



**CITY OF CORNELIUS
COMMUNITY DEVELOPMENT DEPARTMENT**

**Cornelius Municipal Code
2024 Omnibus Text Amendments**

CMCA-01-24

Planning Commission Hearing Date: August 27, 2024

Staff Report Date: August 16, 2024

Request: A request for the Planning Commission to recommend approval of omnibus amendments to the Cornelius Municipal Code, consisting of portions of Titles 2, 5, 15, a new Chapter 16, 17 and 18. This proposed Type IV Legislative Amendment to the Cornelius Municipal Code (CMC) proposes to generally remove conflicts, provide clarity, and add certainty to the development process. Many of the changes are minor in nature and address a backlog of needed updates to the Municipal Code related to the Community Development Department. The amendment includes the following chapters:

- Amendment to Chapter 2.40 to be consistent with Chapter 18.
- Amendment to Chapter 5 to remove Trailer Coach Parking Permits.
- Amendment to Chapter 15 to note a swimming pool permit is required from the City of Cornelius.
- A new Chapter 16 to address annexation to the City of Cornelius and Oregon State Law changes related to Emergency Shelters.
- Amendments to Chapter 17 Land Divisions to update the fee language and completeness review, and to fix errors that occurred when adopting the Middle Housing Land Division and Expedited Land Division provisions.
- Amendments to Chapter 18 as follows:
 - 18.05 Fees for land use application – update fee language,
 - 18.10 Application Procedures - update Completeness Review to be consistent with state law,
 - 18.15 Application review – address inconsistencies in how to count number of days for noticing and appeal periods and add a new section spelling out procedures for extensions of time for land use approvals,

- 18.20 Low Density Residential Zone (R-7) – acknowledge that animals may be allowed with a livestock permit, rely on the definition in 18.195 for Accessory Dwelling Unit, add new affordable housing permitted uses,
- 18.25 Very Low Density Residential (R-10), – acknowledge that animals may be allowed with a livestock permit, rely on the definition in 18.195 for Accessory Dwelling Unit, add new affordable housing permitted uses,
- 18.30 Manufactured Home Park Zone (MHP) – acknowledge that animals may be allowed with a livestock permit, add a Recreational Vehicle to a permitted use in the MHP zone as required by changes made to state law, add new garbage enclosure screening,
- 18.35 Multi-Unit Residential (A-2) – acknowledge that animals may be allowed with a livestock permit, add new affordable housing permitted uses, add new garbage enclosure screening, rely on the definition in 18.195 for Accessory Dwelling Unit,
- 18.45 Highway Commercial (C-2) zone - add Church and associated activities as a permitted use and removing same as a conditional use, and adding conversion of a hotel or motel to an emergency shelter or affordable housing as a permitted use, adding new affordable housing permitted uses, add new garbage enclosure screening,
- 18.54 Light Industrial (LI) zone – remove some light-industrial uses that are not currently located within the light-industrial zone, limit self-service storage facilities to existing facilities within the zone, add new affordable housing permitted uses abutting residential uses, add new garbage enclosure screening,
- 18.55 General Industrial (M-1) zone – remove non-industrial type uses to maximize the use of the limited acreage in this zone to industrial uses only by removing general office as a stand-alone use in the zone, remove conditional uses that are allowed in a commercial zone, remove parks, open space, recreation areas, and administrative, education or other activities as a principal use, outdoor storage and display subject to a Type II review, and indoor mini-storage facility, add new garbage enclosure screening,
- 18.60 Central Mixed-Use Zone (CMU) - add Church and associated church activities as a permitted use and remove it as a conditional use, add new affordable housing permitted uses, modify the height limitations to allow for greater height along the Adair/Baseline couplet, add new garbage enclosure screening,
- 18.65 Corridor Commercial (CC) - add Church and associated activities as a permitted use and removing same as a conditional use, and adding conversion of a hotel or motel to an emergency shelter or affordable housing as a permitted use, adding new affordable housing permitted uses, allow greater height of buildings along Adair and Baseline, add new garbage enclosure screening,
- 18.70 Core Residential (CR) - acknowledge that animals may be allowed with a livestock permit, add new affordable housing permitted uses, add new garbage enclosure screening, rely on the definition in 18.195 for Accessory Dwelling Unit,

- 18.75 Gateway Mixed Use Zone (CMU) - add Church and associated church activities as a permitted use and remove it as a conditional use, add new affordable housing permitted uses, modify the mixed-use component to allow greater flexibility to respond to market conditions, add new garbage enclosure screening,
- 18.175.030(D) and 18.180.030(A) – amending the title of public works director to city engineer,
- 18.195.010 A Definitions – amends the “Accessory Dwelling Unit” definition,
- 18.195.030 C Definitions – removes the definition of camping vehicle and amends the definition of “Contiguous”,
- 18.195.040 D Definitions – adds a definition for “Days”, modifies the definition of “Dwelling unit”, and moves Mobile home from the M definitions to the D Definitions under “Dwelling, Mobile Home”,
- 18.195.130 M Definitions – deletes definition of Mobile home,
- 18.195.180 R Definitions – removes the two conflicting definitions of recreational vehicle and adopts the State definition.

Applicant: The City of Cornelius Community Development Department

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

1.05.110 Amendment and repeal of code sections.

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

APPEAL RIGHTS

The Planning Commission will make a recommendation to City Council concerning the request. City Council will make a decision. Any appeal of a decision by City Council shall be made to the State Land Use Board of Appeals (LUBA) per ORS 197.830. In order for an issue to be considered for appeal to the Land Use Board of Appeals, it must be raised before the close of the record of the Public Hearing. Such issues must be raised with sufficient specificity so as to afford the hearing body and the parties an adequate opportunity to respond to each issue. If there is no continuance granted at the hearing, any participant in the hearing may request that the record remain open for at least seven days after the hearing.

APPLICABLE CRITERIA

Cornelius Municipal Code (CMC) §1.05.110 Amendment and repeal of code sections, CMC §18.125 Amendments to the Zoning Ordinance.

SECTION I: BASIC FACTS AND BACKGROUND INFORMATION

1. The Cornelius Municipal Code (CMC) was adopted by the Cornelius City Council on March 8, 2008 through Ordinance 900.
2. The CMC has been amended up to and through Ordinance 2024-01 passed July 1, 2024.
3. From time to time, planning practice and interpretation of the CMC lends to the need to clarify or otherwise amend the CMC to maintain efficient and proper guidance and regulation for land use in the city.
4. The Cornelius Community Development Department, having worked with the CMC in its current form, has identified a number of sections where the current CMC language ought to be clarified or amended to meet the intent of the regulation, respond to new land use laws or best practices, or to follow or improve current procedures.
5. Cornelius Municipal Code Section 1.05.110 authorizes the city to initiate CMC text amendments.
6. On July 24, 2024 staff provided the Oregon Department of Land and Conservation (DLCD) a required notice of the proposal and the date of the first evidentiary hearing (August 27, 2024). (Exhibit 1, DLCD Notice Confirmation)
7. On August 1, 2024 public notice of the proposal was published in the Forest Grove News-Times regarding the application and upcoming public hearing. (Exhibit 2, Forest Grove-News Times Published Notice)
8. On August 5, 2024, public notice was mailed to the interested party list. (Exhibit 3, Interested Party Affidavit of Mailing)
9. On August 5, 2024, public notice compliant with Oregon Revised Statutes 197.047 was mailed to property owners in the industrial zones (M-1 General Industrial and LI Light Industrial). (Exhibit 4 Mailed Notice Affidavit of Mailing)
10. To date, no public comments have been received on the proposed amendments.

SECTION II: ZONING ORDINANCE AMENDMENT REVIEW CRITERIA

Section 18.125(C), Approval Criteria:

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

Finding Related to RLUIPA:

The proposal implements changes in interpretation of the RLUIPA (Religious Land Use and Institutionalized Persons Act) as refined by case law. The most recent case affected interpretation of “*Prohibits the imposition of burdens on the ability of parishioners to worship as they please*”. The case gave religious institutions equal footing as a theater, community center, or other similar use. As such, staff identified where theaters, community centers and other similar uses occur in the CMC and proposed amendments to allow religious institutions in a similar manner. So, if a theater was a permitted use, the religious institution was allowed as a permitted use. Similarly, if a theater was a conditional use, then the religious institution was allowed as a conditional use. This affected the zones in the following way:

- Central Mixed-Use (CMU) zone: move the “church, and associated church activities” use from conditional use to permitted use;
- Corridor Commercial (CC) zone: add the “church, and associated church activities” use as a permitted use;
- Gateway Mixed-Use (GMU) zone: add the “church, and associated church activities” as a permitted use;

Findings related to Implementing the Economic Opportunities Analysis:

The recently adopted Economic Opportunities Analysis (CPA-01-24) identified ten implementation recommendations including the following:

1. ***Establish and maintain a competitive short-term and long-term supply of employment land, in readily developable sites.***
4. ***Encourage infill, redevelopment and/or adaptive reuse of obsolete or underused properties in current employment zones.***
5. ***Continue to improve and streamline development regulations and review processes where possible, to reduce cost and time, and provide predictability.***
9. ***Ensure that applicable Comp Plan designations and zoning allow the mix of uses sought in employment areas, and if necessary, limit those uses that don't contribute to goals.***
10. ***Review and update Development Code language to support the desired development types and streetscape initiatives.***

In response to these five implementation recommendations, staff propose tightening the allowable uses in the General Industrial (M-1) and Light Industrial (LI) zones.

The proposal does this by proposing, in the General Industrial Zone (M-1) to

- remove non-industrial type uses such as general office as a stand-alone use,
- remove conditional uses that are allowed in a commercial zone,
- remove parks, open space, recreation areas, and administrative, education or other activities as a principal use,
- remove outdoor storage and display subject to a Type II review, while keeping outdoor storage and display as a Type III review, and
- remove indoor mini-storage facility as a use

The proposal does this by proposing, in the Light Industrial Zone (LI) to

- remove light-industrial uses that are not currently located within the light-industrial zone such as gas regulator stations, water wells and public work yards; wholesale and/or card-lock fuel stations with approved loading and queuing space; power generation plants and associated facilities, including wind turbines; child care facilities and preschools, if fully integrated with and secondary to the primary use of a site; public recreational facilities including parks, playfields and sports and racquet courts on publicly owned property; private indoor recreational facilities; and sewage treatment plants, and
- limit self-service storage facilities to existing facilities within the zone.

These changes are to limit the types of activities to those that would generate employment opportunities in the zones and maximize the potential for the city to generate higher tax revenue from the zones.

All other amendments are to comply with new housing requirements or to clean up areas of the code where clarity is necessary.

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

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

Findings: The proposed text amendments are primarily intended to clarify policy and processes through choice of language, and align practices with current law. While the proposal does not change any mapped zoning or propose any new zones, some of the required housing amendments may affect the character of neighborhoods, however; the City has no choice in whether to adopt the new amendments or not. Additionally, legislative changes to stimulate housing in Oregon, and presumably improve the housing crisis, have reduced the ability of affected parties to participate in the land use decisions.

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

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

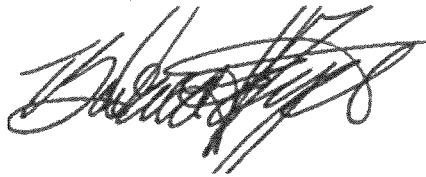
Findings: The proposed text amendments are primarily intended to clarify policy and processes through choice of language, and align practices with current law. Incorporation of appropriate development regulations will protect the character of these districts while expanding the commercial opportunities therein. There are no substantial amendments to the standards or regulations within any zoning district, or any changes to zoning district boundaries, that would constitute spot zoning.

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

RECOMMENDATION

Based upon the facts, findings and conclusions in the Staff Report, staff recommends approval of Land Use File No. CMCA-01-24, the 2024 Omnibus Amendments to the Cornelius Municipal Code, to the Cornelius Planning Commission.

DATE OF RECOMMENDATION: AUGUST 16, 2024



Barbara Fryer, AICP, Community Development Director

Exhibits:

- Exhibit # 1. DLCD Notice Confirmation
- Exhibit # 2. Forest Grove News Times Published Notice
- Exhibit # 3. Interested Party Notice Affidavit of Mailing
- Exhibit # 4. M-1 General Industrial and LI Light Industrial Property Owner Notice Affidavit of Mailing
- Exhibit # 5. Draft Cornelius Municipal Code Omnibus Text Amendments
 - a. Chapter 2.40 Amendment
 - b. Chapter 5.20 Amendment
 - c. Chapter 15.15 Amendment
 - d. New Chapter 16 Amendment
 - e. Chapter 17 Amendments
 - f. Chapter 18 Amendments

Exhibit # 1. DLCD Notice Confirmation

From: [DLCD Plan Amendments](#)
To: [Barbara Fryer](#)
Subject: Confirmation of PAPA Online submittal to DLCD
Date: Wednesday, July 24, 2024 7:16:07 AM

You don't often get email from plan.amendments@dcd.oregon.gov. [Learn why this is important](#)

Cornelius

Your notice of a proposed change to a comprehensive plan or land use regulation has been received by the Oregon Department of Land Conservation and Development.

Local File #: CMCA-01-24

DLCD File #: 002-24

Proposal Received: 7/24/2024

First Evidentiary Hearing: 8/27/2024

Final Hearing Date: 10/7/2024

Submitted by: barbarafrayer

If you have any questions about this notice, please reply or send an email to plan.amendments@dcd.oregon.gov.

Exhibit # 2. Forest Grove News Times Published
Notice



**Carpenter Media Group
OREGON**

NEW MAILING ADDRESS - P.O. Box 45, West Linn, Oregon 97068

P.O. Box 45 West Linn, OR 97068
Phone: 503-684-0360 Fax: 503-620-3433
E-mail: legals@commnewspapers.com

RECEIVED

AUG 13 2024

CORNELIUS
PUBLIC WORKS

RECEIVED

AUG 13 2024

Administration
City of Cornelius

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, ss I, Kristine Humphries, being first duly sworn, depose and say that I am the Principal Clerk of the News Times, a newspaper of general circulation, published in Washington County, Oregon, as defined by ORS 193.010 and 193.020, that

SEE EXHIBIT A

Ad#: 334614
Owner: City of Cornelius
Description: NOTICE OF PUBLIC HEARING

A copy of which is hereto annexed, was published in the entire issue of said newspaper for 1 week(s) in the following issue:
08/01/2024

Kristine Humphries (Principal Clerk)

Subscribed and sworn to before me this
08/01/2024.

NOTARY PUBLIC FOR OREGON

Acct #: 117756
Attn:
CORNELIUS, CITY OF
1355 N BARLOW ST
CORNELIUS, OR 97113

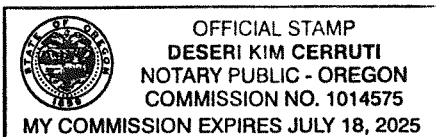


EXHIBIT A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **August 27, 2024**, the City of Cornelius Planning Commission and on **October 7, 2024**, the Cornelius City Council will hold a public hearing regarding the adoption of an amendment to the Cornelius Municipal Code (CMCA 01-24). Both meetings **begin at 7:00 pm** and are held in person at Cornelius City Hall, 1355 N Barlow Street, in the City Council Chambers and remotely via the Zoom platform. Instructions on how to participate using the Zoom platform are listed on the back page of this notice.

Public Hearing Notice: Type IV – Legislative Municipal Code Amendment
CMCA-01-24
Case File No. Omnibus Land Use-Related Amendment
Project Name: City of Cornelius Community Development Department
Applicant: Department
Site Address: No specific property
Legal Description: No specific property
Zones: All Zones

REQUEST

A Type IV Legislative Amendment to the Cornelius Municipal Code (CMC) to generally remove conflicts, provide clarity, and add certainty to the development process. Many of the changes are minor in nature and address a backlog of needed updates to the Municipal Code related to the Community Development Department. The amendment includes the following chapters:

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- 18.195.130 M Definitions - deletes definition of Mobile home.
- 18.195.180 R Definitions - removes the two conflicting definitions of recreational vehicle and adopts the State definition.

Applicable Criteria: Cornelius Municipal Code (CMC) §1.05.110 Amendment and repeal of code sections, CMC §18.125 Amendments to the Zoning Ordinance.

Order of Planning Commission and City Council Proceedings: At the public hearing, the Planning Commission Chair, or Mayor will open the public hearing, a staff report will be presented, the applicant will be given the opportunity to make a presentation, interested persons will be called on to speak for or against the proposal, Commissioners or Councilors may ask questions, the applicant will be given the opportunity to rebut testimony, staff will be given the opportunity to provide closing remarks, and the public hearing will be closed. At that point, all testimony is complete and the Planning Commission, or City Council, will deliberate on the facts and findings in the staff report and testimony. The Planning Commission will make a recommendation to the City Council. If the Planning Commission recommends adopt by the City Council, the City Council will hold a hearing and consider First and Second Ordinance Reading. The Planning Commission and/or City Council may set a maximum time allowance of 3 or 5 minutes per testifier.

Written Testimony: To submit written testimony on the day of the hearing, please send it via email to Community.Development@corneliusor.gov. Testimony received prior to 8:00 am on the day of the hearing will be posted to the agenda packet online. Testimony received after 8:00 am on the day of the hearing will be forwarded to the Planning Commission and will be made part of the record. To accept the testimony, it will need your name, address, and the Case File No. **CMCA-01-24** when providing testimony so that the City can send the Notice of Decision to you along with appeal rights.

In-Person Testimony: To testify in-person fill out a yellow comment card. Be sure to note your name, address, and the Case File No. **CMCA-01-24**. The Planning Commission Chair and City Recorder will call on participants who have submitted a yellow card in the order received.

Virtual Testimony: To testify virtually, pre-register by providing your name, address, Zoom account name, and Case File No. **CMCA-01-24** by email to Community.Development@corneliusor.gov prior to 5:00 pm on the day of the hearing. Your information will not be shared at the hearing. At the hearing, the Planning Commission Chair, or Mayor, will call on participants who pre-registered. Virtual participants will not be able to share their screen during the meeting; presentation materials should be submitted to Community.Development@corneliusor.gov as written testimony by 5:00 pm on the day of the hearing.

Testimony Guidelines: Testimony should avoid repetition of issues and should be based on the application criteria. Oregon Revised Statutes (ORS) 197.797 provides that under certain circumstances, the record may remain open, or a continuance may be granted, upon the request of a participant. Telephone conversations are not accepted as testimony.

Pursuant to ORS 197.797, failure to raise an issue at the final evidentiary hearing, or by the close of the record, in-person, virtually, or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals based on that issue.

For more information on the application, contact: Barbara Fryer, Community Development Department Director, at 503 357 3011 or by email at Barbara.Fryer@corneliusor.gov.

EXHIBIT A

Join us	
In Person:	In the City Council Chambers at 1355 N Barlow Street.
Virtually:	Through the Zoom platform at Zoom.us/Join Meeting ID: 834 7940 8874 and Passcode: 215546.
By Phone:	By dialing 1-253-215-8782 Meeting ID: 834 7940 8874 and Passcode: 215546.

Published August 1, 2024.

FGNT334614

Exhibit # 3. Interested Party Notice Affidavit of
Mailing

STATE OF OREGON)
)
COUNTY OF WASHINGTON)

AFFIDAVIT OF MAILING

I, BARBERO Fryle being first duly sworn, depose and say:

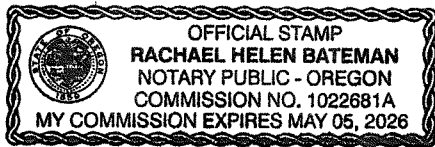
That I served upon the persons shown on Exhibit A, attached hereto and by this reference incorporated herein, a copy of a Notice of Public Hearing, marked Exhibit B, attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that said envelopes were prepared to receive postage by city staff and to be placed in the United States Mail at Cornelius, Oregon.

Dated this 5 day of August, 2024

[Handwritten Signature]

Signature

SUBSCRIBED AND SWORN TO before me this 5 day of August, 2024.



Rachael Bateman

Notary Public for Oregon

My commission expires: May 5, 2026

Exhibit #

Company Name	Department	Name	Address Line 1	City	State	ZIP Code
City of Cornelius			1355 N Barlow St	Cornelius	OR	97113
City of Forest Grove		Attn: Kate McGuire, Senior Planner	PO Box 326	Forest Grove	OR	97116
City of Hillsboro			150 E Main St	Hillsboro	OR	97123
Clean Water Services	Attn: City Recorder		2550 SW Hillsboro Hwy.	Hillsboro	OR	97124
Comcast Cable Communications	Development Services Department	Attn: Jackie Humphreys	11308 SW 68th Parkway	Tigard	OR	97223
Cornelius Rural Fire Protection Dist.			1355 N Barlow St	Cornelius	OR	97113
CPO 12C		c/o Joseph Auth	325 NW 334th Ave.	Hillsboro	OR	97124
CPO Coordinators		Carol Renaud	155 N 1st Ave, Suite 370 M-S 20	Hillsboro	OR	97124
Department of Economic Development			775 Summer St, NE	Salem	OR	97301
Department of Energy			550 Capitol St NE Fl 1	Salem	OR	97301
DEQ			700 NE Multnomah St Ste. 600	Portland	OR	97232
Dept of Land Conservation and Development		Attn: Laura Kelly	635 Capitol Street NE, Suite 150	Salem	OR	97301
Dept of Land Use & Transportation	County Surveyors Office	Attn: Scott Young	155 N 1st Ave. Ste #350-15	Hillsboro	OR	97124
District 18 Watermaster			1400 SW Walnut St. #240, MS 49	Hillsboro	OR	97124
Evergreen Disposal & Recycling	Attn: Dawn Lucinio		PO Box 5069	Aloha	OR	97006
Forest Grove School District			1728 Main St	Forest Grove	OR	97116
Hillsboro School District		Attn: Sadeh Haghughu Khoekhou	4901 SE Witch Hazel RD	Hillsboro	OR	97123
Home Builders Association		Attn: Preston Korst	15555 SW Bangy Road Suite 301	Lake Oswego	OR	97035
METRO Parks		Attn: Will Duyck, President of the Board	600 NE Grand Ave	Portland	OR	97232
Metro Regional Services	Compliance Coordinator		600 NE Grand Ave.	Portland	OR	97232
Metro Regional Services	Senior Transportation Planner	Attn: Caleb Winter	600 NE Grand Ave.	Portland	OR	97232
NW Natural Gas Company		Attn: Ileana Hyatt	250 SW Taylor St.	Portland	OR	97204
Washington Service Center	NW Regional Education Services District		5825 NE Ray Cir	Hillsboro	OR	97124
ODOT Rail Division			555 13th St. NE Suite 3	Salem	OR	97301
ODOT Region 1	Development Review Program		123 NW Flanders	Portland	OR	97209
Oregon State Dept of Fish & Wildlife			4034 Fairview Industrial Dr SE	Salem	OR	97302
Oregon State Division of State Lands			775 Summer Street NE	Salem	OR	97301
Port of Portland			P.O. Box 3529	Portland	OR	97208
Portland & Western Railroad, Inc.		Attn: Grant Howell	1200 Howard Dr SE	Portland	OR	97321
Portland General Electric			121 SW Salmon St	Albany	OR	97321
Portland General Electric			121 SW Salmon St	Portland	OR	97204
Tri-Met			4012 SE 17th Ave	Portland	OR	97202
Tualatin Soil and Water Conservation District			7175 NE Evergreen Pkwy, #400	Hillsboro	OR	97124
Tualatin Valley Irrigation Dist			2330 Elm St	Forest Grove	OR	97116
US Army Corps of Engineers			P.O. Box 2946	Portland	OR	97208
USPS		Attn: Post Master	1330 SW Walnut Street	Hillsboro	OR	97123
Washington County	Assessment and Taxation Dept.		155 N 1st Ave	Hillsboro	OR	97124
Washington County	Enhanced Sheriff's Patrol Dist.		215 SW Adams Ave., MS-32	Hillsboro	OR	97123
Washington County	Health & Human Services		155 N 1st Ave, Ste. 170 MS-23	Hillsboro	OR	97124
Washington County	Housing Authority		161 NW Adams Ave, Suite 2000 MS 63	Hillsboro	OR	97124
Washington County	Mosquito Control	Attn: Kenny Carver	155 N 1st Ave, Ste. 170 MS-5	Hillsboro	OR	97123
Washington County Land Use & Transportation	Urban Road Maintenance District		1400 SW Walnut St. #241	Hillsboro	OR	97123
Washington County Land Use & Transportation	Planning Division	Attn: Paul Schaeffer, Senior Planner	155 N 1st Ave. Ste#350 MS 14	Hillsboro	OR	97124
Washington County Land Use & Transportation	Planning & Development Services	Attn: Principal Planner	155 N 1st Ave. Ste. 350, MS 14	Hillsboro	OR	97124
WCCCA 9-1-1	Data Services	Attn: Ian Crawford	5900 NE Pinefarm Ct	Hillsboro	OR	97124
Zipli Fiber			4155 SW Cedar Hills Blvd	Beaverton	OR	97005
MCI Metro Access Transmission Services Corp	Undeliverable		Notice Return on 2/3/2024, 3/2/2024, 3/6/202-2250 NE Aloclek Dr	Hillsboro	OR	97124

Exhibit B

This is to notify you that Cornelius has proposed a land use regulation that may affect the permissible uses of properties.



Date: **08/06/2024**

«Company_Name»
«Department»
«Name»
«Address_Line_1»
«City», «State» «ZIP_Code»

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Public Hearing Notice: Type IV – Legislative Municipal Code Amendment
Case File No. **CMCA-01-24**
Project Name: Omnibus Land Use-Related Amendment
Applicant: City of Cornelius Community Development Department
Site Address: No specific property
Legal Description: No specific property
Zones: All Zones

REQUEST

A Type IV Legislative Amendment to the Cornelius Municipal Code (CMC) to generally remove conflicts, provide clarity, and add certainty to the development process. Many of the changes are minor in nature and address a backlog of needed updates to the Municipal Code related to the Community Development Department. The amendment includes the following chapters:

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Applicable Criteria: Cornelius Municipal Code (CMC) §1.05.110 Amendment and repeal of code sections, CMC §18.125 Amendments to the Zoning Ordinance.

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Pursuant to ORS 197.797, failure to raise an issue at the final evidentiary hearing, or by the close of the record, in-person, virtually, or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals based on that issue.

For more information on the application, contact: Barbara Fryer, Community Development Department Director, at 503 357 3011 or by email at Barbara.Fryer@corneliusor.gov.

Join us	
In-Person:	In the City Council Chambers at 1355 N Barlow Street
Virtually:	Through the Zoom platform at Zoom.us/Join
	Meeting ID: 834 7940 8874 and Passcode: 215546.
By Phone:	By dialing 1-253-215-8782
	Meeting ID: 834 7940 8874 and Passcode: 215546.

Exhibit # 4. M-1 General Industrial and LI Light
Industrial Property Owner Notice Affidavit of
Mailing

STATE OF OREGON)
)
COUNTY OF WASHINGTON)

AFFIDAVIT OF MAILING

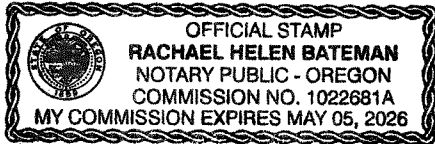
I, FORBES TRUER, being first duly sworn, depose and say:

That I served upon the persons shown on Exhibit A, attached hereto and by this reference incorporated herein, a copy of a Notice of Public Hearing, marked Exhibit B, attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that said envelopes were prepared to receive postage by city staff and to be placed in the United States Mail at Cornelius, Oregon.

Dated this 5 day of August, 2024

[Handwritten Signature]
Signature

SUBSCRIBED AND SWORN TO before me this 5 day of August, 2024.



Rachael Bateman
Notary Public for Oregon

My commission expires: May 5, 2026

Exhibit A

TLID	OWNER1	OWNERADDR	OWNERCITY	OWNERSTATE	OWNERZIP
1N333CA00200, 1N495 LLC		10260 SW GREENBURG RD STE 170	PORTLAND	OR	97223
1N333CA01400, 1NABCTL INC		8950 SW BRABHAM WAY	GASTON	OR	97119
1N333CA01100	AHLBERG ALAN B & AHLBERG KATHLEEN E	5840 NW BIRCH AVE	HILLSBORO	OR	97124
1N333DB01700	ALBERTINA KERR CENTERS	424 NE 22ND AVE	PORTLAND	OR	97232
1S304BA00500	AYRES MARVIN V ESTATE OF	PO BOX 153	CORNELIUS	OR	97113
1N333DA02600	BAGGETT JOE	502 N 10TH AVE	CORNELIUS	OR	97113
1N333DB00100	BEUBBU INVESTMENTS LLC	PO BOX 309	CORNELIUS	OR	97113
1N333DA02100	BOARDWALK INDUSTRIAL PARK LLC	36905 SW GODDARD RD	CORNELIUS	OR	97113
1N333CA01500, 1NCOACH SARGE CINE LLC		560 N 4TH AVE	CORNELIUS	OR	97113
1N334DC04400	CORNELIUS SELF STORAGE LLC	35 CORTE MADERA AVE	MILL VALLEY	CA	94941
1N333DB01100	CROP PRODUCTION SERVICES INC	3005 ROCKY MOUNTAIN AVE	LOVELAND	CO	80538
1N333CA02000	CRP/ALTBIRD MEADOWLARK OWNER LLC	1411 N CEDAR ST	TACOMA	WA	98406
1S304DB02251	DOUGLAS GARY R TRUST	20665 SW JAQUITH RD	NEWBERG	OR	97132
1S304DB02100, 1SECFPCORNELIUS LLC		823 SE 3RD AVE	PORTLAND	OR	97214
1N333DB02700	EGL761 LLC	26354 SW LABROUSSE RD	SHERWOOD	OR	97140
1N334DC01801	FRATERNAL ORDER OF EAGLES	CORNELIUS AERIE #4177 PO Box 643	CORNELIUS	OR	97113
1N333DB01500	GONZALEZ MARCO A CHAVEZ	569 N 10TH AVE	CORNELIUS	OR	97113
1N333CA00300	HERTEL PROPERTIES LLC	42660 NW GREENVILLE RD	CORNELIUS	OR	97113
1S304DB02500	HORDICHOK WALTER R LIV TRUST	5420 NE SEWELL AVE	FOREST GROVE	OR	97116
1N333CA01700	J&E INVESTMENT PROPERTIES LLC	706 N 4TH AVE	HILLSBORO	OR	97124
1N333DA02000	KIMBALL DAVID W	537 N 13TH AVE	CORNELIUS	OR	97113
1S304D001700	KING ALGIA & RICHEE TRUST	981 S CHERRY ST	CORNELIUS	OR	97113
1S304D001900	KING ALGIA A JR & KING RICHEE E	981 S CHERRY ST	CORNELIUS	OR	97113
1N333DB01600	KNIGHT NEAL D & KNIGHT CHRISTINE E	310 S 16TH AVE	CORNELIUS	OR	97113
1S304DB02300	LEAHY KENNETH C TRUST & LEAHY DONNA K TRUST	PO BOX 489	CORNELIUS	OR	97113
1S304DB02600	LEAHY KENNETH C TRUST	915 S 12TH ST	CORNELIUS	OR	97113
1N334DC04800	LEWIS CONTROLS INC	PO BOX 526	CORNELIUS	OR	97113
1S304DB06500	MARTIN ELLA S	1160 S 12TH AVE	CORNELIUS	OR	97113
1N333CA00800	MENDOZA ANGEL GODINEZ	554 S 12TH AVE	CORNELIUS	OR	97113
1N333CA00900	METRO	600 NE GRAND AVE	PORTLAND	OR	97232
1N333CA01001	NEW SEASON FOODS INC	2329 YEW ST	FOREST GROVE	OR	97116
1N333DA02700	PARK PLACE INDUSTRIAL PARK LLC	36905 SW GODDARD RD	CORNELIUS	OR	97113
1N333DB00700, 1NRCI PROPERTIES HILLSBORO LLC		5131 MASTHEAD ST NE	ALBUQUERQUE	NM	87109
1S304BA00400, 1SCHOEN MICHAEL J & SCHOEN PAMELA A		PO BOX 153	CORNELIUS	OR	97113
1N334DC01802, 1N SHELTON MANUFACTURING INC		PO BOX 627	CORNELIUS	OR	97113
1N333CA01200	SUMMIT NATURAL ENERGY CORP	PO BOX 349	CORNELIUS	OR	97113
1S304BA00300	TARR ACQUISITIONS LLC	PO BOX 12570	PORTLAND	OR	97212
1N333CA01800, 1NTHMFC LLC		20200 SW STAFFORD RD	TUALATIN	OR	97062
1N333CA00700	TRUSS COMPONENTS OF OREGON INC	PO BOX 468	CORNELIUS	OR	97113
1N333DB02300, 1NWASHINGTON COUNTY		169 N FIRST AVE	HILLSBORO	OR	97124
1N333DB02000, 1NWROBEL FAMILY FOODS LLC		PO BOX 40	GASTON	OR	97119

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Case File No. CMCA-01-24

Project Name: Omnibus Land Use-Related Amendment

Applicant: City of Cornelius Community Development Department

Site Address: No specific property

Legal Description: No specific property

Zones: All Zones

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Phone 503.357.3011

CITY OF CORNELIUS, OREGON
COMMUNITY DEVELOPMENT DEPARTMENT
1355 North Barlow Street
Cornelius, OR 97113

Fax 503.357.3424

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a. Chapter 2.40 Amendment

Amendment to Chapter 2.40

Amend CMC 2.40.020(D) as follows:

(D) The public body shall make and reduce to writing specific findings of fact regarding *the applicable approval criteria following matters:*

- ~~(1) Whether the requested special benefit, if allowed, is in conformance with the comprehensive plan or development of the city and other applicable ordinances and code provisions.~~
- ~~(2) Whether there is a public need for the requested special benefit, and, if so, will the need be best served by the proposed special benefit involving the land use of the subject property as compared with other available property presently allowing such land usage.~~
- ~~(3) Whether conditions have changed in the immediate area of the subject property proposed for the special benefit or there was a mistake in the original comprehensive plan of development.~~

b. Chapter 5.20 Amendment



~~5.20 — Trailer Coach Parking Permits~~

~~5.20.010 Trailer Coach Parking Permits~~

~~It shall be unlawful to park or place any trailer coach occupied for living or sleeping purposes within the city for any time exceeding three hours, except in a trailer park. A trailer coach used for sleeping or living purposes may be parking in the city outside of a trailer park for a period not to exceed 15 days upon obtaining a permit from the city recorder. A permit shall not be issued unless the trailer complies with all sanitary, fire and zoning regulations of the city and the state. The fee for the permit shall be \$1.00~~



c. Chapter 15.15 Amendment

Amendment to Chapter 15.15

15.15.020 Permit Required.

No person shall construct, install, enlarge or remodel any swimming pool without first having obtained a permit from the ~~city recorder~~ **City of Cornelius.**

d. New Chapter 16 Amendment

New CMC annexation Chapter

Chapter 16. Annexation

16.10.010 Purpose

This chapter implements state and local laws, including ORS Chapter 222 and Metro Code Chapter 3.09, regarding the annexation of property into the City of Cornelius. It is intended to facilitate efficient urban and economic development opportunities by transferring jurisdiction over property within the Metro urban growth boundary from Washington County to the City of Cornelius. It also implements city-specific policies regarding annexation.

16.10.020 Annexation Proposal

- (1) Only owners of real property in the territory to be annexed, or the Cornelius City Council, may initiate an annexation. A property owner must file an application with the city to initiate an annexation and pay the associated fee. State law refers to the application as a "petition" for annexation. The city council may initiate an annexation by simply approving a motion during a public meeting.*
- (2) If the city agrees to provide utility services (e.g. water or sewer service) to a property outside the city limits, the property owner must annex into the city. If, at the time the city agrees to provide utility services, the property is not contiguous to the city, then the property owner must enter into an annexation contract with the city in accordance with ORS 222.115.*
- (3) Where the city current provides water or sewer service to a property outside the city limits, the property owner shall not object to or oppose annexation into the city.*

16.10.030 Petition

- (1) Prior to filing a petition for annexation, a property owner must schedule and attend a preapplication conference with the city. At that time, the city will review the annexation process with the property owner and identify the applicable requirements, including applicable forms and fees. The city manager may waive this requirement on a case-by-case basis. Annexations that the city council may initiate are exempt from the preapplication conference requirement.*
- (2) Except as state law may otherwise permit, petitions for annexation must relate to territory located within the Metro urban growth boundary.*
- (3) A petition must be filed on a form provided by the city, be accompanied by the applicable fee, and include the following:*
 - (a) The information required by Metro Code 3.09.040;*
 - (b) A narrative addressing the approval criteria of this chapter, the criteria in Metro Code 3.09.045(D), and if applicable, 3.09.045(E);*
 - (c) A copy of an assessor's map clearly showing the territory proposed for annexation and the existing boundary of the city near the territory;*

- (d) *A legal description of the territory, which must be in the form of a metes and bounds description unless the territory was the product of a subdivision or partition, in which case it may be described by lot and block;*
- (e) *The existing county zoning for the territory, and the proposed city zoning for the territory; and*
- (f) *A determination of whether the territory proposed for annexation qualifies as a “minor boundary change” pursuant to Metro Code Chapter 3.09.*

16.10.040 Approval Criteria

The city may approve a petition for annexation if it finds the petition satisfies the following criteria:

- (1) *The territory proposed for annexation is partially located within the Metro urban growth boundary;*
- (2) *The territory is contiguous to the existing boundary of the City of Cornelius;*
- (3) *The proposed annexation complies with applicable provisions of ORS Chapter 222;*
- (4) *The proposed annexation is consistent with applicable provisions of the city’s comprehensive plan;*
- (5) *The proposed annexation complies with Metro Code 3.09.045(D) and, if applicable, (E);*
- (6) *The proposed zoning for the territory is consistent with the city’s comprehensive plan, and other Metro or state requirements that may affect the zoning for the territory; and*
- (7) *Approving the proposed annexation is in the city’s best interest.*

16.10.050 Administration and Approval Process

- (1) *Upon receipt of a petition, the director will review the petition for completeness in a manner consistent with CMC 18.10.050, and subsequently allow the petitioner the opportunity to supplement the petition with any missing or requested information.*
- (2) *The city director will review whether the territory proposed for annexation qualifies as a “minor boundary change” pursuant to Metro Code Chapter 3.09.*
 - (a) *If the petition qualifies as a “minor boundary change,” the city may review and approve the petition in accordance with Metro Code 3.09.045 and, may adopt the annexation by Resolution. Section 3.09.045 of the Metro Code allows the city to expedite review of minor boundary changes and does not require the city to hold a public hearing, unless a party entitled to notice requests one.*
 - (b) *If the petition does not qualify as a “minor boundary change,” the city will process the petition in accordance with CMC 18.10.070(C) and Metro Code 3.09.050.*

- (3) *Notwithstanding any language to the contrary in this code, an annexation petition is not a "permit" as that term is defined in ORS 227.160. Therefore, annexations are not subject to the 120-day processing deadline established in ORS 227.178.*

16.10.060 Fees

A fee shall be charged for all review and approval procedures, land use permits and administrative actions governed by Title 16 of the code. Fees shall be set by resolution adopted by the City Council.

(1) Fee Schedule Update. The City Council shall update the fee schedule from time to time.

(2) Incorporation by Reference. The fee schedule most recently adopted by the City Council is incorporated by reference in this title.

(3) Fees Due and Payable. Fees are due and payable at the time an application is submitted. The requirement to pay a fee is jurisdictional, and the city will not process an application without payment of the associated fee. If an applicant pays a fee after submitting an application, the date they pay the fee will be considered the date they submitted the application.

16.20. Shelter Siting

16.20.010 Purpose

On May 12, 2021, Governor Brown signed into state legislation HB 2006, a bill intended to respond to the current statewide housing crisis authorizing cities to site emergency shelters if certain conditions are met. The new law took effect immediately and requires local governments to approve an application for an emergency shelter regardless of state or local land use laws, if the application meets specific approval criteria outlined in the bill, as codified below. An “emergency shelter” provides “shelter on a temporary basis for individuals and families who lack permanent housing.” Any emergency shelter use or activity specifically authorized below may not be put to any other use without securing the necessary land use approval as required by state law and the Cornelius Municipal Code.

Compliance with this state law is not a land use decision and it removes state requirements for a mailed notice, public hearing, or solicitation of public comment on an application. Local governments are obligated to approve applications for shelters that meet the criteria below. Decisions under this law may not be appealed to the Planning Commission, City Commission or the Land Use Board of Appeals but may be appealed using the writ of review process provided under ORS 34.010 – 34.100.

16.10.020 Shelter Siting Proposal

(1) A Shelter as used in this section means a building or cluster of buildings that provides shelter on a temporary basis for individuals and families that lack permanent housing. Shelter shall also include youth shelters, winter or warming shelters, day shelters and family violence shelter homes as defined in ORS 409.290.

(2) An applicant is limited to:

(A) a local government as defined in ORS 174.116;

(B) an organization with at least two years of experience operating an emergency shelter using best practices that is one of the following entities:

i. a local housing authority as defined in ORS 456.375;

ii. a religious corporation as defined in ORS 65.001; or

iii. a public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals, that has been recognized as exempt from income tax under 501(a) of the Internal Revenue Code on or before January 1, 2008; or

iv. a nonprofit corporation partnering with any other entity listed above.

(3) The following services may be provided to clients at no cost, or a monthly fee of no more than \$300 per month per client AND only to clients who are financially able to pay the fee AND who requested the services:

(A) Showering or bathing,

(B) Storage for personal property,

(C) Laundry facilities,

(D) Service of food prepared on-site or off-site,

(E) Recreation areas for children and pets,

(F) Case management services for housing, financial, vocational, educational or physical or behavioral health care services,

(G) Any other services incidental to shelter,

(H) May also provide additional services not described above to individuals who are transitioning from unsheltered homeless status.

16.10.020 Shelter Siting Criteria

- (1) Shelter includes sleeping and restroom facilities for clients;*
- (2) Shelter will comply with the applicable building codes;*
- (3) Shelter is not located within an area designated under a statewide planning goal related to natural disasters and hazards, including flood plains or mapped environmental health hazards, unless the development complies with regulations directly related to the hazard*
- (4) Has adequate transportation access to commercial and medical services;*
- (5) Will not pose any unreasonable risk to public health and safety.*

e. Chapter 17 Amendments

Amendment to Chapter 17.05

17.05.010 Purpose

(C) Fees Required.

A fee shall be charged for all review and approval procedures, land use permits and administrative actions governed by Title 18 of the code. Fees shall be set by resolution adopted by the City Council.

(1) Fee Schedule Update. The City Council shall update the fee schedule from time to time.

(2) Incorporation by Reference. The fee schedule most recently adopted by the City Council is incorporated by reference in this title.

(3) Fees Due and Payable. Fees are due and payable at the time an application is submitted. The requirement to pay a fee is jurisdictional, and the city will not process an application without payment of the associated fee. If an applicant pays a fee after submitting an application, the date they pay the fee will be considered the date they submitted the application.

17.05.040 Subdivisions.

(A) Procedure Type – Preliminary Plats. The community development director shall coordinate and assemble through the facilities and design review process the reports and data submitted by the applicant, affected city departments and any governmental agencies having an interest in subdivisions. The community development director shall determine whether the subdivision meets the criteria in subsection (C) of the section ~~within 45 days of its submittal.~~

17.05.050 (F) (1) Middle housing land divisions ~~and expedited land divisions:~~

- (a) If the application of an ELD or MHLA is incomplete, the city shall notify the applicant within 21 days of receiving the application. The application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.
- (b) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted, *or*
- (c) ***The applicant may request to be reviewed under those standards and criteria that are operative at the time of the request.***
 1. ***All timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request.***

2. ***The request may be denied if:***

- i. ***The public notice has been mailed or published; or***
- ii. ***A prior request to restart has been made; and***
- iii. ***A fee may be charged only to cover the additional costs to accommodate the request, and,***
- iv. ***A new application may not be requested, unless information submittal is required to address changes in information or locations or additional narrative is required to understand the request in context; and***
- v. ***A new process or hearing cannot be required that is not applicable to the change in standards or criteria.***

17.05.060(F) Preliminary Plat Procedures for ~~Expedited and~~ Middle Housing Land Divisions

17.05.060(G) Final Plat Procedures for ~~Expedited and~~ Middle Housing Land Division

17.05.060(G)

~~(1) Expedited Land Division (ELD). The community development director shall review the final plat for compliance with the approved preliminary plat. If the community development director determines that the final plat conforms to the approved preliminary plat, the community development director shall so certify and sign the final plat. If the final plat does not conform, it shall be returned to the developer to correct the deficiencies and must be resubmitted for approval with the time established by the community development director.~~

(21) Middle Housing Land Division (MHLD) – Final Plat Review Criteria. Approval of a final plat for a MHLD will be granted if the review body finds the applicant has met the following criteria:

- (a) The final plat substantially conforms to the preliminary plat.
- (b) Conditions of approval attached to the preliminary plat have been satisfied.
- (c) All proposed improvements required to satisfy applicable standards of the CMC have been constructed.

(32) Final Plat Submittal. An application for an ELD or MHLD final plat shall include the same items required under subsection (C) of this section, as directed by the community development director.

17.05.060(H) Expedited Land Divisions ~~An Expedited land division (ELD) shall be defined and may be used as provided under ORS 197.360 through 197.380.~~

~~(1) **Selection.** An applicant who wishes to use an ELD procedure for a partition, subdivision or planned unit development instead of the regular procedure type assigned to it must request the use of the ELD in writing at the time the application is filed, or the right to use it is waived.~~

~~(2) **Review Procedure and Approval Criteria.** All applications for Expedited land divisions shall comply with ORS 197.360 through 197.380, the Cornelius Comprehensive Plan, applicable zoning designation, and submittal requirements requested under subsection (C) of this section.~~

~~(a) for an ELD to be considered, the proposed land division must demonstrate how it complies with the following:~~

~~(i) The primary lot is zoned for residential uses and is within the urban growth boundary.~~

~~(ii) The primary lot is solely for the purpose of residential use, including recreational or open space uses accessory to residential use.~~

~~(b) The land division will not provide for dwellings or accessory buildings to be located on land that is within the following overlay zones:~~

~~(i) Natural Resources overlay (Chapter 18.95 GCMG);~~

~~(ii) Floodplain District (Chapter 18.90 GCMG);~~

~~(c) The land division satisfies minimum street or other right-of-way connectivity standards established by the city's transportation system, engineering design manual, and the Municipal Code.~~

~~(d) The land division will result in development that either:~~

~~(i) Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation or the site; or~~

~~(ii) All dwellings will be sold or rented to households with incomes below 120 percent of the median family income for Washington County. A copy of a deed restriction or other legal mechanism approved by the director shall be submitted.~~

~~(3) **Appeal Procedure.** An appeal of an ELD shall follow the procedures in ROS 197.375. Where the city has not otherwise appointed a hearings officer (referee) for such appeals, and the city attorney is a contractor (not a city employee), the city attorney shall serve as the referee for ELD appeals.~~

17.05.070 Expedited Land Divisions

17.05.070(A) Purpose An Expedited land division (ELD) shall be defined and may be used as provided under ORS 197.360 through 197.380.

17.05.070(B) Applicability An applicant who wishes to use an ELD procedure for a partition, subdivision, or planned unit development instead of the regular procedure type assigned to it must request the use of the ELD in writing at the time the application is filed, or the right to use it is waived.

17.05.070 (C) Completeness

- (1) If the application of an ELD is incomplete, the city shall notify the applicant within 21 days of receiving the application. The application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.**
- (2) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted, or**
- (3) The applicant may request to be reviewed under those standards and criteria that are operative at the time of the request.**
 - (a) All timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request.**
 - (b) The request may be denied if:**
 - i. The public notice has been mailed or published; or**
 - ii. A prior request to restart has been made; and**
 - iii. A fee may be charged only to cover the additional costs to accommodate the request, and,**
 - iv. A new application may not be requested, unless information submittal is required to address changes in information or locations or additional narrative is required to understand the request in context; and**
 - v. A new process or hearing cannot be required that is not applicable to the change in standards or criteria.**

17.05.070 (D) Review Procedure and Approval Criteria

- (1) Selection.** An applicant who wishes to use an ELD procedure for a partition, subdivision or planned unit development instead of the regular procedure type assigned to it must request the use of the ELD in writing at the time the application is filed, or the right to use it is waived.

(2) Review Procedure and Approval Criteria. All applications for Expedited land divisions shall comply with ORS 197.360 through 197.380, the Cornelius Comprehensive Plan, applicable zoning designation, and submittal requirements requested under subsection (C) of this section.

(a) for an ELD to be considered, the proposed land division must demonstrate how it complies with the following:

- (i) The primary lot is zoned for residential uses and is within the urban growth boundary.**
- (ii) The primary lot is solely for the purpose of residential use, including recreational or open space uses accessory to residential use.**

b) The land division will not provide for dwellings or accessory buildings to be located on land that is within the following overlay zones:

- i) Natural Resources overlay (Chapter 18.95 CMC).**
- (ii) Floodplain District (Chapter 18.90 CMC).**

(c) The land division satisfies minimum street or other right-of-way connectivity standards established by the city's transportation system, engineering design manual, and the Municipal Code.

(d) The land division will result in development that either:

- (i) Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation or the site; or**
- (ii) All dwellings will be sold or rented to households with incomes below 120 percent of the median family income for Washington County. A copy of a deed restriction or other legal mechanism approved by the director shall be submitted.**

17.05.070(E) Appeal Procedure

An appeal of an ELD shall follow the procedures in ROS 197.375. Where the city has not otherwise appointed a hearings officer (referee) for such appeals, and the city attorney is a contractor (not a city employee), the city attorney shall serve as the referee for ELD appeals.

17.05.070(F) Final Plat Requirements for Expedited Land Division

The community development director shall review the final plat for compliance with the approved preliminary plat. If the community development director determines that the final plat conforms to the approved preliminary plat, the community development director shall so certify and sign the final plat. If the final plat does not conform, it shall be returned to the

developer to correct the deficiencies and must be resubmitted for approval with the time established by the community development director.

f. Chapter 18 Amendments

Amendments to Chapter 18.

18.05.080 Fees for land use applications.

~~In order to defray expenses incurred in connection with the processing of applications, preparation of reports, publications of notices, issuance of permits and other matters, the city may charge and collect filing and other fees as established by resolution of the council. The required fees shall be paid to the city upon filing an application or at such other time as may be specified in this title.~~

A fee shall be charged for all review and approval procedures, land use permits and administrative actions governed by Title 18 of the code. Fees shall be set by resolution adopted by the City Council.

(1) Fee Schedule Update. The City Council shall update the fee schedule from time to time.

(2) Incorporation by Reference. The fee schedule most recently adopted by the City Council is incorporated by reference in this title.

(3) Fees Due and Payable. Fees are due and payable at the time an application is submitted or at such other time as may be specified in this title. The requirement to pay a fee is jurisdictional, and the city will not process an application without payment of the associated fee. If an applicant pays a fee after submitting an application, the date they pay the fee will be considered the date they submitted the application.

(4) The city may charge double the usual application fee ~~to~~ for those who fail to apply for any permit or other approval required by the City. The failure to submit a required fee with an application or a notice of appeal, including return of checks unpaid or other failure of consideration may preclude the proceeding of that application or appeal.

18.10.050 Complete submittal required.

Application materials shall be submitted to the community development director who shall have the date of submission indicated on each copy submitted. Within 30 ~~calendar~~ days from the date of submission, the community development director shall determine whether an application is complete.

(A) If the community development director determines that the application is incomplete or otherwise does not conform to the provisions of the code, the applicant shall immediately be notified of the negative determination in writing by mail, or email if

provided on the application materials, conveying an explanation and a submittal deadline for completion or correction of the application. ~~However, if the application remains incomplete for more than 30 days from the date of the notice of negative determination, the materials submitted shall be returned to the applicant and the file shall be closed. If an application is returned and the file closed, resubmittal shall require a new application.~~

(B) An application shall be determined to be complete upon receipt of:

- a. All of the information identified in 18.10.050(A) above;**
- b. Some of the missing information and written notice from the applicant that no other information will be provided; or**
- c. Written notice from the applicant that none of the missing information will be provided.**

(C) If an application is determined to be complete and in conformance with the provisions of the code, the community development director shall accept it and note the date of acceptance on the application form. The community development director shall then schedule the appropriate review and notify the applicant in writing of the date of the final decision or the hearing as set forth in Chapter 18.15 CMC.

(D) The applicant may request to be reviewed under those standards and criteria that are operative at the time of the request.

- a. All timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request.**
- b. The request may be denied if:**
 - i. The public notice has been mailed or published; or**
 - ii. A prior request to restart has been made; and**
 - iii. A fee may be charged only to cover the additional costs to accommodate the request, and,**
 - iv. A new application may not be requested, unless information submittal is required to address changes in information or locations or additional narrative is required to understand the request in context; and**
 - v. A new process or hearing cannot be required that is not applicable to the change in standards or criteria.**

18.15.010 Application Review.

(B)(1) Upon receipt of an application for a Type II action, public notice of the impending application shall be given pursuant to the provisions of CMC 19.15.030. ~~In addition, notice shall be sent to each member of the planning commission.~~ Notice shall be given for general information purposes to provide affected parties the opportunity to review submitted plans and make their comments to the community development director orally or in writing. The community development director shall not hold a public hearing but may allow affected parties to attend meetings of the city for informational purposes.

18.15.010 Application Review

(B)(3) Within 10 ~~working~~ days of the final response date, set forth in the notice, the community development director shall review comments received and make a finding for each of any points in dispute and make a final decision. The final decision and supporting findings shall be forwarded to the applicant and affected parties who submitted comments. The notice of decision shall indicate the date of final action, conditions attached, if any, and the right of appeal pursuant to CMC 18.15.090.

18.15.090(B) Timeliness of appeal.

- (1) An appeal must be received by the city within 10 ~~working~~ days of the date the notice of decision is mailed.
- (2) Failure to receive the appeal within 10 ~~working~~ days is jurisdictional.
- (3) The day the notice of decisions was mailed shall not be included for purposes of determining the expiration of the appeal period.
- (4) If the 10-day appeal period ends on a weekend or a holiday, the appeal period closes on the next working day.**

18.15.090(F) Effective Date of Decisions. A decision of the community development director or planning commission shall become effective 11 ~~working~~ days after the date of

the decision unless an appeal is received by the city in accordance with subsection (A) of this section.

18.15.100 Time Extensions.

Prior to the expiration date of a land use approval, the applicant and property owner may request an extension of time.

1. Land Use Approval Extension Time Limit.

(A) The community development director may grant the two one-year extensions if the request complies with the Land Use Approval extension criteria and the original granting authority may grant one additional subsequent one-year extension. Temporary Use Permit extensions may be granted by the community development director as a Type I permit.

(B) No more than three extensions may be granted. No variances may be granted from this provision.

(C) Following the second one-year extension by the community development director, the original granting authority may grant one additional subsequent one-year extension. Temporary use permit extensions may be granted by the community development director as a Type I permit.

(D) This Ordinance shall apply to all extensions requested after the date of enactment regardless of the date of the original permit Final Decision. If a Land Use Approval has been granted extensions prior to adoption of this Ordinance, subsequent extension requests shall be reviewed by the granting authority. Three total extensions may be granted.

2. Land Use Approval Extension Criteria. *The granting authority may grant an extension of a Land Use Approval upon written findings that the request complies with the following:*

(A) The applicant has made a written request for an extension of the Land Use Approval prior to expiration of the approval period; and

(B) The applicant demonstrates one or more reasons that reasonably caused the applicant to delay substantial construction prior to expiration of the approval period; and

(C) The City determines that the applicant was unable to obtain substantial construction during the approval period for reasons for which the applicant was not responsible; and

(D) the property subject to the Land Use Approval complies with all City Code requirements.

3. Land Use Approval Extension Procedures.

(A) Applications for extensions shall be submitted in accordance with the Review Procedures of Chapter 18.15. Extension requests shall be submitted to the community development department prior to permit expiration.

(B) Public notice and procedures on applications for extension requests shall be in accordance with the Review Procedures of Chapter 18.15. However, in addition to mailed notice as required in Review Procedures of Chapter 18.15, notice shall be provided also to those on the record for the original Land Use Approval, associated appeals, and associated extensions.

(C) The Administrative decision, public hearing, and/or Commission decision concerning an extension may occur after the Land Use Approval would have expired but for a timely filed request for an extension.

4. Appeals. The decision concerning an extension may be appealed. Appeals shall be made in accordance with Review Procedures of Chapter 18.15. Appeals on Land Use Approval extensions shall be limited to the issues relevant to the extension criteria only and not to issues relevant to the original approval.

18.20. Low Density Residential (R-7)

18.20. 090 Accessory dwellings.

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

~~—— (1) From existing space in the primary dwelling;~~

~~—— (2) From a combination of existing and newly created space associated with the primary dwelling;~~

~~—— (3) From space within an existing accessory building, such as a detached garage; or~~

~~—— (4) From the addition of a new accessory building associated with an existing single-family home.~~

(B) Accessory dwellings shall comply with the following:

(1) The unit shall not exceed 800 square feet, or 60 percent of the total floor area of the primary dwelling, whichever is greater.

(2) The unit shall comply with the standard setbacks and height limitation of the base zone.

(3) all yard area requirements of the base zone shall be met, and the unit shall comply with the fire and life safety codes.

18.20.040 (F) the raising of animals other than normal household pets ***unless permitted through a livestock permit.***

18.20.050 Area, density and lot requirements.

(C) Maximum height.

Building height, as defined in CMC 18.195.080 shall not exceed 35 feet, except for

(1) A chimney, radio, television antenna, or solar feature.

(2) Affordable Housing with a 30-year affordability covenant compliant with ORS 456.270 through 456.295 as affordable to 80 percent area median income or less for each unit, or the average of the units is affordable at 60 percent area median income or less, is entitled to 150 percent of the existing density and 24 additional feet.

18.25 Very Low-Density Residential (R-10)

18.25.040 (F) the raising of animals other than normal household pets ***unless permitted through a livestock permit.***

18.25.050 Area, density and lot requirements.

(B) Maximum height.

Building height, as defined in CMC 18.195.080 shall not exceed 35 feet, except for

(1) A chimney, radio, television antenna, or solar feature.

(2) *Affordable Housing with a 30-year affordability covenant compliant with ORS 456.270 through 456.295 as affordable to 80 percent area median income or less for each unit, or the average of the units is affordable at 60 percent area median income or less, is entitled to 200 percent of the existing density and 12 additional feet.*

18.25.090 Accessory dwellings.

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

~~—— (1) From existing space in the primary dwelling;~~

~~—— (2) From a combination of existing and newly created space associated with the primary dwelling;~~

~~—— (3) From space within an existing accessory building, such as a detached garage; or~~

~~—— (4) From the addition of a new accessory building associated with an existing single-family home.~~

(B) Accessory dwellings shall comply with the following:

~~(1) the owner(s) of the primary dwelling shall occupy at least one of the units.~~

~~(21) There shall be a minimum of 250 square feet of floor area for each occupant, and there shall be no more than two occupants, and the *The* unit shall not exceed 800 square feet, or 30 percent of the total floor area of the primary dwelling.~~

~~(42) The exterior architectural design and building materials are consistent with those of the primary dwelling, and there shall be only one front door facing the street.~~

(53) All yard area requirements of the base zone shall be met, and the unit shall comply with the fire and life safety codes.

18.30 Manufactured Home Park

18.30.020 Permitted Uses

(L) A Recreational Vehicle that is occupied as a residential dwelling and is lawfully connected to water and electrical supply systems and a sewage disposal system through a building permit.

18.30.030 Prohibited uses.

(C) the raising of animals other than normal household pets **unless permitted through a livestock permit.**

18.30.070 Site Development Standards.

(G) Screening.

(1) Sight-obscuring screening shall be provided for all garbage and trash collection areas, and for any approved outdoor storage, or parking lots abutting residential development. Such screening shall be a minimum six-feet in height, and shall consist of a wall of brick, stone, or other substantial material; or a densely planted evergreen hedge and a decorative fence such as wrought-iron, or PVC or polymer covered chain link fencing. Galvanized chain link fencing shall not be permitted in new construction. Such screening shall be provided to a height sufficient to block the view of materials stored as viewed from the sidewalk on the opposite side of the street from the screen wall.

(2) Garbage and trash collection areas shall be designed to meet the needs of all types of trash and waste collection required, including recycling, food waste, and solid waste.

(3) The applicant shall demonstrate that the waste enclosure area is accessible by the waste service provider.

18.35 Multi-Unit Residential

18.35.040 Prohibited Uses

(D) the raising of animals other than normal household pets ***unless permitted through a livestock permit.***

18.35.050 Area, density and lot requirements.

(C) Maximum height.

Building height, as defined in CMC 18.195.080 shall not exceed ~~35~~**45** feet, except for

- (1) A chimney, radio, television antenna, or solar feature,
- (2) ***Affordable Housing with a 30-year affordability covenant compliant with ORS 456.270 through 456.295 as affordable to 80 percent area median income or less for each unit, or the average of the units is affordable at 60 percent area median income or less, is entitled to 150 percent of the existing density and 24 additional feet,***
- (3) Or as approved by the planning commission as part of a planned unit development.

18.35.060 Site Development Standards.

(K) Screening.

(1) Sight-obscuring screening shall be provided for all garbage and trash collection areas, and for any approved outdoor storage, or parking lots abutting residential development. Such screening shall be a minimum six-feet in height, and shall consist of a wall of brick, stone, or other substantial material; or a densely planted evergreen hedge and a decorative fence such as wrought-iron, or PVC or polymer covered chain link fencing. Galvanized chain link fencing shall not be permitted in new construction. Such screening shall be provided to a height sufficient to block the view of materials stored as viewed from the sidewalk on the opposite side of the street from the screen wall.

(2) Garbage and trash collection areas shall be designed to meet the needs of all types of trash and waste collection required, including recycling, food waste, and solid waste.

(3) The applicant shall demonstrate that the waste enclosure area is accessible by the waste service provider.

18.35.090 Accessory dwellings.

This section applies only to single-family detached or attached dwelling units.

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

~~—— (1) From existing space in the primary dwelling;~~

~~—— (2) From a combination of existing and newly created space associated with the primary dwelling;~~

~~—— (3) From space within an existing accessory building, such as a detached garage; or~~

~~—— (4) From the addition of a new accessory building associated with an existing single-family home.~~

(B) Accessory dwellings shall comply with the following:

(1) The unit shall not exceed 800 square feet, or 60 percent of the total floor area of the primary dwelling, whichever is greater.

(2) The unit shall comply with the standard setbacks and height limitation of the base zone.

(3) all yard area requirements of the base zone shall be met, and the unit shall comply with the fire and life safety codes.

18.45 Highway Commercial (C-2) zone

18.45.020 Permitted Uses

(K) Church and associated church activities.

(L) Conversion of a hotel or motel to an emergency shelter or affordable housing.

18.45.030 Conditional Uses

~~(H) Church and associated church activities:~~

18.45.040 Development requirements.

(C) Height of building. **~~No building shall exceed a height of 35 feet, unless approved by the planning commission.~~**

Building height, as defined in CMC 18.195.080 shall not exceed ~~35-40~~ feet, except for

(1) Affordable Housing with a 30-year affordability covenant compliant with ORS 456.270 through 456.295 as affordable to 80 percent area median income or less for each unit, or the average of the units is affordable at 60 percent area median income or less, is entitled to 150 percent of the existing density and 24 additional feet,

(2) Or as approved by the planning commission.

18.45.060 Site Development Standards.

(F) Screening.

(3) Garbage and trash collection areas shall be designed to meet the needs of all types of trash and waste collection required, including recycling, food waste, and solid waste.

(4) The applicant shall demonstrate that the waste enclosure area is accessible by the waste service provider.

18.54. Light Industrial Zone (LI)

18.54.020 Permitted Uses

(B) Public and private utilities, including ~~but not limited to~~ telephone exchanges, electric substations, *and* data centers, ~~gas regulator stations, water wells and public work yards.~~

~~(F) Wholesale and/or card-lock fuel stations with approved loading and queuing space.~~

(L) *New* Self-Service storage facilities.

(K) Housing owned by a public body or non-profit corporation organized as a religious corporation; is not within the 100-year floodplain; can be adequately served by water, sewer, storm and streets; and the housing has an affordability covenant compliant with ORS 456.270 through 456.295 for no less than 30 years and that the site is contiguous to residential property.

18.54.030 Conditional Uses

~~(J) Power generation plants and associated facilities, including wind turbines.~~

~~(L) Child care facilities and preschools, if fully integrated with and secondary to the primary use of a site.~~

~~(M) Public recreational facilities including parks, playfields and sports and racquet courts on publicly owned property.~~

~~(N) Private indoor recreational facilities.~~

~~(O) Sewage treatment plants.~~

18.54.070 (F) Screening.

(3) Garbage and trash collection areas shall be designed to meet the needs of all types of trash and waste collection required, including recycling, food waste, and solid waste.

(4) The applicant shall demonstrate that the waste enclosure area is accessible by the waste service provider.

18.55 General Industrial Zone (M-1)

18.55.020 Permitted Uses

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

~~(G) Existing nonconforming residential structures may be converted to general office commercial use without the need for direct arterial access, provided all other code requirements are met, and provided the conversion complies with all applicable building code requirements.~~

18.55.030 Conditional uses permitted.

~~(B) Any conditional use allowed in a commercial zone, except residential or certified child care.~~

~~(D) Parks, open space, recreation areas.~~

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

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

~~(M) Indoor mini-storage facility~~

18.55.070 (F) Screening.

(3) Garbage and trash collection areas shall be designed to meet the needs of all types of trash and waste collection required, including recycling, food waste, and solid waste.

(4) The applicant shall demonstrate that the waste enclosure area is accessible by the waste service provider.

18.60 Central Mixed-Use Zone (CMU)

18.60.020 Permitted Uses

(P) Church, and associated church activities.

(Q) Conversion of a hotel or motel to an emergency shelter or affordable housing.

18.60.030 Conditional Uses

~~(C) Church, and associate church activities.~~

(F) Building Height in excess of 60 feet with frontage on Adair or Baseline, or 40 45 feet anywhere else.

18.60.050 Development requirements.

(C)Height of Buildings

(1) Buildings may be a maximum of three stories, or 40 feet in height, whichever is less; except buildings with frontage on Adair or Baseline, which can be a maximum of four stories or 60 feet in height without a conditional use permit.

(2) Affordable Housing with a 30-year affordability covenant compliant with ORS 456.270 through 456.295 as affordable to 80 percent area median income or less for each unit, or the average of the units is affordable at 60 percent area median income or less, is entitled to 150 percent of the existing density and 24 additional feet,

(23) Buildings shall be a minimum of 16 feet in height. The minimum height is intended to maintain a sense of enclosure of the street. Single-story building shall incorporate false fronts, parapets, or other design elements that reach the minimum height along the entire length of the building,

18.60.060 Site Development Standards.

(J) Screening.

(1) Sight-obscuring screening shall be provided for all garbage and trash collection areas, and for any approved outdoor storage, or parking lots abutting residential development. Such screening shall be a minimum six-feet in height, and shall consist of a wall of brick, stone, or other substantial material; or a densely planted evergreen hedge and a decorative fence such as wrought-iron, or PVC or polymer covered chain link fencing. Galvanized chain link fencing shall not be permitted in new construction. Such screening shall be provided to a height sufficient to block the view of materials stored as viewed from the sidewalk on the opposite side of the street from the screen wall.

(2) Garbage and trash collection areas shall be designed to meet the needs of all types of trash and waste collection required, including recycling, food waste, and solid waste.

(3) The applicant shall demonstrate that the waste enclosure area is accessible by the waste service provider.

18.65 Corridor Commercial (CC) zone

18.65.020 Permitted Uses

(S) Church, and associated church activities.

(T) Conversion of a hotel or motel to an emergency shelter or affordable housing.

18.65.050 Development Requirements

(C) Height of buildings.

(1) Buildings may be a maximum of three stories, or 40 feet in height, whichever is less; **except buildings with frontage on Adair or Baseline, which can be a maximum of four stories or 60 feet in height without a conditional use permit.**

(2) Affordable Housing with a 30-year affordability covenant compliant with ORS 456.270 through 456.295 as affordable to 80 percent area median income or less for each unit, or the average of the units is affordable at 60 percent area median income or less, is entitled to 150 percent of the existing density and 24 additional feet.

18.65.060 Design requirements.

(K) Screening.

(1) Sight-obscuring screening shall be provided for all garbage and trash collection areas, and for any approved outdoor storage, or parking lots abutting residential development. Such screening shall be a minimum six-feet in height, and shall consist of a wall of brick, stone, or other substantial material; or a densely planted evergreen hedge and a decorative fence such as wrought-iron, or PVC or polymer covered chain link fencing. Galvanized chain link fencing shall not be permitted on new construction. Such screening shall be provided to a height sufficient to block the view of materials stored as viewed from the sidewalk on the opposite side of the street from the screen wall.

(2) Garbage and trash collection areas shall be designed to meet the needs of all types of trash and waste collection required, including recycling, food waste, and solid waste.

(3) The applicant shall demonstrate that the waste enclosure area is accessible by the waste service provider.

18.70 Core Residential Zone (CR)

18.70.040 (D) the raising of animals other than normal household pets ***unless permitted through a livestock permit.***

18.70.050 Area, density and lot requirements.

(C) Maximum height.

Building height, as defined in CMC 18.195.080 shall not exceed 35 feet, except for

- (1) A chimney, radio, television antenna, or solar feature,
- (2) ***Affordable Housing with a 30-year affordability covenant compliant with ORS 456.270 through 456.295 as affordable to 80 percent area median income or less for each unit, or the average of the units is affordable at 60 percent area median income or less, is entitled to 200 percent of the existing density and 12 additional feet,***
- (3) Or as approved by the planning commission as part of a planned unit development.

18.70.060 Site Development Standards.

(F) Screening.

(3) Garbage and trash collection areas shall be designed to meet the needs of all types of trash and waste collection required, including recycling and solid waste.

(4) The applicant shall demonstrate that the waste enclosure area is accessible by the waste service provider.

18.70.090 Accessory Dwellings.

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

~~—— (1) From existing space in the primary dwelling;~~

~~—— (2) From a combination of existing and newly created space associated with the primary dwelling;~~

~~—— (3) From space within an existing accessory building, such as a detached garage; or~~

~~—— (4) From the addition of a new accessory building associated with an existing single-family home.~~

~~(B) Accessory dwellings shall comply with the following:~~

18.75 Gateway Mixed Use

18.75.020 Permitted Uses

(O) Churches, and associated church activities.

(P) Conversion of a hotel or motel to an emergency shelter or affordable housing.

18.75.050 Development requirements.

(C) Height of Buildings.

- (1) Buildings shall be a maximum of three stories or 45 feet in height, whichever is less
- (2) ***Affordable Housing with a 30-year affordability covenant compliant with ORS 456.270 through 456.295 as affordable to 80 percent area median income or less for each unit, or the average of the units is affordable at 60 percent area median income or less, is entitled to 150 percent of the existing density and 24 additional feet,***
- (3) Building height may be increased to a maximum of four stories or 60 feet in height, whichever is less, for buildings or portions of buildings set back at least 30 feet from the eastern, western, or southern perimeters of the district, and set back at least 120 feet from the northern perimeter of the district, if approved as a conditional use consistent with CMC Chapter 18.05.

18.75.060 Design requirements.

(I) Screening.

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

(2) Sight-obscuring screening shall be provided for all garbage and trash collection areas, and for any approved outdoor storage, or parking lots abutting residential development. Such screening shall be a minimum six-feet in height, and shall consist of a wall of brick, stone, or other substantial material; or a densely planted evergreen hedge and a decorative fence such as wrought-iron, or PVC or polymer covered chain link fencing. Galvanized chain link fencing shall not be permitted on new construction. Such screening shall be provided to a height sufficient to block the view of materials stored as viewed from the sidewalk on the opposite side of the street from the screen wall.

(3) Garbage and trash collection areas shall be designed to meet the needs of all types of trash and waste collection required, including recycling, food waste, and solid waste.

(4) The applicant shall demonstrate that the waste enclosure area is accessible by the waste service provider.

18.75.065(A)(2) In subdistrict B, ~~up to 50 percent of a lot or multiple lots if developed concurrently may be developed as ground-floor residential uses, including parking to serve residential uses.~~ A range of residential and commercial uses may be allowed in a mix from 100 percent residential to 100 percent commercial, or any intervening ratio, at the request of the applicant, based on market conditions.

18.175.030(D)

The community development director may authorize the placement of seasonal displays and signs on public property, including streets and public ways, subject to review by the ~~public works director~~ **city engineer** and building official for compliance with public works and building code standards.

18.180.030(A)

Plans shall be prepared with reference to the survey grid system adopted by the city, and no other system of locations for elevations shall be used. The city will furnish, upon request at the price established by resolution, required programmatic maps. No other maps shall be used, except as may be approved by the ~~public works director~~ **city engineer** as being more up-to-date or accurate.

Changes to Chapter 18.195 Definitions:

18.195.010 A Definitions:

“Accessory dwelling unit” means a second or secondary, self-contained, dwelling unit with separate entrance and kitchen, developed in conjunction with a **primary dwelling unit, an existing single family residence. The accessory dwelling unit may be created from space in the primary dwelling, from space within an accessory building, a new accessory building, or a combination of new and existing space in either an accessory building or the primary dwelling.**

18.195.030 C definitions:

~~“Camping vehicle” means either a vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and which is intended for human occupancy and is being used for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet.~~

~~Contiguous. See “abut”. Means having a property line, zoning boundary or wall in common, does not apply to buildings, uses, or property separated by a street or alley or other rights-of-way.~~

18.195.040 D definitions:

Days means calendar days without reference to business days or holidays unless specifically stated to the contrary.

~~Dwelling unit means a residence consisting of self-contained living quarters with individual sleeping, cooking and bathroom facilities constructed on a lot. A single unit, providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.~~

Dwelling, Mobile Home includes the following housing types:

- (a) Residential Trailer. A structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being use for residential purposes, and that was constructed before January 1, 1962.**
- (b) Mobile House. A structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being use for residential purposes, and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.**
- (c) Manufacture Home. A structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, that is**

intended for human occupancy, that is being use for residential purposes, and that was constructed in accordance with federal manufactured housing construction safety standards regulations in effect at the time of construction.

18.19.130 M definitions:

Mobile Home means

- ~~(a) Residential Trailer. A structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being use for residential purposes, and that was constructed before January 1, 1962.~~
- ~~(b) Mobile House. A structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being use for residential purposes, and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.~~
- ~~(c) Manufacture Home. A structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being use for residential purposes, and that was constructed in accordance with federal manufactured housing construction safety standards regulations in effect at the time of construction.~~

18.19.195 R definitions:

~~“Recreational vehicle” means a boat, camper, motor vehicle, or portable vehicular structure capable of being towed on the highways by a motor vehicle, designed and intended for casual or short-term human occupancy for travel, recreational and vacation uses. If identified in some manner as a recreational vehicle by the manufacturer or registered as such with the state, it is prima facie a recreation vehicle.~~

~~“Recreation vehicle” means a vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes and has a floor space of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms. The unit shall be identified as a recreational vehicle by the manufacturer.”~~

Recreational Vehicle means a vehicle with or without motive power that is designed for use as temporary living quarters as further defined by rule by the Director of Transportation (ORS 74.101(3)).