth Boundary planning requirements, prior to annexation into the City.

The Cornelius City Council finds that the minor text amendments, including an urban growth diagram to the Comprehensive Plan have addressed the Metro Title 11 requirements. The subject land is now eligible to apply for City annexation.

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

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


- Section 1. The minor text amendments identified in Exhibit A shall be added to Comprehensive Plan Chapter IV, Land Use.
- Section 2. The Urban Growth Diagram identified in Exhibit B shall be added to Comprehensive Plan Appendix as Appendices N.
- Section 3. Any findings by a court of competent jurisdiction that any portion of this Code is unconstitutional or invalid shall not invalidate other provisions of this Code.
- Section 4. This Ordinance shall be effective 30 days from adoption.

PASSED AND ADOPTED THIS 7th day of February, 2011.

City of Cornelius, Oregon

By: 
Neal Knight, Mayor

ATTEST:

By: 
Debby Roth, CMC
City Recorder-Treasurer

EXHIBITS
Text Amendments and Urban Growth
Diagram

(Exhibits A & B)

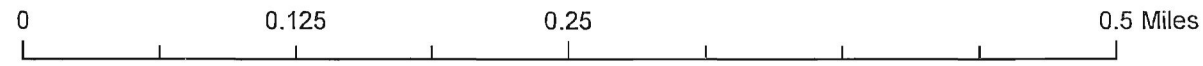
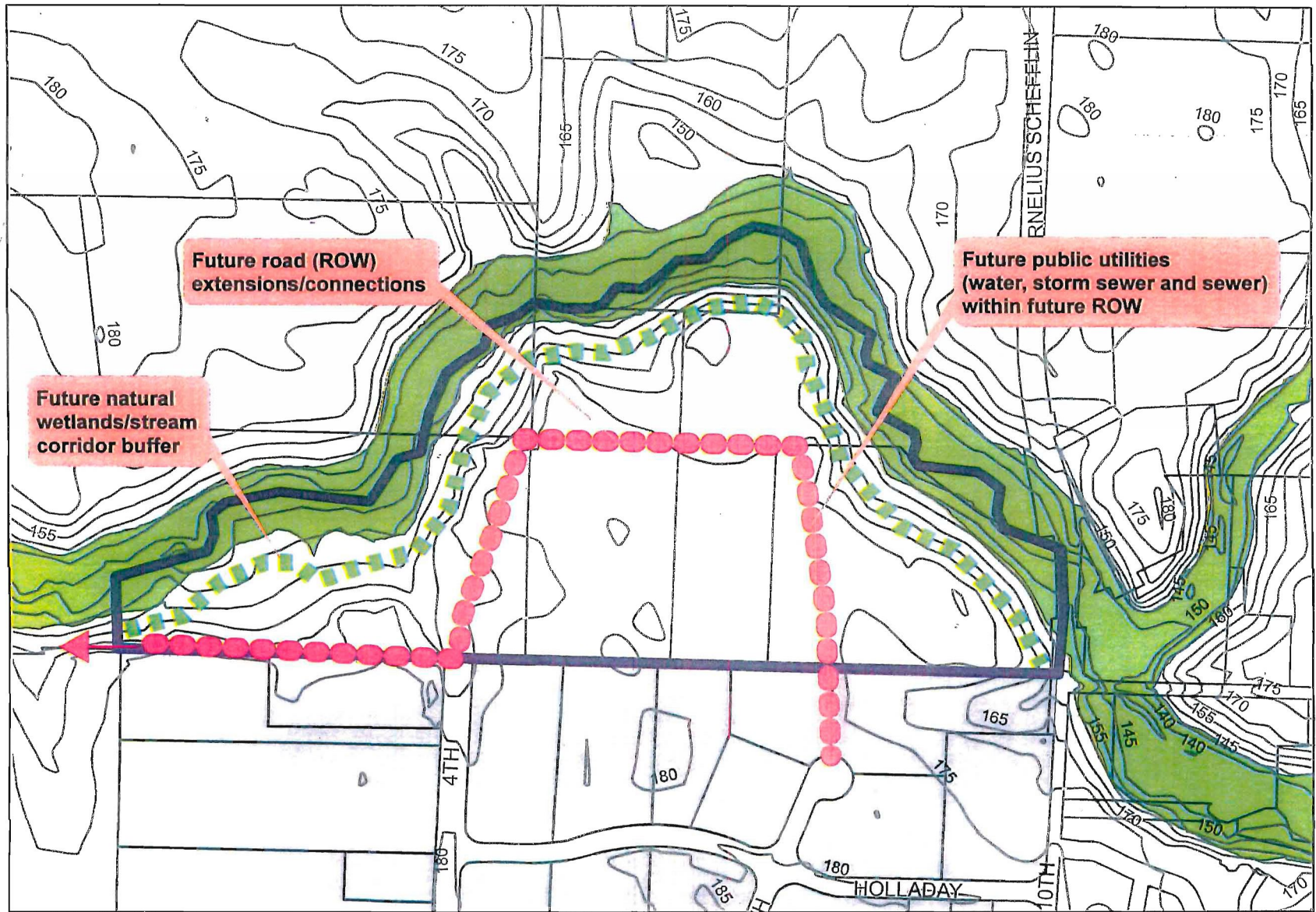
City of Cornelius
Comprehensive Plan
Chapter IV, Land Use

NORTH HOLLADAY INDUSTRIAL PLANNING AREA

The North Holladay Planning Area is approximately 56 acres in size. It is located abutting the north City boundary in the northwest corner of Cornelius (Appendices N). This land is currently outside of the City, but inside the Urban Growth Boundary. This Urban Growth Boundary expansion was approved in November of 2005 when Metro Regional Government adopted Ordinance No. 05-1070A. This action amended the Urban Growth Boundary to increase capacity to accommodate growth in industrial employment.

Therefore, upon annexation of the Planning Area or parts of, into the City it shall be designated and mapped for industrial uses in the City Comprehensive Plan. Prior to development of this land it shall also be approved for the appropriate zoning district to support industrial uses. In coordination with the City's designation of the Planning Area for industrial uses, the Comprehensive Plan process shall include:

- A natural resource assessment of the area to be completed with emphasis given to the protection and enhancement of the Council Creek corridor consistent with the City Natural Resource Protection Plan.
- The street system shall be designed in compliance with the City Transportation System Plan and will connect to existing City streets. Traffic impacts will be managed by the City transportation system. Streets shall be built to City Industrial Street standards.
- City utilities (water, storm and sanitary sewer) are available and abut the Planning Area. Utilities shall be designed to City standards and extended through the development process.



City of Cornelius North Holladay Planning Area Urban Growth Diagram

Legend

-  North Holladay area
-  5 foot Contour
-  Taxlots
-  General Industrial, M-1
-  Floodplain



CITY OF CORNELIUS

CITY COUNCIL FINDINGS REPORT

Comprehensive Plan Text Amendment – North Holladay Planning Area File # CPA-01-10

DATE: January 11, 2011
FROM:
REQUEST: Approval of a Text Amendment to the City Comprehensive Plan adding new language to Chapter IV, Land Use identifying the general future use of land outside of the City, but inside the Urban Growth Boundary, and a North Holladay Concept Diagram exhibit to the Appendix.

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: Chapter 18.05, inclusive (Introduction & General Provisions)
Chapter 18.130, inclusive (Comprehensive Plan Amendment)
City Comprehensive Plan
Oregon Statewide Planning Goals

BASIC FACTS

1. 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).
2. DLCD 45 Day Notice: The City mailed pre-hearing notice to DLCD on October 25, 2010
3. Public Notice was provided in the local newspaper on November 19, 2010.
4. Public Notice was mailed to subject and surrounding property owners on November 19, 2010.
5. At the Planning Commission public hearing on December 14, 2010, public testimony was received at the hearing from:
 - * *Remi Taghon, 1137 NW Cornelius-Schefflin Rd., PO Box 391, Cornelius, OR 97113*
 - * *Tony Van Dyke, 2590 NW Martin Road, Forest Grove, OR 97116*
6. No public written comments have been received as of the date of this report.
7. As of the date of this report only one comment has been received from agencies or other jurisdictions:
 - * *Ray Valone, Metro Planner submitted an email with comments on December 13, 2010.*

The Planning Commission addressed the issues and concerns submitted by Ray Valone by having staff correct the final Recommendation Report before being signed by the Planning Commission.

BACKGROUND INFORMATION

1. The North Holladay Planning Area (Planning Area) is located north of the City in its northwest corner between N. 10th Avenue and the west City boundary. The North Holladay Area consists of three (3) tax lots that are entirely within the UGB:

Tax Lot # 900, Map # 1N333 13.33 Ac.
Tax Lot # 600, Map # 1N333B 5.00 Ac.
Tax Lot # 500, Map # 1N333B 12.00 Ac.

And portions of four (4) other tax lots:

Tax Lot # 300, Map # 1N333B @ 2.00 Ac.
Tax Lot # 400, Map # 1N333B @ 14.74Ac.
Tax Lot # 100, Map # 1N333B @ 2.05Ac.
Tax Lot # 200, Map # 1N333 @ 6.66Ac.
Total Acreage 55.78 Acres

2. This land is currently outside of the City, but inside its Urban Growth Boundary (UGB). This Urban Growth Boundary expansion took place in November of 2005 when Metro Regional Government adopted Ordinance No. 05-1070A (See Recommendation Report Exhibit A)
3. Washington County adopted Ordinance No. 686 (See Recommendation Report Exhibit B) for a zone change on the subject land inside the Urban Growth Boundary from rural uses to Future Development 20 Acre District, FD-20 in September 2007.
4. The City entered into an Intergovernmental Agreement with Metro to complete Title 11 planning on the North Holladay Planning Area in September 2010 to address the conditions of Metro Ordinance No 1070A.

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 findings in the attached Planning Commission Recommendation Report (See Exhibit 1) demonstrate the proposed Comprehensive Plan Text Amendment is in compliance with the Statewide Planning Goals.

Staff find the criterion 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) addresses Metro Ordinance No. 1070A that requires compliance with Metro's Title 11. Section 3.07.1120 of Title 11, of the Metro Urban Growth Management Functional Plan has to be addressed for lands inside and Urban Growth Boundary. The Recommendation Report demonstrates how the North Holladay Planning Area has been designed and planned for urbanization in the future.

Staff find the criterion is met.

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

The applicable 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 criterion is met.

CONCLUSION

In November of 2005 Metro adopted Ordinance No. 1070A, amending the Urban Growth Boundary to increase capacity to accommodate growth in industrial employment that included the North Holladay Planning Area. There were no appeals or challenges to Metro Ordinance No. 1070A

In September of 2007, in compliance with Metro Title 11, Washington County adopted Ordinance No. 686 that changed the zoning on the subject land from rural uses to Future Development 20 Acre District, FD-20. The adoption of Ordinance No. 686 changed the future use of the subject land to urban uses. There were no appeals or challenges to the County zone change and Ordinance No. 686.

The City of Cornelius entered into an Intergovernmental Agreement (IGA) with Metro in September of 2010 to complete Title 11 planning of the North Holladay Planning Area as required by Metro Ordinance No. 1070A. The proposed new Comprehensive Plan Text and Urban Growth Diagram is found in Exhibit H and I of this report.


In conclusion the completion of the land use process and decision on CPA-01-10 will address and satisfy Metro Ordinance No. 1070A and Title 11. If and when, the North Holladay Planning Area annexes into the City this new Comprehensive Plan language will also provide direction for its future use.

DECISION

Based upon the facts, findings, conclusions and exhibits in the Recommendation Report, testimony and evidence presented at hearings to the Planning Commission and City Council, Council approves the Comprehensive Plan Text Amendment, File # CPA-01-10, subject to the following conditions:

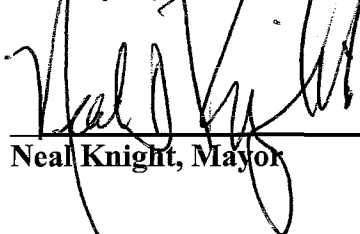
1. The Comprehensive Plan Text Amendment identified in the Exhibit H of the Planning Commission Recommendation Report (Exhibit 1) shall be added to Chapter IV, Land Use of the City Comprehensive Plan.
2. All facts, findings, conclusions and conditions of approval found in the Planning Commission Recommendation Report (Exhibit 1) are valid and applicable to this approval, unless changed or modified by this Findings Report.
3. Adoption of the Comprehensive Plan Text Amendment shall be by ordinance.

EFFECTIVE DATE OF DECISION



Richard Meyer, Comm. Development Director

January 18, 2011



Neal Knight, Mayor

EXHIBIT 1

Planning Commission Recommendation Report

EXHIBIT 1



CITY OF CORNELIUS

PLANNING COMMISSION RECOMMENDATION REPORT

Comprehensive Plan Text Amendment – North Holladay Planning Area File # CPA-01-10

TO: City Council
DATE: December 14, 2010
APPLICANT: City of Cornelius

REQUEST: Approval of a Text Amendment to the City Comprehensive Plan adding new language to Chapter IV, Land Use identifying the general future use of land outside of the City, but inside the Urban Growth Boundary, and a North Holladay Concept Diagram exhibit to the Appendix.

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.

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Oregon Statewide Planning Goals

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4. Public Notice was mailed to subject and surrounding property owners on November 19, 2010.
5. The Planning Commission public hearing on CPA-01-10: December 14, 2010. Public testimony was received at the hearing from:
 - * Remi Taghon, 1137 NW Cornelius-Schefflin Rd., PO Box 391, Cornelius, OR 97113
 - * Tony Van Dyke, 2590 NW Martin Road, Forest Grove, OR 97116
6. No public written comments have been received as of the date of this report.
7. As of the date of this report only one comment has been received from agencies or other jurisdictions:
 - * Ray Valone, Metro Planner submitted an email with comments on December 13, 2010.

BACKGROUND INFORMATION

1. The North Holladay Planning Area (Planning Area) is located north of the City in its northwest corner between N. 10th Avenue and the west City boundary.
2. This land is currently outside of the City, but inside its Urban Growth Boundary (UGB). This Urban Growth Boundary expansion took place in November of 2005 when Metro Regional Government adopted Ordinance No. 05-1070A (See Exhibit A), with the following conditions:

Cornelius Area

1. *The City of Cornelius, in coordination with Washington County and Metro, shall complete the planning required by Metro Code Title 11, UGFMP, section 3.07.1120 ("Title 11 Planning") for the Cornelius area shown on Exhibit "A" to this ordinance. The city or county shall complete Title 11 planning within ___ years after the effective date of this ordinance.*
2. *The city shall apply the 2040 Growth Concept design types shown on Exhibit "A" of this ordinance to the planning required by Title 11 for the study area.*
3. *The city shall apply the interim protection standards in Metro Code Title 11, UGMFP, section 3.07.1110, to the Cornelius area until the effective date of the comprehensive plan provisions and land use regulations are adopted to implement Title 11.*
4. *The city shall adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – in its land use regulations to enhance compatibility between industrial uses in the Cornelius area and agricultural practices on adjacent land outside the UGB that is zoned for farm or forest use.*
5. *In the course of Title 11 planning, the city shall comply with the Regional Framework Plan, as implemented by Title 13 ("Nature in the Neighborhoods).*

3. Washington County adopted Ordinance No. 686 (See Exhibit B) for a zone change on the subject land inside the Urban Growth Boundary from rural uses to Future Development 20 Acre District, FD-20 in September 2007.
4. The City entered into an Intergovernmental Agreement with Metro to complete Title 11 planning on the North Holladay Planning Area in September 2010 to address the conditions of Metro Ordinance No 1070A.

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 procedures to ensure citizens have an avenue to participate in land use actions through its application, public notice and public hearing process as directed by Goal 1 and the City Comprehensive Plan.

The first public hearing on the Master Plan before the Planning Commission hearing is scheduled for 7:00 PM on Tuesday, December 14, 2010 in the Cornelius Council Chambers, 1310 N. Adair Street, Cornelius. The City Council hearing is scheduled for January 18, 2010 at the Cornelius Council Chambers, 1310 N. Adair Street, Cornelius. The City provides 20-day public notice in a local newspaper, prior to the public hearings. The Code provisions requiring the public notices for comment and public hearings give the opportunity for citizens and surrounding property owners to submit testimony, ask questions, receive answers or challenge the proposed request. After a decision is rendered by City Council 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

Goal 2 requires jurisdictions to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land. The City of Cornelius has an adopted and State acknowledged Comprehensive Plan that provides policy direction for land use actions and decisions for land located with the City boundary. The City also has an adopted and State acknowledged Development & Zoning Code where process, standards, criteria and requirements identified for use in factual based decisions.

Goal 2 also requires that City and County jurisdictions coordinate with Regional, State and Federal agencies in preparation of plans and to address needs. The subject land was brought into the Urban Growth Boundary (UGB) in 2005 by Metro Regional Government with the adoption of Metro Ordinance No. 05-1070A. This action amended the Urban Growth Boundary to increase capacity to accommodate growth in industrial employment and to respond to a remand from the Oregon Land Conservation and Development Commission. This action resulted in an Urban Growth Boundary expansion north of the City limits that the City, Metro and State had been working on since 2002. One of the conditions identified in Ordinance No. 1070A requires the City of Cornelius, in coordination with Washington County and Metro to complete the planning required by Metro Code Title 11, UGFMP, section 3.07.1120 (“Title 11 Planning”) for the Cornelius area. In response to this condition the City is processing this Comprehensive Plan Amendment (CPA-01-10) to provide guidance and conceptual planning for future annexation of this land into the City.

The North Holladay Planning Area is currently located within the UGB, but outside of the City and is in Washington County’s jurisdiction. Washington County rezoned this in 2007 from it’s rural designation to Future Development 20 Acre District (FD-20) with the adoption of Ordinance No. 686.

Staff find this goal has been met.

Goal 3 – Agricultural Land

Agricultural lands are to be preserved and maintained for farm use. It has been determined through the Urban Growth Boundary process that this land shall be used for expansion of urban and city uses. Washington County has acted on the approved UGB expansion and rezoned this land FD-20 in 2007 for future urban development and not for continued or intensified agricultural uses

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 City of Cornelius reached Goal 5 compliance in 2002-2003 with the completion of it’s significant natural resources inventory and protection plan. The City addressed this Goal as part of Land Use requirements for compliance with its’ State approved Periodic Review Program. This project also resulted in the approval of a Natural Resource Overlay Zone that provides protection of significant natural resources. Sections of the Council Creek corridor located in or abutting the City during the 2002 Natural Resource Inventory were designated as Significant Natural Resources. The designation of Council Creek as a Significant Natural Resource results in protection buffers/setbacks that are required with development proposals. The City would complete a natural resource assessment on the section of Council Creek that makes up the northern Urban Growth Boundary. The Urban Growth Diagram (Exhibit I) provides a conceptual protection buffer along the south side of Council Creek that is located inside the UGB. The approval of the UGB expansion by Metro in 2005 (Ordinance No. 1070A) requires compliance with *Metro Title 13, Nature in the Neighborhoods*. The City of Cornelius Natural Resource Protection Plan provides protection buffers/setbacks for Significant Natural Resources, such as Council Creek. The City has a

signed and adopted Intergovernmental Agreement (IGA) with Clean Water Services to implement their Healthy Streams Plan, including best management practices and low-impact development standards.

Staff find the goal has been met.

Goal 6 – Air, Water and Land Resources Quality

State Goal 6 states that all waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate or violate state or federal environmental statutes, rules and standards. Cornelius is located within the Portland Air Quality Maintenance Area (AQMA). The Department of Environmental Quality (DEQ) is the state agency responsible for development and management of air quality attainment plans. Cornelius is in compliance with DEQ regulation and attainment plans. Concerning water quality Washington County is under a federal court order to manage control and enhancement of water quality in the Tualatin River basin, where Cornelius is located. The Basin program is managed and designed by Clean Water Services (CWS) in cooperation with local jurisdictions. Cornelius has an Intergovernmental Agreement with CWS for managing water quality, storm water and sanitary sewer. The City Comprehensive Plan (pgs. 42 & 43) policies states:

1. The City supports the concept of developing strategies to preserve air quality and will continue to coordinate with DEQ.
2. The City shall coordinate with CWS on development and implementation of Metro Title 3 and an ESA compliance program. To ensure appropriate and timely review of developments impacting stream corridors, the City shall coordinate through application submittal to ensure the applicant is in compliance with required CWS permits.

The City Zoning and Development Code has followed the Comprehensive Plan guidance for addressing these environmental policies. In all of the industrial zoned and designated lands within the City the following Performance Standards language is found:

No land or structure shall be used or occupied unless there is continuing compliance with the following standards:

- A. *Design review approval. All design review requirements and conditions of approval, including all prior attached conditions shall be satisfied.*
- B. *Environmental standards. All uses shall comply with the required air, land, and water quality standards set forth by all state, federal and local jurisdictions (i.e. Department of Environmental Quality, Clean water Services, and Metro).*

Staff find this goal is met.

Goal 7 – Areas Subject to Natural Disasters and Hazards

The only natural hazards in or near the North Holladay Planning Area is the Council Creek floodplain. The City Comprehensive Plan, Zoning & Development Code and Natural Resource Plan prohibit development in the stream corridor and floodplains.

Staff find this goal is met.

Goal 8 – Recreational Needs

Goal 8 states that city and counties are to satisfy the recreational needs of the citizens of the state and visitors; and where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

The City of Cornelius adopted a new Parks Master Plan in 2009 to address the parks and recreation needs for the citizens of Cornelius and its visitors for now and in the future. This Plan has been acknowledged by the State as an amendment to the Comprehensive Plan. The Parks Master Plan calls for park and open space development in the northwest quadrant of the City adjacent to this UGB area. The Parks Master Plan also identifies Council Creek Trail as an important recreational element to be designed, implemented and built. The trail would most likely follow along or near the south side of Council Creek. The planning and development of the Council Creek trail will be coordinated through a process involving the Cornelius, Forest Grove, Hillsboro and Washington County.

The 2009 Parks Master Plan includes a Capital Facilities Revenue & Expenditures Summary. It also is supported by a new, current Systems Development Charge (SDC) Methodology and Fee formula that is implemented with new development and operation of businesses.

Staff find the Goal has been met.

Goal 9 – Economic Development

Goal 9 requires that comprehensive plans and policies shall contribute to a stable and healthy economy in all regions of the state. The City Comprehensive Plan, Chapter VI, Economic Development strives to develop a diversified economic base that is supportive of existing commercial and industrial development. To help achieve this goal the following policies and their implementation are found in the Plan (pgs 33-34):

POLICIES

1. Support and promote continued commercial and light industrial development and diversification of the area's economy.
2. Provide appropriate screening of industrial uses that abut residential uses.

IMPLEMENTATION

1. Adequate industrial and commercial land will be made available to support continued development, provided cooperative efforts with Metro to identify these lands can be achieved.
2. Where possible, access to industrial areas and uses will be prohibited from residential streets.
4. The Development Review Committee will review the site plan of each proposed industrial and commercial development in order to evaluate quality and compatibility, vehicular and pedestrian access and circulation, signs, lighting, building placement, noise, and landscaping with adjoining uses.

5. The City will work to explore the possible connection to the Sunset Highway and a stronger north-south linkage to its primary market area.

The City of Cornelius has been identified by Oregon Business (Oregon Economic Development) as an 'economically distressed community'. Cornelius from the last 8-10 years has tried to work with the State, Metro and the County to expand to the north in order to provide efficient larger lot industrial growth that would provide local jobs reducing traffic and the commute to jobs outside of the City. The result of these efforts is the existing North Holladay Planning Area that is approximately 56 acres in size. It is located abutting the north City boundary in the northwest corner of the Cornelius. The North Holladay Planning Area is bounded on the north, east and for the most part on the west by the Council Creek corridor. As mentioned earlier in this report the Metro Ordinance 1070A requires that this area, when annexed into the City be designated for industrial and employment uses. The City lands that abut the UGB area to the south are designated and zoned for industrial use, therefore it would be compatible for the UGB expansion area to be designated for industrial use and it would be in compliance with the Metro ordinance.

Staff find the Goal is met.

Goal 10 – Housing

The State requires jurisdictions to provide for its local housing needs. Buildable lands are to be inventoried and planned to encourage adequate numbers of needed housing units at price ranges that are affordable by Oregon households. Cornelius coordinates with Washington County and Metro to establish the demand and need housing units in the City. The subject land has not been inventoried or planned to provide housing units by the City, County or Metro. The 2005 UGB expansion was inventoried and planned for employment and identified as such in Metro Ordinance No. 1070A.

Staff find this goal is met.

Goal 11 – Public Facilities and Services

Goal 11 states that urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable and rural areas to be served. The City partners with Clean Water Services (CWS) for sanitary and storm sewer conveyance and treatment. CWS has a basin wide system that has been sized and designed for build out and future expansion. The Joint Water Commission/City of Hillsboro is a Cornelius regional water partner, who in 2000 completed the construction and extension of a 72" water main through the City to increase the provision of potable water in Cornelius, Forest Grove and Hillsboro to accommodate new and future growth. The City Comprehensive Plan, Industrial Land Use Policy # 2 states, that industrial development will coincide with the provision of public streets, water and sewerage facilities. These public facilities shall be capable of adequately servicing all intervening properties as well as the proposed development and will be designed to meet zoning and subdivision standards. Sidewalks and off street parking will be required in all new industrial developments. The City of Cornelius through private development requirements have extended local water and sewer facilities that are stubbed near or abutting the UGB area for future provision of service north of the existing City boundary, see Exhibit D, that demonstrates that approximate location of City utilities in relation to the UGB.

Staff find this goal is met.

Goal 12 – Transportation

The City of Cornelius adopted a Transportation System Plan (TSP) in 2005 that identifies projects and programs needed to support the City's Goals and serve planned growth over the next 20 years. The TSP recommends investments and priorities for the Pedestrian, Bicycle, Transit and Motor Vehicle systems. The TSP is a document that is acknowledged by the State as an amendment to the City Comprehensive Plan.

The North Holladay Planning Area is currently undeveloped and does not have a transportation network. Through private development and a Local Improvement District, N. 4th Avenue a City Collector Street has been extended and stubbed to the Planning Area, see Exhibit E. Another street N. 7th Court has been platted near the Planning Area, but has not been built. These two streets will be part of the future system that will be built to City standards to accommodate motor vehicles, freight, pedestrian and bicycle modes of transportation.

This Goal is has been met.

Goal 13 – Energy Conservation

Goal 13 requires jurisdictions to give priority consideration to land uses and development of land to maximize the conservation of all forms of energy. The City Zoning and Development Code encourages the use of solar designed development to enhance energy conservation. The Code also encourages alternative energy uses in the Industrial zones. The City also enforces the State Building and Plumbing Codes that require energy conservation measures to be implemented during construction and reconstruction. When the subject land is annexed into the City and development is proposed it will comply with current construction standards for energy conservation.

Staff find this goal is met.

Goal 14 – Urbanization

State urbanization goals require that there is an orderly and efficient transition from rural to urban land use. Urban growth boundaries are required to identify and separate urbanizable land from rural land. In 2005 the Metro Council approved the North Holladay Planning Area as part of the Urban Growth Boundary finding a regional need for this land to be urbanized for industrial and employment use. The adoption of Metro Ordinance No. 1070A found this land to be appropriate and compatible for urban uses.

The land within the City that abuts the North Holladay Planning Area is designated and zoned for Industrial uses. The goal of Chapter IV, Land Use of the City Comprehensive Plan states, *“to provide a sound basis for urbanization by establishing proper relationships among residential, commercial, industrial, public and other land uses”*. The subject land is bounded on the north by Council Creeks crescent shape. The extension and connection of urban facilities and infrastructure will be from the south to the north into the Planning Area. Urban facilities and infrastructure will not cross Council Creek with future annexation and development of the Planning Area. As demonstrated in the Urban Growth Diagram (Exhibit I) services, facilities and transportation infrastructure will be routed south through the existing Industrial zoned land that abuts the Planning Area. The City Comprehensive Plan and the Zoning & Development Code does not support ‘spot zoning’ or the designation of incompatible uses that would create conflicts and negatively affect the developability of land. Therefore, under the current Comprehensive Plan and Zoning of the land abutting the Planning Area it would be most consistent with the Comprehensive Plan and compatible with the existing Zoning district, if when the North Holladay Planning Area is annexed into the City that it be designated for industrial use.

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 have been 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 City has complied with the City and State requirements for providing public notice for a Comprehensive Plan Amendment. The City prepared and sent the required notice to the Department of Land Conservation & Development (DLCD) for a Comprehensive Plan Amendment, prior to the first evidentiary hearing.

Metro Regional Government has jurisdiction over the expansion of the regional Urban Growth Boundary. Metro's adoption of the Cornelius Urban Growth Boundary in 2005 with Ordinance No. 1070A requires compliance with five conditions of approval:

Ordinance No. 1070A – Condition # 1

The City of Cornelius, in coordination with Washington County and Metro, shall complete the planning required by Metro Code Title 11, UGFMP, section 3.07.1120 ("Title 11 Planning") for the Cornelius area shown on Exhibit "A" to this ordinance. The city or county shall complete Title 11 planning within '2' years after the effective date of this ordinance.

The City did not complete the Title 11 planning within the years as required in condition # 1, the City is addressing the process with this proposed amendment. The City with Metro staff approval held off on the Title 11 planning, while working with property owners and the State to aggregate a State Certified Industrial Site. This process has

not be completed as of this date, so the City and Metro agreed to move forward and address Title 11 with the implementation of an Intergovernmental Agreement in 2010.

The Title 11 planning requirements are found in Metro Code Title 11, UGFMP, section 3.07.1120, which states that all lands added to the Urban Growth Boundary shall be subject to adoption of a comprehensive plan amendment consistent with the applicable titles in the Metro Urban Growth Management Functional Plan, in particular Title 11. Title 11 requires applicable comprehensive plan amendments to address the following provisions:

A. Specific plan designation boundaries derived from the general boundaries of design type designations assigned by the Council in the ordinance adding the territory to the UGB.

Metro Ordinance No. 1070A designates the North Holladay Planning Area as an 'industrial and employment' area. The entire Planning Area, which is the land within the UGB is assigned this designation.

B. Provision for annexation to a district and to a city or any necessary service districts prior to urbanization of the territory or incorporation of a city or necessary service districts to provide all required urban services.

Annexation into the City of Cornelius requires approval of an application that is in compliance with the City Comprehensive Plan. The policies and requirements for annexation into the City are found in the Comprehensive Plan (pgs 16-17):

In order to ensure orderly development in conformance with the Comprehensive Plan, the city adopts these policies for annexation:

a. Annexation will be permitted if:

- (1) The City is able to provide adequate services to the area, including sewer, water, administration, and fire protection. The new area can meet city standards for roads, sewers, water, and other services, and appropriate amendments to the City's Public Facilities Master Plans have been considered.*
- (2) The proposed use of the area to be annexed conforms with the Comprehensive Plan, or has been Master Planned, including all adjacent and intervening properties. The City does not intend to support piece-meal annexations.*
- (3) A substantial portion of the area to be annexed is contiguous to the City and represents a logical direction for city expansion.*

The first criteria that must be addressed for annexation into the City also requires demonstration of adequate services to the subject area. The City has the same vision as Metro for the logical and efficient expansion of the City boundary. To that end, the North Holladay Planning Area is currently served by the Cornelius Fire Department and City Police Department that can provide immediate first response to the area. The North Holladay Planning Area has also been designed for the extension of City and private utilities and services. The Planning Area abuts the northern City boundary where utilities have been extended up N. 4th and N. 10th Avenues. The City utilities (water, sewer and storm sewer) have been stubbed for planned extension to the north of the current City limits.

C. Provision for average residential densities of at least 10 dwelling units per net developable residential acre or such other densities that the Council specifies pursuant to section 3.01.040 of the Growth Management Functional Plan.

The North Holladay Planning Area was designated by Metro Ordinance No. 1070A through an amendment of the Urban Growth Boundary to increase capacity to accommodate growth in industrial employment. Therefore, this provision does not apply.

D. Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.

The North Holladay Planning Area was designated by Metro Ordinance No. 1070A through an amendment of the Urban Growth Boundary to increase capacity to accommodate growth in industrial employment. Therefore, this provision does not apply.

E. Demonstration of how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers.

The North Holladay Planning Area was designated by Metro Ordinance No. 1070A through an amendment of the Urban Growth Boundary to increase capacity to accommodate growth in industrial employment. Therefore, this provision does not apply.

F. Provision for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types. Commercial and industrial designations in nearby areas inside the Urban Growth Boundary shall be considered in comprehensive plans to maintain design type consistency.

The North Holladay Planning Area abuts the north City boundary. The City land directly south of the Planning Area is designated on the Cornelius Comprehensive Plan Map for Industrial use and is zoned on the City of Cornelius Zoning Map as General Industrial, M-1. The uses in the area directly south of the Planning Area are a variety of manufacturing, processing and warehousing uses, but also include vacant developable land. The streets and utilities have been designed to accommodate industrial development and have been stubbed for future extension north into the Planning Area. Council Creek is the northern boundary of the Planning Area. North of Council Creek the properties that abut the Planning Area are in agricultural operations, primarily field crops that vary from year to year. The area to the west of the Planning Area is currently in agricultural operations also. Council Creek and N. 10th Avenue provide the east boundary of the Planning Area. Across N. 10th Avenue (aka Cornelius Schefflin Rd.) is a small cemetery that abuts developed rural residential land. Farther to the southeast is a Manufactured Home Park in the City of Cornelius. Council Creek and N. 10th Avenue provide adequate buffers and separation from the Planning Area.

The City of Cornelius has two industrial zoning districts, General Industrial, M-1 and Light Industrial, LI. These districts basically have the same intent and purpose, which is to provide various industrial activities for processing, manufacturing, assembly and fabrication. The North Holladay Planning Area would be designed and developed for industrial uses that would be compatible with the abutting industrial zoned property located in the City. The

current City of Cornelius Development & Zoning Code does not permit retail-commercial uses as identified in Title 4 in its industrial zoning districts. Upon annexation of the North Holladay Planning Area into the City the applicant will be required to receive approvals of a Comprehensive Plan and Zoning Code Amendment that will ensure compliance with Title 4 requirements concerning Industrial and Employment Area design type.

The North Holladay Planning Area is located approximately within ½ mile of the Cornelius Main Street District and will be less than ¼ mile from the proposed Cornelius Town Center that is being considered for approval by Metro in Ordinance No. 10-1244. The future annexation of this land into the City and its subsequent designation and development for industrial and employment uses will further support the Cornelius Main Street and Town Center through the provision of jobs in a walkable community. The close proximity of transit, mixed use, higher density residential and pedestrian connections will enhance and encourage development of these Centers.

G. A conceptual transportation plan consistent with the applicable provision of the Regional Transportation Plan, Title 6 of the Urban Growth Management Functional Plan, and that is also consistent with the protection of natural resources either identified in acknowledged comprehensive plan inventories or as required by Title 3 of the Urban Growth Management Functional Plan. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.

The City of Cornelius adopted a Transportation System Plan in coordination and compliance with the State, Metro and Washington County in 2005. The Cornelius TSP Update identifies projects and programs needed to support the City's Goals and to serve planned growth over the next 20 years. It documents the recommended investments and priorities for the Pedestrian, Bicycle, Transit, and Motor Vehicle systems along with new transportation programs to correct existing shortfalls and enhance critical services. This plan includes analysis the (at that time) approved 260 acre expansion of the urban growth boundary just north of the City limits, which includes the subject land.

The City of Cornelius utilizes a number of mechanisms to fund construction of its transportation infrastructure, including:

- State Fuel Tax and Vehicle License Fee
- County Fuel Tax
- City Gas Tax
- Transportation Development Tax (TDT)

Under the above funding programs, the City of Cornelius will collect approximately \$508,000 for street construction and repair each year. Total revenues collected over 20 years would be \$9.3 million with the current sources. The costs outlined in the Transportation System Plan (TSP) to implement the Action Plans for Motor Vehicles, Transit, Bicycles and Pedestrians total \$2.9 million, and several other recommended transportation operations and maintenance programs would add \$13.2 million for a total cost over 20 years of \$16.1 million.

In Cornelius the other major source that provides significant funding for the improvement of the motor vehicle, pedestrian and bicycle transportation system is private development. Construction and development of property that reaches a nexus for certain impacts is required to pay for the improvement of the transportation system built to City standards.

The existing street system is stubbed for future extension into the Planning Area as described below:

- N. 4th Avenue is a City Collector Street built to City Standards that is stubbed for extension at the southwest corner of the Planning Area.

- N. 10th Avenue is an existing City and County Arterial Street that abuts the southeast corner of the Planning Area and currently provides access to Tax Lot # 900, Map # 1N333. A major improvement project was completed in 2010 improving the Council Creek Bridge and N. 10th Avenue to urban/City standards.
- N. 7th Court is a City Local Street that has been platted and dedicated, but not constructed. Its terminus lies approximately 260' from the southern boundary of the Planning Area.
- N. Holladay Street is an east-west City Collector Street built to City Standards that lies parallel approximately 500-600' south of Planning Area.

There is access to an active railroad line, the 3F line that is operated by the Portland & Western Railroad. It is an east-west line that provides service to Hillsboro, Cornelius and Forest Grove. It is located less than ¼ mile south of the Planning Area.

TriMet Bus Route # 57 provides frequent service on State Highway 8 (aka TV Highway) through the current Cornelius Main Street District (and proposed Town Center) connecting Forest Grove to the west and Hillsboro and other points east. Route # 57 and the Cornelius Main Street District is located less than ½ mile south of the Planning Area.

Title 3 is addressed with water quality policy and standards adopted by the City of Cornelius and Clean Water Services to protect water resources and floodplains. The City of Cornelius Natural Resource Plan provides buffers from 50' – 120' in width depending on the existing native vegetation and slope that protect resources. Council Creek corridor is the northern boundary and a natural buffer between the Planning Area and land outside the UGB. Council Creek is identified as a Significant Natural Resource by the City of Cornelius and would be assessed for protection that will include identifying the required buffer width. The City of Cornelius also has a partnership and intergovernmental agreement with Clean Water Services (CWS) that monitors and regulates the protection of natural resources. Council Creek is identified by CWS as a 'sensitive area' and therefore would require vegetative corridor protection based their standards. CWS 'sensitive area' buffers range from 50' – 200' wide buffer tracts.

The 2005 City Transportation System Plan analyzed the new transportation programs needed to correct existing shortfalls and enhance critical services. This includes analysis of a 260 acre expansion just north of the City limits. The subject Planning Area is part of this analysis and includes a gross acreage of approximately 56 acres, a much smaller area than that analyzed in 2005. Therefore, the 2005 Cornelius Transportation System Plan has analyzed, evaluated and adopted a system that plans for future impacts, including those created by the North Holladay Planning Area. The TSP also addresses transportation deficiencies in whole and provides finance approaches, cost estimates, policies and funding strategies to correct these needs.

H. Identification, mapping and a funding strategy for protecting areas from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation, including, without limitation, all Habitat Conservation Areas, Water Quality Resource Areas, and Flood Management Areas. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include zoning strategies to avoid and minimize the conflicts between future development and the protection of Habitat Conservation Areas, Water Quality Resource Areas and Flood Management Areas. The plan shall also include a preliminary cost estimate and funding strategy, including likely financing approaches, for options such as mitigation, site acquisition, restoration, enhancement, or easement dedication to ensure that all significant natural resources are protected.

In compliance with Goal 5 the City adopted through Ordinance 836, a Natural Resource Inventory and Map in December of 2002. The Natural Resources Inventory provides resource location information and determines significance. After completing the natural resource inventory process the City determined that the safe harbor rule could not be applied because of potential conflicts with abutting development around almost all of the inventoried sites. Therefore, the City implemented an ESEE process to analyze the consequences for protection of the significant sites. The ESEE process resulted in the determination of Significant Natural Resources in the City. The City adopted a Natural Resource Protection Plan in 2003. One of the natural resources that have been identified to be 'significant' is the Council Creek corridor. Protection buffers that vary from 90' – 120' in width have been determined on the other sections of the stream corridor in the City. These buffers and setbacks are surveyed and applied during development or redevelopment of land along the Council Creek corridor.

Council Creek and its associated southern floodplain provide the north, east and west boundary of the Planning Area. As such the riparian area of Council Creek bisects or borders six (6) of the current tax lots in the Planning Area. Council Creek continues east of the North Holladay Planning Area and N. 10th Avenue across the northern boundary of the City of Cornelius. The section of Council Creek that flows through and/or abuts the North Holladay Planning Area has been identified and mapped by Metro as a 'Low Priority Habitat Conservation Area' by Metro Regional Government (Exhibit F).

A wetland has also been 'determined' on Tax Lot # 400, Map # 1N333CA. The historical drainage from this tax lot appears to flow northwest towards Council Creek and through the southwest corner of the North Holladay Planning Area. As part of a natural resource assessment for the Council Creek corridor a determination of wetlands will also be conducted. The assessment will provide an inventory and locations of the wetlands. Any wetlands that are identified and determined will be analyzed for value and possible protection.

The topography of the Planning Area is relatively flat with a very, slight slope (Exhibit G). The majority of the land in the Planning Area is outside of the Council Creek corridor. This land outside the stream corridor has a high elevation contour of 180' and a low elevation contour of 170'. The Washington County Soil Survey identifies the soil types in this portion of the Planning Area to be Willamette and Woodburn with slopes of 0-3% and 3-7%. The land in the floodplain and riparian area (stream corridor) on the south side of Council Creek slopes down from the 170' contour to 150'. The soils are Woodburn with a 12-20% slope; Quantama with a 7-12% slope; Verboort and Cove with no slope. The Soil Survey data helps document that the only slope constraints of the Planning Area are directly along Council Creek. Large, flat, seismically stable parcels of land are characteristics that the NAIOP (Commercial Real Estate Development Association) study of urban land has identified as suitable for development, particularly industrial suitability noted in the area north of Cornelius.

Council Creek has a variety of functions for water quality, fish/wildlife habitat and flood control that the City, Region and the State have recognized as important. The City and its partners (CWS & Metro) have developed policy and regulations to protect Council Creek from human impacts. These protection measures will reduce the gross acreage of the site for development, but will also act as an amenity to development of the Planning Area. The City has Comprehensive Plan and Zoning Code elements in the form of a Natural Resource Protection Plan, Floodplain Zone and a Natural Resource Overlay Zone that provides protection of fish/wildlife habitat, water quality and natural hazard areas (i.e. floodplains) from development.

- I. A conceptual public facilities and services plan for the provision of sanitary sewer, water, storm drainage, transportation, parks and police and fire protection. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.

The North Holladay Planning Area has been built and designed for the extension of City and private utilities and services. The Planning Area abuts the northern City boundary where utilities have been extended up N. 4th and N. 10th Avenues. The City utilities (water, sewer and storm sewer) have been stubbed for planned extension to the north of the current City limits for many years. The extension of city utilities to its northern boundary has been constructed by private development and public improvement projects. This includes access to utilities directly at or near the southern boundary of the Planning area.

Water lines in N. 4th and 10th Avenues available for extension:

- 12" line stubbed at north terminus of N. 4th Avenue abutting the Plan Area.
- 12" line located in N. 10th Avenue extends to the City boundary, where it is stubbed for future connection.
- 12" lines are located in N. Holladay Street approximately 500-600' south of the Planning Area.

Sanitary Sewer lines in N. 4th and 10th Avenues available for extension:

- 8" line extends from a manhole at the terminus of N. 4th Avenue via an easement across Tax Lot # 400, Map # 1N333B to the CWS trunk line south of Council Creek.
- 8" line/manhole is located at the intersection of N. Holladay and 10th Avenue approximately 580' from the southeast corner of the Planning Area.
- 8" lines are located in N. Holladay Street approximately 500-600' south of the Planning Area.
- The CWS has constructed and maintains a 48" sewer trunk line that runs along the northern boundary of the North Holladay Planning Area on the south side of Council Creek.

Storm Sewer lines in N. 4th and 10th Avenues available for extension:

- 30" line extends from a manhole at the terminus of N. 4th Avenue via an easement across Tax Lot # 400, Map # 1N333B to the CWS trunk line south of Council Creek.
- 24" line is located in N. 10th Avenue right-of-way near the southeast corner of the Planning Area.
- 12-30" lines are located in N. Holladay Street and connect to existing lines in N. 4th & 10th Avenues approximately 500-600' south of the Planning Area.

The approved Utility Master Plans for water, sanitary and storm sewer provide direction for expansion, construction and maintenance of the City utility systems. The City Utility Master Plans identify tools for the City to use to pay for the impacts created by development or expansion of use. The main funding mechanism that the City implements to pay for construction and/or expansion of utilities is System Development Charges (SDC). The adopted Utility Master Plans (Water, Sanitary Sewer and Storm Sewer) have been acknowledged by the State and Metro.

Water – The 2004 Water Master Plan analyzed future water demand based on infill, redevelopment of the existing areas and growth into an expanded UGB. The Plan specifically looked at an expanded UGB area that accommodated industrial uses. The Plan also identifies a Capital Improvement Projects (CIP) list. The 2004 Water Master Plan found that in order to improve and maintain the system water fees and Water SDC's would need to be increased. In 2008 the City of Cornelius increased its Water SDC fee to help address the impacts of development on the City system.

Sanitary – The 2004 Sanitary Sewer System Master Plan includes analysis and consideration of impacts of Urban Growth Boundary expansion to the north of the City limits. The North Holladay Planning Area is

included in the analysis as an 'area of interest' for proposed future industrial development. The Master Plan states that "...the City's network of collection lines is in good shape. The capacity and serviceability of those lines will generally meet the overall system needs for the next 20 years". It is expected that the North Holladay Planning Area will drain into the existing Council Creek trunk line. The Master Plan includes a Capital Improvement Program (CIP) that the current sanitary sewer SDC's are based on and collected by the City.

Storm – The 2004 Storm Sewer Master Plan analyzed the Council Creek basin, including the North Holladay Planning Area for new development and existing impacts. The storm sewers within the Council Creek sub basins are relatively new and are constructed at a depth that allows on-site water quality facilities to drain. The Storm Sewer Master Plan includes a Capital Improvement Program (CIP) to identify projects, the impacts and their costs. The CIP has been used to establish a System Development Charge (SDC) to help pay for the impacts the development and future use will have on the system. The storm sewer SDC was increased in 2008 to keep pace with development costs.

Private utilities are also in place in the public right-of-way along N. 4th Avenue, N. Holladay Street and N. 10th Avenue. These private utilities include electric service provided by Portland General Electric (PGE); natural gas by Northwest Natural Gas (NNG); telephone/internet service by Frontier; cable service by Comcast; and there are three (3) cellular transmission towers located in Cornelius within approximately ½ mile of the Planning Area. The private utilities are available for expansion and growth in the Cornelius area.

The funding strategy for the provision of public facilities and services for this relatively small and confined area is addressed by private development. The City Comprehensive Plan and Development & Zoning Code require private development to extend and or connection to City water, sanitary and storm as part of the improvement and occupancy of their site. Private development is also required to stub public facilities, utilities and services for future extension. The City Master Plans take into account the overall sizing and capacity needs that will influence the design of facilities.

- J. A conceptual school plan that provides for the amount of land and improvements needed, if any, for school facilities on new or existing sites that will serve the territory added to the UGB. The estimate of need shall be coordinated with affected local governments and special districts.

The North Holladay Planning Area was designated by Metro Ordinance No. 1070A to amendment of the Urban Growth Boundary and increase capacity to accommodate growth in industrial employment. When this land is annexed into the City it will be designated for industrial land use. This designation shall not permit residential development that would create impacts on the local school system or predicate the need for land dedicated for school use or development. Therefore, this provision does not apply.

- K. An urban growth diagram for the designated planning area showing, at least, the following, when applicable:

1. General locations of arterial, collector and essential local streets and connections and necessary public facilities such as sanitary sewer, storm sewer and water to demonstrate that the area can be served;

A conceptual street grid is identified on the proposed Urban Growth Diagram (Exhibit I) showing the north-south extension of N. 4th Avenue, a City Collector Street and N. 7th Court, a City Local Street. A proposed new east-west street would connect N. 4th Avenue and 7th Court (Street). The provision of necessary public facilities to serve the area are shown to follow the street right-of-way extensions into the

Planning Area.

2. Location of steep slopes and unbuildable lands including but not limited to wetlands, floodplains and riparian areas;

The Urban Growth Diagram provides contour lines at 10 foot intervals that demonstrate the steeper slopes and unbuildable lands that slope near the Council Creek corridor. A natural resource protection buffer is located approximately at the 160' contour line above the 151' floodplain elevation. Location of an actual natural resource protection buffer would be confirmed, prior to approval of any development applications for the subject lands.

3. Location of Habitat Conservation Areas;

As previously mentioned Council Creek and its associated southern floodplain provide the north, east and west boundary of the Planning Area. As such the riparian area of Council Creek bisects or borders six (6) of the current tax lots in the Planning Area. Council Creek continues east of the North Holladay Planning Area and N. 10th Avenue across the northern boundary of the City of Cornelius. The section of Council Creek that flows through and/or abuts the North Holladay Planning Area has been identified and mapped by Metro as a 'Low Priority Habitat Conservation Area' by Metro Regional Government (Exhibit F).

4. General locations for mixed use areas, commercial and industrial lands;

All of the flat land above and outside of the natural resource protection buffer will be available for industrial use and development as identified in Metro Ordinance No. 1070A. The approval of the UGB expansion was done with the requirement of this area being designated for industrial use. Commercial and Mixed Uses are not be designated for the North Holladay Planning Area.

5. General locations for single and multi-family housing;

Not applicable.

6. General locations for public open space, plazas and neighborhood centers; and

Not applicable

7. General locations or alternative locations for any needed school, park or fire hall sites.

Not applicable

L. A determination of the zoned dwelling capacity of zoning districts that allow housing.

This provision is not applicable.

M. The plan amendments shall be coordinated among the city, county, school districts and other service districts.

As mentioned in the Recommendation Report the City has adopted utility and transportation master plans that coordinate and design the provision of City services to the North Holladay Planning Area. The City emergency services currently provide first response to the Planning Area.

Washington County has already acted in coordination with this UGB expansion of the subject land by limiting uses and encouraging future urbanization with the adoption of Ordinance No. 686 changing the zoning to Future Development, FD-20.

The City is required to notify all of the agencies, partners and service districts identified in the City Comprehensive Plan (See Addendum Exhibit C) about the proposed Text Amendment and Urban Growth Diagram. As part of addressing the criteria for annexation the applicant and the City shall demonstrate coordination with all partners and service districts in compliance with City, County, Metro and State requirements and statutes.

Ordinance No. 1070A – Condition # 2

The city shall apply the 2040 Growth Concept design types shown on Exhibit “A” of this ordinance to the planning required by Title 11 for the study area.

As mentioned previously in this report, the North Holladay Planning Area is located approximately within ½ mile of the Cornelius Main Street District and will be less than ¼ mile from the proposed Cornelius Town Center that is being considered for approval by Metro in Ordinance No. 10-1244. The future annexation of this land into the City and it’s subsequent designation and development for industrial and employment uses will further support the Cornelius Main Street and Town Center through the provision of jobs in a walkable community. The close proximity of transit, mixed use, higher density residential and pedestrian connections will enhance and encourage development of the Main Street and Town Center. This support is also reciprocal in that the elements that support the Center will also support the industrial use/development of the North Holladay Planning Area.

Ordinance No. 1070A – Condition # 3

The city shall apply the interim protection standards in Metro Code Title 11, UGMFP, section 3.07.1110, to the Cornelius area until the effective date of the comprehensive plan provisions and land use regulations are adopted to implement Title 11.

The North Holladay Planning Area is currently located in Washington County, but within the Urban Growth Boundary that was established in by Metro in 2005. In September 2007 Washington County adopted Ordinance No. 686, amending the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, the East Hillsboro community Plan, and the Community Development Code to Implement the 2005 Metro Urban Growth Boundary Expansion (Exhibit B). Specifically, Section 1.E, Ordinance No. 686 states,

Subsequent ongoing planning efforts of the County indicate a need for a general update and housekeeping changes to the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area element of the Comprehensive Plan, the East Hillsboro Community Plan, and the Community Development Code in order to implement Metro’s Urban Growth Boundary Expansion in 2005 to bring in industrial lands pursuant to Metro Ordinance NO. 05-1070A.

Section 2, Ordinance No. 686 follows:

The following exhibits, attached hereto and incorporated herein by reference, are adopted as amendments to the designated documents as follows:

- B. Exhibit 2 (2 pages) amends the Future Development Areas map (Map A) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the FD-20 designation to certain areas;

Exhibit 2 of Washington County Ordinance No. 686 is a map depicting the lands that are being designated Future Development, FD-20 and it includes the North Holladay Planning Area. The Washington County Development Code, Section 308-1, Future Development 20 Acre District (FD-20) states the following ‘Intent and Purpose’:

The FD-20 District applies to the unincorporated urban lands added to the urban growth boundary by Metro through a Major or Legislative Amendment process after 1998. The FD-20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete. The provisions of this District are also intended to implement the requirements of Metro's Urban Growth Management Functional Plan.

Interim protection for the North Holladay Planning Area has been in place, since September 2007 with the adoption of County Ordinance No. 686 implementing the FD-20 zoning designation, therefore satisfying Metro Code Title 11, UGMFP, section 3.07.1110.

Ordinance No. 1070A – Condition # 4

The city shall adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – in its land use regulations to enhance compatibility between industrial uses in the Cornelius area and agricultural practices on adjacent land outside the UGB that is zoned for farm or forest use.

Designated Farm Machinery Lanes – As already mentioned in this report the Council Creek Corridor provides an existing natural buffer between the North Holladay Planning Area and the rural land/uses outside of the UGB. Council Creek corridor also acts to prevent any legal street connections across the stream from inside the UGB to outside the UGB by virtue of it's natural resource status and the conflicting rural zoning designations north of the creek. As mentioned in the Transportation concept planning for Title 11 the streets that will be developed in the Planning Area will connect to the existing City street grid. There will be no extensions of streets into the rural lands north of the UGB that would result in farm equipment having to travel on streets inside the City. Therefore, the need to curb conflict on streets in the Planning Area between agricultural equipment and urban traffic by adding an extra travel lane will not be needed. The need for an added 'farm equipment lane' to existing streets inside the City is not justified by any current traffic conflicts. Agriculture uses are not legally conforming uses inside the City and not encouraged.

Setbacks - The City of Cornelius Development & Zoning Code (Chapter18) currently provides in both the General Industrial, M-1 and the Light Industrial, LI the ability to increase or decrease setback requirements depending on the existing and proposed uses of a site. Therefore, it is not necessary to include any additional language in Comprehensive Plan text amendment (CPA-01-10) to require increased setbacks in the North Holladay Planning Area. The subject land when annexed and developed to City standards would be located within the City and would be separated from agricultural uses by the Council Creek corridor.

Buffers – The City of Cornelius Natural Resource Plan provides buffers that protect resources and vary from 50' – 120' in width depending on the existing native vegetation and slope. Council Creek corridor is the northern boundary and a natural buffer between the Planning Area and land outside the UGB. Council Creek is identified as a Significant Natural Resource by the City of Cornelius and would be assessed for protection that will include identifying the required buffer width. The City of Cornelius also has a partnership and intergovernmental agreement with Clean Water Services (CWS) that monitors and regulates the protection of natural resources. Council Creek is identified by CWS as a 'sensitive area' and therefore would require vegetative corridor protection based their standards. CWS 'sensitive area' buffers range from 50' – 200' wide buffer tracts.

Ordinance No. 1070A – Condition # 5

In the course of Title 11 planning, the city shall comply with the Regional Framework Plan, as implemented by Title 13 ("Nature in the Neighborhoods).

Currently, the City does not have jurisdiction or permission to conduct a natural resource assessment on the subject lands. Once this property is annexed into the City as part of the Comprehensive Plan and Zoning Amendment process a natural resource inventory will be required to determine significance of the resource and the protection measures that will be required by the City and Clean Water Services for the creek corridor and it's habitat.

Council Creek and its associated southern floodplain provide the north, east and west boundary of the Planning Area. As such the riparian area of Council Creek bisects or borders six (6) of the current tax lots in the Planning Area. Metro as part of Title 13 compliance has conducted a fish and wildlife habitat inventory for this UGB area. The section of Council Creek that flows through and/or abuts the North Holladay Planning Area has been identified and mapped by Metro as a 'Low Priority Habitat Conservation Area' (Exhibit ???).

Staff find 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 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.*

This criterion is not applicable.

- 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.*

Metro's 2002-2022 Urban Growth Report: An Employment Needs Analysis determined there was a need for expansion of the regional Urban Growth Boundary to increase capacity to accommodate growth in industrial employment and to address specific deficits in certain industrial parcel sizes. In response to the 2002-2022 Urban Growth Report Metro expanded the Urban Growth Boundary with adoption of Ordinance No. 1070A adding the subject land to the Cornelius UGB. The subject land has also been designated for industrial and employment uses by the same Metro ordinance upon annexation into the City. The language (Exhibit H) that is proposed with this amendment for inclusion into the Land Use chapter of the Comprehensive Plan provides direction for this land to be designated for industrial use upon annexation in compliance with Metro Ordinance No. 1070A and Washington County Ordinance No. 686. Therefore, the proposed amendment complies with the need acknowledged in the Metro Urban Growth Report.

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

The proposed Comprehensive Plan Amendment and staff report addresses compliance with Metro Title's 3, 4, 6 and 11 for lands that have been brought into the Urban Growth boundary.

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

Cornelius has a vision to provide a self-supportive, diversified economy with a balance of jobs to housing. Currently, the City provides more housing than it does jobs and therefore it needs to respond to the local need to create jobs. One way to encourage job creation is to provide the opportunity for land that demonstrates attributes for industrial development to be planned when available. This Plan Amendment and Urban Growth Diagram are steps to support industrial use and job creation on this land when it is annexed into the City.

- 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.*

The proposed amendment is addressing a compliance requirement with the adoption of the 2005 Urban Growth Boundary. The approval of the proposed text language to require the North Holladay Planning Area to be designated for industrial use upon annexation into the City is consistent with the regional and state acknowledged approval of 2005 UGB expansion.

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

This criterion is not applicable.

Staff find the applicable criteria met.

CONCLUSION

In November of 2005 Metro adopted Ordinance No. 1070A, amending the Urban Growth Boundary to increase capacity to accommodate growth in industrial employment and to respond to a remand from the Oregon Land Conservation and Development Commission. The future urban use of this land was determined by Metro's analysis and the UGB expansion process to be industrial. The adoption of this ordinance required the City to complete Metro Title 11 planning for the area within 2 years. The City with acknowledgement from Metro began to work with local property owners and the State of Oregon on aggregating a 50 acres Site Certified Industrial Area for the North Holladay Planning Area.

In September of 2007, in compliance with Metro Title 11, Washington County adopted Ordinance No. 686 that changed the zoning on the subject land from rural uses to Future Development 20 Acre District, FD-20. The FD20 District recognizes the desirability of encouraging and retaining limited interim uses until the urban comprehensive planning for future urban development of these areas is complete. The provisions of this District are also intended to implement the requirements of Metro's Urban Growth Management Functional Plan. The adoption of Ordinance No. 686 changed the future use of the subject land to urban uses.

The City of Cornelius entered into an Intergovernmental Agreement (IGA) with Metro in September of 2010 to complete Title 11 planning of the North Holladay Planning Area. Title 11 planning process for this area results in Comprehensive Plan Text Amendment that includes new language, which generally requires the North Holladay Planning Area upon annexation into the City to be designated for industrial uses. The proposed new Comprehensive Plan Text and Urban Growth Diagram is found in Exhibit H and I of this report.

In conclusion the completion of the land use process and decision on CPA-01-10 will address and satisfy Metro Ordinance No. 1070A and Title 11. If and when the North Holladay Planning Area annexes into the City this new Comprehensive Plan language will also provide direction for its future use.


RECOMMENDATION

Based on the facts, findings and conclusions presented in the Recommendation Report, public testimony and evidence at the public hearing the Planning Commission to recommends to City Council APPROVAL of the Text Amendment for future designation of the North Holladay Planning (CPA-01-10), subject to the following conditions:

1. Page 21 of Comprehensive Plan Chapter IV, Land Use shall be amended with the language as identified in Exhibit H.
2. Add Exhibit I, Urban Growth Diagram to the Comprehensive Plan Appendix as Appendices N.
3. Comprehensive Plan Amendment shall be approved by City Council and adopted by Ordinance.
4. Make changes to the Recommendation Report as identified in the December 13, 2010 Planning Commission Addendum Report.

EFFECTIVE DATE OF RECOMMENDATION

December 14, 2010



Richard Meyer, Community Development Director



Vickie Cordell, Planning Commission Chairperson

**COMPREHENSIVE PLAN TEXT AMENDMENT
RECOMMENDATION REPORT – FILE # CPA-01-10
EXHIBITS**

- | | |
|------------------|--|
| Exhibit A | Metro Ordinance No. 1070A |
| Exhibit B | Washington County Ordinance No. 686 |
| Exhibit C | North Holladay Planning Area Site Map |
| Exhibit D | Existing City Utilities Map |
| Exhibit E | City Street Map |
| Exhibit F | Metro Habitat Conservation Map |
| Exhibit G | Topography Map |
| Exhibit H | Proposed Comprehensive Plan Amendment |
| Exhibit I | Proposed Urban Growth Diagram |
| Exhibit J | Planning Commission Addendum Report |

EXHIBIT A

EXHIBIT A

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE) ORDINANCE NO. 05-1070A
METRO URBAN GROWTH BOUNDARY TO)
INCREASE CAPACITY TO ACCOMMODATE)
GROWTH IN INDUSTRIAL EMPLOYMENT-~~IN~~)
~~RESPONSE AND TO RESPOND TO REMAND~~)
ORDERS FROM THE LAND CONSERVATION)
AND DEVELOPMENT COMMISSION) Introduced by the Metro Council

WHEREAS, the Metro Council added capacity to the regional urban growth boundary (“UGB”) to accommodate ~~growth in industrial employment~~ employment and housing by Ordinances No. 02-969B (For the Purpose of Amending the Urban Growth Boundary, the Regional Framework Plan and the Metro Code in Order to Increase the Capacity of the Boundary to Accommodate Population Growth to the Year 2022), No. 02-983B (For the Purpose of Amending the Urban Growth Boundary to Add Land for a Specific Type of Industry Near Specialized Facilities North of Hillsboro), No. 02-990A (For the Purpose of Amending the Urban Growth Boundary to Add Land in Study Areas 47 and 48, Tigard Sand and Gravel Site) and No. 04-1040B (For the Purpose of Amending the Metro Urban Growth Boundary, the Regional Framework Plan and the Metro Code to Increase the Capacity of the Boundary to Accommodate Growth in Industrial Employment); and

WHEREAS, on July 22, 2005, LCDC issued its “Partial Approval and Remand Order 05-WKTASK-001673” that approved most of the Council’s decisions in Ordinance No. 04-1040B, but returned the matter to the Council for completion of several tasks; and

WHEREAS, on October 31, 2005, LCDC issued its “Partial Approval and Remand Order 05-WKTASK-001688” that approved most of the Council’s decisions in Ordinance No. 02-969B, but returned the matter to the Council for reconsideration of inclusion of two areas in the UGB to provide capacity for housing; and

WHEREAS, the Council completed the analysis and evaluation required by LCDC’s order; and

WHEREAS, the Council consulted its Metropolitan Policy Advisory Committee and the 25 cities and three counties of the metropolitan region and considered comments and suggestions prior to making this decision; and

WHEREAS, the Council may seek voter approval of a mechanism that would make properties included within the UGB subject to an assessment in order to capture a portion of the increase in value caused by inclusion in the UGB for purposes of completing comprehensive planning necessary to urbanize the properties; and

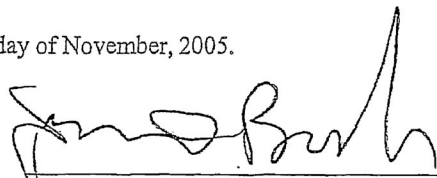
WHEREAS, prior to making this decision, the Council sent individual mailed notification to the owners and neighbors of properties considered for inclusion in the UGB, held a public hearing on November 10, 2005, and considered the public comment; now therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The Metro UGB is amended to include those lands shown on the package of maps Exhibit "A", with the designated 2040 Growth Concept design type, subject to the conditions set forth in Exhibit "B". Exhibits "A" and "B" are attached and incorporated into this ordinance by this reference.
2. The Metro UGB is amended to exclude the portions of Study Areas 37 and 94 that were added to the UGB by Ordinance No. 02-969B to provide capacity for housing, and to exclude a portion of the Cornelius Study Area that was added to the UGB by Ordinance No. 04-1040B, both shown on the package of maps Exhibit "A."
23. The *2002-2022 Urban Growth Report: An Employment Land Need Analysis*, adopted by Ordinance No. 02-969B on December 5, 2002, and revised on June 24, 2004, is further revised and attached and incorporated into this ordinance as Exhibit "C".
34. The Findings of Fact and Conclusions of Law in Exhibit "D", attached and incorporated into this ordinance, explain how this ordinance complies with state law, the Regional Framework Plan and the Metro Code.

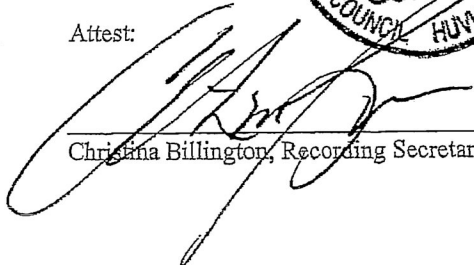
ADOPTED by the Metro Council this 17th day of November, 2005.





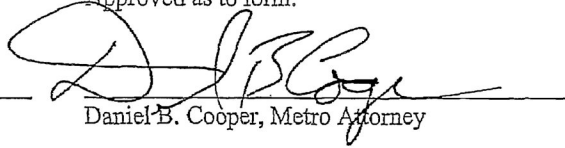
David Bragdon, Council President

Attest:



Christina Billington, Recording Secretary

Approved as to form:



Daniel B. Cooper, Metro Attorney

Exhibit B to Ordinance No. 05-1070A
Conditions of Approval

A. Evergreen Area

1. The City of Hillsboro, in coordination with Washington County and Metro, shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan (“UGMFP”), section 3.07.1120 (“Title 11 Planning”) for the Evergreen area shown on Exhibit “A” to this ordinance. The city shall ensure that planning for the Evergreen area is coordinated with planning for the Helvetia area added to the UGB by Ordinance No. 04-1040B. The city or county shall complete Title 11 planning within ___ years after the effective date of this ordinance.

2. The city shall apply the 2040 Growth Concept design types shown on Exhibit “A” of this ordinance to the planning required by Title 11 for the study area.

3. The city shall apply the interim protection standards in Metro Code Title 11, UGMFP, section 3.07.1110, to the Evergreen area until the effective date of the comprehensive plan provisions and land use regulations are adopted to implement Title 11.

4. The city shall adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – in its land use regulations to enhance compatibility between industrial uses in the Evergreen area and agricultural practices on adjacent land outside the UGB that is zoned for farm or forest use.

5. In the course of Title 11 planning, the city shall comply with the Regional Framework Plan, as implemented by Title 13 (“Nature in Neighborhoods”) of the UGMFP for the protection of fish and wildlife habitat in the Evergreen area.

6. In the course of Title 11 planning, the city shall develop a lot/parcel reconfiguration plan that results in at least one parcel in the Evergreen area that is 100 acres or larger in size. After reconfigurations, the parcel may be divided pursuant to the provision to the provision of section 3.07.420E or 3.07.430D, whichever is applicable.

B. Cornelius Area

1. The City of Cornelius, in coordination with Washington County and Metro, shall complete the planning required by Metro Code Title 11, UGMFP, section 3.07.1120 (“Title 11 Planning”) for the Cornelius area shown on Exhibit “A” to this ordinance. The city or county shall complete Title 11 planning within ___ years after the effective date of this ordinance.

2. The city shall apply the 2040 Growth Concept design types shown on Exhibit “A” of this ordinance to the planning required by Title 11 for the study area.

3. The city shall apply the interim protection standards in Metro Code Title 11, UGMFP, section 3.07.1110, to the Cornelius area until the effective date of the comprehensive plan provisions and land use regulations are adopted to implement Title 11.

4. The city shall adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – in its land use regulations to enhance compatibility between industrial uses in the Cornelius area and agricultural practices on adjacent land outside the UGB that is zoned for farm or forest use.

5. In the course of Title 11 planning, the city shall comply with the Regional Framework Plan, as implemented by Title 13 (“Nature in Neighborhoods”) of the UGMFP for the protection of fish and wildlife habitat in the Cornelius area.

C. Terminal 6 Area

1. The City of Portland shall complete the planning required by Metro Code Title 11, UGMFP, section 3.07.1120 (“Title 11 Planning”) for the Terminal 6 area shown on Exhibit “A” to this ordinance. The city shall complete Title 11 planning within two years after the effective date of this ordinance.

2. The city shall apply the 2040 Growth Concept design type shown on Exhibit “A” of this ordinance to the planning required by Title 11 for the area.

EXHIBIT B

EXHIBIT B

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 686

An Ordinance Amending the Rural/Natural Resource Plan, the Comprehensive Framework Plan for the Urban Area, the East Hillsboro Community Plan, and the Community Development Code to Implement the 2005 Metro Urban Growth Boundary Expansion

The Board of County Commissioners of Washington County, Oregon, ("Board") ordains:

SECTION 1

A. The Board recognizes that the Rural/Natural Resource Plan (Volume III) was readopted with amendments, by way of Ordinance No. 307, with portions subsequently amended by Ordinance Nos. 342, 383, 411, 412, 458, 459, 462, 480, 482, 499, 539, 547, 572, 574, 578, 588, 598, 606, 609, 615, 628, 630, 631, 637, 643, 648, 649, 653, 662, and 671.

B. The Board recognizes that the Comprehensive Framework Plan for the Urban Area element of the Comprehensive Plan (Volume II) was readopted with amendments on September 9, 1986, with portions subsequently amended by Ordinance Nos. 343, 382, 432 (remanded), 444 (remanded), 459, 471, 480, 483, 516, 517, 526, 551, 555, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, 662, 666, and 671.

C. The Board recognizes that the East Hillsboro Community Plan was adopted by Ordinance Nos. 278 and 280 and subsequently amended by Ordinance Nos. 349, 420, 480, 532, 551, 588, 610, and 615.

D. The Board recognizes that the Community Development Code ("CDC") Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by

1 way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-
2 341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-
3 423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481,
4 486-489, 504, 506-512, 517-523, 525-526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-
5 577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634,
6 635, 638, 642, 644, 645, 648, 649, 654, 660-662, 667, 670, 674, 676, 677, and 682.

7 E. Subsequent ongoing planning efforts of the County indicate a need for a general
8 update and housekeeping changes to the Rural/Natural Resource Plan, the Comprehensive
9 Framework Plan for the Urban Area element of the Comprehensive Plan, the East Hillsboro
10 Community Plan, and the Community Development Code in order to implement Metro's Urban
11 Growth Boundary Expansion in 2005 to bring in industrial lands pursuant to Metro Ordinance
12 No.05-1070A. The Board takes note that such changes are necessary to assure consistency with
13 state law and are for the benefit of the residents of Washington County, Oregon.

14 F. Under the provisions of Washington County Charter Chapter X, the Land Use
15 Ordinance Advisory Commission has carried out its responsibilities, including preparation of
16 notices, and the County Planning Commission has conducted one or more public hearings on the
17 proposed amendments and has submitted its recommendations to the Board. The Board finds that
18 this Ordinance is based on those recommendations and any modifications made by the Board, as a
19 result of the public hearings process.

20 G. The Board finds and takes public notice that it is in receipt of all matters and
21 information necessary to consider this Ordinance in an adequate manner, and that this Ordinance
22 complies with the Statewide Planning Goals, and the standards for legislative plan adoption, as set

1 forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County Charter,
2 and the Washington County Community Development Code.

3 SECTION 2

4 The following exhibits, attached hereto and incorporated herein by reference, are adopted
5 as amendments to the designated documents as follows:

- 6 A. Exhibit 1 (2 pages) amends the Rural/Natural Resource Plan by
7 removing certain areas;
- 8 B. Exhibit 2 (2 pages) amends the Future Development Areas map
9 (Map A) in Policy 41 (Urban Growth Boundary Expansions) of
10 the Comprehensive Framework Plan for the Urban Area to
11 apply the FD-20 designation to certain areas;
- 12 C. Exhibit 3 (2 pages) amends the Goal 5 Resources for Future
13 Development Areas map (Map B) in Policy 41 (Urban Growth
14 Boundary Expansions) of the Comprehensive Framework Plan
15 for the Urban Area to apply the Goal 5 Resource designations
16 identified in the Rural/Natural Resources Plan to certain areas;
- 17 D. Exhibit 4 (1 page) amends the Future Development Areas
18 Detailed Areas map (Map C) in Policy 41 (Urban Growth
19 Boundary Expansions) of the Comprehensive Framework Plan
20 for the Urban Area to apply Areas of Special Concern (ASC) to
21 certain areas;
- 22 E. Exhibit 5 (5 pages) amends Implementing Strategy d. of Policy
 41 of the Comprehensive Framework Plan for the Urban Area
 to add an Area of Special Concern;
- F. Exhibit 6 (5 pages) amends the East Hillsboro Community Plan
 to: (1) include a new area and designate it as the "Evergreen"
 subarea on the Washington County Subareas Map, (2) amend
 the Washington County Areas of Special Concern Map to add
 two new areas of special concern, (3) include a new area on
 the Washington County Land Use Districts Map, add an FD-20
 designation to the map, and apply the FD-20 designation to that
 new area, (4) include a new area on the Significant Natural
 and Cultural Resources Map and apply the Goal 5 Resource

1 designations, and (5) amend the Washington County Parking
2 Maximum Designations Map to include the new area; and

3 G. Exhibit 7 (2 pages) amends the East Hillsboro Community Plan
4 to add descriptions for the new "Evergreen Road Subarea" and
5 Areas of Special Concern 6 and 7.

6 H. Exhibit 8 (6 pages) amends the Community Development Code
7 to modify the uses allowed within the Future Development 20
8 Acre (FD-20).

9 SECTION 3

10 All other Comprehensive Plan provisions that have been adopted by prior ordinance,
11 which are not expressly amended or repealed herein, shall remain in full force and effect.

12 SECTION 4

13 All applications received prior to the effective date shall be processed in accordance
14 with ORS 215.427 (2005 Edition).

15 SECTION 5

16 If any portion of this Ordinance, including the exhibits, shall for any reason be held
17 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
18 affected thereby and shall remain in full force and effect, and any provision of a prior land use
19 ordinance amended or repealed by the stricken portion of this Ordinance shall be revived and
20 again be considered in full force and effect.

21 SECTION 6

22 The Office of County Counsel and Department of Land Use and Transportation are
 authorized to prepare planning documents to reflect the changes adopted under Section 2 of this
 Ordinance, including deleting and adding textual material and maps, renumbering pages or

1 sections, and making any technical changes not affecting the substance of these amendments as
2 necessary to conform to the Washington County Comprehensive Plan format.

3 SECTION 7

4 This Ordinance shall take effect thirty (30) days after adoption.

5 ENACTED this 23 day of October, 2007, being the 1st reading
6 and 1st public hearing before the Board of County Commissioners of Washington County,
7 Oregon.

8 BOARD OF COUNTY COMMISSIONERS
9 FOR WASHINGTON COUNTY, OREGON

10 **ADOPTED**

Roy R. Rogers
11 CHAIRMAN

Marian Larkin
12 RECORDING SECRETARY

13 READING

PUBLIC HEARING

14 First October 23, 2007

October 23, 2007

15 Second _____

16 Third _____

17 Fourth _____

18 Fifth _____




19 Sixth _____

20 VOTE: Aye: Rogers, Duyck, Strader, Nay: _____
21 Schouten

22 Recording Secretary: Marian Larkin Date: 10-23-07

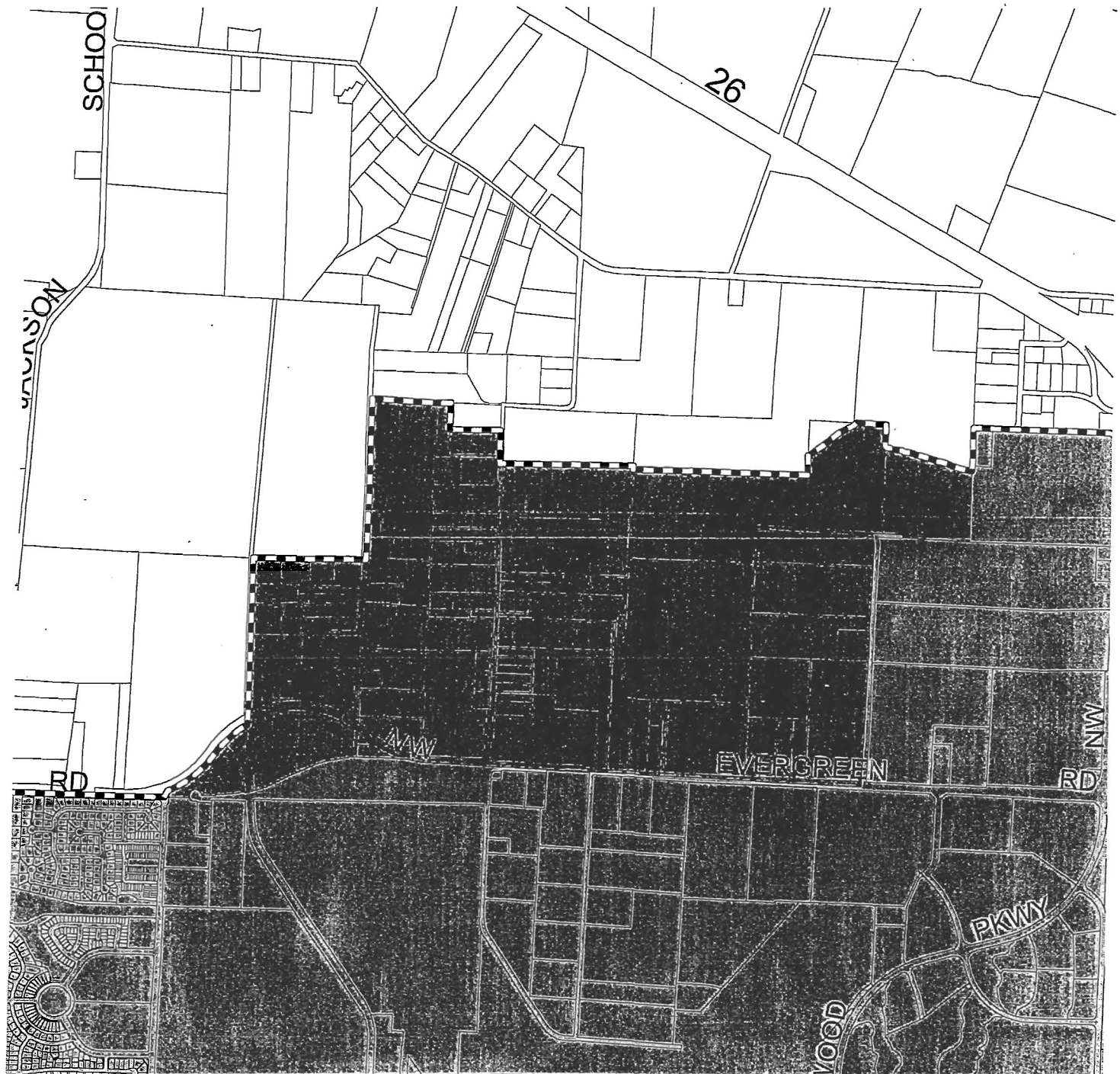
The Rural/Natural Resource Plan is amended by removing the areas shown on the map below.



	Area to be removed from the Rural/Natural Resource Plan
	Urban Area
	Urban Growth Boundary

N
↑

The Rural/Natural Resource Plan is amended by removing the areas shown on the map below.



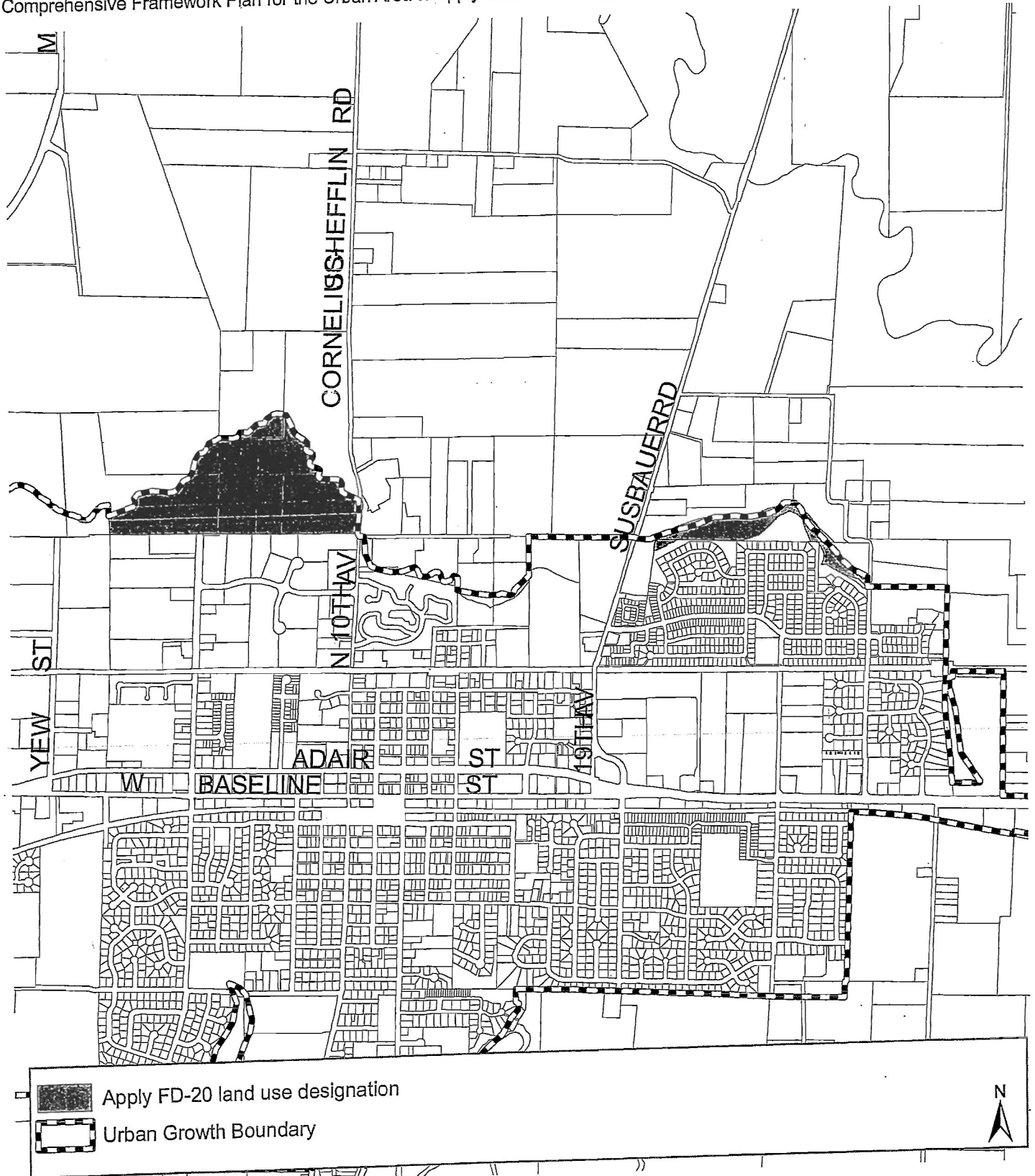
■ Area to be removed from the Rural/Natural Resource Plan

▨ Urban Area

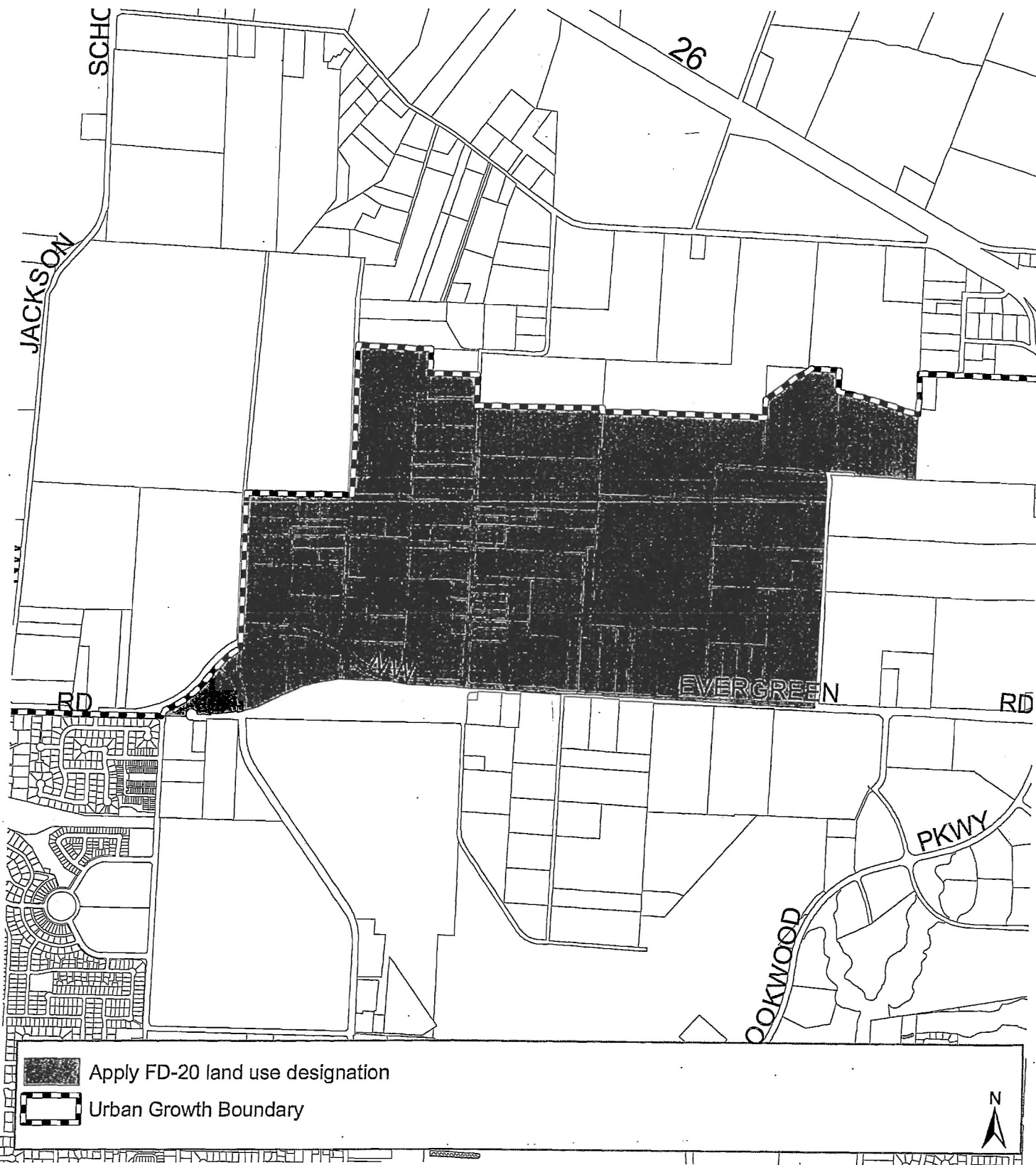
⊞ Urban Growth Boundary

N

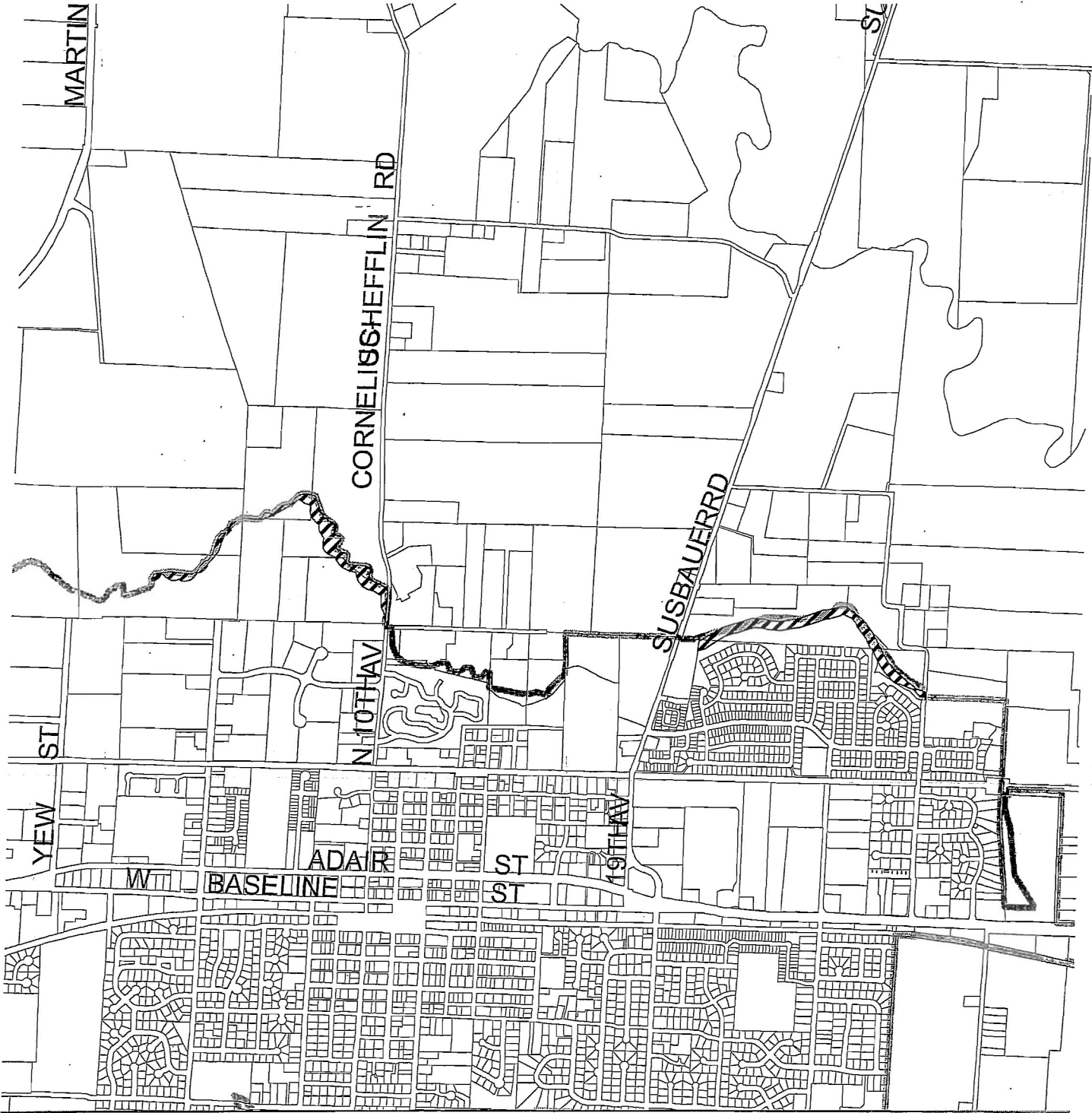
Amend the Future Development Areas map (Map A) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the FD-20 designation to the following areas:






Amend the Future Development Areas map (Map A) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the FD-20 designation to the following areas:



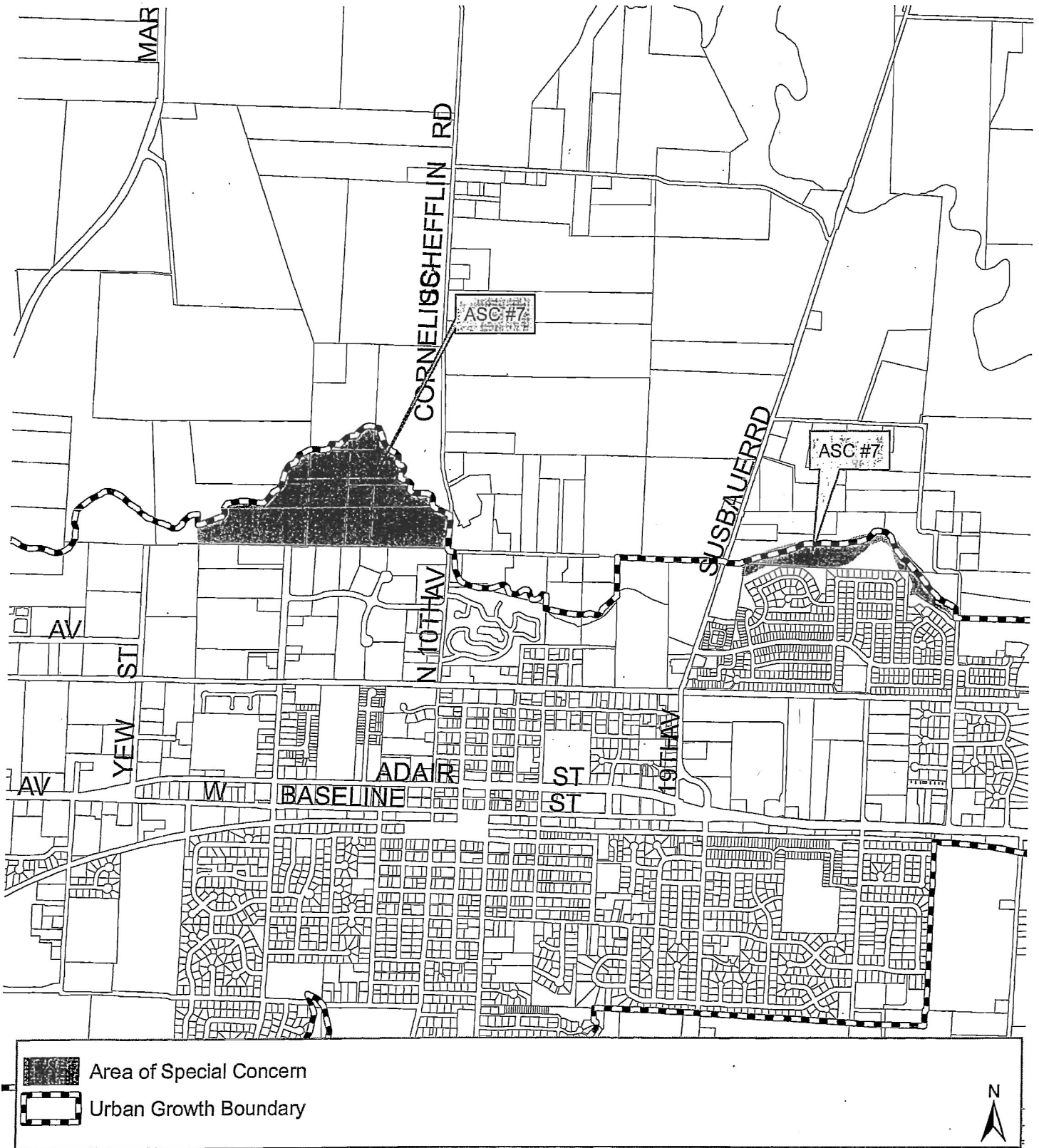
Amend the Goal 5 Resources for Future Development Areas map (Map B) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the Goal 5 Resource designations identified in the Rural/Natural Resources Plan to the following areas:



	Water Areas, Wetlands & Fish and Wildlife Habitat		Urban Growth Boundary
	Historic and Cultural Resource		

N
↑

Amend the Future Development Areas Detailed Areas map (Map C) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply Areas of Special Concern (ASC) to the following areas:



Amend the Goal 5 Resources for Future Development Areas map (Map B) in Policy 41 (Urban Growth Boundary Expansions) of the Comprehensive Framework Plan for the Urban Area to apply the Goal 5 Resource designations identified in the Rural/Natural Resources Plan to the following areas:

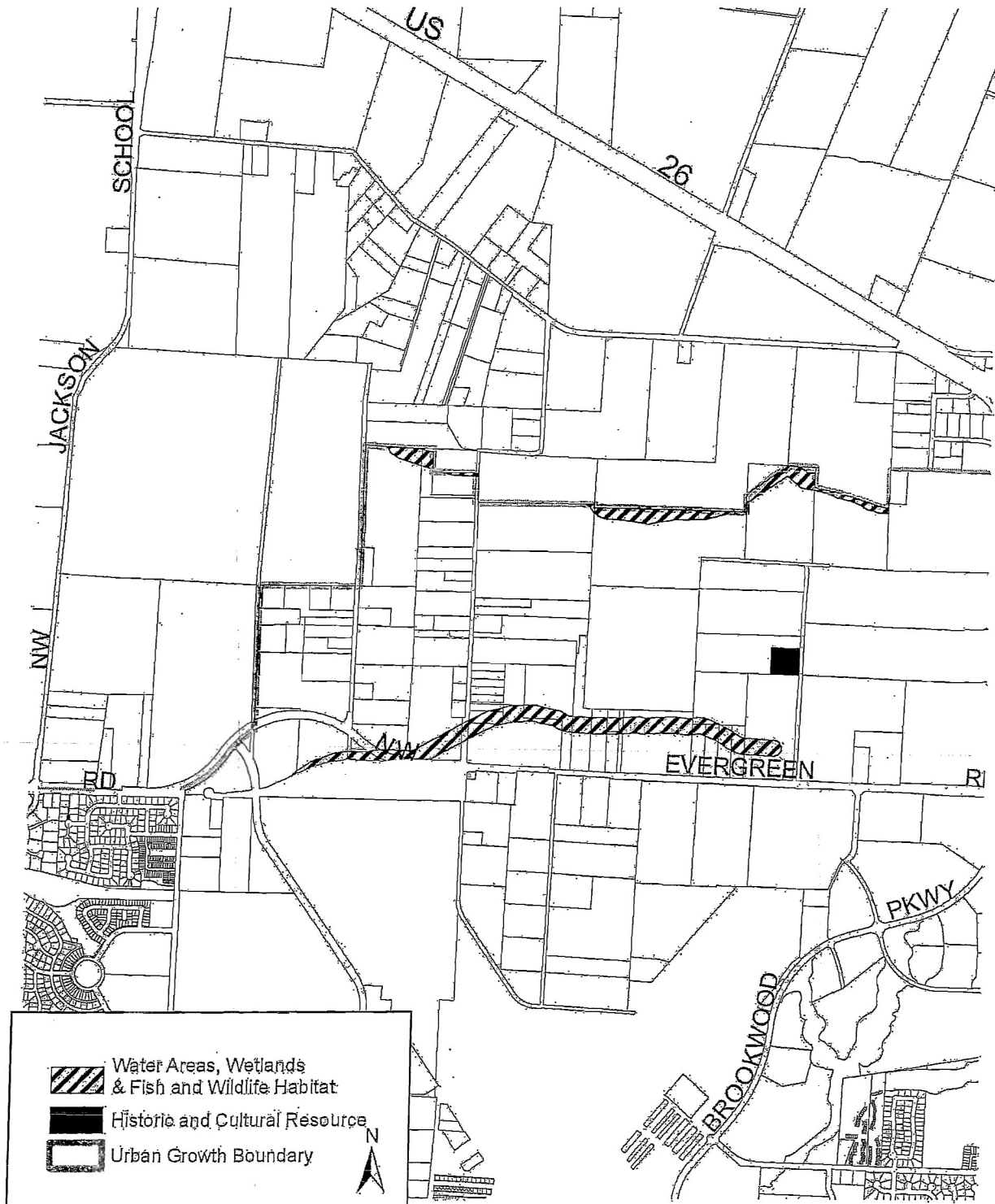
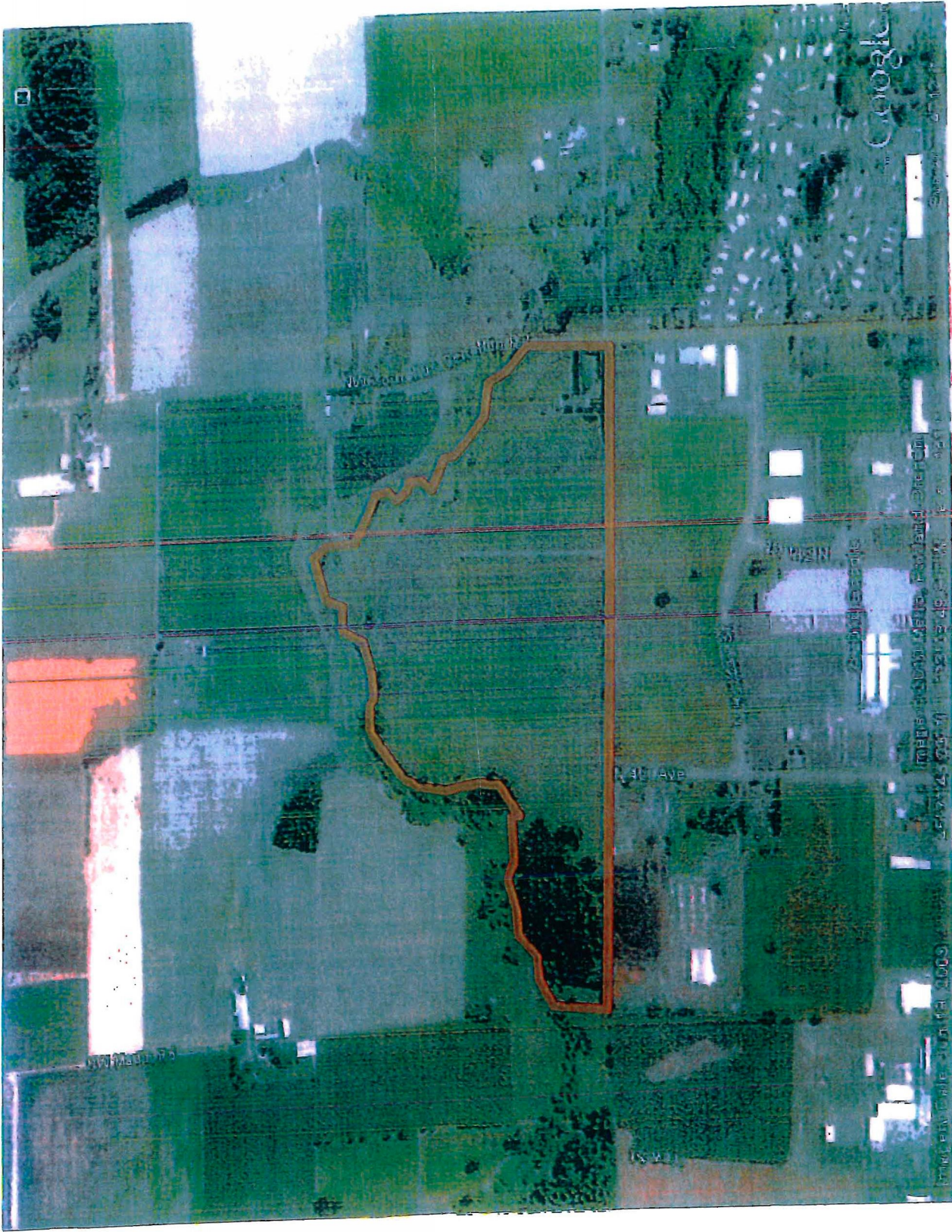
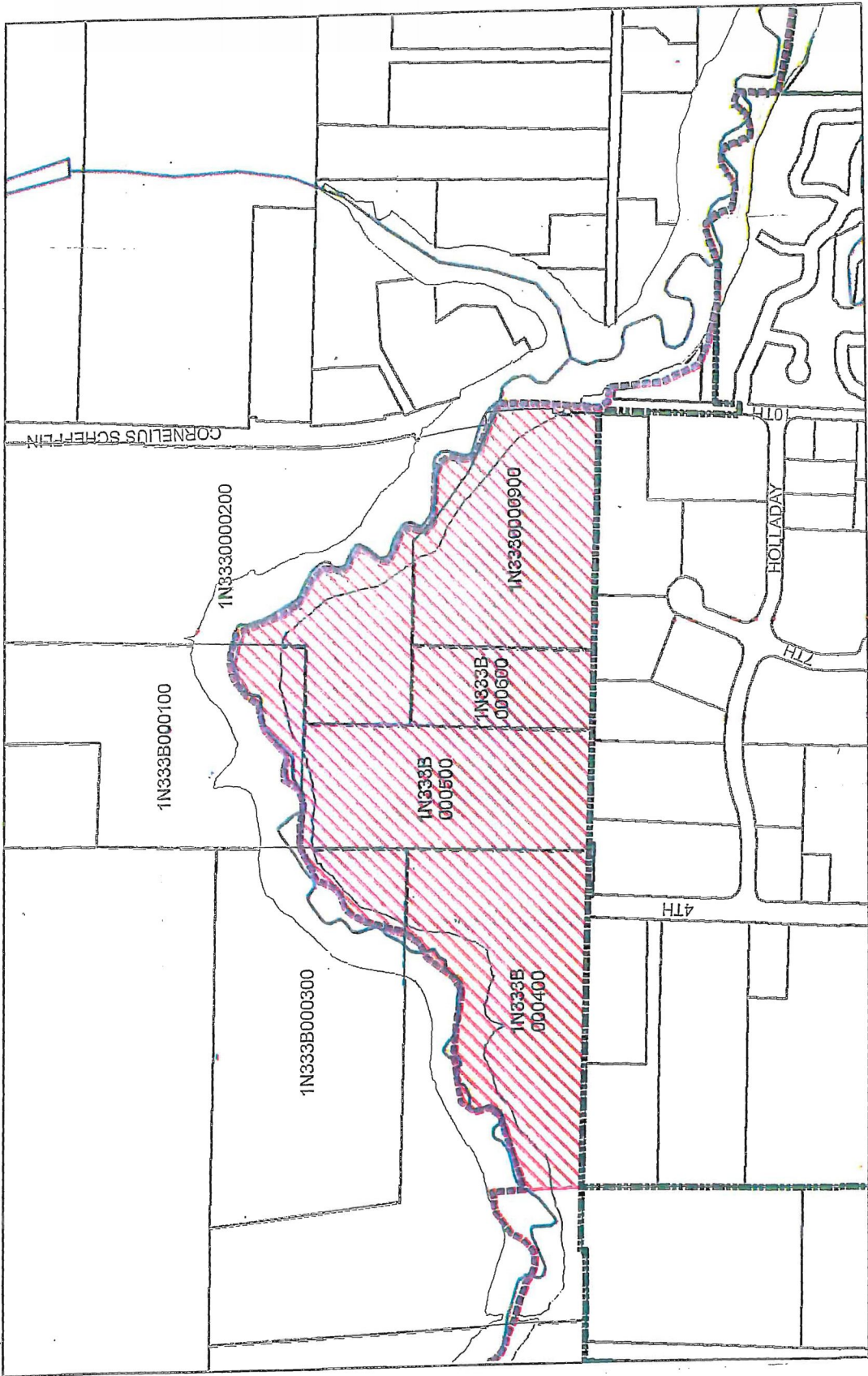


EXHIBIT C

EXHIBIT C



North Holladay area



Legend

-  North Holladay area
-  Floodplain
-  Taxlots
-  City Limits
-  Urban Growth Boundary

City of Cornelius North Holladay Area

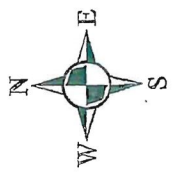
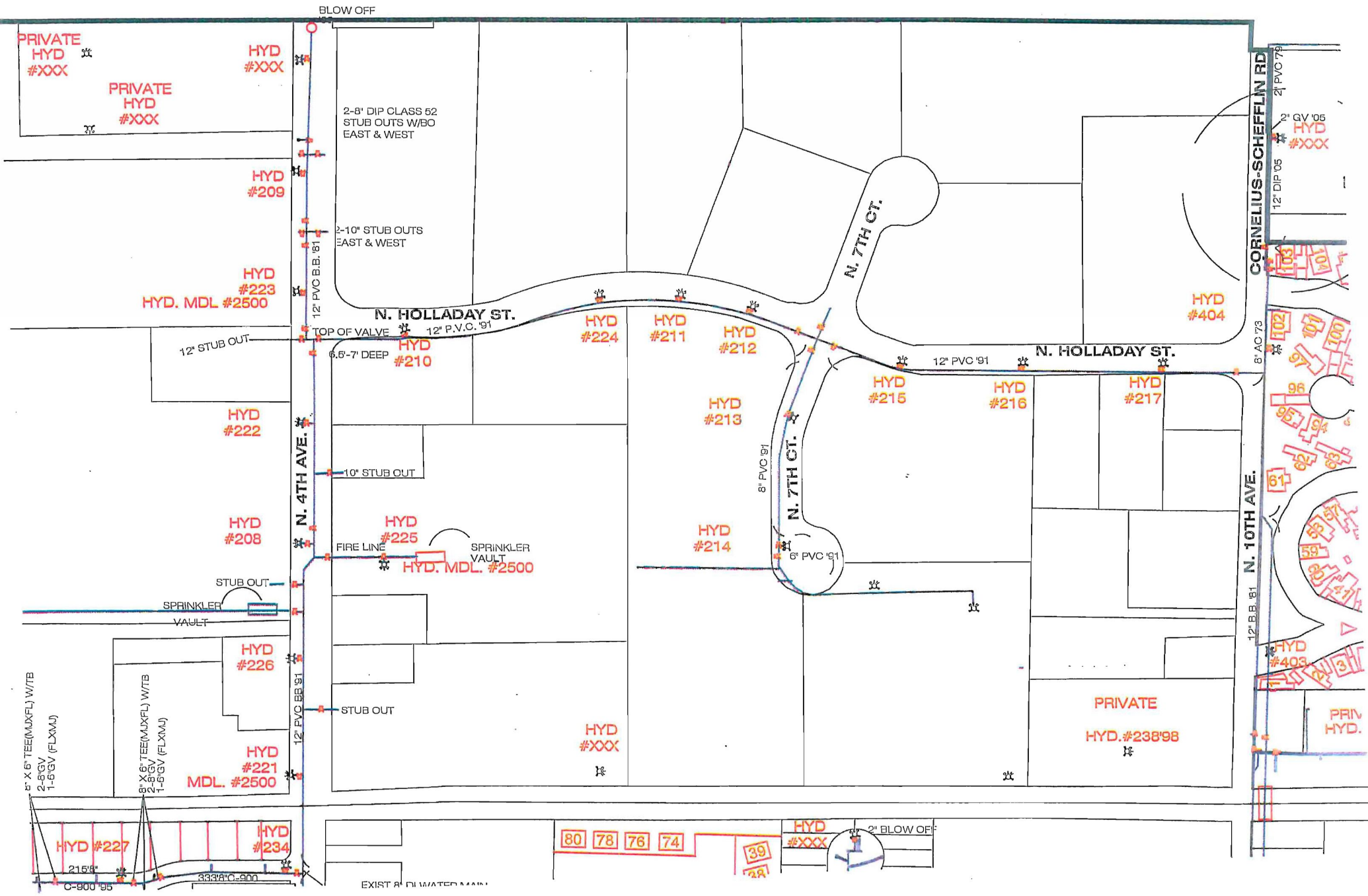


EXHIBIT D

EXHIBIT D

CITY OF CORNELIUS WATER



CITY OF CORNELIUS SANITARY SEWER



CITY OF CORNELIUS STORM SEWER

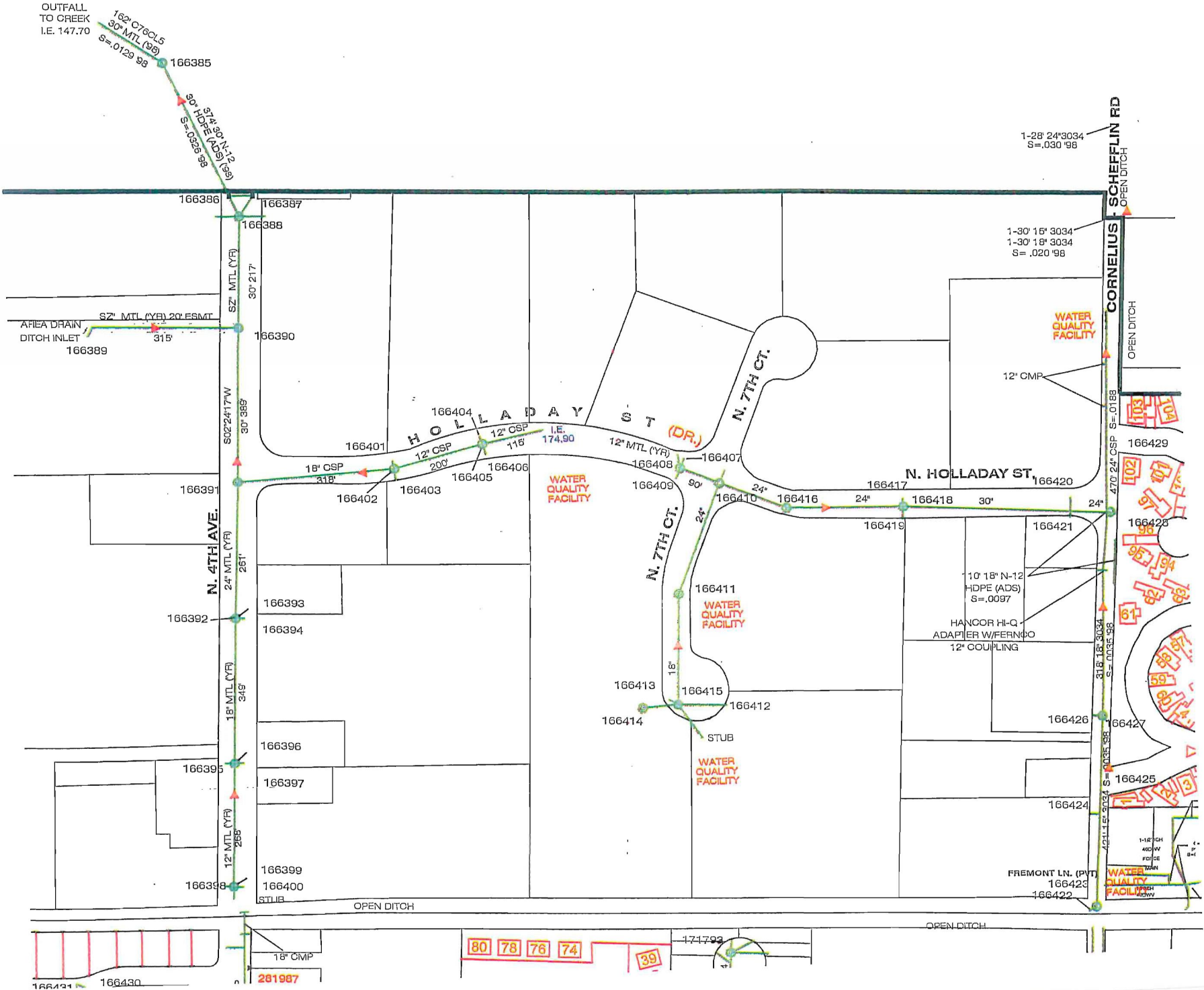


EXHIBIT E

EXHIBIT E

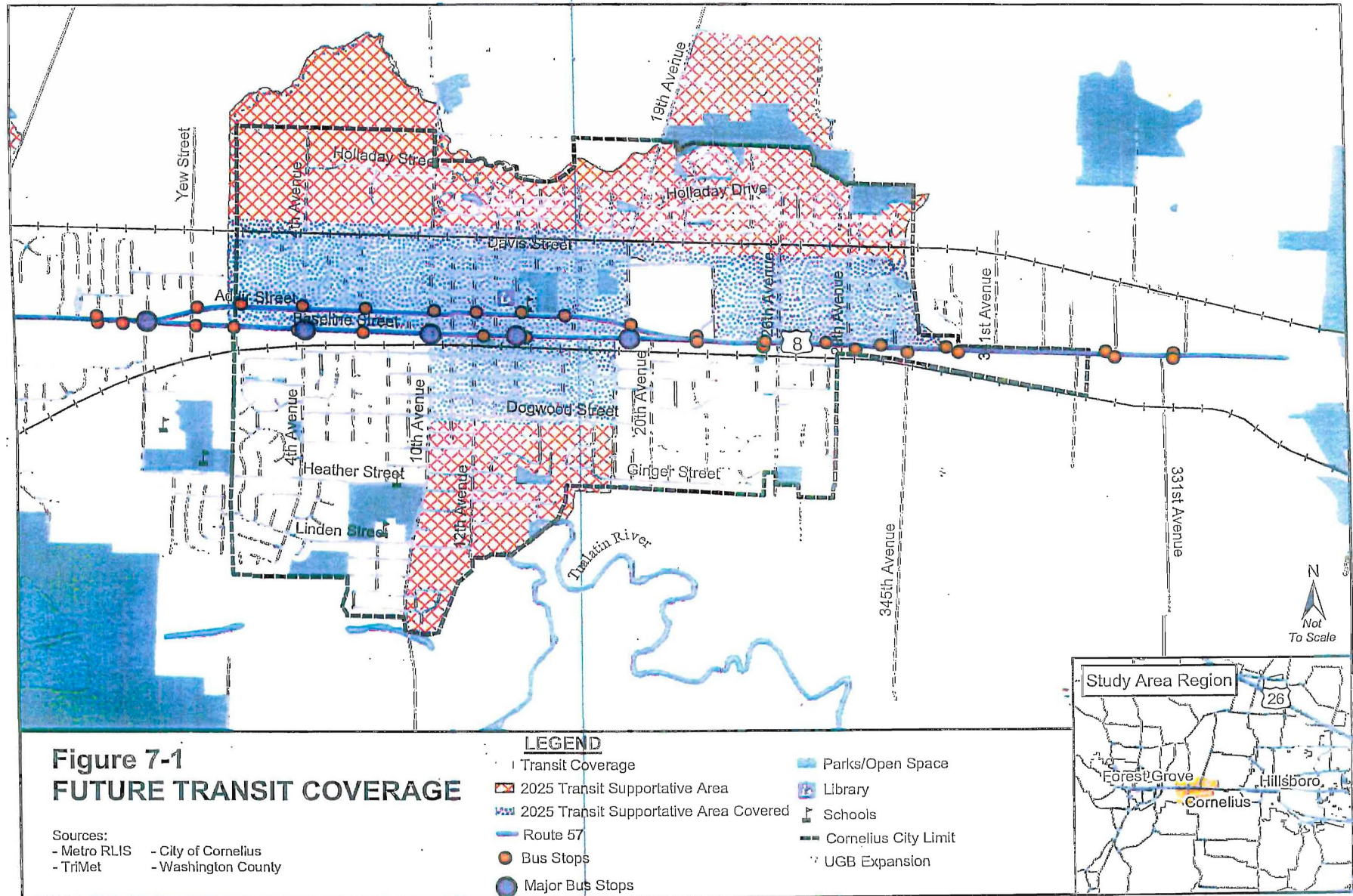
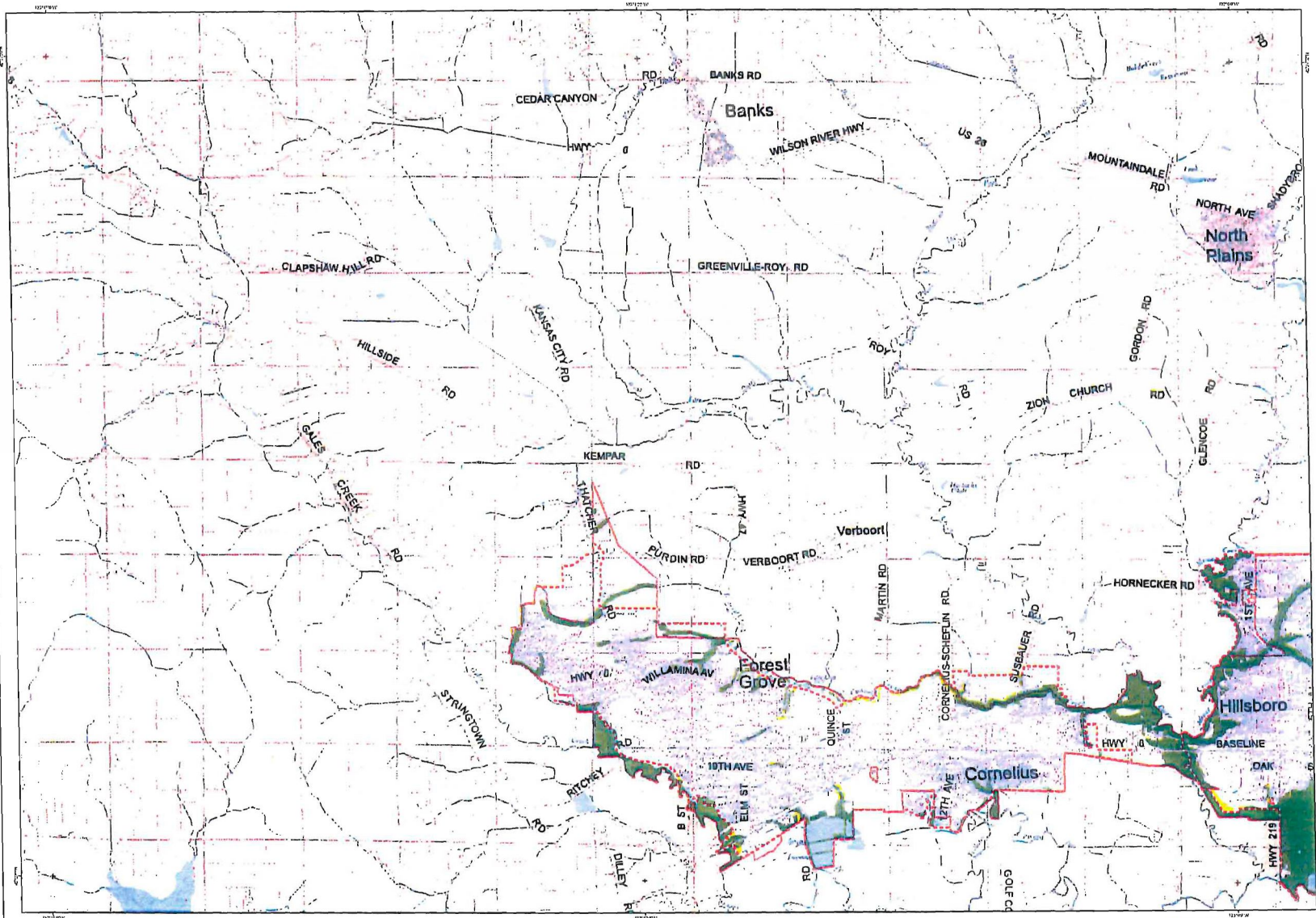







EXHIBIT F

EXHIBIT F







Nature in Neighborhoods
Habitat Conservation Areas Map

Urban Growth Management Functional Plan
 Title 13, Nature in Neighborhoods
 Adopted Sept. 29, 2005
 Amended Dec. 8, 2005
 Ordinance No. 05 -1077C
 Ordinance No. 05 -1097A

-  Area Outside Metro Jurisdiction
-  Urban Growth Boundary
-  Metro Boundary
-  County Boundaries
-  Section Lines
-  River & Lake Areas
-  Stream Centerlines
-  Watersheds

Conservation Area

	High
	Moderate
	Low

Habitat Impact Areas not designated as HCAs

Gales Creek & Forest Grove Quads (2 of 10)

The boundaries and data shown were collected from public sources as publicly available. The user should not rely on this information for any purpose, including, but not limited to, legal, financial, or professional advice. The user should consult with a professional advisor regarding the accuracy, reliability, and completeness of any data not provided.

REGIONAL LAND INFORMATION SYSTEM

METRO
 REGIONAL LAND INFORMATION SYSTEM
 GALESCREEK & FOREST GROVE QUADS
 THE CITY OF METRO, MISSOURI
 1000 BROADWAY, SUITE 1400
 KANSAS CITY, MISSOURI 64108
 TEL: 816.251.2000 FAX: 816.251.2001
 WWW.METROKC.ORG

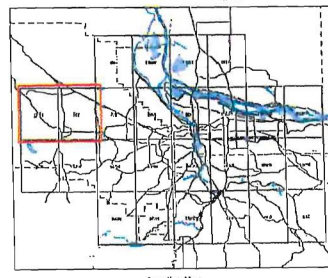
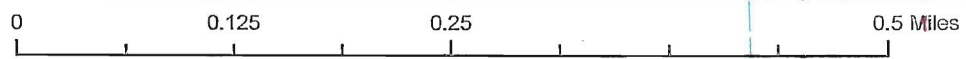
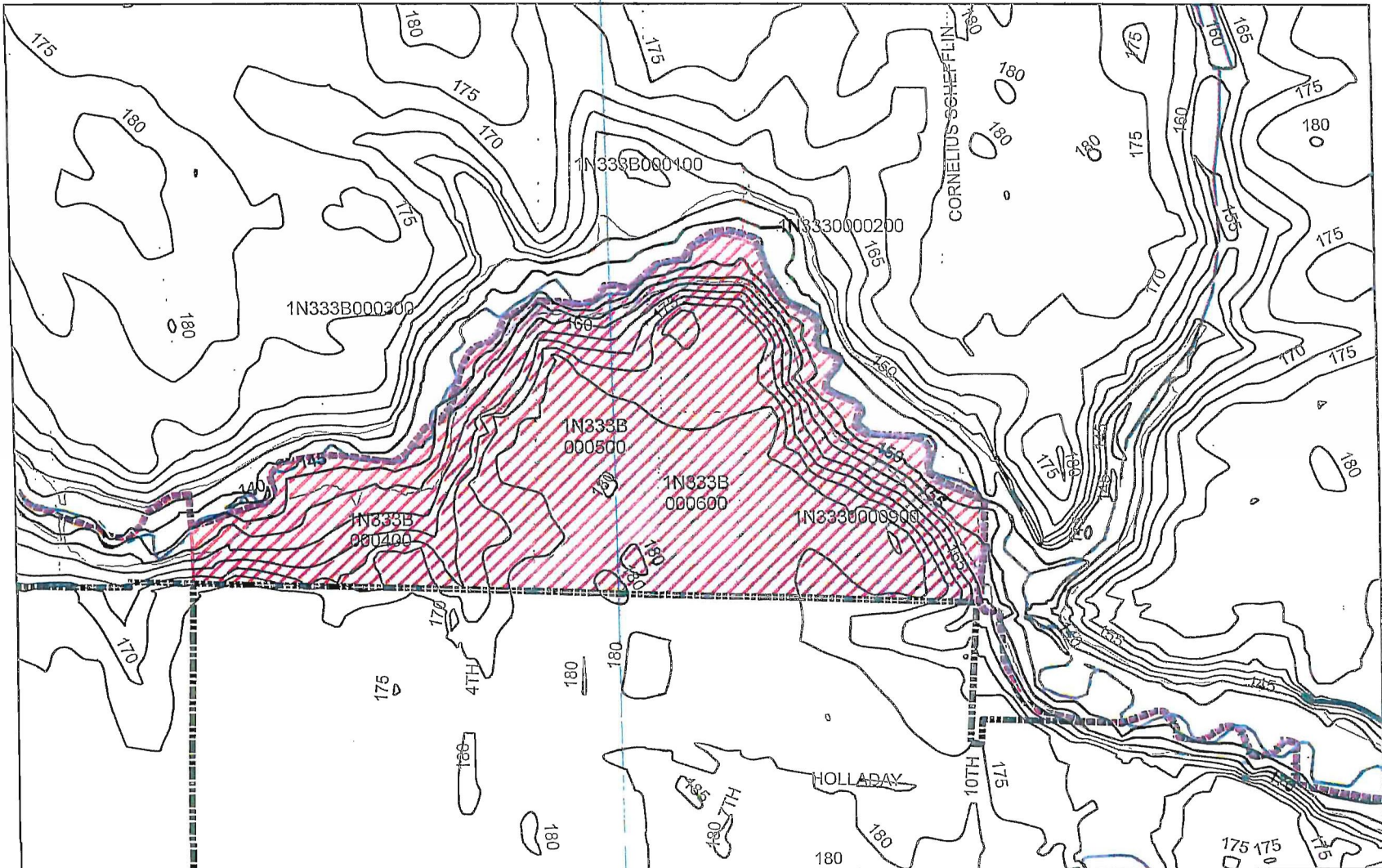
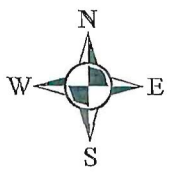


EXHIBIT G

EXHIBIT G



- Legend**
- 5 foot Contour
 - North Holladay area
 - Floodplain
 - Taxlots
 - City Limits
 - Urban Growth Boundary



City of Cornelius North Holladay Area

EXHIBIT H

EXHIBIT H

NORTH HOLLADAY INDUSTRIAL PLANNING AREA

The North Holladay Planning Area is approximately 56 acres in size. It is located abutting the north City boundary in the northwest corner of Cornelius (Appendices N). This land is currently outside of the City, but inside the Urban Growth Boundary. This Urban Growth Boundary expansion was approved in November of 2005 when Metro Regional Government adopted Ordinance No. 05-1070A. This action amended the Urban Growth Boundary to increase capacity to accommodate growth in industrial employment.

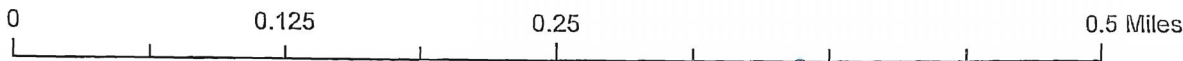
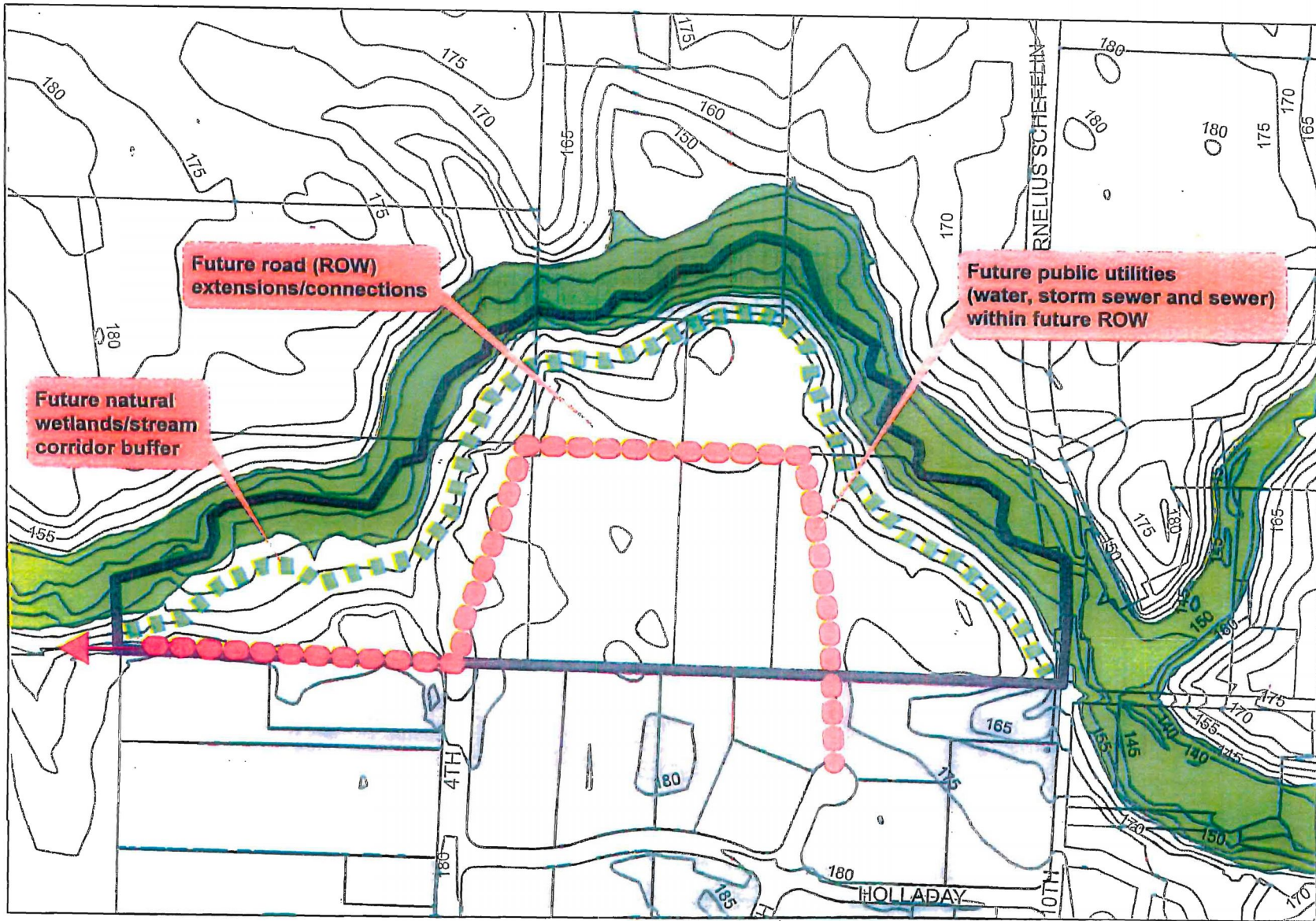
Therefore, upon annexation of the Planning Area or parts of, into the City it shall be designated and mapped for industrial uses in the City Comprehensive Plan. Prior to development of this land it shall also be approved for the appropriate zoning district to support industrial uses. In coordination with the City's designation of the Planning Area for industrial uses, the Comprehensive Plan process shall include:

- A natural resource assessment of the area to be completed with emphasis given to the protection and enhancement of the Council Creek corridor consistent with the City Natural Resource Protection Plan.
- The street system shall be designed in compliance with the City Transportation System Plan and will connect to existing City streets. Traffic impacts will be managed by the City transportation system. Streets shall be built to City Industrial Street standards.
- City utilities (water, storm and sanitary sewer) are available and abut the Planning Area. Utilities shall be designed to City standards and extended through the development process.

EXHIBIT I

EXHIBIT I

DRAFT



City of Cornelius North Holladay Planning Area Urban Growth Diagram

Legend

- North Holladay area
- 5 foot Contour
- Taxlots
- General Industrial, M-1
- Floodplain

EXHIBIT J

EXHIBIT J



CITY OF CORNELIUS

ADDENDUM

PLANNING COMMISSION RECOMMENDATION REPORT

Comprehensive Plan Text Amendment – North Holladay Planning Area File # CPA-01-10

TO: Planning Commission
DATE: December 13, 2010
APPLICANT: City of Cornelius
REQUEST: Approval of a Text Amendment to the City Comprehensive Plan adding new language to Chapter IV, Land Use identifying the general future use of land outside of the City, but inside the Urban Growth Boundary, and a North Holladay Concept Diagram exhibit to the Appendix.

APPROVAL CRITERIA: Chapter 18.05, inclusive (Introduction & General Provisions)
Chapter 18.130, inclusive (Comprehensive Plan Amendment)
City Comprehensive Plan
Oregon Statewide Planning Goals

On December 13, 2010 the City Planning Manager received written comments via email (See Addendum Exhibit A) on North Holladay Planning Area, Comprehensive Plan Text Amendment from Ray Valone, Metro Principal Planner. These comments identify three main concerns with the Recommendation Report concerning Title 11 of the 2040 Metro Functional Plan:

1. Staff addressed the original (1/24/02) version of Title 11 in the Recommendation Report. Metro has pointed out that the City should have addressed the Title 11 version that was amended in April 2007 (see Addendum Exhibit B). In particular Title 11, Section 3.07.1120 needs to be addressed as part of compliance with Ordinance No. 1070A.

When comparing the two Title 11 versions (2002 and 2007) the intent of the provisions listed in Title 11, Section 3.07.1120 is basically the same in both, it is attempting to address the same urban issues. Therefore, Staff proposes to amend the Recommendation Report by inserting the actual provisions from the 2007 version and replacing the 2002 version. Staff will leave the Findings as approved by the Planning Commission.

2. The second concern of Metro is that Title 11, Section 3.07.1120 L. and M. were not addressed in the Recommendation Report. Staff proposes the following responses to Title 11, Section 3.07.1120 L. and M. be included in the Recommendation Report:

- L. *A determination of the zoned dwelling capacity of zoning districts that allow housing.*

This provision is not applicable.

- M. *The plan amendments shall be coordinated among the city, county, school districts and other service districts.*

As mentioned in the Recommendation Report the City has adopted utility and transportation master plans that coordinate and design the provision of City services to the North Holladay Planning Area. The City emergency services currently provide first response to the Planning Area.

Washington County has already acted in coordination with this UGB expansion of the subject land by limiting uses and encouraging future urbanization with the adoption of Ordinance No. 686 changing the zoning to Future Development, FD-20.

The City is required to notify all of the agencies, partners and service districts identified in the City Comprehensive Plan (See Addendum Exhibit C) about the proposed Text Amendment and Urban Growth Diagram. As part of addressing the criteria for annexation the applicant and the City shall demonstrate coordination with all partners and service districts in compliance with City, County, Metro and State requirements and statutes.

3. The third issue is for the City to 'find' that when these lands annex they will comply with Title 4 concerning industrial and employment use (Title 4, Section 3.07.430).

Title 4, Industrial and Employment Area design types as identified by Metro are intended to limit retail uses. Page 11 of the Recommendation Report generally addresses the Industrial and Employment Area design type as follows:

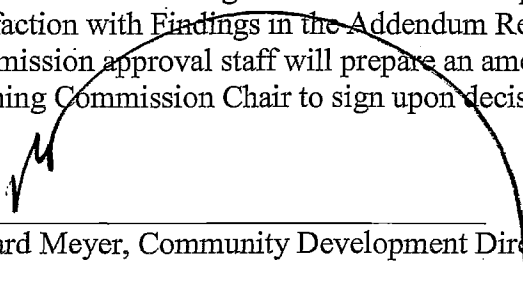
The City of Cornelius has two industrial zoning districts, General Industrial, M-1 and Light Industrial, LI. These districts basically have the same intent and purpose, which is to provide various industrial activities for processing, manufacturing, assembly and fabrication. The North Holladay Planning Area would be designed and developed for industrial uses that would be compatible with the abutting industrial zoned property located in the City.

This paragraph describes in general that manufacturing and processing uses are intended to be found in an Industrial and Employment Area and not retail or commercial uses. Staff proposes adding the following language to the above paragraph to address Metro's concern:

The current City of Cornelius Development & Zoning Code does not permit retail-commercial uses as identified in Title 4 in its industrial zoning districts. Upon annexation of the North Holladay Planning Area into the City the applicant will be required to receive approvals of a Comprehensive Plan and Zoning Code Amendment that will ensure compliance with Title 4 requirements concerning Industrial and Employment Area design type.

CONCLUSION

Staff has addressed Metro concerns with the Planning Commission Recommendation Report with the Findings in the Addendum Report. Metro staff has communicated their satisfaction with Findings in the Addendum Report (See Exhibit D). With Planning Commission approval staff will prepare an amended Recommendation Report for the Planning Commission Chair to sign upon decision by the Commission.


Richard Meyer, Community Development Director

12/14/10
Date

ADDENDUM EXHIBIT A

Reynolds, Dick

From: Ray Valone [Ray.Valone@oregonmetro.gov]
Sent: Monday, December 13, 2010 11:28 AM
To: Reynolds, Dick
Subject: Comp Plan Proposal
Attachments: Title 11 - Planning for New Urban Areas.pdf

Dick,

I have been out sick for a week and just got a chance to read the comp plan amendment proposal. Mostly, it looks good, though you haven't addressed all the Title 11 provisions. As I indicated earlier, the City needs to comply with the 4/25/07 Title 11 version (see attached). Most importantly, there is no language about compliance of the N Holladay area to the Title 4 requirements for the Industrial Area design type. I understand that the City is not adopting code until after it comes into the boundary, but you need to address the Title 11 provision under 3.07.1120.A. This addresses the Metro design type assigned to the area with the following language:

- A. "Specific plan designation boundaries derived from the general boundaries of design type designations assigned by the [Metro] Council in the ordinance adding the territory to the UGB."

You should include this Title 11 provision in your findings and indicate that the City will restrict the uses spelled out in Title 4, section 3.07.430.

Two other Title 11 provisions, minor for this case, address zoned dwelling capacity (not applicable for N Holladay) and a coordination requirement. See attached for these two provisions.

With these above changes included in the findings, I can write a letter for the record that states the proposal meets Title 11 and the Metro ordinance conditions. If not, I'll have to write that it does not.

Let me know how you want to proceed before I start a letter. Do you think the City Council will make its decision tomorrow or continue the hearing/discussion until their next meeting?

Ray

Ray Valone, AICP
Principal Planner
Metro
Ph 503-797-1808
Fx 503-797-1930
ray.valone@oregonmetro.gov

12/13/2010

ADDENDUM EXHIBIT B

TITLE 11: PLANNING FOR NEW URBAN AREAS

3.07.1105 Purpose and Intent

It is the purpose of Title 11 to require and guide planning for conversion from rural to urban use of areas brought into the UGB. It is the intent of Title 11 that development of areas brought into the UGB implement the Regional Framework Plan and 2040 Growth Concept.

(Ordinance No. 99-818A, Sec. 3. Amended by Ordinance No. 02-969B, Sec. 11.)

3.07.1110 Interim Protection of Areas Brought into the Urban Growth Boundary

Until the effective date of amendments to comprehensive plans and implementing land use regulations that comply with Section 3.07.1120, the city or county responsible for planning territory added to the UGB shall not approve:

- A. A land use regulation or zoning map amendment specific to the territory allowing higher residential density than allowed by acknowledged provisions in effect prior to the adoption of the UGB amendment;
- B. A land use regulation or zoning map amendment specific to the territory allowing commercial or industrial uses not allowed under acknowledged provisions in effect prior to the adoption of the UGB amendment;
- C. A land division or partition that would result in the creation of a new lot or parcel less than 20 acres in size, except to create lots or parcels for public facilities and services as defined in Metro Code Section 3.01.010 or a new public school;
- D. In an area identified by the Metro Council in the ordinance adding the area to the UGB as a Regionally Significant Industrial Area:
 - 1. A commercial use that is not accessory to industrial uses in the area; and
 - 2. A school, church or other institutional or community service use intended to serve people who do not work or reside in the area.

(Ordinance No. 98-772B, Sec. 2. Amended by Ordinance No. 99-818A, Sec. 3; Ordinance No. 02-969B, Sec. 11; Ordinance No. 06-1110A, Sec. 1.)



3.07.1120 Planning for Territory Added to the UGB

All territory added to the UGB as either a major amendment or a legislative amendment pursuant to Metro Code Chapter 3.01 shall be subject to adopted comprehensive plan provisions consistent with the requirements of all applicable titles of the Metro Urban Growth Management Functional Plan and in particular this Title 11. The comprehensive plan provisions shall be fully coordinated with all other applicable plans. The comprehensive plan provisions shall contain an urban growth plan diagram and policies that demonstrate compliance with the RUGGO, including the Metro Council adopted 2040 Growth Concept design types. Comprehensive plan amendments shall include:

- A. Specific plan designation boundaries derived from the general boundaries of design type designations assigned by the Council in the ordinance adding the territory to the UGB.
- B. Provision for annexation to the district and to a city or any necessary service districts prior to urbanization of the territory or incorporation of a city or necessary service districts to provide all required urban services.
- C. Provision for average residential densities of at least 10 dwelling units per net developable residential acre or such other densities that the Council specifies pursuant to section 3.01.040 of the Urban Growth Management Functional Plan.
- D. Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.
- E. Demonstration of how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, extensions to the time at which systems

development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers.

- F. Provision for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types. Commercial and industrial designations in nearby areas inside the Urban Growth Boundary shall be considered in comprehensive plans to maintain design type consistency.
- G. A conceptual transportation plan consistent with the applicable provision of the Regional Transportation Plan, Title 6 of the Urban Growth Management Functional Plan, and that is also consistent with the protection of natural resources, either identified in acknowledged comprehensive plan inventories or as required by Title 3 of the Urban Growth Management Functional Plan. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.
- H. Identification and mapping of areas to be protected from development due to fish and wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation, including, without limitation, all Habitat Conservation Areas, Water Quality Resource Areas, and Flood Management Areas. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas, and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include zoning strategies to avoid and minimize the conflicts between planned future development and the protection of Habitat Conservation Areas, Water Quality Resource Areas, Flood Management Areas, and other natural hazard areas. The plan shall also include a preliminary cost estimate and funding strategy, including likely financing approaches, for options such as mitigation, site acquisition, restoration, enhancement, and easement dedication to ensure that all significant natural resources are protected.
- I. A conceptual public facilities and services plan for the provision of sanitary sewer, water, storm drainage, transportation, parks and police and fire protection. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.

- J. A conceptual school plan that provides for the amount of land and improvements needed, if any, for school facilities on new or existing sites that will serve the territory added to the UGB. The estimate of need shall be coordinated with affected local governments and special districts.
- K. An urban growth diagram for the designated planning area showing, at least, the following, when applicable:
1. General locations of arterial, collector and essential local streets and connections and necessary public facilities such as sanitary sewer, storm sewer and water to demonstrate that the area can be served;
 2. Location of steep slopes and unbuildable lands including but not limited to wetlands, floodplains and riparian areas;
 3. Location of Habitat Conservation Areas;
 4. General locations for mixed use areas, commercial and industrial lands;
 5. General locations for single and multi-family housing;
 6. General locations for public open space, plazas and neighborhood centers; and
 7. General locations or alternative locations for any needed school, park or fire hall sites.
- L. A determination of the zoned dwelling unit capacity of zoning districts that allow housing.
- M. The plan amendments shall be coordinated among the city, county, school district and other service districts.

(Ordinance No. 98-772B, Sec. 2. Amended by Ordinance No. 99-818A, Sec. 3; Ordinance No. 01-929A, Sec. 8; Ordinance No. 02-964, Sec. 5; Ordinance No. 05-1077C, Sec. 6; Ordinance No. 05-1089A, Sec. 2; Ordinance No. 07-1137A, Sec. 3.)

3.07.1130 Implementation of Urban Growth Boundary Amendment Requirements

- A. On or before 60 days prior to the adoption of any comprehensive plan amendment subject to this Title 11, the local government shall transmit to Metro the following:

1. A copy of the comprehensive plan amendment proposed for adoption;
 2. An evaluation of the comprehensive plan amendment for compliance with the Functional Plan and 2040 Growth Concept design types requirements and any additional conditions of approval of the urban growth boundary amendment. This evaluation shall include an explanation of how the plan implements the 2040 Growth Concept;
 3. Copies of all applicable comprehensive plan provisions and implementing ordinances as proposed to be amended.
- B. The Council may grant an extension of time for adoption of the required Comprehensive Plan Amendment if the local government has demonstrated substantial progress or good cause for failing to adopt the amendment on time. Requests for extensions of time may accompany the transmittal under subsection A of this section.

(Ordinance No. 98-772B, Sec. 2. Amended by Ordinance No. 99-818A, Sec. 3.)

3.07.1140 Effective Date and Notification Requirements

The provisions of this Title 11 are effective immediately. Prior to making any amendment to any comprehensive plan or implementing ordinance for any territory that has been added to the Urban Growth Boundary after the effective date of this code amendment, a city or county shall comply with the notice requirements of Section 3.07.830 and include in the required staff report an explanation of how the proposed amendment complies with the requirements of this Title 11 in addition to the other requirements of this functional plan.

(Ordinance No. 98-772B, Sec. 2. Amended by Ordinance No. 99-818A, Sec. 3.)

ADDENDUM EXHIBIT C

Pages 8-10, Cornelius Comprehensive Plan

AGENCY INVOLVEMENT PROGRAM

Purpose

This program ensures coordination of the city's planning efforts with other governmental agencies and interested community groups. Review by outside agencies is intended to minimize conflict and controversy while ensuring local and area-wide support of the plan. It also serves to ensure policies and decisions are coordinated where there is over-lapping jurisdiction and/or impacts.

Agency Coordination Procedures

The following is a standard list of steps, which is provided as a check list guide for organizing citizen and agency involvement:

1. Develop a master list of all interested organizations.
2. Provide a schedule of planning events.
3. Notify interested organizations of all meetings that concern them, and utilize fax and e-mail for quick and easy communications.
4. Conduct joint meetings of the Planning Commission and City Council with outside agencies.
5. Solicit continuous feedback.

List of Interested Organizations

Local

City of Forest Grove
City of Hillsboro
Washington County
Forest Grove School District 15
Hillsboro Elementary School District 7
Hillsboro High School District 3
Cornelius Rural Fire Protection District
Tualatin Valley Irrigation District
Unified Sewerage Agency
Washington County Housing Authority
Job's Drainage District

Regional

METRO
Port of Portland
Tri-Met

State

Department of Land Conservation and Development
Department of Environmental Quality
Department of Transportation
Department of Economic Development
Department of Fish and Wildlife
Department of Water Resources
Department of Energy
Division of State Lands

Federal

U.S. Army Corps of Engineers
Environmental Protection Agency
Soil Conservation Service

Private

Portland General Electric
General Telephone
Northwest Natural Gas
Southern Pacific Railroad
Sante Fe/Burlington Northern Railroad
Western & Pacific Railroad
Cornelius Disposal Service

ADDENDUM EXHIBIT D

Reynolds, Dick

From: Ray Valone [Ray.Valone@oregonmetro.gov]
Sent: Tuesday, December 14, 2010 8:40 AM
To: Reynolds, Dick
Subject: RE: Comp Plan Proposal

Dick,

This Planning Commission addendum adequately addresses our concerns about meeting the 2007 version of Title 11. I don't need the exhibits right now, but would like copies as part of the PC's recommendation to the City Council.

Thanks for addressing my concerns in a timely manner.

Ray

From: Reynolds, Dick [mailto:rreynolds@ci.cornelius.or.us]
Sent: Monday, December 13, 2010 5:40 PM
To: Ray Valone
Subject: RE: Comp Plan Proposal

Ray,

Here's a draft of the 'Addendum Report' that I will present to the Planning Commission tomorrow night. Let me know if you have any further issues, so I can address them before the hearing. I can scan Addendum Report exhibits tomorrow, if you feel the need to review them.

Thanks,

dr

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



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

DEPT OF
FEB 10 2011
LAND CONSERVATION
AND DEVELOPMENT