

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RECOMMENDING)	RESOLUTION NO. 79-116
THE CITY OF CORNELIUS' REQUEST)	
FOR ACKNOWLEDGMENT OF COMPLIANCE)	Introduced by the
WITH THE LCDC GOALS)	Planning and
		Development Committee

WHEREAS, Metro is the designated planning coordination body under ORS 197.765; and

WHEREAS, Under ORS 197.255 the Council is required to advise LCDC and local jurisdictions preparing comprehensive plans whether or not such plans are in conformity with the statewide planning goals; and

WHEREAS, LCDC Goal #2 requires that local land use plans be consistent with regional plans; and

WHEREAS, The city of Cornelius is now requesting that LCDC acknowledge its comprehensive plan as complying with the statewide planning goals; and

WHEREAS, Cornelius' comprehensive plan has been evaluated using the criteria and procedures contained in the "Metro Plan Review Manual" and, as summarized in the staff report attached as Exhibit "A," is found to comply with LCDC goals and to be consistent with regional plans adopted by CRAG or Metro prior to September, 1979; now, therefore,

BE IT RESOLVED,

1. That the Cornelius comprehensive plan is recommended for compliance acknowledgment by the LCDC.

2. That the Executive Officer forward copies of this Resolution, and the staff report attached hereto as Exhibit "A," to

LCDC, the city of Cornelius and appropriate agencies.

3. That subsequent to the adoption by the Council of any goals and objectives or functional plans after September, 1979, the Council will again review Cornelius' plan for consistency with regional plans and notify the city of Cornelius of any changes that may be needed at that time.

ADOPTED by the Council of the Metropolitan Service
District this 20th day of December, 1979.



Presiding Officer

JH/gl
5893/81

CITY OF CORNELIUS ACKNOWLEDGMENT REVIEW

(Numbers Refer to Items on the
Metro Plan Review Checklist)

Introduction

The city of Cornelius is located in Washington County along the Tualatin Valley Highway which bisects the City north and south. The City is situated to the west of Hillsboro and east of Forest Grove. It is a small town with a current population of approximately 3,775. Cornelius' population has nearly tripled since 1960, and from 1970 the population has increased an average rate of seven percent per annum, with a 12 percent increase between 1976 and 1977. Year 2000 population is projected to be between 7,615 and 8,750.

The City's plan includes plan policy and map designations for unincorporated land in the City's urban planning area, making it an "active" plan.

Cornelius has completed their plan with the assistance of the consultant firm CH₂M HILL. It basically is a well done document and shows that considerable effort and thought went into the process. The compliance problems that affected acknowledgment have been discussed with the City Manager and with the City's consultants and have been approved by the Planning Commission and City County.

Conclusions and Recommendations

Metro finds that the city of Cornelius' Comprehensive Plan for land within Metro's boundaries complies with all state goals and regional plans. The following problems were identified as compliance issues that were corrected by the City:

1. Goal #10 (Housing) is violated by the failure of the City, through its zoning ordinance, to provide clear and objective standards for approval of multi-family units in the A-2 multi-family zoning district. The only outright permitted multi-family use in the A-2 zone is duplexes which are not, alone, adequate to meet lower cost housing needs.
2. Goals #2 (Land Use Planning) and #14 (Urbanization) are violated by inconsistencies between the City's urban planning area boundary and land use designations and the adopted Metro UGB. The discrepancy appears to be a mapping error which was easily corrected.
3. Goals #2 and #7 (Hazards) require land designated as floodplain on the plan map to be zoned accordingly.

The city of Cornelius has undertaken the necessary corrections.

Metro recommends that LCDC approve the City's Compliance Acknowledgment Request as these corrections have been made satisfactorily.

General Requirements

The plan does not contain opening language that follows the Metro sample format for opening language. However, there are provisions within the Cornelius Plan that do provide for an annual, albeit informal, review of the plan to determine if any Metro or LCDC policy decisions affect the plan. Additionally, the City has adopted, by ordinance, a process for amending the plan which provides for coordination and conformance of any amendments to "the requirements of ORS chapter 197, applicable administrative rules of LCDC, ...and any and all other applicable statutes, rules and regulations, and ordinances of the State of Oregon, City of Cornelius, and other governmental agencies having jurisdiction over land use regulations with the City." Metro has interpreted these provisions to mean that the plan, and its elements and the zoning ordinance will be opened annually to consider compliance with Metro's goals and objectives and plans, and this annual amendment process will be consistent with the LCDC schedule for annual re-opening of approved local plans. Metro finds, therefore, that the City's plan does contain provisions adequate to satisfy the "opening language" requirement.

The City satisfies all other "completeness check" items.

(0.2.) In determining their population projections the City departed from "208" population projection figures. Instead they used "208" projections by traffic zones plus a 15 percent "contingency factor." Apparently, therefore, the higher number is not a fixed projection, but represents a decision to plan for more than its expected population in order to provide some flexibility should that expectation be in error. Since it is impossible to predict future population with certainty, and since the higher number is still within a growth range consistent with "208" projections for the entire census tract in which the City is located, this decision is not inappropriate. However, Metro questions the methodology used by the City to demonstrate that it can accommodate the higher projection (see discussion under Goal #10, item 10.2.4). Nonetheless, in order to be consistent with "208" the City need only plan to accommodate to the projected "208" population and to provide services commensurate with that population.

The City's land use plan can accommodate a population 10 percent in excess of the "208" traffic zone projections. It is not clear from the plan itself whether it is the traffic zone projections or the higher "contingency factor" estimate which is being used in facilities planning. Either the "208" projections or the higher capacity projections calculated by Metro staff would be appropriate to use for this purpose. It would not be appropriate for the City to use the highest "contingency factor" estimates for facilities planning,

however, since it does not appear that this level of population can be achieved within the City's current planning area. No major facility plans have been made on this basis however: sewage treatment is provided by USA at the Forest Grove plant, which now has capacity adequate to accommodate Cornelius through the year 2000 (p. 58); the only transportation project proposed is for a stop light which is justified on the basis of existing need and for which in any case, the City does not expect any outside funding. The only area where the use of the high estimate might cause problems is in the preparation of the City's master water supply plan (see discussion under Goal #11). It is extremely unlikely that the deficiency between the City's contingency estimate and Metro's calculations of land use capacity (less than 400 people) would create any practical inefficiencies if the higher number were used.

However, in order to clarify the basis for planning decisions and eliminate internal plan inconsistencies between the population planned for and the population which can actually be accommodated, the water supply plan should be explicitly based on either the "208" traffic zone projection or on more realistic capacity projections and the plan itself should be revised during the next update to reflect new population projections.

In the interim, Metro will not entertain any request for the amendment of the regional UGB or for project funding requests based on the contingency estimate figures.

Because, however, the population estimates used are consistent with "208" and the discrepancy with population capacity does not jeopardize efficient facilities planning, Metro does not believe the discrepancy jeopardizes compliance acknowledgment.

Conclusion: The City satisfies all general requirements.

Goal #1: Citizen Involvement

The City has established a very adequate Citizen Involvement Program (CIP) and has a Committee for Citizen Involvement (CCI). The only possible deficiency is that no CCI evaluation of the CIP has been included within the plan (1.6). The plan calls for CCI evaluation of the citizen involvement program "at least every five years." While more frequent evaluation may be desirable, no complaints about the City's citizen involvement process have been received by Metro or LCDC and in the absence of any apparent problems with the program, the proposed schedule for evaluation is adequate.

Conclusion: The City complies.

Goal #2: Land Use Planning

The City's plan is generally soundly based on appropriate inventories, analysis, consideration of alternatives, and clear policy choices.

This is an active plan and the plan review is based on this. The City has an Urban Planning Area Agreement with Washington County and consistent land use designations in the planning area. However, although the plan map designations are consistent, there are differences between City and County zoning for these designations. In most cases, the County has placed land in the City's planning area in an agricultural "holding" zone with a five acre or larger minimum lot size. Where, however, the County has designated land for low density residential development, the City's R-7 (low density) designation allows for a higher density of development than the R-15 zone the County has used. It is up to the City to decide, however, if such zoning is inconsistent with its plan for the area, and the City has signed an agreement with the County stating that the County's plan is consistent. Metro does not believe, therefore, that the zoning discrepancy is a compliance issue. The only remaining inconsistency is along the eastern edge of the planning area where a small parcel is designated commercial, inconsistent with both the Washington County Urban Area Study and with Metro's UGB. This problem is discussed under Goal #14 (Urbanization).

The final problem was an inconsistency between Goal #2 plan map and zoning designations. Certain areas designated as "flood hazard" on the Plan Map were not zoned accordingly. These areas are: the floodplain of the Tualatin River located along the southern central boundary of the City, and the floodplain of Council Creek along the City's northern boundary in the vicinity of Susbauer Road. The City has resolved these inconsistencies by rezoning the floodplain areas as floodplain.

Conclusion: The City complies.

Goal #3: Agricultural Lands

This goal is not applicable, provided that the City's urban planning area boundary is amended to be consistent with the regional UGB, as discussed under Goal #14.

Goal #4: Forest Lands

This goal is not explicitly addressed in the plan. However, there are no urban forest lands within the Cornelius planning area and the plan does note that the shrubbery around the Tualatin River will be protected as open space.

Conclusion: The City complies.

Goal #5: Open Space, Scenic and Historic Areas

The City has inventoried open space, scenic, and historic resources consistent with the criteria for this goal. Policies for preservation of these resources are adequate and the City will be pursuing the recognition of certain sites for historic preservation status.

Open space resources are located in the floodplain and are protected by that section of the Zoning Ordinance (Sections 10-180 through 10-186).

Conclusion: The City complies.

Goal #6: Air, Water and Land Quality

This section is adequate as the proper inventories have been conducted and are generally consistent with regional documents (6.1 through 6.1.4). The City has adopted Resolution No. 378 in the Plan (Appendix C) which declares the City's intent to coordinate and rely on Metro for regional solid waste and air quality planning components. The absence of language in support of the regional "208" plan is discussed under Goal #11.

Information on air quality is no longer accurate and should be revised when the plan is updated. The State Implementation Plan for air quality in the metropolitan region indicates that federal standards will not be met in some categories unless significant additional control measures are undertaken and both the extent and causes of the problem should be accurately reflected in the City's plan. Metro staff will provide the City with data and assistance to make these changes when the plan is updated.

Because accurate air quality information was not available at the time the City adopted its plan, and because the plan does contain policy to cooperate with Metro in air quality planning, Metro does not believe that this deficiency jeopardizes compliance.

One additional note is that the plan does not address whether natural drainage courses have sufficient capacity to carry future expected flows. The stormwater drainage plans, required in all new subdivisions, should include a determination of the impact the additional runoff will have on the ability of the natural drainage ways to handle these flows. Because there are no apparent drainage problems at this time, however, Metro does not believe this is a compliance issue, but encourages the City to address this problem during its next plan update.

Conclusion: The City complies.

Goal #7: Natural Hazards

The flood hazard of the Tualatin River and Council Creek are the only hazards identified by Cornelius; there are no problems with steep slopes or erosion due to the flat topography of the area (p. 51).

The floodplain is not identified on the Land Use Plan Map bound in the Comprehensive Plan; however, it is clearly indicated on the blue line map submitted by the applicant's consultant. Although some

of the areas identified as flood hazard on the plan map had not been zoned with the floodplain (FP) designation, this problem has been corrected.

Conclusion: The City complies.

Goal #8: Recreation

The Plan adequately addresses existing and future needs for park and open space in Cornelius. The City has adopted Ordinance No. 539, included in the Plan, to establish a system development charge for acquisition and development of parks and open space. This change will have a minimal impact on housing costs since the initial fee is only \$200.00 per residential lot, and appears to be an appropriate mechanism to meet the identified need for park land in Cornelius.

Conclusion: The City complies.

Goal #9: Economy of the State

The Plan contains a good analysis of existing commercial and industrial development within the City and on policies for future expansion. Commercial development along the highway is encouraged with adequate buffer controls for neighboring residential use. Industrial designations are applied to vacant land adjacent to the rail line.

Conclusion: The City complies.

Goal #10: Housing

The City addresses this goal in various sections of their Comprehensive Plan. They have identified the existing housing situation and market and recognize the need to provide for a range of housing types. The need for low and moderate income housing is indicated and policies encourage a variety of housing types and densities that are available at appropriate prices and rents. In addition, Cornelius is a participant in the Areawide Housing Opportunities Plan and is in the process of providing some subsidized housing in the City.

However, the identified housing need and the provision of housing to satisfy that need does require some clarification and revision.

10.2.4. and 10.2.5. The City has estimated a need for a total of 3,575 (2,400 new) housing units in its planning area to accommodate projected population. Its findings on the adequacy of proposed land use to produce the needed units are based on assumptions that overall density for all development will be five units per gross acre and that 60 percent of the urban area will be residentially developed (p. 11). Without affirmative findings that proposed land use designations are consistent with these assumptions, this approach is not adequate.

However, data available in the plan is adequate to complete the necessary analysis as follows:

CORNELIUS PROJECTED HOUSING CAPACITY

	<u>Single Family</u>	<u>Multi-family</u>	<u>Total</u>
Gross acres, vacant buildable land	200	130	330
Net acres (gross acres less 25% for non-residential use)	150	98	248
Density allowed by zoning (Units/net acres)	6.22	duplex only 9.68	7.58
New units possible	933	duplex only 948 with apartments* 1,347	1,881 2,280
% of all new units	.50%	duplex only .50%	1.00%
	41%	with apartments* 59%	100%

* assuming an average of six units per structure

Because conditional use provisions for apartments are currently too vague and discretionary to insure their provision (see discussion at 10.3.1.3, below), the estimates based on the production of duplexes only in the City's multi-family zone is the appropriate estimate of new construction if the plan were implemented as written. If the zoning ordinance were amended to provide clear and objective standards for apartment construction, then the higher estimate ("with apartments") is the more appropriate projection.

In either case, projected new construction meets or exceeds density assumptions in the UGB Findings. (In the first case, new multi-family would be at lower densities than the assumed average of 13.26 units per net acre, but the higher-than-assumed single family densities are adequate to achieve an overall density for new development higher than the regionwide average assumed in the Findings.)

If new multi-family development were limited to duplexes, however, projected new construction would not be adequate to meet identified local needs for an estimated 2,400 new units. Although even with some apartment construction, projected construction falls somewhat short of the City's projected needs, it nonetheless provides for

10 percent more population growth than projected in the "208" plan (1,163 existing units + 2,280 new units = 3,443 total units less three percent vacancy = 3,339 units; X 2.5 people/household = 8,347 people; divided by 7,615 projected "208" population = 110 percent).

Since, as discussed under "General Requirements," the "208" projections are the more appropriate ones to use in evaluating the adequacy of the City's land use plan, Metro finds that the City has provided for residential land necessary to meet local and regional needs, provided that apartment construction can be assured in the City's multi-family zone.

10.3.1.3. Higher density apartment use is allowed in the "A-2" multi-family zone as a conditional use. The language in the Cornelius Zoning Ordinance for conditional use approval is vague and discretionary and does not meet the standards established in LCDC's "St. Helens Policy." In permitting a conditional use, the zoning ordinance provides that "The City may impose...conditions found necessary to protect the best interests of the surrounding property or neighborhood or the city as a whole,...." and "...if the site is found inappropriate for the use requested, the commission may deny approval of the conditional use...." (emphasis added). Such language does not insure that an adequate amount of multi-family housing, (or mobile homes which are conditional uses as well), will be provided above the permitted duplex density.

Multi-family housing at higher-than-duplex densities is a "needed" housing type subject to application of the "St. Helens Policy" because:

- (1) the City itself has, in its plan, identified the need for multi-family housing at various densities (finding #6 and Policies 1 and 3, pp. 38-39);
- (2) the City cannot adequately provide for lower cost housing alternatively through duplexes alone; and
- (3) the City cannot accommodate projected population growth without providing for some apartment construction.

Based upon the Planning and Development Committee's recommendation on this matter, the City revised the zoning ordinance to make apartments a use "under prescribed conditions" subject to clear and objective approval standards.

With respect to mobile homes, the application of the "St. Helens Policy" is less clear. The large proportion of multi-family housing that could (given the necessary zoning code amendments) be provided is certainly adequate to address lower cost housing needs generally. The City has not, however, addressed the need for mobile homes, in particular, beyond finding that the City is currently providing for a substantially higher proportion of mobile homes (24 percent) than nearby communities.

If no new mobile homes were allowed, existing mobile homes would nonetheless account for eight percent of the year 2000 housing stock -- about equal to the current proportion in Forest Grove and significantly higher than that in Hillsboro and Beaverton. Metro finds, therefore, that even under stricter interpretation of the "St. Helens Policy" to require that the need for each specific type of housing be addressed, the City's findings on relative proportions of mobile homes in Cornelius and adjacent cities are adequate to demonstrate that the City's current mobile home stock is adequate to meet local and regional needs to the year 2000 and so the application of vague and discretionary conditions to the approval of new mobile home parks is not a Goal #10 violation.

Metro finds, therefore, that amendment of the zoning ordinance to include clear and objective standards for the attachment of conditions to the approval of multi-family housing, along with an inclusive and limited list of the types of conditions which might be imposed to achieve these standards, is adequate to achieve goal compliance.

Conclusion: The City complies.

Goal #11: Public Facilities and Services

Sewer, water, storm drainage, schools, solid waste, police, fire, energy, communications and general government are all adequately inventoried and future expansion plans are referenced. The City does note areas where there are potential problems in the provision of water. The City is proposing a master water system plan to establish policies and specific programs for development of a water system adequate for future growth. Funds have been set aside to begin this project and Metro finds these plans adequate for goal compliance.

The City has adopted policies in the plan that address the provision of public facilities and services to areas appropriate for such development.

The City recognizes Metro's role in air and solid waste planning matters by Ordinance No. 378, included in the appendix of the plan. However, the Plan does not include policy comparable to Metro's "sample language" recognizing and assuming its responsibility for planning, operating and regulating wastewater systems consistent with the regional "208" plan. However, although the City has responsibilities for the collection system, the Unified Sewage Agency of Washington County has primary responsibility for waste treatment in Cornelius. For this reason, Metro does not believe that this omission jeopardizes goal compliance.

Conclusion: The City complies.

Goal #12: Transportation

The Plan includes a review of existing transportation systems and does encourage increased emphasis on mass transit, bicycle and pedestrian service facilities (p. 68). Traffic problems are identified and solutions suggested that include traffic signal installation and street improvements. Energy conservation is considered and encouraged.

Although the plan does include a discussion of existing problems along the Tualatin Valley Highway, which runs through the center of town, there is no evaluation of the impacts of future trip growth nor consideration of the highway's role in the regional transportation system. However, the plan does contain policy supporting both Metro's Interim Transportation Plan and ongoing coordination with Metro in transportation planning adequate to insure that any future needs or problems identified during the preparation of Metro's regional transportation plan can be resolved cooperatively with the City.

Regarding the functional classification of facilities, the Plan limits its classification to two -- arterials and collectors -- as opposed to Metro's use of four classifications. While the Cornelius scheme would be inadequate in a larger community, it serves the needs of this City, with the TVH acting as the principal arterial and all other city streets acting as collectors for purely local use.

Conclusion: The City complies.

Goal #13: Energy Conservation

Energy conservation is discussed and policies to promote energy conservation in land use designation and transportation planning are included in the Plan. In general, it is desirable that jurisdictions identify and evaluate additional measures to promote conservation of energy (e.g., relative to site design or to energy use in government facilities), but for a jurisdiction of Cornelius' size, the policies included are adequate for compliance.

Conclusion: The City complies.

Goal #14: Urbanization

The city of Cornelius' Plan includes a discussion of urbanization. In this discussion the City attempts to provide adequate contiguous land for urban and future urban development. The plan identifies its urban planning areas as its "Urban Growth Boundary" (UGB). Such terminology is not appropriate as it is confusing with the Metro UGB, and the City should change its terminology when the plan is next amended.

The City's Land Use Plan Map in the bound copy of the Comprehensive Plan differs from the large blue line map submitted by the consultant. The blue line map indicates floodplain areas and includes an area identified as industrial (north of the cemetery) which are not consistent with the map in the bound plan. We are using the blue line map in our review, since it is clearer and more complete than the bound plan map, but the City should revise the map contained in the plan itself to be consistent with the blue line map at the earliest opportunity.

In this region, Metro has the authority for the establishment and maintenance of the regional UGB. Therefore, the findings requirements in the first part of the goal do not apply to local comprehensive plans. Instead, Metro reviews local plans to see that they contain an adopted UGB and process for its amendment consistent with the regional UGB and amendment process.

Currently, there are three instances where the City's "UGB" differs from Metro's, only one of which is a problem:

- (1) The southern boundary of the Metro UGB goes inside city limits, where the UGB follows the floodplain of the Tualatin River. Although the City's "UGB" does not follow Metro's UGB at this point, this difference is not a real inconsistency since all land outside Metro's UGB but inside city limits is protected from urban level development by the City's floodplain ordinance. There also is one small area between the Tualatin Valley Hwy. and the Southern Pacific Railroad which lies within city limits, but is not within the UGB.

These differences should be resolved by Metro, as OAR 660-01-301 states that all land within city limits is presumptively urban or urbanizable. Thus, these areas need to be redesignated by adjusting the UGB to follow city limits in those places where it currently runs inside the City. The Metro Council will consider such an amendment during the annual amendment process, but does not believe the problem jeopardizes the City's compliance.

- (2) Outside city limits there are several places where both the regional UGB and Cornelius' urban planning area follow the floodplain, but Metro's maps and the City's differ in the precise location shown for the floodplain. However, since the legal description for both boundaries are identical, the only problem is one of map translation. Since development approval will be based on the more detailed mapping of elevations by the U.S. Army Corps of Engineers, on which both boundaries are based, these differences do not constitute an inconsistency nor otherwise threaten the viability of the UGB.
- (3) There is one instance, however, of actual inconsistency between the City's "UGB" and Metro's UGB in the southeast corner of the plan map, where the City's "UGB" includes a

.83 acre parcel which is outside of the Metro UGB. Although this problem may appear minor, the legal ramifications are considerable. This area was specifically identified as rural in the Washington County Planning Area Study which was jointly adopted by Cornelius and the County. The UGB was amended to reflect this rural designation. Thus, the urban designation of this parcel on the plan map is an internal inconsistency in the plan itself, as well as being uncoordinated with both the County and Metro. The Plan cannot be acknowledged until this situation is clarified and a consistent boundary is achieved. Cornelius must change their "UGB" line to exclude this land from its urban planning area. City Manager, Steve Goodrich, has identified the problem as a mapping error and is making an administrative correction adequate to remedy it.

In addition, the plan contains policy on amendment of the UGB and annexation by the City which is inconsistent with regional policy, as it does not recognize Metro's role. Metro urges Cornelius to amend its policy on maintenance of the UGB to recognize Metro's role in this process, but this policy inconsistency itself does not jeopardize compliance provided the UGB in the City's Plan itself is consistent.

This goal also deals with the conversion of urbanizable land to urban use. Cornelius has identified its urban boundary based on needs to 1985, and urbanizable land (or urban intermediate) to meet needs to the year 2000 (Map 6). Development within existing urban areas will be given priority over development in the future urban lands in a stated plan policy. The City will develop in its future growth area only after proper findings can be made that include: the provision of services, the unavailability of land within existing urban areas, and that the area is contiguous to the urban area and represents a logical direction for growth. These policies adequately address this portion of the goal (14.2.3.2).

Conclusion: The City complies.

Goal #15: Willamette River Greenway

Does not apply.

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