City of Cornelius Agenda Report

To: City Council

From:Barbara Fryer, Community Development Director

Date:October 2, 2023

Subject:Public Hearing for ZC -01-23 Recommendation for Approval from Planning Commission on Dehen Homes OR336, LLC Zone Change for property annexed to the City of Cornelius

Summary: A public hearing for a zone change from County AF5 zoning to City of Cornelius R-10 zoning on property recently annexed to the City of Cornelius.

**Previous Council Action**: The City Council adopted Ordinance 2015-07 in 2015 with regard to the Comprehensive Plan framework for this NE Urban Growth Boundary Area added through HB 4078 (termed “the Grand Bargain). On July 17, 2023, the City Council approved Resolution 2023-25 annexing the property in question.

**Relevant City Strategic Plan Goal(s):**

**Background****:** In 2014, the Oregon Legislature approved HB 4078 establishing the Urban Growth Boundary areas in the Portland Metropolitan Region. As part of the action, the Cornelius NE Urban Growth Boundary (UGB) area was established, which includes the property in question. In 2015, the City Council adopted Ordinance 2015-07, which memorialized the extensive work with the residents in the area to establish the Land Use Designations and supporting transportation system plan, water system plan, sanitary sewer system plan and storm sewer system plan amendments in the NE UGB area.

On August 22, 2023, the Planning Commission held a hearing on the proposed zone change from County AF5 to City R-10, and, at the request of Ms. Kristen Svicarovich, left the record open for 7 days and continued the hearing to a date and time certain of August 29, 2023. At the beginning of the August 29, 2023 meeting, Commissioner Braithwaite spoke about getting ahead of the process and his commitment to make his decision based on the criteria and the evidence in the record. Chair Waffle, who was not present at the August 22, 2023 hearing, stated that he listened to the recording of the August 22 hearing, reviewed the materials submitted for the meeting and the materials for the meeting of August 29, and declared that he drives by the site regularly as he travels on TVHWY. He noted he did not have any ex parte communication, was not biased with regard to the project, and did not have a conflict of interest. Commissioner Cordell noted that she made a site visit by driving up and down the length of NW 336th Avenue between the previous hearing and the meeting on August 29, 2023.

Mr. George Svicarovich and Ms. Svicarovich, each, submitted letters to the City of Cornelis staff on August 27, and August 28, respectively. Those items were transmitted to the Planning Commission the same day and were placed on the City’s website record and the Planning Commission permitted oral testimony by Mr. Svicarovich, who declined, and Ms. Svicarovich, who provided oral testimony.

At the conclusion of the oral testimony, Chair Waffle asked if the applicant wished to offer rebuttal. Ms. Mimi Dukas, AKS Engineering and Forestry, acting as the Applicant’s Representative offered rebuttal.

Mr. Waffle then asked if staff wished to comment. Ms. Fryer, Community Development Director, offered a staff report correction, formally entered into the record four items: 1) an ODOT Road Safety Audit Report dated June 2020 that she referenced in the hearing on August 22, 2023, 2) Mr. George Svicarovich’s written testimony, 3) Ms. Kristen Svicarovich’s written testimony consisting of a letter and appendices A through K, and 4) an email from Ms. Kristen Svicarovich that she requested to be entered into the record. Ms. Fryer read a potential condition of approval into the record for the Planning Commission to consider, should they find that it was necessary to address increased impacts on infrastructure for any middle housing application, should it be proffered in the future. Mr. Waffle closed the hearing and asked the Commissioners to deliberate.

The Commission voted 4 to 1 in favor of recommending the City Council approve the proposed zone change with the additions to the record noted by Ms. Fryer, the staff report correction noted by Ms. Fryer, and the proposed condition of approval noted by Ms. Fryer.

**Cost:** None identified

**Advisory Committee Recommendation:** The Planning Commission recommended approval of the zone change from County AF5 to City R-10 at their meeting of August 29, 2023.

**Exhibits:** **A:** Planning Commission amended staff report with Exhibits.

**B:** Verbatim transcript of August 22, 2023 and August 29, 2023 Planning Commission Meetings.

**C:** ODOT Road Safety Audit Report dated June 2020

**D:** Written public comment (See binder):

D1: Letter from Duane and Margaret Banks dated August 20, 2023

D2: Email from Matt and Michelle Taylor dated August 19, 2023

D3: Submission by Kristen Svicarovich on behalf of George and Francine Svicarovich dated August 21, 2023

D4: Letter submitted by George Svicarovich dated August 27, 2023

D5: Email string from Kristen Svicarovich dated August 29, 2023

D6: Letter with appendices A through K submitted by Kristen Svicarovich dated August 28, 2023