

# Cornelius

Oregon's Family Town  
CORNELIUS PLANNING COMMISSION  
MEETING MINUTES

Tuesday, August 27, 2024

Location: 1355 N Barlow St., Cornelius, OR - Council Chambers.

**Commissioners Present:** Edgar Baker, Makena Owens, Greg Vaughn, and Chair Dave Waffle

**Commissioners Absent:** Vickie Cordell and Jared Hartrampf

**Staff Present:** Barbara Fryer, Community Development Director.

Chair Waffle called the Planning Commission meeting to order at 7:00 PM

A. **WELCOME**

B. **APPROVAL OF PLANNING COMMISSION MINUTES** – August 22, 2023 and April 23, 2024

A motion was made by **Commissioner Vaughn** to approve the minutes from August 22, 2023, and April 23, 2024, seconded by **Commissioner Baker**. Motion passed 4-0. Ayes: Commissioner Baker, Commissioner Owens, Commissioner Vaughn, and Chair Waffle.

C. **NEW BUSINESS** – None.

D. **PUBLIC HEARING**

**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.

**Applicant:** City of Cornelius Community Development Department

**Project Name:** Omnibus Land Use-Related Amendment

**Site Address:** No Specific Property

**Zones:** All Zones

**Review Criteria:** CMC 18.125 (Amendment to the zoning ordinance); Statewide Planning Goals 1, 2, 3, 5, 7, 9, 10, 11, 12, and 14; Oregon

Administrative Rules Division 7 and 46; Metro Chapter 3.07 Titles 1, 3, 7, 12, and 13; Chapter 4 of the Cornelius Comprehensive Plan

**Chair Waffle** opened the public hearing [shortly after 7 PM] and invited staff to speak.

**Barbara Fryer, Community Development Director**, provided an overview of proposed amendments to five chapters of the City's Municipal Code (CMC), and the establishment of a new CMC chapter. These amendments were presented to streamline language, remove outdated provisions, and align the code with current practices and state law. Throughout the presentation, Fryer invited commissioners to ask questions at any time and indicated that any sections of the proposed amendments could be pulled from the process if necessary.

**Director Fryer** explained the proposed amendment involving CMC Chapter 2.04, noting it is detailed in Exhibit 5A of the staff report. The current language requires specific findings of fact that reference outdated criteria. The proposed change replaces this with a more generic reference to "applicable approval criteria." This adjustment is intended to provide flexibility, ensuring that the language applies to whichever section of the code is being reviewed, and avoids conflicts with findings made by the Planning Commission or City Council.

**Director Fryer** explained the proposed amendment pertaining to CMC Chapter 5. The amendment seeks to eliminate a Trailer Coach Parking Permit that allows individuals to sleep in a trailer on private property for up to two weeks for a \$1 fee. Fryer explained that this permit has not been used for some time, and that it conflicts with existing zoning regulations, which prohibit camping in trailers on private property.

**Director Fryer** explained the proposed amendment to Chapter 15, as outlined in Exhibit 5C. This amendment relates to swimming pool permits and adjusts language referencing the City Recorder, replacing it with a more generic "City of Cornelius." The amendment aims to provide flexibility, as swimming pool permits are currently managed by the Community Development Department but may be handled by other departments in the future. Fryer noted that building permits are still issued by the City of Forest Grove under the existing contract.

**Director Fryer** explained the inclusion of a new CMC Chapter (Chapter 16) is proposed, as found in Exhibit 5D. This chapter covers miscellaneous permits, annexation procedures, and emergency shelter requirements. Staff explained that the annexation procedures codify existing Metro Code provisions, ensuring consistency with neighboring jurisdictions. The emergency shelter requirements reflect recent state law, which classifies shelters (such as domestic violence and day shelters) as non-land use decisions if certain criteria are met. These criteria are clearly outlined in the proposed new chapter.

**Director Fryer** explained proposed amendments that focus on CMC Chapters 17 and 18, that are detailed in Exhibit 5E. These changes update the fee language for land divisions and other related processes. The new fee structure will, based on language borrowed from a neighboring jurisdiction, simplify the process and ensure that all fees are adopted by resolution of the City Council, providing clarity and consistency across both chapters.

**Commissioner Owens** asked if only the swimming pool permits are submitted to the City of Cornelius.

**Director Fryer** answered yes. Fryer provided an example of how the Community Development Department plays a role in the pool permitting process and involves Land Use decisions. Discussion continued about pool permits.

**Director Fryer** continued by discussing updates related to state law 1537, which modifies the language for determining application completeness, particularly for land use applications. Fryer explained that when applicants submit a package to the city, it may fall under Type I, Type II, or Type III, with the Planning Commission hearing Type III applications. A checklist determines if an application is complete, which then starts a 180-day time frame for the City to complete its review and any appeals. If this deadline is missed, applicants can request a "writ of mandamus," allowing court approval without City involvement. The proposed amendments ensure the City complies with these requirements and the language regarding completeness is consistent in both Chapters 17 and 18.

**Director Fryer** explained a change to the language used for middle housing and expedited land division regulations. The amendment clarifies the processes are distinct applications with different procedures.

**Director Fryer** highlighted the proposed change to the CMC regarding the use of "working days" versus "calendar days" in many sections of the code. The amendment proposes switching to the use of plain "days" across the board, with the clarification that if a deadline or appeal period falls on a non-working day (e.g., a weekend or holiday), the deadline would roll over to the next business day. This ensures that applicants, staff, and the public clearly understand the timing of deadlines.

**Chair Waffle** asked if a definition of "working days" should be included, or if it is easily understood.

**Director Fryer** responded that a definition for "working days" can be added. Discussion continued about how that definition could be written and included.

**Commissioner Vaughn** asked if the time of day is included in the description of the deadline.

**Director Fryer** answered that the time of day can be added and clarified in the proposed changes. Fryer explained how that language can be included in a motion for the record. Discussion continued on why those suggestions should be included in the motion.

**Director Fryer** discussed updates to the time extension language. Currently, the city allows up to two one-year extensions on projects. The amendment adds a third extension, requiring Planning Commission review. Applicants must provide compelling reasons, such as market conditions, rather than simply project delays, and must meet specific criteria.

**Director Fryer** explained that currently the full definition of Accessory Dwelling Units (ADUs) is included in the CMC Chapter regarding ADU regulations. The proposed change eliminates the full definition and instead refers to the definitions chapter, to ensure consistency across zones. This change has been made for definition in all four residential zoning chapters.

**Director Fryer** explained that, per Oregon Revised Statutes, the City must allow affordable housing developments with a 30-year affordability covenant. Fryer explained affordable housing developments must meet specific income requirements based on Area Median Income (AMI), and detailed the metric used to determine income levels for housing affordability. Developers will receive a 150% density

bonus and an additional 24 feet in height, as mandated by state law. These provisions apply to all four residential zones, with bonuses adjusted based on each zone's base density.

**Chair Waffle** asked at what point the AMI is calculated and if the statutes deal with the life of the property.

**Director Fryer** answered the covenant exists for 30 years and will create compliance issues for local jurisdictions. Fryer reported they testified to that; noting that local jurisdictions don't collect data on affordability and do not have the right to do so.

**Commissioner Baker** asked if the City of Cornelius is the one approving permits.

**Director Fryer** answered yes.

**Commissioner Owens** asked who has the right to collect affordability jurisdiction information.

**Director Fryer** answered the City cannot collect the information; the State can collect it if they provide the funding for the project and the Washington County Housing authority sometimes gets that information. The Census is the only other organization Fryer is aware of that can collect that information. The Census collects information on a limited number of people. Fryer discussed the Census data collection in more detail.

**Director Fryer** explained the current CMC code regarding the inclusion of animals or livestock, other than household pets. Fryer explained the proposed changes to the CMC would prohibit raising animals other than household pets unless a livestock permit is obtained. This change will create consistency within the CMC.

**Director Fryer** discussed the proposed CMC amendment allowing recreational vehicles (RVs) to be used as residential dwellings in manufactured home parks, provided they are connected to water, electricity, and sewage systems through a building permit, as required by state law. This rule applies only to manufactured home parks.

**Director Fryer** also highlighted proposed updates for Manufactured Home Parks (MHP) and multifamily zones (A-2) regarding garbage disposal areas. The amendment requires side-obscuring screening and ensures that waste areas are designed to handle recycling, food waste (if applicable), and be accessible for waste service vehicles. A type of service provider letter is also required to confirm proper access. Discussion continued explaining service provider letters to the newer Commission members. Fryer further discussed where this update applies. Fryer concluded their summary of proposed changes to the CMC for residential zones.

**Director Fryer** discussed proposed updates to the C-2 Highway Commercial and Industrial zones. Two new permitted uses in C-2 include churches and converting hotels or motels into emergency shelters or affordable housing, to comply with state laws. Fryer proposed eliminating gas regulator stations and card lock fuel stations as permitted uses in industrial zones, aiming to reserve industrial land for higher-value purposes. New self-storage facilities would be prohibited; existing ones can continue.

**Director Fryer** explained amendments for affordable housing with specific requirements, such as affordability covenants for 30 years and conditions for housing on public or nonprofit land. Several conditional uses, including power generation, childcare facilities, public recreation, and sewage treatment plants, were proposed for elimination in industrial zones to prioritize job-generating uses.

Fryer clarified that general office improvements would not be considered a separate use and discussed eliminating certain conditional uses, such as outdoor storage, to enhance industrial land value. Fryer reiterated the need to preserve industrial land for core uses and limit non-industrial development in these zones.

**Director Fryer** explained the proposed changes to the CMC regarding Central Mixed-Use (CMU) zoning would include the same new permitted uses as the C-2 zone: churches and their associated activities and the conversion of hotels or motels into emergency shelters or affordable housing. A conditional use for increased building height was also retained, allowing applicants to request additional height beyond the permitted limits, which is currently set at 60 feet (or five stories) for buildings fronting major streets like Main or Baseline, and 40 feet (or three stories) elsewhere. Fryer clarified that the affordable housing requirement, including a 30-year affordability covenant, applies here as well. Additionally, Fryer emphasized the need for screening garbage collection areas in CMU zones.

**Director Fryer** discussed proposed amendments to the Corridor Commercial (CC) zone. Churches and their associated activities will be permitted uses, along with the conversion of hotels or motels into emergency shelters or affordable housing. Buildings along major streets like Main and Baseline are allowed to reach four stories or 60 feet in height, a change supported by previous discussions. Fryer also reiterated the inclusion of affordable housing provisions with a 30-year affordability covenant and the requirement for screening of garbage collection areas in this zone.

**Director Fryer** discussed proposed amendments to the Core Residential (CR) zone, highlighting that residents can keep animals through a livestock permit. The 30-year affordability covenant for affordable housing was also included, ensuring consistency across zones. Screening requirements for waste enclosures were added in case any are proposed, aligning with similar standards in other zones. Additionally, Fryer confirmed that the language for ADUs now refers to the standardized definition in the code for clarity.

**Director Fryer** explained proposed updates to the Gateway Mixed Use (GMU) zone. The permitted uses will include church and associated activities, as well as the conversion of a hotel or motel into an emergency shelter or affordable housing, which must comply with the 30-year affordability covenant. The height limit remains unchanged at three stories or 45 feet, but screening requirements for garbage collection areas was added. A significant change was proposed for Subdistrict B, located east of Fred Meyer. The proposed change will allow for a range of residential and commercial uses mixed at any ratio, from 100% residential to 100% commercial, depending on market conditions and the applicant's request. Discussion continued about where the GMU zone and Subdistrict B are located in the City.

**Chair Waffle** asked about letters received from developers on the topic.

**Director Fryer** explained that one piece of the property is under contract, and its development hinges on City Council approval of the CMC changes being proposed. If approved, the project will move forward. Another potential development on the site requires changes to eliminate the Mixed-Use components and modify the plans. Both projects, if realized, are expected to bring significant tax revenue to the City. Discussion continued regarding the current Mixed-Use standards and what has changed economically to warrant the proposed changes to the CMC. Fryer discussed the challenges

developers are having to afford completing projects and referred to Plaza Los Amigos as an example, because the developers are contemplating filing for bankruptcy.

**Commissioner Owens** asked about who is responsible for property maintenance for the recent development, Plaza Los Amigos.

**Director Fryer** answered they are not certain but explained what they believe to be the situation.

**Commissioner Baker** asked about the Planning Commission's role in allowing developers to have zero commercial.

**Director Fryer** clarified that the decision being made involves recommending to City Council a range of uses in the zone, from 100% residential to 100% commercial. This decision is not tied to any specific development. Future developments would come to the Planning Commission for review, and any modifications to existing developments may also return, depending on the classification of the proposed changes. Discussion continued about the lot east of Fred Meyer, and the status of proposed developments to that site.

**Commissioner Owens** commented that it would be disappointing to allow a development to build 100% residential if in four years the market changed.

**Chair Waffle** noted that if the decision were made to commit solely to 100% residential, it could potentially push the desirable commercial uses to the frontage along Adair, which is also a sought-after area, including the vicinity of Fred Meyer. Discussion continued regarding possible areas for the inclusion of commercial and how the area may build out.

**Director Fryer** explained additional proposed changes to the CMC. In the absence of a Public Works Director, the City Engineer will now handle the responsibilities previously assigned to that role in the development code. The proposed code has been updated to reflect this change.

**Director Fryer** mentioned new definitions have been added to the development code, listed in the final pages (28-30). Public Notice was provided through various means: a notice to the Department of Land Conservation and Development, a published notice in the News Times, and mailed notices to interested parties and property owners in certain zoning districts, where existing allowed or conditional uses were removed.

**Director Fryer** outlined the amendment criteria, noting that the proposal conforms to the City's comprehensive plan and addresses changes in case law and state law. However, due to mandated housing changes, the effect on neighborhood character is acknowledged as mixed. Finally, no substantial zoning map changes are proposed, and the amendments ensure consistency throughout the code.

**Chair Waffle** read the opening statement and procedure for the public hearing.

**Chair Waffle** requested that all Planning Commission members announce any potential conflict of interest, bias, *ex parte* contact, or if they had visited the site.

**Commissioners Baker, Owens, Vaughn, and Chair Waffle** had no conflicts, *ex parte* contact, or bias.

**Chair Waffle** invited anyone in the audience to speak for or against the proposal. There were no further comments.

**Director Fryer** noted that the Fair Housing Council of Oregon provided a comment regarding a lack of compliance with state planning goals in the amendments affecting residential zoning. They requested supplemental findings related to housing capacity changes, regardless of their negligible impact. Fryer responded that the City would not fulfill this request. Fryer reached out to the Department of Land Conservation and Development for comment, and they responded that while it was not a reason to delay the hearing, it would be prudent to read a statement into the record. Fryer then provided the following statement: "These potential changes, if enacted by City Council, could impact the city's goal ten compliance in a positive way, such as allowing for more opportunities for emergency shelters and lifting residential height limits." Fryer concluded by stating that staff recommends approval of the proposed amendments.

**Chair Waffle** asked if staff had any further comments. There were no further comments.

**Chair Waffle** closed the Public Hearing at 8:17pm.

**Chair Waffle** asked the Commissioners to formulate findings and conclusions enact by motion and vote. The motion will be a recommendation for approval or denial with amendments to the Cornelius City Council. Chair Waffle reiterated the previously mentioned recommended amendments to the staff proposal and asked the Commissioners if there were any further questions or comments.

**Commissioner Vaughn** expressed appreciation for the effort to modularize the code, allowing for centralized definitions and consistent language throughout. This approach will make future changes easier, as it eliminates the need to search through multiple chapters to find relevant language. Vaughn called this improvement "awesome work" and noted that it would be a significant help in the future.

**Chair Waffle** agreed and acknowledged the painstaking work staff has conducted and completed. Chair Waffle expressed appreciation for the Commissioners who also contributed to the discussion during multiple work sessions. Chair Waffle provided documentation of scrivener's errors they found during their review of the proposed amendments.

**Commissioner Baker** made a motion that CMCA-01-24, amendment to section 16, 17, and 18 of the Cornelius Municipal Code regarding housing industrial land height increase and compliance with federal laws related to regulating religious organizations. Motion seconded by **Commissioner Owens**.

**Commission Vaughn** made a motion to add an amendment to the motion, for staff to provide a definition to the term "working day" to match the City of Cornelius' operating hours. **Chair Waffle** seconded the motion. Motion for an amendment to the motion passed 4-0. Ayes: Commissioner Baker, Commissioner Owens, Commissioner Vaughn, and Chair Waffle.

**Chair Waffle** asked the Commissioners if they had anything further they wished to discuss. There was no further discussion. Motion to recommend the CMCA-01-24 amendments passed 4-0. Ayes: Commissioner Baker, Commissioner Owens, Commissioner Vaughn, and Chair Waffle.

E. **PRESENTATION** – None

F. **OLD BUSINESS** – None.

G. **ANNOUNCEMENTS** – Upcoming Planning Commission schedule and Project Update.

**Director Fryer** announced that the next Planning Commission will be a Work Session, on September 10th. The topic will be regarding food carts, short term rentals, and an amendment to the CMC regarding the public utility easement. Fryer briefly described the proposed amendment.

Director Fryer reported City staff is working with an applicant to complete an application to go before the Commission during an October meeting.

H. **ADJOURNMENT**

Chair Waffle adjourned the meeting at 8:30 p.m.