

AGENDA

City of Aurora
PLANNING COMMISSION MEETING
Tuesday, November 06, 2012, 7:00 p.m.
Council Chambers
21420 Main Street N.E., Aurora, Oregon

1. **Call to Order of Planning Commission Meeting:**
2. **City Recorder Calls Roll**

Chairman, Schaefer
Commissioner, Willman
Commissioner, Gibson
Commissioner, Graham
Commissioner, Fawcett
Commissioner, Braun
Commissioner, Sallee

3. **Consent Agenda**

All matters listed within the Consent Agenda have been distributed to each member of the Aurora Planning Commission for reading and study, are considered to be routine, and will be enacted by one motion of the Commission with no separate discussion. If separate discussion is desired, that item may be removed from the consent Agenda and placed on the Regular Agenda by request.

Minutes

- I. Aurora Planning Commission Meeting –October 02, 2012
- II. HRB Minutes
- III. City Council – September 11 , 2012

Correspondence

I.

4. **Visitor**

Anyone wishing to address the Planning Commission concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the Council could look into the matter and provide some response in the future.

5. **Public Hearing**

A. **Discussion and or Action on Extended/Continuation of CPMA-12-01 Anthony Fidanzo**

6. **New Business**

A.

- 7. Old Business**
 - A. Discussion and or Action on Historic Review Board Guidelines**
 - B. Review of Title 17 revisions**

- 8. Commission Action/Discussion**
 - A. City Planning Activity (in Your Packets) Status of Development Projects within the City.**

- 9. Adjourn**

CONSENT AGENDA

Meeting Minutes

Correspondence

Financials

Other Items

Minutes
Aurora Planning Commission Meeting
Tuesday, October 02, 2012 at 7:00 P.M.
Aurora Commons Room, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder
Renata Wakeley, City Planner

STAFF ABSENT:

VISITORS PRESENT: Bill Graupp, Aurora
Karen Townsend, Aurora
Gayle Abernathy, Aurora
Kris Sallee, Aurora
Susie & Tim Corcoran, Aurora

1. Call to Order of Planning Commission Meeting

The meeting was called to order by Planning Chair Joseph Schaefer at 7:00 p.m.

2. City Recorder Did Roll Call

Chairman, Schaefer -	Present
Commissioner, Willman	Present
Commissioner, Gibson	Present
Commissioner, Graham	Present
Commissioner, Fawcett	Present
Commissioner, Braun	Absent

3. Consent Agenda

Minutes

- I. Aurora Planning Commission Meeting –September 04, 2012
- II. HRB Minutes
- III. City Council – August 14 , 2012

Correspondence

- I. **OR 99E Woodburn to Aurora Corridor Segment Plan, Project Management Meeting #3.** There is a brief discussion on the 3 draft improvement options describing this memo, Planning Commission is asking City Planner Wakeley about drawings because it would be much easier to grab the concept I had included them by email, Chairman Schaefer asks if we are in a hurry to provide comment Wakeley informs the Commission that she had provided a response in my review asking for clarity honestly I have not heard back nor about a meeting. Soon there will be an open house at Hubbard

City Hall and these options will be discussed I do not have a date for that I have not been attending just reviewing and commenting however it might be a good idea for someone from the city attend.

The Commission requested drawings for the next Planning Commission meeting.

- II. Email from ODOT, New Enhance Application Solicitation,** City Planner Wakeley is happy to have PC provide comment on this ODOT STIP application process this is new from ODOT. Wakeley states that I have spoke to ODOT about Aurora/Donald interchange and the continuation of sidewalk along 99E if there are others you can let me know. Side note in speaking to several of the County planners this application process the Woodburn interchange has received funding and they will be shutting down 99E for quite a while. I have asked for more information on this I will be sharing with everyone once I receive it. I am not sure if you can request help from the County or State to help with signage to make everyone aware. Councilor Graupp states it will be limited access not fully closed. Chairman Schaefer states that I would like to comment that the Hubbard cut off would be the way to go so let's confirm that traffic get detoured away from Aurora to 551 however Townsend says no it's good that they come into town. With the STIP Aurora/Donald interchange, side walk project am I hearing that this is something that we want to see keep moving forward because if it is not on the ODOT list for 2015 it will not be considered.
- Councilor Graupp states that I would like to see the safety flashing light Board member Townsend stated that originally we had asked for a sidewalk on the west side of 99 by the yarn shop for safety and we did not make it into their cycle to be approved.
- Wakeley states that funds are reduced so sorting through how we get these items added for business. This application is 5 pages. I have not heard a lot of excitement on these three intersections that are proposed from ODOT.

Commissioner Rob Graham will help assist Wakeley on this grant application for the STIP.

Motion to approve the consent agenda was made by Commissioner Gibson and seconded by Commissioner Graham.

4. Visitor

Anyone wishing to address the Planning Commission concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the Planning Commission could look into the matter and provide some response in the future.

No one spoke at this time.

5. Public Hearing

A. Discussion and or Action on Extended/Continuation of CPMA-12-01 Anthony Fidanzo,

Was called to order at 7:15

The applicant is not here to night, City Planner Wakeley gives a report or recollection on the process to date and so far MR. Fidanzo has been receiving positive comments however he has nothing in writing and Wakeley asked for an extension in this matter.

Currently we are covered by the 120 day rule agreement that Mr. Fidanzo signed and I recommend or ask for a continuance on this matter.

A motion is made by Commissioner Fawcett to continue the hearing until November 6, 2012 at the next regularly scheduled meeting and is seconded by Commissioner Graham. Motion Passes.

The Public Hearing closed at 7:20 with no comments from the audience.

6. New Business

- A. **Discussion and or Action on request for extension Gateway Aurora Project and Subdivision by Bixler.** Chairman Schaefer asks about the history of this extension and Wakeley states originally they were given 3 years at which point now Mr. Bixler submits a letter to Council and asks that it be extended for 2 years. Wakeley states that we have repeatedly asked for items and about half of the items we are requesting are getting lost at this point I think a 2 year extension is overly generous and I believe a one year is adequate.

A motion is made to recommend an extension for 1 year to City Council by Commissioner Sallee and is seconded by Commissioner Willman. Motion approved based on Municipal Code 16.76.360.

- B. **Discussion and or Action on Email from Sandra Larsen Department of Aviation.**

City Planner Wakeley states, there is no formal action so that is why I did not submit a staff report. I looked at this situation and since this is over the height restriction in your code I then contacted the Department of Aviation and Mr. Pitchford felt as though because this was so far away from the airport this should not be an issue, however based on our code I had to look into it. Since then he is no longer interested in the property because he does not feel he is subject to ODA 7640 form. However maybe we look at this and see if this is overly strict for the entire city. I wanted to bring this to your attention and this maybe one that we look at it and shrink the overlay zone in regards to this situation. Mr. Pitchford stated that some trees are taller and the city's own water tower is higher than that. Since we do not have anything in front of us I am not requesting a ruling just wanted to bring it to your attention.

HRB Board member Townsend asks if this would be a situation to notice surrounding properties, and I would ask that you considered looking at this situation and review the overlay to find out if this is warranted.

7. Old Business

A. Discussion and or Action on Historic Review Board Guidelines

- **Review of Title 17 revisions,**

Chairman Schaefer explains basically I followed the standard format in the code and I did go with the city standard numbering,

What I added here is that it gave the HRB the ability to approve or adopt the inventory and this is 17.04

- First change is on the inventory, and having it apart of the appendix and be part of the code.
- Question is the issue of how to inform citizens of the code standards, City Recorder states that the staff informs citizens already, and as they come into the office we hand out material.
- 17.04.50 A. this is where we put in applicability, Townsend states that demolish and remove are missing.
- Definitions, pg 401 new definitions for colony structure and bricks or masonry are new, Finished Material I would add to that siding and trim.

Masonry definition, Townsend feels that it is missing some items, to make this definition clear.

- 17.16
- I made changes to this section for clarity
- 406 pg, item 4 approval of application under this title.
- 407 pg amendments to guidelines and inventory, again this is procedural,

There is a lengthy discussion on neon or LED open signs. PC wants to allow however HRB does not want this. Commissioner Willman is totally against not allowing a neon sign because it is very hard to see if a business is open or not.

Salle states there should be some compromise because we need to let people know if these businesses are open or not.

Chairman Townsend of the HRB states that if you approve this you will have every store front displaying a neon sign and this will not be a look that we want in the historic sign.

Councilor Brotherton a guest, if you're a business that deals with cash basics it could be allowed however could you limit it if you were a church no not really but we could limit it as per size.

As per the discussion and the ability to not come to a decision Chairman Schaefer requests that HRB do some research on how other Historic towns have dealt with this? We will resume the discussion on how to handle neon and or LED lights then.

- Accessory Dwelling mostly formatting
- 17.28.50 was added for outdoor display, this is in the base code allows however in the guidelines it has a specific item.
Not sure if we need this here because it is A,B,C are in the base code.
- D. adds language from Guidelines section 15 for displays.
- 17.010 Contributing Structures, Schaefer states should be no cannot move, Townsend states if the building is in danger it should be allowed to be moved.
- Fences, Stock does this mean wire Chairman Schaefer asked, Townsend states that this should be allowed.

- What about old fashion rod iron fences, what if someone is in a nonconforming structure next to the museum then how do you know if this applies. If it is not listed as allowed then it is prohibited.
- We do not address what is appropriate, we are going to allow or not.
- **Porches**, Schaefer states that a brick or masonry porch doesn't fit. It is discussed to keep section A or not in the 17.36.040 it is determined that we need to tidy it up and not make people have a wooden only porch structure after the discussion is completed.

At the next November meeting a complete draft of these items will be presented for better clarity these list are just a few highlights of discussion that took place.

8. Commission Action/Discussion

- A. City Planning Activity (in Your Packets)
Status of Development Projects within the City.

9. Adjourn 9:15 P.M.

A motion to adjourn the October 02, 2012 meeting is made by Commissioner Fawcett and seconded by Commissioner Willman. Motion Passes Unanimously.

Chairman, Schaefer

ATTEST:

Kelly Richardson, City Recorder

Minutes
Aurora City Council Meeting
Tuesday, September 11, 2012, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder
Lyle McCuiston, Chief of Police
Bob Southard, Water Superintendent
Otis Phillips, Waste Water Superintendent
Jan Vlcek, Finance Officer

STAFF ABSENT:

VISITORS PRESENT: Trevor Daly, Lone Elder Rd
Jason Daly, Lone Elder Rd
Christine O'Brien, Aurora
Jason Saucedo, Aurora PD
Chris Halstead, Aurora
Kris Sallee, Aurora
Scott Brotherton, Aurora

1. Call to Order of the City Council Meeting

The meeting was called to order by Mayor Greg Taylor at 7:00 p.m.

2. Administrative assistant does Roll Call

Mayor Taylor – present
Councilor Graupp - present
Councilor Roberts -Resigned
Councilor Sahlin – present
Councilor Vlcek - present

3. Consent Agenda

- I. City Council Meeting Minutes – August 14, 2012
- II. Planning Commission Meeting Minutes – August 07, 2012
- III. Historic Review Board Minutes – June 28, 2012

Motion to approve Consent Agenda was made by Councilor Vlcek and seconded by Councilor Graupp. Motion Passes.

Correspondence

- I. **Resignation Letter from Terri Roberts**
- II. **Email to Bob Southard on Passenger Rail Project**
- III. **League of Oregon Cities Update**
- IV. **League of Oregon Cities invites to City Hall Week**

A motion was made by Councilor Graupp to approve the correspondence and accept Councilor Roberts resignation letter and was seconded by Councilor Sahlin. Motion Passes.

4. **Visitors**

Anyone wishing to address the City Council concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the City Council could look into the matter and provide some response in the future.

No one spoke at this time.

5. **Discussion with the Parks Committee, Nothing was said.**

6. **Discussion with Traffic Safety Commission, No one from Traffic Safety was present.**

7. **Reports**

A. Police Chief's Report – (included in your packet) Chief McCuiston read his report.

- **The average speed for the month was 21 miles over.**
- 10 instances 3 assists
- 1 assist on a wreck
- 4 vehicles towed
- Car 27 maintenance on an electrical issue
- 19 citations
- Records Clerk is on vacation and Brent Earhart is assisting in the office.
- Read the Analysis report, over the past year in a half.
 - **We have never had even one call a day.**

- ❖ **Councilor Sahlin comments that 21 miles per hour over the speed limit does not constitute a speed trap at that point they deserve that citation.**

No more questions of the Chief

B. Finance Officer's Report – Financials (included in your packets)

1. Revenue & Expense Report

- Everything at this point is where we should be.
- Auditors are scheduled for October 8th

There were no more questions from the council.

C. **Public Works Department's Report** – (included in your packet)

1. Monthly Status Report (Storm Water)

2. Monthly Status Report (Water)

Superintendent Southard does a brief overview of his report as provided.

- The water filtration unit is struggling with the high demand.
- Well levels at this point are low; hopefully we will not have to ask the public to water on odd and even schedule.
- Working with the manufacturer to resolve the issues with the water filtration unit.
- Storm Water Master Plan is moving forward.
- Routine maintenance items and in the Park the dog water valve has been fixed.

A. Waste Water Treatment Plant Update (from Otis Phillips),

- Plant is working well.
- Blower System is up and running.
- Everything is looking good

D. **City Recorder's Report** (included in your packet)

City Recorder, Richardson gives a brief overview of her report as included in the packet. There were no questions from the Council.

E. **City Attorney's Report** – (not Included in your packet)

- Apex Contract review, there is a minor yet significant change in the second line. Once the change is made as to whom the owner and the contractor are I believe it is good to go.
- Tort Claim has been filed from Rodger Eddy 21520 Main Street Aurora, OR 97002. Update, I spoke to City Planner Wakeley, as a general rule cyclone fence that he wants to put up he could apply for a variance however this process is very costly and probably will not be an option chosen.
- Mayor Taylor states that as far as he is concerned nothing is salvageable. I believe the city has been very patient and we now need to move forward with the process.

Consensus of the Council to move forward with the condemnation process and instructed City Attorney Koho to contact the building inspector to move forward on the process.

Mayor Taylor states he is very displeased at the point the response that we have received with the company that manufactured the water filtration unit however at Southard's request we will hold off another week until a letter is drafted by the Attorney.

9. Ordinances and Resolutions

A. Resolution Number 657 Declaring Council Position Vacant, by resignation of Councilor Roberts.

A motion is made to declare Council position 3 held by Terri Roberts vacant by Councilor Vlcek and seconded by Councilor Graupp. Motion Passes.

B. Resolution 658 Electing Council President

A motion is made to elect Councilor Bill Graupp as Council President by Councilor Vlcek and is seconded by Councilor Sahlin.

C. Resolution Number 659 Validating the Appointment of Vacant Council Position.

Mayor Taylor's recommendation to fill vacant Council seat is Scott Brotherton until election. Motion to approve Resolution 659 and appointing Scott Brotherton is made by Councilor Sahlin and seconded by Councilor Vlcek. Motion Passes. City Attorney Koho performs the swearing in.

D. Resolution Number 660 Changing Bank Account Signers and Removing Terri Roberts.

A motion is made to make Councilor Graupp a signer as Council President on the West Coast Bank account and the safe deposit box is made by Councilor Vlcek and seconded by Councilor Sahlin. Motion Passes.

E. Resolution Number 661 Resolution Authorizing Garbage Collection Rate Increase.

A motion is made to approve Resolution 661 to accept the increase proposed by Allied Waste by Councilor Graupp and is seconded by Councilor Vlcek. Motion Passes.

10. Old Business

A. Discussion on Economic Development Committee, Councilor Graupp let council know of 3 people that are interested and is reviewing a mission statement.

B. Discussion and or Action on Tri City Police Proposal

- **Town Hall meeting discussion**, if you were at meeting I (Mayor Taylor) thought it went very well the presentations were excellent and the questions and concerns were productive.
- Mayor Taylor proposes a work shop to discuss this further, if a decision is to be made it must be a special meeting or meeting stated by legal.
- The meeting is set for September 20, 2012 to discuss this issue at 6pm.

Chief McCuiston needs to address the reserve officers because they are working very hard for the city and currently they are in limbo and are not sure where we are going with this. Many of them may apply to Hubbard however they will not just absorb them they will need to go through testing. Officer Anderson would be interested in being the interim Chief to keep the doors open and so the department just doesn't go down. Mayor Taylor states go ahead and check into it and maybe if we have more information by the 20th we can let them know.

Mayor Taylor asks Chief McCuiston for an inventory of everything we have if possible before the 28th.

11. New Business

- A. Discussion and or action on whether or not to appoint a new Councilor for vacant position.** This was completed during the Resolutions process with filling the position with Scott Brotherton.
- B. Nomination of New Council President.** This was completed during the Resolution section with Councilor Graupp.
- C. Discussion and or Action on Backflow Management Policy, I would like to see us opt out of the, Need more information before a decision is made. Tabled.**
- D. Discussion and or Action on Proposed Allied Waste Increase, in attendance Carol Diane, Manager, Bret Davis Operations Manager.** There was a brief discussion and explanation for the increase of 5.5% mostly because of rising fuel costs along with labor and benefits. This increase would take effect on Oct 1, 2012.

Resident Scott Brotherton asks for clarification on a fee.

- E. Recommendation to have Kris Sallee to fill the vacancy, a verbal by PC**

A motion is made to accept the verbal recommendation from Planning Commission to appoint Kris Sallee to fill the open Commissioner seat by Councilor Graupp and seconded by Councilor Vlcek. Motion Passes.

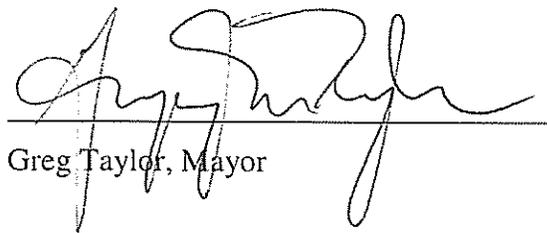
Chris Obrien was disappointed that the police situation was not talked about more.

Chris Halstead and Chris O'Brian state that they are very upset about the amount of man power in the public works department they feel a two person staff is far too many and is an area for staff cuts to help the budget.

Mayor Taylor tries to explain with no avail and suggests they get involved in the budget process or in other areas so they are better informed.

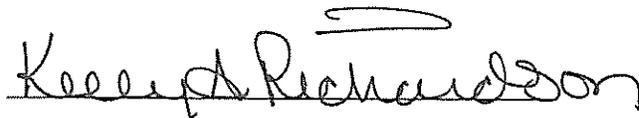
12. Adjourn

A motion to adjourn the September 11, 2012, meeting at 8:35 p.m. was made by Councilor Graupp and seconded by Councilor Brotherton. Motion Passed Unanimously.



Greg Taylor, Mayor

ATTEST:



Kelly Richardson, City Recorder

PUBLIC HEARING

PLANNING COMMISSION

STAFF REPORT

HEARING DATE: November 6, 2012

TO: Aurora Planning Commission

FILE: CPMA-12-01

APPLICANT: Anthony Fidanzo
151 Main Street W
Monmouth, OR 97361

SUBJECT PROPERTY Map 4.1.W13 Lot 700 (subject parcel is located at the eastern terminus of Ottaway Road and is also identified as 15233 Ottaway Road NE in Aurora. See Exhibit A.

REQUEST: The application applies to those portions of Lot 700 that are within the Urban Growth Boundary of the City of Aurora. The applicant has submitted an application requesting a Comprehensive Plan Map Amendment to remove the western 225 feet of the subject parcel from the Flood Hazard (FH) overlay designation, established by the City of Aurora in 2002. Upon further review and receipt of additional information, the applicant has requested to remove the westernmost 150-175 feet of the subject parcel from the FH overlay designation (See Exhibit E). The remainder of Lot 700 within the Urban Growth Boundary would maintain as the Flood Hazard (FH) designation under the Comprehensive Plan Map. No change to the city limits or urban growth boundary is proposed at this time.

APPLICABLE CRITERIA: Oregon Revised Statutes (ORS) 197.610 through 197.651; Comprehensive Plan goals and policies; Aurora Municipal Code Section 16.80 and 16.76

EXHIBITS: Exhibit A: Site Map
Exhibit B: Application materials
Exhibit C: DLCD correspondence and maps
Exhibit D: FEMA maps from 1987 and 2000
Exhibit E: Letter of Map Amendment (LOMA) determination from FEMA

BACKGROUND:

The City has received an revised application for re-designation of the westernmost 150-175 feet of the subject parcel from the FH overlay Comprehensive Plan designation (See Exhibit E) to a Low Density Residential (R-1) Comprehensive Plan designation. No change to the city limits or urban growth boundary is proposed at this time. The subject parcel contains approximately 93,544 square feet, or 2.15 acres, that are within the City of Aurora Urban Growth Boundary. The subject property within the UGB has a Marion County designation of Urban Transition (UT-20). The remainder of Lot 700, approximately 190,357 square feet or 4.37 acres are outside the Aurora Urban Growth Boundary and under a Marion County zoning designation of Exclusive Farm Use (EFU). The portions of the subject property included within this land use application are located within the City of Aurora Urban Growth Boundary (UGB). The land use action will not change the current zoning of the property but will rather change the Aurora Comprehensive Plan Map designation which would apply upon approval of annexation of the property and application to the City of Aurora for a zone change.

The subject parcel is currently shown in the Aurora Comprehensive Plan Map as having a Flood Hazard (FH) zone upon annexation into the city.

The property is located at the eastern terminus of Ottaway Road. The area to the west is zoned Low Density Residential and is within the Aurora city limits. The area to the north is within the Aurora Urban Growth Boundary with a Comprehensive Plan designation of Flood Hazard (FH) zone. The area to the east and south are located outside the city limits and urban growth boundary and are zoned Exclusive Farm Use (EFU) by Marion County.

PROPOSED USE:

The requested action was to move the Flood Hazard Overlay 225 feet to the east of its current location and change the Comprehensive Plan designation of Flood Hazard (FH) to a Comprehensive Plan designation of Low Density Residential (R-1) to the westernmost 225 feet. Upon further information and review, the applicant has requested to remove the westernmost 150-175 feet of the subject parcel from the FH overlay designation (See Exhibit E). If the subject application is approved, the applicant would be able to develop the property with those uses permitted under the Low Density Residential, upon approval of an annexation and zone change application. The land use action requested at this time does not include a request for annexation or zone change.

ANALYSIS OF APPLICABLE CRITERIA

Subchapter 16.80 Amendments to the Code, Comprehensive Plan, and Maps

16.80.30. Quasi-judicial amendments.

Quasi-judicial amendments shall be in accordance with the procedures set forth in 16.76. The council shall decide the applications on the record. A quasi-judicial application may be approved, approved with conditions, or denied.

Findings: Aurora Municipal Code (AMC) sections 16.76.020 through 16.76.110 outline the procedures for the application process, noticing requirements, approval authorities, and hearings procedures. The application was determined complete on June 5, 2012 and the City has 120 days, or until October 1, 2012, to take final application on the request unless extended at the request of the applicant. Notice of the proposed land use action was mailed to property owners within 250 feet of the subject property at least twenty (20) days prior to the first hearing date and published in the Canby Herald no less than ten (10) days prior to the first hearing date. Notice was also mailed to the Department of Land Conservation and Development for review and comment. The Planning Commission makes a recommendation to the City Council for final decision.

The City received a Waiver from the applicant for the 120 day rule for a final action on the application in order to allow for collection of more information in support of the application.

Staff finds the criteria under 16.76.020 through 16.76.110 are met.

Subchapter 16.76 Procedures for Decision Making—Quasi-Judicial

16.76.120 Standards for the decision

A. *The decision shall be based on proof by the applicant that the application fully complies with:*

1) *Applicable policies of the city comprehensive plan and map designation;*

Findings: The applicant requests a re-designation of the Comprehensive Plan Map of the westernmost 150-175 feet of the subject parcel from the Flood Hazard (FH) designation to a Low Density Residential (R-1) designation (See Exhibit E). The property was previously re-designated in 2002 from R-1 to FH. Approval of this land use action would revert portions of the property back to its pre-2002 Comprehensive Plan Map designation. A summary of applicable policies of the Aurora Comprehensive Plan are addressed below

Conformance with applicable policies of the city comprehensive plan and map designation:

Comprehensive Planning Goal 1: Citizen Involvement

Findings: Citizens owning property with 250 feet of the subject property were notified regarding the proposed comprehensive plan map amendment. The City printed a public notice of the proposed amendment and public hearing in the local newspaper. Both notices invite citizens to participate in a public hearing before the Planning Commission in July 2012 or to submit comments to the City prior to the public hearing. No written comments were received prior to the July Planning Commission meeting. At the July 2012 Planning Commission meeting, the applicant requested a continuation of the hearing until additional factual data could be provided. The public hearing was continued to the October Planning Commission meeting date and announced at the July hearing. Testimony from the public was also invited at the July Planning Commission meeting and none was received. Beyond the applicant, no interested parties were recorded. At the October 2012 Planning Commission meeting, the hearing was once again continued to the November 2012 Planning Commission hearing as no additional information had been received by the applicant, and no interested parties were recorded.

Staff finds this goal is met.

Comprehensive Planning Goal 2: Land Use Planning

Findings: The proposed plan map amendment follows the procedures and criteria for reviewing applications for plan amendment as outlined by the City of Aurora and statewide statutes.

Staff finds this goal is met.

Comprehensive Planning Goal 6: Air, Water and Land Resources

Findings: Policy 6 under this goal states, “The City will require all development to adhere to applicable federal and state clean water requirements.” While the proposed application is not for creation of new lots for development or construction at this time, approval of the application would remove the Aurora Flood Hazard (FH) designation from portions of the subject property which data showed to be within the Federal Emergency Management Agency (FEMA) 100-year floodplain.

Evidence submitted by the applicant under Exhibit E document approval of a Letter of Map Amendment (LOMA) from FEMA. The approved LOMA; dated October 2, 2012, documents FEMA's approval to move the 100-year floodplain. Exhibit E documents how far to the east the 100-year floodplain and FH overlay could be moved (approximately 175 feet to the east on the southern property line and approximately 150 east on the northern property line), thereby removing portions of the subject parcel from the 100-year floodplain and FH overlay. Staff finds this goal and this criteria is met.

Comprehensive Planning Goal 7: Natural Hazards

Findings: The Objective of this Goal is to “Protect life and property from natural hazards due to flood or landslide.” AMC section 16.18.050 states, “all property which falls within the boundaries of the one hundred (100) year floodplain shown on the FEMA maps as areas of special flood

hazard shall be subject to the provisions of this title”. The applicant has revised their request to match the data submitted under Exhibit E. Policy 1 under Natural Hazards further states, “The City will prohibit any urban development within the 100-year flood plain.” Approval of the subject application would remove the prohibition for future development within the 100-year floodplain as it would remove portions of the subject property shown to be under the 100-year floodplain from the City of Aurora Flood Hazard designation.

Subsequent data submitted by the applicant from FEMA shows the approval from FEMA for removal of portions of this property from the 100-year floodplain and that the approval of this application would not be contrary to the Comprehensive Plan goals and policies for Natural Hazards.

Staff finds the application meets this Comprehensive Plan goal and this criteria is met.

Comprehensive Planning Goal 10: Housing Policies

Findings: The application would remove prohibitions for development currently applying to the subject parcel. While approval of the application would meet some of the Comprehensive Plan policies for the provision of adequate housing, approval of the application would contrast with Policy 7 which states, “the City will encourage an active code enforcement program to maintain existing dwellings at minimum structural hazards” as the City does not currently require elevation certificates to be included with building permit applications.

Staff finds that while this Comprehensive Plan goal can be met with application approval, The City should require that subsequent building permits for structures not permitted under the FH zone, if any, are required to include elevation certificates showing the structures are above the revised floodplain elevation of 104 feet. This is included as a condition of approval. Staff finds this criteria can be met, with conditions.

Staff finds that Comprehensive Plan goals for Forest Lands, Open Spaces and Natural Resources, Recreation, Energy, Historic Resource Policies, Economic Policies, Public Facilities, Public Facilities and Services, and Transportation Policies do not apply to the subject application.

Staff finds this application is *consistent* with the applicable goals and policies of the Aurora Comprehensive Plan.

- 2) *The relevant approval standards found in the applicable chapter(s) of this title, the public works design standards, and other applicable implementing ordinances, including but not limited to, the Aurora Design Review Guidelines for Historic District Properties; and*

Findings: The proposed land use action would change portions of the property from the Flood Hazard (FH) Comprehensive Plan designation which is more restrictive of new construction than that permitted under Low Density Residential designation.

While the proposed land use action does not include annexation of the property within the city limits or the creation of new residential lots, the proposed Comprehensive Plan Map Amendment would allow for development in the future by removing portions of the property from the Flood Hazard designation upon annexation into the City. The intent of the FH designation is to, “promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions”. AMC section 16.18.050 states, “all property which falls within the boundaries of the one hundred (100) year floodplain shown on the FEMA maps as areas of special flood hazard shall be subject to the provisions of this title”.

New information submitted by the applicant under Exhibit E shows that portions of the subject property can be re-designated or removed from the Flood Hazard overlay zone as they are not within the boundaries of the 100- year floodplain shown on the previous FEMA maps as areas of special flood hazard.

The applicant will still be subject to the Aurora Municipal and Development Code and other applicable chapter(s) of this title and the public works design standards. At the time of annexation, partition/subdivision, development, and/or permit approval, the subject property will remain subject to the approval criteria of the Municipal Code. Staff finds this criterion is met.

- 3) *In the case of a quasi-judicial plan map amendment or zone change, the change will not adversely affect the health, safety and welfare of the community.*

Findings: The applicant argues that his property was erroneously placed under the Flood Hazard (FH) Comprehensive Plan designation in 2002 as the westernmost 225 feet are not within the 100-year FEMA special flood hazard area. The applicant was able to provide documentation of approval of a Letter of Map Amendment from FEMA. The subject land use action does not propose an amendment to FEMA maps but rather requests the City comprehensive plan map designation of Flood Hazard be removed from the portions of the subject property based upon elevation data submitted by the applicant and the approved LOMA (see Exhibit E). The FH overlay could be moved (approximately 175 feet to the east on the southern property line and approximately 150 feet to the east on the northern property line), thereby removing portions of the subject parcel from the FH overlay without adversely affecting the health, safety and welfare of the community as these portions of the subject property are shown to not be within the 100-year floodplain. Staff finds this goal and this criteria is met.

The intent of the FH designation is to, “promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions”. AMC section 16.18.050 states, “all property which falls within the boundaries of the one hundred (100) year floodplain shown on the FEMA maps as areas of special flood hazard shall be subject to the provisions of this title”. The applicant argues that portions of the subject parcel are not subject to the FEMA areas of special flood hazard and were erroneously included in the 2002 ordinance applying the FH designation to the subject property. Staff

finds evidence submitted by the applicant documents portions of the subject parcel are not subject to the FEMA 100-year flood plain and staff finds this criterion is met.

B. Consideration may also be given to:

1) Proof of a substantial change in circumstances or a mistake in the comprehensive plan or zoning map as it related to the property which is the subject of the development application; and

Findings: Exhibit E documents FEMA's concurrence that circumstances have changed or the comprehensive plan map mistakenly identified the entirety of subject parcel as subject to the 100-year floodplain. Staff believes the applicant has provided information to satisfy the criterion that circumstances have changed or that a mistake was made and that portions of the parcel, approximately the westernmost 200 feet of the southern property line and approximately the westernmost 150 feet on the northern property line), should be removed from the FH Comprehensive Plan designation. Therefore, staff finds this criterion is met.

2) Factual oral testimony or written statements from other parties, other persons and other governmental agencies relevant to the existing conditions, other applicable standards and criteria, possible negative or positive attributes of the proposal or factors in subsections (A) or (B)(1) of this section.

Findings: See Exhibit E and summary above. Staff finds the application meets the criteria as outlined above for approval of an amendment to the comprehensive plan map.

SUMMARY FINDINGS OF FACT AND CONDITIONS OF APPROVAL:

Based on the findings above and in the body of this report, staff recommends the Planning Commission recommend the Aurora City Council **APPROVE** the application CPMA-12-01 with the following conditions:

1. The subject property is: Section Township Range. Tax Lot of Map
2. The owners of record are:
3. The property subject to this action is currently within the Urban Growth Boundary and has a Comprehensive Plan designation of Flood Hazard (FH) overlay.
4. The property is subject to the Aurora Municipal Code (AMC) and land use and development requirements of the AMC.

5. Building permits, if any, on the subject property shall be required to include elevation certificates documenting structures meet the development requirements of the underlying zone, if applicable.

PLANNING COMMISSION ACTION

Comprehensive Plan Amendment 12-01:

A. A motion to recommend the City Council deny the request for Comprehensive Plan Map Amendment 12-01:

1. As recommended by staff; or
2. As further amended by the Planning Commission (stating any revisions).

B. A motion to continue the comprehensive plan map amendment request to a date and time certain (stating the date and time).

C. A motion to continue the comprehensive plan map amendment request indefinitely, stating at what point the Planning Commission would consider reopening the hearing.

D. A motion to recommend the City Council approve the request for Comprehensive Plan Map Amendment 12-01 stating the reason(s) for approval.

City of Aurora Building /Planning Application

(Check appropriate box)

- | | |
|--|---|
| <input type="checkbox"/> SITE DEVELOPMENT REVIEW (AMC 16.58)
<input type="checkbox"/> FLOOD PLAN DEV PERMIT (AMC 16.18)
<input type="checkbox"/> HISTORIC OVERLAY DISTRICT (AMC 16.20-16.22)
<input type="checkbox"/> Certificate of Appropriateness
<input type="checkbox"/> Demolition Permit
<input type="checkbox"/> Sign Review
<input type="checkbox"/> MANUFACTURED HOME PARK (AMC 16.36)
<input type="checkbox"/> COMPREHENSIVE PLAN AMENDMENT (AMC 16.80)
<input type="checkbox"/> Text <input type="checkbox"/> Map
<input checked="" type="checkbox"/> ZONING ORDINANCE AMENDMENT (AMC 16.80)
<input type="checkbox"/> Text <input checked="" type="checkbox"/> Map | <input type="checkbox"/> CONDITIONAL USE (AMC 16.60)
<input type="checkbox"/> VARIANCE (AMC 16.64)
<input type="checkbox"/> HOME OCCUPATION (AMC 16.46)
___ Type I ___ Type II
<input type="checkbox"/> NON-CONFORMING USE (AMC 16.62)
<input type="checkbox"/> LAND DIVISION
<input type="checkbox"/> Subdivision (AMC 16.72)
<input type="checkbox"/> Partition (AMC 16.70)
<input type="checkbox"/> Property Line Adjustment (AMC 16.68)
<input type="checkbox"/> APPEAL TO _____ (AMC 16.74-16.78)
<input type="checkbox"/> OTHER _____ |
|--|---|

APPLICANT GENERAL INFORMATION

Applicant Anthony J Fidanza Phone 503-207-7077
 Mailing Address 15233 OTTAWAY RD NE Aurora OR 97002
 Property Owner Same as above Phone _____
 Mailing Address _____
 Contact person if different than applicant _____ Phone _____
 Mailing Address _____

PROPERTY DESCRIPTION

Address 15233 OTTAWAY RD NE Tax Map # 13A6 Tax Lot # 70
 Legal Description (attach add'l sheet if necessary) _____
 Total Acres or Sq. Ft. 82,000 sqft Existing Land Use UTF
 Existing Zoning UTF Proposed Zoning (if applicable) _____
 Proposed use _____

ACTION REQUESTED: (use additional sheets as needed)

Map - ordinance change back to buildable

ATTACHMENTS:

- A. Plot plan of subject property- show scale, north arrow, location of all existing and proposed structures, road access to property, names of owners of each property, etc. Plot plans can be submitted on tax assessor maps which can be obtained from the tax assessor's office in the Marion County Courthouse, Salem OR
- B. Legal description of the property as it appears on the deed (metes and bounds). This can be obtained at the Marion County Clerk's office in the Marion County Courthouse, Salem OR.

ADDITIONAL INFORMATION

In order to expedite and complete the processing of this application, the City of Aurora requires that all pertinent material required for review of this application be submitted at the time application is made. If the application is found to be incomplete, review and processing of the application will not begin until the application is made complete. The submittal requirement relative to this application may be obtained from the specific sections of the Aurora Municipal Code pertaining to this application. If there are any questions as to submittal requirements, contact the City Hall prior to formal submission of the application.

In submitting this application, the applicant should be prepared to give evidence and information which will justify the request and satisfy all the required applicable criteria. The filing fee deposit must be paid at the time of submission. This fee in no way assures approval of the application and is refundable to the extent that the fee is not used to cover all actual costs of processing the application.

I certify that the statements made in this application are complete and true to the best of my knowledge. I understand that any false statements may result in denial of this application. I understand that the original fee paid is only a deposit and I agree to pay all additional actual costs of processing this application, including, but not limited to, all planning, engineering, City attorney and City administration fees & costs. I understand that no final development approval shall be given and/or building permit shall be issued until all actual costs for processing this application are paid in full.

Signature of Applicant Anthony J Fidanza Date 5-4-12

Signature of Property Owner _____ Date _____

Office Use Only:	Received By: <u>KL</u>	Date: <u>5-24-2012</u>	Fee Paid \$ <u>1500.00</u>	CK # <u>9509</u>
Receipt # _____	Case File # _____	Planning Director Review _____	Date _____	

CF-01111
#

364 00'

PLOT PLAN

JOE FIDANZO
15233 OTTAWAY ROAD
MARION COUNTY, OREGON 97002
MAP 13A8 TAX LOT 70
GIRVIN LAND CLAIM

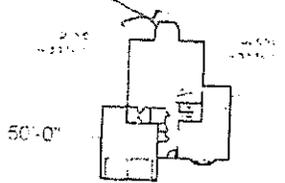
720 00'

720 00'

THIS SITE PLAN WAS PREPARED BY THE APPLICANT AND USED FOR REVIEW OF THE EXISTING SEPTIC SYSTEM. ACCURACY OF THE SITE PLAN CANNOT BE GUARANTEED.

110' x 110'

Basement 4' 9" Above ground



220'-4 3/16"

720 00'

Existing Drive

364 00'

OTTAWAY RD

See the plan in the notes

111

Exhibit BC

Wakeley, Renata

From: Shirley, Christine [christine.shirley@state.or.us]
Sent: Thursday, June 21, 2012 11:00 AM
To: 'Jfidanzo@aol.com'
Cc: Lazarean, Angela; Wakeley, Renata
Subject: RE: Ottaway property
Attachments: floodmaps2.pdf; OttawayHistoric.pdf

Dear Joe,

As discussed last night, please find attached the historic flood insurance rate map that covers your property. As you can see the map is short on detail making it difficult to locate your specific property on the map. Fortunately your property is located at the "104" base flood elevation line, giving us something to reference to.

I have also included in this email the current effective flood insurance rate map, rendered at the same scale as the historic map. If you print out both maps, and overlay them (against a sunny window) so that the "104" base flood elevations and flood zone boundaries align, you will see quite clearly that the boundaries of the flood zone have not changed since the 1987 map.

Hope this helps give you a clearer picture,

Christine

From: Shirley, Christine
Sent: Tuesday, June 19, 2012 1:58 PM
To: 'Wakeley, Renata'
Cc: Jfidanzo@aol.com; Lazarean, Angela
Subject: RE: Ottaway property

Dear Renata,

Please find attached a map drawn from our GIS system that depicts Taxlot 700 and the FEMA Floodway, 1% (or AE) and 0.2% floodplains. The Floodway + the 1% annual floodplain are the regulatory Special Flood Hazard Area, which must be regulated by the local flood hazard ordinance.

The Aurora city limit shown on the FEMA Flood Insurance Rate Map (FIRM) is incorrect (or old). The length of Ottaway Road also seems to be foreshortened on the FIRM. I have added to my map the most recent city limit boundaries generated by ODOT and available at the DAS-GEO website. The old city limit line and foreshortened road on the FIRM Map may have added to confusion about how to interpret the FIRM. Likewise, having the panels cut in the vicinity of the project makes it hard to figure out exactly where the project is located.

As you can see from my map, most of taxlot 700 is in the Special Flood Hazard Area. If the applicant wishes to be relieved of regulatory burdens associated with being in the Special Flood Hazard Area, he or she must file a Letter of Map Amendment application with FEMA. If granted, the LOMA would remove portions of the property that are above the base flood elevation from the Special Flood Hazard Area. Upon approval of the LOMA, Aurora could amend its local flood hazard overlay to address the changes. Alternatively, Aurora could amend its code to define the flood hazard overlay as the FEMA Special Flood Hazard Area, and then use the digital flood insurance rate map product to provide the boundaries. That way Aurora would not need to amend its flood hazard overlay boundary to match FEMAS line work every time FEMA grants a letter of map amendment or revision.

In any case, the applicant will need to amend their comprehensive land use map amendment application so that the adjustment stops at the western edge of the AE flood zone boundary, or continue the application until a FEMA grants a Letter of Map Amendment, and then adjust the boundary according to how the parcel elevations correspond to the base flood elevation as shown on the LOMA.

Please let me know if you have any questions.

Christine Shirley | NFIP Coordinator
Planning Services Division
Oregon Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540
Office: (503) 373-0050 ext. 250 | Cell: (971) 239-9457 | Fax: (503) 378-6033
christine.shirley@state.or.us | www.oregon.gov/LCD

From: Wakeley, Renata [<mailto:renatac@mwvcog.org>]
Sent: Tuesday, June 19, 2012 10:59 AM
To: Shirley, Christine
Cc: jfidanzo@aol.com
Subject: RE: Ottaway property

Hi Christine,

Thank you for your response. Do I understand your explanation below correctly in the attached that the pink hatch marks are the 500-year flood hazard area and the darker red hatch is the 100 year floodplain? I labeled each as I understand it from your description below in the attached scanned document. Please let me know if this is correct.

I understand that the City should include the SFHA (the darker red area) in the Flood Hazard Overlay, but are they also required to include the 500-year flood hazard area?

What if the City were to chose to completely remove their Flood Hazard zone from their zone code and comprehensive plan, like some other cities, and only use the FEMA maps as their guides for development as not every city has adopted a special flood hazard zone.

Finally, the Google Earth mapping does not appear to match up to the FEMA map from 2000 that you previously forwarded to me. How does Google Earth information compare to the attached FEMA map and which take precedence? The attached FEMA map doesn't show the 100 year starting until the eastern edge/end of Ottaway Road.

The applicant and City will be interested in knowing all of their options in moving forward with the pending application. If possible, please phone so we can discuss this in further detail.

Thanks,



FLOODWAY

100

104

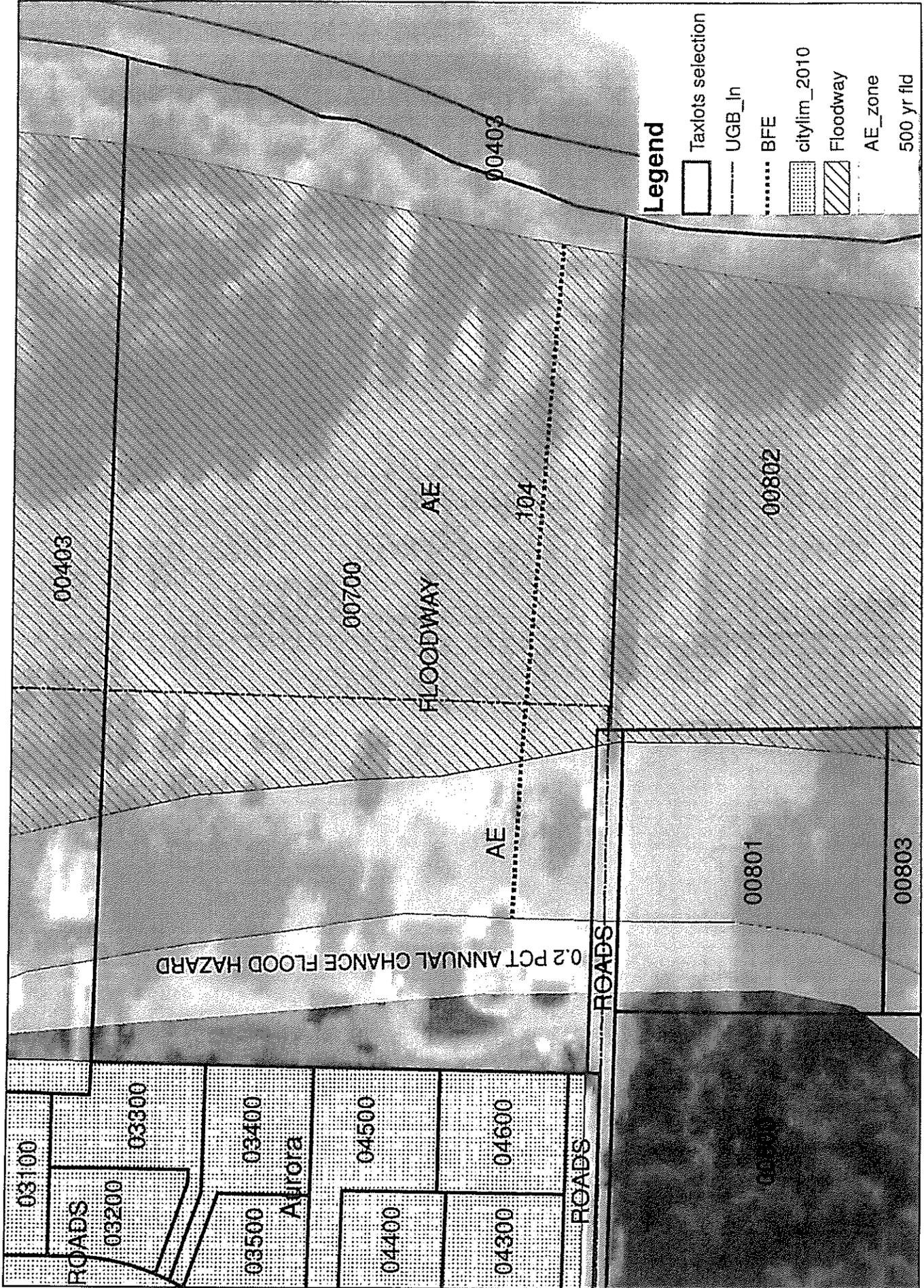
Ottaway Rd NE

Google

© 2012 Google

1-2 FT

3



Flood Insurance Rate Map 41047C0175G for Map 041W13 Lot 700
Source: DLCD 6/19/2012

200 Feet

0 50 100



Exhibit 04

APPROXIMATE SCALE IN FEET

2000
0
2000

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE MAP

MARION COUNTY
OREGON
(UNINCORPORATED AREA)

PANEL 100 OF 700
(SEE MAP INDEX FOR PANELS NOT PRINTED)

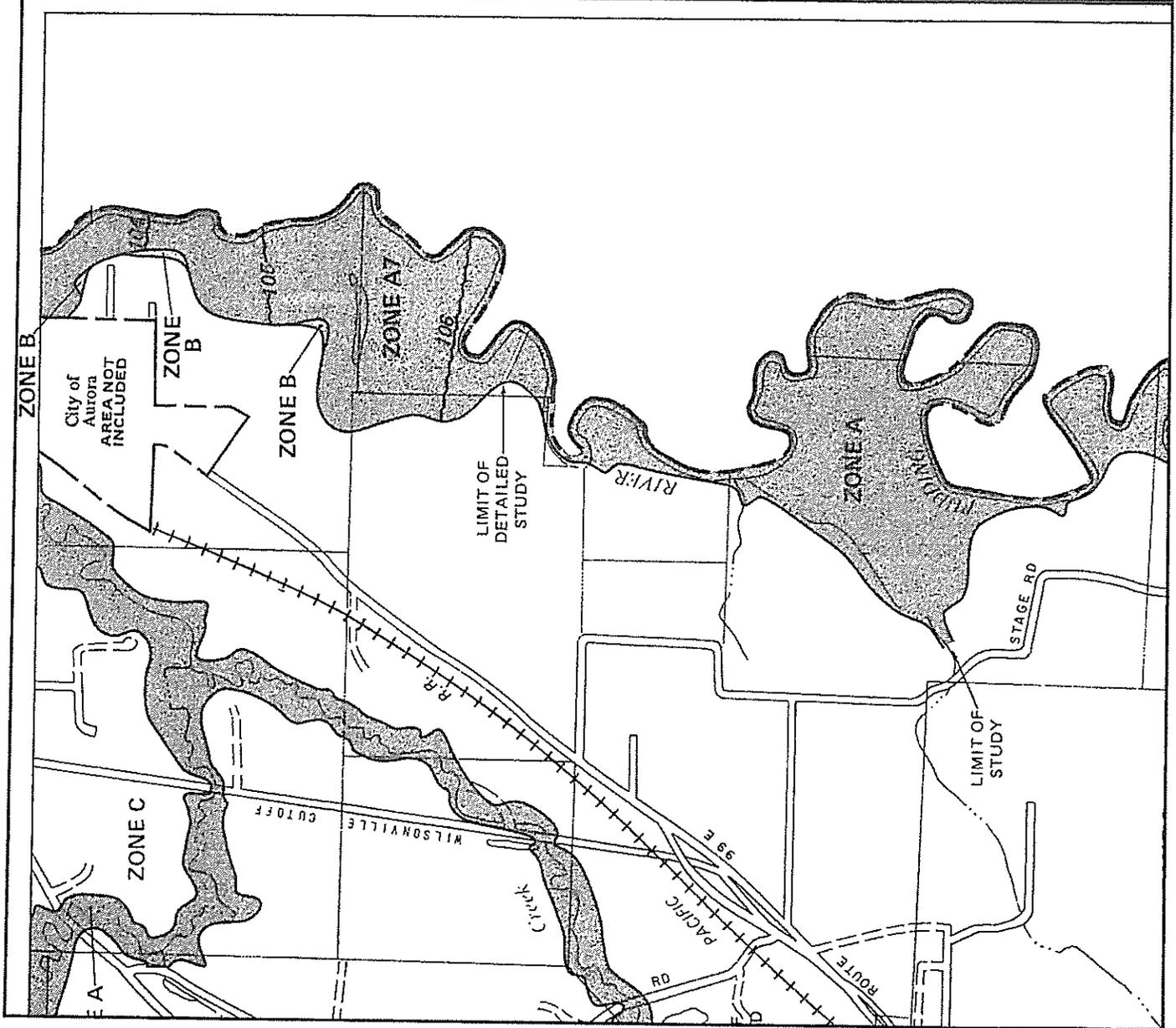
TS

JMHW PANEL NUMBER
110154 0100 C

MAP REVISED:
AUGUST 19, 1987

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov.



Exhibit



APPROXIMATE SCALE IN FEET
500 0 500

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP
MARION COUNTY,
OREGON AND
INCORPORATED AREAS

PANEL 132 OF 1150

(SEE MAP INDEX FOR PANELS NOT PRINTED)

CONTAINS
COMMUNITY

NUMBER PANEL SURVEY

AURORA CITY OF
MARION COUNTY
UNINCORPORATED AREAS

4026 027 5
4024 026 5

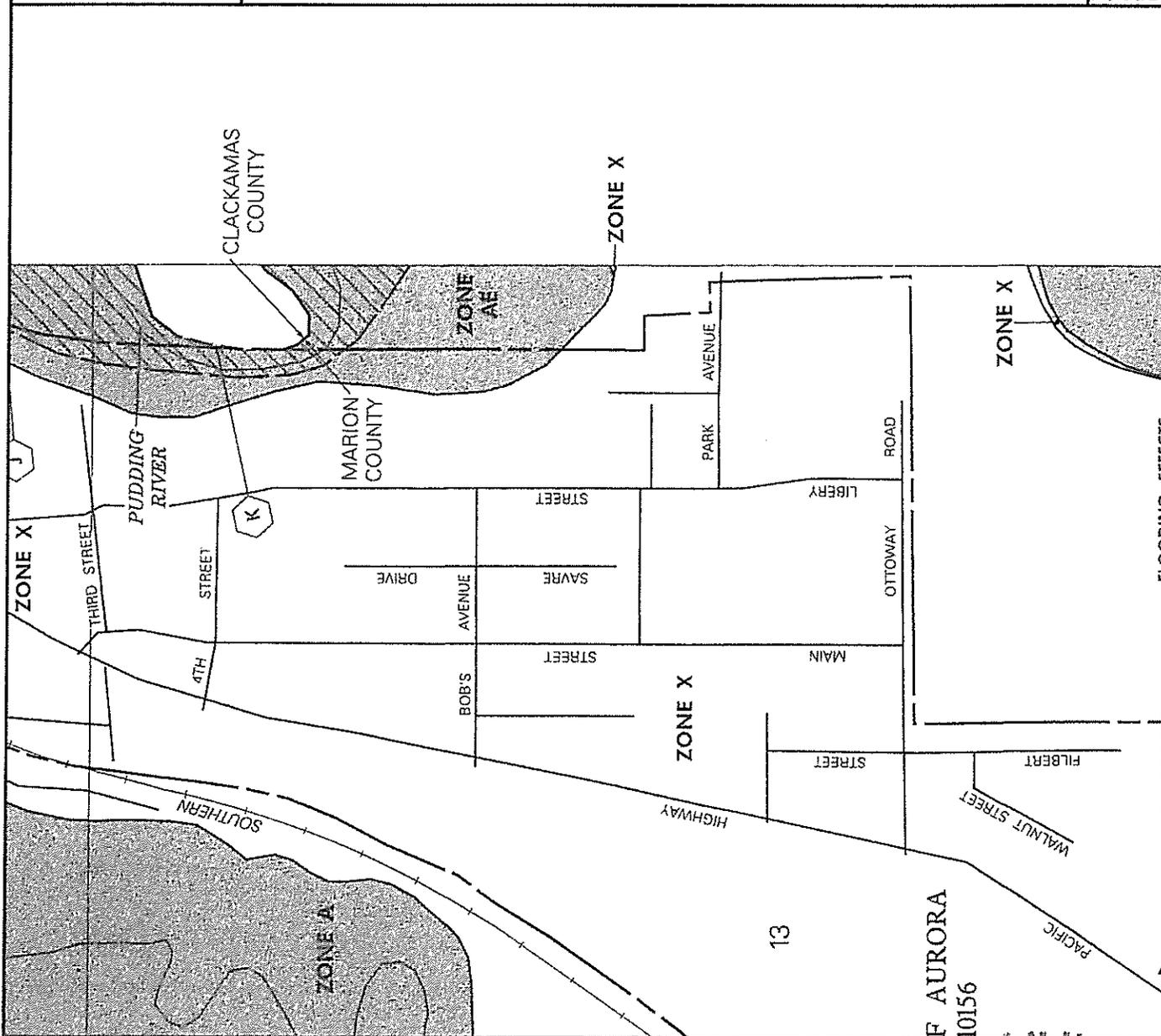
MAP NUMBER
41047C0132 G

EFFECTIVE DATE:
JANUARY 19, 2000



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the data on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



F AURORA
F010156

Exhibit

D2



APPROXIMATE SCALE IN FEET

2000 0 2000

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP
 MARION COUNTY,
 OREGON AND
 INCORPORATED AREAS

PANEL 175 OF 1150
 (SEE MAP INDEX FOR PANELS NOT PRINTED)

COLLARS CONTINUIT	NUMBER	PANEL SUFFIX
MARION COUNTY, UNINCORPORATED AREAS	4754	075 G

MAP NUMBER
41047C0175 G

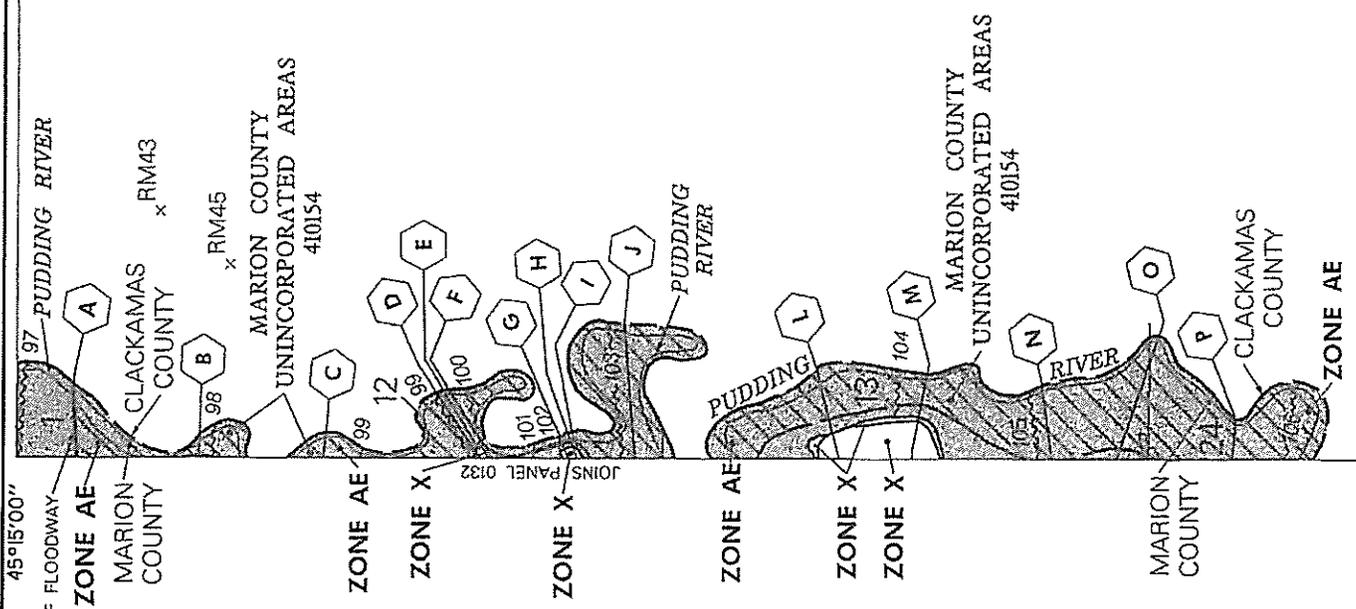
EFFECTIVE DATE:
JANUARY 19, 2000



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT One-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps, check the FEMA Flood Map Store at www.msc.fema.gov

NOTE: MAP
TOWNSHIP
RANGE 1 E



Exhibit

D3



Federal Emergency Management Agency

Washington, D.C. 20472

October 02, 2012

MIR JOHNGE NEWBERG
NEWBERG SURVEYING, INC
1205 NORTHEAST EVANS
MC MINNVILLE, OR 97128

CASE NO.: 12-10-1491A
COMMUNITY - MARION COUNTY, OREGON
(UNINCORPORATED AREAS)
COMMUNITY NO - 110151

DEAR MR. NEWBERG:

This is in reference to a request that the Federal Emergency Management Agency (FEMA) determine if the property described in the enclosed document is located within an identified Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), on the effective National Flood Insurance Program (NFIP) map. Using the information submitted and the effective NFIP map, our determination is shown on the attached Letter of Map Amendment (LOMA) Determination Document. This determination document provides additional information regarding the effective NFIP map, the legal description of the property and our determination.

Additional documents are enclosed which provide information regarding the subject property and LOMAs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Assistance Center toll free at (877) 356-2622 (877-FEMA-MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 817 South Pickett Street, Alexandria, VA 22304-1605.

Sincerely,

Enr. Rodriguez, PE, Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

LIST OF ENCLOSURES:

LOMA DETERMINATION DOCUMENT REMOVAL

- cc. State Commonwealth NFIP Coordinator
Community Map Repository
Region

Exhibit

E1



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	MARION COUNTY, OREGON (Unincorporated Areas)	Tract 2, as described in the Warranty Deed, recorded as Control No 112786, in Reel 2310, Page 160, in the Office of the County Clerk Marion County, Oregon. The portion of property is more particularly described by the following metes and bounds.
	COMMUNITY NO : 410154	
AFFECTED MAP PANEL	NUMBER: 41047C0175G	
	DATE: 1/19/2000	

FLOODING SOURCE: PUDDING RIVER	APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 45.274, -122.749 SOURCE OF LAT & LONG: ARCGIS 10 DATUM: NAD 83
--------------------------------	--

DETERMINATION

LOT	BLOCK/SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NGVD 29)	LOWEST ADJACENT GRADE ELEVATION (NGVD 29)	LOWEST LOT ELEVATION (NGVD 29)
-	-	-	15233 Ottaway Road Northeast	Portion of Property	X (shaded)	104.1 feet	-	104.1 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1 percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION
PORTIONS REMAIN IN THE FLOODWAY

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) shown and located in the SFHA, an area inundated by the flood having a 1 percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map. Therefore, the Federal mandatory flood insurance requirement does not apply; however, the owner has the option to continue the flood insurance requirement to protect its financial risk on the asset. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding the determination. If you have any questions about this document, please contact the ICMA Map Assistance Center toll free at (877) 276-2027 (277 FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 847 South Park Street, Alexandria, VA 22304-4605.

Luis Rodriguez, PE, Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Exhibit E2



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

BEGINNING at the northwest property corner, thence S89°56'02"E, 152.88 feet; thence S40°14'02"W, 21.14 feet; thence S82°41'03"W, 80.16 feet; thence S29°06'30"E, 66.03 feet; thence S49°37'38"E, 69.09 feet; thence S21°55'21"E, 119.29 feet; thence S06°43'01"W, 65.68 feet; thence S02°03'28"E, 56.82 feet; thence S28°28'15"W, 15.11 feet; thence N89°56'02"W, 176.45 feet; thence N00°02'36"E, 374.73 feet to the POINT OF BEGINNING.

PORTIONS OF THE PROPERTY REMAIN IN THE FLOODWAY (This Additional Consideration applies to the preceding 1 Property.)

A portion of this property is located within the Special Flood Hazard Area and the National Flood Insurance Program (NFIP) regulatory floodway for the flooding source indicated on the Determination/Comment Document while the subject of this determination is not. The NFIP regulatory floodway is the area that must remain unobstructed in order to prevent unacceptable increases in base flood elevations. Therefore, no construction may take place in an NFIP regulatory floodway that may cause an increase in the base flood elevation, and any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management. The NFIP regulatory floodway is provided to the community as a tool to regulate floodplain development. Modifications to the NFIP regulatory floodway must be accepted by both the Federal Emergency Management Agency (FEMA) and the community involved. Appropriate community actions are defined in Paragraph 60.3(d) of the NFIP regulations. Any proposed revision to the NFIP regulatory floodway must be submitted to FEMA by community officials. The community should contact either the Regional Director (for those communities in Regions I-IV, and VI-X), or the Regional Engineer (for those communities in Region V) for guidance on the data which must be submitted for a revision to the NFIP regulatory floodway. Contact information for each regional office can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877 FEMA MAP) or from our web site at <http://www.fema.gov/about/regoff.htm>

This attachment provides additional information regarding this removal. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877 FEMA MAP), or by letter addressed to: The Federal Emergency Management Agency Engineering Library, 547 South Fackett Street, Alexandria, VA 22304-4805.

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

Exhibit E3



Federal Emergency Management Agency

Washington, D.C. 20472

ADDITIONAL INFORMATION REGARDING LETTERS OF MAP AMENDMENT

When making determinations on requests for Letters of Map Amendment (LOMAs), the Department of Homeland Security's Federal Emergency Management Agency (FEMA) bases its determination on the flood hazard information available at the time of the determination. Requesters should be aware that flood conditions may change or new information may be generated that would supersede FEMA's determination. In such cases, the community will be informed by letter.

Requesters also should be aware that removal of a property (parcel of land or structure) from the Special Flood Hazard Area (SFHA) means FEMA has determined the property is not subject to inundation by the flood having a 1 percent chance of being equaled or exceeded in any given year (base flood). This does not mean the property is not subject to other flood hazards. The property could be inundated by a flood with a magnitude greater than the base flood or by localized flooding not shown on the effective National Flood Insurance Program (NFIP) map.

The effect of a LOMA is it removes the Federal requirement for the lender to require flood insurance coverage for the property described. The LOMA is *not* a waiver of the condition that the property owner maintain flood insurance coverage for the property. *Only* the lender can waive the flood insurance purchase requirement because the lender imposed the requirement. *The property owner must request and receive a written waiver from the lender before canceling the policy.* The lender may determine, on its own as a business decision, that it wishes to continue the flood insurance requirement to protect its financial risk on the loan.

The LOMA provides FEMA's comment on the mandatory flood insurance requirements of the NFIP as they apply to a particular property. A LOMA is not a building permit, nor should it be construed as such. Any development, new construction, or substantial improvement of a property impacted by a LOMA must comply with all applicable State and local criteria and other Federal criteria.

If a lender releases a property owner from the flood insurance requirement, and the property owner decides to cancel the policy and seek a refund, the NFIP will refund the premium paid for the current policy year provided that no claim is pending or has been paid on the policy during the current policy year. The property owner must provide a written waiver of the insurance requirement from the lender to the property insurance agent or company servicing his or her policy. The agent or company will then process the refund request.

Even though structures are not located in an SFHA, as mentioned above, they could be flooded by a flooding event with a greater magnitude than the base flood. In fact, more than 25 percent of all claims paid by the NFIP are for policies for structures located outside the SFHA in Zones B, C, X (shaded), or X (unshaded). More than one-fourth of all policies purchased under the NFIP protect structures located in these zones. The risk to structures located outside SFHAs is just not as great as the risk to structures located in SFHAs. Finally, approximately 90 percent of all federally declared disasters are caused by flooding, and homeowners insurance does not provide financial protection from this flooding. Therefore, FEMA encourages the widest possible coverage under the NFIP.

LOMA-NC-1

Exhibit E4

WORKSHEET FOR:

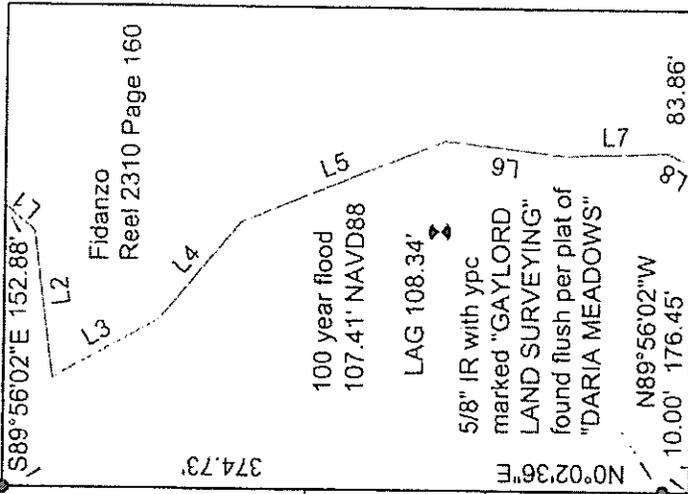
Anthony and Gayle Fidanzo

Location: NE 1/4 Section 13 T. 4 S., R. 1 W., WM.,
 Marion County, OR
 Date: 14 Sept. 2012

NUM	BEARING	DISTANCE
L1	S40°14'02"W	21.14'
L2	S82°41'03"W	80.16'
L3	S29°06'30"E	66.03'
L4	S49°37'38"E	69.09'
L5	S21°55'21"E	119.29'
L6	S6°43'01"W	65.68'
L7	S2°03'28"E	56.82'
L8	S28°28'15"W	15.11'

CODY LANE
 OTTAWAY ROAD
 DARIA MEADOWS

5/8" IR with ypc marked
 "COMPASS ENGINEERING"
 found up 0.1' per plat of
 "STRAWBERRY MEADOWS"



374.73'
 83.86'
 10.00' 176.45'
 1322.61'

Basis of Bearing
 per MCSR 37917

2-1/2" diameter brass disk
 with punch mark found
 down 0.3' in monument box,
 center of Section 13, held

Legend

- = monument found, flush to 0.2' down,
 in good condition unless otherwise
 stated. Origin stated if known.
- ypc = yellow plastic cap
- IR = iron rod
- MCSR = Marion County Survey Records

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

John G. Newberg

OREGON
 June 30, 1997
 JOHN G. NEWBERG
 2838

Renewable 12-31-2012

Newberg Surveying, Inc.

1205 NE Evans
 McMinnville, OR 97128
 (503)-474-4742 (971)-237-1956 Cell
 (503)-474-3752 Fax newberg@viciink.com

5/8" IR with ypc marked
 "NEWBERG LS 2838"
 found per MCSR 37917

N89°56'02"W 345.66'

5/8" IR with ypc marked
 "DLT & ASSOC" found
 up 0.2', set in MCSR-32732,
 bears N00°03'58"E 0 54'
 from corner

Newberg



Surveying

Scale: 1" = 100'

NEW BUSINESS

OLD BUSINESS

PRESENTATIONS

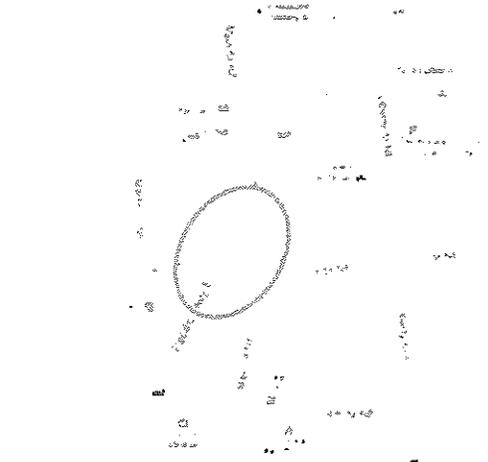
November 2012 Update

LAND USE APPLICATIONS

<u>Project</u>	<u>Status</u>
Building Permits/Correspondence	<ul style="list-style-type: none"> • Beauty salon at 21418 99E? • Driveway at 21233 Liberty
Sign Permits	
Manufactured Home Permit	
Land Use Applications	<ul style="list-style-type: none"> •

ADDITIONAL PLANNING

<u>Project</u>	<u>Status</u>
ODOT 99E Corridor Study	<ul style="list-style-type: none"> • See attached "cut" sheets for Aurora. Other projects sent via email.
Urban Renewal District Feasibility Study	<ul style="list-style-type: none"> •
Development Code/HRB updates	<ul style="list-style-type: none"> • Review of next steps with Chairman Schaeffer
Newsletter/Community Updates	<ul style="list-style-type: none"> • Suggestions for newsletter articles?
Misc.	<ul style="list-style-type: none"> • State Transportation Improvement Plan application. Deadline of November 27th. Draft submitted to Commissioner Graham on 10/15.

Location: OR 99E/Main St., OR 99E/3 rd St. - Aurora	 <p style="text-align: right;">Source: Google Maps</p>
Milepost: 25.01	
Need: Skewed intersection	

Improvement Option #1

Description: Eliminate skewed intersection: <ol style="list-style-type: none"> 1. Close north leg of OR 99E/Main St. intersection (see improvement option for OR 99E/2nd St. intersection). 2. Close south leg of OR 99E/Main St. intersection. 	 <p style="text-align: right; font-size: small;">Image Source: 2012 Google</p>		
Preliminary Cost Estimate:			
<table border="1" style="width: 100%;"> <tr> <td style="width: 70%;">Preliminary Engineering</td> <td style="text-align: right;">\$2,000</td> </tr> </table>		Preliminary Engineering	\$2,000
Preliminary Engineering		\$2,000	
<table border="1" style="width: 100%;"> <tr> <td style="width: 70%;">Construction</td> <td style="text-align: right;">\$5,000</td> </tr> </table>		Construction	\$5,000
Construction	\$5,000		
<table border="1" style="width: 100%;"> <tr> <td style="width: 70%;">Construction Engineering</td> <td style="text-align: right;">\$1,000</td> </tr> </table>	Construction Engineering	\$1,000	
Construction Engineering	\$1,000		
<table border="1" style="width: 100%;"> <tr> <td style="width: 70%;">Contingency</td> <td style="text-align: right;">\$2,000</td> </tr> </table>	Contingency	\$2,000	
Contingency	\$2,000		
<table border="1" style="width: 100%;"> <tr> <td style="width: 70%; text-align: center;">Total</td> <td style="text-align: right;">\$10,000¹</td> </tr> </table>	Total	\$10,000¹	<ul style="list-style-type: none"> ▪ Crosswalk desired between 2nd St. and 3rd St. However, full crosswalk investigation will be required to determine safest location, in addition to crosswalk approval by State Traffic Engineer.
Total	\$10,000¹		

- Benefits:**
- Elimination of skewed intersection.
 - Reduced number of traffic conflict points.
 - Creation of small parcel that could be used for open space or as part of redevelopment.
 - Improved pedestrian environment along OR 99E due to fewer intersections.

¹ Cost of vacating north leg of OR 99E/Main St. intersection included in cost of improvement option for OR 99E/2nd St. intersection.

Key Considerations/Notes:

- No additional right-of-way would be needed for this improvement.
- This improvement would result in the diversion of approximately 25 vehicles per hour from northbound Main St. to 3rd St.
- Vacated portion of Main St. could be converted into landscaping.
- Ten-foot sidewalks assumed.
- This improvement is not included in Aurora TSP.

Improvement Option #2

Description: Eliminate skewed intersections at OR 99E/Main St. and OR 99E/3rd St.:

1. Close north leg of OR 99E/Main St. intersection (see improvement option for OR 99E/2nd St. intersection).
2. Close south leg of OR 99E/Main St. intersection.
3. Realign east leg of 3rd St. to "T" into OR 99E.



* Crosswalk desired between 2nd St. and 3rd St. However, full crosswalk investigation will be required to determine safest location, in addition to crosswalk approval by State Traffic Engineer.

Preliminary Cost Estimate:

Preliminary Engineering	\$75,000
Construction	\$210,000
Construction Engineering	\$30,000
Contingency	\$85,000
Total	\$400,000²

Benefits:

- Elimination of skewed intersection approaches at OR 99E/3rd St. and OR 99E/Main St.
- Reduced number of traffic conflict points
- Creation of two parcels that could be used for open space or as part of redevelopment.
- Improved pedestrian environment along OR 99E due to fewer intersections.

Key Considerations/Notes:

- No additional right-of-way would be needed for this improvement.
- This improvement would consolidate two closely spaced intersections - OR 99E/Main St. (south leg) and OR 99E/3rd St.
- This improvement would result in the diversion of approximately 25 vehicles per hour from northbound Main St. to 3rd St.
- Vacated portions of Main St. and 3rd St. could be converted into landscaping.

² Cost of vacating north leg of OR 99E/Main St. intersection included in cost of improvement option for OR 99E/2nd St. intersection.

- Vacation of Main St. between 3rd St. and OR 99E would eliminate 15 parking spaces.
- Ten-foot sidewalks assumed.
- This improvement is not included in Aurora TSP.

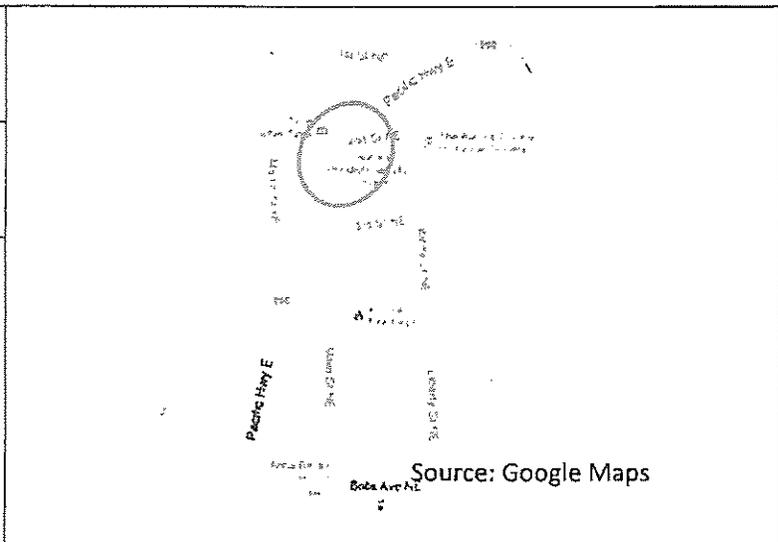
Scoring

Evaluation Criterion	Weight	Raw Score	
		Option 1	Option 2
1. Potential reduction in crash rate/severity	15	3	8
2. Type/level of geometric improvement	11	4	10
3. Type/level of bicycle/pedestrian facility improvement	10	2	4
4. Potential reduction in traffic conflicts	13	3	8
5. Potential reduction in congestion and delay	9	0	0
6. Reduction in number of access points	10	0	0
7. Improvement in access design	8	3	3
8. Minimization of impacts to environmentally sensitive areas	6	10	10
9. Minimization of impacts to EFU-zoned or developed parcels	5	10	10
10. Minimization of construction cost	7	9	1
11. Minimization of required right-of-way	4	10	10
12. Consistency with ODOT standards and local plans, policies	2	5	8
Total Weighted Score		395	571

Location: OR 99E/2nd St., OR 99E/Main St. - Aurora

Milepost: 24.95

- Needs:**
- Skewed intersections.
 - Substandard sight distance from westbound approach of 2nd St.



Improvement Option #1

Description: Consolidate OR 99E/2nd St. and OR 99E/Main St. intersections:

1. Close east leg of OR 99E/2nd St. intersection.
2. Close west leg of OR 99E/2nd St. intersection.
3. Close north leg of OR 99E/Main St. intersection.
4. Realign Main St. to "T" into OR 99E.

Preliminary Cost Estimate:

Preliminary Engineering	\$75,000
Construction	\$210,000
Construction Engineering	\$30,000
Contingency	\$85,000
Total	\$400,000



* Crosswalk desired between 2nd St. and 3rd St. However, full crosswalk investigation will be required to determine safest location, in addition to crosswalk approval by State Traffic Engineer.

- Benefits:**
- Elimination of skewed intersection approaches at OR 99E/2nd St. and OR 99E/Main St.
 - Elimination of sight distance deficiency at OR 99E/2nd St.
 - Reduced number of traffic conflict points.
 - Creation of two small parcels that could be used for open space or redevelopment.
 - Improved pedestrian environment along OR 99E due to fewer intersections.

Key Considerations/Notes:

- No additional right of way would be needed for this improvement

- This improvement is not included in Aurora TSP.
- This improvement would vacate parts of 2nd St. and Main St., creating two small parcels.
- Ten-foot sidewalks assumed.
- Lost parking from vacation of Main St. could be provided along 2nd St., west of Main St.
- This improvement would result in the diversion of approximately 20 vehicles per hour from westbound 2nd St. to Liberty St. to the north and 3rd St. to the south.

Location: OR 99E/Ottaway Ave. - Aurora	
Milepost: 25.56	
Needs: <ul style="list-style-type: none"> • Turn lanes • Capacity (future only) • Improved pedestrian safety 	

Source: Google Maps

Improvement Option #1

- Description:**
1. Construct NB and SB left- and right-turn lanes.
 2. Add striping for EB and WB left-turn lanes.
 3. Construct bicycle lanes along both sides of OR 99E.
 4. Construct sidewalks on all intersection legs where currently not available.
 5. Install crosswalks with ADA ramps and illumination on all intersection legs where currently not available.
 6. Install traffic signal (future only).



Preliminary Cost Estimate:

Preliminary Engineering	\$250,000
Construction	\$900,000
Construction Engineering	\$100,000
Contingency	\$275,000
Total	\$1,300,000

- Benefits:**
- Reduced traffic conflicts along OR 99E due to turn lanes.
 - Improved pedestrian environment with additional sidewalks and crosswalks (crosswalks would be signalized and illuminated in future).

- Improved bicycle environment with addition of bicycle lanes.
- Future (signalized) intersection v/c ratio of 0.73 would meet both OHP and HDM mobility standards for Year 2035.

Key Considerations/Notes:

- All improvements are consistent with Aurora TSP.
- Right-of-way needs would be minimal.
- Bicycle lanes and sidewalk improvements along OR 99E would extend between beginning and end of NB, SB turn lane improvements.
- Bicycle lane improvements would connect to existing shoulder bikeways to north and south of intersection.
- Right-of-way cost not included in the preliminary cost estimate.
- Preliminary cost estimate assumes 6' bicycle lanes and 6' sidewalks.
- MUTCD traffic signal warrants would have to be met prior to installation of traffic signal.
- Future (unsignalized) intersection v/c ratio of >1.0 would not meet OHP or HDM mobility standards for Year 2035.

Low-Cost Improvement Options

- Reduction of speed limits (e.g., south of Aurora city limit)
- Rumble strips
- Lighting improvements
- Bus pull-outs
- Crosswalks
- Regular maintenance of pavement markings
- Bike lanes/bikeways and sidewalks