

Agenda
Aurora Planning Commission Meeting
 Tuesday, June 4, 2024 at 7 P.M.
 City Council Chambers, Aurora City Hall
 21420 Main Street NE, Aurora, OR 97002

To participate via Zoom:

<https://us02web.zoom.us/j/89659498250?pwd=vIZxmWUf0MhjJwmyMz4aKbW3Rrg.1>

Meeting ID: 896 5949 8250

Passcode: 258251

1. CALL TO ORDER OF THE AURORA PLANNING COMMISSION MEETING

2. ROLL CALL

Chairman Joseph Schaefer

Commissioner Craig McNamara

Commissioner Bud Fawcett

Commissioner Jim Stewart

Commissioner Jonathan Gibson

Commissioner Tyler Meskers

Commissioner Bill Graupp

3. CONSENT AGENDA

a) Planning Commission Minutes – April 7, 2024

4. VISITORS

Anyone wishing to address the Aurora 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 Aurora Planning Commission could look into the matter and provide some response in the future.

5. CORRESPONDENCE-NA

6. NEW BUSINESS

Site Development Review Application City Case File SDR 24-01

7. HEARING-NA

8. OLD BUSINESS

a) Airport Land Use Update

b) Economic Opportunities Analysis Update

9. ADJOURN

Consent Agenda

Minutes
Aurora Planning Commission Meeting
 Tuesday, May 7, 2024 at 7 P.M.
 City Council Chambers, Aurora City Hall
 21420 Main Street NE, Aurora, OR 97002

STAFF PRESENT: Curt Fisher, City Planner; Stuart A. Rodgers, City Recorder

STAFF ABSENT: NA

VISITORS PRESENT: Steve Mikulik, Alex Safronchik, Aurora

1. CALL TO ORDER OF THE AURORA PLANNING COMMISSION MEETING

Chair Joseph Schaefer called the meeting to order at 7pm.

2. ROLL CALL

Chairman Joseph Schaefer-Present

Vice Chair Craig McNamara-Absent

Commissioner Bud Fawcett-Present

Commissioner Jim Stewart-Present

Commissioner Jonathan Gibson-Present

Commissioner Tyler Meskers-Present

Commissioner Bill Graupp-Present

3. CONSENT AGENDA

a) Planning Commission Minutes – April 2, 2024

Commissioner Jim Stewart moved to accept the Consent Agenda, Commissioner Tyler Meskers seconded, and the motion carried.

4. VISITORS-NA

Alex Safronchik joined this meeting to voice concern over the apartment complex development that will go before the Planning Commission next month and was also interested in matters before the commission generally.

5. CORRESPONDENCE

a) DLCD 2024 Legislative Summary

Chair Joseph Schaefer noted that a lot of what is in the legislative summary does not apply to Aurora and some of it is controversial as in the example of prohibition of UGB referendums – making and reversing land use decisions by referendum or by vote. Lots of housing bills toward support of middle housing development (duplexes, triplexes, and quads) – one perspective is that not many people want to be in the landlord business, so this hinders the overall plan. It was noted that Department of Land Conservation and Development (DLCD) is ramping up its staffing to deal with this interest by the state government in middle housing.

b) Notice of Decision for City of Aurora Drinking Water Facility

Chair Schaefer noted that the city had to seek a land use authorization for its water facility because it is outside city limits, and it was approved. No appeals were filed.

Some discussion took place about infrastructure projects. Schaefer is happy to answer land use questions. Public Works Superintendent Mark Gunter can answer questions dealing directly with the infrastructure projects. Given the legislative funding associated with the new wastewater treatment plant, there is a fixed timeline that creates pressure to get this project done moving at a steady pace.

c) New Proposal for Amazon's Canby Site

Chair Schaefer noted that in June of 2021 approval was given, but this new proposal is for a modified design of the Amazon structure. Traffic infrastructure improvements will help vehicle traffic flow more smoothly.

6. NEW BUSINESS-NA

7. HEARING-NA

8. OLD BUSINESS

a) Airport Land Use Update

Noise Abatement Procedures; Low-Flight Complaints

Chair Schaefer provided an overview of the above-referenced documents. Commissioner Jonathan Gibson noted for Positive Aurora Airport Management (PAAM) that there is continuing discussion of paving project impacts. No news on timing, but the contracts will start end of summer, beginning of fall with project start sometime in 2025.

At an Oregon Department of Aviation (ODAV) April 30 meeting to review of chapter 4 of the new master plan, it was thought that this would be covering private property, but turns out it only covers state airport property. Facilities requirements with interest in what the airport needed – runway, 500 more feet needed; existing land for hangars – need 1.6 acres to park transient aircraft. At the

Schaefer mentioned the Circuit Court former church camp case trying to enforce the TLM Holdings-reversal, which allegedly he had no basis to file, no standing to bring the case and no jurisdiction in the court. The private defendants sent a bill for \$350k in attorney fees, which Schaefer will be opposing. Marion county had approved back in 2021 the property for development with 123k square feet of offices, 158k square feet of warehouses and hangars, and approximately 500 parking spaces. The case went back and forth between the court and LUBA, and LUBA eventually reversed the decision because the development is prohibited. DEQ canceled its permit, but the other defendants are not going along. The applicant reapplied to Marion County with a different application for heliport only, no fixed wing aircraft, and there will be two hearings. Before the airport expands, the city's perspective is it should be annexed into the City of Aurora.

a) Economic Opportunities Analysis Update

Chair Schaefer provided an EOA recap to date, including approval from Council to complete the EOA to look at the possibility of all the land between the city and the airport, basically from Keil Rd to Ehlen Rd. east of Highway 551. The consultant is working on the next documents for this and says that the math works. A third and final

Technical Advisory Committee meeting will likely be held at some point in early to mid-June. The EOA is the first step in expanding the city's Urban Growth Boundary (UGB) for employment uses – industrial or commercial uses, not housing. The next step is to do an alternatives analysis. The output of the EOA is what kind of acres do you need and how many acres. For industrial development, large lots, flat land, and good transportation options are key factors. You look in all four directions. Straight north Aurora has flood plain. East, the city has flood plain. South of the city – residential land, and everything narrowing between the railroad and the drop off to the bottom lands. West of the city, Aurora has rolling land behind the treatment plant. Northwest of the city there is level ground with highway access. When the EOA is done, the report would go to Council toward adoption of policies to implement recommendations flowing from the EOA. Then the alternatives analysis would proceed.

The recent boat storage application was discussed – the property is not clean, a former wrecking yard. Interest rates have gone way up since the buyer was first interested. The Transportation System Plan (TSP) shows a new public road at the driveway of Portland Electric toward the back of the property, a very expensive project requirement. It was discussed that this requirement is a big impediment to development. The City Council could amend the TSP to remove the road requirement.

9. ADJOURN

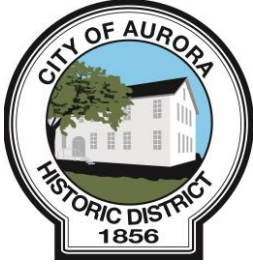
Chair Schaefer adjourned the Planning Commission meeting at 7:36pm.

Joseph Schaefer, Chair

ATTEST:

Stuart A. Rodgers, City Recorder

New Business



City of Aurora

"National Historic Site"

PLANNING COMMISSION

PUBLIC MEETING TO CONSIDER SDR 24-01

STAFF REPORT: Site Development Review application city case file SDR 24-01
DATE: May 28, 2024, for the June 4, 2024, Planning Commission Meeting.

Applicant: Fil Kartal
 Citi Homes Group Corporation
 3881 2nd Street
 Hubbard, OR 97032

Owners: Legend Designs, LLC
 PO Box 128
 Woodburn, OR 97071

Ivan Kartal
 PO Box 9028
 Salem, OR 97305

Site Location: Tax Map 04 1W 13BD, Tax Lot 2901.

Site Size: 0.52 Acres

Zoning: Commercial (C) with Neighborhood Commercial (NC) and Gateway Property Development Standards

Criteria: Aurora Municipal Code (AMC) Chapters:
 16.14 Commercial Zone
 16.30 Neighborhood Commercial Overlay
 16.56 Gateway Property Development Standards
 16.58 Site Development Review
 16.78 Limited Land Use Decision.

Previous Decisions: SUB 02-03-2217, Peyton Circle Subdivision
 MP 2020-02, Minor Partition

Exhibits: From Staff:
 Exhibit A.1 Letter from City Eng. (Keller) – Pre-application Summary
 Exhibit A.2 MP 2020-02 Notice of Final Decision
 Exhibit A.3 PP 2021-023
 Exhibit A.4 S45-189 Peyton Circle Plat
 Exhibit A.5 SUB 02-03-2217

Exhibit A.6 Public Notice
 Exhibit A.7 ODOT Comments on Access
 Exhibit A.8 Staff Correspondence With Public Commenters

From Applicant:

Exhibit B.1 Applicant's Written Responses to Approval Criteria
 Exhibit B.2 Civil Site Plans
 Exhibit B.3 Elevations and Floorplans
 Exhibit B.4 Landscape Plan
 Exhibit B.5 Traffic Assessment Letter
 Exhibit B.6 Easements

Received during the 14-Day Public Comment Period:

Exhibit C.1 Comments Submitted on behalf of Tom Griffith
 Exhibit C.2 Opposition from Megan Dilson and Bruce Kingman
 Exhibit C.3 Opposition from Roman Lara Jacome

I. REQUEST

Site Development Review approval for a 2-story 8-plex apartment building with parking, landscaping, and on-site pedestrian circulation on a 0.52-acre lot in the Neighborhood Commercial Overlay district.

II. PROCEDURE

The application was submitted to the City on February 8, 2024. The application was deemed complete on February 29, 2024. The City of Aurora has 120 days from the time the application was deemed complete to issue a final decision on the application. Therefore, the City has until June 28, 2024, to issue a final decision on the application including resolving any appeals.

Site Design Review applications in the City of Aurora are processed according to the procedures identified in AMC Section 16.78, titled *Limited Land Use Decisions*, which describes the City process where a meeting of the Planning Commission is to be held for decision-making:

16.78.080 Decision procedure.

The Planning Commission limited land use decision shall be conducted as follows:

- A. *Request the Planning Director to present the staff report, to explain any graphic or pictorial displays which are a part of the report, summarize the findings, recommendations, and conditions, if any, and to provide such other information as may be requested by the approval authority;*
- B. *Allow the Applicant or a representative of the Applicant discuss the application and respond to the staff report;*
- C. *Request the Planning Director read all written comments received into the record;*
- D. *Allow the Applicant to respond to all written comments;*
- E. *Make a decision pursuant to Section 16.78.090 or continue the decision to gather additional evidence or to consider the application further.*

AMC Section 16.78.070 describes the 14-day period for accepting public written comments on the application. AMC Section 16.78 also describes the need for mailing notice to the owners of properties in a 100-foot vicinity of the project site, that the notice of the application include a statement that there will be no public hearing on the application and that the notice include the date when the public comment period expires. Accordingly, the notice was mailed on March 7, 2024, and identified the deadline of March 26,

2024, for the public to submit written comments. Three letters from members of the public were received during the 14-day period for accepting written comments. Those comments are included in Exhibit C and are incorporated into the staff findings, recommendations, and conditions of approval. Those comments were also circulated to the Applicant to allow them to consider those comments and potentially incorporate public input into the development plan, as requested by a commenter.

A request for comments from affected public agencies and City departments was also circulated on March 7 with a deadline of March 21, 2024, for inclusion in the Staff Report. Public Works and Engineering comments were received on March 26 and are included in Exhibit A.1. ODOT comment included in Exhibit A.7 reaffirmed comments submitted in response to case file MP 20-02 that Parcel 1 and 2 are required to take access from Peyton Circle and additional access from Highway 99E will not be permitted.

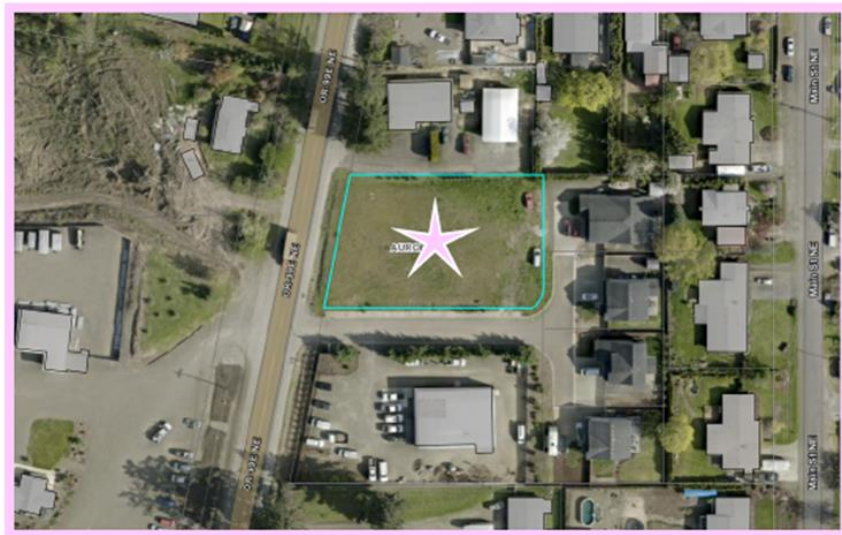
The meeting of the Planning Commission was originally scheduled for April 2, 2024. After receiving the comments submitted during the 14-day comment period expiring on March 26, 2024, the Applicant requested that the Planning Commission meeting be rescheduled so they could amend the application to respond to issues presented in public comment. On March 29, 2024, all those who submitted comments during the 14-day comment period were notified that the April 2, 2024 meeting was being rescheduled and that the Planning Commission would consider a new date for the meeting at the April 2 meeting. Commenters were then notified on April 7, 2024, of the Planning Commission's decision to reschedule the meeting to June 4, 2024. The record of that correspondence is included in Exhibit A.8. Planning has not received any additional material from the Applicant as of the date of this staff report.

Appeals are governed by AMC 16.78.120. An appeal of the Planning Commission's decision is to be made in writing and addressed to the City Council within fifteen (15) days of the Commission's written decision (once issued). The Notice of Decision will contain additional information about the procedure for appeal.

III. BACKGROUND INFORMATION

The development site is approximately 0.52 acres in size and is described as Marion County Assessor Map and Tax Lot 041W13BD02901. The property has frontage on Highway 99E and takes access from a private street - Peyton Circle –within a 33-foot-wide reciprocal access easement that lies on abutting property to the south. The Peyton Circle improvements contained within the easement include a \pm 24-foot-wide improvement for vehicular traffic with curbs, gutters, and a sidewalk on the north side.

Figure 1: Aerial Site Plan



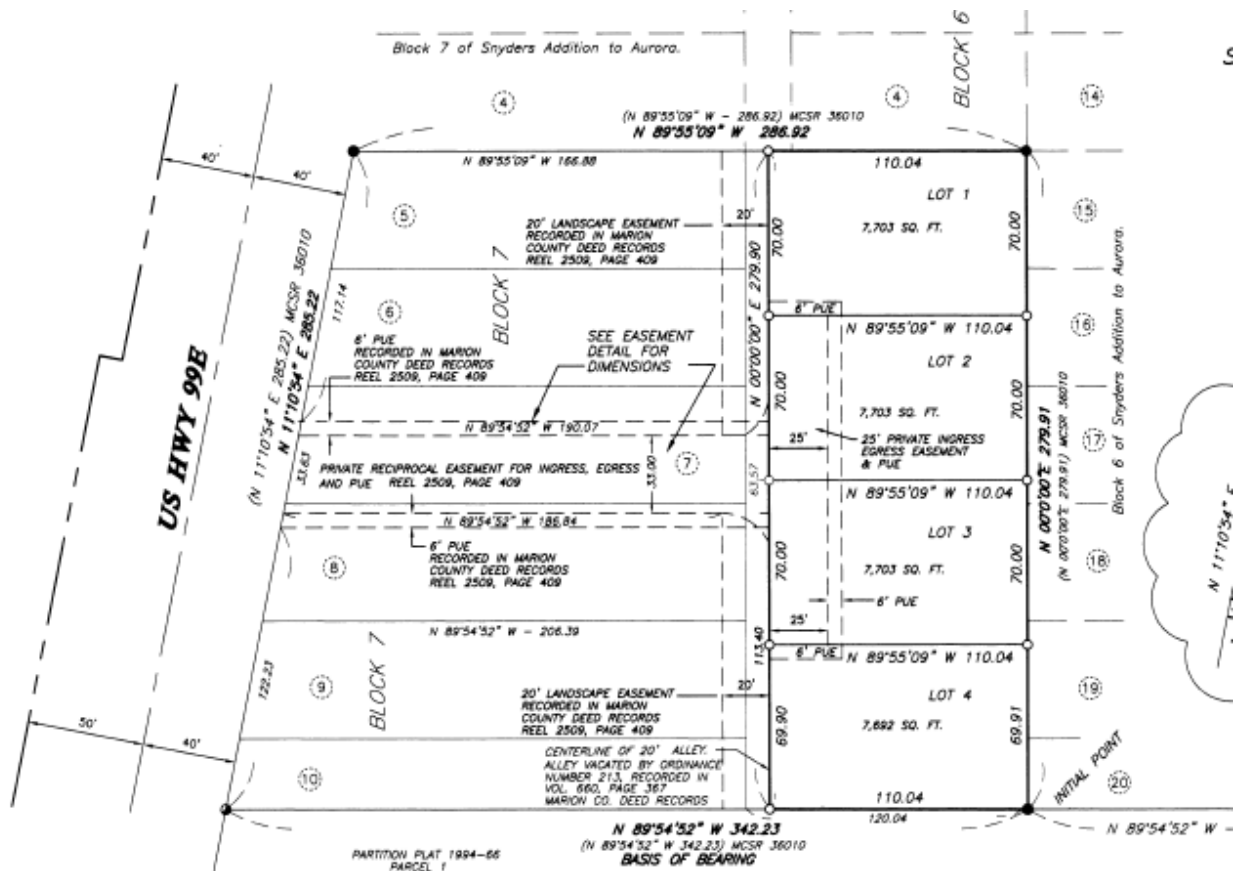
The current Tax Assessor's map in Figure 1 shows that the width of the Highway 99E right-of-way along the site frontage varies from 80 feet at the site's north end to 90 feet at the southern end. Highway 99E along the site's frontage is improved with vehicular lanes and paved shoulders but lacks curbs, gutters, sidewalks, bike lanes, street lighting, landscaping, and stormwater facilities.

The site abuts the R-1 district to the east. Peyton Circle currently provides access to the subject property, four detached homes, and the Industrial Commercial Electric Company to the south. Properties to the north and south are also in the Commercial zone.

The following chronology of activity describes the events resulting in the current condition of the property including events discussed in this staff report and in public comments:

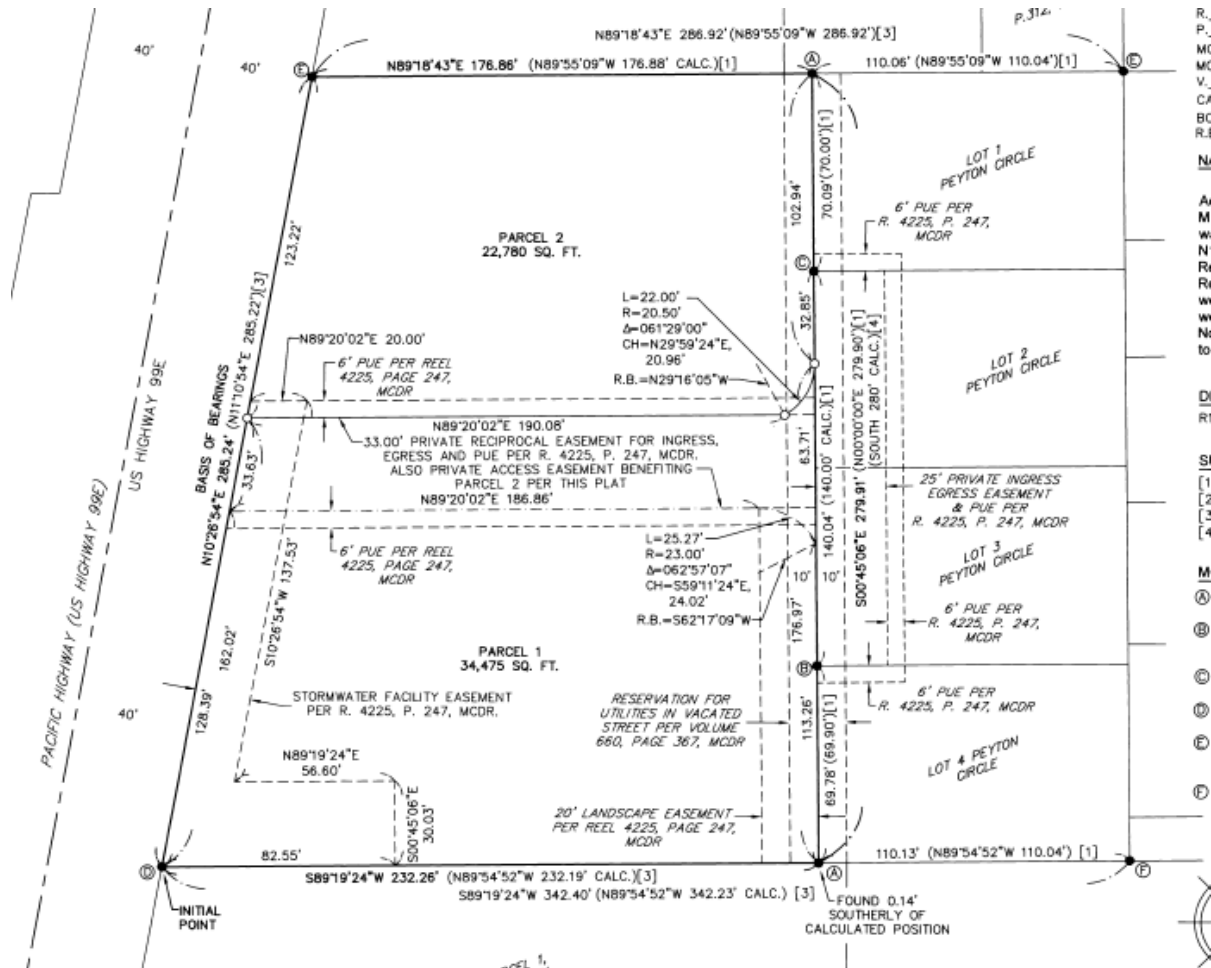
1. 1907: The property was originally platted as part Snyder's Addition to Aurora.
2. 2002: Planning Commission approved the Peyton Circle Subdivision (City Case File SUB 02-03-2217) That decision included the approval of Peyton Circle as a private street providing access to the subject property, four residential lots to the east of the project area, and properties to the south of Peyton Circle. The Planning Commission decision is included in Exhibit A.5.
3. 2004: Reciprocal private access and maintenance easements shown in Exhibit B.6 were recorded as Reel 2509 Page 409, Marion County Deed Records (MCDR) to create Peyton Circle in satisfaction of the conditions of approval imposed by Planning Commission under SUB 02-03-2217 (Peyton Circle Subdivision)
4. 2006: Peyton Circle Subdivision Plat shown in Exhibit A.4 records. The access easements containing the approved private street and the benefitting lots are shown on the recorded plat as shown in Figure 2:

Figure 2: Peyton Circle Plat showing the approved access and public utility easements.



5. 2019: Private access and maintenance easements recorded as MCDR Reel 2509 Page 409, are amended by MCDR Reel 4225 Page 247 to, among other things, create a private stormwater easement for a private facility to benefit the area of the original easements shown in Figure 2. The terms of the agreement, among other provisions, require Lots 1-4 of Peyton Circle to pay an annual stormwater fee to the owner of the private facility. This easement is included in Exhibit C.1 in the comments submitted on behalf of Tom Griffith who purchased the facility in 2021.
6. August 1, 2019: The current owner/Applicant - Ivan Kartal/Legend Designs LLC – acquires the subject property.
7. June 15, 2020: The current owner/Applicant - Ivan Kartal/Legend Designs LLC – received approval (City File MP 2020-02 in Exhibit A.2) to replat the area of the property shown in Figure 2 as Lots 5-10 Block 7 of Snyder's Addition into their current configuration as shown on PP 2021-23 in Exhibit A.3 and Figure 3.
8. March 8, 2021: Partition Plat PP 2021-023 records to perfect the decision in City File MP 2020-02. The plat places all the easements except for the northernmost PUE, within the Peyton Circle private street on Parcel 1 of PP 2021-023.
9. April 30, 2021: Four Labradors LLC c/o Tom Griffith purchases Parcel 1 from the Applicant. With the purchase of Parcel 1, Tom Griffith assumed the ownership of Peyton Circle, the private stormwater facility, and the terms of the access, maintenance, and stormwater maintenance agreements recorded against the property.

Figure 3: PP 2021-023



IV. CRITERIA AND FINDINGS

AMC 16.58.100, titled *Approval Standards*, explains how it shall be the Applicant's responsibility to display to the City how the applicable criteria are met for the subject property. Staff incorporate the Applicant's written statement (Exhibit B.1) as supportive findings in response to the applicable standards that demonstrate compliance with the criteria of AMC 16.58.100.

AMC 16.58.100 also explains how the Planning Commission shall make a finding concerning each of the following criteria (A through Q of AMC 16.58.100) when approving, approving with conditions, or denying an application for Site Development Review. These criteria are identified below followed by recommended findings from staff.

Staff observes that because the project is a housing project, the provisions of ORS 197.307(4) apply, which state the following:

... a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions, and procedures:

- (a) May include, but are not limited to, one or more provisions regulating the density or height of a development*
- (b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.*

Staff has provided recommended findings that address the standards of AMC 16.58.100 with the understanding that a number of the standards rely on subjective language that cannot be applied to the application clearly or objectively.

Finally, the project involves the development of Parcel 2 of Partition Plat 21-023 per the preliminary approval for Minor Partition MP 20-02. MP 20-02 (Exhibit A.2) included conditions of approval that apply to future development. The requirements of those outstanding conditions are incorporated into the findings addressing the specific standards and criteria to which they apply and are incorporated into the conditions of approval of this Site Development Review.

Chapter 16.58 Site Development Review

16.58.100 - Approval standards.

A. Provisions of all applicable chapters;

Findings: The subject site is within the Commercial (C) zoning district (Chapter 16.14), the Neighborhood Commercial (NC) Overlay (Chapter 16.30), and is subject to the Gateway Development Standards in Chapter 16.56. AMC 16.30.020 explains how the Neighborhood Commercial Overlay applies to any property fronting on Highway 99 for the first two hundred (200) feet as measured perpendicular from the Highway 99 right-of-way. AMC 16.30.030 explains the uses that are allowed in addition to the uses permitted in the base zone and subject to Chapter 16.58. The permitted uses in the NC Overlay include multifamily development containing up to eight units when the required parking for all uses on a parcel or lot does not exceed twenty (20) required parking spaces. Findings addressing the applicable standards in the Commercial Zone, the Neighborhood Commercial Overlay, and the Gateway Development Standards are provided below.

Chapter 16.14 – Commercial Zone

16.14.040 – Development Standards

- A. There is no minimum size for lots or parcels served by municipal sewer. Minimum lot sizes for lots or parcels without municipal sewer shall be as determined by the county sanitarian.*

B. *There is no minimum lot width or depth.*

Findings: The project does not involve a land division. These standards do not apply.

C. *Unless otherwise specified, the minimum setback requirements are as follows:*

1. *There is no minimum front yard setback except as required for buffering of off-street parking in accordance with Section 16.38.050;*
2. *On corner lots and the rear of through lots the minimum setback for the side facing the street shall be ten (10) feet;*
3. *No side or rear yard setback shall be required except twenty (20) feet screened and buffered in accordance with Chapter 16.38 shall be required where abutting a residential zoning district;*

Findings: The Applicant's scaled site plan in Exhibit B.2 shows these setbacks are provided. Findings and recommended conditions of approval addressing the buffering and screening standards in Chapter 16.38 are included under criterion 16.58.100.M. These standards can be met as conditioned.

D. *No building shall exceed forty-five (45) feet in height. Within one hundred (100) feet of a residential zone, no building shall exceed thirty-five (35) feet in height. All buildings greater than thirty-five (35) feet in height are subject to Chapter 16.24.*

Findings: The Applicant's building elevations show the building is planned to be ±29 feet in height. This standard is met.

E. *Parking shall be in accordance with Chapter 16.42.*

Findings: The Applicant is proposing a total of 19 parking spaces, one ADA-accessible spot, and 18 full-size spaces as required by Chapter 16.42.030 (A)(2). Detailed findings are included in Chapter 16.58 Subsection L. This standard can be met.

F. *Landscaping shall be in accordance with Chapter 16.38.*

Findings: Detailed findings addressing Chapter 16.38 are included under Chapter 16.58, Subsection M of this staff report.

Chapter 16.30 NC Neighborhood Commercial Overlay

Section 16.30.050 – Development Standards for Uses in Section 16.30.030 or 16.30.040

The standards of the base zone shall apply except as follows:

- A. *Structures containing commercial uses shall have no minimum front setback and a maximum ten-foot landscaped front setback. The Planning Commission may approve increases in the maximum front setback where such exception is necessary to locate a landscaped storm water retention/detention facility in the front setback.*

Findings: The application involves residential use. This standard does not apply.

B. *Where a parcel or lot has frontage on Highway 99 or Ehlen Road and a secondary street frontage, the setback from the secondary street frontage shall be a minimum of ten (10) feet.*

Findings: The Applicant's scaled site plan in Exhibit B.2 shows the required 10-foot setback from the secondary frontage on Peyton Circle. This standard is met.

C. *The rear yard setback shall be a minimum of ten (10) feet and shall be buffered and screened in accordance with Chapter 16.38.*

Findings: The Applicant's site plan shows the 20-foot setback required by AMC 16.14.040.C.3. from the abutting residential zone to the east and conditions of approval are recommended to ensure the setback is buffered and screened as required under Chapter 16.38. This standard can be met as conditioned.

- D. Residential garages for structures permitted under the neighborhood commercial overlay shall be oriented in a manner that does not require vehicles to back out onto Highway 99 or Ehlen Road. The setback for the garage door approach (the point where a vehicle accesses the garage) shall be a minimum of twenty (20) feet from any public street right-of-way.*

Findings: There are no residential garages proposed. This standard does not apply.

(***)

- G. Building heights shall be in accordance with the base zoning. All structures containing dwelling units shall utilize at least two of the following design features to provide visual relief along the street frontage:*

- 1. Dormers;*
- 2. Recessed entries;*
- 3. Cupolas;*
- 4. Bay or bow windows;*
- 5. Gables;*
- 6. Covered porch entries;*
- 7. Pillars or posts;*
- 8. Eaves (minimum six-inch projection); or*
- 9. Off-sets on building face or roof (minimum sixteen (16) inches).*

Findings: The Applicant's building elevations (Exhibit B.3) appear to show vertical window arrangements, horizontal siding, and recessed entries meeting the requirement for a minimum of two of the required design features. This standard is met.

- H. Impervious surfaces shall not cover more than eighty (80) percent of the lot or parcel for commercial uses and sixty (60) percent for residential uses except impervious surfaces may cover up to ninety (90) percent of lots or parcel when structures contain both residential and commercial uses.*

Findings: The project involves a residential use subject to the 60% limit on impervious surfaces. The Applicant's site plan includes calculations of various impervious surfaces including the building (25%), sidewalks (4%), and garbage collection (8%) resulting in 37% of the site being covered by impervious surfaces. The parking area is planned to be paved with a pervious surface. The standard is met.

- I. Except for residential uses allowed under the base zoning, parking shall not be located between the Highway 99 or Ehlen Road rights-of-way and any structure and shall be constructed in accordance with Chapter 16.42.*

Findings: The Applicant's site plan in Exhibit B.2 shows parking is not planned to be located between the building and Highway 99E. This standard is met.

- J. Landscaping requirements shall be in accordance with Chapter 16.38 except the minimum requirement landscaping for lots or parcels containing both residential and commercial uses shall be ten (10) percent.*

Findings: The Applicant's submitted site plans show that the project plans to provide landscaping on more than 10% of the site. This standard is met.

- K. *All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of such properties, including but not limited to, structural façade, yard, and landscaping, immediately adjacent to and visible from Highway 99 or Ehlen Road.*

Findings: The Gateway Property Development Standards are addressed below.

Chapter 16.56 – Gateway Property Development Standards

16.56.040 – General Site Development Standards

- A. *The façades immediately adjacent to Highway 99E or Ehlen Road and greater than forty-five (45) feet in length shall be designed to convey a sense of division through the use of pilasters, window and door openings, recessed entries, off-sets or other architectural details.*

Findings: Staff notes that the standard includes subjective language; i.e. “convey a sense of division”. Because the project is a housing project, a local government may adopt and apply only clear and objective standards as required by ORS 197.307(4). While the standard likely cannot be applied to the application, the Applicant’s submitted building elevations and floorplans in Exhibit B.3 showing recessed entries that can be found to convey a sense of division required by this standard.

- B. *Buildings immediately adjacent to Highway 99E or Ehlen Road shall not exceed one hundred fifty (150) feet in length without visual relief pass thru.*

Findings: The structure is no more than 100 feet in length. This standard is met.

- C. *Except for residential uses allowed under the base zoning, parking shall not be located between the Highway 99E or Ehlen Road right-of-way and a structure.*

Findings: The Applicant’s site plan in Exhibit B.2. shows parking is not located between the building and Hwy 99E. This standard is met.

- D. *A planting strip no less than six feet in width shall be provided between the sidewalks and the curb and the planting of street trees shall be required.*

Findings: The Applicant did not include Highway 99E frontage improvements in the site plans. Therefore, conditions of approval are recommended to ensure the street improvement requirements are met, which include the planting strip requirement. This standard can be met as conditioned.

- E. *Pedestrian friendly, period street lamps are required as approved by the City and the Oregon Department of Transportation or Marion County, as applicable.*

Findings: The Applicant states the proposal will provide necessary streetlamps as required by this section. The Applicant shall be responsible for coordinating with Public Works and ODOT to confirm the specific standards that apply. This standard can be met.

- F. *Antennas, aerials and satellite dishes and mechanical equipment shall be located so they will not be visible from Highway 99E or Ehlen Road or screened architecturally.*

Findings: Although none are proposed, the Applicant is required to adhere to this provision if required by the final site plan. This standard can be met.

- G. *Signs shall be in accordance with Chapter 16.44.*

Findings: Any signs will conform to Chapter 16.44, as required by this section, and will be reviewed with a future sign permit if proposed.

- H. *Landscaping requirements shall be in accordance with Chapter 16.38.*

Findings: Detailed findings addressing Chapter 16.38 are included under Chapter 16.58, Subsection M of this staff report.

- I. *Street lighting for Gateway properties shall be similar to the style shown under Design Review Guidelines for Gateway Properties (Appendix B).*

Findings: The Applicant states they understand street lighting will need to meet this standard.

16.56.060 – Residential Development Standards

- A. *For residential uses, the Highway 99E or Ehlen Road setback shall be ten (10) feet greater than the setback shown in the base zoning.*

Findings: There is no required front setback in the base Commercial zone. The Applicant’s site plan shows the structure a minimum of 10 feet from the front property line along Highway 99E. This standard is met.

- B. *The façade shall be modeled after and similar to styles as illustrated and discussed in the City of Aurora Design Review Guidelines for Historic District Properties (See Appendix B). Secondary façades, those sides not facing Highway 99E or Ehlen Road, may have less architectural detailing and degree of finish than the primary façade. The Planning Commission may approve exceptions to this subsection when the Applicant demonstrates the design satisfies all other requirements of this section and is compatible with the Aurora comprehensive plan, Section IX, Item A, Overlay Objectives.*

Findings: Staff observes the standard includes subjective language – i.e. “modeled after”, “similar to”, and “compatible with”. Therefore, ORS 197.307(4) prevents the standard from being applied to this housing project. Staff find this standard cannot be applied to the project.

- C. *The design shall include construction techniques, siding styles, color samples, and other materials and descriptions to display to the Planning Commission how the applicable criteria are being met. At a minimum, the front or façade facing Highway 99E and/or Ehlen Road shall include a minimum of two of the following elements from the selected style. These elements are in addition to visual relief design features required under the base zone but meeting base zone requirements may help satisfy the required design elements:*

1. *Pillars or posts,*
2. *Vertical window arrangements, either single, paired or triple, and trimmed with wood,*
3. *Horizontal siding in clapboard, shiplap, weatherboard, or tongue and groove four to six inches in width,*
4. *Bay or bow windows,*
5. *Recessed entries.*

Findings: The Applicant’s building elevations (Exhibit B.3) appear to show vertical window arrangements, horizontal siding, and recessed entries meeting the requirement for a minimum of two of the required design features. This standard is met.

- D. *Roof. Sawn wood shingles with a five-inch reveal, architectural charcoal or black composition roofing are required. Primary roofs shall be similar to those found historically.*

Findings: The Applicant did not submit information about the planned roofing materials. This standard can be met at the time of building permit submittal.

B. Buildings shall be located to preserve topography and natural drainage and shall be located outside areas subject to ground slumping or sliding;

Findings: The subject property gently slopes (± 7 foot drop) from northeast to southwest as shown on the Applicant’s Existing Conditions Plan in Figure 3 and is outside any area subject to slumping.

- a. *Balconies used for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit; and*
 - b. *Required open space may include roofed or enclosed structures such as a recreation center or covered picnic area;*
3. *Wherever possible, private outdoor open spaces should be oriented toward the sun.*

Findings: The Applicant's scaled floor plans (Exhibit B.3) show ground-floor patios and second-story private decks that meet the standard. Compliance with the standard shall be verified at the time of building permit submittal. These standards can be met as conditioned.

E. Residential shared outdoor recreation areas:

1. *In addition to the requirements of subsection D of this section, usable outdoor recreation space shall be provided in multifamily residential developments for the shared or common use of all the residents in the following amounts:*
- a. *Studio up to and including two-bedroom units, two hundred (200) square feet per unit; and*
 - b. *Three or more bedroom units, three hundred (300) square feet per unit;*

Findings: The Applicant's floor plans show 8 three-bedroom units requiring 2,400 square feet of usable outdoor recreation space. The standard can be met with the 3,064 square feet of common space shown on the Applicant's site plan.

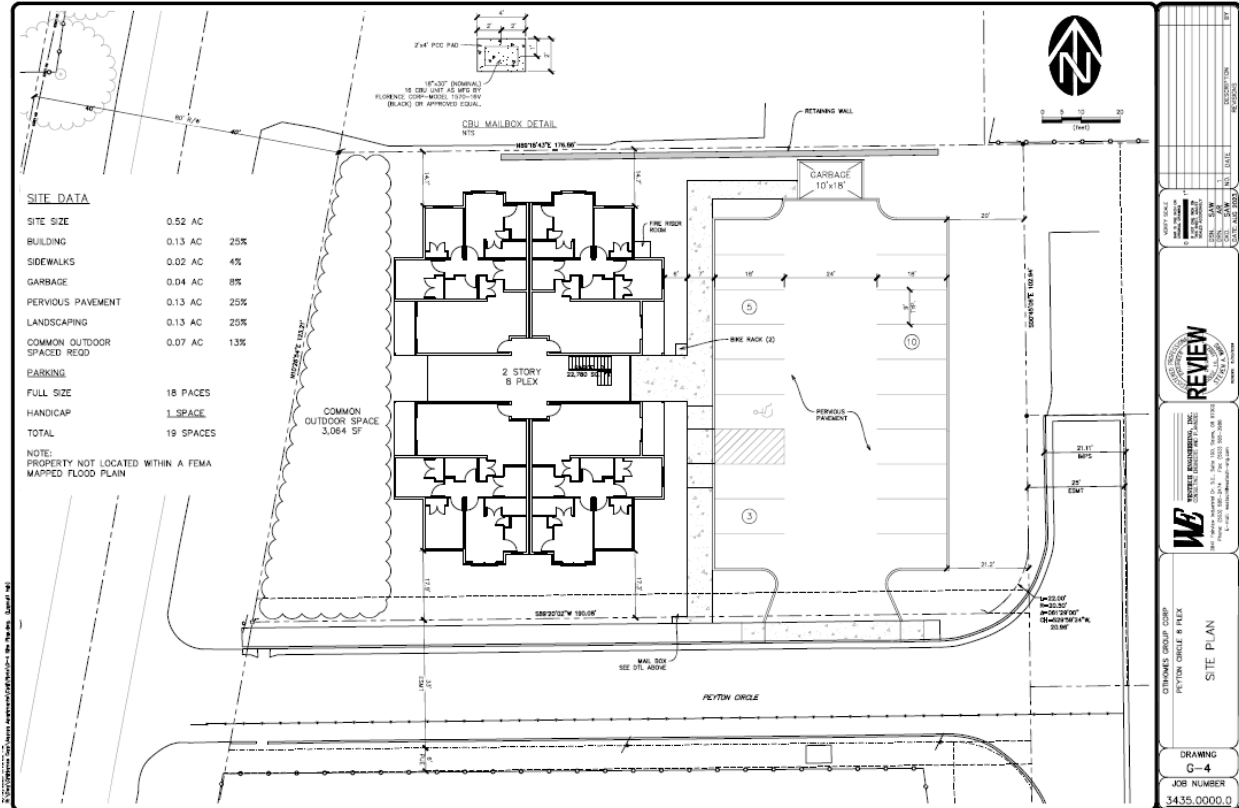
2. *The required recreation space may be provided as follows:*
- a. *It may be all outdoor space; or*
 - b. *It may be part outdoor space and part indoor space; for example, an outdoor tennis court, and indoor recreation room;*
 - c. *It may be all public or common space;*
 - d. *It may be part common space and part private; for example, it could be an outdoor tennis court, indoor recreation room and balconies on each unit; and*
 - e. *Where balconies are added to units, the balconies shall not be less than forty-eight (48) square feet;*
 - f. *Shared outdoor recreation space shall be readily observable for reasons of crime prevention and safety;...*

Findings: The standard can be met with the 3,064 square feet of outdoor space shown on the Applicant's site plan.

F. Shared outdoor recreation space shall be readily observable for reasons of crime prevention and safety;

Findings: The Applicant's planned shared outdoor area shown on the submitted site plan is easily observable from the public right of way, Peyton Circle, and the west-facing units. The standard is met.

Figure 4: Applicant's Site Plan



<Note: There is no codified Criterion G.>

H. Demarcation of public, semipublic, and private spaces;

1. Structures and site improvements shall be designed so that public areas such as streets or public gathering places, semipublic areas and private outdoor areas are clearly defined in order to establish persons having a right to be in the space, in order to provide for crime prevention and to establish maintenance responsibility; and
2. These areas may be defined by a deck, patio, low wall, hedge or draping vine, a trellis or arbor, a change in level, or landscaping;

Findings: Peyton Circle is a private street/semi-public area defined by a sidewalk, curbs, gutters, and vehicular travel lanes. The onsite pedestrian network is defined by improved walkways. The common open space area is defined by landscaping. This standard is met.

I. Crime prevention and safety:

1. In residential developments, interior laundry and service areas shall be located in a way that they can be observed by others;
2. Mailboxes shall be located in lighted areas having vehicular or pedestrian traffic;
3. Exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime;
4. Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps, and abrupt grade changes. Fixtures shall be placed

at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person.

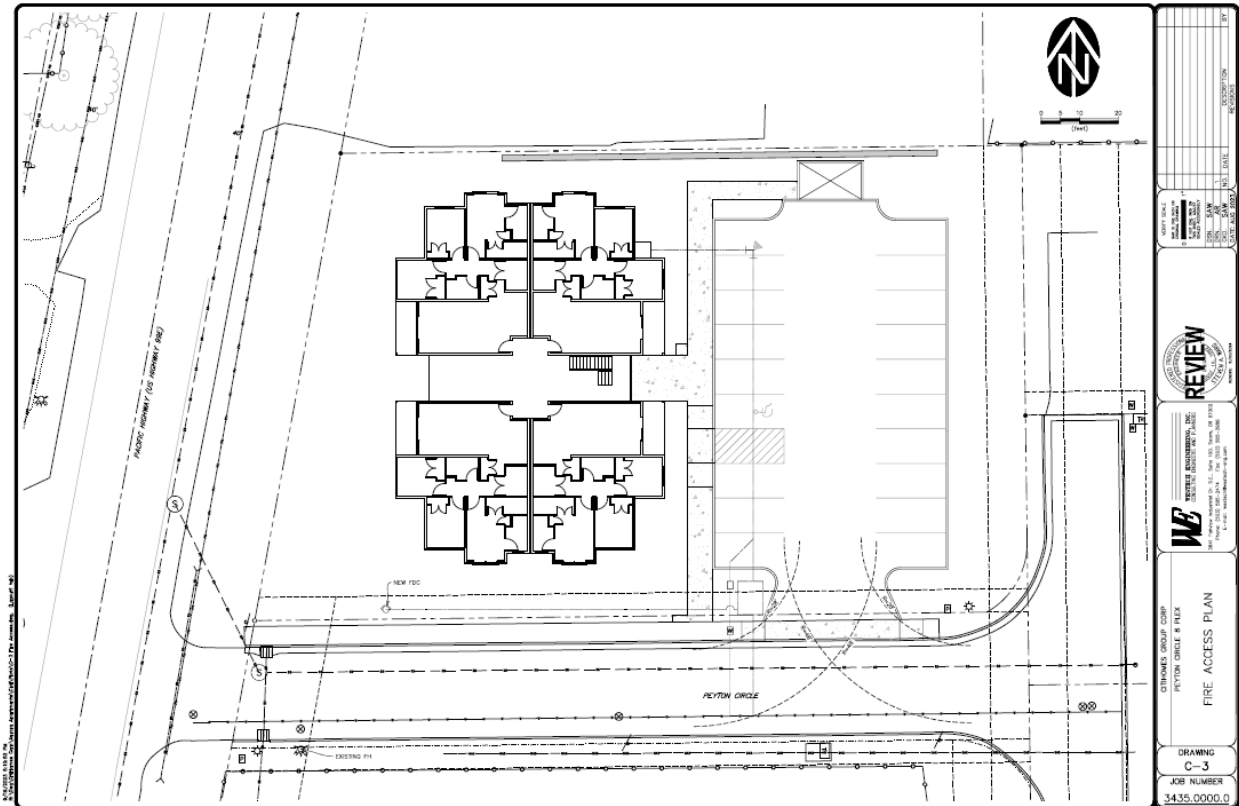
Findings: Staff find these standards not clear or objective. Staff observes that because the project is a housing project, a local government may adopt and apply only clear and objective standards as required by ORS 197.307(4). Nevertheless, the location of the mailboxes shown on the Applicant's site plan is acceptable and conditions are recommended to ensure that lighting is provided. This standard can be met as conditioned.

J. Access and circulation;

- 1. The number of allowed access points for a development shall be as determined by the City Engineer in accordance with standard engineering practices for city rights-of-way, as determined by Marion County for county rights-of-way, and as determined by the Oregon Department of Transportation for access to Highway 99E.*
- 2. All circulation patterns within a development shall be designed to accommodate emergency vehicles.*

Findings: The development is served by existing access from Highway 99E, permitted through an existing highway approach permit (#52512) as well as a reciprocal access easement contained on property to the south. ODOT comments on the application in Exhibit A.7 reasserted their comments from a previous approval that the development must use Peyton Circle for access and additional access to 99E would not be allowed. The Applicant provided the Fire Access Plan shown in Figure 5 showing how the development will provide access for emergency vehicles. The Applicant's plan was sent to the Fire Department for review and comment on March 7. The Fire Department did not submit comments on the application. Conditions of approval are recommended to ensure that the final development plan meets applicable fire access requirements. Staff find this criterion can be met as conditioned.

Figure 5: Fire Access Plan



K. Public transit;

1. Provisions within the plan shall be included for providing for transit if the development proposal is adjacent to existing or proposed transit route.
2. The requirements for transit facilities shall be based on:
 - a. The location of other transit facilities in the area;
 - b. The size and type of the proposal.
3. The following facilities may be required:
 - a. Bus stop shelters;
 - b. Turnouts for buses; and
 - c. Connecting paths to the shelters;

Findings: The Public Transportation Element of the Aurora TSP identifies the need for transit stop improvements in proximity to the intersection of Highway 99E and Ottaway Road. Staff finds the development proposal to be adjacent to a transit route, but not at an intersection proposed for improvements at this time to accommodate a shelter as K describes.

L. All parking and loading requirements shall be designed in accordance with the requirements set forth in Chapter 16.42.

16.42.030 – Off-Street Parking

A. *Residential Uses/Day Care/Institutional/Hospital.*

Use Standard

1. *Single- and two-family 2 spaces per dwelling unit*

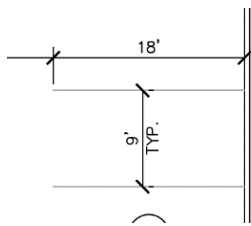
2. *Multifamily dwelling 1 space per studio or one-bedroom dwelling unit, 2 spaces per dwelling unit with two or more bedrooms plus one space per three dwelling units for guests.*

Findings: The proposal includes eight (8) units consisting of three bedrooms. The project requires 19 parking spaces which are provided as shown on the Applicant's site plan. The standard is met.

16.42.130 Off-street parking dimensional standards.

Findings: The minimum dimensional standard for 90-degree parking spaces is 9'6" x 20'. The Applicant's site plan shows parking spaces with 9 feet of width and 18 feet of depth.

Figure 4: Proposed parking space dimensions



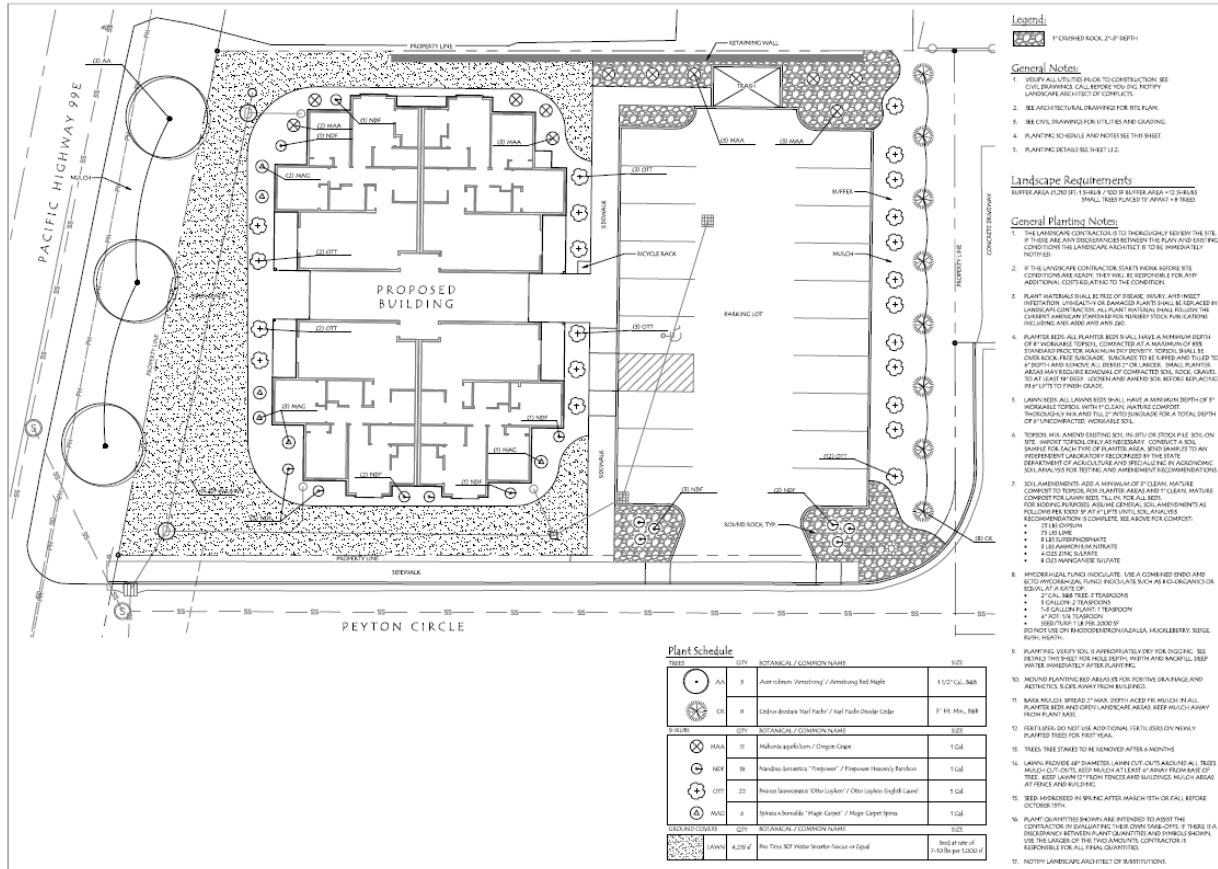
The depth dimension is measured from the front of the outer curb to the edges of the vehicle access aisle. The site plan accommodates two feet of overhang without parked vehicles interfering with any pedestrian circulation area. Therefore, staff can find the depth dimension is met with the 18 feet shown plus 2 feet of overhang. The width dimension is required to be met with a recommended condition of approval. The standard can be met as conditioned.

The applicable standards of Chapter 16.42 can be met.

M. All landscaping shall be designed in accordance with the requirements set forth in Chapter 16.38.

The Applicant submitted the Landscape Planting Plan shown in Figure 6 illustrating how landscaping is planned to be designed.

Figure 5: Proposed Landscape Planting Plan



Chapter 16.38 Landscaping, Screening And Fencing

16.38.020 Applicability and approval process.

- A. *Section 16.38.060 shall apply to all properties in the city. All other sections of this chapter shall apply to all development except single-family residences, duplexes, and accessory buildings including accessory dwelling units.*
- B. *In residential zones, at least ten (10) percent of the total area shall be landscaped.*
- C. *In the commercial and industrial zones, landscaping shall be as follows:*
 - 1. *Properties up to twenty thousand (20,000) square feet in size shall have at least fifteen (15) percent of the total lot area landscaped.*
 - 2. *Properties larger than twenty thousand (20,000) square feet in size shall have at least ten (10) percent of the total lot area landscaped.*

Findings: The project involves a residential use in a commercial zone on a property ±22,651 square feet in area requiring at least 10 % of the total lot area to be landscaped. This requirement is met as shown on the Applicant's site plan in Exhibit B.2.

16.38.040 Buffering and screening requirements.

- A. *Buffering and screening a minimum width of twenty (20) feet shall be required between any nonresidential use in a non-residential zone that abuts a residential use in a residential zone.*

Findings: The standard does not apply. However, AMC 16.14.040.C.3. requires a 20-foot setback screened and buffered in accordance with Chapter 16.38 where abutting the adjacent R-1 residential zoning district. This setback is provided as shown on the Applicant's site plan in Exhibit B.2 and the standard can be met with a recommended condition of approval that the required screening is provided.

- B. *A buffer shall consist of an area within a required interior setback adjacent to a property line, having a width of ten (10) feet or greater and a length equal to the length of the property line.*
- C. *Occupancy of a buffer area shall be limited to utilities, screening, and landscaping. No buildings, access-ways, or parking areas shall be allowed in a buffer area.*

Findings: The required buffer is provided on the Applicant's site plan. These standards are met.

- D. *The minimum improvements within a buffer area shall include:*

- 1. *One row of trees, or groupings of trees equivalent to one row of trees. At the time of planting, these trees shall not be less than ten (10) feet high for deciduous trees and five feet high for evergreen trees measured from the ground to the top of the tree after planting. Spacing for trees shall be as follows:*
 - a. *Small or narrow stature trees, under twenty-five (25) feet tall or less than sixteen (16) feet wide at maturity shall be spaced no further than fifteen (15) feet apart;*
 - b. *Medium-sized trees between twenty-five (25) feet to forty (40) feet tall and with sixteen (16) feet to thirty-five (35) feet wide branching at maturity shall be spaced no greater than twenty-five (25) feet apart;*
 - c. *Large trees, over forty (40) feet tall and with more than thirty-five (35) feet wide branching at maturity, shall be spaced no greater than thirty (30) feet apart.*
- 2. *In addition, at least one shrub shall be planted for each one hundred (100) square feet of required buffer area.*

3. *The remaining area shall be planted in groundcover, or spread with bark mulch.*

Findings: The minimum improvement standards apply to the setback area abutting the R-1 district along the eastern boundary of the property required by AMC 16.14.040.C.3. These improvement standards can be met with a recommended condition of approval.

E. Where screening is required, the following improvements are required in addition to subsection D of this section:

1. *A hedge of narrow or broadleaf evergreen shrubs shall be planted which will form a four-foot continuous screen within two years of planting; or*
2. *An earthen berm planted with evergreen plant materials which will form a continuous screen six feet in height within two years. The unplanted portion of the berm shall be planted in lawn, ground cover, or bark mulched; or*
3. *A six-foot fence or wall providing a continuous sight-obscuring screen. Fences and walls shall be constructed of materials commonly used in the construction of fences and walls such as wood or brick, or otherwise acceptable by the Planning Director. Corrugated metal is not considered to be acceptable fencing material. Chain link fences with slats may qualify as screening when combined with the planting of a continuous evergreen hedge*

Findings: This minimum improvement standard applies to the setback area abutting the R-1 district along the eastern boundary of the property required by AMC 16.14.040.C.3. This screening requirement can be met with a recommended condition of approval requiring the Applicant to submit a revised landscape planting plan that includes one of the screening elements above. This standard can be met as conditioned.

F. Buffering and screening provisions shall be superseded by the vision clearance requirements as set forth in Chapter 16.40.

16.38.050 Screening—Special provisions.

- A. *If four or more off-street parking spaces are required under this title, off-street parking adjacent to a public street shall provide a minimum of four square feet of landscaping for each lineal foot of street frontage. The minimum standard for such landscaping shall consist of shrubbery at least two feet in height located adjacent to the street as much as practical and one tree for each fifty (50) lineal feet of street frontage or fraction thereof.*

Findings: The application does not involve a parking area adjacent to a public street. Peyton Circle is a private street. This standard does not apply.

- B. *Landscaped parking areas may include special design features which effectively screen the parking lot areas from view. These design features may include the use of landscaped berms, decorative walls, and raised planters. Landscape planters may be used to define or screen the appearance of off-street parking areas from the public right-of-way. Materials to be installed shall achieve a balance between low-lying and vertical shrubbery and trees.*

Findings: The staff report includes a recommended condition of approval requiring the Applicant to submit a revised landscape planting plan that includes one of the required screening elements in the 20-foot buffer adjacent to the R-1 residential zone. This standard can be met as conditioned.

- C. *Screening of loading areas and outside storage is required according to the specification in Section 16.38.040(E).*

Findings: The application does not involve a loading area or outdoor storage.

- D. *Except for one-family and two-family dwellings, any refuse container or disposal area and service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area shall be screened from view by placement of a solid wood fence, masonry wall or evergreen hedge between five and eight feet in height. All refuse materials shall be contained within the screened area.*

Findings: The refuse location is on the northern end of the vehicular parking area and will require screening to meet the standard. This is included as a recommended condition of approval. This standard can be met.

N. All public improvements shall be designed in accordance with the requirements of Chapter 16.34.

16.34.030 Streets.

- A. *No development shall occur unless the development has frontage on or approved access to a public street:*
1. *Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of land division. Any new street or additional street width shall be dedicated and improved in accordance with this title, the Aurora transportation system plan, and the public works design standards and specifications.*

Findings: Access to Highway 99E (a public street) is provided via Peyton Circle. Peyton Circle is a private street that the Planning Commission approved in 2002 as part of the Peyton Circle Subdivision (City File SUB 02-03-2217 Exhibit A.5). The accessway includes a 33-foot-wide access easement improved with ± 24 feet of paved width for vehicular travel, a sidewalk on the development side, and a 6-foot-wide Public Utility Easement (PUE). The current Tax Assessor's map shows that the width of the Highway 99E right-of-way along the site frontage varies from 80 feet at the north end of the site to 90 feet at the southern end. Highway 99E along the site's frontage is improved with vehicular lanes and paved shoulders but lacks curbs, gutters, sidewalks, bike lanes, street lighting, landscaping, and stormwater facilities. Highway 99E is classified as a Principal Arterial subject to the following standards:

Classification	Pavement Width (ft)	Sidewalks Width (ft)	Planting Strips (ft)	Bikeway Width (ft)	Parking	ROW (ft) ⁽²⁾
Legacy Street	24	None	None	None	2 sides	44
Local Residential ⁽³⁾⁽⁴⁾	32	5	5	None	2 sides	54
Principal Arterial (State) ⁽⁹⁾	48—50	8	6	6	None	84

The majority of the site fronting right of way exceeds the minimum requirement. An additional two feet of right of way is needed along the northern frontage of the property to meet the standard. The development of the property is subject to the Conditions of Approval of MP 20-02 which include the following:

- A. *Develop the subject property in accordance with plans approved by the city. All improvements, including but not limited to reviews, approvals, and permits required by the Planning Conditions of Approval, AMC, PWS, Marion County, ODOT, DEQ, OHA-DWP, Fire Code Official, Building Official, and/or any other agencies having jurisdiction over the work shall apply. The Applicant/owner shall coordinate with Public Works, Fire Code Official, and other appropriate agencies, as necessary at the time of future development.*

Further, Condition D requires the following:

- D. Frontage improvements shall be determined at the time of proposed development along the subject properties. Prior to future development, the owner/developer shall submit for City review and approval an engineered street improvement plan in compliance with the Aurora TSP and ODOT requirements, unless deferral of improvements is granted by the City.*

Both conditions incorporate requirements of the AMC and TSP for right-of-way and street improvements as a condition of the development included in this application. Therefore, conditions are recommended to ensure that those improvements are provided per the AMC and the outstanding conditions of approval for MP 20-02. Among these conditions is a requirement for 2 feet of right of way dedicated along the northern portion of the site's Highway 99E frontage to meet the minimum right of way width on the development side. These standards can be met as conditioned.

2. *Subject to AMC 16.78 and approval of the Planning Commission, the City may accept and record a non-remonstrance agreement in lieu of street improvements if the following conditions exist:*
 - a. *A partial improvement creates a potential safety hazard to motorists or pedestrians; or*
 - b. *Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity.*
 - c. *Any approved non-remonstrance agreements shall be on forms provided by the City of Aurora and with review and approval signature authority on the draft agreement prior to recording.*

Findings: Staff do not see a safety hazard to motorists or pedestrians related to improving the Highway 99E frontage to meet City standards. However, unknown potential constraints presented by the property to the north, the variable width of the right of way, and an undetermined centerline of Highway 99E may make frontage improvements impractical at this time. Therefore, a non-remonstrance agreement is warranted for the project and is included as a recommended condition of approval.

3. *Subject to AMC 16.78 and approval of the Planning Commission, the City may accept a payment in lieu of street improvements. To propose a payment in lieu of street improvements, the Applicant shall prepare an engineering estimate for the costs of engineering, design, and construction of the required frontage improvements. City staff will review and approve the engineering cost estimate and calculate the payment in lieu of street improvements. The payment in lieu of street improvements will generally be set at two-thirds of the estimated cost. Payment in lieu of street improvement funds collected by the City will be used to pay for improvements within public rights of way within the Aurora city limits.*

Findings: As previously discussed, street frontage improvements to Highway 99E are required to meet the requirements of AMC 16.34.030.A.1. The City may accept a payment in lieu of street improvements to meet the standard. Therefore, it is included in the recommended conditions of approval.

4. *New structures that are proposed to be constructed on lots abutting an existing public street that does not meet the minimum standards for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way. Building permits*

shall not be issued unless yard setbacks equal to the minimum yard requirements of the zoning district plus the required minimum additional right-of-way width is provided.

Findings: Conditions of approval are recommended to ensure the remaining right of way is provided. With the recommended conditions, an additional special setback is not needed.

- B. Rights-of-way shall normally be created through the approval of a final partition or subdivision plat.*
- 1. The Council may approve the creation of a street by deed of dedication if any establishment of a street is initiated by the Council and is found to be essential for the purpose of general traffic circulation, and partitioning of subdivision of land has an incidental effect rather than being the primary objective in establishing the road or street for public use.*
 - 2. All deeds of dedication shall be in a form prescribed by the City and shall name "the City of Aurora, Oregon" or "the public," whichever the City may require, as grantee.*
 - 3. All instruments dedicating land to public use shall bear the approval by the Mayor accepting the dedication prior to recording.*
 - 4. No person shall create a street or road for the purpose of partitioning an area or tract of land without the approval of the city.*

Findings: Conditions of approval are recommended to ensure the remaining right of way is provided consistent with the conditions of approval for MP 20-02 in Exhibit A.2. With the recommended conditions, an additional special setback is not needed.

- C. Subject to AMC 16.78, the Planning Commission may approve a private street established by deed for a subdivision containing no more than five total lots or for a partition provided such an approval is the only reasonable method by which a lot large enough to develop can develop when all of the following criteria are satisfied:*
- 1. Private streets shall serve no more than five dwellings and the city shall require legal assurances for the continued access and maintenance of private streets, such as a reciprocal access and maintenance agreement recorded with Marion County.*
 - 2. Private streets which exceed one hundred fifty (150) feet shall be improved in accordance with the Uniform Fire Code.*
 - 3. Private streets shall be improved in accordance with the public works design standards, and shall be a minimum of twenty (20) feet in width with a paved width of eighteen (18) feet. Unless otherwise approved by the City Engineer, the private street typical asphalt design section shall be designed to City Local Street standards.*
 - 4. If the establishment of a building site requires the creation of a private street for access, the total area of the street will not be applicable to the square footage requirements of the lot.*

Findings: AMC 16.34.030.C.(1-4) include criteria that need to be met to allow Planning Commission to approve a private street established by deed for a subdivision containing no more than five total lots or for a partition. The application does not request approval of a private street to serve a subdivision or partition. Peyton Circle was approved by the Planning Commission as part of the Peyton Circle Subdivision in 2002 (City File SUB 02-03-2217 Exhibit A.5) and was recorded in 2004 by a reciprocal access and maintenance easement which control the terms under which the parties to the agreement may use the street. Use of the street will continue to be subject to the terms of the recorded easements including any terms for continuing maintenance. Detailed response to public comment regarding the applicability of Subsection (1) is also provided in Section V of this staff report.

AMC 16.34.030 (C) does not apply to this application.

16.34.080 Sanitary sewers

- A. *Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth by the City's public works design standards and the adopted policies of the comprehensive plan.*
- B. *The City Engineer shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.*

Findings: Sanitary sewer facilities are shown on the Applicant's overall utility plan included in the civil site plans in Exhibit B.2. Conditions are recommended to ensure that the proposed sanitary sewer facilities are reviewed, approved, and installed according to City design standards and the comments included in the City Engineer's memo in Exhibit A.1. These standards can be met as conditioned.

16.34.090 Storm drainage.

- A. *Storm drainage shall be designed in accordance with the provisions set forth by the City's public works design standards and the adopted policies of the comprehensive plan. The Planning Director, City Engineer, and Public Works Director shall recommend issuance of City permits only where adequate provisions for stormwater and floodwater runoff have been made, and:*
 - 1. *The stormwater drainage system shall be separate and independent of any sanitary sewerage system;*
 - 2. *Inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street;*
 - 3. *Surface water drainage patterns shall be shown on every development proposal plan;*
 - 4. *A stormwater analysis, calculations, and report shall be submitted with proposed plans for City review and approval. Stormwater quantity on-site detention facilities shall be required in accordance with Marion County Public Works Standards unless otherwise approved by the City Engineer. When required because of an identified downstream deficiency, stormwater quantity on-site detention facilities shall be designed such that the peak runoff rates will not exceed pre-development rates for the specific range of storms where the downstream deficiency is evident. Construction of on-site detention shall not be allowed as an option if such a detention facility would have an adverse effect upon receiving waters in the basin or sub-basin in the event of flooding, or would increase the likelihood or severity of flooding problems downstream of the site.*
 - 5. *All stormwater construction materials shall be subject to approval of the City Engineer.*
 - 6. *For privately maintained stormwater facilities, a Private Stormwater Facilities Agreement, in a form approved by the City, shall be fully executed by the Owner and submitted to the City prior to the issuance of the City permit. This agreement, recorded with Marion County Oregon Licensing and Recording Division, identifies the operation and maintenance requirements and the party responsible for the long-term operation and maintenance of the private stormwater facilities.*
- B. *A culvert or other storm drainage system shall, and in each case be, large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The City Engineer shall approve the necessary size of the storm drainage system.*

- C. *Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing storm drainage system, the Planning Director shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development.*
- D. *Drainage facilities shall be provided within a subdivision or development and to connect the subdivision or development drainage to drainage ways or storm drainage system off-site. Design of storm drainage systems, as approved by the City Engineer, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision or development and to allow extension of the system to serve such areas.*
- E. *Street improvements shall include the installation of inlets or catch basins connected to storm drainage systems or drainage ways.*

Findings: The Applicant did not submit the required stormwater analysis to support the proposed storm design. Conditions are recommended to ensure that the proposed stormwater design is reviewed, approved, and installed according to the provisions of 16.34.090 *Storm drainage*. The Applicant's proposed stormwater design appears to discharge to a private facility on property to the south (Parcel 1 of PP 2021-023 in Exhibit A.3). The owner of the stormwater easement submitted comments on the application observing that most of Parcel 2 is not described as benefitting from the stormwater easement. Therefore, conditions are included to ensure the final stormwater design uses an approved point of discharge. These standards can be met as conditioned.

16.34.100 Water system.

Water systems shall be designed in accordance with the provisions set forth by the City's public works design standards and the adopted policies of the comprehensive plan. The Planning Director and Public Works Director shall issue permits only where provisions for municipal water system extensions have been made, and:

- A. *Any water system extension shall include consideration of additional development within the area, be designed in accordance with the comprehensive plan and water system master plan, and consider the potential flow requirements upstream in the water system sub-basin;*
- B. *Extensions shall be made in such a manner as to provide for adequate flow and gridding of the system. Unless otherwise approved by the City Engineer, all public water main extensions shall be a minimum of eight inches in diameter;*
- C. *The City Engineer shall approve all water system construction materials;*
- D. *Water lines and fire hydrants serving each building site in the subdivision or development and connecting the subdivision or development to City mains shall be installed. Unless otherwise approved by the City, separate water services and water meters shall be provided for each building that is to be used as a place of business when located within a single lot;*

Findings: Water connections are shown on the Applicant's overall utility plan included in the civil site plans in Exhibit B.2. Conditions are recommended to ensure that the proposed water facilities are reviewed, approved, and installed according to City design standards and the comments included in the City Engineer's memo in Exhibit A.1. These standards can be met as conditioned.

O. All facilities for the handicapped shall be designed in accordance with the requirements set forth in the ADA requirements;

Findings: The subject application includes new construction which means the development plan is subject

to the Oregon Structural Specialty Code and all City of Aurora and State of Oregon ADA requirements. This is included as a recommended condition of approval. Staff finds this criterion can be met, with conditions.

P. All of the provisions and regulations of the underlying zone shall apply.

Findings: The subject site is within the Commercial (C) zoning district (Chapter 16.14), the Neighborhood Commercial (NC) Overlay (Chapter 16.30), and is subject to the Gateway Development Standards in Chapter 16.56. AMC 16.30.020 explains how the Neighborhood Commercial Overlay applies to any property fronting on Highway 99 for the first two hundred (200) feet as measured perpendicular from Highway 99 or right-of-way. AMC 16.30.030 explains the uses that are allowed in addition to the uses permitted in the base zone and subject to Chapter 16.58 when the aggregate total of required parking for all uses on a parcel or lot does not exceed twenty (20) required parking spaces including multifamily development containing up to eight units. Further findings addressing provisions and regulations of the underlying zones are addressed in detail throughout this report.

Q. All properties located in the historic commercial or historic residential overlay shall be designed in accordance with the requirements set forth in Title 17 of the Aurora Municipal Code.

Findings: Staff finds the property to be located outside the historic commercial/residential overlay. The criterion does not apply.

V. PUBLIC COMMENT AND STAFF RESPONSE

AMC 16.78.070.F states that a 14-day period for submission of written comments is provided prior to the decision and that the notice state the time, place and date that the written comments are due. AMC 16.78.070.C. states that site development review shall also require notice to be printed in the local newspaper at least fourteen (14) days prior to the meeting clearly identifying the decision that is pending, stating that there is no public hearing and there is a fourteen-day period for public written comment regarding the pending limited land use decision and including the expiration date for receipt of written comments. Those required notices are included in Exhibit A.3.

Three letters containing written comments were submitted during this period. Those letters are included in Exhibit C. The following is a summary of the issues raised in those comments followed by staff responses to those issues to inform Planning Commission's decision.

Exhibit C.1 - Comments from attorney Steve Elzinga on behalf of Tom Griffith, owner of 21200 Highway 99E NE (TL 2900)

Staff response: Comments submitted on behalf of Mr. Griffith are generally directed toward the terms of the reciprocal access and maintenance agreement for Peyton Circle (Reel 2509 Page 409 MCDR) that was recorded to satisfy the conditions of approval of the Peyton Circle Subdivision and subsequent amendments to address the use and maintenance of the private stormwater facility on Mr. Griffith's property (Reel 4225 Page 247 MCDR). The City is not a party to the agreements. The agreements involve maintenance responsibilities for private facilities between private parties. Staff observe that Mr. Griffith accepted the terms of these agreements when he purchased the lot from the Applicant in April 2021. Any use of those facilities by the Applicant to serve the project will need to take place within the terms of those agreements. If any compliance issues arise, they would need to be addressed as a civil matter between the private parties that are subject to the agreement as stated in Section 8 of Reel 2509 Page 409 MCDR:

8. Each lot owner shall have all legal and equitable remedies under Oregon Law to enforce the terms of the easements and agreement and/or obtain other appropriate redress for a breach thereof. In any civil action arising out of or relating to the easements and agreement the prevailing party (s) shall have judgment against the non-prevailing party (s) as determined reasonable by the court (s) adjudicating such controversy, trial and/or appellate, and in addition to other legally authorized costs and disbursements.

The easements and the terms of this agreement are in force upon its recordation in Marion County, Oregon Records.

The following points have been extracted from the letter followed by staff responses.

1. Only one residence is allowed on the property currently due to private street standards.

Section 16.34.030(C)(1) requires that "Private streets shall serve no more than five dwellings."

Staff response: Mr. Elzinga omits the qualifying language in AMC 16.34.030(C) which explains that Subsection (1) is one of four criteria that need to be met to allow Planning Commission to approve a private street established by deed for a subdivision containing no more than five total lots. That language reads as follows:

C. Subject to AMC [16.78](#), the Planning Commission may approve a private street established by deed for a subdivision containing no more than five total lots or for a partition provided such an approval is the only reasonable method by which a lot large enough to develop can develop when all of the following criteria are satisfied:

1. Private streets shall serve no more than five dwellings and the city shall require legal assurances for the continued access and maintenance of private streets, such as a reciprocal access and maintenance agreement recorded with Marion County.

This application does not involve an approval for subdivision and the application does not request Planning Commission approval of a private street because the private street was already approved by Planning Commission in 2002 with SUB-03-2217. Therefore, the criteria that would otherwise apply to such a request do not apply to this application. The terms under which Peyton Circle was approved as a private street were executed by the Conditions of Approval for the decision and the agreement recorded against the property in satisfaction of those conditions. The Planning Commission approved Peyton Circle as a private street subject to the following condition of approval:

5. The private street shall be improved to be constructed to include 24' of paving, curbs on both sides, gutters, a 5 foot wide sidewalk on the north side and street lighting, except for the hammerhead turnaround, and the private street excluding the hammerhead turnaround shall be shown on the final plat as Tract A. The private street shall be posted "No Parking". The connection to Highway 99E shall be constructed as a driveway approach. The entrance to any commercial use accessed from the private street shall be constructed as a driveway approach and the location of such accesses shall be subject to approval by the City Engineer. The hammerhead turnaround shall be constructed to the standards of the Aurora Fire District and shall be subject to approval by the City Engineer and the Aurora Fire Chief. Reciprocal access and maintenance agreements shall be required for all lots accessing the private street. City Attorney approval of the language in the access and maintenance agreements is required prior to recording.

Both the Applicant and Mr. Elzinga submitted the access and maintenance agreement that was recorded in satisfaction of the condition (Reel 2509 Page 409 MCDR). See Exhibit B.6. The Applicant's supporting materials and the materials submitted by Mr. Elzinga both support the findings that Planning Commission approved Peyton Circle as a private street in 2002, that the current application involves the use of that street as approved, and that AMC 16.34.030(C) does not apply to this application.

2. Major drainage issues can only be fixed with significant conditions changing the site plan.

The current proposal fails to meet Aurora’s drainage requirements, as explained in detail below. If this project is approved, it should only be approved with the recommended conditions that the site plan must be revised to (1) eliminate drainage onto the private street or into the private stormwater system where the development has no legal right to dump water and doesn’t contribute to maintenance costs and (2) provide for a private stormwater detention facility on site with enough capacity to handle all stormwater from the development.

Staff response: Standard conditions of approval are recommended to ensure that the final stormwater design, including the private detention facility shown in the submitted plans, meets the applicable standards under 16.34.090. The recommended conditions of approval require the final storm plan to drain to an approved discharge point to be approved by the City Engineer if the parties determine under Section 8 of Reel 2509 Page 409 MCDR, that the Applicant does not have use of the stormwater facility under the recorded agreement.

E. The new development plan violates code requirements because it tries to drain stormwater on neighbors without any legal right to do so.

The original easement for private road Peyton Circle (Reel 2509, Page 409; attached as Exhibit 1) included an easement for “public utility service” and an easement for access and “public utility service.” See page 1. The title, introductory paragraph, Exhibit #1B and, Exhibit #2B all reference either “Public Utility Easement” or “PUE.” There are no references to a “private utility easement” or just a more general “utility easement.”

The easement amendment (Reel 4225, Page 247; attached as Exhibit 2) include Recital #3, which mentions the reasons for the amendment as including (bolding added):

Third, the Original Easements generate stormwater which is conveyed across several lots to Lot 10, Block 7, Snyders Addition where it is discharged, detained and treated.

*However, **no easement and maintenance agreement was created for stormwater and one is necessary and created in this Amendment.***

Staff response: Staff agrees that stormwater was not addressed in the original easement and maintenance agreements (Reel 2509, Page 409) and the terms of those agreements were amended in Reel 4225 Page 247 to include stormwater. The provision for lot owner to enforce the terms of the agreement are described in Section 8 of Reel 2509 Page 409 MCDR. Standard conditions of approval are recommended to ensure that the final stormwater design, including the private detention facility shown in the submitted plans, meets the applicable standards under 16.34.090. The recommended conditions of approval require the final storm plan to drain to an approved discharge point to be approved by the City Engineer, if the parties to the agreement determine that the currently planned discharge point is not permitted under the agreement.

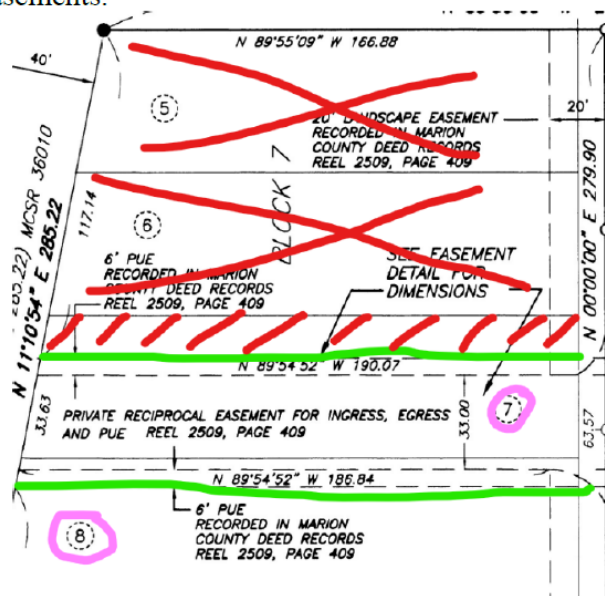
Further, Amendment paragraph #3 that creates the “Stormwater Easement” says it is for the “Impervious surfaces in the Original Easements [that] generate stormwater . . .” and that *An easement for the conveyance, discharge, treatment and detention of stormwater is hereby granted for the benefit of . . . [the hammerhead easement part of the four Peyton Circle lots] and for the benefit of those portions of Lots 7 and 8, Block 7, Snyders Addition that are within the Original Easements.*

Staff response: Staff agrees that the stormwater maintenance agreement contained in Reel 4225 Page 247 does not describe the area outside the original easements as benefitting from the stormwater easement. Staff also observes that none of the residential lots, including Lots 1-4 of Peyton Circle are described as benefitting. Section 8 of Reel 2509 Page 409 MCDR describes the process for resolving disputes between the lot owners.

Only the 4 Peyton Circle lots contribute to stormwater maintenance costs under paragraph #4.

Staff response: Staff agrees that the Applicant’s property is not required to contribute to stormwater maintenance costs under the terms of the maintenance agreement in Reel 4225 Page 247. See Section 8 of Reel 2509 Page 409 MCDR for remedy.

Notably, the partition plat excerpted below from Marion County (attached as Exhibit 3) shows that the benefited area for the stormwater easement does not include most of the proposed development. We added notes based on how the easement reads, with pink circles around lot numbers 7 and 8, red “x” through lots 5 and 6, and red lines through the part of lot 7 that is outside the Original Easements.



Almost the entire development is outside the area that is allowed to drain water to the private road and private stormwater system. Thus, the development has no right to dump all their stormwater onto the private street nor into the existing private stormwater system.

Staff response: Staff acknowledge the ambiguities in the agreement regarding the benefitting areas. See Section 8 of Reel 2509 Page 409 MCDR for how lot owners can remedy this controversy.

The proposed stormwater plan shows an underground detention facility consisting of an underground pipe 42 inches in diameter and 103 feet long collecting water from ±6,534 square feet of impervious area and a parking area surfaced with pervious pavement. Conditions of approval are recommended to ensure the final design complies with city standards under AMC 16.34.090.

Notably, the private drainage basin currently serving Peyton Circle already gets over $\frac{3}{4}$ full on days where there has been a lot of accumulated rain. Adding significantly more drainage from the development (which appears to be around 12,000+ square feet of new paving and rooftops) may cause flooding on adjacent property and possibly even onto Highway 99. This would worsen what Aurora already recognizes is a problematic drainage area.

If this project is approved, it should only be approved with the above recommended conditions that the site plan must be revised to (1) eliminate drainage onto the private street or into the private stormwater system where the development has no legal right to dump water and doesn't contribute to maintenance costs and (2) provide for a private stormwater detention facility on site with enough capacity to handle all stormwater from the development.

Staff response: As previously discussed, planning staff make no judgement as to the whether or not the Applicant has use of the facility under the terms of MCDR Reel 4225 Page 247. The lot owner can resolve this controversy with the Applicant under Section 8 of MCDR Reel 2509 Page 409. The proposed stormwater plan shows an underground detention facility consisting of an underground pipe 42 inches in diameter and 103 feet long collecting water from ±6,534 square feet of impervious area and a parking area surfaced with pervious pavement. Conditions of approval are recommended to ensure the final design complies with city standards under AMC 16.34.090. These comments were forwarded to the Applicant and City Staff encouraged the Applicant to make these revisions to the plan.

3. Sidewalks are required by city code but not proposed by the developer. Any approval should be conditioned on requiring a sidewalk along Highway 99 for pedestrian safety.

Staff response: Conditions of approval are recommended requiring that the Applicant pay a fee in lieu of street improvements to Highway 99E, including sidewalks.

4. If approved, the apartment development should be conditioned on paying a fair percentage of maintenance for the private street.

Section 16.34.030(C)(1) requires that “the city shall require legal assurances for the continued access and maintenance of private streets, such as a reciprocal access and maintenance agreement recorded with Marion County.”

There is no legal assurance of maintenance by the developer since no maintenance can occur under the current agreement without consent of over 50% of legal rights on Peyton Circle. Even if the developer wanted to do maintenance, he does not have over 50% of the legal rights and could not do so unless neighbors agree. This is not sufficient to meet Aurora’s code requirement. If approved, the Planning Commission should include a condition that the developer is responsible for maintenance of the private street.⁶

Staff response: These legal assurances were put in place by Planning Commission SUB 02-03-2217 (Peyton Circle Subdivision) Reciprocal private access and maintenance easements shown in Exhibit B.6 were recorded as Reel 2509 Page 409, MCDR. As previously noted, Peyton Circle is a private street located on private property owned by Tom Griffith. The commenter is not a party to the application, therefore Planning Commission does not have the authority to impose conditions of approval on a neighboring property that is not a party to the application under consideration. Any improvements or maintenance will be subject to the terms of the existing maintenance agreements - recorded as Reel 2509 Page 409 MCDR. The developer is responsible for 28% of the maintenance responsibilities of the street. The property described as responsible for this 28% accounts for roughly 28% of the land area subject to this agreement:

6. Expenses allocated to each parcel of subject property and their respective owners for the preservation and protection of the easements and the maintenance and repair of improvements therein contained are as follows:

	<u>Easements #1 and/or #2</u>	<u>Easement #3</u>
Lot 5, Lot 6 and the northerly 21.00ft. of Lot 7, Block 7 and the 10ft. portion of the alley vacated thereto.	28%	0%

7. Improvements and related expenditures and terms of payments referenced in paragraph 6 above shall be determined on an "as needed" basis by a majority of the above percentages for each respective easement. A majority in percentage interest shall also constitute a required quorum to authorize making decisions/expenditures for the foregoing. Absent an emergency situation,

Further, per the terms of Section 8 of Reel 2509 Page 409 MCDR, each lot owner shall have all legal and equitable remedies under Oregon Law to enforce the terms of the easements and agreement and/or obtain other appropriate redress for a breach thereof. Any controversy over the fairness of the agreement will need to be settled under Section 8.

Exhibit C.2 - Comments from Megan Dilson and Bruce Kingman in opposition

The city ordinance, specifically Section 16.34.030(C)(1), clearly stipulates that private streets within our neighborhood should serve no more than five dwellings. Allowing the construction of an eight-apartment complex would not only violate this ordinance but also disrupt the cohesive and intimate atmosphere of our community.

Staff response: See previous responses explaining why AMC 16.34.030(C)(1) does not apply. Planning Commission approved the creation of Peyton Circle in 2002 subject to the Condition of Approval that Planning Commission deemed necessary to carry out the applicable criteria for approving private streets that were in place at the time of the decision.

Furthermore, I strongly believe that the proposed lot would be better suited for single-family homes rather than a multi-unit apartment complex. Aurora's appeal lies in its quaint streets lined with historic single-family residences. Introducing a large apartment complex would not only be out of character with the existing neighborhood but also diminish the sense of community that defines Aurora.

Single-family homes would blend seamlessly with the surrounding architecture, preserving the aesthetic integrity of our neighborhood while accommodating responsible growth. Additionally, individual homes would offer residents a sense of ownership and pride in their properties, fostering a stronger community bond and promoting long-term investment in Aurora's future.

Staff response: Single-family homes are not permitted as a stand-alone use in the Neighborhood Commercial Overlay or in the underlying Commercial Zone. The Commercial Zone only permits a single-family residence as an accessory structure that cannot be sold separately. The project is subject to the Gateway Development Standards and the development standards of the Neighborhood Commercial Overlay which are intended to ensure that development is compatible with the City's architectural and aesthetic character. Those standards have been incorporated into the recommendation to the maximum extent possible for a housing project subject to ORS 197.307(4), which states that a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, and the standards, conditions, and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

Exhibit C.3 - Comments from Roman Lara Jacome in opposition

The purpose of Apartments is to house big populations which in this circumstance does not seem necessary for such a small town. Aurora as we know is recognized to have a small population. In fact, in 2021 the population was a small number of 1,144 residents. We believe that constructing apartments will bring more people, more noise, and the risk of a higher crime rate. As a neighborhood we all have security cameras on our property because we all have many valuables. Some of us including ourselves have businesses, and many of our tools and equipment are on our property therefore adding an apartment complex right in front of our home definitely brings concerns.

Staff response: Multifamily (four units or more) containing no more than eight units per building outside the historic residential overlay in the base commercial zone are permitted in the Neighborhood Commercial Overlay. The Commercial Zone includes standards for landscaping, buffering, and screening from neighboring residential developments to

mitigate impacts to neighboring property. Conditions of approval are recommended to ensure the required screen is provided.

We were recently informed by our next door neighbor that we are apparently supposed to be paying the owner of the electrical business in our neighborhood a wastewater fee because the water goes into the parking lot. With the implementation of apartments, this will not only add the wastewater fee to our bills but will cause other utility bills to rise. Constructing these apartments will inevitably raise our security, protection, and utility bills. We believe there are a lot of things that have not been taken into consideration that will affect our small neighborhood. We understand if homes want to be built but constructing apartments seems unnecessary for our small town and neighborhood.

Staff response: Multifamily (four units or more) containing no more than eight units per building are permitted in the Neighborhood Commercial Overlay subject to Site Development Review. ORS 197.307(4), states that a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, and the standards, conditions, and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. Detailed findings are provided throughout the staff report documenting these standards have been met or can be met as conditioned.

VI. CONCLUSIONS AND RECOMMENDATIONS

Based on the findings above, staff conclude the Applicant's proposal meets or can meet the applicable approval criteria for Site Development Review (A through Q of AMC 16.58.100) with the recommended conditions. The Planning Commission can **approve** the Site Development Review (SDR 24-01) application with the recommended conditions identified in this report.

VII. RECOMMENDED CONDITIONS OF APPROVAL

1. Submit a written Condition of Approval (COA) compliance narrative listing each Condition of Approval followed by a response detailing how each condition has been met. Attach any required documentation and or correspondence with any City Staff or other reviewers responsible for verifying compliance as necessary. The individual department or reviewer responsible for verifying compliance with each condition of approval is listed the parentheses following each condition.
2. This approval for Site Development Review approval shall lapse if a building permit has not been issued within two years from the date of approval or construction on the site is a departure from the approved plan (AMC 16.78.150.C). (City Recorder).
3. Submit the required plans, fees, and other items as described in Section 16.34.180 of the Aurora Development Code (for utility and street improvements). Building construction shall not begin until site improvement construction plans and a construction cost estimate have been submitted, checked for adequacy, and approved by the City in writing. (Public Works)
4. Submit a revised landscaping plan that includes:
 - a. Planting calculations demonstrating compliance with the minimum improvement standards under AMC 16.38.040.D. (Planner)
 - b. One of the required screening elements in AMC 16.38.040.E. within the 20-foot landscape buffer area along the eastern property boundary (Planner)
 - c. Visually screening of the refuse container and disposal facilities in compliance with AMC 16.38.050.D. (Planner)
5. Submit a revised site plan with parking spaces a minimum of 9'6" in width as required under AMC 16.42.30. (Public Works/Engineer)
6. Submit a lighting plan that shows illumination of the pedestrian and vehicular circulation areas with cutoff fixtures that shield light from neighboring properties and public right of way. (Public Works)
7. The owner/developer shall comply with all outstanding conditions of approval for Minor Partition 20-02. (Public Works/Engineer)
8. Improvements installed by the developer shall conform to City improvement standards in *AMC 16.34 – Public Improvement and Utility Standards* and specifications shall be reviewed and installed in accordance with the requirements of *AMC 16.34.170 – Improvement Procedures*. (Engineer)
9. Public improvements shall comply with the standard specifications for construction, reconstruction, or repair of streets, sidewalks, curbs, and other public facilities in *AMC 16.34 – Public Improvement and Utility Standards*, the public works design standards, the *ODOT/APWA Standard Specifications for Construction*, the *Transportation System Plan* and county or state standards, including but not limited to the *Uniform Fire Code*. (Engineer)
10. Easements for sewers, drainage, water mains, electric lines, or other public utilities shall be granted wherever necessary. The easements shall be at least twelve (12) feet wide and centered on lot or parcel lines, except for utility pole tieback easements which may be reduced to six feet in width. The owner/developer shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. (Engineer/Public Works)
11. Sidewalks on public streets, except as exempted by the Aurora Transportation System Plan, shall be constructed, replaced, or repaired per the City's public works design standards. Maintenance of

sidewalks and curbs is the continuing obligation of the adjacent property owner. (Engineer/Public Works)

12. Sanitary sewers shall be installed to serve the project and connect to existing mains in accordance with the provisions set forth by the City's public works design standards and the adopted policies of the comprehensive plan. (Public Works)
13. The City Engineer shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service. Applications shall be denied by the approval authority where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development which will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards that apply to the operation of the sewage treatment system. (Engineer)
14. A stormwater analysis, calculations, and report shall be submitted with proposed plans for City review and approval. Stormwater quantity on-site detention facilities shall be required in accordance with Marion County Public Works Standards unless otherwise approved by the City Engineer. When required because of an identified downstream deficiency, stormwater quantity on-site detention facilities shall be designed such that the peak runoff rates will not exceed pre-development rates for the specific range of storms where the downstream deficiency is evident. Construction of on-site detention shall not be allowed as an option if such a detention facility would have an adverse effect upon receiving waters in the basin or sub-basin in the event of flooding, or would increase the likelihood or severity of flooding problems downstream of the site. (Engineer)
15. Storm drainage shall be designed in accordance with the provisions set forth by the City's public works design standards and the adopted policies of the comprehensive plan. The final design shall direct stormwater runoff to an approved point of discharge determined by the City Engineer. The Planning Director, City Engineer, and Public Works Director shall recommend the issuance of City permits only where adequate provisions for stormwater and floodwater runoff have been made. (Engineer)
16. Water systems shall be designed in accordance with the provisions set forth by the City's public works design standards and the adopted policies of the *Comprehensive Plan*. The Planning Director and Public Works Director shall issue permits only where provisions for municipal water system extensions have been made. (Engineer)
17. All utility lines including, but not limited to those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface-mounted transformers, surface-mounted connection boxes, and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at fifty thousand (50,000) volts or above. (Public Works)
18. Assure the completion and maintenance of improvements by securing a bond, or placing cash in escrow, an amount equal to one hundred twenty-five (125) percent of the estimated cost of the improvements. (Public Works)
19. Submit a copy of the Oregon Department of Environmental Quality (DEQ) approval for the issued 1200-C General Permit. (Public Works)
20. For privately maintained stormwater facilities, a Private Stormwater Facilities Agreement, in a form approved by the City, shall be fully executed by the Owner and submitted to the City prior to the issuance of the City permit. This agreement, recorded with Marion County Oregon Licensing and Recording Division, identifies the operation and maintenance requirements and the party responsible for the long-term operation and maintenance of the private stormwater facilities. (Engineer)

21. Record a non-remonstrance agreement on forms provided by the City of Aurora. with review and approval signature authority on the draft agreement prior to recording. (City Attorney)
22. Pay the fee-in-lieu option identified AMC 16.34.030.A.3 (Streets) specific to the project site street frontage along Highway 99E. The Applicant shall prepare an engineering estimate for the costs of engineering, design, and construction of the required frontage improvements. The City Engineer will review and approve the engineering cost estimate and calculate the payment in lieu of street improvements. The payment in lieu of street improvements will generally be set at two-thirds of the estimated cost unless modified by public works. (Public Works)
23. Submit a Building Permit application and plans to the city intended for demonstrating compliance with the current State of Oregon Building Code in effect at the date when the Building Permit application is sought. (Public Works)
24. Ensure the payment of applicable System Development Charges. (Public Works)
25. Prior to issuance of the Certificate of Occupancy, the Applicant shall have substantially completed any required utility, street, and site construction improvements as determined by the City Engineer and Public Works Supervisor, including all as-built drawings for public improvements meeting all applicable standards of AMC 16.34.170.E. Also, all easements (and adjustments as necessary) identified to the plans for Site Development Review are to be recorded by this time, consistent with as-built locations. The city is to be the beneficiary of these easements. (Public Works)
26. Prior to issuance of the Certificate of Occupancy, the Applicant shall have landscaping completely planted, with an irrigation system, consistent with the landscape plan approved by the city. (Planner)

Advisory Notes. These notes are intended to assist the Applicant and are not conditions of approval:

1. Building Permit Application. The City of Aurora has a contract agreement with a private company for the review of construction plans and inspection of all necessary Building Permits. Applications for building permits and current fee sheets are available on the City of Aurora website at: <https://www.ci.aurora.or.us/forms>. The Applicant is encouraged to contact the Public Works Superintendent for questions about building permit application items. Compliance with the Oregon Structural Specialty Code may require adjusting plans to meet certain standards. The Applicant is advised to consult further with city staff if adjustments necessitate changes to the approved plan. (City Recorder)
2. Site Development Construction Plans. For plan checking required under AMC 16.34.180, it is the policy of the City to require compliance with Oregon Revised Statute 672 for Professional Engineers. Engineering plans, reports, or documents shall be prepared by an Oregon registered Professional Engineer or by a subordinate employee under the Engineer of Record's direction and shall be signed by the Engineer of Record and stamped with the Engineer of Record's seal to indicate responsibility for them. Three copies of the design drawings, drawn to scale and prepared by a registered engineer or surveyor, shall be submitted to the City Recorder, with the required deposit. (Public Works)
3. Bond for completion and maintenance of improvements. For securing the performance guarantee, as described in AMC 16.34.140, the Applicant is to execute an agreement with the City Attorney regarding the repair, at the Applicant's expense, of any public facilities damaged during development. The City Public Works Superintendent is to be consulted regarding this agreement (initially) before the City Attorney reviews/approves the agreement. AMC 16.34.140 explains further how the period within which the required improvements must be completed shall be two years from the date of the approval. The Planning Commission, upon proof of extraordinary difficulty, may extend the completion date by one year. (Public Works)

4. System Development Charges (SDC). A list of applicable SDC fees can be viewed at: <https://www.ci.aurora.or.us/forms> (Public Works)

VII. PLANNING COMMISSION ACTION OPTIONS / MOTIONS

- A. Approve the Site Development Review application (SDR 24-01) consistent with the plans and materials provided by the Applicant, materials provided to the record, and findings in the report, with conditions:
 1. as proposed in the staff report, OR
 2. as proposed in the report, and the following revisions... [clarify changes via the motion].
- B. Deny the request for Site Development Review approval for SDR 24-01, for reasons...
[explain how the application does not meet the applicable approval criteria].
- C. Schedule another meeting to a date certain ...
[Q: Does the Applicant voluntarily agree to a partial waiver of state-mandated 120-day rule which is set to expire June 28?].



City Engineer Comments

March 26, 2024

Project: Aurora Apartments

Reviewers: Luke Tabor, EI
Peter Olsen, PE

Zoning: Commercial

Tax Lot: #2901

The following comments are in response to the request for preliminary comments regarding the Development Application for the of interest consisting of 0.52-acres. These comments are provided to inform the applicant of the minimum public improvements require per the City development code and design standards only. In addition to City required permits, the Applicant must also acquire all non-City issued applicable permits and approvals required prior to beginning construction including but not limited to ODOT Access and ROW, DEQ 1200-C, local power provider, state and federal environmental, and County Building Permit.

Pre-Application Summary

- **General**
 - All submitted plans must be consistent with the City development code. A link to the City's code is provided here:
https://library.municode.com/or/aurora/codes/code_of_ordinances
- **Streets (AMC 16.34.030)**
 - Development must be consistent with development code 16.34.030(C)1 requiring "Private streets shall serve no more than five dwellings"
 - If Peyton Circle becomes a public road, the roadway must be brought up to roadway standards in the Transportation Master Plan.
 - Primary Street frontage (Hwy 99E) is under ODOT jurisdiction. The street classification for Hwy 99E is Principal Arterial (State) and for Peyton Circle is Local Residential, per the 2009 Transportation System Plan. Below is a table from Section 16.34.030 of the Aurora Development Code identifying street design standards. A similar table is found in the Aurora TSP. An additional 2 feet of ROW for the northern portion of the sites Highway 99E frontage of the property shall be dedicated as per AMC 16.02.060.
 - Frontage improvements are required for Highway 99E per AMC 16.34.030.A.1. However, the City may accept a payment in lieu of street improvements along Ottawa subject to AMC 16.78 and approval of the planning commission.



16.34.030(A)(5)

Street Design Standards⁽¹⁾

Classification	Pavement Width (ft)	Sidewalks Width (ft)	Planting Strips (ft)	Bikeway Width (ft)	Parking	ROW (ft)(2)
Local Residential ⁽³⁾	32	5	5	None	2 sides	54
Collector ⁽³⁾	36	6	7.5	None ⁽⁴⁾	2 sides ⁽⁴⁾	65
Minor Arterial ⁽³⁾⁽⁵⁾⁽⁶⁾ (County)	36	6	8	6	None	68
Principal Arterial (County) ⁽⁶⁾⁽⁷⁾	50	6	9.5	6	None	84
Principal Arterial (State) ⁽⁸⁾	48-50	8	6	6	None	84
Alleys	16	None	None	None	None	16

- **Water (AMC 16.34.100)**
 - See AMC 16.34.100 for direction on designing water system and service connections.
 - Applicant shall connect to the 8-inch PVC water service distribution line located in Peyton Circle.

- **Wastewater (AMC 16.34.080)**
 - See AMC 16.34.080 for direction on designing sanitary sewer system and service connections.
 - Applicant shall connect to the sewer transmission line located in Peyton Circle.

- **Stormwater (AMC 16.34.090)**
 - Storm drainage report is required as part of the materials included with the Site Development Review application. See also AMC 16.34.090 for direction on designing storm drainage system and service connections (Marion County Public Works Standards).
 - The drainage plan shown on the drawings route runoff to the existing catch basins on Peyton Circle which lead to a private stormwater detention facility.
 - The Stormwater Master Plan (SWMP) identifies two problem areas south of the development, and the stormwater infrastructure is included in priority one (highest priority) stormwater improvement. Stormwater from downstream of the proposed site is discharged along the east side of Pacific Hwy 99E to a ditch with no outlet, which floods nearby residential areas during high flow events.
 - If onsite detention does not meet requirements in AMC 16.34.090, improvements to the City's existing stormwater system.

EXHIBIT A.2

CITY OF AURORA
NOTICE OF FINAL DECISION
APPLICATION FOR MINOR PARTITION
FOR IVAN KARTAL/LEGEND DESIGNS LLC
File No. MP 2020-02

APPLICANT/
OWNER:

Ivan Kartal/Legend Designs LLC
P.O. Box 126
Woodburn, OR 97071

APPLICATION:

The applicant requests municipal approval of a minor partition of the tax lot identified by Marion County as Tax Lot 2900 of Map 4-1W-13BD, commonly identified as 21200 Highway 99E in Aurora. The applicant proposes to partition the existing 1.31-acre lot, or approx. 54,886 sq. ft. into two lots. The first lot will be approx. 0.79 acres, or 34,464 sq. ft. The second lot will be approx. 0.52 acres, or 22,787 sq. ft.

PUBLIC HEARING:

Partition applications are processed as Limited Land Use Decisions, conducted in accordance with Chapter 16.78 of the AMC. Sections 16.34 and 16.70 provide the criteria for processing Minor Partition applications.

I. APPLICABLE CRITERIA:

- A. AMC 16.12, Medium Density Residential
- B. AMC 16.34, Public Improvement and Utility Standards
- C. AMC 16.78, Land Divisions- Partitions

II. FINDINGS OF FACT:

- A. Location: The property is identified as tax lot 2900, Map No. 4-1W-13BD; City of Aurora, Marion County, Oregon. Please see the Assessor Map attached as *Exhibit A* for more detailed information.
- B. Comprehensive Plan Designation: The land use plan designation for the property is Commercial.
- C. Zoning: The subject property is zoned Commercial (AMC 16.14) with a Gateway Development Standards Overlay (AMC 16.56).
- D. Existing Improvements: According to the Marion County Assessor, tax Lot 2900 currently contains an approx. 2,000 square foot structure on the southern portion of the property, a private reciprocal access and utility easement, and a stormwater drainage easement along the southern portion of the property to benefit properties to the east.

- E. Proposed Application: The applicant requests municipal approval of a minor partition of the tax lot identified on Marion County Tax Map 4-1W-13BD, Tax Lot 2900. The applicant proposes to partition the approx. 1.31 acre lot into two lots. The applicant proposes to partition the existing 1.31-acre lot, or approx. 54,886 sq. ft. into two lots. The first lot will be approx. 0.79 acres, or 34,464 sq. ft. The second lot will be approx. 0.52 acres, or 22,787 sq. ft.

III. AGENCY AND PUBLIC NOTICE:

Partition applications are processed as Limited Land Use Decisions. Limited Land Use Decisions are conducted as stated in Chapter 16.78 of the AMC. Sections 16.34-Public Improvements and Utility Standards and 16.70-Land Divisions provide the criteria for processing Minor Partition applications. The application was received on March 30, 2020 and determined complete by staff on March 31, 2020. A request for comments was mailed to the Aurora Public Works, Building Inspector, Fire District and City Engineer, ODOT, and Marion County Assessor on March 31, 2020. Notice was mailed to surrounding property owners on May 29, 2020, with a 14-day comment period, expiring on June 15, 2020.

The City has until **July 30, 2020**, or 120 days from acceptance of the application to approve, modify and approve, or deny this proposal.

IV. REVIEW CRITERIA AND EVALUATION

The applicable review criteria for Minor Partition applications are found in AMC Chapter 16.34 Public Improvement and Utility Standards and AMC 16.70 Land Divisions-Partitions.

16.70.040 A request to partition land shall meet all of the following criteria:

- A. *The proposed partition complies with all statutory and ordinance requirements and regulations;*

FINDINGS: Staff finds the minimum lot size requirements of the Commercial (C) zone (AMC 16.14) which requires a minimum lot size of 5,000 sq. ft. for a single-family detached residence or 3,000 sq. ft for a single-family attached residence. Existing structures on site would no longer meet the application setbacks of the RM zone. A condition of approval requires that prior to City signature/recording of the final partition plat, any existing structures must comply with existing RM zone setback requirements. While no development is proposed at this time, staff finds this criteria can be met, with conditions.

Staff finds the procedures for processing and notification of a proposed partition under AMC 16.70 and 16.78 have been met and staff finds this condition is met.

- B. *Adequate public facilities are available to serve the proposal. No temporary public facilities shall be permitted. The standards of Chapter 16.34 apply to partitions;*

FINDINGS: Staff provided the Aurora Public Works, Building Inspector, City Engineer, and the Oregon Dept of Transportation (ODOT) with the application and a request for comments (RFC) on March 31, 2020. Comments received and recommended conditions of approval have been incorporated into the findings and recommended conditions of approval of this staff report.

Transportation

Highway 99E is under the jurisdiction of the Oregon Department of Transportation (ODOT). Comments received from ODOT state: There is an existing highway approach permit (#52512) at mile post 25.38 which serve the site as well as an easement to the parcels to the east. The two new proposed parcels will need to access the highway via the existing easement, as an additional highway approach to directly serve either parcel will not meet spacing standards. The existing permit (#52512) does not need to be updated. This is included as a condition of approval.

According to the Aurora Transportation System Plan (TSP, 2009), Highway 99E is identified as a Principal Arterial under ODOT's jurisdiction. Table 3-1 of the Aurora TSP recommends an 84' right of way (ROW). The assessor maps show approx. ninety (90) feet of right-of-way along the subject frontage and no ROW dedication from the subject property is required as part of this land use application. See *Exhibit A*.

AMC 16.02.060 and 16.34.030.B. states, "upon approval of any development permit or any land use approval of any property which abuts or is served by an existing substandard street or roadway, the applicant shall make the necessary right-of-way dedications for the entire frontage of the property to provide for minimum right-of-way widths according to the adopted Aurora transportation system plan and shall improve the abutting portion of the street or roadway providing access to the property in accordance with the standards in Chapter 16.34." The applicant/developer should note that, at the time of future development, additional ROW dedication due to traffic impact analyses may be determined and required.

Table 3-1 of the Aurora TSP also identifies Principal Arterials as requiring 48-50 ft of pavement width, eight (8) ft sidewalks, six (6) ft planting strips, a six (6) ft bikeway width, and no parking (Aurora TSP, Table 3-1). Frontage improvements shall be determined at the time of proposed development along the subject properties, unless deferral under AMC 16.34.030.A.2. is approved by the City.

An existing private reciprocal easement for ingress, egress and PUE divides the property to provide access to Highway 99E for the subject property but also for properties to the east (Reel 2509, Page 409). The same will need to be recorded with the final recording document/survey/partition. It is the applicant's responsibility to work with the Marion County Surveyor and Clerk's office to ensure the previously recorded easement carries forward with this proposed survey/partition, and all applicable recording costs are the applicant/developers. This is included as a condition of approval.

According to the City Engineer, there is an existing 6' public utility easement (PUE) along both sides of the private street that will need to remain. The existing 6' PUE is to be clearly identified on the plat along with the declaration of restrictions and grant of easement referenced above.

In compliance with AMC 16.34.030.X., a Traffic Impact Analysis (TIA) or Transportation Assessment Letter may be required at the time of future development. The City Engineer or Planning Director may waive the requirement for a transportation assessment letter if a clear finding can be made that the proposed land use action does not generate twenty-five (25) or more peak hour trips or two hundred fifty (250) or more daily trips and the existing and/or proposed driveway(s) meet the City's visual clearance requirements and access spacing standards. Staff finds, as no development is proposed at this time, trip generation cannot be calculated and this requirement is not applicable at this time. A condition of approval includes that, at the time of future development, AMC 16.34.030.X may apply. Coordination with ODOT shall also be required.

Water

Accordance to the City Engineer, there is an existing 8" water main in the private street serving the residential lots to the east. A 4" water service stubbed to the north and south side of the private street also exist. In compliance with AMC 16.34, and prior to development permit approvals, the Owner/Developer shall submit to the City for review and approval an engineered water system plan conforming to the AMC, PWS and meeting the requirements of the Building Official and Fire Code Official.

Separate water meters and backflow prevention devices (as appropriate) will also be required at the time of per the AMC and Aurora Public Works Standards (PWS).

Prior to permit approvals, the Owner/Developer shall provide written documentation to the City that the Fire Code Official has reviewed and approved any accesses and protection devices, included fire hydrant location within Fire and Building Code requirements, if applicable.

Sewer

According to the City Engineer, there is an existing 8' sanitary sewer in the private street serving the residential lots to the east. A 6" sanitary sewer lateral is stubbed to the north and south sides of the private street. A condition of approval includes that, at the time of development and prior to any City permits, the Owner/Developer shall submit for review and approval an engineered sanitary sewer system plan conforming to the AMC, PWS, and meeting the requirements of the Building Official.

Stormwater

According to the City Engineer, a public storm drainage system is not available to serve the subject property. New storm drainage improvements will be required at the time of development for any required site and street improvements, if applicable, which are conveyed to an acceptable point of discharge

According to the City Engineer, there is an existing utility easement within the private street and along the west side of lots 8, 9, and 10 that serves the private street and residential lots to the east that shall remain. The operation and maintenance of the stormwater facility located on lot 10 is to be maintained by the owner of lot 10 per the amended easement document. The existing easements, including operation and maintenance of the stormwater facility to benefit the residential lots are to be clearly identified on the plat along with any declaration of restrictions and grant of easement documents. This is included as a condition of approval.

Stormwater quality and quantity provisions shall be required in conformance with AMC 16.34 and the impervious surface requirements of the base zone.

C. All proposed lots conform to the size and dimensional requirements of this title; and

FINDINGS: The subject property is zoned Commercial with Gateway Property Overlay. For Commercial zoned properties with municipal sewer, there is no minimum lot size or width or depth.

D. All proposed improvements meet city and applicable agency standards.

FINDINGS: The application has been submitted to the city engineer, public works and fire department for review and comment. No improvements are proposed at this time.

In compliance with AMC 16.34.030, the owner/developer shall submit for City review and approval an engineered street improvement plan prior to future development, unless deferral of improvements is granted by the City.

In compliance with the AMC, Aurora Public Works Design Standards (PWDS), and Department of Environmental Quality (DEQ) requirements, the Owner/Developer shall coordinate with Public Works during future construction to make sure the necessary erosion and sediment control best management practices are being implemented on the project to control erosion and prevent or limit sediment and turbidity from leaving the construction site in accordance with AMC and DEQ requirements, as applicable.

V. DECISION:

Staff finds the criteria for approval of the Minor Partition application (File #MP-2020-02) can be met, with conditions, based upon the findings in the staff report. The approval is subject to the following conditions:

- A. Develop the subject property in accordance with plans approved by the city. All improvements, including but not limited to reviews, approvals, and permits required by the Planning Conditions of Approval, AMC, PWS, Marion County, ODOT, DEQ, OHA-DWP, Fire Code Official, Building Official, and/or any other agencies having jurisdiction over the work shall apply. **The applicant/owner shall coordinate with Public Works, Fire Code Official, and other appropriate agencies, as necessary at the time of future development.**
- B. There is an existing highway approach permit (#52512) at mile post 25.38 which serve the site as well as an easement to the parcels to the east. The two new proposed parcels will need to access the highway via the existing easement, as an additional highway approach to directly serve either parcel will not meet spacing standards. The existing permit (#52512) does not need to be updated.
- C. **Prior to approval of the final partition plat**, evidence of the existing private reciprocal easement for ingress, egress and PUE on the property (Reel 2509, Page 409) shall be recorded with the final recording document/survey/partition. It is the applicant's responsibility to work with the Marion County Surveyor and Clerk's office to ensure the previously recorded easement carries forward with this proposed survey/partition, and all applicable recording costs are the applicant/developers. Existing easements are to be clearly identified on the recording plat and recorded easement documents shall carry forward with the proposed partition.

The existing 6' PUE is to be clearly identified on the plat along with the declaration of restrictions and grant of easement referenced above.

Operation and maintenance of the stormwater facility on Lot 10 to benefit the residential lots shall be clearly identified on the plat along with any declaration of restrictions and grant of easement documents.
- D. Frontage improvements shall be determined at the time of proposed development along the subject properties. **Prior to future development**, the owner/developer shall submit for City review and approval an engineered street improvement plan in compliance with the Aurora TSP and ODOT requirements, unless deferral of improvements is granted by the City.

- E. **Prior to future development**, a Traffic Impact Analysis (TIA) or Transportation Assessment Letter may be required in compliance with AMC 16.34.030.X. Coordination with ODOT shall also be required.
- F. **Prior to future structural permit approvals**, the Owner/Developer shall provide written documentation to the City that the Fire Code Official has reviewed and approved any accesses and protection devices, including fire hydrant location within Fire and Building Code requirements, if applicable.
- G. **Prior to future structural permit approvals**, the Owner/Developer shall submit for review and approval an engineered sanitary sewer system plan conforming to the AMC, PWS, and meeting the requirements of the Building Official.
- H. System Development Charges will be due at the time of issuance of future building permits.
- I. In compliance with the AMC, Aurora Public Works Design Standards (PWDS), and Department of Environmental Quality (DEQ) requirements, the Owner/Developer shall coordinate with Public Works during future construction to make sure the necessary erosion and sediment control best management practices are being implemented on the project to control erosion and prevent or limit sediment and turbidity from leaving the construction site in accordance with AMC and DEQ requirements, as applicable.
- J. This approval shall expire if a final plat is not submitted for approval by the City of Aurora within two years of preliminary plat approval.

This decision becomes final on **June 15, 2020**. Any party with standing may appeal the final decision in accordance with the City of Aurora Municipal Code, which provides that a written appeal, together with the required fee, shall be filed with the City Recorder on or before 5:00 p.m. on April 2 2020. The appeal fee schedule and forms are available from the City Recorder at City Hall, 21420 Main Street NE, Aurora, Oregon, 97002.

Unless the applicant is the appellant, the hearing on appeal from the decision shall be confined to the specific issues identified in the written comments submitted by the parties during the comment period.

Notice of Decision and Staff Report prepared by Renata Wakeley, City Planner, with the Mid-Willamette Valley Council of Governments.

Attachments: Exhibit A Assessor Map

EXHIBIT A



PARTITION PLAT NO. 2021-23

SHEET 1 OF 2

A REPLAT OF LOTS 5, 6, 7, 8, 9, AND 10, BLOCK 7, SNYDER'S ADDITION TO AURORA, OREGON & OTHER LANDS,
 LOCATED IN THE NW 1/4 SECTION 13, T. 4 S., R. 1 W., W.M.,
 CITY OF AURORA, MARION COUNTY, OREGON
 DECEMBER 07, 2020
 FILE NO. MP 2020-02

LEGEND:

- = Set 5/8" x 30" iron rod with yellow plastic cap stamped "WILSON PLS 2687" within 0.2' of ground surface unless noted otherwise.
- = Found monument within 0.2' of ground surface unless noted otherwise (see found monument list)
- () = Data of record per survey noted
- R. _____ = Reel
- P. _____ = Page
- MCSR = Marion County Survey Records
- MCDR = Marion County Deed Records
- V. _____ = Volume
- CALC. = Calculated Survey Value
- BOTP = Book of Town Plats
- R.B. = Radial Bearing

NARRATIVE:

The purpose of this survey is to replat Lots 5 - 10 in Block 7, Snyder's Addition to Aurora Oregon into two parcels per City of Aurora Planning File No. MP-2020-02. The Basis of Bearings used for this survey is along the easterly right of way of Pacific Highway between monuments D and E, the line being held as N10°26'54"E per OCRS Salem. Bearings are based on OCRS (Oregon Coordinate Reference System) Salem - NAD 83 (2011) Epoch 2010.00, using the ORGN (Oregon Real-time GNSS Network). Monument D and Monuments E were held to determine the westerly and northerly lines of the subject property per MCSR 36010. Monuments A were held for the east line of the subject property (center of vacated alley per Ordinance No.213), per the plat of PEYTON CIRCLE. Monuments D and Monument F were held to determine the south line of the subject property.

DEED REFERENCES:

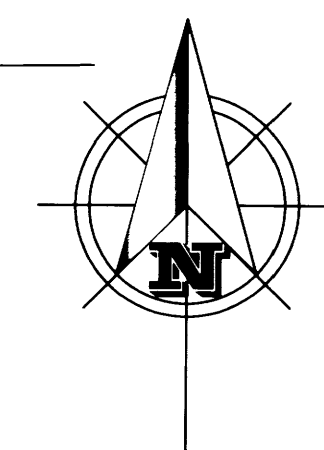
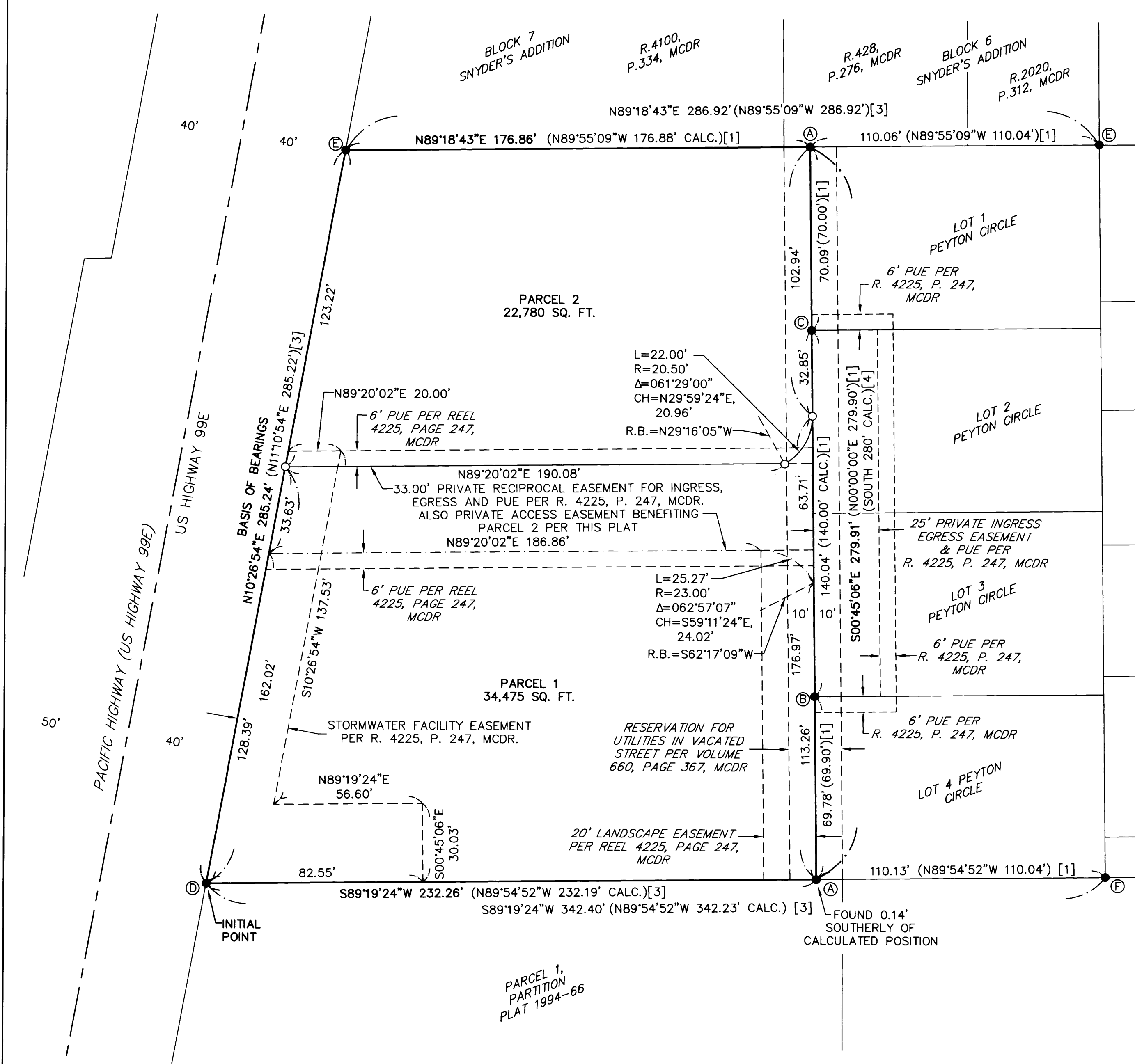
R1 R. 2083, P.53, MCDR

SURVEY REFERENCES:

- [1] PEYTON CIRCLE (V.45, P.189, BOTP)
- [2] MCSR 24621
- [3] MCSR 36010
- [4] SNYDER'S ADDITION TO AURORA OREGON (V.4, P.4, BOTP)

MONUMENT LIST:

- Ⓐ 5/8" IRON ROD WITH YELLOW PLASTIC CAP "DEHAAS & ASSOC. INC", SET IN [1].
- Ⓑ 5/8" IRON ROD WITH YELLOW PLASTIC CAP "DEHAAS & ASSOC. INC", DOWN 0.8', SET IN [1].
- Ⓒ 5/8" IRON ROD BENT TIED AT SPIN HOLE, UP 0.4' SET IN [1].
- Ⓓ 5/8" IRON ROD, SET IN [2]. HELD.
- Ⓔ 5/8" IRON ROD WITH YELLOW PLASTIC CAP "DEHAAS & ASSOC. INC", SET IN [3]. HELD.
- Ⓕ 5/8" IRON ROD WITH YELLOW PLASTIC CAP "DEHAAS & ASSOC. INC", SET IN [3]. INITIAL POINT FOR PEYTON CIRCLE. HELD.



SCALE: 1" = 30'

BARKER SURVEYING
 3657 KASHMIR WAY SE
 SALEM, OREGON 97317
 PHONE (503) 588-8800
 FAX (503) 363-2469
 EMAIL: INFO@BARKERWILSON.COM

REGISTERED PROFESSIONAL LAND SURVEYOR
Gregory L. Wilson
 OREGON
 JULY 19, 1994
 GREGORY L. WILSON
 2687

EXPIRATION DATE: 6/30/2022

2021-23

PARTITION PLAT NO. 2021-23

A REPLAT OF LOTS 5, 6, 7, 8, 9, AND 10, BLOCK 7, SNYDER'S ADDITION TO AURORA, OREGON & OTHER LANDS,
LOCATED IN THE NW 1/4 SECTION 13, T. 4 S., R. 1 W., W.M.,
CITY OF AURORA, MARION COUNTY, OREGON
DECEMBER 07, 2020
FILE NO. MP 2020-02

SURVEYOR'S CERTIFICATE:

I, Gregory L. Wilson, a Registered Professional Land Surveyor in Oregon, do hereby depose and say that I did accurately survey and mark with proper monuments the lands represented on the attached map, situated in the northwest one-quarter of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, in the City of Aurora, Marion County, Oregon, being described as follows:

Beginning at the Initial Point of this partition plat, said point being marked by a 5/8-inch iron rod found at the northwest corner of Parcel 1 of Partition Plat 1994-66, as platted and recorded in the Marion County Book of Partition Plats, said point being on the easterly right of way of Pacific Highway (US Highway 99E) at a perpendicular distance of 40.00 feet Easterly of the centerline of said highway; and running thence:

North 10°26'54" East 285.24 feet along said easterly right of way to a point on the north line of Lot 5, Block 7, SNYDER'S ADDITION TO AURORA OREGON, as platted and recorded in Volume 4, Page 4, Book of Town Plats for Marion County, Oregon;

thence North 89°18'43" East 176.86 feet along said north line, and the easterly extension thereof, to the northwest corner of Lot 1, PEYTON CIRCLE, as platted and recorded in Volume 45, Page 189, Book of Town Plats for Marion County, Oregon;

thence South 00°45'06" East 279.91 feet along the west line of said Lot 1 and the west line of Lots 2, 3 and 4 of said PEYTON CIRCLE to the southwest corner of said Lot 4, said point also being the southeast corner of Lot 10 in the aforementioned Block 7, SNYDER'S ADDITION TO AURORA OREGON;

thence South 89°19'24" West 232.26 feet along the south line of said Lot 10 to the Point of Beginning, containing 1.31 acres of land, more or less.

Gregory L. Wilson
Gregory L. Wilson
Registered Professional Land Surveyor No. 2687
License expires June 30, 2022

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory L. Wilson
OREGON
JULY 19, 1994
GREGORY L. WILSON
2687
EXPIRES: 6/30/2022

THE WITHIN PLAT IS HEREBY APPROVED:

Bill Burgess
Mayor, City of Aurora
3/23/21
Date

John Ashley
Engineer, City of Aurora
3/23/21
Date

Tom R. Damm
Marion County Surveyor
4/07/21
Date

Tom Prohlfing By: Melissa J. Jannis
Marion County Assessor
04/09/21
Date

Taxes and assessments on the above described property as provided by ORS 92.095, have been paid through 30 June 2021.

Rex Weisner By: [Signature]
Marion County Tax Collector
4-9-2021
Date

STATE OF OREGON
S.S.
COUNTY OF MARION

I do hereby certify that the attached Partition Plat No. 2021-23 was received for recording on the 9 day of April, 2021, at 11:01 A.M. o'clock and recorded in Record of Partition Plats. Also referenced in Marion County Deed Records in Reel 4474, at Page 487.

Bill Burgess, Marion County Clerk

By: DB Burgess
Deputy County Clerk
4-9-2021
Date

DECLARATION:

Know all people by these presents that Legend Designs LLC, an Oregon limited liability company, as to an undivided 65% interest, and Ivan Kartal as to an undivided 35% interest, being the owners of the land described in the Surveyor's Certificate hereon made and desiring to dispose of the same in parcels, have caused the same to be partitioned and surveyed as shown on the attached map in accordance with the provisions of O.R.S. Chapter 92. We hereby grant the access easement to benefit Parcel 2 of this plat.

In witness whereof, we set our hands and seals this 8 day of March 2021.

Legend Designs LLC

By: Vassa Kartal
Vassa Kartal, Member

By: Spiridon Kartal
Spiridon Kartal, Member

Ivan Kartal
Ivan Kartal

STATE OF OREGON
S.S.
COUNTY OF Marion

This instrument was acknowledged before me this 8 day of March 2021, by Vassa Kartal and Spiridon Kartal, as members of Legend Designs LLC, an Oregon limited liability company, being the identical persons described in the above instrument and who personally acknowledged to me that they executed the same freely and voluntarily for the uses and purposes stated therein and without fear or compulsion from anyone.

Robert Carter
NOTARY PUBLIC - OREGON

Robert Carter
(PRINT NAME)

COMMISSION NO. 1004388

MY COMMISSION EXPIRES OCTOBER 11, 2024

STATE OF OREGON
S.S.
COUNTY OF Marion

This instrument was acknowledged before me this 8 day of March 2021, by Ivan Kartal, being the identical person described in the above instrument and who personally acknowledged to me that he executed the same freely and voluntarily for the uses and purposes stated therein and without fear or compulsion from anyone.

Robert Carter
NOTARY PUBLIC - OREGON

Robert Carter
(PRINT NAME)

COMMISSION NO. 1004388

MY COMMISSION EXPIRES OCTOBER 11, 2024

AFFIDAVIT OF MAILING

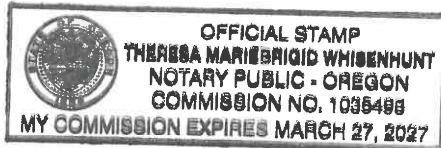
STATE OF OREGON)
) SS
COUNTY OF MARION)

I, Teresa Davis, being first duly sworn, depose and say: That on the 7 day of March, 2023, I served upon the persons shown on the mailing list (Exhibit "A"), attached hereto and by this reference incorporated herein, a copy of the Planning Com. Meeting Notice (Exhibit "B"), attached hereto by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Marion County Assessor's Office Property Records, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.

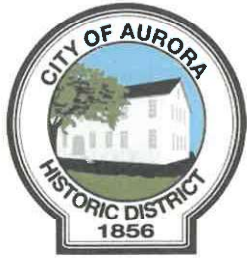
Teresa Davis
Signature

SUBSCRIBED AND SWORN to before me on this 7th day of March, 2024.

[Signature]
Notary Public for Oregon
My commission expires: 3/27/27



RE: _____



City of Aurora

"National Historic Site"

PUBLIC NOTICE OF PLANNING COMMISSION MEETING APPLICATION FOR SITE DEVELOPMENT REVIEW AURORA APARTMENTS

- Meeting Date / Time:** April 2, 2024, starting at 7:00 P.M.
- Place:** Aurora City Hall
21420 Main Street NE
Aurora, Oregon 97002
- Name of Project:** Aurora Apartments
- Nature of Application:** Site Development Review (Case file SDR 2024-01)
- Project Location:** 21000 block of State Highway 99E NE in Aurora north of Peyton Circle. The site is also identified as Tax Lot 2901 of Marion County Tax Assessor's Map 041W13BD (see also vicinity map on page 2).
- Applicant:** Fil Kartal
Citi Homes Group Corporation
3881 2nd Street
Hubbard, OR 97032
- Zone:** Commercial (C), with Neighborhood Commercial (NC) Overlay and Gateway Property Development Standards
- Request:** Site Development Review (SDR) of an 8-unit apartment building on a 0.52-acre site.

Additional information is available at City Hall, 21420 Main Street NE, Aurora, Oregon.

Section 16.78.060 of the Aurora Municipal Code (AMC) authorizes the Planning Commission to approve, deny or approve with conditions, applications for Site Development Review in accordance with procedures identified in AMC Sections 16.58 and 16.78, based on approval standards found in subsection 16.58.100 (A through Q). The subject property includes area subject to the Gateway Property Development Standards in AMC Section 16.56. In this case, procedures identified in AMC Section 16.78, titled *Limited Land Use Decisions*, apply to application processing. Limited Land Use Decisions do not require interpretation or the exercise of policy or legal judgement, or a public hearing. Accordingly, a meeting of the Planning Commission is held for decision making and open for the public to attend but is not a public hearing. Written testimony may be submitted during a fourteen-day comment period with a deadline of **March 26 at 5:00 p.m.** At the scheduled meeting, the Planning Commission will review a staff report in addition to all written testimony received during the fourteen-day period and will allow the applicant or a representative of the applicant the opportunity to discuss the application and respond to the staff report and written testimony.

A copy of the application, plans, all documents and evidence relied upon by the applicant are available for inspection at no cost and copies will be provided at reasonable cost. The Applicant

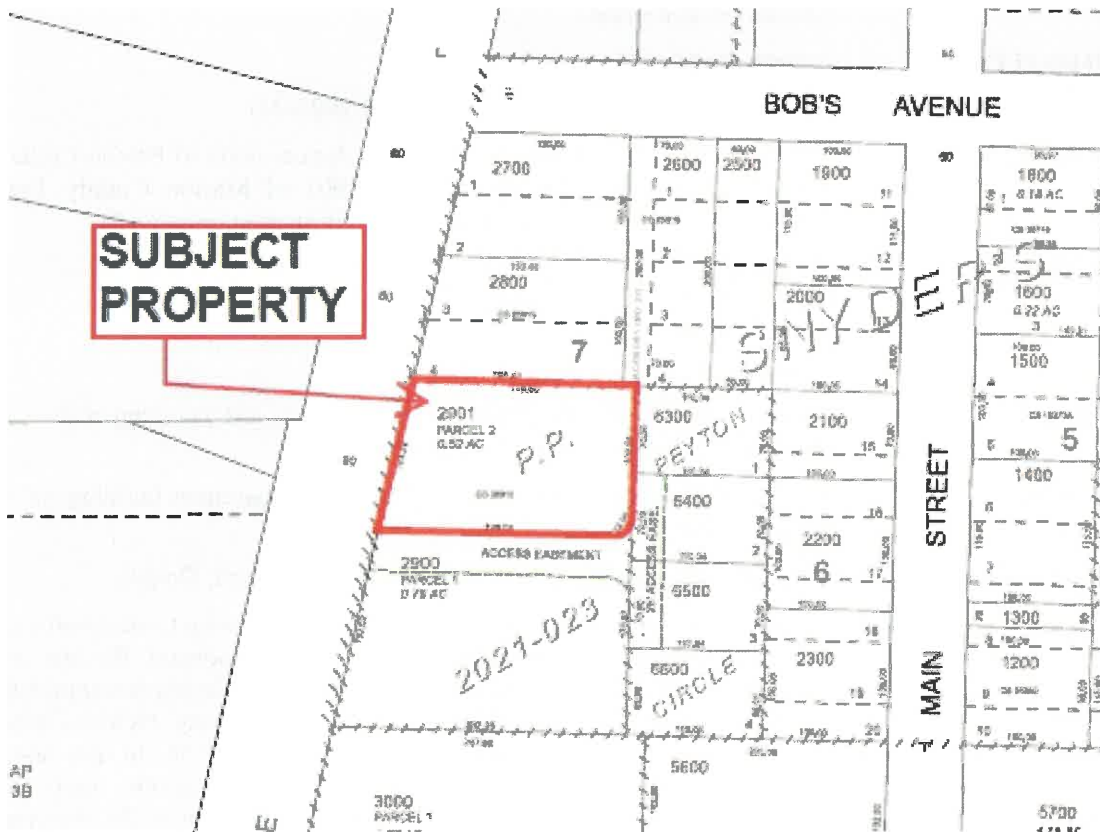
and any person who submits written comments during the comment period shall receive notice of the decision.

Issues which may provide a basis for appeal must be raised in writing during the comment period. Such issues must be sufficiently specific to afford the applicant and decision maker an opportunity to respond to the issue.

Address written comments to: City of Aurora, attention Planning
21420 Main Street NE
Aurora, Oregon 97002

Staff Contact: Curt Fisher, Associate Planner MWVCOG
cfisher@mwvcog.org
(503) 540-1616

VICINITY MAP:



4

TAXLOTNUM	SITUS	Name	Address	City	State	Zip
041W13B000900	21267 HIGHWAY 99E NE	DHW PROPERTIES LLC	PO BOX 160	WOODBURN	OR	97071
041W13B000901		DHW PROPERTIES LLC	PO BOX 160	WOODBURN	OR	97071
041W13B001000	21187 HIGHWAY 99E NE	GMC INVESTMENT PROPERTIES LLC	21187 HWY 99E	AURORA	OR	97002
041W13BD02500	14872 BOBS AVE NE	KESSLER, JUDITH R	14872 BOBS AV NE	AURORA	OR	97002
041W13BD02600	14852 BOBS AVE NE	DESPAIN, ALEXANDER DESPAIN, KATIE	14852 BOBS AVE NE	AURORA	OR	97002
041W13BD02700	14812 BOBS AVE NE	VAN WELLS, SHARIE	14812 BOBS AV NE	AURORA	OR	97002
041W13BD02800	21270 HIGHWAY 99E NE	STEWART, JAMES & STEWART, YUKIKO	21270 HIGHWAY 99E NE	AURORA	OR	97002
041W13BD02900	21200 HIGHWAY 99E NE	FOUR LABRADORS LLC C/O TOM GRIFFITH	PO BOX 21282	SALEM	OR	97307
041W13BD02901		KARTAL, IVAN	PO BOX 9028	SALEM	OR	97305
041W13BD06300	21230 PEYTON CIR	JACOME, ROMAN LARA	21230 PEYTON CIR	AURORA	OR	97002
041W13BD06400	21210 PEYTON CIR	DILSON, MEGAN D KINGMAN, BRUCE	21210 PEYTON CIR	AURORA	OR	97002
041W13BD06500	21190 PEYTON CIR	THOMAS G GRIFFITH TR GRIFFITH, THOMAS G	21190 PEYTON CIR	AURORA	OR	97002
041W13BD06600	21180 PEYTON CIR	STURM, JENNIFER	21180 PEYTON CIR	AURORA	OR	97002
		Marion County Tax Assessor's	PO Box 14500	Salem	OR	97309

PamplinMediaGroup

-Ad Proof-

This is the proof of your ad, scheduled to run on the dates indicated below. Please proofread carefully, and if changes are needed, please contact Kristine Humphries prior to deadline at (971) 204-7785 or khumphries@pamplinmedia.com.

<p>Date: 03/08/24 Account #: 101500 File #: Company Name: AURORA, CITY OF Contact: STUART A. RODGERS Address: 21420 MAIN ST NE AURORA Telephone: (503) 678-1283 Fax:</p>	<p>Ad ID: 319515 Start: 03/12/24 Stop: 03/12/24 Total Cost: \$60.00 Columns Wide: 1 Ad Class: 1268 Phone # (971) 204-7785 Email: khumphries@pamplinmedia.com Amount Due: \$60.00</p>
<p>Run Dates Business Tribune03/12/24</p>	

**CITY OF AURORA
PUBLIC NOTICE OF PLANNING COMMISSION MEETING
APPLICATION FOR SITE DEVELOPMENT REVIEW
AURORA APARTMENTS**

On April 2, 2024, at 7:00 p.m., the Aurora Planning Commission will review a proposal by Citi Homes Group Corporation (Applicant), for an 8-unit apartment building on a 0.52-acre property in Aurora. The project site does not have an assigned address but can be identified as Tax Lot 2901 on Marion County Tax Assessor's Map 041W13BD. The case file number is SDR 2024-01. Procedures identified in Aurora Municipal Code (AMC) Section 16.58 titled *Site Development Review* and 16.78 titled *Limited Land Use Decisions* apply and the approval will be based on the standards found in these sections. The meeting is a public meeting open to the public but is not a public hearing and public will not have the opportunity to testify. The meeting will be held in Aurora City Hall, 21420 Main Street NE Aurora, Oregon 97002. Written testimony may be submitted during a fourteen-day comment period with a deadline of March 26 at 5:00 p.m. A copy of the application, plans, all documents and evidence relied upon by the applicant are available for inspection at no cost and copies will be provided at reasonable cost. Additional information is available at City Hall, 21420 Main Street NE, Aurora, Oregon. Issues which may provide a basis for appeal must be raised in writing during the comment period. Such issues must be sufficiently specific to afford the applicant and decision maker an opportunity to respond to the issue. Staff Contact: Stuart Rodgers, Recorder@ci.aurora.or.us / 503-678-1283. Published March 12, 2024.

BT319515

Prepared by:
DEHAAS & ASSOC., INC.
SUITE 300 - A.G.C. CENTER
9450 S.W. COMMERCE CIRCLE
WILSONVILLE, OREGON 97070
PHONE: (503) 682-2450

Prepared for:
DAVID N. ERICKSON
3170 SW RIVERFRONT TERRACE
WILSONVILLE, OREGON 97070

PEYTON CIRCLE

A REPLAT OF LOTS 5,6,7,8,9 and 10, BLOCK 6
SNYDERS ADDITION TO AURORA

LOCATED IN THE SE 1/4 OF THE NW 1/4 SECTION 13, TOWNSHIP
4 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF AURORA,
MARION COUNTY, OREGON.

JUNE 26, 2003

LEGEND

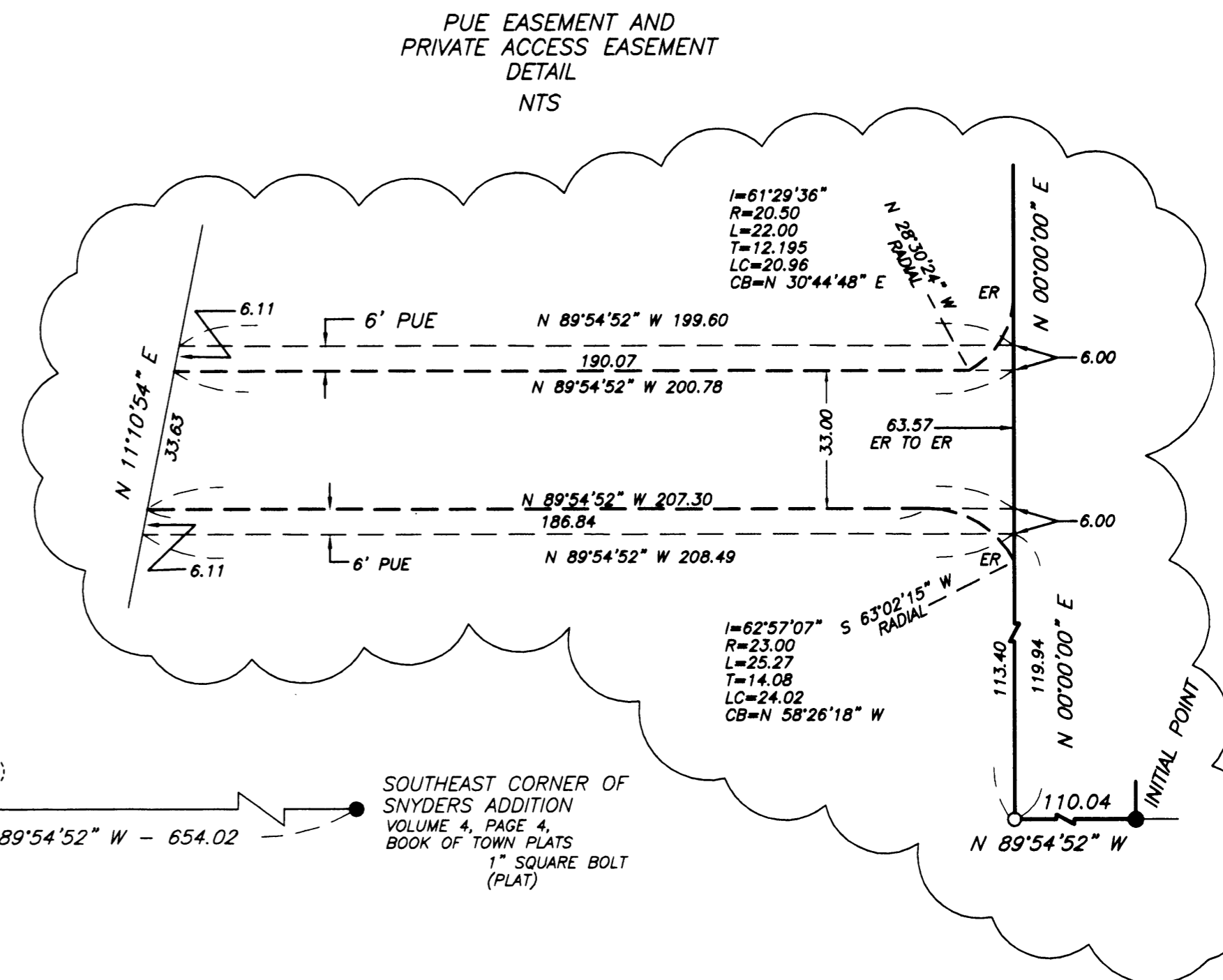
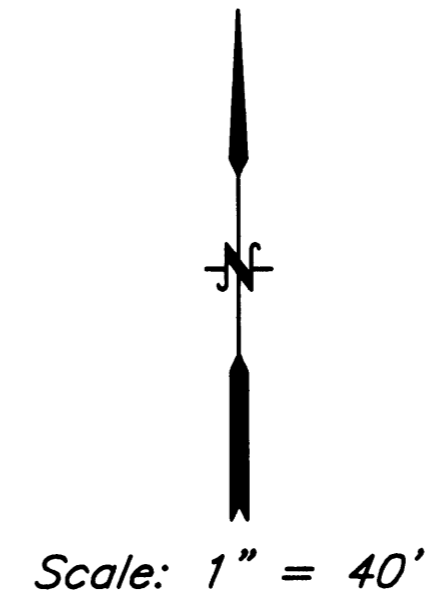
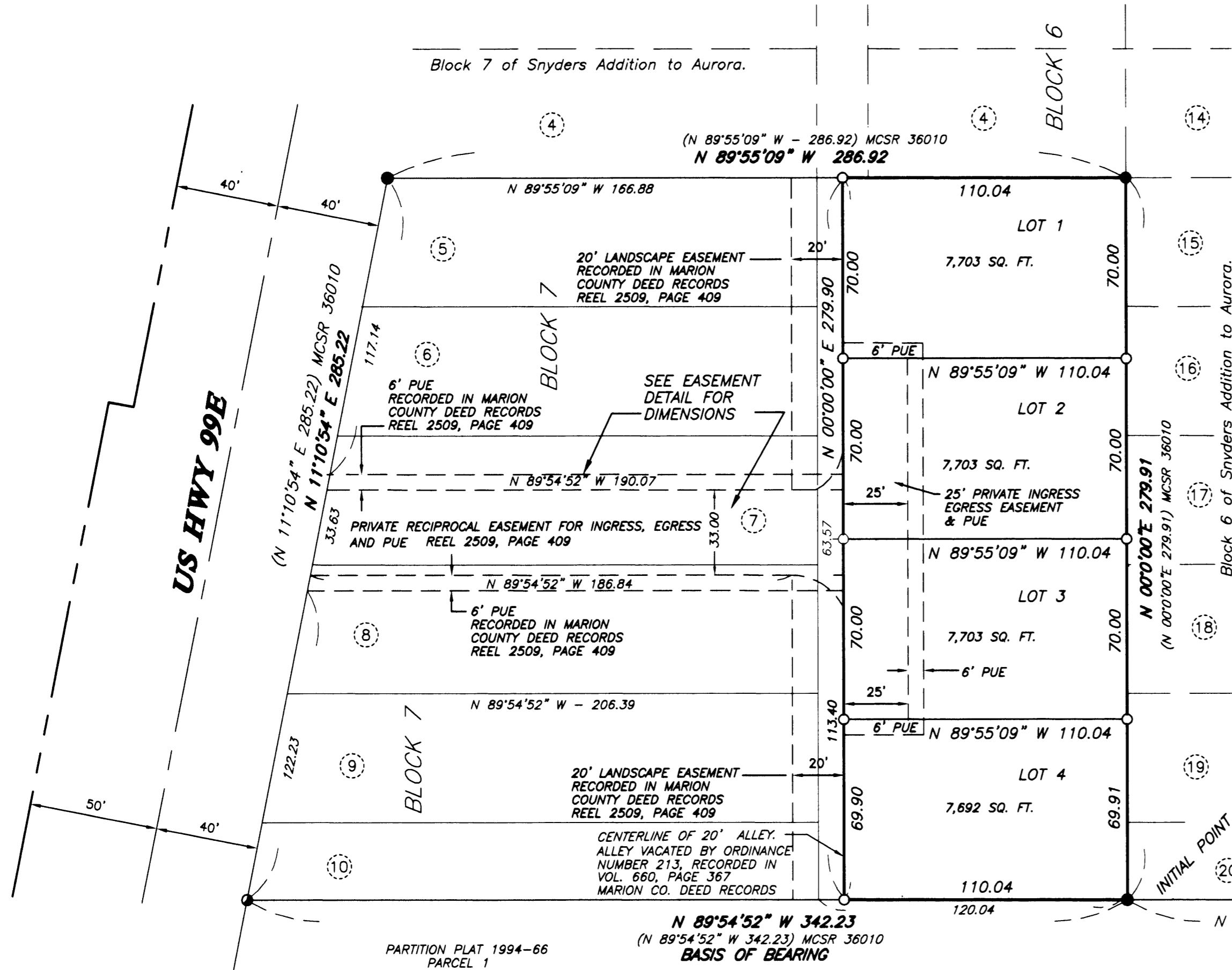
- Set 5/8" x 30" iron rod with a yellow plastic cap marked: DEHAAS & ASSOC. INC. Set on June 6, 2003.
- Found 5/8" x 30" iron rod with a yellow plastic cap marked: DEHAAS & ASSOC. INC. Per MCSR 36010
- ⦿ Found 5/8" x 30" iron rod 2" above surface Per MCSR 24621
- () Bearings & Distances of record
- ER End Radius
- IP Iron Pipe
- IR Iron Rod
- NTS Not To Scale
- MCDR Marion County Deed Record
- MCSR Marion County Survey Record
- PLAT Plat of Snyders Addition to Aurora Volume 4 Page 4, Book of Town Plats
- YPC Yellow Plastic Cap
- PUE Public Utility Easement
- ⑭ Lot Number per Plat of Snyders Addition to Aurora

Expires 12/31/07

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Daven E. Coate

OREGON
JULY 12, 2000
DAVEN E. COATE
52735LS



Prepared by:
DEHAAS & ASSOC., INC.
SUITE 300 - A.G.C. CENTER
9450 S.W. COMMERCE CIRCLE
WILSONVILLE, OREGON 97070
PHONE: (503) 682-2450

Prepared for:
DAVID N. ERICKSON
3170 SW RIVERFRONT TERRACE
WILSONVILLE, OREGON 97070

PEYTON CIRCLE

A REPLAT OF LOTS 5,6,7,8,9 and 10, BLOCK 6
SNYDERS ADDITION TO AURORA

LOCATED IN THE SE 1/4 OF THE NW 1/4 SECTION 13, TOWNSHIP
4 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF AURORA,
MARION COUNTY, OREGON.

JUNE 26, 2003

SURVEYORS CERTIFICATE:

DAVENE COATE
I, DAVENE COATE, a Land Surveyor Registered in the State of
Oregon, depose and say that I have marked with proper monuments
the land described within this certificate and graphically represented
on this Subdivision Plat.
Commencing at a one inch square iron bolt monumenting the
southeasterly corner of SNYDERS ADDITION TO AURORA; thence North
89°54'52" West, coincident with the South boundary of said Snyders
Addition, 654.02 feet to 5/8 inch iron rod with yellow plastic cap
marked "DEHAAS ASSOC. INC." marking the INITIAL POINT of this
subdivision and monumenting the southeasterly corner of Lot 10,
Block 6 of Said Snyders Addition per Marion County Survey Record 36010;
thence continuing on said South boundary, North 89°54'52" West
110.04 feet to the centerline of that 20.00 foot alley vacated
by Ordinance Number 312, recorded in Volume 660, Page 367,
Marion County Deed Records; thence North 00°00'00" East, coincident
with said vacated alley centerline, 279.90 feet to a 5/8 inch iron rod with
yellow plastic cap marked "DEHAAS ASSOC. INC." on the westerly extension of
the North line of Lot 5, Block 6 of said Snyders Addition as said North
line is established by survey filed in Marion County Surveyors Record 36010;
thence South 89°55'09" East along said line, 110.04 feet to a point on the
East line of said Lot 5, Block 6 as said East line is established by said
Survey Record 36010 said point being monumented by a 5/8 inch iron rod
with yellow plastic cap marked "DEHAAS ASSOC. INC."; thence South 00°00'00" East
279.91 feet to the INITIAL POINT and containing 30,801 square feet (0.71 acres) of land.

RECORDED EASEMENTS AND AGREEMENTS:

Reciprocal PUE & access easement
6.00 foot utility easement lying North of and contiguous with PUE & access easement
6.00 foot utility easement lying South of and contiguous with pue & access easement
20.00 foot landscape easement lying North of PUE & access easement
20.00 foot landscape easement lying South of PUE & access easement
The above 5 easements are recorded in
Marion County Deed Records Reel 2509, Page 409.
This plat is subject to terms and conditions of an easement and
road maintenance agreement recorded in Reel 2509, Page 409
Marion County Deed Records.

NOTES:

This plat is subject to City of Aurora Planning case file No.
SUB 02-03-2217 and the conditions of approval stated in the.
Development Agreement recorded in Reel 2584, Page 203
Marion County Deed Records.



NARRATIVE:

The purpose of this survey is to create 4 lots by re-plat of Lots
5,6,7,8,9, and 10 of Block 6, Snyders Addition to Aurora, a
Subdivision which Plat is Recorded Volume 4 Page 4, Marion County
Book of Town Plats.
The boundaries of this subdivision are based on the position of
three set monuments and one found monument that define the
surveyed boundaries depicted on the map of Marion County Survey
Record 36010.
The East Line of this Plat is coincident with the East line of that
Portion of Block 6 monumented by Marion County Survey Record
36010.
The North and South boundaries of this plat are coincident with the
easterly 110.04 feet of the North line and of the South line of
that tract of land monumented by said survey 36010
The West boundary line is coincident with the prorated position of
the centerline of the vacated 20.00 foot alley.
The bearings of the boundaries of this plat are identical to the
bearings of coincident lines depicted in survey number 36010.
The hereon private access easement is condition of, but not
created by this plat.
Monuments set June 26, 2003.

DECLARATION

Know all men by these presents that we, David N. Erickson and
Pamela J. Erickson, Co-Trustees of the Pamela J. Erickson Living Trust,
Dated February 28, 2003, being the Trustees of the land described in the
Surveyors Certificate, have caused this subdivision to be prepared and platted,
do hereby grant all public utility and 25' private access easements as they are
depicted and noted on this plat.
This subdivision complies with the provisions of Chapter 92 of the
Oregon Revised Statutes.

David N. Erickson, Co-Trustee
7/11/06
DATE

Pamela J. Erickson, Co-Trustee
7/11/06
DATE

ACKNOWLEDGMENT

STATE OF OREGON }
COUNTY OF Washington } SS
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON July 7, 2006 (DATE)
BY DAVID N. ERICKSON AND PAMELA J. ERICKSON

Linda L. Qjala
SIGNATURE OF NOTARIAL OFFICER
Linda L. Qjala
NAME OF NOTARY PUBLIC (PRINTED)
365741
MY COMMISSION NUMBER
April 1, 2007
MY COMMISSION EXPIRES

APPROVALS:

Bruce Carr
CITY OF AURORA, MAYOR
7-5-2006
DATE
Mark Kigami
CITY OF AURORA, ENGINEER
6-30-06
DATE
7/13/2006
DATE
MARION COUNTY SURVEYOR
8-11-06
DATE
MARION COUNTY ASSESSOR

TAXES ON THE HEREON DESCRIBED
PROPERTY HAVE BEEN PAID THROUGH June 30, 2007
DATE

John Lattimer by Sharon Busch
MARION COUNTY TAX COLLECTOR
8/11/2006
DATE
Sharon Busch
CHAIR PERSON OR VICE CHAIR PERSON
8/11/2006
DATE
MARION COUNTY COMMISSIONERS

I DO HEREBY CERTIFY THAT THE HEREON SUBDIVISION PLAT WAS RECEIVED FOR
RECORDING ON THE 14th DAY OF August, 2006 AT 04:42 P.M. O'CLOCK
AND RECORDED IN THE MARION COUNTY BOOK OF TOWN PLATS, VOLUME 45
PAGE 189. IT IS RECORDED IN MARION COUNTY DEED RECORDS IN
REEL 2691, AT PAGE 130.

PHIL MILES, CHIEF DEPUTY, MARION COUNTY CLERK
8/14/06
DATE
BY DEPUTY COUNTY CLERK

DOT

JOHN A. RANKIN, LLC.
Attorney/Planning Consultant
City of Aurora
26715 SW Baker Road
Sherwood, Oregon 97140
(503) 625-9710 / Fax (503) 625-9709
Email: john@johnrankin.com

NOTICE OF DECISION FOR
APPLICATION TO REPLAT LOTS TO CREATE A 4 LOT SUBDIVISION
IN THE R-1 ZONE

FILE NO. SUB 02-03-2217

PLANNING COMMISSION APPROVAL: OCTOBER 1, 2002
NOTICE OF DECISION MAILED TO PARTIES: OCTOBER 2, 2002

APPLICANT: DeHaas and Associates
9450 SW Commerce Circle
Suite 300
Wilsonville, OR 97070

OWNER: David Erickson
3170 SW Riverfront Terrace
Wilsonville, OR 97070

NOTICE IS HEREBY GIVEN THAT THE CITY OF AURORA PLANNING COMMISSION HAS **APPROVED** THE APPLICATION TO REPLAT LOTS TO CREATE A FOUR (4) LOT SUBDIVISION IN THE R-1 ZONE SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL. THE FINDINGS AND CONCLUSIONS ON WHICH THE DECISION IS BASED ARE CONTAINED IN THE STAFF REPORT DATED SEPTEMBER 24, 2002 AS ADOPTED BY THE PLANNING COMMISSION ON OCTOBER 1, 2002, WHICH STAFF REPORT IS ATTACHED TO THE ORIGINAL OF THIS NOTICE AND IS AVAILABLE AT CITY OF AURORA CITY HALL, 678-1283.

This decision shall become final after the 15-day appeal period, subject to the following conditions of approval:

1. The applicant/owner shall be allowed to replat Block 6 of Snyder's addition as a 4 lot Subdivision and construct all related improvements substantially conforming to the tentative plan and applicant's burden of proof submitted with the application. All lots shall comply with the setback requirements of Aurora Municipal Code 7.50 in effect on August 21, 2002 pursuant to ORS 92.040. This approval shall expire October 1, 2004 if a final plat conforming to the approved tentative plan is not submitted to the City for final plat approval by that date.
2. Prior to issuance of a residential building permit, all structures to be constructed on the proposed lots shall demonstrate compliance with setback criteria.

3. Prior to issuance of a residential building permit, any structure to be constructed in the proposed subdivision shall be required to demonstrate compliance with height restrictions, one principal building per lot, and limits on impervious surface coverage criteria for that structure. Calculations of lot area for determination of permitted impervious surface coverage shall not include the square footage of the access easement or the surface covered in the access easement.
4. Construction noise is limited to daylight hours and subject to municipal noise regulations. During the construction period, the developer is required to provide dust control and take every effort to minimize impacts of construction on existing residential development.
5. The private street shall be improved to be constructed to include 24' of paving, curbs on both sides, gutters, a 5 foot wide sidewalk on the north side and street lighting, except for the hammerhead turnaround, and the private street excluding the hammerhead turnaround shall be shown on the final plat as Tract A. The private street shall be posted "No Parking". The connection to Highway 99E shall be constructed as a driveway approach. The entrance to any commercial use accessed from the private street shall be constructed as a driveway approach and the location of such accesses shall be subject to approval by the City Engineer. The hammerhead turnaround shall be constructed to the standards of the Aurora Fire District and shall be subject to approval by the City Engineer and the Aurora Fire Chief. Reciprocal access and maintenance agreements shall be required for all lots accessing the private street. City Attorney approval of the language in the access and maintenance agreements is required prior to recording.
6. The applicant shall provide individual municipal water and sewer service to each lot as approved by the City Engineer. All utility services shall be extended from the private street to each residence constructed in the subdivision prior to or in conjunction with construction of the residence, and a six (6) foot utility easement shall be indicated on the final plat on the front of each lot and adjacent to the private street for the purpose of utilities.
7. The storm drain shall be designed and constructed as approved by the City Engineer. Drainage and site grading shall insure no water ponding results in the yards of proposed home sites.
8. All improvements, including but not limited to streets, street lighting, water, sanitary sewer and storm drainage, shall be constructed to all applicable City, State and Federal standards and in full compliance with all applicable ordinances and shall be subject to approval and modification by City staff and consultants as provided by ordinance. An infrastructure construction permit is required prior to construction of improvements.
9. Fire hydrants and emergency access shall be approved by the Aurora Rural Fire District Chief and located as approved by the City Engineer. The developer shall construct any emergency apparatus turnaround required for the private street by the Fire Chief.

10. Prior to issuance of infrastructure construction permits, the applicant shall provide a landscaping plan for the 20' wide buffering and screening area to be located on Tax Lot 2900 adjacent to the shared property line with Tax Lot 2350. The plan shall be subject to approval by the Planning Director and shall comply with ADC 7.96.040. Tree species shall be selected to avoid overhanging branches on Tax Lot 2350 to avoid conflicts with access. The plantings shall actually be planted as soon as weather permits and shall be required to be planted, not simply guaranteed, prior to approval of the final plat.
11. Prior to issuance of any further permits, the applicant shall sign a development agreement with the City of Aurora covering all the conditions of approval, shall record the signed development agreement with Marion County and shall pay outstanding fees.
12. This approval shall expire if a final plat is not submitted for approval by the City of Aurora on or before October 1, 2004. This decision is final on the date that its Notice of Decision is mailed to all parties.

THE PLANNING COMMISSION'S DECISION IS FINAL ON THE DATE THAT NOTICE OF DECISION IS MAILED. THIS DECISION BECOMES EFFECTIVE AND NOT SUBJECT TO APPEAL AS OF 5:00 p.m. OCTOBER 16, 2002, UNLESS A TIMELY APPEAL APPLICATION IS FILED WITH APPEAL FEE PAID NO LATER THAN 5:00 PM ON OCTOBER 16, 2002.

Any party with standing may appeal this decision to the Aurora City Council in accordance with Chapter 7.164 of the City of Aurora Development Code which provides that a written appeal of a limited land use decision, together with the required fee, shall be filed with the City Recorder within fifteen (15) calendar days of the date the Notice of Decision was mailed. The appeal fee schedule and appeal forms are available from the City Recorder at City Hall, 21420 Main Street NE, Aurora, Oregon, 97002.

This Notice of Decision is being mailed on October 2, 2002 to the applicant, property owner, and any parties who submitted written comments in the 14 day written comment period.

Lisa Smith, Planning Consultant
John A. Rankin, LLC

After Recording, Return to:

Recording Sticker Here

**City of Aurora
21420 Main Street
Aurora, OR 97002**

DEVELOPMENT AGREEMENT

CITY OF AURORA

THIS AGREEMENT, made this 19th day of Dec., 2005, by and between DAVID N. ERICKSON ("DEVELOPER") and the CITY OF AURORA ("CITY").

WITNESSETH

WHEREAS, the DEVELOPER is the applicant for a proposed subdivision commonly know as "Peyton Circle", and is the owner of that certain real property, identified as Tax Lot 2900, Tax Map 4-1W-13BD, City of Aurora, Marion County, Oregon, and legally described as the westerly 100 feet of Lots 5, 6, 7, 8, 9 and 10 of Snyder's Second Addition to Aurora, City of Aurora, Marion County, Oregon.

WHEREAS, the DEVELOPER has submitted a Subdivision Application; File No. SUB 02-03-2217 ("Application") to the CITY for approval, which Application and respective file are hereby incorporated by this reference. The Application received preliminary approval on October 2, 2002 and then again as resubmitted on November 1, 2005 from the City Planning Commission.

WHEREAS, the CITY is willing to provide preliminary and final approval for construction of all public and private improvements, and then final approval for the subdivision upon the condition that the DEVELOPER agrees to construct and maintain certain public and

private improvements and satisfy the conditions of approval and other requirements as specified below.

NOW, THEREFORE, IN CONSIDERATION of mutual covenants and agreements herein contained as conditions precedent to the granting of preliminary and final approval for said subdivision by the CITY, the DEVELOPER hereby agrees as follows:

CONDITIONS OF APPROVAL AND IMPROVEMENT AND MAINTENANCE PROVISIONS:

1. The applicant/owner shall be allowed to replat Block 6 of Snyder's addition as a 4 lot Subdivision and construct all related improvements substantially conforming to the tentative plan and applicant's burden of proof submitted with the application. All lots shall comply with the setback requirements of Aurora Municipal Code 7.50 in effect on September 14, 2005 pursuant to ORS 92.040. This approval shall expire November 1, 2007 if a final plat conforming to the approved tentative plan is not submitted to the City for final plat approval by that date.
2. Prior to issuance of a residential building permit, all structures to be constructed on the proposed lots shall demonstrate compliance with setback criteria.
3. Prior to issuance of a residential building permit, any structure to be constructed in the proposed subdivision shall be required to demonstrate compliance with height restrictions, one principal building per lot, and limits on impervious surface coverage criteria for that structure. Calculations of lot area for determination of permitted impervious surface coverage shall not include the square footage of the access easement or the surface covered in the access easement.
4. Construction noise is limited to daylight hours and subject to municipal noise regulations. During the construction period, the developer is required to provide dust control and take every effort to minimize impacts of construction on existing residential development.
5. The private street shall be improved to be constructed to include 24' of paving, curbs, gutters, sidewalks and street lighting, except for the hammerhead turnaround, and the private street excluding the hammerhead turnaround shall be shown on the final plat as Tract A. The private street shall be posted "No Parking". The connection to Highway 99E shall be constructed as a driveway approach. The hammerhead turnaround shall be constructed to the standards of the Aurora Fire District and shall be subject to approval by the City Engineer and the Aurora Fire Chief. Reciprocal access and maintenance agreements shall be required for all lots. City Attorney approval of the language in the access and maintenance agreements is required prior to recording.
6. The applicant shall provide individual municipal water and sewer service to each lot as approved by the City Engineer. All utility services shall be extended from the private street to each residence constructed in the subdivision prior to or in conjunction with construction of the

residence, and a six (6) foot utility easement shall be indicated on the final plat on the front of each lot and adjacent to the private street for the purpose of utilities.

7. The storm drain shall be designed and constructed as approved by the City Engineer. Drainage and site grading shall insure no water ponding results in the yards of proposed home sites.

8. All improvements, including but not limited to streets, street lighting, water, sanitary sewer and storm drainage, shall be constructed to all applicable City, State and Federal standards and in full compliance with all applicable ordinances and shall be subject to approval and modification by City staff and consultants as provided by ordinance. An infrastructure construction permit is required prior to construction of improvements.

9. Fire hydrants and emergency access shall be approved by the Aurora Rural Fire District Chief and located as approved by the City Engineer. Any emergency apparatus turnaround required for the private street by the Fire Chief shall be constructed by the developer.

10. Prior to issuance of infrastructure construction permits, the applicant shall provide a landscaping plan for the 20' wide buffering and screening area to be located on Tax Lot 2900 adjacent to the shared property line with Tax Lot 2350. The plan shall be subject to approval by the Planning Director and shall comply with AMC 16.38.040. Tree species shall be selected to avoid overhanging branches on Tax Lot 2350 to avoid conflicts with access. The plantings shall actually be planted as soon as weather permits and shall be required to be planted, not simply guaranteed, prior to approval of the final plat.

11. Prior to issuance of any further permits, the applicant shall sign a development agreement with the City of Aurora covering all the conditions of approval, shall record the signed development agreement with Marion County and shall pay outstanding fees.

12. This approval shall expire if a final plat is not submitted for approval by the City of Aurora on or before November 1, 2007. This decision is final on the date that its Notice of Decision is mailed to all parties.

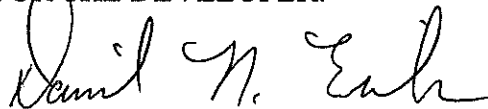
ADDITIONAL TERMS AND ENFORCEMENT OF THIS AGREEMENT:

1. The DEVELOPER shall complete or cause to be completed the improvements as detailed on the approved construction plans and according to the specifications and standards on file in the office of the City Public Works Superintendent and City Engineer.
2. The DEVELOPER shall cause his engineer or surveyor to provide all surveying services necessary to stake the project improvements prior to construction and to prepare and furnish to the CITY as-built drawings within thirty (30) days following completion of the project construction. All such work shall be performed in conformance the above conditions of approval and improvement and maintenance provisions, and in conformance with the City of Aurora Design Standards and the requirements of the

Development Code of the City of Aurora (Latest Edition).


- 3. The DEVELOPER agrees that no building permits for any structures shall be issued until all of the required improvements have been constructed and all conditions of approval have been satisfied by the DEVELOPER and accepted by the CITY, except as otherwise permitted by the Development Code of the City of Aurora (Latest Edition).
- 4. If the DEVELOPER fails to compile with the terms of this Agreement, the City Council of the CITY may use any of the remedies proscribed in Section 7.20, Enforcement, of the "Development Code of the City of Aurora" in enforcing this agreement, or other applicable sections as amended from time to time. The CITY may perform the conditions of approval and improvement and maintenance provisions described above, and may charge any and all costs of such performance against the DEVELOPERS' performance and/or maintenance bond or other security agreement. The CITY may charge such costs as a valid and enforceable lien upon the real property described above, which shall be collectable as other CITY liens.
- 5. This agreement shall be binding upon the heirs, executors, administrators and assigns of both parties, and is a condition and covenant running with the land and binding upon the above described real property.
- 6. If suit or action is brought to maintain or enforce any of the rights or obligations of either party arising out of or in connection with this Agreement, the prevailing party in such suit or action shall be entitled to recover its reasonable attorney's fees, costs and disbursements, including on appeal, from the losing party.

FOR THE DEVELOPER:



 DAVID N. ERICKSON

FOR THE CITY OF AURORA:



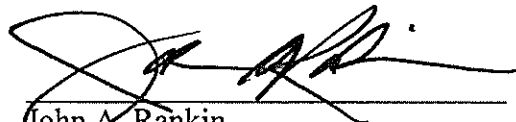
 BILL CARR, MAYOR
 CITY OF AURORA

ATTEST:



 LAURIE BOYCE, City Recorder

APPROVED AS TO FORM:



 John A. Rankin
 City Attorney

Mailing Addresses:

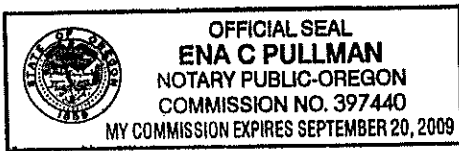
DAVID N. ERICKSON
3170 SW Riverfront Terrace
Wilsonville, OR 97070

CITY OF AURORA
21420 Main Street
Aurora, OR 97002.

ACKNOWLEDGMENT

State of Oregon)
)
County of Clackamas

This instrument is personally acknowledged by DAVID N. ERICKSON before me this
19th day of December, 2005.



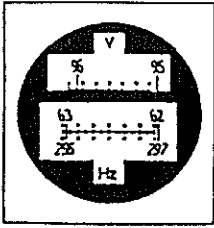
[Handwritten Signature]

Notary Public State of Oregon
My commission expires: 9/20/2009

EXHIBIT "ONE"

Lots 5, 6, 7, 8, 9 and 10, Block 6, and Lots 5, 6, 7, 8, 9 and 10, of Block 7, all in SNYDER'S ADDITION to Aurora, Marion County, Oregon.

ALSO TOGETHER WITH the alley vacated by City Ordinance 213 and lying between Block 6 and Block 7 of said Addition and South from the North line of Lot 5, Block 6, and Lot 5, Block 7.



DE HAAS
&
Associates, Inc.
Consulting Engineers & Surveyors

Suite 300 - AGC Center
9450 SW Commerce Circle
Wilsonville, OR. 97070
(503) 682-2450
(503) 682-4018 Fax

February 5, 2004

Dave Erickson
3170 SW River Front Terrace
Wilsonville, OR 97070

Re: Peyton Circle

Dear Dave:

Attached is ODOT's Preliminary Construction Permit (received by us 2/2/04). This permit will become final after signatures and return to ODOT.

I have signed as the Applicant. You need to have the City sign and date and then return to ODOT. I assume you have, or will, take care of the insurance and bond or cash deposit to ODOT.

Sincerely,

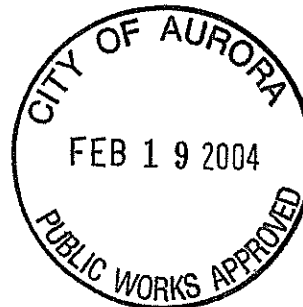


Marlin J. DeHaas, P.E., P.L.S.
President

cc: 01.510.751

Attachments

MJD/lo



510ltr.205



Oregon

Theodore R. Kulongoski., Governor

Department of Transportation

ODOT District 03

455 Airport Road SE, Bldg A

Salem OR 97301-5397

(503) 986-5776

Fax: (503)986-2881

monte.r.richards@odot.state.or.us

August 15, 2003

Marlin DeHaas
DeHaas & Associates
9450 SW Commerce Circle, Suite 300
Wilsonville, OR 97070

Subject: Approval of Construction Drawings and Plans and Transmittal of Preliminary Construction Permit
Highway Number 081, (Pacific Hwy. East [001E]),
at Milepoint 25.35
Application Number 2425

Your construction drawings and plans have been approved and a *Preliminary Construction Permit* can now be issued.

A Preliminary Construction Permit is attached. This includes the Construction Drawing and all necessary terms and conditions of the *Permit*. **If the terms and conditions are acceptable, please sign the Preliminary Construction Permit and return it, with proof of liability insurance (see attached requirements) and (either a performance bond OR a cash deposit in lieu of bond) in the amount of \$5,000, to the following address:**

Monte Richards, Permit Specialist
ODOT District 03
455 Airport Road SE, Bldg A
Salem OR 97301-5397

PLEASE NOTE: The signed *Preliminary Construction Permit* must reach the above address by no later than 5:00 PM on October 15, 2003. If the Department has not received the signed copy by this date, the approval shall be considered expired.

Once ODOT receives the signed *Preliminary Construction Permit*, a final valid *Construction Permit* will be issued. The issue date of the *Construction Permit* is the date ODOT signs it. **No Construction Permit is valid until a copy; approved and signed by ODOT has been furnished to the applicant. No work on highway right of way is to be started until the applicant obtains a valid Construction Permit.**

NOTE: THE PRELIMINARY CONSTRUCTION PERMIT IS NOT PERMISSION TO BEGIN CONSTRUCTION OF YOUR APPROACH(ES).

If you have any questions regarding the *Preliminary Construction Permit*, please contact me at (503) 986-5776. I welcome the opportunity to assist you.

Sincerely,



Monte Richards, Permit Specialist
ODOT District 03, Maintenance Office

Attachments (*Preliminary Construction Permit* and Insurance Requirements)

PERMIT NO: _____
 Application Id: 2425 Highway Number: 081

**PERMIT TO CONSTRUCT A
 STATE HIGHWAY APPROACH**
 MilePoint: 25.38 Reason for Request: New approach

Oregon Department of Transportation
OTD
 Completion Date: 09/30/2004

Applicant Information

Name:	Marlin DeHaas
Company:	DeHaas & Associates
Address:	9450 SW Commerce Circle, Suite 300 Wilsonville OR 97070
Phone:	(503) 682-2450 FAX: (503) 682-4018
eMail:	dehaas@dehaas-associates.com

Property Information

Address:	14182 Pacific Highway East Aurora OR 97002
County:	Marion
Township:	4S
Range:	1W
Section:	13
Highway:	Pacific Hwy. East [0011
Router:	ORE99E
MilePoint:	25.38
Engineering Station:	241+29
Side of Hwy:	L
Neat Forest:	N
Landmarks:	360' south of Bob Avenue

Insurance Information

Company:	Leonard Adams Company
Policy No:	CO2152550
Amount:	\$2,000,000
Policy Begin:	03/31/2003
Policy End:	03/31/2004

Performance Bond Information

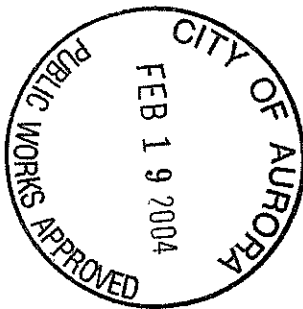
Company:	Developers Surety and Indemnity
Bond No:	554264C
Amount:	\$5,000

Property Owner Information

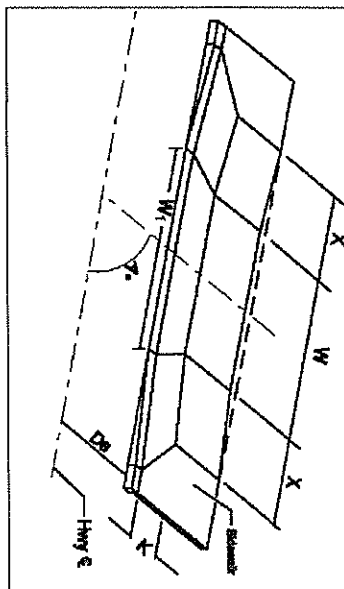
Name:	David Erickson
Company:	Aurora Development
Address:	3170 SW Riverfront Terrace Wilsonville OR 97070 Marion
Phone:	(503) 793-0804 FAX: (503) 685-9136
eMail:	

Tax Lot Information

2350.2900



Plan View



Specification

Width (W):	24.00ft	Angle (A):	90
Wing Width (W):	8.00ft	Curb-Slope (R):	6.00ft
Paving Lmt (P1):	.00ft	Paving Lmt (P2):	.00ft
Surf (DS):	19.00ft	Diam:	.00in
Curb:	None	Level:	.00ft
Sub Base Crse:	25mm - 0 Aggregate Base (1" - 0)	Thickness:	16.00in
Base Crse:		Thickness:	
Level Crse:		Thickness:	
Wear Crse:	Reinforced Concrete	Thickness:	6.00in

Instructions

Issuing of permits under these regulations is not a finding of compliance with the statewide planning goals or the acknowledged comprehensive plan for the area. Permits are issued subject to the approval of city, county or other governmental agencies having authority to regulate land use by means of zoning and/or building regulations. It shall be the applicant's responsibility to obtain any such approvals including, where applicable, local government determinations of compliance with statewide planning goals. (OAR 734-051-0130) All materials and workmanship shall be in accordance with 1996 Oregon Standard Specifications for Highway Construction.
 The Permit is issued subject to the provisions of Oregon Administrative Rules 734-051-0010 through 734-051-0480, which are by reference made a part of this permit, and which are in effect at any particular time in the duration of the permit.

Applicant Signature

David Erickson
 Local Agency Approval (if required)
Marlin DeHaas

Date: 2/5/04

This permit is not valid until signed by a duly authorized representative of the Oregon Department of Transportation.

Date: 2-19-04

Authorized ODOT Signature

Date

PERMIT NO: _____

**PERMIT FOR ENCROACHMENT, CONSTRUCTION
ON OR USE OF STATE HIGHWAY**

Oregon Department of Transportation



Application Id: 2425 Highway Number: 081

MilePoint 25.38

PROVISIONS

Reason for Request: New approach

Applicant: Marlin DeHaas

Company: DeHaas & Associates

140.301 Construction Plans are approved in general only. The District Manager or representative may require field changes. When revisions are made in the field, as-constructed drawings must be submitted to the District.

150.101 The permit and all specifications, details, typical drawings and standard drawings attached to the permit shall take precedence over all plans, drawings and specifications produced by the Architect or Engineer representing the Applicant or Contractor.

150.201 Within 48 hours before beginning permit work and again after completing permit work, the Applicant (or agent) shall notify the District permitting representative.

150.401 Applicant (or agent) shall furnish "as constructed" drawings, to this office, within 45 calendar days of the completion of the permitted activity. The drawing media shall be 11" X 17" and reproducible or Microstation® compatible.

150.402 Applicant shall hire a certified testing inspector to monitor construction and assure compliance with the specifications and provisions contained in this permit

150.403 Applicant is responsible for maintaining existing structures, including fences, unless otherwise directed by the District Manager or his representative

150.411 Applicant (or agent) shall have on the job site, at all times, a copy of the permit and all attachments. The permit shall be readily available for inspection.

150.501 The permitted work is located within the Oregon Utility Notification Center (OUNC) area. The OUNC is a utilities notification system to notify owners of utilities about excavation work performed in the vicinity of their facilities. The utilities notification system telephone number is 1-800-332-2344.

150.701 Maintain all existing highway signs. If any signs are damaged due to Contractor's operations, replace those signs before the end of that work shift - Avoid operations whose methods, conditions, or timing may injure people or damage properties. Damage includes staining surfaces with such things as mud and asphalt. When damage occurs, the District Manager will determine if it is to be corrected by repair, replacement, or compensatory payment. If compensatory payment is required, the District Manager will determine the amount.

150.702 Do not park on state right-of-way unless permitted by the District Manager. Comply with ORS 810.230, 810.160.

150.703 Remove all dirt and debris from the highway at the end of each work shift or more frequently if a hazard to the traveling public exists or as directed by the District Manager.

160.801 All areas of excavation shall be returned to "pre-construction" condition or better. Repair natural drainage so no water stands or collects in excavated areas, when practical. Slopes shall be trimmed to blend with the adjacent terrain. Replace the vegetative cover to blend with the adjacent natural growth.

170.303 Applicant shall be responsible and liable for (1) investigating presence/absence of any legally protected or regulated environmental resource(s) in the action area; (2) determining any and all restrictions or requirements that relate to the proposed actions, and complying with such, including but not limited to those relating to hazardous material(s), water quality constraints, wetlands, archeological or historic resource(s) state and federal threatened or endangered species, etc; (3) complying with all federal, state, and local laws, and obtaining all required and necessary permits and approvals.

If the applicant impacts a legally protected/regulated resource, applicant/permittee shall be responsible for all costs associated with such impact, including, but not limited to all costs of mitigation and rehabilitation, and shall indemnify, and hold harmless ODOT for such impacts and be responsible and liable to ODOT for any costs or claims that ODOT may have.

Applicant Signature:  Date: 2/5/04

**PERMIT FOR ENCROACHMENT, CONSTRUCTION
ON OR USE OF STATE HIGHWAY**

Oregon Department of Transportation



Application Id: 2425 Highway Number: 081 MilePoint 25.38

PROVISIONS

Reason for Request: New approach

Company: DeHaas & Associates

Applicant: Marlin DeHaas

200.021 The work area during construction or maintenance performed under the permit provisions shall be protected in accordance with the current Manual on Uniform Traffic Control Devices for Streets and Highways, US Department of Transportation, and the Oregon Department of Transportation traffic control supplements thereto. Flaggers must have certification and must carry proof indicating their completion of an approved workzone traffic control course. All traffic control devices shall be maintained according to the ATSSA Quality Standards for Work Zone Traffic Control Devices handbook.

330.001 All rock shall be produced from an ODOT Certified material source.

330.421 Only earth or rock shall be used as fill material. The site shall be shaped to maintain existing drainage, contoured, trimmed and seeded with native grasses in a manner satisfactory to the District Manager.

350.001 Geotextile Fabric – Install a Drainage, Type 1 or 2, Riprap, Type 1 or 2, Subgrade, or Embankment Geotextile meeting a level of certification A or B as per \$00350 of the Standard Specifications for Highway Construction 1996.

390.001 Slope stabilization in areas of erosion shall be inlaid with an approved rip rap material.

400.001 Permission is required for any person(s) seeking to change drainage patterns which increase peak flow rates or pollutant loads to ODOT RW. The impacts created by the development must be mitigated to maintain the water quality and peak surface runoff at the existing level. All of the proposed improvements shall comply with the Clean Water Act, Oregon Drainage Law, NPDES regulations, Total Maximum Daily Load (TMDL) limitation guidelines, and the Endangered Species Act. Erosion control measures shall be taken to prevent impacts to highway right-of-way, during and after construction.

Applicant Signature

Date

2/3/04

**PERMIT FOR ENCROACHMENT, CONSTRUCTION
ON OR USE OF STATE HIGHWAY**

Oregon Department of Transportation



Application Id: 2425 Highway Number: 081 MilePoint 25.38 PROVISIONS Reason for Request: New approach

Applicant: Martin DeHaas

Company: DeHaas & Associates

400.002 Applicant shall submit a Drainage Study of the site whenever the total peak runoff entering ODOT RW is greater than 0.05 m³/s or the improvements create an increase of impervious surface area by greater than 1,000 m². The drainage study, prepared by a licensed professional engineer, shall show impacts to ODOT right-of-way before and after construction, and shall demonstrate that all practicable steps will be taken to minimize the impact of storm water volume, flow rate and water quality to the highway right-of-way.

The drainage study shall include:

- (a) Site Plan
 - (i) Buildings, landscape areas, and impervious areas such as parking lots and sidewalks.
 - (ii) Contours of site before development.
 - (iii) Contours of site after development.
 - (iv) Flow paths for before and after development.
 - (v) Details of proposed and existing drainage systems.
 - (vi) Details of the proposed detention and/or water quality system(s).
- (b) Calculations
 - (i) Time of concentration.
 - (ii) Include description and reference for all coefficients.
 - (iii) Include rainfall distribution information used (IDF curve, isopluvials, etc).
 - (iv) Peak runoff from the undeveloped site during the design storm.
 - (v) Storage and volume calculations for detention system.
 - (vi) Storage, volume, and retention time calculations for water quality facilities.
 - (vii) Calculations that show outlet structures will limit the peak outflow to the allowable outflow.

Also include the following Miscellaneous Reports:

- (1) Maps detailing utility locations before and after development in and along the highway;
 - (2) Hazardous Material collection and/or treatment system report.
 - (3) Temporary Erosion Control Plan
 - (4) Temporary Pollution Control Plan
- 445.411 Replacement Paving - Comply with the provisions of §00445.41(a-2) of the Standard Specifications for Highway Construction 1996.
- (2) Replacement Surfacing:
- a. Aggregate Base - After pipe has been installed and the trench backfilled to proper elevation according to Section 00405, for pipes 1800 mm and less in diameter and Section 00510 for pipes over 1800 mm in diameter, place and compact aggregate base or foundation material to a thickness of 450 mm or the thickness of the removed aggregate base, whichever is greater.

Applicant Signature 	Date 2/15/04
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PERMIT NO: _____
PERMIT FOR ENCROACHMENT, CONSTRUCTION
ON OR USE OF STATE HIGHWAY

Oregon Department of Transportation



Application Id: 2426 Highway Number: 081

MillPoint 26.38

PROVISIONS

Reason for Request: New approach

Applicant: Marlin Dehaas

Company: Dehaas & Associates

861.400 Apply striping to the lines and locations shown in the ODOT Traffic Line Manual or as directed. Propose variations in standard layouts to handle unusual conditions, subject to approval.

Place permanent striping prior to traffic being allowed on the pavement.

Immediately clean up paint dribbled beyond the cutoff. Avoid tracking of new paint. All areas where striping has been tracked through will be reviewed by the District Manager for cleaning up and retracing at the Contractor's expense.

1120.601 All irrigation systems installed on the right-of-way are to be maintained by the applicant/property owner. All such irrigation systems shall have a main shut-off valve accessible to ODOT crews. Submit "as-constructed" plans to the District Engineer showing the main shut-off valve.

1.000 Applicant shall be responsible for locating and preserving all existing survey monumentation within the work area in accordance with ORS 209.150 and/or 209.155. If monumentation or its accessories are inadvertently or otherwise disturbed or destroyed, applicant shall be responsible for all costs and coordination associated with its re-establishment by a professional licensed surveyor.

2.000 Nothing in this permit is intended to grant rights or imply approval of anything not falling within the authority or jurisdiction of ODOT. It is the responsibility of the applicant/permittee to determine the need for and to obtain such licenses, permits or other forms of approval which may be required by other state and/or federal agencies, cities and/or counties of Oregon, Utilities or Railroads.

3.000 At least 5 working days before starting any work on state right-of-way, Permittee shall submit a detailed traffic control plan in accordance with the Uniform Traffic Control Devices for Streets and Highways & Supplements for each phase of the work, showing the placement of signs, cones, etc., to the appropriate Coordinator below for review and approval.

Wright - Salem Maintenance Coordinator: T(503) 986-2886 F(503) 986-5835
Greg Kiger - McMinnville Maintenance Coordinator: T(503) 472-2737 F(503) 472-9080
John Crowder - Detroit Maintenance Coordinator: T(503) 854-3429 F(503) 854-3537

4.000 The Construction Permit Placard shall be posted in a visible location at the work site. Permittee shall ensure a copy of this permit & all attachments are at the work site and available for review by the ODOT District Maintenance Manager or Representative upon request.

5.000 This 24-foot approach shall be the only highway access to serve the properties in conjunction with the attached easement. Any other driveway fronting the highway shall be removed; the frontage area shall be controlled to the satisfaction of ODOT to prevent direct entry/exit onto/from the highway other than the approved driveway location. In addition the driveway to the neighboring autobody business to the south shall be removed leaving the appearance of a permanent barricade ie. restore the ditch-line, install landscape berm, etc. at the existing location.

6.000 Reconstruction of the existing approach shall be accomplished in accordance with the attached Standard Drg. No. RD720 (Option A or B, as appropriate) & the provisions of the permit. New curbs/sidewalk shall match the existing curbs/sidewalk height & width design.

7.000 All equipment/materials shall be parked/located off the highway right-of-way or in areas approved in advance by the District Manager or the appropriate Maintenance Coordinator listed in Provision #3.

8.000 All rock shall be produced from an ODOT Certified source. Stone base leveling course shall be 1"-0 or 3/4"-0 size rock compacted at optimum moisture in 6" layers to 95% or greater of the maximum density by the standard AASHTO T99 Method.

9.000 An AC Mix (Asphalt) approach shall be a minimum depth of 4 inches (6 inches or more depending upon the weight of the heaviest vehicle), shall be compacted in 2-inch lifts, and shall achieve a 95% compaction rate as tested by the standard AASHTO T99 Method. For an approach crossing over a ditch, 3-foot rocked shoulders shall be installed and compacted to a 95% compaction rate.

Applicant Signature

Date

2/1/04

PERMIT NO: _____

**PERMIT FOR ENCROACHMENT, CONSTRUCTION
ON OR USE OF STATE HIGHWAY**

Oregon Department of Transportation



Application Id: 2425 Highway Number: 081 MilePoint 25.38

PROVISIONS

Reason for Request: New approach

Applicant: Martin DeHaas

Company: DeHaas & Associates

10,000 A concrete approach shall be installed with Portland Cement Concrete (PCC) in accordance with the appropriate Standard Drawing(s) RD700 (Curbs), RD720 (Curb Line Sidewalk Driveways), RD721 (Curb Line Sidewalk Driveways) and/or RD722 (Separated Sidewalk Driveways) and shall be installed ADA compliant. When a sidewalk is cut, the entire length shall be replaced and where necessary, ramp(s) shall be installed with a maximum slope of 2%. A newly installed approaches and/or sidewalks shall meet ODOT's current curb & sidewalk height/width design requirements and shall be ADA compliant. A replaced approach and/or sidewalk shall match the existing curb/sidewalk height/width & shall be ADA compliant. Where a new sidewalk does not connect to an existing sidewalk, the end section(s) shall be ADA compliant with ramp(s) having a maximum slope of 2%.

11,000 The approach shall be designed and installed so that drainage runoff from the approach does not flow onto or across the highway pavement or shoulder area. A sufficient number of inlets (catch basins) shall be installed per Standard Drawings RD336 (Concrete Inlets), RD339 (Concrete Inlets) and/or RD342 (Concrete Inlets) to ensure proper drainage along curbed sections of the highway. Applicant may have a Site Plan approved by ODOT, which may not show an inlet or a sufficient number of inlets to drain water off the highway pavement. However, at ODOT's discretion the Applicant may be required to install a sufficient number of inlets to properly drain water.

12,000 For commercial driveways, Permittee shall install a stop bar (white), directional arrows (white), two (2) centerline stripes (yellow); & lane divider(s) (white) for 2 or more lanes of travel in the same direction. The striping shall be a minimum distance of 24 feet from the stop bar and installed with DURA-stripe paint. Entrance only & exit only driveways shall be clearly marked with the appropriate arrows and signs to identify the direction of travel. The Attached Striping Detail shall apply.

13,000 Permittee shall not use the right-of-way to display advertising signs or property of any kind. Additionally, all construction equipment and materials shall be physically located off ODOT right of way at the end of each work day to eliminate potential road hazards.

14,000 The spreading of mud and/or debris upon any State Highway right-of-way is strictly prohibited. Any violation may be cause for immediate cancellation of this permit. Clean-up shall be at the expense of the Permittee.

15,000 Any field change to the approved ODOT Standard Drawing(s) or the approved Engineer's Construction Plan(s) shall require written approval from the District Manager or his/her Representative before installation. Call the District Office at (503) 986-2874.

16,000 For all major roadway work (new travel lane, median, roadway widening, etc.) Permittee shall keep the performance bond active for a 2-year to warranty the construction work. The date ODOT conducts the final sign-off inspection and approves all work associated with this permit shall be the start date of the 2-year period for the performance bond to remain in effect for the construction work within the highway right of way. The performance bond shall be released 2 years from the date of the final sign-off inspection, unless a problem with the construction work arises and/or repair of faulty work is in progress just prior to the end of the two year period; the bond shall remain in place beyond the 2-year period but only until the re-work is completed. Once the re-work is completed, the bond can then be released; however, Permittee shall still be responsible for the specific work & costs associated with the re-work, which required the bond to remain in place beyond the two year period. Permittee shall contact ODOT two weeks prior to the end of the 2-year period or the end of the extension period of the bond, so ODOT can release the bond at the appropriate time.

17,000 For all major roadway work (new travel lane, median, roadway widening, etc.) Permittee shall furnish "AS-CONSTRUCTED" drawings, to the District Maintenance Office, 885 Airport Road SE, Salem, OR 97301-4788, within 45 calendar days from the date of the final sign-off inspection. The drawing media shall be 11"X17" TRANSLUCENT MYLAR PLAN SHEETS and reproducible or Microsation compatible.

18,000 Permittee shall immediately replace any landscape vegetation that has been destroyed during the construction work. Any damaged areas not fully recovered within a one year period shall be replaced by the Permittee (or ODOT) and at the expense of the Permittee. The bond may required to remain in place to cover the one year period.

Applicant Signature

Date

2/5/04

PERMIT NO: _____

**PERMIT FOR ENCROACHMENT, CONSTRUCTION
ON OR USE OF STATE HIGHWAY**

Oregon Department of Transportation



Application Id: 2425 Highway Number: 081

MilePoint 25.38


PROVISIONS

Reason for Request: New approach

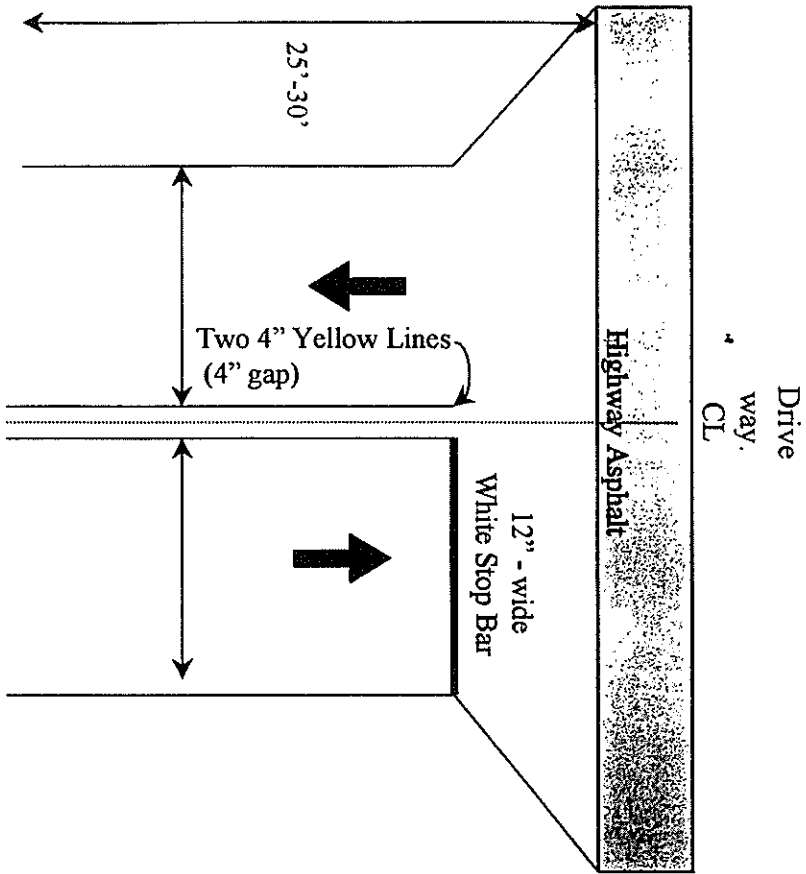
Applicant: Marlin DeHaas

Company: DeHaas & Associates

19,000 Permittee shall notify the District Permit Specialist at (503) 986-2874 within 48 hours after completing all construction work associated with this permit to inspect for compliance and to release any performance bond not required to remain in effect for a year or 2-year warranty period.
20,000 THIS APPROACH SHALL SERVE A 4 UNIT SUB-DIVISION, AN AUTOBODY SHOP, AND A COMMERCIAL/RESIDENTIAL LOT.

Applicant Signature 	Date 2/5/04
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Striping Guide for the Driveway

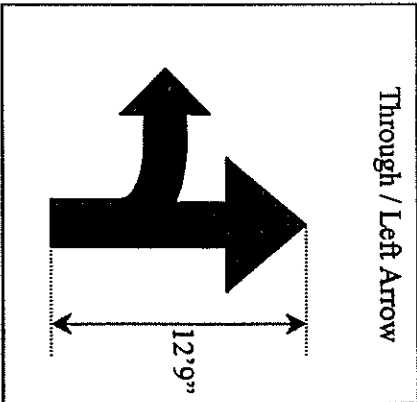
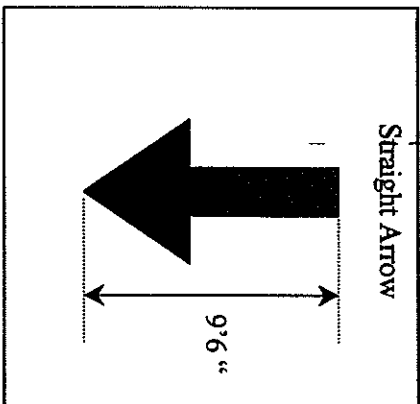
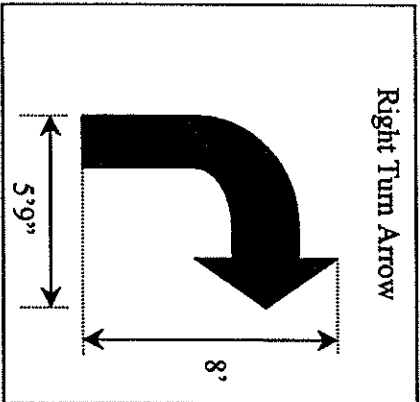


NO SCALE

OREGON DEPARTMENT OF TRANSPORTATION

Striping Detail: Access with Curb & Sidewalk

Arrow details



* ODOT Legend Templates are available for reproduction.

Reference: ODOT Striping Manual & MUTCD

NO SCALE

DISTRICT 3

Date: Year 2002

PERMIT NUMBER:

AFFIDAVIT OF MAILING

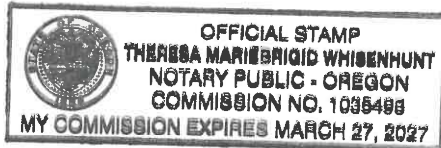
STATE OF OREGON)
) SS
COUNTY OF MARION)

I, Teresa Davis, being first duly sworn, depose and say: That on the 7 day of March, 2023, I served upon the persons shown on the mailing list (Exhibit "A"), attached hereto and by this reference incorporated herein, a copy of the Planning Com. Meeting Notice (Exhibit "B"), attached hereto by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Marion County Assessor's Office Property Records, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.

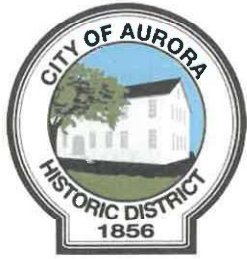
Teresa Davis
Signature

SUBSCRIBED AND SWORN to before me on this 7th day of March, 2024.

[Signature]
Notary Public for Oregon
My commission expires: 3/27/27



RE: _____



City of Aurora

"National Historic Site"

PUBLIC NOTICE OF PLANNING COMMISSION MEETING APPLICATION FOR SITE DEVELOPMENT REVIEW AURORA APARTMENTS

- Meeting Date / Time:** April 2, 2024, starting at 7:00 P.M.
- Place:** Aurora City Hall
21420 Main Street NE
Aurora, Oregon 97002
- Name of Project:** Aurora Apartments
- Nature of Application:** Site Development Review (Case file SDR 2024-01)
- Project Location:** 21000 block of State Highway 99E NE in Aurora north of Peyton Circle. The site is also identified as Tax Lot 2901 of Marion County Tax Assessor's Map 041W13BD (see also vicinity map on page 2).
- Applicant:** Fil Kartal
Citi Homes Group Corporation
3881 2nd Street
Hubbard, OR 97032
- Zone:** Commercial (C), with Neighborhood Commercial (NC) Overlay and Gateway Property Development Standards
- Request:** Site Development Review (SDR) of an 8-unit apartment building on a 0.52-acre site.

Additional information is available at City Hall, 21420 Main Street NE, Aurora, Oregon.

Section 16.78.060 of the Aurora Municipal Code (AMC) authorizes the Planning Commission to approve, deny or approve with conditions, applications for Site Development Review in accordance with procedures identified in AMC Sections 16.58 and 16.78, based on approval standards found in subsection 16.58.100 (A through Q). The subject property includes area subject to the Gateway Property Development Standards in AMC Section 16.56. In this case, procedures identified in AMC Section 16.78, titled *Limited Land Use Decisions*, apply to application processing. Limited Land Use Decisions do not require interpretation or the exercise of policy or legal judgement, or a public hearing. Accordingly, a meeting of the Planning Commission is held for decision making and open for the public to attend but is not a public hearing. Written testimony may be submitted during a fourteen-day comment period with a deadline of **March 26 at 5:00 p.m.** At the scheduled meeting, the Planning Commission will review a staff report in addition to all written testimony received during the fourteen-day period and will allow the applicant or a representative of the applicant the opportunity to discuss the application and respond to the staff report and written testimony.

A copy of the application, plans, all documents and evidence relied upon by the applicant are available for inspection at no cost and copies will be provided at reasonable cost. The Applicant

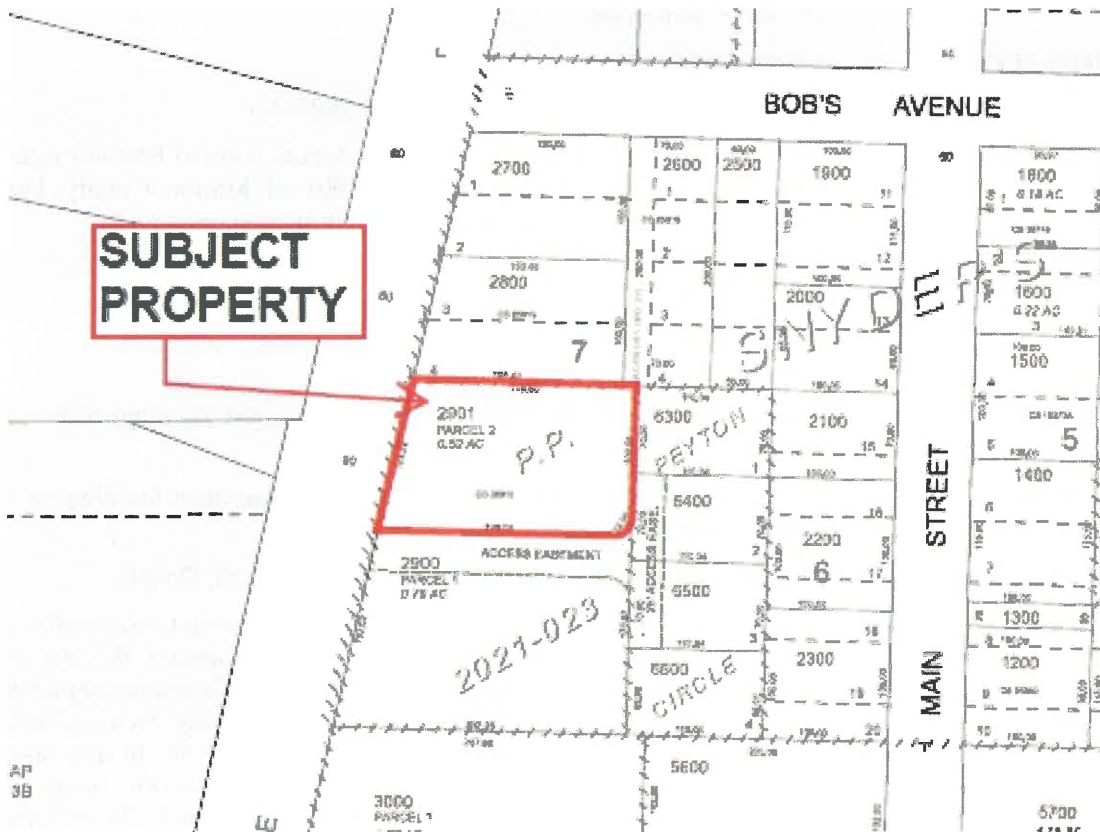
and any person who submits written comments during the comment period shall receive notice of the decision.

Issues which may provide a basis for appeal must be raised in writing during the comment period. Such issues must be sufficiently specific to afford the applicant and decision maker an opportunity to respond to the issue.

Address written comments to: City of Aurora, attention Planning
21420 Main Street NE
Aurora, Oregon 97002

Staff Contact: Curt Fisher, Associate Planner MWVCOG
cfisher@mwvcog.org
(503) 540-1616

VICINITY MAP:



4

TAXLOTNUM	SITUS	Name	Address	City	State	Zip
041W13B000900	21267 HIGHWAY 99E NE	DHW PROPERTIES LLC	PO BOX 160	WOODBURN	OR	97071
041W13B000901		DHW PROPERTIES LLC	PO BOX 160	WOODBURN	OR	97071
041W13B001000	21187 HIGHWAY 99E NE	GMC INVESTMENT PROPERTIES LLC	21187 HWY 99E	AURORA	OR	97002
041W13BD02500	14872 BOBS AVE NE	KESSLER, JUDITH R	14872 BOBS AV NE	AURORA	OR	97002
041W13BD02600	14852 BOBS AVE NE	DESPAIN, ALEXANDER DESPAIN, KATIE	14852 BOBS AVE NE	AURORA	OR	97002
041W13BD02700	14812 BOBS AVE NE	VAN WELLS, SHARIE	14812 BOBS AV NE	AURORA	OR	97002
041W13BD02800	21270 HIGHWAY 99E NE	STEWART, JAMES & STEWART, YUKIKO	21270 HIGHWAY 99E NE	AURORA	OR	97002
041W13BD02900	21200 HIGHWAY 99E NE	FOUR LABRADORS LLC C/O TOM GRIFFITH	PO BOX 21282	SALEM	OR	97307
041W13BD02901		KARTAL, IVAN	PO BOX 9028	SALEM	OR	97305
041W13BD06300	21230 PEYTON CIR	JACOME, ROMAN LARA	21230 PEYTON CIR	AURORA	OR	97002
041W13BD06400	21210 PEYTON CIR	DILSON, MEGAN D KINGMAN, BRUCE	21210 PEYTON CIR	AURORA	OR	97002
041W13BD06500	21190 PEYTON CIR	THOMAS G GRIFFITH TR GRIFFITH, THOMAS G	21190 PEYTON CIR	AURORA	OR	97002
041W13BD06600	21180 PEYTON CIR	STURM, JENNIFER	21180 PEYTON CIR	AURORA	OR	97002
		Marion County Tax Assessor's	PO Box 14500	Salem	OR	97309

PamplinMediaGroup

-Ad Proof-

This is the proof of your ad, scheduled to run on the dates indicated below. Please proofread carefully, and if changes are needed, please contact Kristine Humphries prior to deadline at (971) 204-7785 or khumphries@pamplinmedia.com.

<p>Date: 03/08/24 Account #: 101500 File #: Company Name: AURORA, CITY OF Contact: STUART A. RODGERS Address: 21420 MAIN ST NE AURORA Telephone: (503) 678-1283 Fax:</p>	<p>Ad ID: 319515 Start: 03/12/24 Stop: 03/12/24 Total Cost: \$60.00 Columns Wide: 1 Ad Class: 1268 Phone # (971) 204-7785 Email: khumphries@pamplinmedia.com Amount Due: \$60.00</p>
<p>Run Dates Business Tribune03/12/24</p>	

**CITY OF AURORA
PUBLIC NOTICE OF PLANNING COMMISSION MEETING
APPLICATION FOR SITE DEVELOPMENT REVIEW
AURORA APARTMENTS**

On April 2, 2024, at 7:00 p.m., the Aurora Planning Commission will review a proposal by Citi Homes Group Corporation (Applicant), for an 8-unit apartment building on a 0.52-acre property in Aurora. The project site does not have an assigned address but can be identified as Tax Lot 2901 on Marion County Tax Assessor's Map 041W13BD. The case file number is SDR 2024-01. Procedures identified in Aurora Municipal Code (AMC) Section 16.58 titled *Site Development Review* and 16.78 titled *Limited Land Use Decisions* apply and the approval will be based on the standards found in these sections. The meeting is a public meeting open to the public but is not a public hearing and public will not have the opportunity to testify. The meeting will be held in Aurora City Hall, 21420 Main Street NE Aurora, Oregon 97002. Written testimony may be submitted during a fourteen-day comment period with a deadline of March 26 at 5:00 p.m. A copy of the application, plans, all documents and evidence relied upon by the applicant are available for inspection at no cost and copies will be provided at reasonable cost. Additional information is available at City Hall, 21420 Main Street NE, Aurora, Oregon. Issues which may provide a basis for appeal must be raised in writing during the comment period. Such issues must be sufficiently specific to afford the applicant and decision maker an opportunity to respond to the issue. Staff Contact: Stuart Rodgers, Recorder@ci.aurora.or.us / 503-678-1283. Published March 12, 2024.

BT319515

Curt Fisher

From: KNECHT Casey <Casey.KNECHT@odot.state.or.us>
Sent: Monday, April 6, 2020 2:42 PM
To: Wakeley, Renata
Subject: ODOT Comments for City of Aurora Case MP-20-02 - Kartal
Attachments: 2425 Signed Use Permit [49075].pdf

External: Please report suspicious email to security@wesd.org

Renata,

Thank you for notifying the Oregon Department of Transportation (ODOT) of the proposal at 12200 Highway 99E NE in Aurora. Please include these comments in the public record and notify ODOT of the land use decision by sending a copy to odotr2planmgr@odot.state.or.us when available.

The site is adjacent to the Pacific Highway East, No. 081 (OR-99E) and is subject to state laws administered by the ODOT. There is an existing highway approach at MP 25.38 which serves the site as well as an easement to the parcels to the east. I have attached the permit (#52512) which was originally for four residences. The two new proposed parcels will need to access the highway via the existing easement, as an additional highway approach to directly serve either parcel will not meet spacing standards. The existing permit does not need to be updated. Otherwise, ODOT has no objections to the proposal.

Please contact me with any questions.

Casey Knecht, P.E.

Development Review Coordinator | ODOT Region 2
885 Airport Rd SE, Bldg P | Salem OR 97301
503-986-5170 | casey.knecht@odot.state.or.us

Curt Fisher

From: Curt Fisher
Sent: Tuesday, April 9, 2024 11:25 AM
To: 'Megan Dilson'; 'romanl@embuildsconstruction.com'; 'Tom Griffith'
Cc: 'recorder@ci.aurora.or.us '
Subject: RE: Planning Commission rescheduling meeting to consider SDR 24-01 - Aurora Apartments

Good morning everyone,

The planning commission agreed to reschedule this meeting to June 4, 2024 at 7:00 pm. The meeting location is the same as the previous notice:

Aurora City Hall
21420 Main Street NE
Aurora, Oregon 97002

The meeting agenda and packet with the staff report will be available here 7 days prior to the meeting:

https://www.ci.aurora.or.us/meetings?=&field_microsite_tid_1=28

The staff report will be too large to email to you separately so I encourage you to access it directly from the City webpage. Thank you again for all your comments.

Regards,

Curt Fisher, AICP
Associate Planner

MWVCOG
100 High Street, Suite 200
Salem OR 97302
503-540-1616 | Cfisher@MWVCOG.org
Pronouns: he/him

-----Original Message-----

From: Curt Fisher
Sent: Friday, March 29, 2024 12:33 PM
To: 'Megan Dilson' <megan.dilson@gmail.com>; 'romanl@embuildsconstruction.com' <romanl@embuildsconstruction.com>; Tom Griffith <tom@icecoelectric.com>
Cc: recorder@ci.aurora.or.us <Recorder@ci.aurora.or.us>
Subject: Planning Commission rescheduling meeting to consider SDR 24-01 - Aurora Apartments

Greetings Peyton Circle residents,

Thank you all for submitting your comments on the above-referenced application. The Applicant has requested that the meeting be rescheduled to a later date so they can amend the application in response to the issues that you raised during the comment period. They will discuss the new meeting date on April 2 and we will let you know what that meeting date is. The final staff report will be available at least 7 days before the meeting.

As explained in the notice, Planning Commission will make their decision on the application based on the procedures prescribed in AMC 16.78.080 for Limited Land Use decisions:

16.78.080 - Decision procedure.

The Planning Commission limited land use decision shall be conducted as follows:

A. Request the Planning Director to present the staff report, to explain any graphic or pictorial displays that are a part of the report, summarize the findings, recommendations and conditions, if any, and to provide such other information as may be requested by the approval authority; B. Allow the applicant or a representative of the applicant discuss the application and respond to the staff report; C. Request the Planning Director read all written comments received into the record; D. Allow the applicant to respond to all written comments; E. Make a decision pursuant to Section 16.78.090 or continue the decision to gather additional evidence or to consider the application further.

There will not be an opportunity to provide additional testimony at the meeting, but it will be open to the public, and we will keep you informed of the new date.

Thank you,

Curt Fisher, AICP
Associate Planner

MWVCOG
100 High Street, Suite 200
Salem OR 97302
503-540-1616 | Cfisher@MWVCOG.org
Pronouns: he/him

-----Original Message-----

From: Megan Dilson <megan.dilson@gmail.com>
Sent: Monday, March 25, 2024 12:22 PM
To: Curt Fisher <cfisher@MWVCOG.ORG>
Subject: Letter to Planning Committee of Aurora

External: Please report suspicious email to security@wesd.org<mailto:security@wesd.org>

Curt,
My name is Megan Dilson and I currently live in the private road at Peyton Circle with my husband Bruce Kingman and several other wonderful neighbors. We will be present and hoping to add input at the April 2nd meeting. Below is a letter with our concerns for changing the aesthetics of Aurora with the new proposed apartment complex. Please let me know if you have received this.

Thank you,
Megan Dilson and Bruce Kingman

~-----~

EXHIBIT B.1

Site Development Review

Submittal Date: January, 2024

Submitted To: City of Aurora Planning

Project Location: 21,000 block of State Highway 99E NE
Aurora, OR

Applicant(s): Citi Homes Group Corp.
(Fil Kartal)

Applicant's Representative: Lindsey King of BRAND Land Use
Lindsey@brandlanduse.com



BRAND

FEASIBILITY | PLANNING | LAND USE

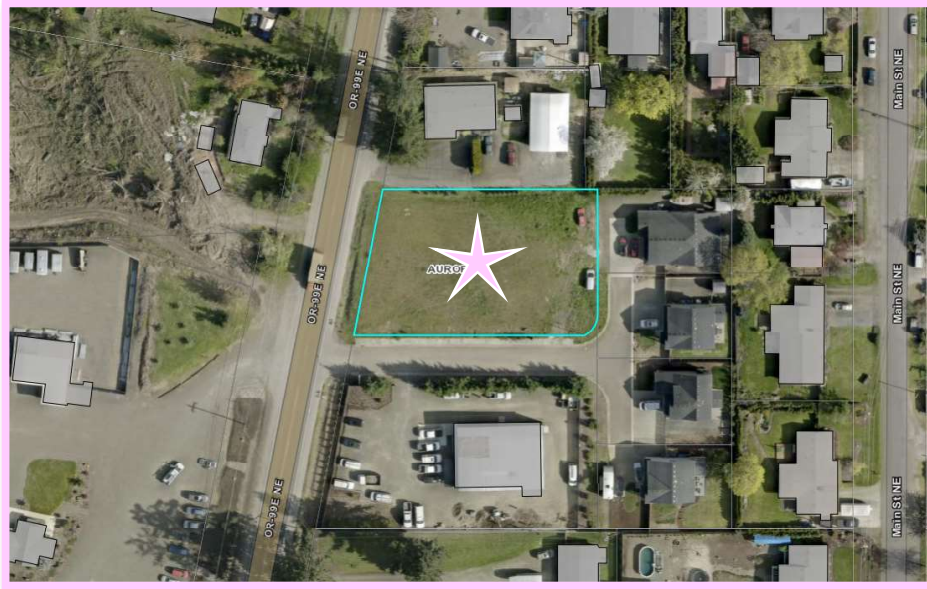
BRANDLANDUSE.COM

503.370.8704

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Arial View of Subject Property and Existing Development



Section 1: Property Background and Request

The applicant, Citi Homes Group Corp. (Fil Kartal), is presenting a site development review to permit eight (8) multifamily housing units.

The subject property is located at the 21,000 block of State Highway 99E NE in Aurora. The proposal would access from the existing road Peyton Circle and utilize onsite vehicular parking. The property is currently vacant and has no significant vegetation. The applicant proposal includes landscaping and pedestrian access.

Section 2: Existing Conditions

The development site is approximately 0.35 acres in size and is described as Marion County Assessor Map and Tax Lot 041W13BD02800, a City of Aurora Vicinity Map is included as Exhibit A.

The site is located within corporate City limits of the City of Aurora. The City of Aurora Comprehensive Plan map designates the subject property as “Commercial”.

The Comprehensive Plan designations of surrounding properties include:

North: “Commercial”, (C)

South: “Commercial”, (C)

East: “Low Density Residential”, (R1)

West: Across Hwy 99E NE, “Commercial”

The subject property is zoned C (Commercial). Surrounding properties are zoned as follows:

North: “Commercial”, (C)

South: “Commercial”, (C)

East: “Low Density Residential”, (R1)

West: Across Hwy 99E NE, “Commercial”

Section 3: Applicable Zoning Codes

Aurora Municipal Code Chapter 16.14 – C Commercial Zone

Section 16.14.010 – Purpose

Section 16.14.020 – Permitted Uses

Section 16.14.030 – Conditional Uses

Section 16.14.040 – Development Standards

Section 16.14.050 – Open Inventory Display

Aurora Municipal Code Chapter 16.30 – NC Neighborhood Commercial Overlay

Section 16.30.010 – Purpose

Section 16.30.020 – Applicability

Section 16.30.030 – Permitted Uses

Section 16.30.040 – Conditional Uses

Section 16.30.050 – Development Standards for Uses in Section 16.30.030 or 16.30.040

Aurora Municipal Code Chapter 16.32 – Environmental Performance Standards

Section 16.32.010 – Purpose

Section 16.32.020 – General Provisions

Section 16.32.030 – Noise

Section 16.32.040 – Visible Emissions

Section 16.32.050 – Vibration

Section 16.32.060 – Odors

Section 16.32.070 – Glare and Heat

Section 16.32.080 – Insects and Rodents

Section 16.32.090 – Electrical/Electronic Interference

Aurora Municipal Code Chapter 16.34 – Public Improvement and Utility Standards

Section 16.34.010 – Purpose

Section 16.34.020 – General Provisions

Section 16.34.030 – Streets

Section 16.34.040 – Blocks and Lots

Section 16.34.050 – Easements

Section 16.34.060 – Sidewalks

Section 16.34.070 – Public Use Areas

Section 16.34.080 – Sanitary Sewers

Section 16.34.090 – Storm Drainage

Section 16.34.100 – Water System

Section 16.34.110 – Bikeways

Section 16.34.120 – Utilities

Section 16.34.130 – Noise, Dust, and Visual Barriers

Section 16.34.140 – Performance Guarantee

Section 16.34.150 – Monuments

Section 16.34.160 – Installation/Technical Review Fee

Section 16.34.170 – Improvement Procedures

Section 16.34.180 – Plan Checking Required

Section 16.34.190 – Acceptance of Improvements

Section 16.34.200 – Engineer’s Certification Required

Section 16.34.210 – Pedestrian Circulation

Aurora Municipal Code Chapter 16.38 Landscaping, Screening, and Fencing

Section 16.38.010 – Purpose

Section 16.38.020 – Applicability and Approval Process

Section 16.38.030 – General Provisions

Section 16.38.040 – Buffering and Screening Requirements

Section 16.38.050 – Screening – Special Provisions

Section 16.38.060 – Fences or Walls

Aurora Municipal Code Chapter 16.40 – Visual Clearance Areas

Section 16.40.010 – Purpose

Section 16.40.020 – Applicability of Provisions

Section 16.40.030 – Visual Clearance – Required

Aurora Municipal Code Chapter 16.42 – Off-Street Parking and Loading Requirements

Section 16.42.010 – Compliance

Section 16.42.020 – Off-Street Loading

Section 16.42.030 – Off-Street Parking

Section 16.42.040 – General Provisions

Section 16.42.050 – Development and Maintenance Standards

Section 16.42.060 – Provisions for Reduction in Spatial Requirements for Off-Street Parking Due to Landscaping

Section 16.42.070 – Plan Required

Section 16.42.100 – Disabled Person Parking

Section 16.42.110 – Compact Vehicle Parking

Section 16.42.120 – Bicycle Parking

Section 16.42.130 – Off-Street Parking Dimensional Standards

Section 16.42.140 – Special Exceptions

Section 16.42.150 – Shared Parking

Aurora Municipal Code Chapter 16.48 – Protection of Natural Resources

Section 16.48.010 – Purpose

Section 16.48.020 – General Terrain Preparation

Section 16.48.030 – Hillsides

Section 16.48.040 – Rivers and Stream Corridors

Section 16.48.050 – Wetlands

Section 16.48.060 – Standards for Earth Movement Hazard Areas

Section 16.48.070 – Standards for Soil Hazard Areas

Aurora Municipal Code Chapter 16.56 – Gateway Property Development Standards

Section 16.56.010 – Purpose

Section 16.56.020 – Applicability

Section 16.56.030 – Administration and Approval Process

Section 16.56.040 – General Site Development Standards

Section 16.56.060 – Residential Development Standards

Aurora Municipal Code Chapter 16.58 – Site Development Review

Section 16.58.010 – Purpose

Section 16.58.020 – Applicability of Provisions

Section 16.58.030 – Administration and Approval Process

Section 16.58.080 – Application Submission Requirements

Section 16.58.090 – Site Development Plans

Section 16.58.100 – Approval Standards

Aurora Municipal Code Chapter 16.76 – Procedures for Decision Making – Quasi-Judicial

Section 16.76.010 – Purpose

Section 16.76.020 – Application Process

Section 16.76.030 – Consolidation of Proceedings

Section 16.76.040 – Noticing Requirements

Section 16.76.050 – Contents of the Notice

Section 16.76.060 – Failure to Receive Notice

Section 16.76.070 – Time Period for Decision Making

Section 16.76.080 – Approval Authority Responsibilities

Section 16.76.110 – Hearings Procedures

Section 16.76.120 – Standards for the Decision

Section 16.76.210 – Form of the Final Decision

Section 16.76.220 – Notice of Final Decision by the Planning Commission or Council

Section 16.76.240 – Standing to Appeal

Section 16.76.250 – Computation of Appeal Period

Section 16.76.340 – Effective Date of Final Action

Section 16.76.360 – Expiration and Extension of Approvals

Section 4: Findings Applicable to Administrative Procedures

Chapter 16.76 – Procedures for Decision Making – Quasi-Judicial

Section 16.76.010 – Purpose

The purpose of this chapter is to establish procedures for the consideration of development applications, for the consideration of quasi-judicial comprehensive plan or zoning amendments and for appeal of quasi-judicial decisions.

Section 16.76.020 – Application Process

- A. The applicant shall be the recorded owner of the property or an agent authorized in writing by the owner.

Applicant's Findings: *The applicant is the owner of the subject parcel. This criterion is met.*

- B. The applicant shall be required to meet with the Planning Director for a pre-application conference. Such a requirement may be waived in writing by the applicant.

Applicant's Findings: *A pre-application meeting was held on October 13, 2022. City staff provided a detailed written summary of applicable criteria and standards that apply to the project.*

- C. At such conference, the Planning Director shall:

1. Cite the applicable comprehensive plan policies and map designation;
2. Cite the applicable substantive and procedural ordinance provisions;
3. Provide available technical data and assistance which will aid the applicant as provided by the city engineer;
4. Identify other policies and regulations that relate to the application; and
5. Identify other opportunities or constraints that relate to the application.

Applicant's Findings: *The applicant has notes from the pre-application meeting which addresses the items listed above. This criterion is met.*

- D. Another pre-application conference is required if an application is submitted six months after the pre-application conference.

Applicant's Findings: *The applicant understands this provision.*

- E. Failure of the Planning Director to provide any of the information required by this chapter shall not constitute a waiver of the standards, criteria or requirements of the applications. Neither the city nor the Planning Director shall be liable for any incorrect information provided in the pre-application conferences.

Applicant's Findings: *The applicant understands this provision. The criterion is met.*

- F. Applications for approval required under this title may be initiated by:
1. Motion of the City Council;
 2. Motion of the Planning Commission;
 3. The Planning Director;
 4. A recognized neighborhood planning organization or city advisory board or commission; or
 5. Application of a record owner of property or contract purchaser.

Applicant's Findings: *The applicant understands this provision. The criterion is met.*

- G. Any persons authorized by this title to submit an application for approval may be represented by an agent authorized in writing to make the application.

Applicant's Findings: *The applicant understands this provision. The criterion is met.*

- H. The application shall be made on forms provided by the city.

Applicant's Findings: *The applicant understands this provision and the application shall be on forms provided by the city. This criterion is met.*

- I. The application shall:
1. Include the information requested on the application form;
 2. Address appropriate criteria in sufficient detail for review and action; and

3. Be accompanied by the required fee.

Applicant's Findings: *The applicant understands the requirements for the application. This criterion is met.*

- J. The Planning Director may require information in addition to that required by a specific provision of this title, provided the Planning Director determines this information is needed to properly evaluate the proposed development proposal; and the need can be justified on the basis of a special or unforeseen circumstance.

Applicant's Findings: *The applicant understands that additional information may be required. This criterion is met.*

- K. The Planning Director may waive the submission of information for a specific requirement, provided the Planning Director finds that specific information is not necessary to properly evaluate the application; or the Planning Director finds that a specific approval standard is not applicable to the application.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

- L. Where a requirement is found by the Planning Director to be inapplicable, the Planning Director shall:
 1. Indicate for the record and to the applicant the specific requirements found inapplicable;
 2. Advise the applicant that the finding may be challenged on appeal or at the hearing or decision on the matter and may be denied by the approval authority; and
 3. Cite in the staff report the specific requirements found inapplicable.

Applicant's Findings: *The applicant understands that there may be requirements that are not applicable. This criterion is met.*

- M. An application shall be deemed incomplete unless it addresses each element required to be considered under applicable provisions of this title and the application form, unless that requirement has been found inapplicable by the Planning Director. The Planning Director shall not accept an incomplete application.

Applicant's Findings: *The applicant believes that the application includes all applicable elements which would deem the application complete.*

- N. If an application is incomplete, the Planning Director shall:
 1. Notify the applicant within thirty (30) days of receipt of the application of exactly what information is missing; and
 2. Allow the applicant thirty (30) days to submit the missing information.

Applicant's Findings: *The applicant understands that if the application is deemed incomplete it will be done within 30-days of receipt of application. This criterion is met.*

- O. The application shall be deemed complete when the missing information is provided and at that time the one-hundred-twenty day time period shall begin to run for the purposes of satisfying state law.

Applicant's Findings: *The applicant understands the 120-day period. This criterion is met.*

- P. If the applicant refuses to submit the missing information, the application shall be deemed incomplete on the sixty-first day after the Planning Director first received the application and returned to the applicant.

Applicant's Findings: *The applicant understands the provision above. This criterion is met.*

Section 16.76.030 – Consolidation of Proceedings

- A. Except as provided in subsection C of this section, whenever an applicant requests more than one approval and more than one approval authority is required to decide the applications, the proceedings shall be consolidated so that one approval authority shall decide all applications in one proceeding.

Applicant's Findings: *The applicant understands the consolidation requirements. This criterion is met.*

- B. In such cases as stated in subsection A of this section, the hearings shall be held by the approval authority having original jurisdiction over one of the applications under Section 16.76.090, in the following order of preference: the Council, the commission, or the Planning Director.

Applicant's Findings: *The applicant understands the above provision. This criterion is met.*

- C. Where there is a consolidation of proceedings:
 1. The notice shall identify each action to be taken;
 2. The decision on a plan map amendment shall precede the decision on the proposed zone change and other actions. Plan map amendments are not subject to the one-hundred-twenty day decision making period prescribed by state law and such amendments may involve complex issues. Therefore, the Planning Director shall not be required to consolidate a plan map amendment and a zone change or other permit applications requested unless the applicant requests the proceedings be consolidated and signs a waiver of the one-hundred-twenty day time limit prescribed by state law for zone change and permit applications; and
 3. Separate actions shall be taken on each application.

Applicant's Findings: *This proposal is not for a consolidated application. However, the applicant understands the criteria.*

D. Consolidated Permit Procedure.

1. When the consolidated procedure is utilized, application and fee requirements shall remain as provided by resolution approved by the Council. If more than one permit is required by this title or other ordinance to be heard by the Planning Commission or City Council, each such hearing shall be combined with any other permit also requiring such hearing. The standards applicable to each permits by this title or any other ordinance shall be applied in the consolidated procedures to each application.

Applicant's Findings: *The applicant understands the provision above. This criterion is met.*

2. In a consolidated proceeding, the staff report and recommendation provided by the Planning Director shall be consolidated into a single report.

Applicant's Findings: *The applicant understands that the staff report will be consolidated into one if the application is consolidated. This criterion is met.*

3. All rules and ordinances of the city not in conflict with this section shall apply in a consolidated permit procedure.

Applicant's Findings: *The applicant understands this provision. The criterion is met.*

Section 16.76.040 – Noticing Requirements

A. Notice of a pending quasi-judicial public hearing shall be given by the Planning Director in the following manner:

1. At least twenty (20) days prior to the scheduled hearing date, or if two or more hearings are scheduled, ten (10) days prior to the first hearing, notice shall be sent by mail to:
 - a. The applicant and all owners or contract purchasers of record of the property which is the subject of the application;
 - b. All property owners of record or the most recent property tax assessment roll:
 - i. Within two hundred (200) feet of the property which is the subject of the notice where the subject property is wholly or in part within the urban growth boundary;
 - ii. Within two hundred fifty (50) feet of the property which is the subject of the notice where the subject property is outside the urban growth boundary and not within a farm or forest zone;

- iii. Within five hundred (500) feet of the property which is the subject of the notice where the subject property within a farm or forest zone;
- iv. If the adjoining property(s) subject to the notice are excessively large lots, the notice of hearing shall be provided to a minimum of two adjoining property owners in each lot side direction;
- c. Any governmental agency affected by the decision which has entered into an intergovernmental agreement with the city which includes provision for such notice;
- d. Acknowledged neighborhood planning organizations, if active;
- e. Any person who requests, in writing; and
- f. The appellant and all parties to an appeal;

Applicant's Findings: *The applicant understands the requirements for noticing. This criterion is met.*

- 2. Notice of a hearing on a proposed zone change for a manufactured home park shall be given to tenants of that manufactured home park at least twenty (20) days but no more than forty (40) days prior to the hearing; and

Applicant's Findings: *The proposal is not for a manufactured home park. This criterion is not applicable to the proposal.*

- 3. The Planning Director shall cause an affidavit of mailing of notice to be filed and made a part of the administrative record.

Applicant's Findings: *The applicant understands the requirements for noticing. This criterion is met.*

- B. For all quasi-judicial decisions requiring a public hearing, at least ten (10) days prior to the hearing, notice shall be given in a newspaper of general circulation in the city. An affidavit of publication shall be made part of the administrative record.

Applicant's Findings: *The applicant understands the ten (10) day requirements for public hearing noticing. This criterion is met.*

Section 16.76.050 – Contents of the Notice

Notice given to persons entitled to mailed or published notice pursuant to Section 16.76.040 shall include the following information:

- A. A description of the subject property, the street address if available, and a general location which shall include tax map designations from the county assessor's office;

- B. Except for notice published in the newspaper, a map showing the location of the property;
- C. An explanation of the nature of the application and the proposed use or uses which could be authorized;
- D. The applicable criteria from the ordinances and comprehensive plan that apply to the application;
- E. The time, place and date of the public hearing;
- F. A statement that both public oral and written testimony is invited, a general explanation of the requirements for submission of evidence and the procedure for conduct of the hearing;
- G. State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
- H. A statement that all documents or evidence in the file are available for inspection at no cost, or copies at a reasonable cost;
- I. A statement that a copy of the staff report will be available for inspection at no cost, or copies at reasonable cost, at least seven days prior to the hearing;
- J. A statement that failure to raise an issue in the hearing or during the comment period, in person or by letter, or failure to provide sufficient specific detail to give the decision maker or hearing body an opportunity to respond to the issue, precludes appeal to the land use board of appeals on that issue. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

Applicant's Findings: *The applicant understands the provisions for public hearing noticing. This criterion is met.*

Section 16.76.060 – Failure to Receive Notice

- A. Where either the Planning Commission or Council or both intend to hold more than one public hearing on the same application, notice of several public hearings before both approval authorities may be given in one notice.

Applicant's Findings: *The applicant understands the provision. This criterion is met.*

- B. The failure of a property owner to receive notice shall not invalidate the action provided a good faith attempt was made to notify all persons entitled to notice.

Applicant's Findings: *The applicant understands the provision. This criterion is met.*

- C. Personal notice is deemed given when the notice is deposited with the United States Postal Service.

Applicant's Findings: *The applicant understands the provision. This criterion is met.*

- D. Published notice is deemed given on the date it is published.

Applicant's Findings: *The applicant understands the provision. This criterion is met.*

- E. In computing the length of time that notice is given, the first date notice is given shall be excluded and the day of the hearing or the date on which the appeal period expires shall be included unless the last day falls on any legal holiday or on Saturday, in which case, the last day shall be the next business day.

Applicant's Findings: *The applicant understands the provision. This criterion is met.*

- F. The records of the Marion County assessor's office shall be the official records used for giving notice required in this title, and a person's name and address which is not on file at the time the notice mailing list is initially prepared is not a person entitled to notice.

Applicant's Findings: *The applicant understands that the assessor's office record shall be used for noticing. This criterion is met.*

Section 16.76.070 – Time Period for Decision Making

The city shall take final action on an application for a permit, plan change or zone change, including the resolution of all appeals, within one hundred twenty (120) days after the application is deemed complete, except:

- A. The one-hundred-twenty day period may be extended for a reasonable period of time at the request of the applicant;
- B. The one-hundred-twenty day period applies only to a decision wholly within the authority and control of the city; and
- C. The one-hundred-twenty day period does not apply to an amendment to an acknowledged comprehensive plan or land use regulation.

Applicant's Findings: *The applicant understands the time periods for making decisions. This criterion is met.*

Section 16.76.080 – Approval Authority Responsibilities

- A. The Planning Director shall have the authority to approve, deny or approve with conditions the following applications:
 1. Determination of parking requirements for unlisted uses;
 2. Determination of visual clearance area pursuant to Chapter 16.40;
 3. Determination of access, egress and circulation plan (not subject to Planning Commission approval) pursuant to public works design standards;
 4. Signs pursuant to Chapter 16.44;
 5. Type I home occupation pursuant to Chapter 16.46;
 6. Telecommunications facilities pursuant to Chapter 16.50.

Applicant's Findings: *The applicant understands the director's authority for decision making.*

B. The Planning Director may refer any application for review to the planning commission.

Applicant's Findings: *The applicant understands that the director may refer the application to the planning commission. This criterion is met.*

C. The Planning Commission shall conduct a public hearing in the manner prescribed by this chapter and shall have the authority to approve, approve with conditions, approve with modifications or deny the following development applications:

1. Interpretations subject to Section 16.02.050;
2. Recommendations for applicable comprehensive plan and zoning district designations to City Council for lands annexed to the city;
3. A quasi-judicial comprehensive plan map amendment except the Planning Commission's function shall be limited to a recommendation to the Council. The Commission may transmit their recommendation in any form and a final order need not be formally adopted;
4. A quasi-judicial zoning map amendment shall be decided in the same manner as a quasi-judicial plan amendment;
5. Conditional use pursuant to Chapter 16.60;
6. Variances pursuant to Chapter 16.64;
7. Permits and variances for applications subject to requirements of Chapter 16.18;
8. Type II home occupation pursuant to Chapter 16.46;
9. Site development review for sites subject to the Aurora Design Review Guidelines for Historic District Properties;
10. Telecommunications facilities pursuant to Chapter 16.50;
11. Appeal of a decision made by the Planning Director; and
12. Any other matter not specifically assigned to the Planning Director, or the City Council under this title.

Applicant's Findings: *The applicant understands that the decision will be based on the planning commission's findings. This criterion is met.*

D. Upon appeal or recommendation, the City Council shall conduct a public hearing in the manner prescribed by this chapter and shall have the authority to approve, deny or approve with conditions the following development applications:

1. The formal imposition of plan and zone designations made to lands annexed to the city;
2. Appeals of quasi-judicial plan and zone amendments;
3. Matters referred to the Council by the Planning Commission;
4. Review of decisions of the Planning Commission, whether on the Council's own motion or otherwise.

Applicant's Findings: *The applicant understands the appeal and recommendation approval authority. This criterion is met.*

Section 16.76.110 – Hearings Procedures

- A. Unless otherwise provided in the rules of procedure adopted by the City Council the presiding officer of the Planning Commission and of the Council shall have the authority to:
1. Regulate the course, sequence and decorum of the hearing;
 2. Dispose of procedural requirements or similar matters;
 3. Rule on offers of proof and relevancy of evidence and testimony;
 4. Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentation and rebuttal testimony; and
 5. Take such other action appropriate for conduct commensurate with the nature of the hearing;

Applicant's Findings: *The applicant understands the authority of the planning commission. This criterion is met.*

- B. Unless otherwise provided in this title or other ordinances adopted by Council, the presiding officer of the Planning Commission and of the Council shall conduct the hearing as follows:
1. Opening statement. Announce the nature and purpose of the hearing and summarize the rules of conducting the hearing, and if the proceeding is an initial evidentiary hearing before the Planning Commission or the City Council, make a statement that:
 - a. Lists the applicable substantive criteria;
 - b. States that testimony and evidence must be directed toward the criteria described in subdivision (1)(a) of this subsection, or to the other criteria in the comprehensive plan or the code which the apply to the decision;
 - c. States that failure to raise an issue with sufficient specificity to afford the decision-maker and the parties an opportunity to respond to the issue precludes appeal to the land use board of appeals on that issue.
 2. Quasi-Judicial Hearing Process:
 - a. Recognize parties;
 - b. Request the Planning Director to present the staff report, to explain any graphic or pictorial displays which are a part of the report, summarize the findings, recommendations and conditions, if any, and to provide such other information as may be requested by the approval authority;
 - c. Allow the applicant or a representative of the applicant to be heard;

- d. Allow parties or witnesses in favor of the applicant's proposal to be heard;
- e. Allow parties or witnesses in opposition to the applicant's proposal to be heard;
- f. Upon failure of any party to appear, the approval authority shall take into consideration written material submitted by such party;
- g. Allow the parties in favor of the proposal to offer rebuttal evidence and testimony limited to rebuttal of points raised;
- h. Make a decision pursuant to Section 16.76.120 or take the matter under advisement pursuant to Section 16.76.160.

Applicant's Findings: *The applicant understands the hearing processes. This criterion is met.*

- C. Unless otherwise provided in this title or other ordinances adopted by the Council, the following rules shall apply to the general conduct of the hearing:
 - 1. The approval authority may ask questions at any time before the close of the hearing, and the answers shall be limited to the substance of the question;
 - 2. Parties or the Planning Director must receive approval from the approval authority to submit questions directly to other parties or witnesses or the Planning Director;
 - 3. A reasonable amount of time shall be given to persons to respond to questions;
 - 4. No person shall testify without first receiving recognition from the approval authority and stating his or her full name and address;
 - 5. The approval authority may require that testimony be under oath or affirmation;
 - 6. Audience demonstrations such as applause, cheering and display of signs, or other conduct disruptive of the hearing shall not be permitted. Any such conduct may be cause for immediate suspension of the hearing or removal of persons responsible; and
 - 7. No person shall be disorderly, abusive or disruptive of the orderly conduct of the hearing.

Applicant's Findings: *the applicant understands the general conduct rules for a hearing. This criterion is met.*

Section 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; and
 - 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.

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

Applicant's Findings: *The applicant understands that the applicant has the burden of proof to show how that proposal meets all applicable policies, standards, and its impacts on the community. 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 relates to the property which is the subject of the development application; and
2. Factual oral testimony or written statements from the 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.

Applicant's Findings: *The applicant understands that additional information and testimony may influence the decision. This criterion is met.*

C. In all cases, the decision shall include a statement in a form addressing the Planning Director's staff report.

Applicant's Findings: *The applicant understands that the decision shall be made in a form addressing the planning director's staff report. This criterion is met.*

D. The approval authority may:

1. Adopt findings and conclusions contained in the staff report;
2. Adopt findings and conclusions of a lower approval authority;
3. Adopt its own findings and conclusions;
4. Adopt findings and conclusions submitted by any party provided all parties have had an opportunity to review the findings and comment on the same; or
5. Adopt findings and conclusions from another source, either with or without modification, having made a tentative decision, and having directed staff to prepare findings for review and to provide an opportunity for all parties to comment on the same.

Applicant's Findings: *The applicant understands that the approval authority may adopt any of the above provisions. This criterion is met.*

E. The decision may be for denial, approval or approval with conditions.

1. Conditions may be imposed where such conditions are necessary to:
 - a. Carry out applicable provisions of the Aurora comprehensive plan;
 - b. Carry out the applicable implementing ordinances; and
 - c. Ensure that adequate public services are provided to the development or to ensure that other required improvements are made;

Applicant's Findings: *The applicant understands that conditions may be imposed on the approval or denial. This criterion is met.*

2. Conditions may include, but are not limited to:
 - a. Minimum lot sizes;
 - b. Larger setbacks;
 - c. Preservation of significant natural features;
 - d. Dedication of easements; and
 - e. Conveyances and dedications of property needed for public use.

Applicant's Findings: *The applicant understands that any conditions imposed may include any of the above items. This criterion is met.*

3. Changes, alterations or amendments to the substance of the conditions of approval shall be processed as a new action.

Applicant's Findings: *The applicant understands that a new action is required for any changes to the decision. This criterion is met.*

4. Prior to the commencement of development, i.e., the issuance of any permits or the taking of any action under the approved development application, the owner and any contract purchasers of the property which is the subject of the approved application, may be required to sign and deliver to the Planning Director their acknowledgment in a development agreement and consent to such conditions:
 - a. The Mayor shall have the authority to execute the development agreement on behalf of the city;
 - b. No building permit shall be issued for the use covered by the application until the executed contract is recorded and filed in the county records; and
 - c. Such development agreement shall be enforceable against the signing parties, their heirs, successors and assigns by the city by appropriate action in law or suit in equity.

Applicant's Findings: *The applicant understands the need for a development agreement. This criterion is met.*

5. A bond in a form acceptable to the city or a cash deposit from the property owners or contract purchasers for the full amount as will ensure compliance with the conditions imposed pursuant to this subsection may be required. Such bond or deposit shall be posted prior to the issuance of a building permit for the use covered by the application.

Applicant's Findings: *The applicant understands the above provision. This criterion is met.*

- F. The final decision on the application may grant less than all of the parcel which is the subject of the application.

Applicant's Findings: *The applicant understands the above provision. This criterion is met.*

- G. If the Planning Commission fails to recommend approval, approval with modification, or denial of an application within sixty (60) days of its first public hearing, the Planning Director shall:
 1. Report the failure to approve a recommendation to the Council; and
 2. Cause notice to be given, the matter to be placed on the Council's agenda, a public hearing to be held and a decision to be made by the Council. No further action shall be taken by the Planning Commission.

Applicant's Findings: *The applicant understands this provision. The criterion is met.*

Section 16.76.210 – Form of the Final Decision

- A. The final decision shall be a decision which is in writing and which has been signed by the Planning Director.
- B. The final decision shall be filed in the records of the Planning Director within ten (10) calendar days after the decision is made by the approval authority, and notice thereof shall be mailed to the applicant and all parties in the action, and shall be available to the approval authority.

Applicant's Findings: *The applicant understands that the final decision will be signed by the planning director and be filed within ten days after the decision has been made. This criterion has been met.*

Section 16.76.220 – Notice of Final Decision by the Planning Commission or Council

- A. Notice of a final decision shall briefly summarize the decision and contain:
 1. A statement that all required notices under Section 16.76.040;
 2. A statement of where the adopted findings of fact, decision and statement of conditions can be obtained;
 3. The date the final decision was filed; and

4. A statement of whether a party to the proceeding may seek appeal of the decision, as appropriate:
 - a. In the case of a final decision by the Council, the statement shall explain that this decision is final and how appeal may be heard by a higher authority, or
 - b. In the case of a final decision by the Planning Commission, the statement shall explain briefly how an appeal can be taken to the Council pursuant to Section 16.76.260, the deadlines, and where information can be obtained.
- B. Notice of the final decision by the Planning Commission or Council shall be mailed to the applicant and to all the parties to the decision, and shall be made available to the members of the Council.

Applicant's Findings: *The applicant understands the noticing for the final decision. This criterion is met.*

Section 16.76.240 – Standing to Appeal

- A. In the case of a decision by the Planning Director, any person entitled to notice of the decision under this chapter, or any person who is adversely affected or aggrieved by the decision, may file a notice of appeal as provided by Section 16.76.290.

Applicant's Findings: *The criterion for appeal is understood. This criterion is met.*

- B. In the case of a decision by the Planning Commission, except for a decision on an appeal of the Planning Director's decision, a person shall be considered a party to a matter, thus having standing to seek appeal, provided:
 1. They are the applicant or owner of the subject property.
 2. They were entitled to written notice of the decision, as determined in this title.
 3. The person appeared before the Planning Commission orally or in writing

Applicant's Findings: *The criterion for appeal is understood. This criterion is met.*

Section 16.76.250 – Computation of Appeal Period

- A. The length of the appeal period shall be fifteen (15) days from the date of mailing the notice of decision.

Applicant's Findings: *The 15-day appeal period is understood and can be met if necessary. This criterion is met.*

- B. In computing the length of the appeal period, the day that notice of the decision is mailed shall be excluded and the last day for filing the appeal shall be included unless

the last day falls on a legal holiday for the city or on a Saturday, in which case, the last day shall be the next business day.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

Section 16.76.340 – Effective Date of Final Action

- A. Within ten (10) days of the filing of the final order by the Council, the Planning Director shall give notice of the final order to all parties to the proceeding, informing them of the date of filing, the decision rendered, and where a copy may be found.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

- B. Action by the appellate authority on appeal shall be final and effective on the day of mailing notice of the final order.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

Section 16.76.360 – Expiration and Extension of Approvals

- A. Approvals issued pursuant to this chapter shall be effective for a period two years from the date of approval.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

- B. Approval shall lapse if:
1. Substantial construction of the approved plan has not been completed within a two-year period;
 2. Construction on the site is a departure from the approved plan.

Applicant's Findings: *The applicant understands the lapse of approval based on the above. This criterion is met.*

- C. The Planning Commission may, upon written request by the applicant, grant an extension of the approval period not to exceed one year; provided, that:
1. No changes are made on the original approved tentative plan;
 2. The applicant has expressed written intent of submitting a final plat within the one-year extension period; and
 3. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.

Applicant's Findings: *The applicant understands the planning commission may grant an extension. This criterion is met.*

- D. Written notice of the decision regarding an extension of time shall be provided to the applicant.

Applicant's Findings: *The applicant understands the extension shall be received in writing. This criterion is met.*

Section 5: Findings Applicable to Site Development Review

Chapter 16.14 – C Commercial Zone

Section 16.14.010 – Purpose

The commercial zone (C) is intended to provide areas for retail and service commercial uses.

Section 16.14.020 – Permitted Uses

In the commercial zone, except as specifically stated in Section 16.14.050 activities shall be conducted within an enclosed building or structure and are subject to site development review, Chapter 16.58. Only the following uses and their accessory uses are permitted outright. Variances from listed permitted uses are prohibited.

1. Auction house, auditorium, exhibit hall, community building, club, lodge hall, fraternal organization or place of worship;
2. Bed and breakfast inn, hotel or motel;
3. Bicycle sales or repair;
4. Cultural exhibits and library services;
5. Day care facility licensed by state;
6. Dwelling units located above or below the ground floor of the commercial structure and from which the property is addressed;
7. Eating and drinking establishments;
8. Financial, insurance and real estate offices;
9. General retail and convenience sales, except adult bookstores and adult entertainment;
10. Indoor and outdoor recreation and entertainment facilities, except adult entertainment or adult motion picture theaters;
11. Laundry or dry cleaning establishments;
12. Medical or dental services including labs;
13. Mini storage, with or without a caretaker dwelling;
14. Minor impact utilities;
15. Motor vehicle, farm implement, boat or trailer rental, sales or services including body repairs when repairs are conducted wholly within an enclosed structure;
16. Mortuary, funeral home, crematorium or taxidermy;

17. Nurseries, greenhouses, and landscaping supplies not requiring outside storage for items other than plant materials including wholesale or retail, excluding uses related to medical or recreational marijuana.
18. Parking structure or lot or storage garage;
19. Printing or publishing plant;
20. Professional and administrative offices;
21. Public safety and support facilities;
22. Public transportation passenger terminal or taxi stand;
23. Repair services for household and personal items, excluding motorized vehicles;
24. Sales, grooming and veterinary offices or animal hospitals without outside pens or noise beyond property line;
25. Schools;
26. Service station, retail vehicle fuel sales or car wash when not located adjacent to a residential zone;
27. One single-family residence, provided it is an accessory structure and cannot be sold separately;
28. Studios, including art, photography, dance, and music.

Applicant's Findings: *The proposed use does not specifically fall under the allowable uses above but falls under Chapter 16.30.030 (J) within the Neighborhood Commercial Overlay. This criterion is not applicable.*

Section 16.14.030 – Conditional Uses

The following uses and their accessory uses may be permitted when authorized by the Planning Commission in accordance with the requirements of Chapter 16.60, other relevant sections of this title and any conditions imposed by the Planning Commission:

- A. Adult bookstore, adult entertainment or adult motion picture theaters, provided no sales area or activity is ever visible from the building exterior, all building setbacks shall be a minimum of thirty-five (35) feet from any property line and shall be screened and buffered in accordance with Section 16.38.040. In addition, location shall be at least one thousand five hundred (1,500) feet, measured in a straight line, from any of the following:
 1. Residential district,
 2. Public or private nursery, preschool, elementary, junior, middle or high school,
 3. Day care facility, nursery school, convalescent home, home for the aged, resident care facility or hospital,
 4. Public library,
 5. Community recreation,
 6. Place of worship,
 7. Historic district or historic structure;

Applicant's Findings: *The proposal is not for any of the uses above. This criterion is not applicable.*

- B. Home occupations (Type II) subject to Chapter 16.46;

Applicant's Findings: *The proposal is not for a home occupation. This criterion is not applicable.*

- C. Major impact utilities, including telecommunications facilities subject to Chapter 16.50, provided that a ten-foot perimeter setback containing both externally visible landscaping meeting buffering standards and solid screening surrounds the property;

Applicant's Findings: *The proposal is not for any of the above uses. This criterion is not applicable.*

- D. Retail or wholesale business with not more than fifty (50) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly associated with the retail business conducted on the premises; (Ord. 478, 2015)

Applicant's Findings: *The proposal is not for any of the above uses. This criterion is not applicable.*

- E. On lots that do not abut a residential zone, retail or wholesale business with not more than seventy-five (75) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly associated with the retail business conducted on the premises; (Ord. 478, 2015)

Applicant's Findings: *The proposal is not for any of the above uses. This criterion is not applicable.*

- F. Wholesaling, storage and distribution. (Ord. 415 § 7.60.050, 2002)

Applicant's Findings: *The proposal is not for any of the above uses. This criterion is not applicable.*

- G. Medical Marijuana Dispensaries (MMD) and commercial marijuana retail stores, subject to the following standards:

1. Buffers which shall only be measured at the initial land use application and not subsequent annual renewals:
 - a. Elementary, middle or high school, public or private: one thousand (1,000) feet.
 - b. Day care: one thousand (1,000) feet.
 - c. Other marijuana businesses: one thousand (1,000) feet.
 - d. May not be adjacent to a residential zone, a public park, or a place of worship.
2. The use must be located within a permanent, enclosed structure.

3. The use may not be allowed as a home occupation.
4. Applicant and all employees must pass a criminal background check.
5. The term of a conditional use approval shall not exceed one year - upon which time an annual review under AMC 16.60.060 shall be required.
6. Waste materials containing any amount of marijuana bio-mass or marijuana by products of any kind must be locked in a secure container on-site.
7. Hours of operation are limited to 10:00 a.m. to 5:00 p.m.
8. Drives through windows are prohibited.

Applicant's Findings: *The proposal is not for any of the above uses. This criterion is not applicable.*

Section 16.14.040 – Development Standards

- A. There is no minimum size for lots or parcels served by municipal sewer. Minimum lot sizes for lots or parcels without municipal sewer shall be as determined by the county sanitarian.

Applicant's Findings: *The proposal will be serviced by municipal sewer. Plans have been attached to this application and can be found on the attached sheets. This criterion is met.*

- B. There is no minimum lot width or depth.

Applicant's Findings: *The proposal is for the development of multifamily dwellings. No alteration of property lines is proposed. This proposal meets the above criteria.*

- C. Unless otherwise specified, the minimum setback requirements are as follows:
 1. There is no minimum front yard setback except as required for buffering of off street parking in accordance with Section 16.38.050;
 2. On corner lots and the rear of through lots the minimum setback for the side facing the street shall be ten (10) feet;
 3. No side or rear yard setback shall be required except twenty (20) feet screened and buffered in accordance with Chapter 16.38 shall be required where abutting a residential zoning district;

Applicant's Findings: *The proposal meets or exceeds the requirements above. These setbacks can be found on the site plan; Sheet L1.1. This criterion is met.*

- D. No building shall exceed forty-five (45) feet in height. Within one hundred (100) feet of a residential zone, no building shall exceed thirty-five (35) feet in height. All buildings greater than thirty-five (35) feet in height are subject to Chapter 16.24.

Applicant's Findings: *The proposal is not intended to exceed the height limit. This criterion is met.*

E. Parking shall be in accordance with Chapter 16.42.

Applicant's Findings: *The applicant is proposing a total of 19 parking spaces, one ADA accessible spot and 18 full size spots, based on the bedroom count from Chapter 16.42.030 (A)(2). This criterion is met.*

F. Landscaping shall be in accordance with Chapter 16.38.

Applicant's Findings: *The applicants landscaping plan shows all required landscaping; specifically, Chapter 16.38.080(C). This criterion is met.*

G. Doors and windows may not be covered with security grates.

Applicant's Findings: *The applicant is not proposing any security gates. This criterion is met.*

H. All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of the site including, but not limited to, structural façade, yard and landscaping that are immediately adjacent to and visible from Highway 99 or Ehlen Road.

Applicant's Findings: *The applicant understands this provision and has addressed all additional sections. This criterion is met.*

I. Additional requirements shall include any applicable section of this title. (Ord. 415 § 7.60.050, 2002)

Applicant's Findings: *The applicant understands this provision and has addressed all additional sections. This criterion is met.*

J. Additions and/or accessory structures not located in the rear yard shall be consistent in appearance with the other structures on the property with regard to color, setbacks, architectural style, and overall proportions, unless fully screened with a minimum six-foot fence or landscaping.

Applicant's Findings: *The applicant is not proposing any accessory structures in the rear yard. This criterion is not applicable. However, the applicant understands this criterion is applicable if, in the future, the applicant proposes an accessory structure. This criterion is met.*

Section 16.14.050 – Open Inventory Display

- A. All business, service, repair, processing, storage or merchandise displays shall be conducted wholly within an enclosed building except for the following:
1. Off-street parking, loading space or drive accesses;
 2. Drive-through windows;

3. Display, for resale purposes, of large on road vehicles which could not be reasonably displayed wholly within a building; specifically automobiles, boats, logging equipment, farm machinery, heavy machinery and trucks. Such displays shall be limited to a maximum of five vehicles which shall be movable at all times and cannot be deemed as discarded or dismantled. All vehicles displayed for sale must be located on a paved surface;
4. Displays for sale purposes of small merchandise in relation to the fronting business shall be removed to the interior of the business after business hours;
5. Display, for sale purposes in relation to fronting business, of live trees, shrubs and other plants, flowers or produce; and
6. Outdoor seating in relation to a permitted eating or drinking establishment subject to [Section] 16.34.060(D).

Applicant's Findings: *The proposal is not for a business, but for a multifamily development. This criterion is not applicable.*

- B. All open inventory displays shall be maintained, kept clean, and be situated in conformance with all applicable city ordinances.

Applicant's Findings: *The proposal is not for a business, but for a multifamily development. This criterion is not applicable.*

Chapter 16.30 – NC Neighborhood Commercial Overlay

Section 16.30.010 – Purpose

The neighborhood commercial (NC) overlay promotes development that combines small scale commercial uses and residential uses in a single building or complex. This overlay will allow increased development on major streets while avoiding a strip commercial appearance and encourage the development of areas where residential and commercial uses mix in a harmonious manner.

The emphasis of the nonresidential uses is primarily on locally-oriented retail, service, and office uses. Development is intended to be pedestrian-oriented with buildings close to and directly accessible from pedestrian access-ways. Parking may be shared between residential and commercial uses.

The neighborhood commercial overlay is not intended to restrict uses permitted in the base zone.

Section 16.30.020 – Applicability

The neighborhood commercial overlay may be applied to any property fronting on Highway 99 or Ehlen Road for the first two hundred (200) feet as measured perpendicular from the

Highway 99 or Ehlen Road right-of-way line, and to any property fronting on Airport Road between Ehlen Road and north property line of Tax Lot 04-1W-12C-01900 on the east side of Airport Road, and to any property fronting on Airport Road between Ehlen Road and the north property line of Tax Lot 04-1W-12C-504 on the west side of Airport Road (a distance of approximately four hundred (400) feet from the Airport/Ehlen Road intersection) for the first two hundred (200) feet as measured from the Airport Road right-of-way line.

Applicant's Findings: *The subject property falls in to the 200-foot measurement for the neighborhood commercial overlay.*

Section 16.30.030 – Permitted Uses

The neighborhood commercial overlay allows the following uses and their accessory uses in addition to the uses permitted in the base zone and subject to Chapter 16.58 when the aggregate total of required parking for all uses on a parcel or lot does not exceed twenty (20) required parking spaces:

- A. Bicycle sales or repair;
- B. Cultural exhibits and library services;
- C. Day care facility licensed by state;
- D. Residential dwelling units located in the same building as a commercial use either above or behind the commercial use where the square footage of the commercial uses exceeds the square footage of the residential uses;
- E. Eating and drinking establishments without drive-in/drive-through windows;
- F. Financial, insurance and real estate offices;
- G. General retail and convenience sales, except adult bookstores;
- H. Indoor recreation facilities;
- I. Medical or dental offices;
- J. Multifamily (four units or more) containing no more than eight units per building with fifteen-foot separations between buildings outside the historic residential overlay when the base zoning is R-2, moderate density residential, commercial or industrial;
- K. Professional and administrative offices;
- L. Public transportation passenger terminal or taxi stand;
- M. Repair services for household and personal items, excluding motorized vehicles;
- N. Studios, including art, photography, dance, and music.

Applicant's Findings: *The applicant is proposing a multifamily development containing eight units as permitted under 16.30.030(J). The applicant is not proposing more than 20 parking spaces. This criterion is met.*

Section 16.30.040 – Conditional Uses

The following uses and their accessory uses may be permitted in the neighborhood commercial overlay when authorized by the Planning Commission in accordance with the requirements of Chapter 16.60, other relevant sections of this title and any conditions imposed by the Planning Commission:

- A. Uses permitted in the base zone or Section 16.30.030 when the aggregate total of required parking for all uses on a parcel or lot is greater than twenty (20) required parking spaces and less than forty (40) required parking spaces.

Applicant's Findings: *The proposed parking lot is not more than 20 spaces. This criterion is not applicable.*

Section 16.30.050 – Development Standards for Uses in Section 16.30.030 or 16.30.040

The standards of the base zone shall apply except as follows:

- A. Structures containing commercial uses shall have no minimum front setback and a maximum ten-foot landscaped front setback. The Planning Commission may approve increases in the maximum front setback where such exception is necessary to locate a landscaped storm water retention/detention facility in the front setback.

Applicant's Findings: *The applicant is proposing residential use and will adhere to the setbacks listed in the code or adopted by the planning commission. This criterion is met.*

- B. Where a parcel or lot has frontage on Highway 99 or Ehlen Road and a secondary street frontage, the setback from the secondary street frontage shall be a minimum of ten (10) feet. This criterion is met.

Applicant's Findings: *The applicant has the appropriate setbacks to Highway 99 and are depicted on the submitted site plan. This criterion is met.*

- C. The rear yard setback shall be a minimum of ten (10) feet and shall be buffered and screened in accordance with Chapter 16.38.

Applicant's Findings: *The applicant has the appropriate setbacks to the rear yard and is buffered as shown on the site plan and landscaping plan. This criterion is met.*

- D. Residential garages for structures permitted under the neighborhood commercial overlay shall be oriented in a manner that does not require vehicles to back out onto Highway 99 or Ehlen Road. The setback for the garage door approach (the point where a vehicle accesses the garage) shall be a minimum of twenty (20) feet from any public street right-of-way.

Applicant's Findings: *There are no residential garages proposed. This criterion is not applicable.*

- E. Setback requirements shall not apply to transit shelters.

Applicant's Findings: *The proposal is not for a transit shelter. This criterion is not applicable.*

- F. Minimum lot areas shall be in accordance with the base zoning except the minimum lot area for residential uses located on the same lot or parcel as commercial uses shall be the square footage necessary to contain all required improvements including landscaping and parking.

Applicant's Findings: *There is no minimum lot size in the Commercial Zone. This criterion is met.*

- G. Building heights shall be in accordance with the base zoning. All structures containing dwelling units shall utilize at least two of the following design features to provide visual relief along the street frontage:
1. Dormers;
 2. Recessed entries;
 3. Cupolas;
 4. Bay or bow windows;
 5. Gables;
 6. Covered porch entries;
 7. Pillars or posts;
 8. Eaves (minimum six-inch projection); or
 9. Off-sets on building face or roof (minimum sixteen (16) inches).

Applicant's Findings: *The proposed eight (8) unit multifamily unit will comply with the maximum building height and the above design features. This criterion is met.*

- H. Impervious surfaces shall not cover more than eighty (80) percent of the lot or parcel for commercial uses and sixty (60) percent for residential uses except impervious surfaces may cover up to ninety (90) percent of lots or parcel when structures contain both residential and commercial uses.

Applicant's Findings: *The proposal does not cover more than the maximum allowable impervious surface as shown in the submitted plans. The criterion is met.*

- I. Except for residential uses allowed under the base zoning, parking shall not be located between the Highway 99 or Ehlen Road rights-of-way and any structure and shall be constructed in accordance with Chapter 16.42.

Applicant's Findings: *The parking is located on the east side of the proposed structure and is constructed in accordance with Chapter 16.42. This criterion is met.*

- J. Landscaping requirements shall be in accordance with Chapter 16.38 except the minimum requirement landscaping for lots or parcels containing both residential and commercial uses shall be ten (10) percent.

Applicant's Findings: *The attached landscaping plans show that that proposal follows all applicable criteria. This criterion is met.*

- K. All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of the such properties, including but not limited to, structural façade, yard and landscaping, immediately adjacent to and visible from Highway 99 or Ehlen Road.

Applicant's Findings: *The applicant understands this provision and has addressed it in the sections below. This criterion is met.*

- L. Additional requirements shall include any applicable section of this title.

Applicant's Findings: *The applicant understands this provision and has addressed it in the sections below. This criterion is met.*

Chapter 16.32 – Environmental Performance Standards

Section 16.32.010 – Purpose

The purpose of this chapter is to apply the federal and state environmental laws, rules, and regulations to all land use within the city.

Applicant's Findings: *The applicant understands the purpose of this section. The criteria are met.*

Section 16.32.020 – General Provisions

- A. In addition to the regulations adopted in this chapter, each use, activity or operation within the city shall comply with the applicable state and federal standards pertaining to noise, odor and discharge of matter into the atmosphere, ground, sewer system, or stream. Regulations adopted by the State Environmental Quality commission pertaining to non-point source pollution control and contained in the Oregon Administrative Rules shall by this reference be made a part of this chapter.

Applicant's Findings: *The applicant understands this provision and can comply. This criterion is met.*

- B. Prior to issuance of a building permit, the Planning Director may require submission of evidence demonstrating compliance with state, federal and local environmental regulations and receipt of necessary permits including but not limited to: Air Contaminant Discharge Permits (ACDP), National Pollutant Discharge Elimination System Storm Water Discharge Permit (1200-c) or Indirect Source Construction Permits (ISCP).

Applicant's Findings: *The applicant understands this provision and can comply. This criterion is met.*

- C. Compliance with state, federal and local environmental regulations is the continuing obligation of the property owner and operator.

Applicant's Findings: *The applicant understands this provision and can comply. This criterion is met.*

Section 16.32.030 – Noise

For the purposes of noise regulation, the provisions of the underlying zone and the current version of the Aurora public nuisance ordinance shall apply.

Applicant's Findings: *The proposal will not emit any more noise than would be expected with a multifamily development. The applicant understands the proposal will need to comply with Aurora public nuisance ordinance. This criterion is met.*

Section 16.32.040 – Visible Emissions

Within any zoning district, there shall be no use, operation or activity which results in a stack or other point source emission, other than an emission from space heating, or the emission of pure uncombined water (steam) which is visible from a property line. Department of Environmental Quality rules for visible emissions (340-21-015 and 340-28-070) apply.

Applicant's Findings: *The proposal conveys access in a manner that would comply with this provision. The criterion is met.*

Section 16.32.050 – Vibration

No vibration which is discernible without instruments at the property line of the use concerned, other than that caused by highway vehicles, trains and aircraft, is permitted in any given zoning district.

Applicant's Findings: *The applicant understands this section and will comply. This criterion is met.*

Section 16.32.060 – Odors

The emission of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited. DEQ rules for odors (340-028-090) apply.

Applicant's Findings: *The applicant understands this section and will comply. This criterion is met.*

Section 16.32.070 – Glare and Heat

No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, which is visible at the property line shall be permitted, and:

- A. There shall be no emission or transmission of heat or heated air which is discernible at the property line of the source; and
- B. These regulations shall not apply to signs or floodlights in parking areas or construction equipment at the time of construction or excavation work otherwise permitted by this title.

Applicant's Findings: *The applicant understands this section and will comply. This criterion is met.*

Section 16.32.080 – Insects and Rodents

All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

Applicant's Findings: *The applicant understands this section and will comply. This criterion is met.*

Section 16.32.090 – Electrical/Electronic Interference

Within any zoning district, there shall be no use, operation or activity which results in any off-site electrical or electronic interference.

Applicant's Findings: *The applicant understands this section and will comply. This criterion is met.*

Chapter 16.34 – Public Improvement and Utility Standards

Section 16.34.010 – Purpose

The purpose of this chapter is to inform applicants of general design standards for street and utility improvements and maintain consistency between this title, the Aurora transportation system plan and the public works design standards and specifications.

Applicant's Findings: *The applicant understands the purpose of this section. This criteria is met.*

Section 16.34.020 – General Provisions

- A. The standard specifications for construction, reconstruction or repair of streets, sidewalks, curbs and other public improvements within the City shall occur in accordance with the standards of this title, the public works design standards, the ODOT/APWA Standard Specifications for Construction, the transportation system plan

and county or state standards, including but not limited to the Uniform Fire Code, where applicable.

Applicant's Findings: *The applicant has addressed these items in the submitted plans and in other sections of this narrative. This criterion is met.*

- B. The City Engineer may require changes or supplements to the standard specifications consistent with the application of engineering principles.

Applicant's Findings: *The applicant understands the city engineer may require additional information or changes. This criterion is met.*

- C. All applications for development shall conform to the standards established by this chapter.

Applicant's Findings: *The applicant understands the proposal shall conform to all applicable standards in this chapter. This criterion is met.*

Section 16.34.030 – Streets

- A. No development shall occur unless the development has frontage on or approved access to a public street:
 - 1. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of land division. Any new street or additional street width shall be dedicated and improved in accordance with this title, the Aurora transportation system plan and the public works design standards and specifications.

Applicant's Findings: *The subject property abuts State Hwy 99E and a private street, Peyton Circle. The private road has access to Hwy 99E which is a Principal Arterial. This criterion is met.*

- 2. Subject to AMC 16.78 and approval of the Planning Commission, the City may accept and record a non-remonstrance agreement in lieu of street improvements if the following conditions exist:
 - a. A partial improvement creates a potential safety hazard to motorists or pedestrians; or
 - b. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity.
 - c. Any approved non-remonstrance agreements shall be on forms provided by the City of Aurora and with review and approval signature authority on the draft agreement prior to recording.

Applicant's Findings: *The applicant understands this provision and can comply. This criterion is met.*

3. Subject to AMC 16.78 and approval of the Planning Commission, the City may accept a payment in lieu of street improvements. To propose a payment in lieu of street improvements, the applicant shall prepare an engineering estimate for the costs of engineer, design and construction of the required frontage improvements. City staff will review and approve the engineering cost estimate and calculate the payment in lieu of street improvements. The payment in lieu of street improvements will generally be set at two-thirds of the estimated cost. Payment in lieu of street improvement funds collected by the City will be used to pay for improvements within public rights of way within the Aurora city limits.

Applicant's Findings: *The access street off Hwy 99E is currently developed. This criterion is met.*

4. New structures that are proposed to be constructed on lots abutting an existing public street that does not meet the minimum standards for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way. Building permits shall not be issued unless yard setbacks equal to the minimum yard requirements of the zoning district plus the required minimum additional right-of-way width is provided.

Applicant's Findings: *The applicant understands this provision will need to be met, if applicable. This criterion is met.*

- B. Rights-of-way shall normally be created through the approval of a final partition or subdivision plat.
 1. The Council may approve the creation of a street by deed of dedication if any establishment of a street is initiated by the council and is found to be essential for the purpose of general traffic circulation, and partitioning of subdivision of land has an incidental effect rather than being the primary objective in establishing the road or street for public use.

Applicant's Findings: *All roads and ROW are existing; no additional dedication is proposed. This criterion is met.*

2. All deeds of dedication shall be in a form prescribed by the City and shall name "the City of Aurora, Oregon" or "the public," whichever the City may require, as grantee.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

3. All instruments dedicating land to public use shall bear the approval by the Mayor accepting the dedication prior to recording.4.No person shall create a

street or road for the purpose of partitioning an area or tract of land without the approval of the city.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

- C. Subject to AMC 16.78, the Planning Commission may approve a private street established by deed for a subdivision containing no more than five total lots or for a partition provided such an approval is the only reasonable method by which a lot large enough to develop can develop when all of the following criteria are satisfied:
1. Private streets shall serve no more than five dwellings and the city shall require legal assurances for the continued access and maintenance of private streets, such as a reciprocal access and maintenance agreement recorded with Marion County.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

2. Private streets which exceed one hundred fifty (150) feet shall be improved in accordance with the Uniform Fire Code.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

3. Private streets shall be improved in accordance with the public works design standards, and shall be a minimum of twenty (20) feet in width with a paved width of eighteen (18) feet. Unless otherwise approved by City Engineer, the private street typical asphalt design section shall be designed to City Local Street standards.

Applicant's Findings: *The existing private street meets the applicable criteria. This criterion is met.*

4. If the establishment of a building site requires the creation of a private street for access, the total area of the street will not be applicable to the square footage requirements of the lot.

Applicant's Findings: *The private street is existing. This criterion is not applicable.*

- D. When location is not shown in the Aurora transportation system plan, the arrangement of the streets shall either:
1. Provide for the continuation or appropriate projection of existing streets in the surrounding areas, or conform to a plan for the neighborhood approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing street impractical. Such a plan shall be based on the type of land use to be served, the

volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

2. New streets shall be laid out to provide reasonably direct and convenient routes for walking and cycling within neighborhoods and accessing adjacent development.

Applicant's Findings: *The private street provides accessibility to the residential homes to the east of the subject property and has sidewalks on the north side. Due to the proximity of the street to State Hwy 99E, walking and cycling west of the private road may be unsafe. Regardless, this criterion is met.*

- E. Street right-of-way and roadway widths shall be as shown in the Aurora transportation system plan, except all streets constructed in the National Historic District shall require approval by the Historic Review Board and shall be constructed consistent with the Aurora downtown improvement plan and Title 17, Historic Preservation. Where conditions, particularly topography or the size and shape of the tract, make it impractical to otherwise provide buildable sites, narrower right-of-way may be accepted. If necessary, slope easements may be required.

Applicant's Findings: *The applicant understands this provision and the proposal is not located within the National Historic District. This criterion is met.*

- F. Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in those cases, they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.

Applicant's Findings: *The applicant is not proposing street plugs or reserve strips. This criterion is not applicable.*

- G. Except for extensions of existing streets, no street name shall be used which will duplicated or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission.

Applicant's Findings: *The street is existing. This criterion is not applicable.*

- H. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than eighty (80) degrees, unless there is a special intersection design. An arterial or

collector street intersecting with another street shall have at least one hundred (100) feet of tangent adjacent to the intersection, unless topography requires a lesser distance. Other streets, except alleys, shall have at least five hundred (500) feet of tangent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than eighty (80) degrees, or which include an arterial street, shall have a minimum corner radius sufficient to allow for a roadway radius of twenty (20) feet and maintain a uniform width between the roadway and right-of-way line. Ordinarily, the intersection of more than two streets at any point will not be approved.

Applicant's Findings: *Streets are existing, developed, and meet the above criteria. This criterion is met.*

I. .

1. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the site when in conformity with the other requirements of these regulations, and when the Planning Commission finds it will be practical to require the dedication of the other half when adjoining property is divided or developed. Whenever a half street is adjacent to a tract to be divided or developed, the other half of the street shall be provided within such tract. Reserve strips and street plugs pursuant to subsection E of this section may be required to preserve the objectives of half streets.

Applicant's Findings: *There are no half streets existing or proposed. This criterion is not applicable.*

2. Where a half street improvement is otherwise acceptable, and additional development and/or redevelopment is expected to result in completion of the remaining half street sometime in the future, three-quarter street improvements are required in lieu of half street improvements.

Applicant's Findings: *There are no half streets existing or proposed. This criterion is not applicable.*

- J. A cul-de-sac shall be as short as possible, shall have a maximum length of four hundred (400) feet and shall serve building sites for not more than eighteen (18) dwelling units. A cul-de-sac shall terminate with a circular turnaround.

Applicant's Findings: *There are no cul-de-sacs existing or proposed. This criterion is not applicable.*

- K. Unless otherwise approved by the City Engineer, the City Local Street typical asphalt design section shall, at minimum, consist of four inches of Level 2, one-half-inch dense

asphalt concrete pavement, over ten (10) inches of one-inch compacted crushed rock, over prepared subgrade. The City Collector Street typical asphalt design section shall, at minimum consist of five inches of Level 2, one-half-inch dense asphalt concrete pavement over twelve (12) inches of one-inch compacted crushed rock, over prepared subgrade. County and State street minimum typical asphalt design sections shall be as required by Marion County or ODOT. Grades shall not exceed six percent on arterials, ten (10) percent on collector streets, or twelve (12) percent on other streets. Unless otherwise approved by the City Engineer, new City Local and Collector Streets shall have a typical two percent normal cross slope. Center line radii of curves shall not be less than three hundred (300) feet on major arterials, two hundred (200) feet on secondary arterials, or one hundred (100) feet on other streets and shall be to an even ten (10) feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide building sites, the Planning Commission may accept steeper grades and sharper curves. In no case shall a grade exceed sixteen (16) percent. In flat areas, allowance shall be made for finished street grades having a minimum longitudinal slope of at least one-half of one percent.

Applicant's Findings: *The applicant understands this provision. The criterion can be met.*

- L. Wherever the proposed land division or development contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.

Applicant's Findings: *There is not a railroad crossing adjacent to the proposal. This criterion is not applicable.*

- M. Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval, or another equitable means of cost distribution shall be determined by the City Engineer and approved by the Planning Commission.

Applicant's Findings: *There is not a railroad crossing in the proposal. This criterion is not applicable.*

- N. Where a land division or development abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of

residential development design shall provide adequate protection for residential properties, and to afford separation of through and local traffic.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

- O. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a radius of not less than twelve (12) feet.

Applicant's Findings: *The applicant is not proposing an alley as there are other permanent provisions for access to off-street parking. This criterion is met.*

- P. Concrete vertical curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards in the City's public works design standards as required by the Aurora transportation system plan. Driveways shall be asphalt or concrete, not less than four inches deep or two inches of asphalt on four inches of three-fourths-inch minus compacted crushed rock, or other hard durable and dustless surfaces such as cobblestone, unit masonry, scored and colored concrete, grass-Crete, or combinations of the above. Driveway width shall be twelve (12) feet minimum and twenty-four (24) feet maximum for two-car garages and up to thirty-six (36) feet for three-car garages.

Applicant's Findings: *The applicant understands this provision and can comply with all applicable criteria. This criterion is met.*

- Q. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be established or re-established, protected and recorded.

Applicant's Findings: *The applicant understands this provision and can comply with all applicable criteria. This criterion is met.*

- R. The developer shall install all street signs, relative to traffic control and street names, as specified by the Public Works Director for any development. The cost of signs shall be the responsibility of the developer.

Applicant's Findings: *The applicant understands this provision and can comply with all applicable criteria. This criterion is met.*

- S. The location of traffic signals shall be noted on approved street plans, and where a proposed street intersection will result in an immediate need for a traffic signal, a city-

approved signal shall be installed. The cost shall be included as a condition of development.

Applicant's Findings: *The applicant understands this provision and can comply with all applicable criteria. This criterion is met.*

- T. Street lights shall be installed in accordance with the City's public works design standards and shall be consistent with AASHTO standards. Street lights shall be served from an underground source of supply. Street lighting shall be subject to review and approval of the Oregon Department of Transportation and Marion County as to location and style, where applicable.

Applicant's Findings: *The applicant understands this provision and can comply with all applicable criteria. This criterion is met.*

- U. Within six months of developing frontage improvements, two-inch caliper trees shall be installed in planting strips in accordance with the City of Aurora's street tree list. Prior to adoption of a street tree list, the City of Aurora's City Engineer will approve the street tree selection.

1. The City of Aurora's street tree list for planting strips shall be:

CITY OF AURORA STREET TREE LIST

- a. Spacing. The spacing of street trees shall be in accordance with the species, size, classes listed in the official tree list of this chapter, and trees shall be planted not less than one tree per twenty-five (25) feet of street frontage.
- b. Recommended Street Trees. The following tree species are recommended for use as street and parking lot trees:

Four to six-foot planting strip—With or without overhead lines

Four to six-foot planting strip—With overhead lines

Greater than six-foot minimum planting strip—With or without overhead lines

Greater than six-foot minimum planting strip- Without overhead lines

Applicant's Findings: *The applicant has met all landscaping requirements; this can be found in the attached plans. This criterion is met.*

2. All other trees are prohibited from installation within public rights-of-way as they cause one or more of the following problems: (1) their roots damage sewer lines or pavement; (2) they are particularly subject to disease or insects; (3) they cause visibility problems along streets or intersections; (4) they create messy sidewalks and pavements, usually due to fruit drop.

Applicant's Findings: *The applicant understands the prohibited trees within a public right of way. This criterion is met.*

V. .

1. Access spacing standards for streets and driveways are:

Spacing Requirements for Accesses on State, County, and City Roadways

Where spacing standards cannot be satisfied, joint and cross access and shared driveways are encouraged pursuant to subsections (V)(2) and (3).

Applicant's Findings: *The applicant believes that the proposal meets the access spacing requirements. This criterion is met.*

2. Where access spacing standards cannot be satisfied, a shared driveway serving no more than two residences may be permitted with a recorded reciprocal access and maintenance agreement.

Applicant's Findings: *The applicant believes that the proposal meets the spacing requirements. This criterion is met.*

3. Where access spacing standards cannot be satisfied, adjacent non-residential properties are encouraged to develop a system of joint use driveways and crossover easements for vehicles and pedestrians. Pursuant to this section, property owners developing a system of joint use driveways and crossover easements shall:
 - a. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or access drives.
 - b. Record an agreement with the City of Aurora stating that pre-existing driveways will be closed and eliminated after construction of the joint-use driveway.
 - c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

Applicant's Findings: *The applicant's proposal can meet the spacing standards. This criterion is not applicable.*

4. New property access shall not be permitted within fifty (50) feet of an intersection unless no other reasonable access to property is available. Where no other alternatives exist, the City may allow construction of an access connection at a point less than fifty (50) feet from an intersection, provided the access is as far away from the intersection as possible. In such cases, the City may impose turning restrictions (i.e., right in/out, right in only, or right out only)

Applicant's Findings: *The applicant will use the existing accessway, Peyton Circle, which meets all city standards. This criterion is met.*

W. Traffic Operations Standards.

Applicant's Findings: *The applicant's proposal meets the applicable provisions in this section. This criterion is met.*

- X. Traffic Impact Analysis (TIA). A Traffic Impact Analysis (TIA) meeting the City of Aurora Transportation System Plan (TSP) adopted standards and conditions shall be required when:
 1. The development generates twenty-five (25) or more peak-hour trips or two hundred fifty (250) or more daily trips.
 2. An access spacing exception is required for the site access driveway(s) and the development generates ten (10) or more peak-hour trips or one hundred (100) or more daily trips.
 3. The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour.
 4. The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high crash locations or areas that may have other operations or safety concerns, or areas that contain a high concentration of pedestrians or bicyclists such as a school.
 5. Based on the engineering judgement of the City Engineer, the development or land use action would significantly affect the adjacent transportation system. Examples include, but are not limited to, proposals for non-single family development in single family residential areas. Proposals adding traffic to or creating known or anticipated safety or neighborhood traffic concerns, or proposals that would generate a high percentage of truck traffic (more than five percent of the site traffic).

If a TIA is not required, the applicant's traffic engineer shall submit a transportation assessment letter to the City indicating the proposed development or land use action is exempt. This letter shall outline the trip-generating characteristics of the proposed land use and verify that the site-access driveways or roadways meet City of Aurora visual clearance requirements and roadway design standards.

The City Engineer or Planning Director may waive the requirement for a transportation assessment letter if a clear finding can be made that the proposed land use action does not generate twenty-five (25) or more peak hour trips or two hundred fifty (250) or more daily trips and the existing and/or proposed driveway(s) meet the City's visual clearance requirements and access spacing standards.

Applicant's Findings: *The applicant is working with a traffic engineer to provide the supporting documents (transportation assessment letter) for the above provision as requested in the incomplete letter. These documents will be provided to the city as soon as they are made available. This criterion is met.*

Section 16.34.050 – Easements

- A. Easements for sewers, drainage, water mains, electric lines or other public utilities shall be granted wherever necessary. The easements shall be at least twelve (12) feet wide and centered on lot or parcel lines, except for utility pole tieback easements which may be reduced to six feet in width. The property owner proposing a development shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.

Applicant's Findings: *The property owner has made contact with the city for utilities and any needed easements. This criterion is met.*

- B. If a tract is traversed by a watercourse, such as a drainage-way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required.

Applicant's Findings: *There are no watercourses on site. This criterion is not applicable.*

- C. When desirable for public convenience, a pedestrian or bicycle way may be required to connect a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provided appropriate circulation.

Applicant's Findings: *The parcel does not create the need for connection. This criterion is not applicable.*

Section 16.34.060 – Sidewalks

- A. On public streets, sidewalks are required except as exempted by the Aurora transportation system plan and shall be constructed, replaced or repaired in accordance with the City's public works design standards, Appendix A Illustrations 10, 11 and 12 set out at the end of this title. If properties are located in the historic commercial or historic residential overlay, sidewalks shall be constructed in accordance with the Aurora downtown improvement plan and the City of Aurora Design Review Guidelines for Historic District Properties, set out in the Appendix to this code.

Applicant's Findings: *All required sidewalks will meet the required provisions of this section. This criterion is met.*

- B. Maintenance of sidewalks and curbs is the continuing obligation of the adjacent property owner.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

- C. The City may accept and record a non-remonstrance agreement for the required sidewalks from the applicant for a building permit for a single-family residence when the Public Works Director determines the construction of the sidewalk is impractical for one or more of the following reasons:
1. The residence is an in-fill property in an existing neighborhood and adjacent residences do not have sidewalks;
 2. Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical.

Applicant's Findings: *The proposal is not for a single-family dwelling, but for a multi-family development. This criterion is not applicable.*

- D. Sidewalk Seating and Displays.
1. Definitions.

Accessible route means a sidewalk at least four feet in width which has seven feet of vertical clearance.

Adjacent sidewalk means that portion of a public sidewalk between the curb line and the property line demarcated by extending the side building lines of the premises until they intersect the curb.

Clearances as referenced in this section are measured horizontally from the outside edge of the sidewalk seating and/or display delineation to any

obstruction on the ground greater than one-half inch in height, or to an adjacent projection such as tree limbs, tree wells, banners, signs, bike racks, lamp posts or any other fixtures. Accessible routes clearance shall be no less than four feet in width and no less than seven feet in height for the entire length of the accessible route. Radiuses along an accessible route shall be no less than four feet in width.

Liability insurance as reference in this section requires a signed statement that the permittee shall hold harmless the city, its officers and employees, and shall indemnify the city, its officers and employees for any claims for damages to property or injury to persons which may occur in connection with an activity carried on under the terms of the permit. Permittee shall furnish and maintain such public liability, liquor liability, food products liability, and property damages insurance as will protect permittee and city from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therein. Such insurance shall provide coverage or not less than the amount of municipal tort liability under the Oregon Tort Claims Act. The permittee shall name the City of Aurora as an additional insured by attaching an endorsement to the certificate of insurance (provided by the city). Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insured by city, its officers, and employees, and shall further provide that the policy shall not terminate or be canceled prior to expiration of the permit without thirty (30) days' written notice to the city.

2. Permitted Uses. All business, service, repair, storage of merchandise displays shall be conducted wholly within the property line of the subject parcel except the following:
 - a. Displays for sale purposes of small merchandise in relation to the fronting business shall not exceed more than 10 percent of the dimensional measurement (height × width) of the primary facade of the applicable business. All open inventory display shall be removed to the interior of the business after business hours;
 - b. Displays, for sale purposes in relation to the fronting business, of live trees, shrubs and other plants, flowers, or produce; and
 - c. Outdoor seating in relation to a permitted eating or drinking establishment subject to the criteria below.

Applicant's Findings: *The proposal is not for any of the above uses. This criterion is not applicable.*

3. Application submission requirements:

- a. Required information may be combined on one map. Site plan(s) shall include the following information, as appropriate:
 - (1) Evidence of Liability Insurance;
 - (2) A vicinity map showing the proposed site and surrounding properties;
 - (3) The site size and its dimensions;
 - (4) The location and dimension of all proposed:
 - i. Entrances and exits on the site;
 - ii. Loading and services areas, where applicable;
 - iii. Proposed placement of outdoor seating and location of tables and related material to be placed within the public right-of-way.

Applicant's Findings: *The submitted site plan contains all applicable items. This criterion is met.*

- E. Businesses which intend to serve alcoholic beverages must additionally submit the following application requirements:
 - 1. Verification of a valid Oregon Liquor Control Commission permit.
 - 2. Except for glasses, bottles, pitchers, and carafes that are being served to customers. No taps, kegs, coolers, or other alcoholic beverage storage devices are allowed on the sidewalk.
 - 3. Signage at the access/exit point prohibiting the removal of alcoholic beverages from the licensed seating areas.
 - 4. Approval Standards and Criteria:
 - a. The City Recorder or designee shall review the application for compliance with the following criteria:
 - (1) The outdoor seating shall be located such that there is a minimum of four feet of clear and unobstructed accessible route to a height of seven feet measure vertically from grade between the seating and tree limbs, bike racks, lamp posts, sign posts and any other fixtures or obstructions.
 - (2) The location of the outdoor seating shall be approved by the City Recorder or designee.
 - (3) The operation of a outdoor seating requires that trash containers be provided on site and removed at the end of business hours.
 - (4) All materials, with the exception of tables and seating, shall be removed at the end of each business day.
 - (5) Seating and permit is limited to the area adjacent to the subject business.

- (6) No signage shall be attached to any furniture or any other structure related to the operation of the business.
- (7) No use of city fixtures shall be permitted.
- (8) Outdoor seating shall correspond with the operation of business hours.

Applicant's Findings: *The proposal is not for a commercial business that intends to serve alcoholic beverages. This criterion is not applicable.*

Section 16.34.080 – Sanitary Sewers

- A. Sanitary sewers shall be installed to serve each new development and to connect developments to existing mains in accordance with the provisions set forth by the City's public works design standards and the adopted policies of the comprehensive plan.

Applicant's Findings: *The applicant intends to connect to sanitary sewer for the proposed development. This criterion can be met.*

- B. The City Engineer shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.

Applicant's Findings: *The applicant will obtain approval from the city engineer for the sanitary sewer plan. This criterion is met.*

- C. Any sanitary sewer system extensions shall include consideration of additional development within the area, be designed in accordance with the comprehensive plan and the wastewater facility master plan, and consider the potential flow upstream in the sanitary sewer sub-basin.

Applicant's Findings: *The applicant understands the above provision. This criterion is met.*

- D. In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the department of environmental quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank. In the event the city trunk system is not yet in place, septic systems may be used until such time as it becomes possible to connect to a sewer system. However, sewer laterals designed for future connection to a sewage disposal system shall be installed and sealed. If such required sewer facilities are capable of serving property outside the subdivision, without further construction, the following arrangements will be made to equitably distribute the cost:
 - 1. If the area outside the subdivision to be directly served by the sewer line has reached a state of development to justify sewer installation at the time, the Planning Commission may recommend to the City Council construction as an

assessment project with such arrangement with the sub-divider as is desirable to assure financing his share of the construction.

2. If the installation is not made as an assessment project, the City will reimburse the sub-divider an amount estimated to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the subdivision for a period of ten (10) years from the time of installation of the sewers. The actual amount shall be as determined by the Planning Commission at the time of approval of the plat considering current construction costs. Property owner shall be responsible for the connection up to the sewer mainline and a double sweep clean out must be installed at the property line.

Applicant's Findings: *The proposal will be connected to city sewer as depicted on the submitted plans. This criterion is not applicable.*

- E. Applications shall be denied by the approval authority where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of the sewage treatment system.

Applicant's Findings: *The applicant understands this authority. This criterion is met.*

Section 16.34.090 – Storm Drainage

- A. Storm drainage shall be designed in accordance with the provisions set forth by the City's public works design standards and the adopted policies of the comprehensive plan. The Planning Director, City Engineer and Public Works Director shall recommend issuance of City permits only where adequate provisions for stormwater and floodwater runoff have been made, and:
 1. The stormwater drainage system shall be separate and independent of any sanitary sewerage system;
 2. Inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street;
 3. Surface water drainage patterns shall be shown on every development proposal plan;
 4. A stormwater analysis, calculations, and report shall be submitted with proposed plans for City review and approval. Stormwater quantity on-site detention facilities shall be required in accordance with Marion County Public Works Standards, unless otherwise approved by the City Engineer. When required because of an identified downstream deficiency, stormwater quantity on-site detention facilities shall be designed such that the peak runoff rates will not exceed pre-development rates for the specific range of storms where the

downstream deficiency is evident. Construction of on-site detention shall not be allowed as an option if such a detention facility would have an adverse effect upon receiving waters in the basin or sub-basin in the event of flooding, or would increase the likelihood or severity of flooding problems downstream of the site.

5. All stormwater construction materials shall be subject to approval of the City Engineer.
6. For privately maintained stormwater facilities, a Private Stormwater Facilities Agreement, in a form approved by the City, shall be fully executed by the Owner and submitted to the City prior to the issuance of the City permit. This agreement, recorded with Marion County Oregon Licensing and Recording Division, identifies the operation and maintenance requirements and the party responsible for the long-term operation and maintenance of the private stormwater facilities.

Applicant's Findings: *The applicant understands the requirements of this section. This criterion is met.*

- B. A culvert or other storm drainage system shall, and in each case be, large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. The City Engineer shall approve the necessary size of the storm drainage system.

Applicant's Findings: *The applicant understands the requirements of this section. This criterion is met.*

- C. Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing storm drainage system, the Planning Director shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development.

Applicant's Findings: *The applicant understands the requirements of this section. This criterion is met.*

- D. Drainage facilities shall be provided within a subdivision or development and to connect the subdivision or development drainage to drainage ways or storm drainage system off site. Design of storm drainage systems, as approved by the City Engineer, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision or development and to allow extension of the system to serve such areas.

Applicant's Findings: *The applicant understands the requirements of this section. This criterion is met.*

- E. Street improvements shall include installation of inlets or catch basins connected to storm drainage systems or drainage ways.

Applicant's Findings: *The applicant understands the requirements of this section. This criterion is met.*

Section 16.34.100 – Water System

Water systems shall be designed in accordance with the provisions set forth by the City's public works design standards and the adopted policies of the comprehensive plan. The Planning Director and Public Works Director shall issue permits only where provisions for municipal water system extensions have been made, and:

- A. Any water system extension shall include consideration of additional development within the area, be designed in accordance with the comprehensive plan and water system master plan and consider the potential flow requirements upstream in the water system sub-basin;
- B. Extensions shall be made in such a manner as to provide for adequate flow and gridding of the system. Unless otherwise approved by the City Engineer, all public water main extensions shall be a minimum eight inches in diameter;
- C. The City Engineer shall approve all water system construction materials;
- D. Water lines and fire hydrants serving each building site in the subdivision or development and connecting the subdivision or development to City mains shall be installed. Unless otherwise approved by the City, separate water services and water meters shall be provided for each building that is to be used as a place of business when locates within a single lot.

Applicant's Findings: *The applicant's proposal will meet all the above requirements. This criterion is met.*

Section 16.34.110 – Bikeways

- A. Developments adjoining proposed bikeways as shown in the Aurora transportation system plan shall include provisions for the future extension of such bikeways through the dedication of easements or rights-of-way.

Applicant's Findings: *There are no bikeways required. This criterion is not applicable.*

- B. Minimum width for bikeways, where required, is six paved feet per travel lane.

Applicant's Findings: *There are no bikeways required. This criterion is not applicable.*

Section 16.34.120 – Utilities

- A. All utility lines including, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at fifty thousand (50,000) volts or above, and:
1. The applicant shall make all necessary arrangements with the serving utility to provide the underground services;
 2. The City reserves the right to approve location of all surface mounted facilities;
 3. All underground utilities, including sanitary sewers, water lines, and storm drains installed in streets by the applicant, shall be constructed prior to the surfacing of the streets; and
 4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

Applicant's Findings: *The applicant's proposal is able to meet all the above criteria.*

- B. The applicant shall show on the development plan or in the explanatory information, easements for all underground utility facilities, and
1. Plans showing the location of all underground facilities as described herein shall be submitted to the City Engineer for review and approval; and
 2. Aboveground equipment shall not obstruct vision clearance areas for vehicular traffic.

Applicant's Findings: *This proposal shows the areas where utilities will be located and how they will comply with the above provisions. This criterion is met.*

Section 16.34.150 – Monuments

Any monuments that are disturbed before all improvements are completed by the applicant shall be replaced and recorded prior to final acceptance of the improvements.

Applicant's Findings: *All monuments will be replaced in the location they were prior to and development. This criterion is met.*

Section 16.34.160 – Installation/Technical Review Fee

- A. No improvements, including sanitary sewer systems, storm drainage systems, water systems, streets, sidewalks, curbs, lighting or other requirements shall be undertaken except after the plans have been reviewed and approved by the City, and all applicable fees paid.
- B. At the time construction drawings are submitted to the City for review, the applicant shall pay a technical review deposit. The deposit shall be used to defray the expenses for

such technical services as are necessary to review the construction drawings and insure that the proposed improvements will be constructed to City standards in accordance with accepted engineering practices. If the original deposit is not adequate to cover the cost of the technical review, the applicant shall pay the additional amount necessary to cover these costs prior to receiving approval of the construction drawings.

Applicant's Findings: *The applicant is able to comply with the above provisions. This criterion is met.*

Section 16.34.170 – Improvement Procedures

In addition to other requirements, improvements installed by the developer either as a requirement of these regulations or at the developers own option, shall conform to the requirements of this title and to improvement standards and specifications followed by the City, and shall be installed in accordance with the following procedure:

- A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plat of a subdivision or a partition or a design review.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

- B. Improvement work shall not commence until after the City is notified, and if work is discontinued for any reason, it shall not be resumed until after the City is notified.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

- C. Improvements shall be constructed under the inspection of the Engineer of Record, and under the observation and to the satisfaction of the City Engineer. The City may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

- D. Underground utilities, sanitary sewer systems storm drainage systems and water systems, where required, are to be installed in streets prior to the surfacing of the streets. Stubs for service connections for underground utilities sanitary sewer systems, and water systems shall be placed to the length required to insure the street improvements will remain undisturbed when service connections are made.

Applicant's Findings: *The streets are existing. However, the applicant shall comply with this provision to the best extent they are able. This criterion is met.*

- E. Public improvement as-built drawings shall be submitted to the City for review and approval upon completion of the improvements. The as-built drawings shall be in a form acceptable to the City. An electronic copy of the as-built drawings shall also be submitted in pdf format, or other electronic format, as determined by the City. The as-built drawings shall be signed by the Engineer of Record, and shall be drafted in the same manner as the original approved plans with the clear indication of all modifications made during construction (strike out old with new beside). The as-built drawings shall accurately represent the constructed project as determined by a post-construction survey. As-built survey notes may be required by the City if a discrepancy is noted between the submitted as-built drawings and the City's construction observations notes.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

- F. The City Engineer shall prepare and submit to the City Council specifications to supplement the standards of this title based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the design and construction of required public improvements, such other public facilities as a developer may elect to install, and public streets.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

Section 16.34.180 – Plan Checking Required

- A. Work shall not begin until construction plans and a construction estimate have been submitted and checked for adequacy and approved by the City in writing. Three copies of the design drawings, drawn to scale and prepared by a registered engineer or surveyor, shall be submitted to the City Recorder, with the required deposit. It is the policy of the City to require compliance with Oregon Revised Statute 672 for Professional Engineers. Engineering plans, reports, or documents shall be prepared by an Oregon registered Professional Engineer or by a subordinate employee under the Engineer of Record's direction, and shall be signed by the Engineer of Record and stamped with the Engineer of Record's seal to indicate responsibility for them. The Engineer of Record shall maintain complete responsibility for the design of the project, City approval of plans or any other engineering document produced by the Engineer of Record does not in any way relieve the Engineer of Record of responsibility for the design, or their responsibility to meet applicable City, County, State, and Federal requirements, or their obligation to protect life, health, and property of the public. The Engineer of Record shall review any proposed public facility extension, modification, or other change with the City prior to engineering or other proposed design work to determine if there are any special requirements or whether the proposal is permissible. The plan for any project shall be revised or supplemented at any time it is determined

that the project requirements have not been met. It is also required that at any time a revision to the design is required, the Engineer of Record shall maintain responsibility to redesign per the City's approval. It is therefore necessary for the Engineer of Record to be available during construction should timely changes be required. If the Engineer of Record leaves the acting consulting firm then a new registered Professional Engineer will have to submit an updated Engineer of Record form to the City prior to work commencing.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

- B. Drawings shall be drawn at a scale of one inch equals fifty (50) feet, and oriented so that north is to the top of the page, whenever practical. The title of the drawing, the date, including all revision dates, as well as the name, signature and stamp of the surveyor and/or engineer responsible for the drawings shall be shown.

Applicant's Findings: *The applicant understands the requirements of this provision and can meet them. This criterion is met.*

- C. Street and storm drainage systems shall be on the same set of drawings, with sanitary sewer system and water systems on another set of drawings, whenever possible.

Applicant's Findings: *The applicant understands the requirements of this provision and can meet them. This criterion is met.*

- D. Plans and profiles shall show the locations and typical cross sections of street pavements, including, as applicable, curbs and gutters, sidewalks, rights-of-way, manholes and catch basins or inlets, direction of flow and invert elevations of existing and proposed sanitary sewers, storm drainage systems, water systems, and fire hydrants.

Applicant's Findings: *The applicant understands the requirements of this provision and can meet them. This criterion is met.*

- E. The City Recorder shall distribute copies of the submitted drawings to city staff and affected agencies for a fourteen-day review period.

Applicant's Findings: *The applicant understands the city recorder will distribute copies. This criterion is met.*

- F. If the drawings are found to require changes, these shall be listed in a letter to the applicant, and no approval granted until drawings reflecting all of the modifications have been resubmitted.

Applicant's Findings: *The applicant understands that a letter requiring changes may be received. This criterion is met.*

Section 16.34.190 – Acceptance of Improvements

- A. Improvements shall be constructed under the inspection of the Engineer of Record, and under the observation and to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest.

Applicant's Findings: *The applicant understands that the city may require changes. This criterion is met.*

- B. The City Council may accept the improvements only after all of the following have been completed:
1. The applicant has submitted a letter to the Council requesting the City accept the improvements;
 2. The applicant has submitted two sets of as-built drawings;
 3. The City's Engineer has approved the improvements and recommended acceptance;
 4. If required, the applicant shall submit a maintenance bond or escrow agreement, in an amount not less than thirty (30) percent of the cost of the improvements. The agreement shall run for at least one year, and may be required for two years, if the Council has good reason to believe that the improvements will fail due to workmanship and/or materials. Within this period, the applicant shall be required to correct all deficiencies of workmanship and/or materials that may arise within the development.

Applicant's Findings: *The applicant understands the requirements listed above and can comply. This criterion is met.*

Section 16.34.200 – Side Engineer's Certification Required

The Engineer of Record shall provide written certification that all improvements, workmanship and materials are in accordance with current and standard engineering and construction practices, and that improvements were built according to the approved plans and specifications, prior to City acceptance of the subdivision's improvements or any portion thereof for operation and maintenance.

Section 16.34.210 – Pedestrian Circulation

To ensure safe, direct, and convenient pedestrian circulation, all developments, except single-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections A-C, below:

- A. **Continuous Walkway System.** The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose

Applicant's Findings: *The applicant's proposal has pedestrian connection through sidewalks and access points. This criterion is met.*

- B. **Safe, Direct, and Convenient.** Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
 1. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
 2. Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
 3. "Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
 4. "Primary entrance" for residential buildings is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway which serves as a common entrance for more than one dwelling.

Applicant's Findings: *The pedestrian walkways are safe and reasonably free from hazards and provide a direct route between travel destinations. The primary entrance does not face the street, but in fact faces the parking area. The opposite side of the unit is State Hwy 99E. This criterion is met.*

- C. **Connections Within Development.** Connections within developments shall be provided as required below:
 1. Walkways shall connect all building entrances to one another to the extent practicable;
 2. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site

to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections.

Applicant's Findings: *The walkways allow for connections to the parking areas, trash, and other pedestrian connections. This criterion is met.*

Chapter 16.38 – Landscaping, Screening, and Fencing

Section 16.38.010 – Purpose

The purpose of this chapter is to establish standards for landscaping, buffering and screening in order to enhance the environment of the city through the use of plant materials as a unifying element and by using trees and other landscaping materials to mitigate the effects of the sun, wind, noise and lack of privacy.

Section 16.38.020 – Applicability and Approval Process

- A. Section 16.38.060 shall apply to all properties in the city. All other sections of this chapter shall apply to all development except single-family residences, duplexes and accessory buildings including accessory dwelling units.

Applicant's Findings: *The proposal is for a multifamily development. Therefore, this section is applicable.*

- B. In residential zones, at least ten (10) percent of the total area shall be landscaped.

Applicant's Findings: *The zone for this development is Commercial. Therefore, this section is not applicable.*

- C. In the commercial and industrial zones, landscaping shall be as follows:
 1. Properties up to twenty thousand (20,000) square feet in size shall have at least fifteen (15) percent of the total lot area landscaped.
 2. Properties larger than twenty thousand (20,000) square feet in size shall have at least ten (10) percent of the total lot area landscaped.

Applicant's Findings: *As shown on the submitted landscaping plan, the property has at least 10% of the lot area landscaped. This criterion is met.*

Section 16.38.030 – General Provisions

- A. Unless otherwise provided by the lease agreement, the owner, tenant and their agent, if any, shall be jointly and severably responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

- B. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise so that:
 - 1. Public utilities can be maintained or repaired;
 - 2. Pedestrian or vehicular access is unrestricted;
 - 3. Visual clearance provisions are met. (See Chapter 16.40.)

Applicant's Findings: *The applicants proposed landscaping plan will allow for this provision to be easily met. This criterion is met.*

- C. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or a bond has been posted with the city to insure the completion of landscaping requirements.

Applicant's Findings: *The applicant understands the certificate of occupancy requirements. This criterion is met.*

- D. Existing plant materials may be used to meet landscaping requirements if no cutting or filling takes place within the drip-line of the plantings.

Applicant's Findings: *There are no existing plant materials that will remain on site. The current site is vacant of any vegetation, aside from grass. This criterion is met.*

- E. Plant materials are to be watered at intervals sufficient to ensure survival and growth.

Applicant's Findings: *The applicants proposed landscaping plan can comply with this provision. This criterion is met.*

- F. The use of native plant materials is encouraged to reduce irrigation and maintenance demands.

Applicant's Findings: *Native plants are utilized when available and as proposed on the landscaping plan. This criterion is met.*

Section 16.38.040 – Buffering and Screening Requirements

- A. Buffering and screening a minimum width of twenty (20) feet shall be required between any nonresidential use in a non-residential zone which abuts a residential use in a residential zone.

Applicant's Findings: *The property is in a non-residential zone, commercial with a residential use proposed. Therefore, this criterion is not applicable as it only states a nonresidential use in a non-residential zone.*

- B. A buffer shall consist of an area within a required interior setback adjacent to a property line, having a width of ten (10) feet or greater and a length equal to the length of the property line.

Applicant's Findings: *As stated in the previous section, this provision is not applicable.*

- C. Occupancy of a buffer area shall be limited to utilities, screening, and landscaping. No buildings, access-ways or parking areas shall be allowed in a buffer area.

Applicant's Findings: *As stated in the previous section, this provision is not applicable.*

- D. The minimum improvements within a buffer area shall include:

1. One row of trees, or groupings of trees equivalent to one row of trees. At the time of planting, these trees shall not be less than ten (10) feet high for deciduous trees and five feet high for evergreen trees measured from the ground to the top of the tree after planting. Spacing for trees shall be as follows:
 - a. Small or narrow stature trees, under twenty-five (25) feet tall or less than sixteen (16) feet wide at maturity shall be spaced no further than fifteen (15) feet apart;
 - b. Medium sized trees between twenty-five (25) feet to forty (40) feet tall and with sixteen (16) feet to thirty-five (35) feet wide branching at maturity shall be spaced no greater than twenty-five (25) feet apart;
 - c. Large trees, over forty (40) feet tall and with more than thirty-five (35) feet wide branching at maturity, shall be spaced no greater than thirty (30) feet apart.

Applicant's Findings: *As stated in the previous section, this provision is not applicable.*

2. In addition, at least one shrub shall be planted for each one hundred (100) square feet of required buffer area.

Applicant's Findings: *As stated in the previous section, this provision is not applicable.*

3. The remaining area shall be planted in groundcover, or spread with bark mulch.

Applicant's Findings: *As stated in the previous section, this provision is not applicable.*

- E. Where screening is required, the following improvements are required in addition to subsection D of this section:

1. A hedge of narrow or broadleaf evergreen shrubs shall be planted which will form a four-foot continuous screen within two years of planting; or
2. An earthen berm planted with evergreen plant materials which will form a continuous screen six feet in height within two years. The unplanted portion of the berm shall be planted in lawn, ground cover or bark mulched; or

3. A six-foot fence or wall providing a continuous sight-obscuring screen. Fences and walls shall be constructed of materials commonly used in the construction of fences and walls such as wood or brick, or otherwise acceptable by the Planning Director. Corrugated metal is not considered to be acceptable fencing material. Chain link fences with slats may qualify as screening when combined with a planting of a continuous evergreen hedge.

Applicant's Findings: *As stated in the previous section, this provision is not applicable.*

- F. Buffering and screening provisions shall be superseded by the vision clearance requirements as set forth in Chapter 16.40.

Applicant's Findings: *As stated in the previous section, this provision is not applicable.*

- G. When the use to be screened is downhill from the adjoining property, the prescribed heights of required fences, walls or landscape screening shall be measured from the actual grade of the adjoining property.

Applicant's Findings: *As stated in the previous section, this provision is not applicable.*

Section 16.38.050 – Screening – Special Provisions

- A. If four or more off-street parking spaces are required under this title, off-street parking adjacent to a public street shall provide a minimum of four square feet of landscaping for each lineal foot of street frontage. The minimum standard for such landscaping shall consist of shrubbery at least two feet in height located adjacent to the street as much as practical and one tree for each fifty (50) lineal feet of street frontage or fraction thereof.

Applicant's Findings: *As provided in the landscaping plan, this criterion will be met.*

- B. Landscaped parking areas may include special design features which effectively screen the parking lot areas from view. These design features may include the use of landscaped berms, decorative walls, and raised planters. Landscape planters may be used to define or screen the appearance of off-street parking areas from the public right-of-way. Materials to be installed shall achieve a balance between low lying and vertical shrubbery and trees.

Applicant's Findings: *There is not a proposal for landscaping berms, walls or raised planters. This criterion is not applicable.*

- C. Screening of loading areas and outside storage is required according to specification in Section 16.38.040(E).

Applicant's Findings: *As shown on the submitted plans, this criterion is met.*

- D. Except for one-family and two-family dwellings, any refuse container or disposal area and service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area, shall be screened from view by placement of a solid wood fence, masonry wall or evergreen hedge between five and eight feet in height. All refuse materials shall be contained within the screened area.

Applicant's Findings: *The refuse location is on the northern end of the vehicular parking area. The refuse area will be screened as required by this code. This criterion is met.*

Section 16.38.060 – Fences or Walls

- A. Fences or walls up to forty-two (42) inches in height may be constructed in required front yards. Rear and side yard fences, or berm/fence combinations behind the required front yard setback may be up to six feet in height without any additional permits. Any fence or fence/berm combination greater than six feet in height shall require variance approval by the Planning Commission and may require a building permit. The prescribed heights of required fences, walls or landscaping shall be measured from the lowest of the adjoining levels of finished grade, except as permitted under 16.38.060.B below. Posts, trellis, lattice and any other material placed on top of the fence are considered to be a part of the fence when measuring overall height.

Applicant's Findings: *As depicted on the landscape plan there are no fences in the front yard. There will be a proposed retaining wall in the northern edge which will act as a buffer to the trash receptacle and neighboring residential home. This criterion is met.*

- B. Where grading or slope between property lines can be shown, rear and side yard fences up to seven (7) feet may be allowed if the applicant can show the fence shall be a maximum of six (6) feet from the higher grade where the fence is installed.

Applicant's Findings: *There are no proposed fences except for a retaining wall. If a fence is proposed in the future the applicant can meet the above criteria. This criterion is met.*

- C. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood or brick, or otherwise acceptable by the Planning Director. Except in industrially zoned property, chain link fencing is not permitted in the area from the front building line to the front of the property line. PVC coated chain link fencing may be used only behind the required front yard setback or in rear yards. Corrugated metal is not considered to be acceptable fencing material.

Applicant's Findings: *The proposed retaining wall will be constructed from materials commonly used. This criterion is met.*

Chapter 16.42 – Off-Street Parking and Loading Requirements

Section 16.42.010 – Compliance

- A. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. Hereafter, every use commenced and every building erected or altered shall have permanently maintained parking spaces in accordance with the provisions of this title.

Applicant's Findings: *The applicant understands the above provision and is capable of meeting all applicable criteria.*

- B. No building, development, or other permit involving new construction, additional gross floor area or change of use shall be issued until plans and evidence are presented to show how the off-street parking and loading requirements are to be fulfilled and that property is and will remain available for the exclusive use of off-street parking and loading spaces. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this title.

Applicant's Findings: *The applicant shows sufficient evidence that the applicable parking requirements are met. This can be found on the landscape site plan. This criterion is met.*

Section 16.42.030 – Off-Street Parking

Off-street parking spaces shall be provided and maintained as set forth in this section for all uses in all zones. The following required spaces shall be available for parking, and not used for storage, sale, repair or servicing of vehicles, except property resident. Nothing in this title shall be interpreted to prevent the occasional use of parking areas for community events, special sales, public gatherings and similar activities not otherwise prohibited.

- A. Residential Uses/Day Care/Institutional/Hospital.

Use	Standard
1. Single- and two-family	2 spaces per dwelling unit
2. Multifamily dwelling	1 space per studio or one bedroom dwelling unit, 2 spaces per dwelling unit with two or more bedrooms plus one space per three dwelling units for guests.

- | | | |
|----|-----------------------------------|--|
| 3. | Manufactured home park | Two spaces per unit, plus one space for every three units for guests |
| 4. | Bed and breakfast | 2 spaces plus 1 space for each guest bedroom |
| 5. | Residential care home or facility | 1 space per 3 residential care beds plus 1 space per employee |
| 6. | Correctional facility | 1 space per 3 inmate beds |
| 7. | Hospital | 1 space per 3 beds and 1 space per employees |

Applicant's Findings: *The proposal includes eight (8) units consisting of three bedrooms. Therefore, the applicant is required to provide 19 parking spaces. The proposal meets the above criteria.*

B. Places of Public Assembly.

The following uses shall be treated as combinations of separate use areas such as office, auditorium, restaurant, etc. The required spaces for each separate use shall be provided.

Use	Standard
1. Auditorium, place of worship, or meeting room	1 space per 4 seats or 8 feet of bench length. If no fixed seats or benches, 1 space per 60 square feet
3. Senior high	1 space per employee plus 5 spaces per every classroom
4. Elementary school square or junior high	1 space per employee plus 1 space per every 100 feet of floor area in assembly area
5. Pre-school, nursery or kindergarten	5 spaces plus 1 space per classroom

Applicant's Findings: *The proposal is for multi-family. Therefore, this section is not applicable.*

C. Commercial Uses.

Use	Standard
1. Hotel/motel	1 space per room plus 1 space per every 2 employees
2. Retail, bank, office, medical, dental	1 space per 400 square feet but not less than 3 spaces per establishment

3.	Service or repair of bulky merchandise	1 space per 750 square feet
4.	Bowling	4 spaces per lane, plus 1 space per every 2 employees
5.	Beauty/barber shop	1.5 spaces per chair
6.	Theater, stadium	1 space per 4 seats or 8' bench length
7.	Ministorage	1 space per 200 square feet of office space, plus 2 spaces for caretaker residence
8.	Eating or drinking establishments with seating	1 space per 120 square feet
9.	Eating establishment with no seating	1 space per 400 square feet
10.	Mortuaries	1 space per 4 seats or 8 feet of bench length in chapel.
11.	Health and fitness club	1 space per 300 square feet

Applicant’s Findings: *The proposal is for multi-family. Therefore ,this section is not applicable.*

D. Industrial Uses.

	Use	Standard
1.	Manufacturing, research freight, transportation terminal, warehouse, public utility	1 space per employee on two largest shifts
2.	Wholesale uses	1 space per employee, plus one space per 800 square feet of patron serving area

Applicant’s Findings: *The proposal is for multi-family. Therefore, this section is not applicable.*

E. All uses providing drive-in/drive-through services shall provide on the same site a reservoir for inbound vehicles as follows:

Uses	Reservoir Requirements
Drive-in/drive-through banks	5 spaces/service terminal

Drive-in/drive-through restaurants	10 spaces/service window
Drive-in theaters	10% of the theater capacity
Gasoline service stations	3 spaces/pump
Mechanical car washes	3 spaces/washing unit
Parking facilities:	
Free flow entry	1 space/employee entry driveway
Ticket dispense	2 spaces/employee entry driveway
Manual ticket	8 spaces/employee entry driveway
Attendant parking	10% of portion of parking capacity served by the driveway

Applicant's Findings: *The proposal is for multi-family. Therefore, this section is not applicable.*

- F. Public support facilities 1 space per 1,000 square feet.

Applicant's Findings: *The proposal is for multi-family. Therefore, this section is not applicable.*

Section 16.42.040 – General Provisions

- A. In the event several uses occupy a single structure or parcel of land, the total requirements of the several uses should be computed separately.

Applicant's Findings: *Only one use is proposed on site. This criterion is met.*

- B. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required off-street parking spaces shall be located on the same parcel or on another parcel not farther than three hundred (300) feet from the building or use they are intended to serve, measured in a straight line from the building, except as permitted by Chapter 16.28.

Applicant's Findings: *The off-street parking is located on the same lot as the dwelling units. This criterion is met.*

- C. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and shall not be used for the storage of vehicles or materials or for the parking of trucks used in the conducting of the business or use. The subsequent use of property for which the appropriate permits

are issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading spaces required.

Applicant's Findings: *The proposed parking stalls are to be used for the residents of the multi-family units and will not be used for storage of materials. This criterion is met.*

- D. Unless otherwise provided, required parking and loading spaces for multi-family dwellings, commercial and industrial use shall not be located in a required front yard, but such space may be located within a required side or rear yard, not abutting a street.

Applicant's Findings: *As depicted on site plans, the required parking lot and loading space is not located in the required front yard. This criterion is met.*

- E. Where employees are specified, the employees counted are the persons who work on the premises, including proprietors, executives, professional people, production, sales, and distribution employees during the largest shift at peak season.

Applicant's Findings: *This proposal is for a multi-family unit and no employees are proposed. This criterion is not applicable.*

Section 16.42.050 – Development and Maintenance Standards

Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:

- A. All parking and maneuvering surfaces shall have a durable, hard and dustless surface such as asphalt, concrete, cobblestone, unit masonry, scored and colored concrete, grass-crete, compacted gravel, or combinations of the above.

Applicant's Findings: *The parking and maneuvering areas will be paved as shown on the submitted plans. This criterion is met.*

- B. Any lighting used to illuminate the off-street parking areas shall be so arranged that it will not project light rays directly upon any adjoining residential property.

Applicant's Findings: *All proposed lighting will be arranged so as to not project light rays upon any adjoining residential properties. This criterion is met.*

- C. Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley.

Applicant's Findings: *As depicted on the submitted plans, there will be no backing movements onto Peyton Ct. or any other public ROW. This criterion is met.*

- D. Areas used for access and standing and maneuvering of vehicles are subject to the dimensional standards of this title, and to the requirements of the public works standards.

Applicant's Findings: All required parking is designed to meet the required dimensional standards of this code and are shown on the submitted plans as being 9-feet by 18-feet. This criterion is met.

- E. Except for parking to serve residential uses, parking and loading areas adjacent to residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.

Applicant's Findings: The parking shall serve residential uses. This criterion is not applicable.

- F. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

Applicant's Findings: As depicted on the submitted plans the access isles are 24-feet in width, which provides sufficient space for vehicle maneuvering. This criterion is met.

- G. Driveways to off-street parking areas shall be designed and constructed according to public works standards. The number of service drives shall be limited to the minimum that will accommodate and serve the traffic anticipated.

Applicant's Findings: The driveway access to the off-street parking is the minimum to accommodate the use. This criterion is met.

- H. Driveways serving commercial drive-in establishment shall be clearly and permanently marked and defined through the use of rails, fences, walls or other barriers or markers. Access driveways to drive-in establishments shall be designed to avoid backing movements or other maneuvering within a street other than an alley.

Applicant's Findings: The proposal is not for commercial use. This section is not applicable.

- I. Driveways shall have a minimum vision clearance area formed by the intersections of the driveway center line, the street right-of-way line and a straight line joining the lines through points fifteen (15) feet from their intersection.

Applicant's Findings: As depicted on the submitted plans, the driveway meets the required vision clearance. This criterion is met.

- J. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line or a street right-of-way.

Applicant's Findings: As depicted on the submitted plans, the parking area is contained by curb to prevent vehicles from extending outside of designated parking areas. This criterion is met.

- K. The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height, and at least three feet from the lot line or any required fence.

Applicant's Findings: *As depicted on the submitted plans, the curb is at a minimum of 4 inches in height. This criterion is met.*

- L. All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required and such marking shall be continuously maintained.

Applicant's Findings: *All parking and maneuvering areas will be clearly marked as shown on submitted plans and will be maintained as required. This criterion is met.*

- M. All parking lots shall be kept clean and in good repair at all times. Breaks in surfaces and areas where water puddles shall be repaired promptly and broken or splintered wheel stops shall be replaced so that their function will not be impaired.

Applicant's Findings: *The parking lot will be kept clean and in good repair, as required. This criterion is met.*

- N. The provision for and maintenance of off-street parking and loading facilities shall be a continuing obligation of the property owner.

Applicant's Findings: *The applicant understands this provision. This criterion is met.*

Section 16.42.060 – Provisions for Reduction in Spatial Requirements for Off-Street Parking Due to Landscaping

Where landscaping is to be provided in parking areas, to reduce the starkness generally associated with such parking areas, the Planning Commission may consider and approve the following reduction: if general landscaping (including ground cover, raised beds, or low shrubbery, all of evergreen nature) are utilized around parking area borders, or where landscaping is required as screening around borders, or as traffic control structures within parking areas, or as general landscaping within parking areas, then the parking area gross spatial requirement may be reduced proportionately, up to a total of five percent.

Applicant's Findings: *The parcel will be landscaped according to the required provisions. This criterion is met.*

Section 16.42.070 – Plan Required

A plot plan showing the dimensions, legal description, access and circulation layout for vehicles and pedestrians, space markings, the grades, drainage, setbacks, landscaping and abutting land uses in respect to the off-street parking area and such other information as shall be required,

shall be submitted to the Planning Director with each application for approval of a building or other required permit, or for a change of use.

Applicant's Findings: *The applicant has submitted a site plan showing all the above requirements. This criterion is met.*

Section 16.42.100 – Disabled Person Parking

- A. A sign shall be posted for each disabled person parking space required by subsection B of this section. The sign shall be clearly visible to a person parking in the space, shall be marked with the International Symbol of Access, shall indicate that the spaces are reserved for persons with disabled person parking permits and shall be designed as set forth in standards adopted by the Oregon Transportation Commission.

Applicant's Findings: *As shown on the submitted plans (D-1) the ADA parking and sign is designed to meet all requirements. This criterion is met.*

- B. Parking spaces constructed under this section shall be in accordance with the Uniform Building Code.

Applicant's Findings: *All parking meets the requirements under the UBC. This criterion is met.*

Section 16.42.110 – Compact Vehicle Parking

All parking spaces designated for compact vehicles shall be labeled by painting "compact only" on the parking space. Up to twenty-five (25) percent of the required parking spaces may be designated compact spaces.

Applicant's Findings: *None of the proposed parking is for compact vehicles. This criterion is met.*

Section 16.42.120 – Bicycle Parking

At least one secured bicycle rack space shall be provided for each fifteen (15) parking spaces or portion thereof in any new commercial, industrial, or multifamily development. Bicycle parking areas shall not be located within parking aisles, landscape areas, or pedestrian ways.

Applicant's Findings: *Bicycle parking is shown on the submitted plans (D-2) and meets the requirements set forth in the code. This criterion is met.*

Section 16.56.010 – Purpose

The City seeks to maintain a sense of place that is clearly apparent and consciously embraced. The gateway property development standards are designed to encourage development that provides visitors and residents with a sense of arrival and to enhance the City's national historic designation while being a good, healthy and economically viable place to live and work.

Applicant's Findings: *The applicant understands this provision.*

Section 16.56.020 – Applicability

All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of this chapter shall be interpreted to mean structures and property within a maximum of one hundred (100) feet or the first tier of buildings, whichever is greater, from the closest right-of-way line of Highway 99E or Ehlen Road.

Applicant's Findings: *The applicant understands this provision and that the parcel falls within the gateway properties category.*

Section 16.56.030 – Administration and Approval Process

- A. The Planning Director shall follow the standards for decision making contained in AMC 16.78 and shall send formal agency referral notices and Planning Director decisions to the Planning Commission for all development permit applications involving Gateway Standards properties.

Applicant's Findings: *The applicant understands that notices and decision will be sent out to the appropriate parties.*

- B. Because the application of Section 16.56 Gateway Standards to a development appears to be ministerial, objective and not discretionary (i.e. is the setback ten (10) feet greater than the setback of the base zone or not?) and because the approval of building permits is an administrative decision by the Planning Director, all development permit applications on Gateway District properties which do not otherwise require Planning Commission and/or City Council review and approval, shall be processed administratively under the requirements of AMC 16.78, including the authority of the Planning Director to refer any application to the Planning Commission for review.

Applicant's Findings: *The applicant understands this provision and that the application can be referred to the planning commission for review.*

- C. The Planning Director and Planning Commission shall have the authority to consult with industry professionals (i.e. architects) and the Aurora Historic Review Board for help in understanding the application's compliance with architectural gateway standards.

Applicant's Findings: *The applicant understands that the application may be sent to industry professionals for consultation.*

Section 16.56.040 – General Site Development Standards

- A. The façades immediately adjacent to Highway 99E or Ehlen Road and greater than forty-five (45) feet in length shall be designed to convey a sense of division through the use of pilasters, window and door openings, recessed entries, off-sets or other architectural details.

Applicant's Findings: *The applicant has demonstrated this in the design of the structure as shown on the submitted plans (G3.01 & G3.02). This criterion is met.*

- B. Buildings immediately adjacent to Highway 99E or Ehlen Road shall not exceed one hundred fifty (150) feet in length without visual relief pass thru.

Applicant's Findings: *The structure is no more than 100 feet in length. This criterion is not applicable.*

- C. Except for residential uses allowed under the base zoning, parking shall not be located between the Highway 99E or Ehlen Road right-of-way and a structure.

Applicant's Findings: *As shown, parking is located on the rear side of the parcel and away from Hwy 99E. This criterion is met.*

- D. A planting strip no less than six feet in width shall be provided between the sidewalks and the curb and the planting of street trees shall be required.

Applicant's Findings: *As shown on the landscaping plan, the planting strip is more than the required 6-feet in width. This criterion is met.*

- E. Pedestrian friendly, period street lamps are required as approved by the City and the Oregon Department of Transportation or Marion County, as applicable.

Applicant's Findings: *The proposal provides necessary streetlamps as required by this section. This criterion is met.*

- F. Antennas, aerials and satellite dishes and mechanical equipment shall be located so they will not be visible from Highway 99E or Ehlen Road or screened architecturally.

Applicant's Findings: *Although none are proposed, the applicant will adhere to this provision if proposed in the future. This criterion is met.*

- G. Signs shall be in accordance with Chapter 16.44.

Applicant's Findings: *Any signs will conform to Chapter 16.44, as required by this section. This criterion is met.*

H. Landscaping requirements shall be in accordance with Chapter 16.38.

Applicant's Findings: *The proposal provides necessary streetlamps, as required by this section. This criterion is met.*

I. Street lighting for Gateway properties shall be the similar to the style shown under Design Review Guidelines for Gateway Properties (Appendix B).

Applicant's Findings: *The applicant understands that the street lighting must meet design standards in Appendix B. This criterion is met.*

Section 16.56.060 – Residential Development Standards

A. For residential uses, the Highway 99E or Ehlen Road setback shall be ten (10) feet greater than the setback shown in the base zoning.

Applicant's Findings: *There are no required setbacks in the commercial zone. The applicant will place the structure a minimum of 10-feet from the front setback on Hwy 99E. This criterion is met.*

B. The façade shall be modeled after and similar to styles as illustrated and discussed in the City of Aurora Design Review Guidelines for Historic District Properties (See Appendix B). Secondary façades, those sides not facing Highway 99E or Ehlen Road, may have less architectural detailing and degree of finish than the primary façade. The Planning Commission may approve exceptions to this subsection when the applicant demonstrates the design satisfies all other requirements of this section and is compatible with the Aurora comprehensive plan, Section IX, Item A, Overlay Objectives.

Applicant's Findings: *The applicant understands that the facade must meet design standards in Appendix B. This criterion is met.*

C. The design shall include construction techniques, siding styles, color samples, and other materials and descriptions to display to the Planning Commission how the applicable criteria are being met. At a minimum, the front or façade facing Highway 99E and/or Ehlen Road shall include a minimum of two of the following elements from the selected style. These elements are in addition to visual relief design features required under the base zone but meeting base zone requirements may help satisfy required design elements:

1. Pillars or posts,
2. Vertical window arrangements, either single, paired or triple, and trimmed with wood,
3. Horizontal siding in clapboard, shiplap, weatherboard, or tongue and groove four to six inches in width,
4. Bay or bow windows,

5. Recessed entries.

Applicant's Findings: *The applicant understands the facade must meet design standards in Appendix B and demonstrates that in the submitted plans. This criterion is met.*

- D. Roof. Sawn wood shingles with a five-inch reveal, architectural charcoal or black composition roofing are required. Primary roofs shall be similar to those found historically.

Applicant's Findings: *In the applicant's proposal, the architectural rendering shows that this section has been satisfied. This criterion is met.*

Chapter 16.58 – Site Development Review

Section 16.58.010 – Purpose

The purpose and intent of site development review is to promote the general welfare by directing attention to site planning, and giving regard to the natural environment and the elements of creative design to assist in conserving and enhancing the appearance of the City. It is in the public interest and necessary for the promotion of the health, safety and welfare, convenience, comfort and prosperity of the citizens of the City:

- A. To implement the City's comprehensive plan and other approval standards in this title;
- B. To preserve and enhance the natural beauties of the land and of the manmade environment, and enjoyment thereof;
- C. To maintain and improve the qualities of and relationships between individual buildings, structures and the physical developments which best contribute to the amenities and attractiveness of an area or neighborhood;
- D. To protect and ensure the adequacy and usefulness of public and private developments as they relate to each other and to the neighborhood or area;
- E. To ensure that each individual development provides for a quality environment for the citizens utilizing that development as well as the community as a whole.
- F. In order to prevent the erosion of natural beauty, the lessening of environmental amenities, the dissipation of both usefulness and function, and to encourage additional landscaping, it is necessary:
- G. To stimulate harmonious design for individual buildings, groups of buildings and structures, and other physical developments;
- H. To integrate the functions, appearances and locations of buildings and improvements so as to best achieve a balance between private preferences, and the public interest and welfare.

Applicant's Findings: *The applicant understands this provision.*

Section 16.58.020 – Applicability of Provisions

Site development review shall be applicable to all new developments and major modification of existing developments, as provided in Section 16.58.060 except it shall not apply to:

- A. Single-family detached dwellings;
- B. Single-family attached dwellings;
- C. Manufactured homes on individual lots;
- D. A duplex, which is not part of any other development;
- E. A triplex, which is not part of any other development;
- F. Minor modifications as provided in Section 16.58.070;
- G. Family day care;
- H. Home occupation (Type I and Type II);
- I. Accessory dwelling unit or accessory structures;
- J. Temporary uses;
- K. Temporary structures;
- L. Telecommunications facilities approved under Section 16.50.060.

Applicant's Findings: *The proposal is for a multifamily development. Therefore, this section is applicable.*

Section 16.58.030 – Administration and Approval Process

- A. The applicant for a site development review proposal shall be the recorded owner of the property or an agent authorized in writing by the owner.

Applicant's Findings: *The applicant is the owner of the property. This criterion is met.*

- B. Applications for site development review shall be processed according to Chapter 16.78.

Applicant's Findings: *The application will be processed in accordance with Chapter 16.78. This criterion is met.*

- C. The Planning Commission shall approve, approve with conditions or deny any application for site development review.

Applicant's Findings: *The applicant understands this provision.*

Section 16.58.080 – Application Submission Requirements

- A. All applications shall be made on forms provided by the City.
- B. All applications shall include a narrative discussing how the proposal conforms to each of the applicable standards.
- C. All applications shall include five copies of site development plans containing the information required in Section 16.58.090 and drawn to a standard engineering scale. One copy must be no larger than eleven (11) inches by seventeen (17) inches.

Applicant's Findings: *The applicant understands the requirements for submitting the applications. This criterion is met.*

Section 16.58.090 – Site Development Plans

- A. Required information may be combined on one map. Site development plan(s) shall include the following information, as appropriate:
1. A vicinity map showing the proposed site and surrounding properties;
 2. The site size and its dimensions;
 3. The location, dimensions and names of all existing and platted streets and other public ways and easements on the site and on adjoining properties;
 4. The location, dimensions and names of all proposed streets or other public ways and easements on the site;
 5. The location and dimension of all proposed:
 - a. Entrances and exits on the site,
 - b. Parking and traffic circulation areas,
 - c. Loading and services areas, where applicable,
 - d. Pedestrian and bicycle facilities,
 - e. Existing utilities, including location, types and sizes of lines, purpose, dimensions and ownership of easements, if any;
 6. The location, dimensions and setback distances of all:
 - a. Existing structures, improvements and utilities which are located on adjacent property within twenty-five (25) feet of the site and are permanent in nature, and
 - b. Proposed structures, improvements, and utilities on the site;
 7. Contour lines at two-foot intervals for grades zero to ten (10) percent and five-foot intervals for grades over ten (10) percent for current site grades;
 8. A grading plan that includes:
 - a. The identification and location of the benchmark and corresponding datum,
 - b. Location and extent to which grading will take place indicating contour lines, slope ratios, and slope stabilization proposals,
 - c. The location of drainage patterns and drainage courses;
 9. The location of any floodplain areas (one hundred (100) year floodplain and floodway);
 10. The location of any slopes in excess of twelve (12) percent;
 11. The location of any unstable ground (areas subject to slumping, earth slides or movement);
 12. The location of any areas having a high seasonal water table within twenty-four (24) inches of the surface for three or more weeks of the year and any wetlands;

13. The location of any areas having a severe soil erosion potential as defined by the soil conservation service;
14. The method for mitigating any adverse impacts upon wetland, riparian or wildfire habitat areas;

Applicant's Findings: *The applicant has submitted the above applicable items. This criterion is met.*

15. A Preliminary Utility Plan showing capacity needs for municipal water, storm water management and sewer service, and schematic location of connection points to existing services. The Preliminary Utility Plan shall include:
 - a. Location, size, and slope of water quality facility.
 - b. Preliminary calculations justifying size of facility.
 - c. Total square footage of the new or existing impervious area.
 - d. The storm water facility shall be designed to Marion County Public Works Standards.

Applicant's Findings: *The applicant has submitted a preliminary utility plan. This criterion is met.*

16. A landscaping plan including:
 - a. Location and height of fences, buffers and screening,
 - b. Location of terraces, decks, shelters, play areas, and common open spaces where applicable,
 - c. Location of mechanical equipment and garbage enclosures, and applicable screening
 - d. Location, type and size of plant materials, and
 - e. Soil conditions, and erosion control measures that will be used;

Applicant's Findings: *The applicant has submitted a preliminary landscaping plan. This criterion is met.*

17. Elevation drawings of all sides of the development with landscaping shown as it will appear both at the time of planting and at maturity.

Applicant's Findings: *The applicant has submitted elevation drawings as required. This criterion is met.*

Section 6: Conclusion

Based on the facts and findings presented by the applicant within this detailed written narrative, the applicant believes they have satisfied the burden of proof and demonstrated how the proposed application not only satisfies all applicable criteria but would also be a benefit to

the community by providing needed housing and a needed improvement to this existing development site in Aurora.

Section 7: Exhibits

Cover Depth	6" - 18" Diameter
Less than 2' Cover	Class 50 ductile iron pipe with bell and spigot joints and rubber gasket.
2' to 2-1/2' Cover	Pipe specified for lesser cover depths - or - Class I, ASTM C-14 non-reinforced concrete pipe with bell and spigot joints & rubber gaskets ASTM 150 Type I cement, - or - PVC pipe conforming to AWWA C900 DR 18 (6"-12") or AWWA C-905 (14"-18") with bell and spigot joints and rubber gasket.
2-1/2' to 15' Cover	Pipe specified for lesser cover depths - or - PVC pipe conforming to ASTM D-3034 PVC SDR 35 (6"-15") or ASTM F-879 PVC solid wall SDR 35 (18") with bell and spigot joints and rubber gasket. - or - HDPE (high density polyethylene) pipe conforming to AASHTO M-234. For slopes less than 6% the pipe shall be ADS N-12 18" or ADS N-12 18" WT, Hancor Blue Seal, or approved equal with watertight pressure testable fittings, - except - jointed pipe shall be ADS N-12 18" WT, Hancor Blue Seal, or approved equal with watertight pressure testable fittings, - except - jointed pipe permitted for depth to invert greater than 12 feet.
More than 15' Cover	See construction drawings.
More than 15' Cover	21" - 30" Diameter
Less than 2' Cover	Class 50 ductile iron pipe with bell and spigot joints and rubber gasket.
2' to 2-1/2' Cover	Pipe specified for lesser cover depths - or - Class IV, ASTM C-76 reinforced concrete pipe with bell and spigot joints and rubber gasket, ASTM 150, Type II cement.
2-1/2' to 15' Cover	Pipe specified for lesser cover depths - or - ASTM F-879 PVC solid wall SDR 35 pipe with bell and spigot joints and rubber gasket, or HDPE (high density polyethylene) pipe conforming to AASHTO M-234. For slopes less than 6% the pipe shall be ADS N-12 18" or ADS N-12 18" WT, Hancor Blue Seal, or approved equal with watertight pressure testable fittings, - except - jointed pipe shall be ADS N-12 18" WT, Hancor Blue Seal, or approved equal with watertight pressure testable fittings, - except - jointed pipe permitted for depth to invert greater than 12 feet.
More than 15' Cover	See construction drawings.
Greater than 30' diameter and other pipe materials.	Case by case basis.

Notes: 1. "Other" refers to Owner's authorized Representative or approving agency. The Contractor shall be responsible for obtaining testing. All testing must be performed by an approved independent testing laboratory.

Note 2: Testing shall be performed by an approved independent testing laboratory.

Note 3: In addition to in-situ density testing, the subsurface and base rock shall be probed with a loaded 10' yard dump truck provided by the Contractor. Base rock shall be tested at a minimum of 10' from the trench edge. The location and pattern of testing and protocol to be as approved or directed by the Owner's authorized Representative or approving agency.

Note 4: To be witnessed by the Owner's Representative or approving agency. The Contractor shall be responsible for obtaining testing. All testing must be performed by an approved independent testing laboratory.

Note 5: The approved independent laboratory retained by the Contractor shall provide a report of the test results. The report shall include the test results, the test methods used, and the test results shall be provided to the Owner's Representative or approving agency. The provisions of the construction drawings and the contract documents.

Note 6: Repairs of which is responsible for payment, the Contractor is responsible for. The Contractor shall be responsible for obtaining testing. All testing must be performed by an approved independent testing laboratory.

Contractor to notify Owner's Representative prior to all testings.

To allow Owner's Representative to be present if desired.

REQUIRED TESTING AND FREQUENCY TABLE

Contractor to notify Owner's Representative prior to all testings. To allow Owner's Representative to be present if desired.	Party Responsible for payment. (See note 1)
Streets, Fire Lines, Common Driveways, Parking Lots, Posts, Fills, etc.	Contractor
Subgrade	See note 2 & note 3
Engineered Fills	See note 2 & note 5
Base rock	See note 2 & note 3
Asphalt	See note 2
Piped Utilities, All	See note 2
Trench Backfill	See note 2
Trench AC Restoration	See note 2
Water	See note 4
Pressure Test	See note 2
Bacterial Water Test	See note 2
Chlorine Residual Test	See note 2
Sanitary Sewer	See note 2
Air Test	See note 4
Manhole	See note 4
Manhole	See note 4
Manhole	See note 4
Pressure Test	See note 4
Storm	See note 4
TV Inspection	See note 4
Concrete, Block, etc.	See note 2
Slump, Air & Cylinders for structure & reinforced concrete.	See note 2
Soils & fill test per geotechnical engineer's specifications.	See note 2
Soils & fill test per geotechnical engineer's specifications.	See note 2
Building permit inspection & Special Inspection for structural concrete, reinforced masonry, steel members, etc. as required by approved State Building Code.	See note 6
Retaining Walls	See note 5 & note 6

FRANCHISE & PRIVATE UTILITIES

97. Unless otherwise shown on the drawings or approved by jurisdiction having authority, all new franchise and private utilities (power, cable TV, telephone, gas, etc., communication, control, alarms, etc.) shall be installed underground. Installation of any franchise or private utility in a common trench with public water, sanitary sewer, or storm sewer is prohibited.

98. Contractor shall coordinate with gas, power, telephone, and cable TV Company for location of conduits in common trenches, as well as location or relocation of vaults, manholes, and vaults. The contractor shall be responsible for obtaining all necessary permits, adequate width and depth of the trench, and shall ensure that the trench is adequate for the depth of the trench. The contractor shall ensure that the trench is adequate for the depth of the trench. The contractor shall ensure that the trench is adequate for the depth of the trench.

99. Unless otherwise approved by the Approving Agency, installation of private utilities (including either franchise utilities or private water, sewer or storm services) in a common trench with public water, sewer or storm services is prohibited.

100. Power, telephone and TV trenching and conduits shall be installed per utility company requirements with pull wires. Contractor shall verify with utility company for size, location and type of conduit before construction, and shall ensure that the trench is adequate for the depth of the trench. All changes in direction of utility conduit runs shall have long radius steel bends.

101. Contractor shall notify and coordinate with franchise utilities for removal or relocation of power poles, vaults, pedestals, manholes, etc. to avoid conflict with Public utility structures, fire hydrants, meters, sewer or storm laterals, etc.

SEWER & STORM MANHOLES

79. All precast manholes shall be provided with integral rubber boots. Where manholes are installed in a common trench with public water, sewer, or storm sewer, the manhole shall be provided with a 1.5' test of load-down lids required on all manholes outside of public right-of-way.

80. Openings for connections to existing manholes shall be made by core-drilling the existing manhole structure, and installing a rubber boot. Connections shall be made using a high strength epoxy resin. The contractor shall be responsible for obtaining all necessary permits, adequate width and depth of the trench, and shall ensure that the trench is adequate for the depth of the trench. The contractor shall ensure that the trench is adequate for the depth of the trench.

81. Manhole structure details (sewer & storm) shall be as the heights shown on the drawings, but in no case shall the channel depth be less than 27" of the pipe diameter. Channels, as well as shelves between the channels and the manhole walls, shall be spaced to drain per plan details.

82. Manholes constructed over existing sanitary sewers shall conform to the existing pipe shall not be broken out until after the completion of the manhole test.

SANITARY SEWER SYSTEM

83. Unless otherwise specified, sanitary sewer pipe shall be solid wall PVC in accordance with ASTM D3034, SDR 35 (15") or ASTM F-879, PS 46 (18"). Manholes shall be constructed in accordance with the provisions of the International Plumbing Code (IPC) and the Uniform Plumbing Code (UPC). All materials and workmanship shall conform to the Approving Agency's specifications. All materials and workmanship shall conform to the Approving Agency's specifications. All materials and workmanship shall conform to the Approving Agency's specifications.

84. Unless otherwise specifically noted on the drawings, manufactured fittings (tee or wye) per Approving Agency shall be used for all lateral connections (tee or wye) to manholes.

85. Contractor shall provide all necessary materials, equipment and facilities to test manholes. The contractor shall be responsible for obtaining all necessary permits, adequate width and depth of the trench, and shall ensure that the trench is adequate for the depth of the trench. The contractor shall ensure that the trench is adequate for the depth of the trench.

STORM DRAIN SYSTEM

86. Storm sewer pipe materials shall conform to the construction drawings and specifications. Storm sewer pipe materials with watertight joints shall conform to the attached Storm Pipe Table. Contractor shall use uniform pipe material on edge pipe runs. Storm sewer pipe shall be installed in accordance with the provisions of the International Plumbing Code (IPC) and the Uniform Plumbing Code (UPC). All materials and workmanship shall conform to the Approving Agency's specifications. All materials and workmanship shall conform to the Approving Agency's specifications.

87. Contractor shall designate the pipe material actually installed on the field record drawings and provide this information for inclusion on the as-built drawings.

88. Catch basins and junction boxes shall be set square with buildings or with the edge of the parking lot or street wherein they lie. Storm drain inlet structures and piping shall be adjusted so water flows into the structure without ponding water.

89. Unless otherwise approved by the Engineer, all storm drain connections shall be by manufacturer listed tees or saddles.

90. Unless otherwise shown on the drawings, all storm pipe inlets & outlets shall be beveled flush to match the slope wherein they lie.

91. Sleep (deflect) storm sewer pipes into catch basins and manholes as required. Recommendations, whichever is less.

92. Unless otherwise shown or directed, install storm sewer pipe in accordance with manufacturer installation guidelines.

93. After manhole channelling and prior to manhole testing or final acceptance, flush and clean all sewers, and remove all foreign material from the manholes, manholes and catch basins.

94. Manhole Testing - Contractor shall conduct deflection test of flexible storm sewer pipe in accordance with the provisions of the International Plumbing Code (IPC) and the Uniform Plumbing Code (UPC). The diameter of the manhole shall be 90% of the initial pipe diameter. Test shall be conducted not more than 30 days after the trench backfilling and compaction has been completed.

95. The inspection, upon completion of all storm sewer construction, testing and repair, shall be conducted in accordance with the provisions of the International Plumbing Code (IPC) and the Uniform Plumbing Code (UPC). The contractor shall be responsible for obtaining all necessary permits, adequate width and depth of the trench, and shall ensure that the trench is adequate for the depth of the trench. The contractor shall ensure that the trench is adequate for the depth of the trench.

96. Prior to acceptance, the Owner's Representative may jump storm lines upstream & downstream of structures to verify that the pipes are clean and there is no grout in the lines. When necessary, sufficient water to reveal low areas shall be discharged into the pipe by the Contractor prior to any such inspection by the Owner's Representative or the Approving Agency.

DATE	NO.	DATE	NO.
APR 2023	1		

REVIEW

SEAL

DATE: 4/20/23

BY: [Signature]

WESTON ENGINEERS AND PLANNERS

16411 Drive Industrial Dr., Suite 100, Denver, CO 80232

Phone: (303) 582-2474 Fax: (303) 582-3986

www.westonplanning.com

CITIMES GROUP CORP

CONSTRUCTION NOTES

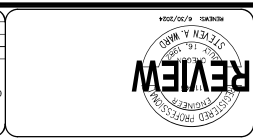
PEYTON CIRCLE 8 PLEX

DRAWING C1.2

JOB NUMBER 3435.0000.0

NO.	DATE	DESCRIPTION	BY

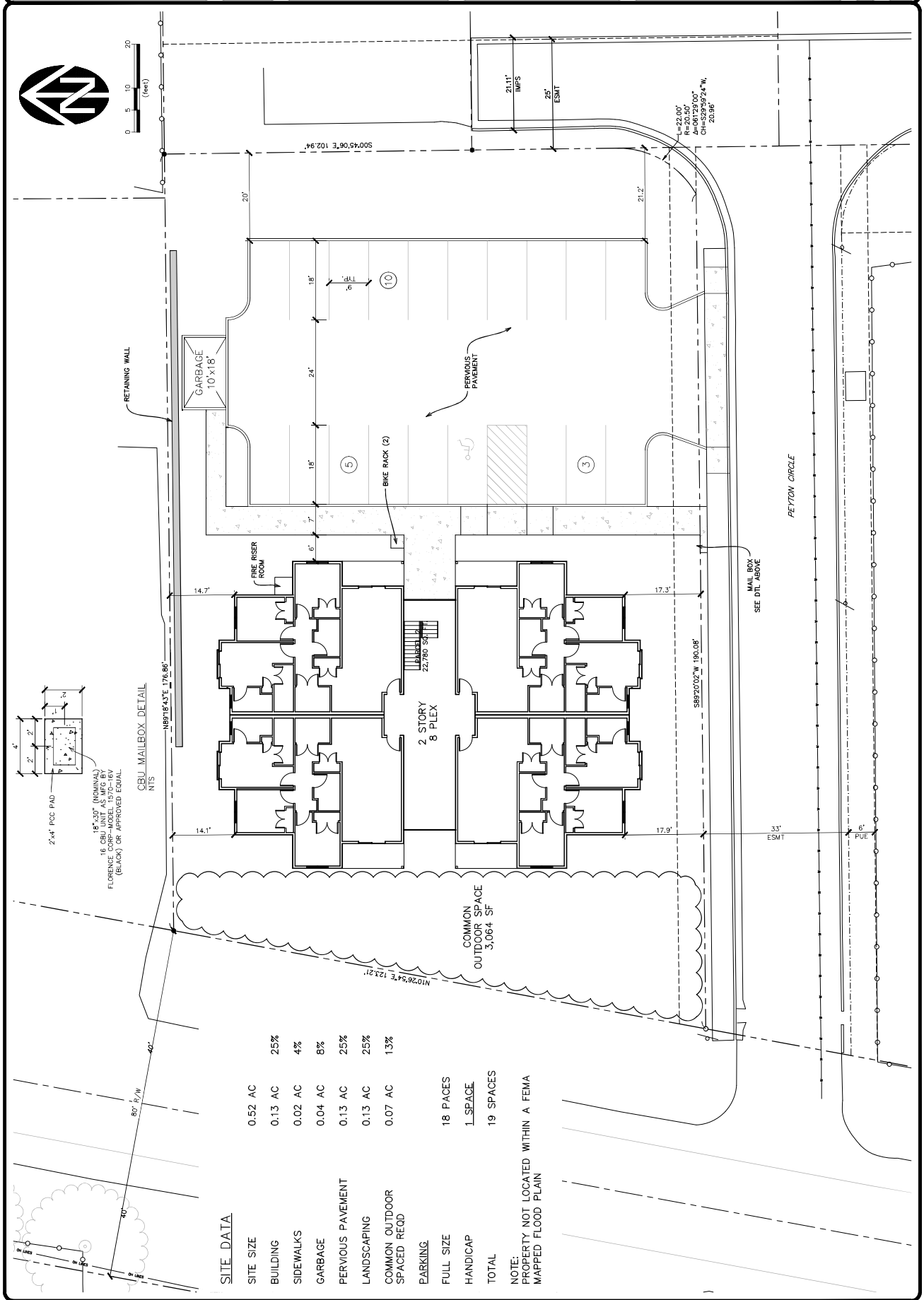
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 DSN: SAW
 CKD: SAW
 DSN: SAW
 DSN: SAW
 DSN: SAW
 VERIFY SCALE



WESTER ENGINEERING, INC.
 CONSULTING ENGINEERS AND PLANNERS
 E-mail: wes@weste.com
 Phone: (305) 585-2474 Fax: (305) 585-3986
 1841 Parkway Industrial Dr., S.E. Suite 103, Seminole, FL 32078

CITHOMES GROUP CORP
 PEYTON CIRCLE 8 PLEX
 SITE PLAN

DRAWING NO. 171
 G-1
 JOB NUMBER 3435.0000.0



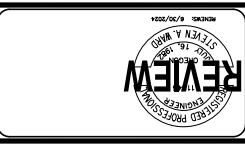
SITE DATA

SITE SIZE	0.52 AC
BUILDING	0.13 AC 25%
SIDEWALKS	0.02 AC 4%
GARBAGE	0.04 AC 8%
PERVIOUS PAVEMENT	0.13 AC 25%
LANDSCAPING	0.13 AC 25%
COMMON OUTDOOR SPACED REQD	0.07 AC 13%
PARKING	18 PAGES
FULL SIZE HANDICAP	1 SPACE
TOTAL	19 SPACES

NOTE: PROPERTY NOT LOCATED WITHIN A FEMA MAPPED FLOOD PLAIN

NO.	DATE	DESCRIPTION	BY
1			

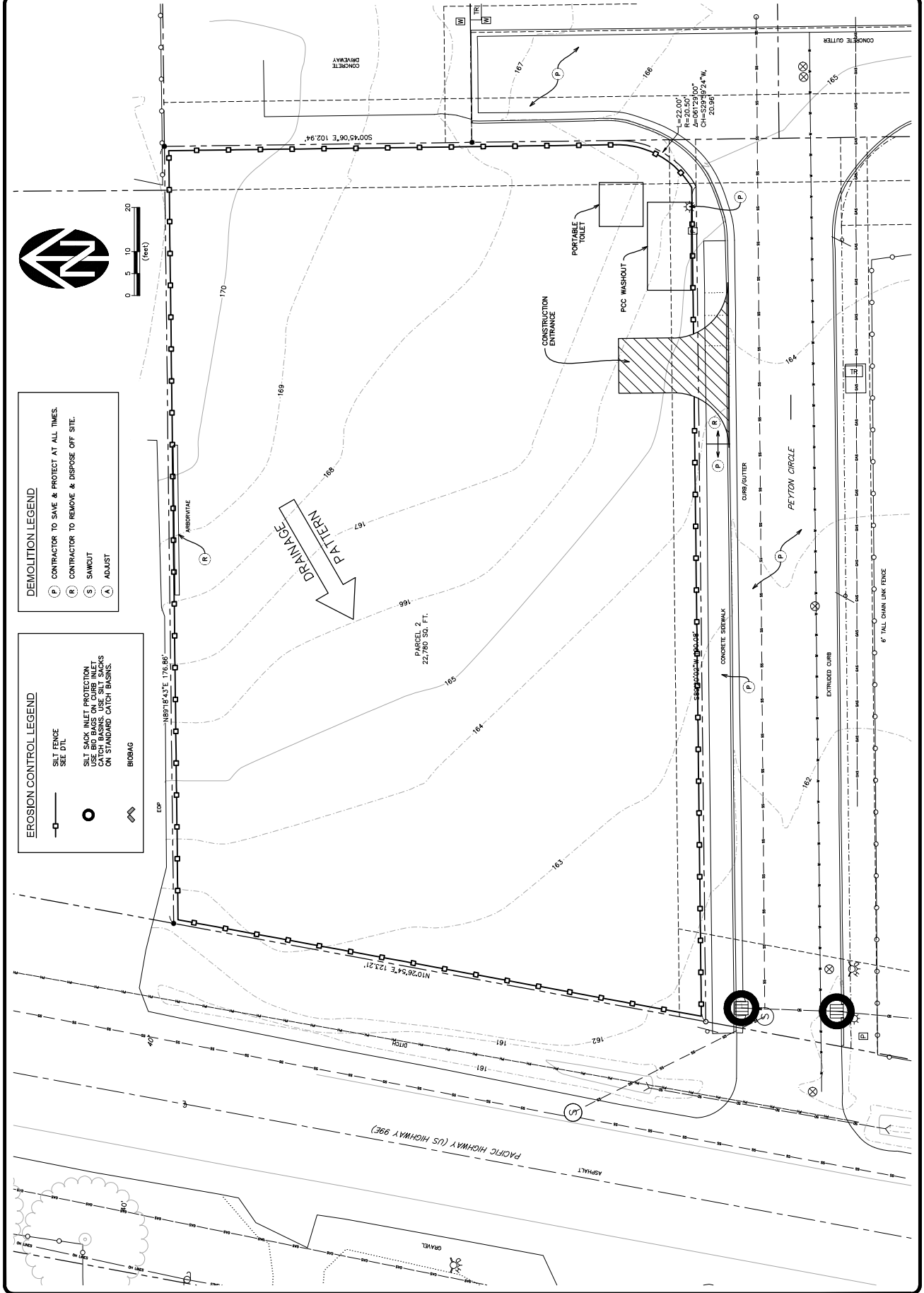
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 CKD: SAW
 DRN: AFR
 DSN: SAW
 DATE: AUG 2023
 SCALE: AS SHOWN
 PROJECT: 2023-001
 SHEET: 1 OF 1



WESTBACH ENGINEERING, INC.
 CONSULTING ENGINEERS AND PLANNERS
 E-mail: westbach@westbach-eng.com
 Phone: (503) 585-2474 Fax: (503) 585-2096
 2841 Feltner Industrial Dr., Suite 100, Salem, OR 97302

CITIMES GROUP CORP
 PEYTON CIRCLE 8 PLEX
 EXISTING CONDITIONS,
 & DEMOLITION PLAN
 (NORTH)

DRAWING NO. EC-4
 JOB NUMBER 3435.0000.0

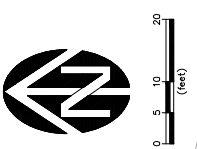


DEMOLITION LEGEND

- (P) CONTRACTOR TO SAVE & PROTECT AT ALL TIMES.
- (R) CONTRACTOR TO REMOVE & DISPOSE OFF SITE.
- (S) SAWCUT
- (A) ADJUST

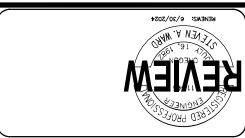
EROSION CONTROL LEGEND

- SILT FENCE
- SEE DTL
- SILT SACK INLET PROTECTION
- USE 60 BAGS ON CURB INLET
- USE 120 BAGS ON STANDARD CATCH BASINS
- BIOBAG



NO.	DATE	DESCRIPTION	BY

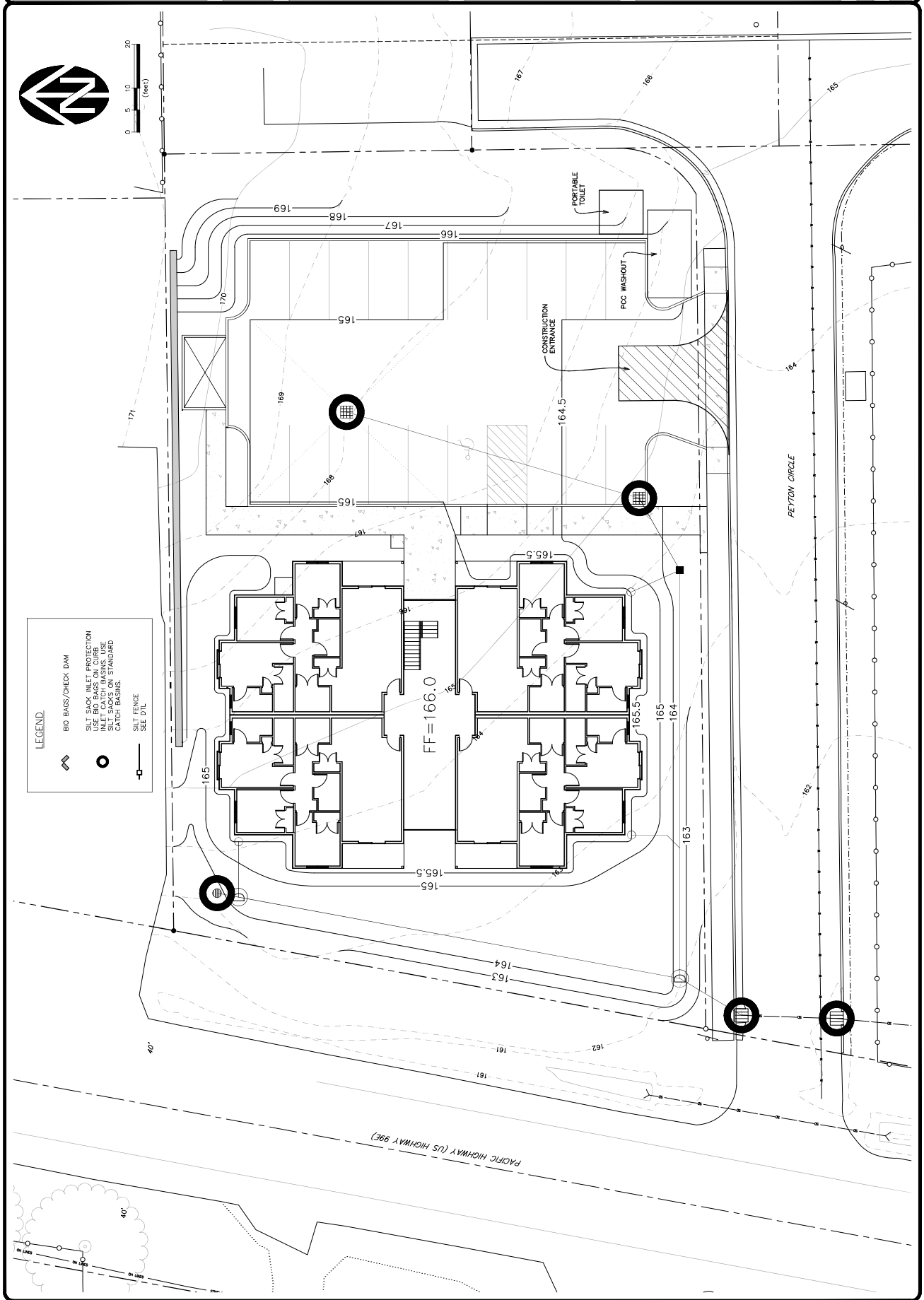
DATE: AUG 2023
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 CHECKED: [Signature]
 PROJECT: [Project Name]
 SHEET: [Sheet Number]
 TOTAL SHEETS: [Total Sheets]
 VERIFY SCALE



WESTER ENGINEERING, INC.
 CONSULTING ENGINEERS AND PLANNERS
 1841 Parkway Industrial Dr., Ste. 103, Seattle, WA 98103
 Phone: (206) 545-2474 Fax: (206) 545-2086
 E-mail: west@westeng.com

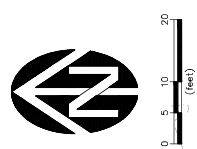
CITHOMES GROUP CORP
 PEYTON CIRCLE & PLEX
EROSION CONTROL PLAN -
STREETS & UTILITIES

DRAWING NO. **81**
 EC-5
 JOB NUMBER
 3435.0000.0



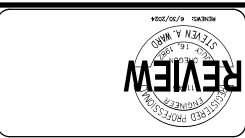
LEGEND:

- SILT SACK INLET PROTECTION
- USE SILT SACKS ON CURBS
- INLET CATCH BASINS USE
- USE SILT SACKS ON STANDARD CATCH BASINS.
- SILT FENCE
- CHECK DAM
- SEE DETL.



NO.	DATE	DESCRIPTION	BY
1			

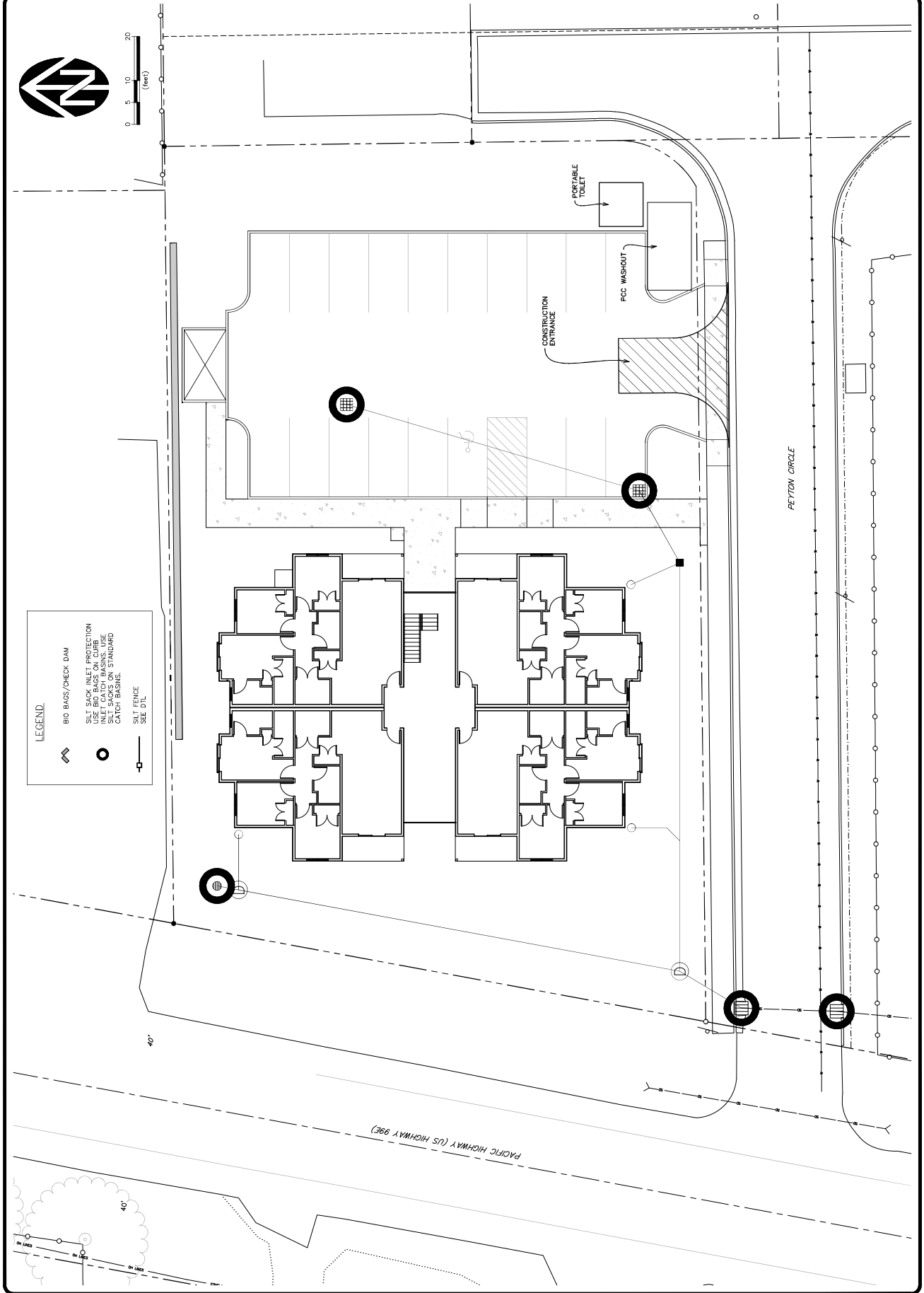
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SCALE: AS SHOWN
VERIFY SCALE



WESTBRO ENGINEERS, INC.
CONSULTING ENGINEERS AND PLANNERS
1841 Farview Industrial Dr., S.E. Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-2086
E-mail: westbro@westbro-inc.com

VERTICAL CONSTRUCTION
EROSION CONTROL PLAN
PEYTON CIRCLE & PLEX
CITHOMES GROUP CORP

DRAWING NO. **EC-181**
JOB NUMBER **3435.0000.0**



LEGEND

	BIG BAGS/CHECK DAM
	SILT SACK INLET PROTECTION USE BIG BAGS ON CURB
	INLET CATCH BASINS USE SILT SACKS ON STANDARD CATCH BASINS.
	SILT FENCE SEE DET.

NO.	DATE	DESCRIPTION	BY

DATE: AUG 2023
 DSN: SAW
 DRN: AR
 CVD: SAW
 VERIFIED SCALE

DATE: AUG 2023
 DSN: SAW
 DRN: AR
 CVD: SAW
 VERIFIED SCALE

REVIEW

REGISTERED PROFESSIONAL ENGINEER
 STATE OF MICHIGAN
 LICENSE # 47007204

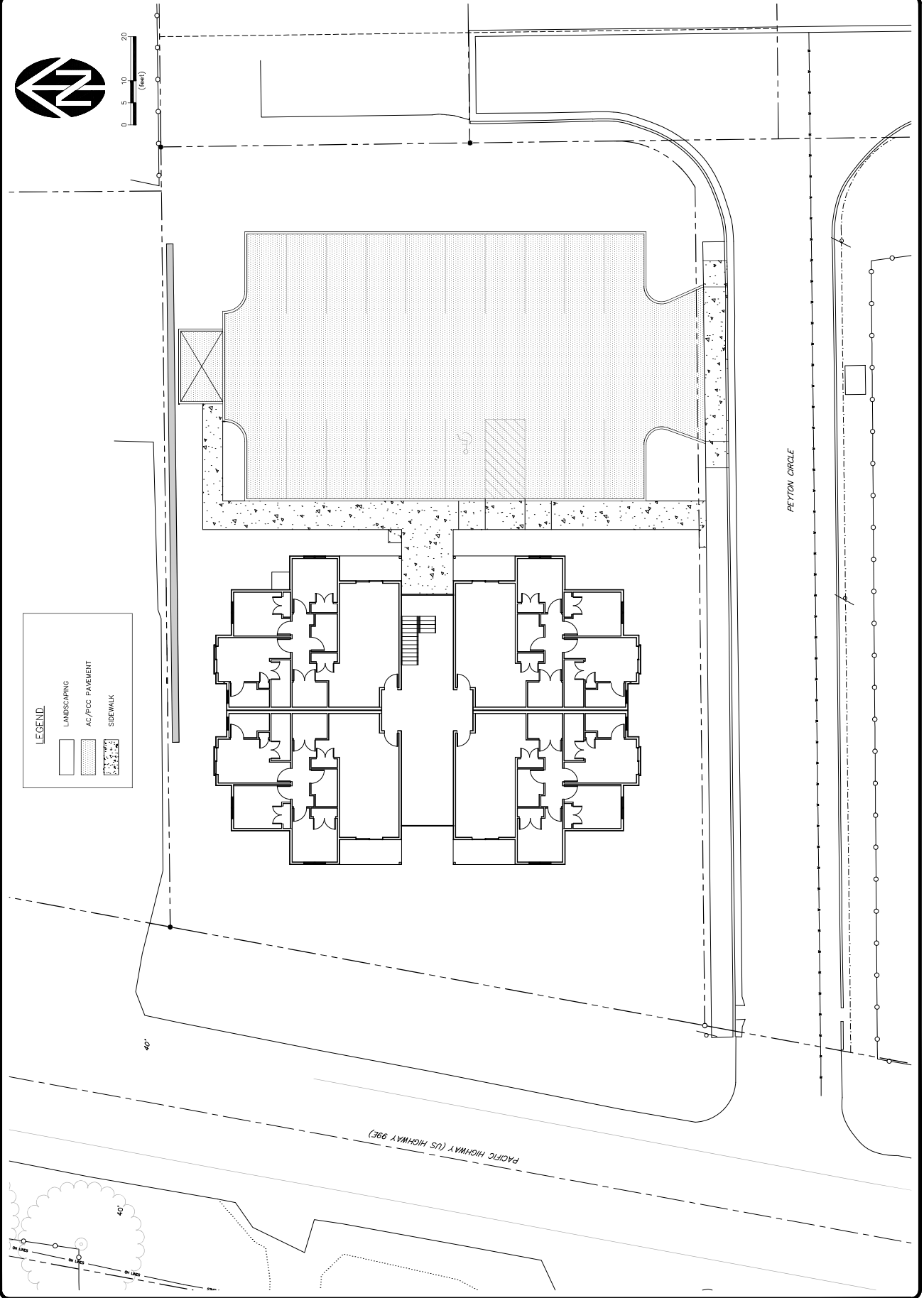
WESTBROTH ENGINEERS AND PLANNERS
 CONSULTING ENGINEERS AND PLANNERS
 WESTBROTH ENGINEERS AND PLANNERS
 1841 Parkview Industrial Dr., S.E. Suite 103, Grand Rapids, MI 49508
 Phone: (616) 545-2474 Fax: (616) 545-2496
 E-mail: westbroth@westbroth-mi.com

WESTBROTH ENGINEERS AND PLANNERS

WESTBROTH ENGINEERS AND PLANNERS
 CONSULTING ENGINEERS AND PLANNERS
 WESTBROTH ENGINEERS AND PLANNERS
 1841 Parkview Industrial Dr., S.E. Suite 103, Grand Rapids, MI 49508
 Phone: (616) 545-2474 Fax: (616) 545-2496
 E-mail: westbroth@westbroth-mi.com

CITIMES GROUP CORP
 PEYTON CIRCLE & PLEX
 EROSION CONTROL PLAN -
 FINAL LANDSCAPE &
 STABILIZATION

DRAWING NO. 181
 EC-181
 JOB NUMBER
 3435.0000.0



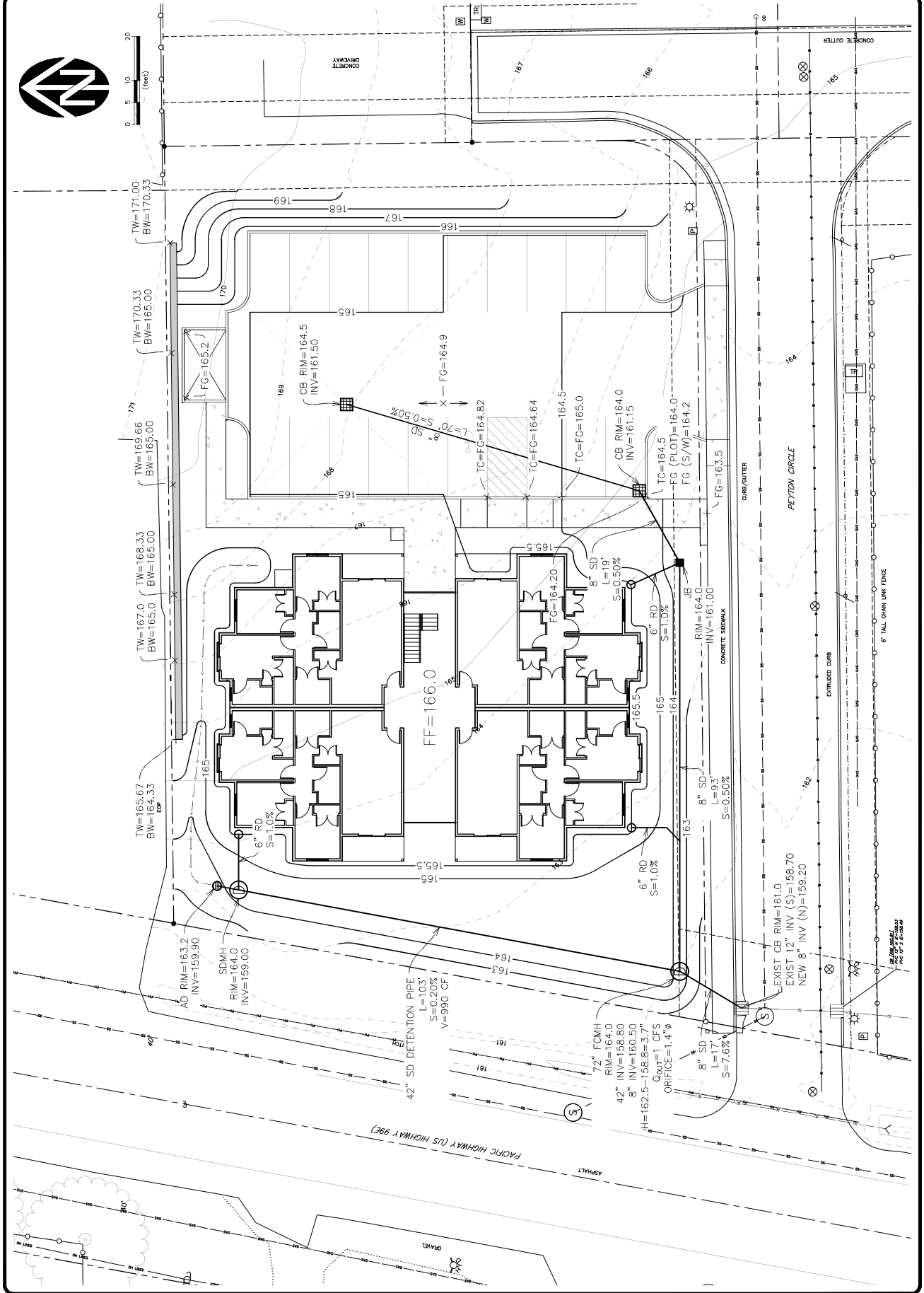
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 CDD: SAW
 CHECKED: [Signature]
 DESIGNED: [Signature]
 DRAWN: [Signature]
 VERIFIED: [Signature]

REVIEW
 CIVIL ENGINEER
 PROFESSIONAL SEAL
 STATE OF CALIFORNIA
 LICENSE NO. 41002

WB
 WESTBROOK ENGINEERS AND PLANNERS
 CONSULTING ENGINEERS AND PLANNERS
 E-mail: westbrook@wbpa.com
 Phone: (925) 585-2474 Fax: (925) 585-3986
 1841 Farview Industrial Dr., Ste. 103, Searsville, CA 92582

CITHOMES GROUP CORP
 PEYTON CIRCLE 8 PLEX
 DRAWING NO. 23-0001
 JOB NUMBER 34,35,0000.0



9/19/2023 5:10:39 PM H:\DW\Cithomes Corp\Various Agreements\DW\Plan\VC-1-040.dwg (Layout) (sdp)

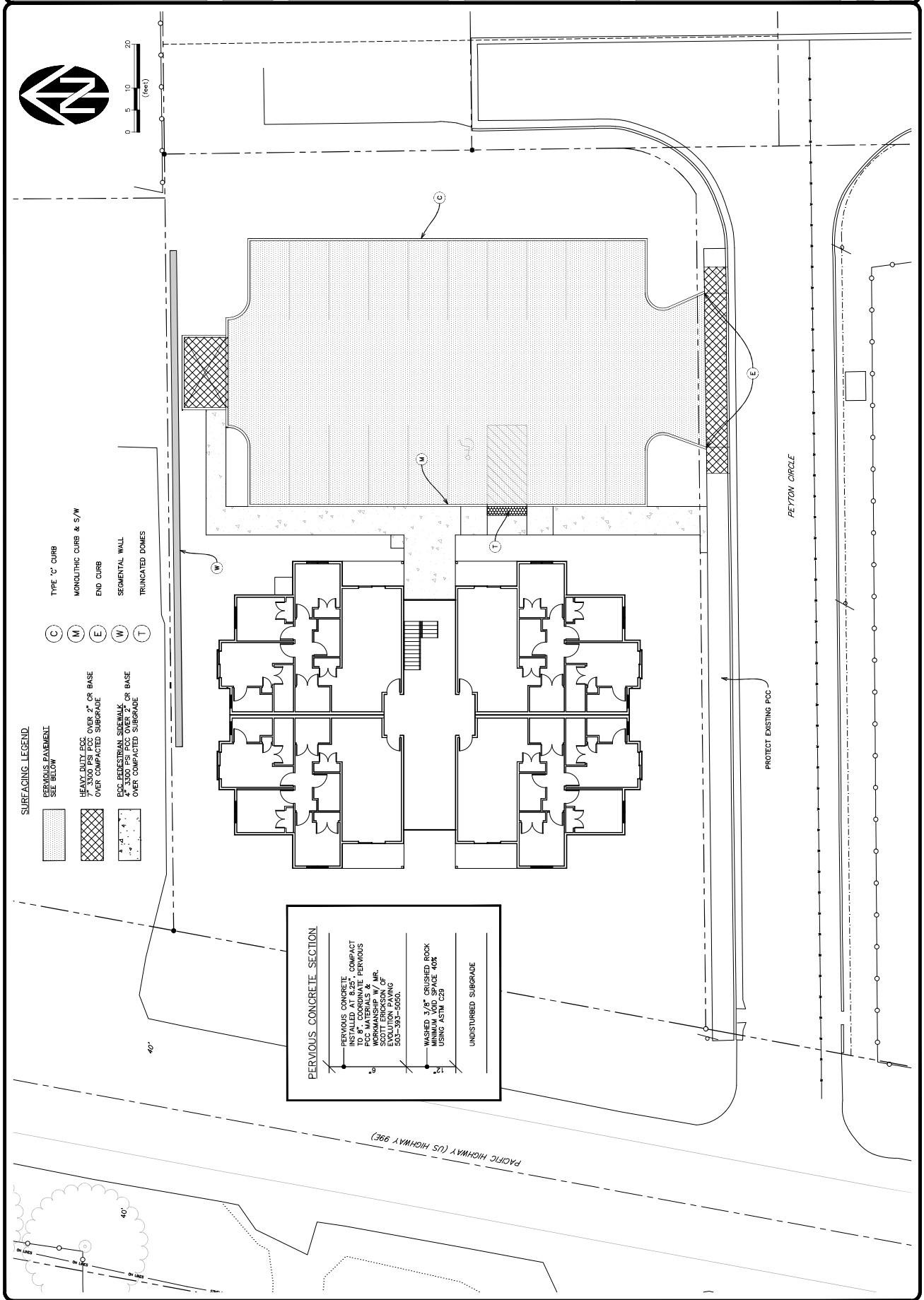
NO.	DATE	DESCRIPTION	BY

DATE: AUG 2023
 DSN: SAW
 CKD: SAW
 DRN: AR
 E-MAIL: esaw@westbh.com
 PHONE: (503) 585-2474 FAX: (503) 585-2386
 1841 Farview Industrial Dr., S.E. Salem, OR 97302

WESTBH ENGINEERS AND PLANNERS
WESTBH ENGINEERING, INC.
 CONSULTING ENGINEERS AND PLANNERS

CITHOMES GROUP CORP
 PEYTON CIRCLE 8 PLEX
 SURFACING PLAN

DRAWING NO. 2023-081
 C-1
 JOB NUMBER 3435.0000.0



- SURFACING LEGEND**
- PERVIOUS PAVEMENT SEE BELOW
 - HEAVY DUTY ECC MONUMENTING CURB, 4" CR BASE OVER COMPACTED SUBGRADE
 - ECC PEDESTRIAN SIDEWALK 4" 3300 PSI ECC OVER 2" CR BASE OVER COMPACTED SUBGRADE
 - TYPE 'C' CURB
 - MONUMENTING CURB & S/W
 - END CURB
 - SEGMENTAL WALL
 - TRUNCATED DOMES

- (C)
- (M)
- (E)
- (W)
- (T)

PERVIOUS CONCRETE SECTION

PERVIOUS CONCRETE
 INSTALLED AT 8.25" COMPACT
 PCC MATERIALS &
 WORKMANSHIP W/ MR.
 EVOLUTION PAVING
 503-383-5660.

WASHED 3/4" CRUSHED ROCK
 MINIMUM VOID SPACE 40%
 USING ASTM C29

UNDISTURBED SUBGRADE

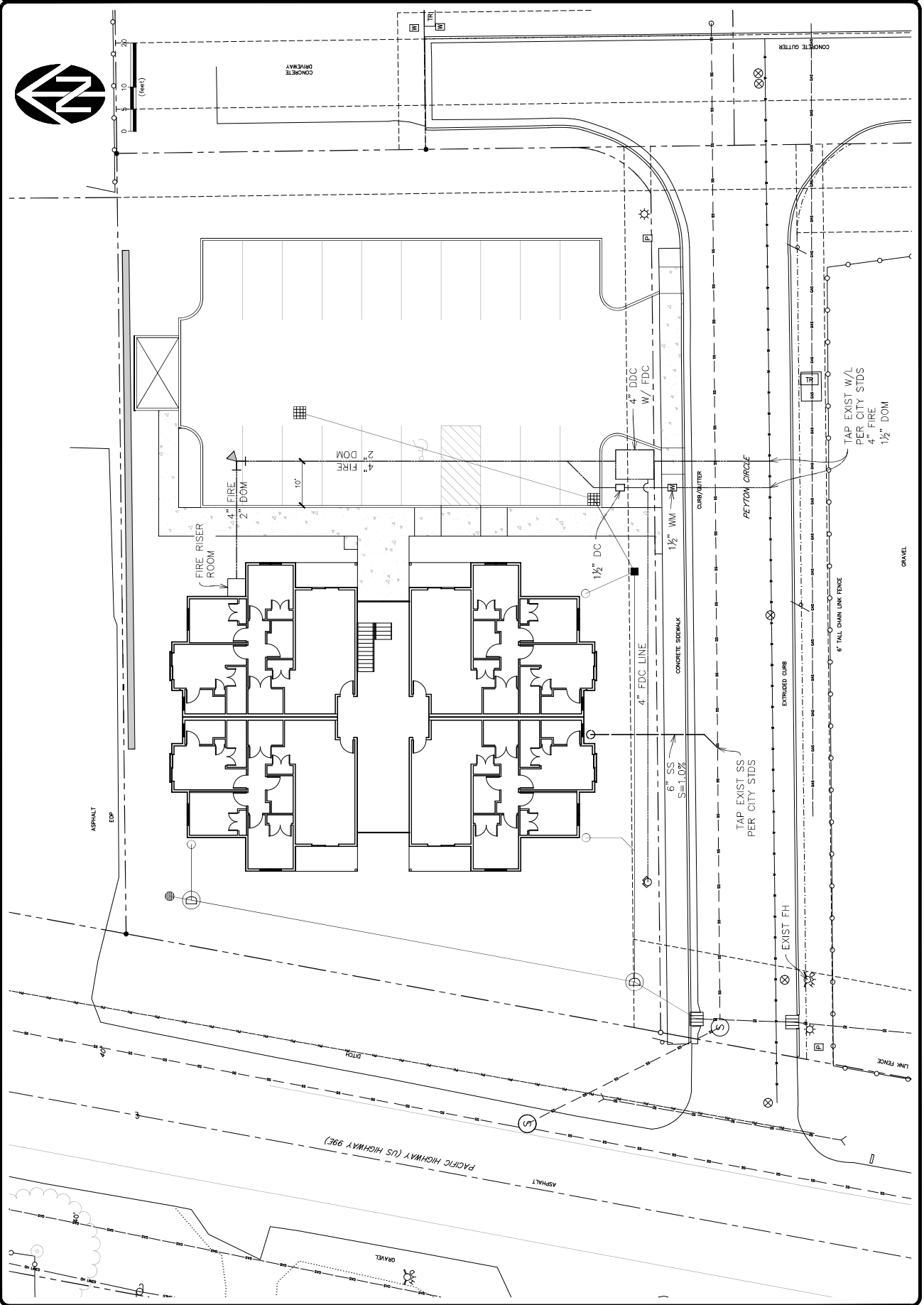
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DATE: AUG 2023
 DSN: SAW
 CKD: AR
 DWN: AR
 DSN: SAW
 DATE: AUG 2023
 CHECKED BY: [Signature]
 DATE: AUG 2023
 VERIFY SCALE

REVIEW
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF MICHIGAN
 LICENSE # 47072024

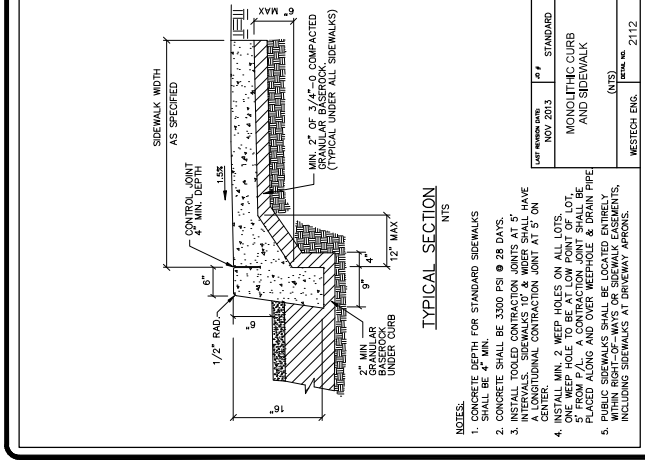
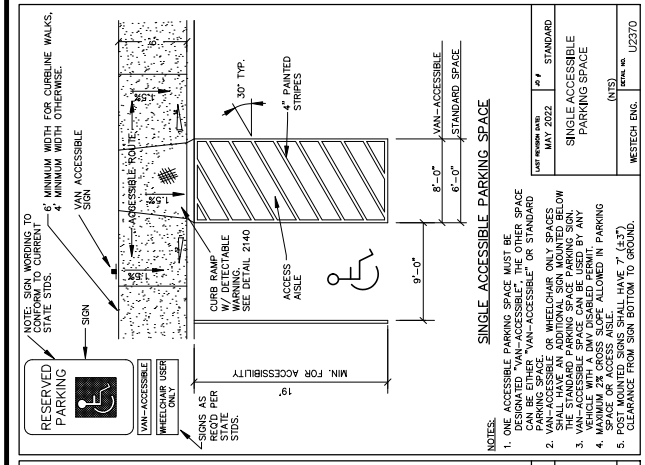
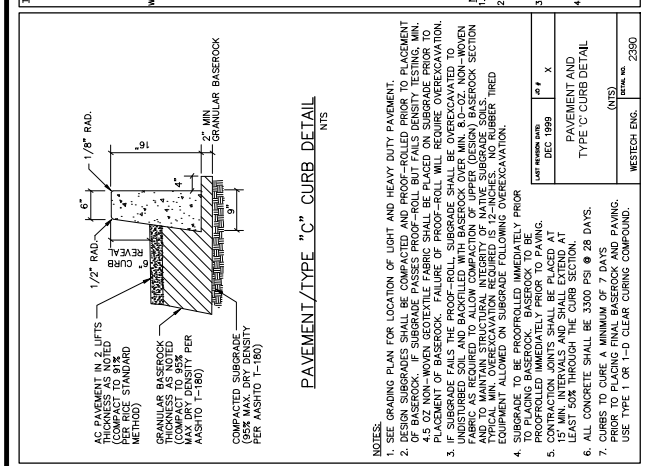
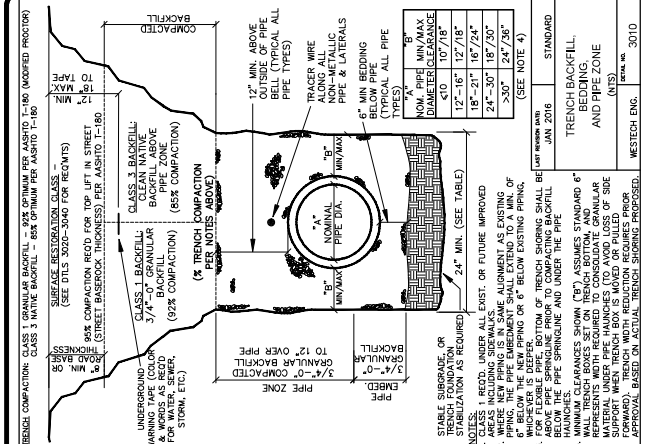
WESTBROOK ENGINEERS AND PLANNERS
 CONSULTING ENGINEERS AND PLANNERS
 1841 Farview Industrial Dr., S.E. Suite 103, Salem, OR 97302
 Phone: (503) 585-2474 Fax: (503) 585-2986
 E-mail: westbrooke@westbrooke-engineers.com

CITHOMES GROUP CORP
 PEYTON CIRCLE & PLEX
 OVERALL UTILITY PLAN
 DRAWING NUMBER: 181
 JOB NUMBER: C-1
 34,35,0000.0

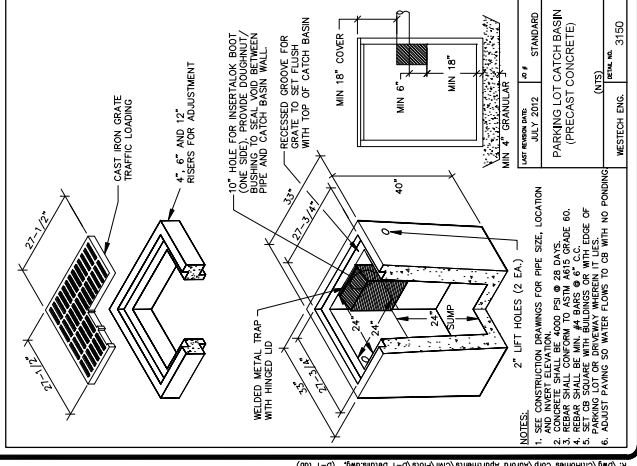
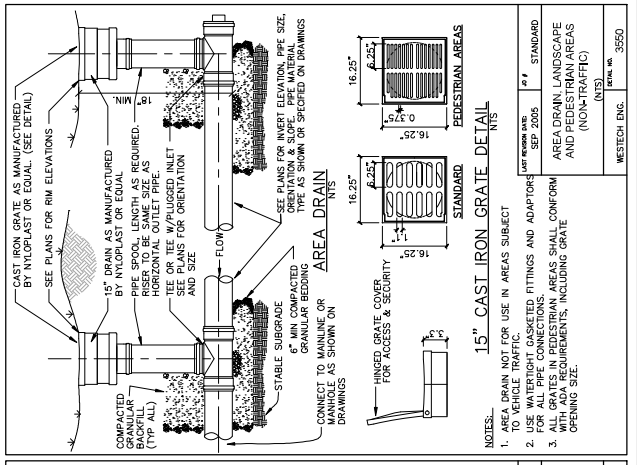
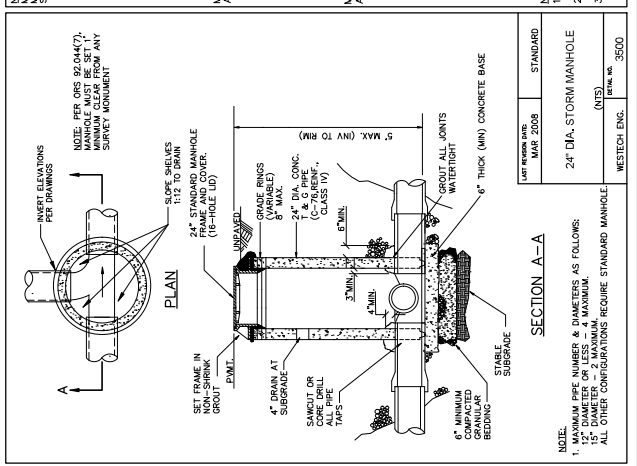
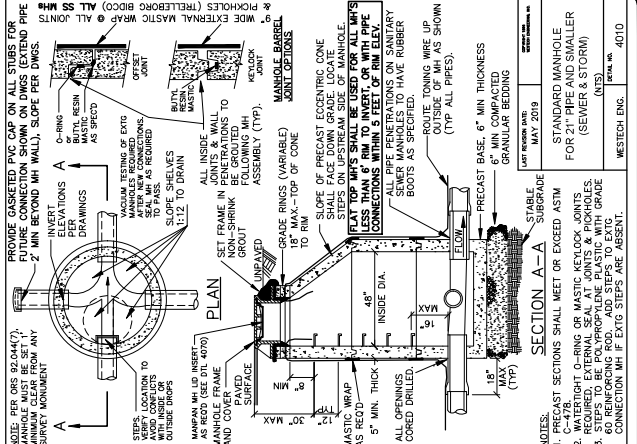


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DATE	NO.	DATE	NO.
JUL 2023	1		
DESCRIPTION	BY	DESCRIPTION	BY



DATE	NO.	DATE	NO.
JUL 2023	1		
DESCRIPTION	BY	DESCRIPTION	BY



PEYTON CIRCLE AURORA APARTMENTS

EXHIBIT B.3

TAX LOT 2901 AURORA, OR 97002



275 COURT STREET, SUITE 101
SALEM, OR 97301-3442
P: 503-390-6500
www.studio3architecture.com

IN THE EVENT CONTRACTS ARE DISCOVERED
TO BE UNLAWFUL, VOID AND VOIDABLE
UNDER ANY APPLICABLE LAW, THE ENTIRE
OBLIGATION OF THE CONTRACTOR SHALL BE LIMITED
TO THE OBLIGATION TO COMPLETE THE WORK
UNDER THE CONTRACT AND TO REPAIR
DEFECTS IN THE WORK.

PROJECT # 2023-164
DATE: 12/15/2023
REVISIONS

PEYTON CIRCLE
AURORA APARTMENTS
TAX LOT 2901 AURORA, OR 97002

02 of 10
SHEET
G001

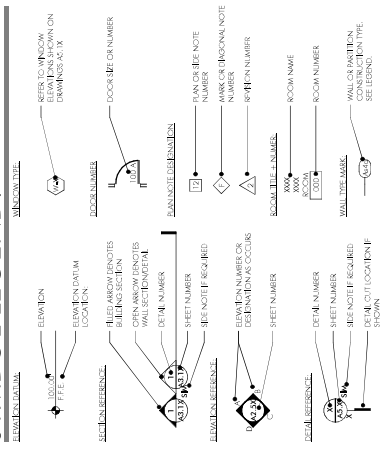
SITE VICINITY IMAGE:

DRAWINGS LIST:

Sheet Number	Sheet Name	Sheet Issue Date	Current Revision	Revision Description	Sheet Number	Sheet Name	Sheet Issue Date	Current Revision	Revision Description
G0.01	GENERAL DRAWINGS	05/15/2023			A6.02	SCHEDULES	05/15/2023		
G0.02	COVER SHEET	05/15/2023			STRUCTURAL	STRUCTURAL DRAWINGS	05/15/23		
G1.01	GENERAL NOTES	05/15/2023			30.0	STRUCTURAL GENERAL NOTES			
G3.01	CODE REVIEW PLANS	05/15/2023							
G3.02	PERSPECTIVE MEVS	05/15/2023							
A1.01	ARCHITECTURAL DRAWINGS	05/15/2023							
A1.01	SITE PLAN	05/15/2023							
A1.01	FLOOR PLAN	05/15/2023							
A1.01	CEILING PLAN	05/15/2023							
A1.01	LEVEL 01 - REFLECTED CEILING PLAN	05/15/2023							
A1.02	LEVEL 02 - REFLECTED CEILING PLAN	05/15/2023							
A2.01	ELEVATIONS	05/15/2023							
A2.02	ELEVATIONS	05/15/2023							
A3.01	BUILDING SECTIONS	05/15/2023							
A3.02	BUILDING SECTIONS	05/15/2023							
A3.11	WALL SECTIONS	05/15/2023							
A5.21	EXTERIOR DETAILS	05/15/2023							
A6.01	SCHEDULES	05/15/2023							

SITE IMAGE:

SYMBOL LEGEND:



PROJECT TEAM:

OWNER:

ARCHITECT:
STUDIO 3 ARCHITECTURE, Inc.
275 Court Street 31 - NE Salem, OR 97301
P: 503-390-6500
E: xxx@studio3architecture.com
W: www.studio3architecture.com

LANDSCAPE DESIGNER:

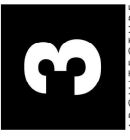
INTERIOR DESIGNER:

ACCESSIBILITY CONSULTANT:

ELECTRICAL & PLUMBING ENGINEER:

ENVELOPE CONSULTANT:

GENERAL CONTRACTOR:

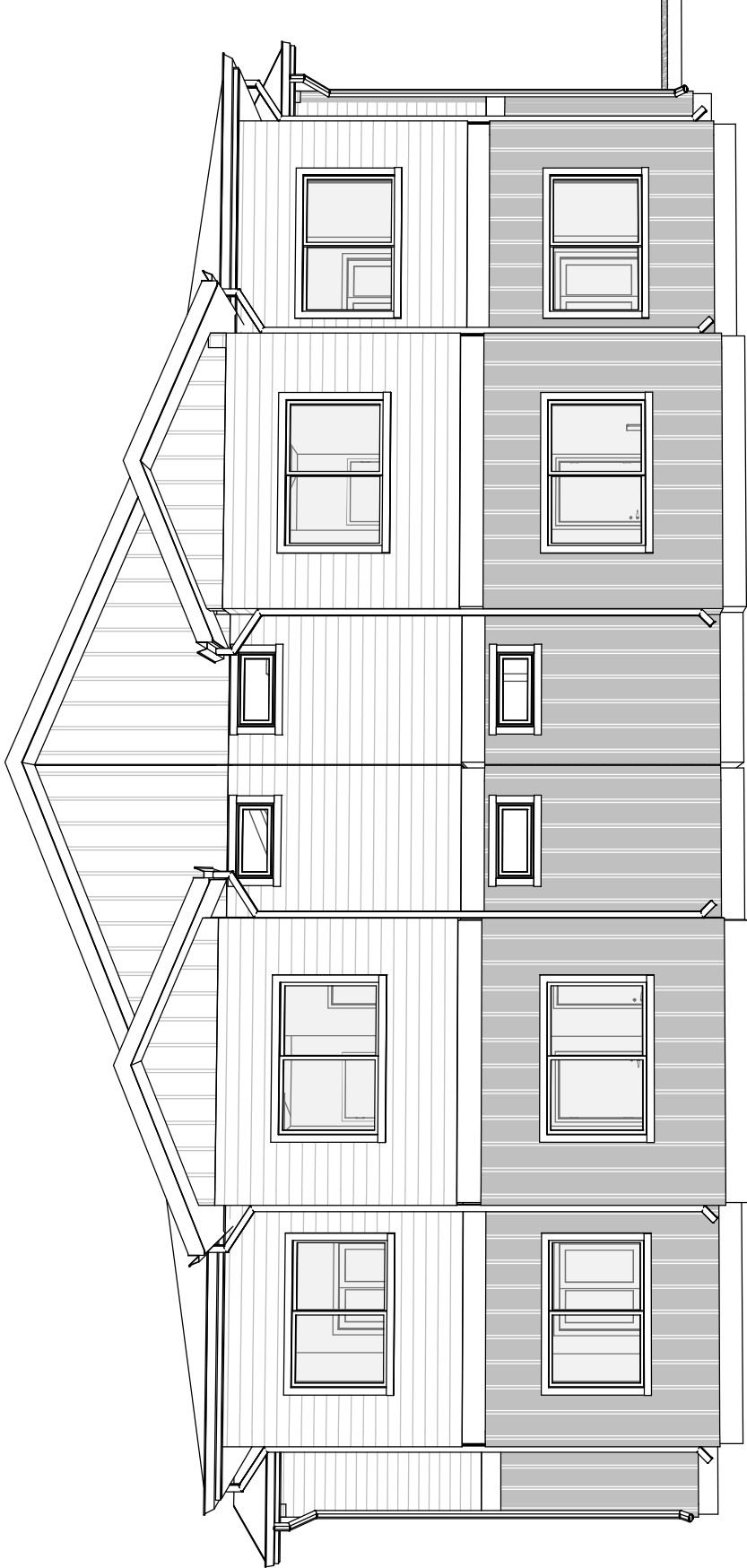


PEYTON CIRCLE AURORA APARTMENTS



PEYTON CIRCLE
AURORA APARTMENTS

TAX LOT 2901 AURORA, OR 97002



GENERAL PLAN NOTES:

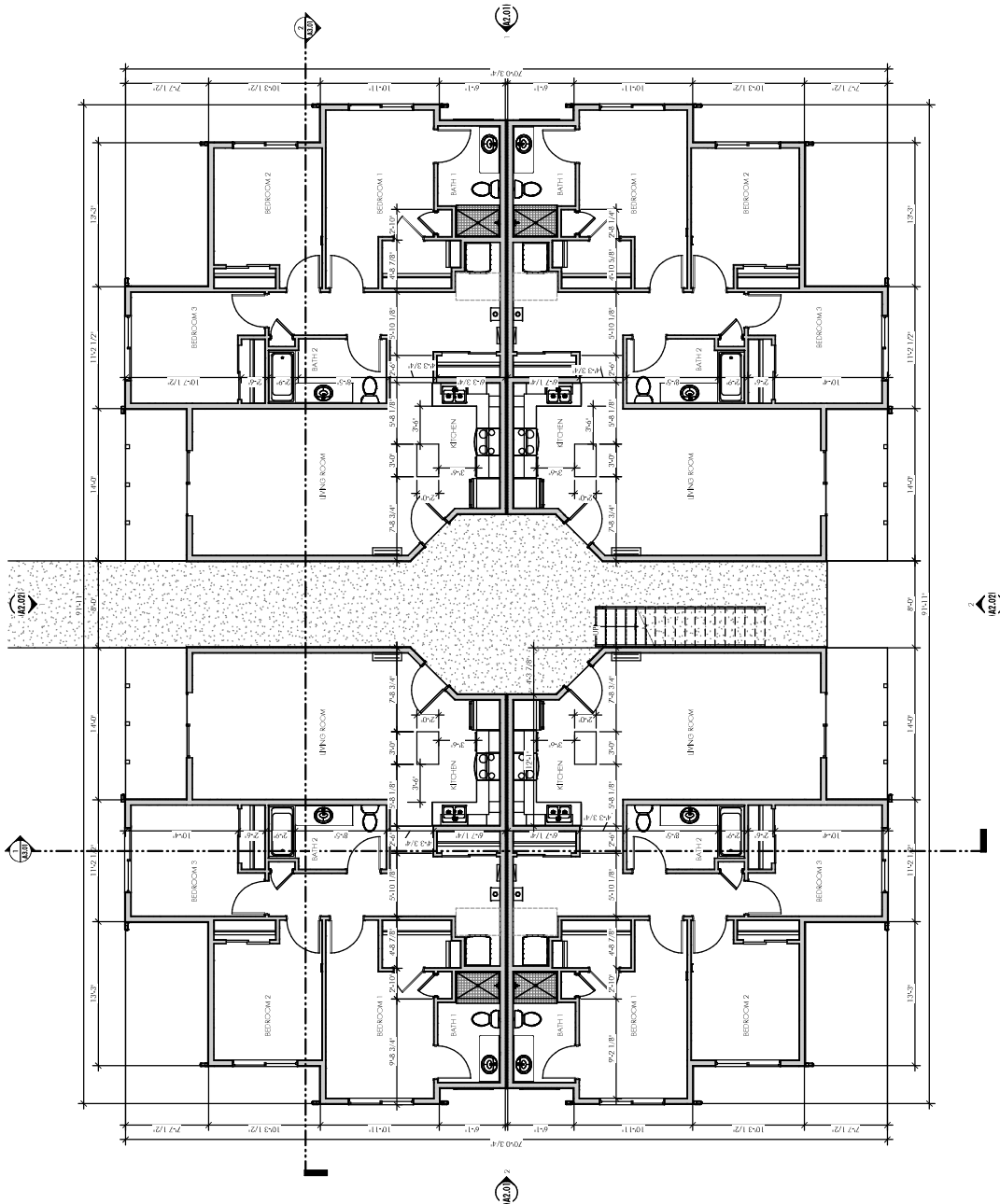
- GENERAL NOTES APPLY TO ALL DRAWINGS.
- DRAWINGS ARE DIMENSIONAL ONLY AND SHOULD BE USED AS A GUIDE. FIELD DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED. DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
- WORK SHALL BE TO FACE OF FINISH.
- FINISHES ARE TO FACE OF FINISH.
- SEE WALL SECTION FOR DESCRIPTION OF EXTERIOR WALL FINISHES.
- INSULATION SHALL BE AS SHOWN.
- ALL INTERIOR PARTITIONS TO RECEIVE GLASS BEER KEGS SHALL BE CONSTRUCTED AS SHOWN OR AS NOTED. INSTALLATION AND TO BE REDUCED TO BE REFINISHED TO MATCH ADJACENT PARTITIONS.
- FRAMING SHALL BE AS SHOWN. FRAMING SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING: JOIST STOPS, BRACE WALL CONNECTIONS, SHEATHING, JOIST BOWERS, CONNECTIONS, TRACKS, AND RIGID AND FLEXIBLE CONNECTIONS.
- SEPARATE AREAS IN WHICH WORK IS BEING CONDUCTED FROM OTHER AREAS THAT ARE SHELL, FRAME, BRICK, AND MASONRY TEMPORARY CONNECTIONS SHALL BE AS SHOWN. CONNECTIONS SHALL BE AS NOTED IN THE DIMENSIONS OR AS DIRECTED.
- PROTECT WORK TO REMAIN FROM DAMAGE BY OTHER TRADES. PROTECT WORK TO REMAIN FROM DAMAGE BY OTHER TRADES. PROTECT WORK TO REMAIN FROM DAMAGE BY OTHER TRADES.
- WORK SHALL BE TO FACE OF FINISH.
- FINISHES ARE TO FACE OF FINISH.
- SEE WALL SECTION FOR DESCRIPTION OF EXTERIOR WALL FINISHES.
- INSULATION SHALL BE AS SHOWN.
- ALL INTERIOR PARTITIONS TO RECEIVE GLASS BEER KEGS SHALL BE CONSTRUCTED AS SHOWN OR AS NOTED. INSTALLATION AND TO BE REDUCED TO BE REFINISHED TO MATCH ADJACENT PARTITIONS.
- FRAMING SHALL BE AS SHOWN. FRAMING SHALL INCLUDE BUT NOT BE LIMITED TO THE FOLLOWING: JOIST STOPS, BRACE WALL CONNECTIONS, SHEATHING, JOIST BOWERS, CONNECTIONS, TRACKS, AND RIGID AND FLEXIBLE CONNECTIONS.
- SEPARATE AREAS IN WHICH WORK IS BEING CONDUCTED FROM OTHER AREAS THAT ARE SHELL, FRAME, BRICK, AND MASONRY TEMPORARY CONNECTIONS SHALL BE AS SHOWN. CONNECTIONS SHALL BE AS NOTED IN THE DIMENSIONS OR AS DIRECTED.

PLAN LEGEND:

- DUCTLESS #104
- DUCTLESS #104

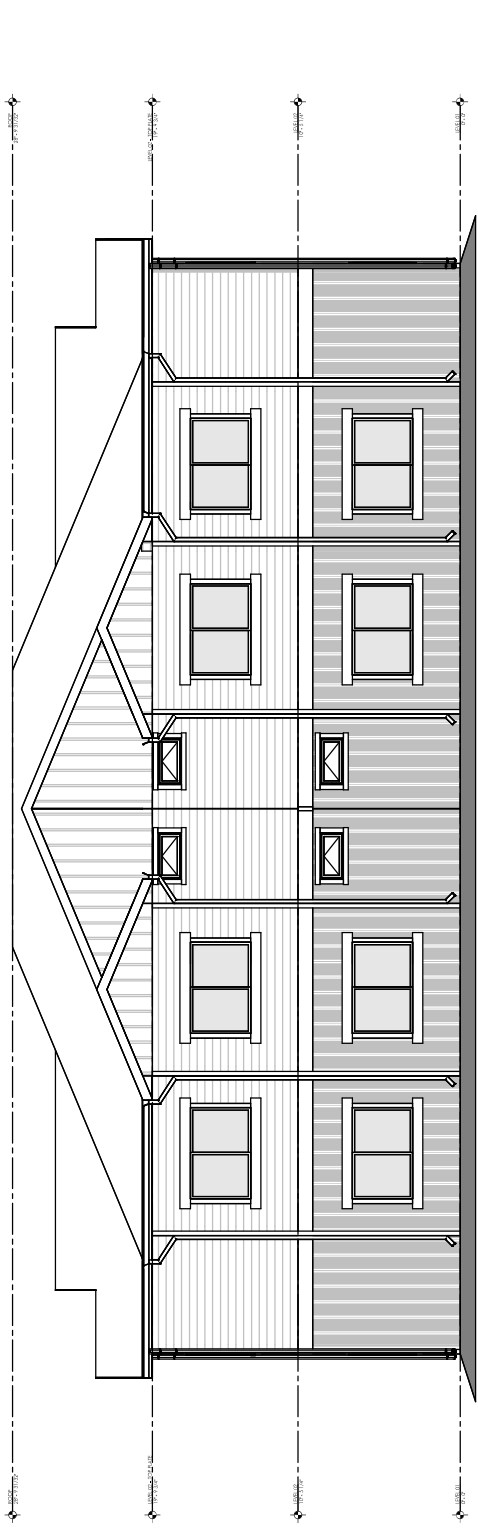
FLOOR PLAN NOTES:

- SHADE PLAN NOTE



ELEVATION NOTES:

☐ SAMPLE ELEVATION NOTE



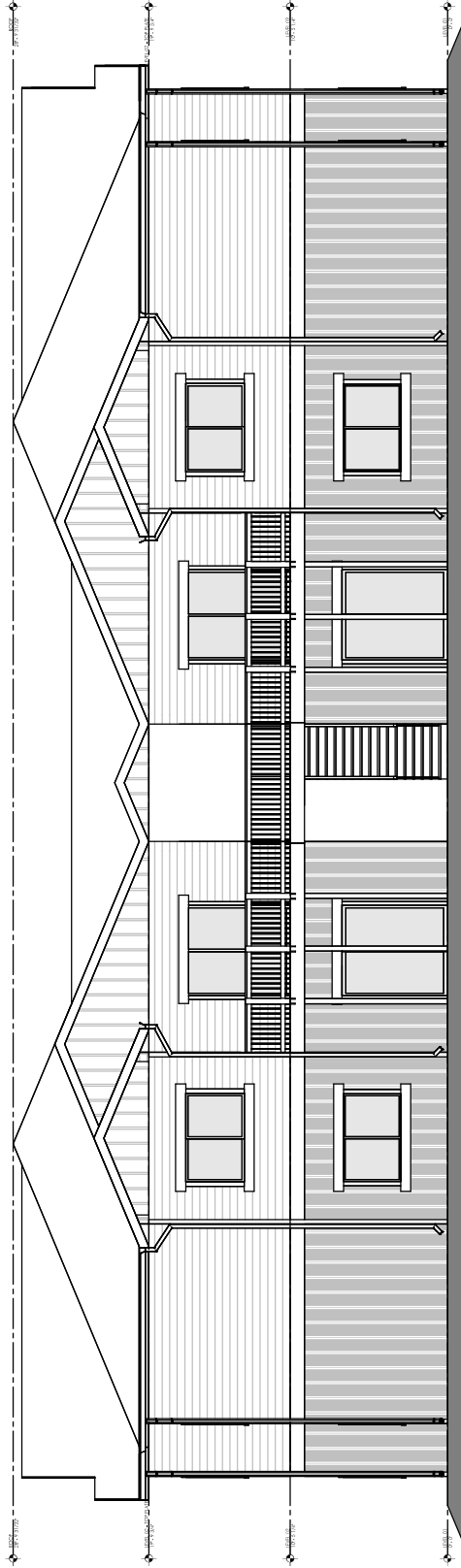
1 East
1/4" = 1'-0"



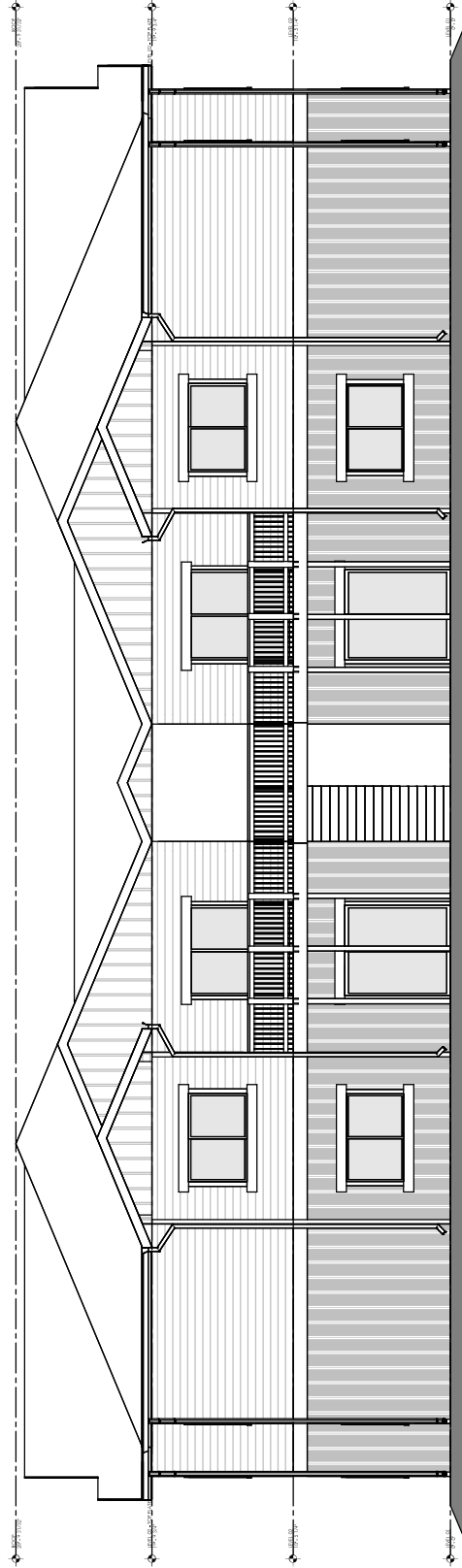
2 West
1/4" = 1'-0"

ELEVATION NOTES:

- SAMPLE ELEVATION NOTE



1 North



2 South

EXHIBIT B.4

PEYTON CIRCLE 8 PLEX

21200 PACIFIC HIGHWAY (99E)
AURORA, OREGON 97002

DRAWINGS FOR:

CITHOMES GROUP CORP
CONTACT: FIL KARTAL
FIL@CITHOMESGROUP.COM
503 . 260 . 1205

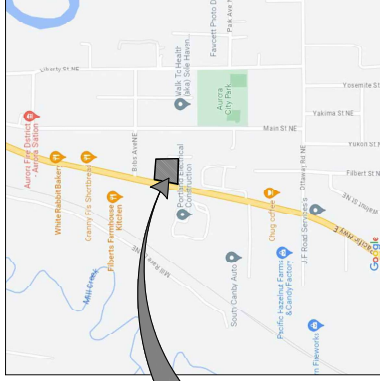
SHEET INDEX:

- LO.0 COVER SHEET
- L1.1 PLANTING PLAN
- L1.2 PLANTING DETAILS

LANDSCAPE ARCHITECT:

LAURUS DESIGNS, LLC
LAURA ANTONSON, RLA, ASLA
1012 PINE STREET
SILVERTON, OREGON 97381
503 . 784 . 6494
LAURA@LAURUSDESIGNS.COM

VICINITY MAP:



PROJECT SITE

MAP COURTESY OF GOOGLE



Laurus Designs, LLC
1012 Pine Street
Silverton, Oregon
503.784.6494

Peyton Circle
8 Plex

21200 Pacific Highway
Aurora, Oregon 97002



COVER SHEET

December 7th, 2023

REVISIONS		
#	DATE	NOTES

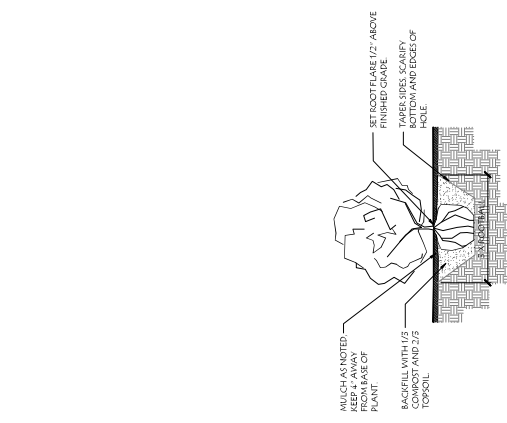
198 of 260
LO.0
SHEET 1 OF
PROJECT # 1595

CALL BEFORE YOU DIG:
1.800.332.2344
www.callbeforeyoudig.org

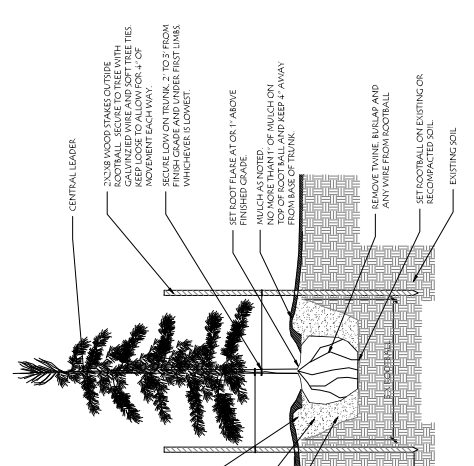


REVISIONS	
DATE	NOTES

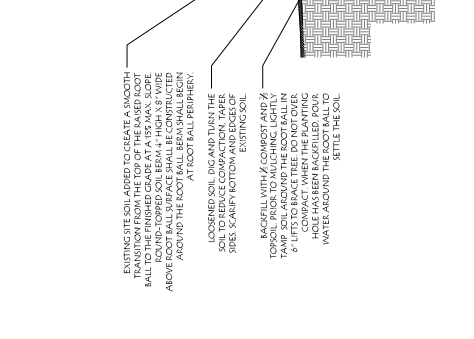
- General Notes:**
1. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION. SEE CIVIL DRAWING FOR UTILITY LOCATIONS. NOTIFY LANDSCAPE ARCHITECT OF CONFLICTS.
 2. SEE ARCHITECTURAL DRAWINGS FOR SITE PLAN.
 3. SEE CIVIL DRAWINGS FOR UTILITIES AND GRADING.
 4. PLANTING SCHEDULE AND NOTES SEE SHEET L1.1.
 5. PLANTING DETAILS SEE THIS SHEET.



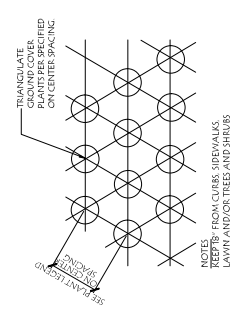
1 TREE PLANTING DETAIL
 (12) (SCALE)



2 SHRUB AND GROUND COVER PLANTING DETAIL
 (12) (SCALE)



3 CONIFER PLANTING DETAIL
 (12) (SCALE)



4 GROUND COVER SPACING DETAIL
 (12) (SCALE)

TRUNK COLLAR SHALL MEET AND BE CONCURRENT WITH FINISH GRADE.

EXISTING SOIL ADDED TO CREATE A SMOOTH TRANSITION FROM THE TOP OF THE RAISED ROOT BALL TO THE FINISHED GRADE AT 15% MAX. SLOPE. ABOVE ROOT BALL SURFACE SHALL BE CONSTRUCTED WITH 1/2\"/>

EXISTING SOIL ADDED TO CREATE A SMOOTH TRANSITION FROM THE TOP OF THE RAISED ROOT BALL TO THE FINISHED GRADE AT 15% MAX. SLOPE. ABOVE ROOT BALL SURFACE SHALL BE CONSTRUCTED WITH 1/2\"/>

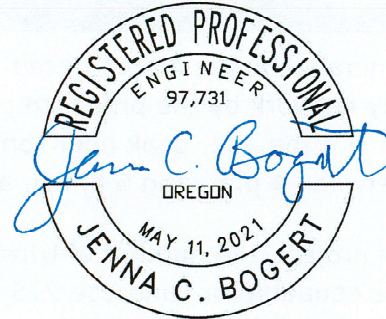
MULCH AS NOTED; KEEP 4\"/>

TRUNK COLLAR SHALL MEET AND BE CONCURRENT WITH FINISH GRADE.

EXISTING SOIL ADDED TO CREATE A SMOOTH TRANSITION FROM THE TOP OF THE RAISED ROOT BALL TO THE FINISHED GRADE AT 15% MAX. SLOPE. ABOVE ROOT BALL SURFACE SHALL BE CONSTRUCTED WITH 1/2\"/>

TRAFFIC ASSESSMENT LETTER

DATE: January 29, 2024
TO: Fil Kartal | CitiHomes Group
FROM: Jenna Bogert, P.E. | DKS Associates
SUBJECT: Aurora Peyton Circle 8 Plex Traffic Assessment Letter



EXPIRES: DEC. 31, 2025

24614-000

PROJECT INTRODUCTION

This memorandum is a traffic assessment letter for the proposed 8 Plex located at the northeast corner of Pacific Highway E (OR99E) and Peyton Circle (private road) in Aurora, Oregon. The 8 Plex will consist of eight two-story single-family housing units. The site is currently undeveloped. A map of the study area is shown in Figure 1 below.

City of Aurora staff have asked the developer to provide a traffic assessment letter that confirms that the trip generation of the proposed land use is less than 250 daily trips and 25 peak hour trips. If the site generates more than the trip generation thresholds, then a transportation impact analysis (TIA) would be required per City code.¹ Additionally, because the site had direct access to a state highway, Pacific Highway (OR 99E), via Peyton Circle, which is a private roadway, this letter will also determine whether the site meets the Oregon Department of Transportation's TIA thresholds.²



FIGURE 1: STUDY AREA

¹ Chapter 16.34.030.X.1, City of Aurora Municipal Code, Version October 12, 2023.

² <https://www.oregon.gov/odot/Planning/Documents/Development-Review-Guidelines-and-Appendices.pdf>

TRIP GENERATION

Trip generation is the method used to estimate the number of vehicles that are added to the roadway network by the proposed project during a specified period. The periods analyzed in this analysis are the a.m. peak hour (one hour between 7 a.m. and 9 a.m.), the p.m. peak hour (one hour between 4 p.m. and 6 p.m.), and the average weekday (24-hours).

For this project, the number of trips generated by the proposed development was based on the average equation for Land Use 215 (Single Family Attached Housing) from the ITE Trip Generation Manual, 11th Edition. The total trip generation for the proposed development is shown in Table 1.

TABLE 1: VEHICLE TRIP GENERATION

ITE LAND USE	SIZE	WEEKDAY TRIPS			AM PEAK HOUR TRIPS			PM PEAK HOUR TRIPS		
		IN	OUT	TOTAL	IN	OUT	TOTAL	IN	OUT	TOTAL
LAND USE 215 (SINGLE FAMILY ATTACHED HOUSING)	8 units	29	29	58	1	3	4	3	2	5

As shown, the 8 Plex is estimated to generate 58 average weekday trips, 4 total a.m. peak hour trips, and 5 total p.m. peak hour trips.

TIA THRESHOLDS

Based on the vehicle trip generation shown in Table 1, the proposed 8 Plex is not anticipated to exceed the City's TIA thresholds of either 250 weekday trips or 25 peak hour trips. Therefore, a full transportation impact analysis (TIA) is not required for the development based the City code.

The ODOT Development Review Guidelines state that a TIA can only be required when a development would significantly increase the number of vehicles using the access (Peyton Circle) to a state highway. ODOT defines a "significant increase" as more than 50 peak hour trips, 500 average daily trips, or an increase of 10 or more large vehicles (26,000+ lbs.). None of these trip generation thresholds are met for the proposed 8 Plex. Therefore, the site does not result in a "significant increase" or require a TIA based on ODOT requirements.

After Recording Return to:

Recording Sticker Here

Pamela J. Erickson
David N. Erickson
Co-Trustees of the Pamela J. Erickson
Living Trust dated February 28, 2003
3170 SW Riverfront Terrace
Wilsonville, OR 97070

No change in tax statements

EASEMENTS (#1 PUE, #2 INGRESS/EGRESS and PUE, #3 LANDSCAPE)

and

EASEMENT MAINTENANCE AGREEMENTS

1. Pamela J. Erickson and David N. Erickson, Co-Trustees of the Pamela J. Erickson Living Trust dated February 28, 2003 (Grantors), own the real property described in Reel 2083, Page 53 (Lots 5-10, Block 7 and Lots 5-10, Block 6 and the portion of the alley vacated thereto, Snyder's Addition to Aurora), Marion County Deed Records. Grantors hereby grant and create permanent easements over, under, and across the foregoing described property. The location and description for the easements is specified in Exhibits A and B, the same being attached hereto and incorporated by reference as if set forth in full at this point. Exhibits #1 A and #1 B describe the public utility easement. Exhibits #2 A and #2 B describe the private ingress/egress and public utility easement. Exhibits #3 A and #3 B describe the landscape easement.
2. *Pamela J. Erickson and David N. Erickson, Co-Grantees*
The purpose of the easements is to provide: public utility service (easement #1), private vehicular and pedestrian ingress/egress and public utility service (easement #2), and landscape screening (easement #3). Easements #1 and #2 are to and for the benefit of Lots 5 and 6, portions of Lots 7 and 8, Lots 9 and 10, Block 7 and the 10ft. portion of the alley vacated thereto, and Lots 5-10, Block 6, and the 10ft. portion of the alley vacated thereto, Snyder's Addition to Aurora. Easement #3 is to and for the benefit of Lots 5-10, Block 6, and the 10ft. portion of the alley vacated thereto, Snyder's Addition to Aurora. The easements are in consideration for subdivision approval by governmental regulatory authority. Grantors are also deemed grantees as required to create the easements.
3. Improvements now or hereafter located within the easements shall be maintained to a standard which complies with governmental regulatory authority (if any) and which accomplishes the purposes specified in paragraph 2 above.

The exercise of easement rights and rights under this agreement shall reasonably accommodate subject property owners.

4. Each attribute of the easements and this agreement benefits, burdens, and encumbers each lot of the subject property. The easements, their attributes, and the terms of this agreement are non-exclusive, reciprocal, and run with the land.
5. The benefits and burdens of the easements and this agreement bind and obligate Grantors and each successor owner of Grantors as they are accrued during the period of ownership by each Grantor/Owner of any parcel of subject property. Acquisition of an ownership interest in any such parcel is the acknowledgement of the foregoing by such Grantor/Owner.
6. Expenses allocated to each parcel of subject property and their respective owners for the preservation and protection of the easements and the maintenance and repair of improvements therein contained are as follows:

	<u>Easements #1 and/or #2</u>	<u>Easement #3</u>
Lot 5 and the northerly 20.02ft. of Lot 6, Block 6 and the 10ft. portion of the alley vacated thereto.	9.5%	25%
The southerly 29.96ft. of Lot 6 and the northerly 40.04ft. of Lot 7, Block 6 and the 10ft. portion of the alley vacated thereto.	9.5%	25%
The southerly 9.94ft. of Lot 7, Lot 8 and the northerly 10.08ft. of Lot 9, Block 6 and the 10ft. portion of the alley vacated thereto.	9.5%	25%
The southerly 39.90ft. of Lot 9 and Lot 10, Block 6 and the 10ft. portion of the alley vacated thereto.	9.5%	25%
Lot 5, Lot 6 and the northerly 21.00ft. of Lot 7, Block 7 and the 10ft. portion of the alley vacated thereto.	28%	0%
The southerly 45.96ft. of Lot 8, Lot 9 and Lot 10, Block 7 and the 10ft. portion of the alley vacated thereto.	34%	0%

7. Improvements and related expenditures and terms of payments referenced in paragraph 6 above shall be determined on an "as needed" basis by a majority of the above percentages for each respective easement. A majority in percentage interest shall also constitute a required quorum to authorize making decisions/expenditures for the foregoing. Absent an emergency situation, no subject lot and its owners shall be obligated for an easement expense unless written notice of the pending decision concerning such is delivered to an owner of such lot not less than 10 days prior to the making of the decision. Any subject lot owner may initiate the expenditure decision making process. Delivery of any notice may be made by actual delivery to one or more owners of any given lot or shall be deemed delivered 3 days after postmark, if such notice is correctly

addressed, posted, and mailed certified mail, return receipt requested, to one or more owners of such lot.

- 8. Each lot owner shall have all legal and equitable remedies under Oregon Law to enforce the terms of the easements and agreement and/or obtain other appropriate redress for a breach thereof. In any civil action arising out of or relating to the easements and agreement the prevailing party (s) shall have judgment against the non-prevailing party (s) as determined reasonable by the court (s) adjudicating such controversy, trial and/or appellate, and in addition to other legally authorized costs and disbursements.

The easements and the terms of this agreement are in force upon its recordation in Marion County, Oregon Records.

Dated: Dec 20, 2004

Pamela Erickson
 PAMELA J. ERICKSON
 CO-TRUSTEE

David N. Erickson
 DAVID N. ERICKSON
 CO-TRUSTEE

STATE OF OREGON)
) ss.
 County of Washington)

This instrument was acknowledged before me by the above named PAMELA J. ERICKSON, this

20 day of Dec, 2004.

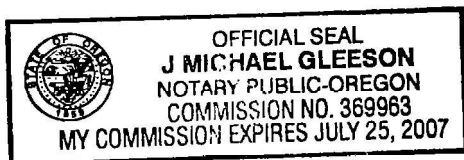


J. Michael Gleeson
 Notary Public - State of Oregon
 My Commission Expires: _____

STATE OF OREGON)
) ss.
 County of Washington)

This instrument was acknowledged before me by the above named DAVID N. ERICKSON, this

17 day of Dec, 2004.



J. Michael Gleeson
 Notary Public - State of Oregon
 My Commission Expires: _____

EXHIBIT 1A

LEGAL DESCRIPTION NORTH 6' PUE

A strip of land, 6.00 feet in width, situated in the SE 1/4 of the NW 1/4 of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, City of Aurora, Marion County, State of Oregon and lying within a portion of Block 7 and the vacated alley between Block 6 and Block 7 of SNYDER'S ADDITION TO AURORA OREGON, said strip of land is more particularly described as follows:

Beginning at a one inch square iron bolt monumenting the southeasterly corner of SNYDER'S ADDITION TO AURORA OREGON; thence North 89°54'52" West, coincident with the South boundary of said Snyder's Addition, 654.02 feet to 5/8 inch iron rod with yellow plastic cap marked "DE HAAS ASSOC. INC." marking the southeasterly corner of Lot 10, Block 6 of said Snyder's Addition per Marion County Survey Record 36010; Thence continuing on said South boundary, North 89°54'52" West 110.04 feet to the centerline of the vacated alley per said survey; Thence North 00°00'00" East, coincident with said centerline, 158.94 feet to the TRUE POINT OF BEGINNING; thence leaving said centerline, North 89°54'52" West 200.78 feet to a point on the easterly right-of-way of U.S. Highway No. 99E., said right-of-way being situated easterly in direction, a perpendicular distance of 40.00 feet from the centerline of said highway; Thence North 11°10'54" East, coincident with said right-of-way, 6.11 feet; thence leaving said right-of-way, South 89°54'52" East 199.60 feet to said alley centerline; thence South 00°00'00" East, coincident with said centerline, 6.00 feet to the TRUE POINT OF BEGINNING and containing 1,200 square feet of land.

TOGETHER WITH:

LEGAL DESCRIPTION SOUTH 6' PUE

A strip of land, 6.00 feet in width, situated in the SE 1/4 of the NW 1/4 of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, City of Aurora, Marion County, State of Oregon and lying within a portion of Block 7, SNYDER'S ADDITION TO AURORA OREGON, said strip of land is more particularly described as follows:

SOUTH 6' PUE

Beginning at a one inch square iron bolt monumenting the southeasterly corner of SNYDER'S ADDITION TO AURORA OREGON; thence North 89°54'52" West, coincident with the South boundary of said Snyder's Addition, 654.02 feet to 5/8 inch iron rod with yellow plastic cap marked "DE HAAS ASSOC. INC." marking the southeasterly corner of Lot 10, Block 6 of said Snyder's Addition per Marion County Survey Record 36010; Thence continuing on said South boundary, North 89°54'52" West 110.04 feet to the centerline of a vacated alley per said survey; Thence North 00°00'00" East, coincident with said centerline, 119.94 feet to the TRUE POINT OF BEGINNING; thence leaving said centerline, North 89°54'52" West 208.49 feet to a point on the easterly right-of way of U.S. Highway No. 99E., said right-of-way being situated easterly in direction, a perpendicular distance of 40.00 feet from the centerline of said highway; Thence North 11°10'54" East, coincident with said right-of-way, 6.11 feet; thence leaving said right-of-way, South 89°54'52" East 207.30 feet to said alley centerline; thence South 00°00'00" East, coincident with said centerline 6.00 feet to the TRUE POINT OF BEGINNING and containing 1,246 square feet of land.

Expires 12/31/05

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Daven E. Coate

OREGON
JULY 12, 2000
DAVEN E. COATE
52735LS

EXHIBIT 2A LEGAL DESCRIPTION

RECIPROCAL INGRESS, EGRESS & PUBLIC UTILITY EASEMENT

A strip of land, variable in width, situated in the SE 1/4 of the NW 1/4 of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, City of Aurora, Marion County, State of Oregon and lying within a portion of Block 7 and the vacated alley between Block 6 and Block 7 of SNYDER'S ADDITION TO AURORA OREGON, said strip of land is more particularly described as follows:

Beginning at a one inch square iron bolt monumenting the southeasterly corner of SNYDER'S ADDITION TO AURORA; thence North $89^{\circ}54'52''$ West, coincident with the South boundary of said Snyders Addition, 654.02 feet to a 5/8 inch iron rod with yellow plastic cap marked "DE HAAS ASSOC. INC." at the southeasterly corner of Lot 10, Block 6 of said Snyder's Addition per Marion County Survey Record 36010; Thence continuing on said South boundary, North $89^{\circ}54'52''$ West 110.04 feet to the centerline of the vacated alley per said survey; Thence North $00^{\circ}00'00''$ East, coincident with said centerline, 113.40 feet to the TRUE POINT OF BEGINNING at a point of curve of a 23.00 foot radius non-tangent curve left, the radius point bears South $63^{\circ}02'15''$ West 23.00 feet; thence northwesterly, 25.27 feet along the arc of said curve (the long chord bears North $58^{\circ}26'18''$ West 24.02 feet) to the point of tangency; thence North $89^{\circ}54'52''$ West 186.84 feet to a point on the easterly right-of way of U.S. Highway No. 99E., said right-of-way being situated easterly in direction, a perpendicular distance of 40.00 feet from the centerline of said highway; Thence North $11^{\circ}10'54''$ East, coincident with said right-of-way, 33.63 feet; thence leaving said right-of-way, South $89^{\circ}54'52''$ East 190.07 feet to the point of curve of a 20.50 foot radius non-tangent curve left, the radius point bears North $28^{\circ}30'24''$ West 20.50 feet; thence northeasterly 22.00 feet along the arc of said curve (the long chord bears North $30^{\circ}44'48''$ East 20.96 feet) to the point of tangency on said alley centerline; thence South $00^{\circ}00'00''$ East, coincident with said centerline, 63.57 feet to the TRUE POINT OF BEGINNING and containing 6,862 square feet (0.16 acres) of land.

Expires 12/31/05

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Daven E. Coate

OREGON
JULY 12, 2000
DAVEN E. COATE
52735LS

EXHIBIT 3A

LEGAL DESCRIPTION NORTH 20' LANDSCAPE EASEMENT

A strip of land, 20.00 feet in width, situated in the SE 1/4 of the NW 1/4 of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, City of Aurora, Marion County, State of Oregon and lying within a portion of Block 7 and the vacated alley between Block 6 and Block 7, SNYDER'S ADDITION TO AURORA OREGON, said strip of land is more particularly described as follows:

Beginning at a one inch square iron bolt monumenting the southeasterly corner of SNYDER'S ADDITION TO AURORA OREGON; thence North 89°54'52" West, coincident with the South boundary of said Snyder's Addition, 654.02 feet to 5/8 inch iron rod with yellow plastic cap marked "DE HAAS ASSOC. INC." marking the southeasterly corner of Lot 10, Block 6 of said Snyder's Addition per Marion County Survey Record 36010; Thence continuing on said South boundary, North 89°54'52" West 110.04 feet to the centerline of the vacated alley per said survey ; thence North 00°00'00" East, coincident with said centerline, 279.90 feet to a point on the North line of Lot 5, Block 6 of said subdivision extended westerly and the TRUE POINT OF BEGINNING, thence North 89°55'09" West, on the westerly projection of the North line of said Lot 5 and the North line of Lot 5, Block 7 of said subdivision, 20.00 feet; thence South 00°00'00" East 120.95 feet; thence South 89°54'52" East 9.28 feet to the point on a 20.50 foot radius non tangent curve from which the radius point bears North 28°30'24" West 20.50 feet; thence northeasterly 22.00 feet along the arc of said curve, (the long chord bears North 30°44'48" East 20.96 feet) to the point of tangency with said alley centerline; thence North 00°00'00" East 102.93 feet to the TRUE POINT OF BEGINNING and containing 2,369 square feet of land.

TOGETHER WITH:

LEGAL DESCRIPTION SOUTH 20' LANDSCAPE EASEMENT

A strip of land, 20.00 feet in width, situated in the SE 1/4 of the NW 1/4 of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, City of Aurora, Marion County, State of Oregon and lying within a portion of Block 7, SNYDER'S ADDITION TO AURORA OREGON, said strip of land is more particularly described as follows:

SOUTH 20' LANDSCAPE EASEMENT

Beginning at a one inch square iron bolt monumenting the southeasterly corner of SNYDER'S ADDITION TO AURORA OREGON; thence North $89^{\circ}54'52''$ West, coincident with the South boundary of said Snyders Addition, 654.02 feet to 5/8 inch iron rod with yellow plastic cap marked "DE HAAS ASSOC. INC." marking the southeasterly corner of Lot 10, Block 6 of said Snyder's Addition per Marion County Survey Record 36010; Thence continuing on said South boundary, North $89^{\circ}54'52''$ West 110.04 feet to the centerline of the vacated alley per said survey and the TRUE POINT OF BEGINNING; Thence North $00^{\circ}00'00''$ East, coincident with said centerline, 113.40 feet to the point of curve of a 23.00 foot radius non tangent curve from which the radius point bears South $63^{\circ}02'15''$ West 23.00 feet; thence northwesterly 24.80 feet along the arc of said curve (the chord bears North $57^{\circ}51'30''$ West 23.62 feet) to a point on the arc of said curve; thence leaving said curve, South $00^{\circ}00'00''$ East 125.94 feet to the southerly boundary line of Block 7 of said Snyders Addition as said southerly line is established by survey recorded in Marion County Surveyors Record 36010; thence South $89^{\circ}54'52''$ West, coincident with said southerly line 20.00 feet TRUE POINT OF BEGINNING and containing 2, 446 square feet of land.

Expires 12/31/05

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Daven E. Coate

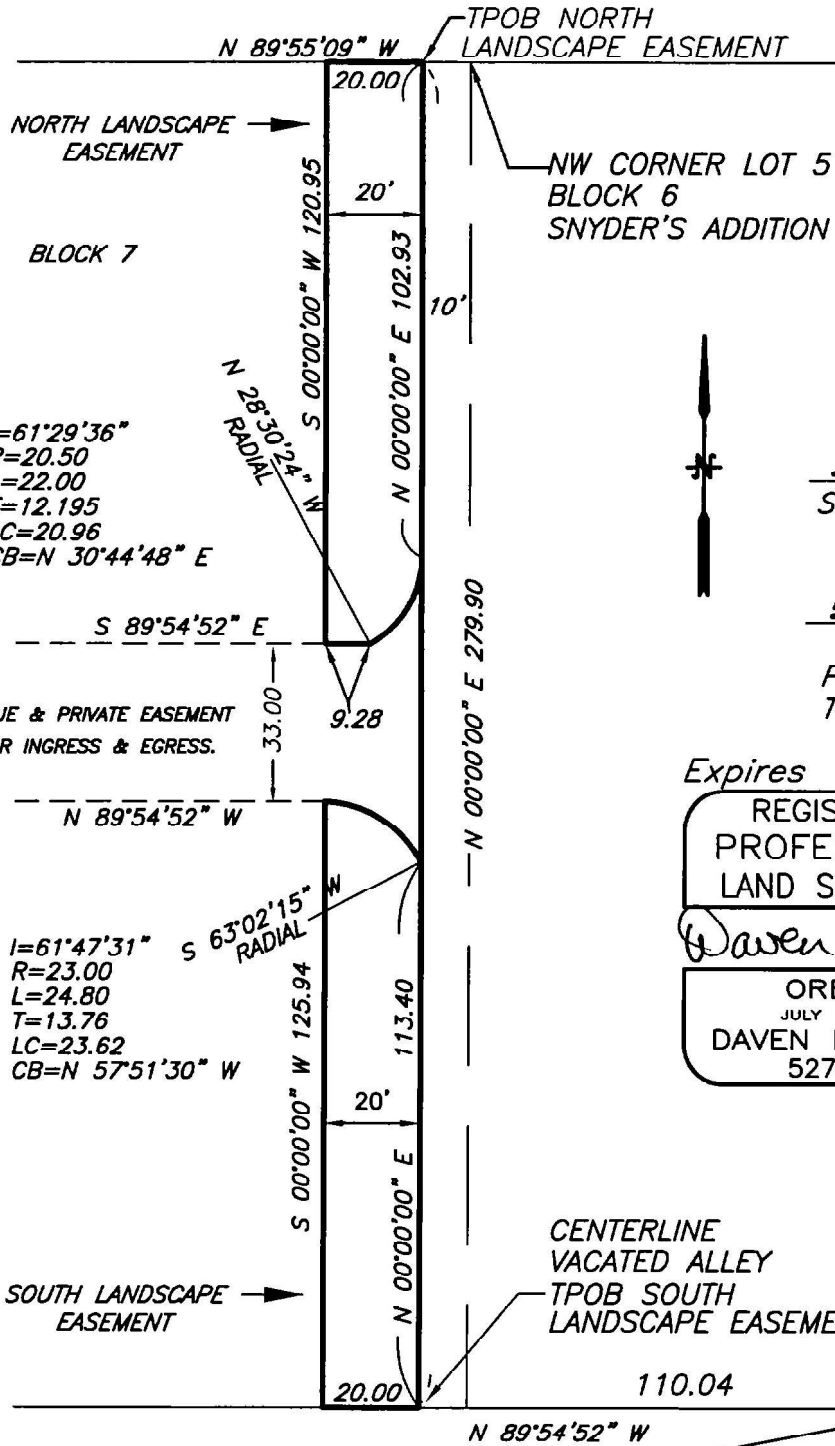
OREGON
JULY 12, 2000
DAVEN E. COATE
52735LS

EXHIBIT #3B

SITUATED IN THE SE 1/4 OF THE NW 1/4 SECTION 13, TOWNSHIP 4 S.,
RANGE 1 W., WILLAMETTE MERIDIAN, MARION COUNTY,
AURORA, OREGON

Prepared by:
**DEHAAS &
ASSOCIATES, INC.**
SUITE 300 - A.G.C. CENTER
9450 S.W. COMMERCE CIRCLE
WILSONVILLE, OREGON 97070
PHONE: (503) 682-2450
FAX: 682-4018

Prepared for:
DAVID N. ERICKSON



PLAN

Scale: 1"=40'

LEGEND

POB POINT OF BEGINNING
TPOB TRUE POINT OF BEGINNING

Expires 12/31/05

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Daven E. Coate

OREGON
JULY 12, 2000
DAVEN E. COATE
52735LS

SOUTHEAST CORNER OF
SNYDER'S ADDITION
BOOK 4, PAGE 4,
BOOK OF TOWN PLATS
1" SQUARE BOLT
(PLAT)

SE CORNER
LOT 10, BLOCK 6
SNYDER'S ADDITION
TO AURORA OREGON

JOB 01.510.751
510_combined Landscape.dwg
10/04/04

REEL:2509

PAGE: 409

July 21, 2005, 08:53 am.

CONTROL #: 145778

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 76.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

Curt Fisher

From: Curt Fisher
Sent: Thursday, March 14, 2024 1:05 PM
To: Curt Fisher
Subject: FW: Aurora Apartments

From: Curt Fisher <cfisher@MWVCOG.ORG>
Sent: Wednesday, March 13, 2024 4:14 PM
To: Lindsey King <lindsey@brandlanduse.com>
Subject: RE: Apartments

Hi Lindsey,

Received and granted.

Best,

Curt Fisher, AICP
Associate Planner

MWVCOG
100 High Street, Suite 200
Salem OR 97302
503-540-1616 | Cfisher@MWVCOG.org
Pronouns: he/him



From: Lindsey King <lindsey@brandlanduse.com>
Sent: Wednesday, March 13, 2024 4:12 PM
To: Curt Fisher <cfisher@MWVCOG.ORG>
Subject: Re: Apartments

Hi Curt,

On behalf of our client, BRAND is requesting a pre-application conference waiver for the second pre-application meeting. The initial meeting was held on October 13, 2022, and the applicant believes that there have been no significant changes in the applicable codes which would be addressed at said meeting. BRAND has also had multiple conversations with City staff and their planners.

Please verify this request was received and granted.

Thank you,

Lindsey King, CFM

BRAND

Senior Planner

Office: (503)370-8704

Cell: (503)509-4275

Place: 1720 Liberty Street SE

Salem, OR 97302

www.brandlanduse.com

Alert! BRAND office will be closed Friday March 22nd. I will have access to my email and cell phone. Please contact me on my cell or by email. Thank you!

From: Curt Fisher <cfisher@MWVCOG.ORG>
Sent: Wednesday, March 13, 2024 4:06 PM
To: Lindsey King <lindsey@brandlanduse.com>
Subject: FW: Apartments

Hi Lindsey,

I received the email below from Tom Griffith. He owns the parcel to the south of TL 2901. Can you send me a written request to waive the second pre-application conference so I can have it in the record? Email is fine.

16.78.040 Application process.

A. *The applicant for a subdivision or site development review shall be required to meet with the Planning Director for a pre-application conference. Such a requirement may be waived by submission of a written request by the applicant.*

Thanks,

Curt Fisher, AICP

Associate Planner

MWVCOG

100 High Street, Suite 200

Salem OR 97302

503-540-1616 | Cfisher@MWVCOG.org

Pronouns: he/him



From: Tom Griffith <tom@icecoelectric.com>

Sent: Wednesday, March 13, 2024 3:40 PM

To: Curt Fisher <cfisher@MWVCOG.ORG>

Cc: Steve Elzinga <steve@shermlaw.com>

Subject: Re: Aurora Planning

Curt,

Has there been another pre-application conference on this development? If so, is it possible to receive the notes?

From the application, Narrative page 8.

Section 16.76.020 – Application Process

D. Another pre-application conference is required if an application is submitted six months after the pre-application conference.

Applicant's Findings: The applicant understands this provision.

Thank you very much,

Tom Griffith

Industrial Commercial Electric Company

Office: 503-981-2383

Direct: 503-902-0296

Fax: 503-981-0053

www.icecoelectric.com

OR CCB 164304 WA EC INDUSCE875PN

Our Mission is Advancement

Safety First • Show You Care • Value the Details

Lead by Example • Communicate Fully

Our mailing address has changed! Please send all correspondence to:

Industrial Commercial Electric Company

21200 OR-99E



March 22, 2024

Via Email: cfisher@MWVCOG.ORG

Curt Fisher
Associate Planner
Mid-Willamette Valley Council of
Governments

Via First Class Mail:

City of Aurora, attention Planning
21420 Main Street NE
Aurora, Oregon 97002

Re: Citi Homes Group Corp. Application Concerns

Dear Curt and Planning Commission:

Our firm represents Tom Griffith, who owns property on private street Peyton Circle, which is next to the Citi Homes Group Corp. application for an 8-unit apartment building. Mr. Griffith has serious concerns with several aspects of the proposed project. This project does not currently comply with code requirements and should not be approved without significant conditions.

1. Only one residence is allowed on the property currently due to private street standards.

Section 16.34.030(C)(1) requires that “Private streets shall serve no more than five dwellings.”

There are already four dwellings served by private street Peyton Circle, yet the apartment developer proposes to add eight more dwellings whose only access is via Peyton Circle. That is not allowed unless at least the portion of private street Peyton Circle that is adjacent to the apartment development is converted to a public street, or if the project instead takes access directly from the public street, Highway 99E.

Mr. Griffith would not be opposed to converting part of Peyton Circle to a public street, but he is opposed to allowing the apartment developer to exceed the standards that Aurora correctly recognizes should apply to private streets. Project modifications are needed.

2. Major drainage issues can only be fixed with significant conditions changing the site plan.

The current proposal fails to meet Aurora’s drainage requirements, as explained in detail below. If this project is approved, it should only be approved with the recommended conditions that the site plan must be revised to (1) eliminate drainage onto the private street or into the private stormwater system where the development has no legal right to dump water and doesn’t contribute to maintenance costs and (2) provide for a private stormwater detention facility on site with enough capacity to handle all stormwater from the development.

A. Aurora’s code standards require all projects to handle associated stormwater.

Section 16.34.090(A) governs storm drainage and allows “City permits only where adequate provisions for stormwater and floodwater runoff have been made.” This requirement is not met, as explained below.

The application also does not meet the first part of Section 16.34.090(A)(4), which requires:

A stormwater analysis, calculations, and report shall be submitted with proposed plans for City review and approval. Stormwater quantity on-site detention facilities shall be required in accordance with Marion County Public Works Standards, unless otherwise approved by the City Engineer.

The application also does not meet the second part of Section 16.34.090(A)(4), which requires:

When required because of an identified downstream deficiency, stormwater quantity on-site detention facilities shall be designed such that the peak runoff rates will not exceed pre-development rates for the specific range of storms where the downstream deficiency is evident.

The application also does not meet Section 16.34.090(A)(6), which requires:

For privately maintained stormwater facilities, a Private Stormwater Facilities Agreement, in a form approved by the City, shall be fully executed by the Owner and submitted to the City prior to the issuance of the City permit. This agreement, recorded with Marion County Oregon Licensing and Recording Division, identifies the operation and maintenance requirements and the party responsible for the long-term operation and maintenance of the private stormwater facilities.

The application also does not meet Section 16.34.090(B), which requires:

[A] storm drainage system shall, and in each case be, large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development.

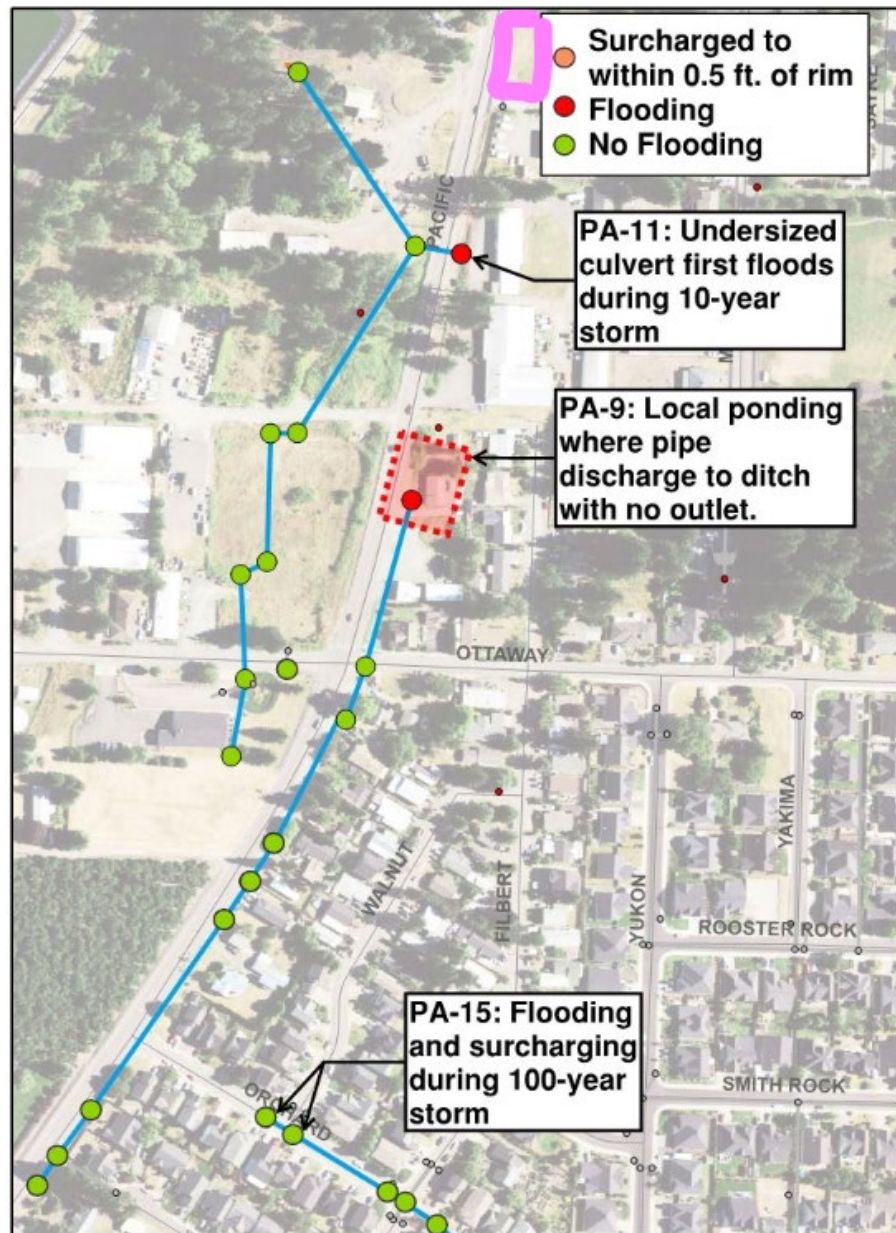
The application also does not meet Section 16.34.090(C), which requires:

Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing storm drainage system, the Planning Director shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development.

B. Aurora's prior analysis identified area drainage issues.

The project is within an area identified by Aurora as "Poorly Drained."¹ Aurora's 2021 Stormwater Master Plan identified inadequate drainage and flooding as a problem in this specific area between Bobs and Ottaway. Only 14 problem areas are identified in Aurora, but two of them are located just south of the development, Problem Area 11 and Problem Area 9, as shown on the excerpted map below, with a pink outline around the project property:²

FIGURE 6-8: PROBLEM AREAS 9 AND 11 LOCATIONS

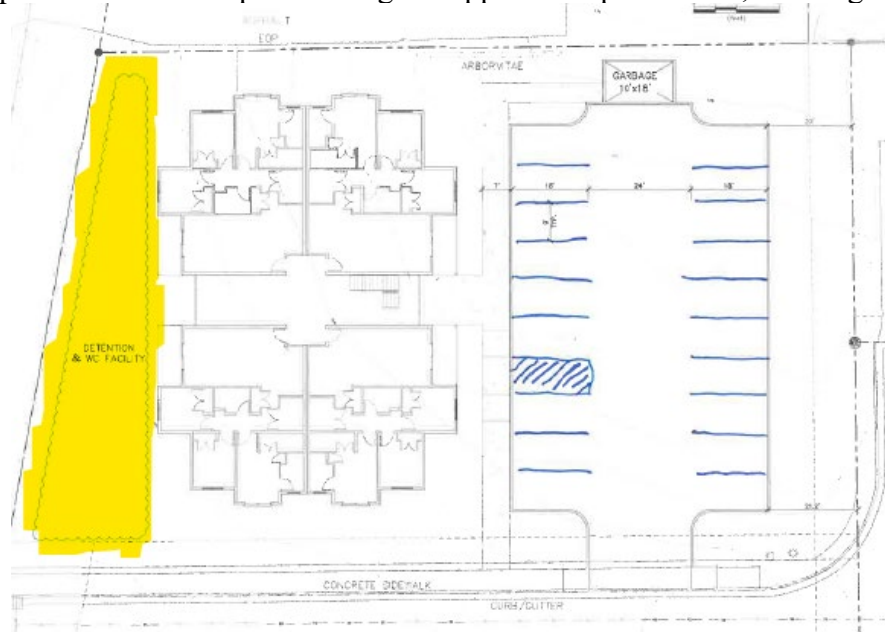


¹ Id. at Figure 3 (page 49 of PDF).

² https://www.ci.aurora.or.us/sites/default/files/fileattachments/public_works/page/842/aurora_swmp_-_final_2021-06-24.pdf (page 22).

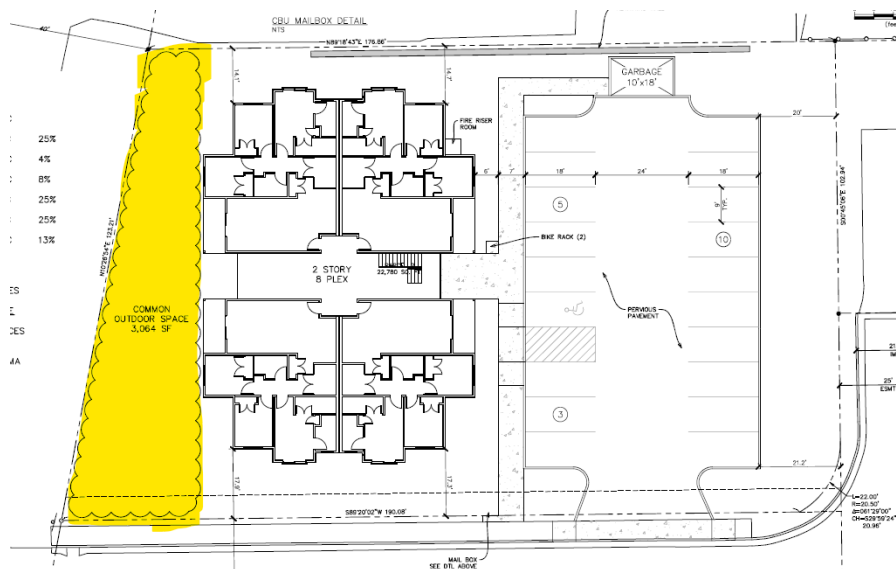
C. The original development plan anticipated significant drainage.

The original development plan recognized that the site would create significant runoff drainage and included a private stormwater detention area out front near Highway 99E to handle this. The proposal appeared similar to the private detention area that serves the existing Peyton Circle developed lots. See excerpt from original application plan below, with highlighting added:

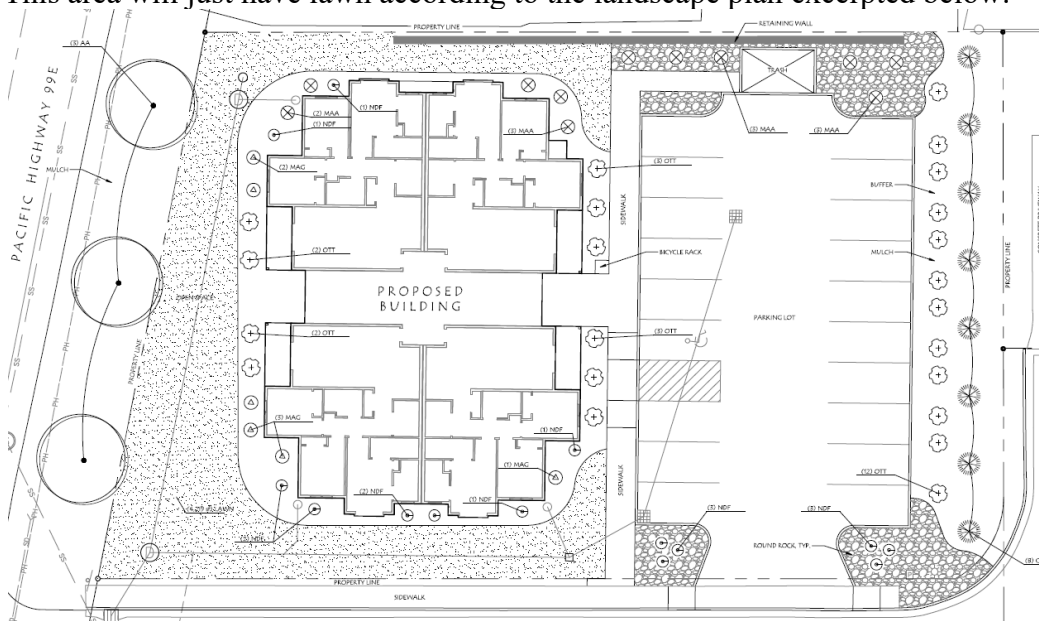


D. The new development plan violates code requirements by failing to process its own stormwater and instead dumping stormwater on neighbors.

The new development plans omit the previously proposed private stormwater detention facility and replace it with a common open space as shown on the new site plan excerpted below:

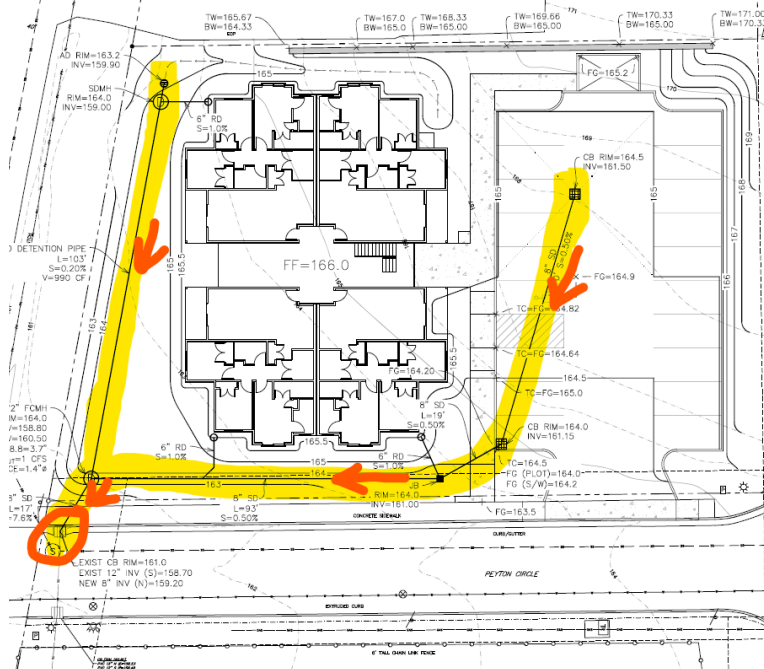


This area will just have lawn according to the landscape plan excerpted below:



The current development notes a sump pump on civil drawing D-3, so the developer must still be anticipating significant drainage—just as with the original application. Unfortunately, the new development plan does not handle that drainage properly since it plans to dump water where it has no legal right to do so.

Below is an excerpt from civil drawing C-1 “Grading & Drainage Plan,” with highlighting and arrows added to emphasize drainage pushing all water from site to the existing private stormwater system:



The above drainage location is on private property, and the development has no right to drain water there, as explained below.

E. The new development plan violates code requirements because it tries to drain stormwater on neighbors without any legal right to do so.

The original easement for private road Peyton Circle (Reel 2509, Page 409; attached as Exhibit 1) included an easement for “public utility service” and an easement for access and “public utility service.” See page 1. The title, introductory paragraph, Exhibit #1B and, Exhibit #2B all reference either “Public Utility Easement” or “PUE.” There are no references to a “private utility easement” or just a more general “utility easement.”

The easement amendment (Reel 4225, Page 247; attached as Exhibit 2) include Recital #3, which mentions the reasons for the amendment as including (bolding added):

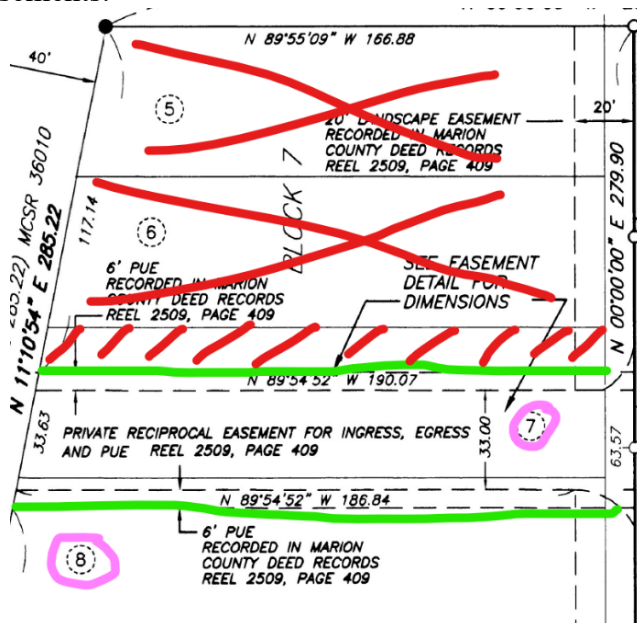
*Third, the Original Easements generate stormwater which is conveyed across several lots to Lot 10, Block 7, Snyders Addition where it is discharged, detained and treated. However, **no easement and maintenance agreement was created for stormwater** and one is necessary and created in this Amendment.*

Further, Amendment paragraph #3 that creates the “Stormwater Easement” says it is for the “Impervious surfaces in the Original Easements [that] generate stormwater . . .” and that

An easement for the conveyance, discharge, treatment and detention of stormwater is hereby granted for the benefit of . . . [the hammerhead easement part of the four Peyton Circle lots] and for the benefit of those portions of Lots 7 and 8, Block 7, Snyders Addition that are within the Original Easements.

Only the 4 Peyton Circle lots contribute to stormwater maintenance costs under paragraph #4.

Notably, the partition plat excerpted below from Marion County (attached as Exhibit 3) shows that the benefited area for the stormwater easement does not include most of the proposed development. We added notes based on how the easement reads, with pink circles around lot numbers 7 and 8, red “x” through lots 5 and 6, and red lines through the part of lot 7 that is outside the Original Easements.



Almost the entire development is outside the area that is allowed to drain water to the private road and private stormwater system. Thus, the development has no right to dump all their stormwater onto the private street nor into the existing private stormwater system.

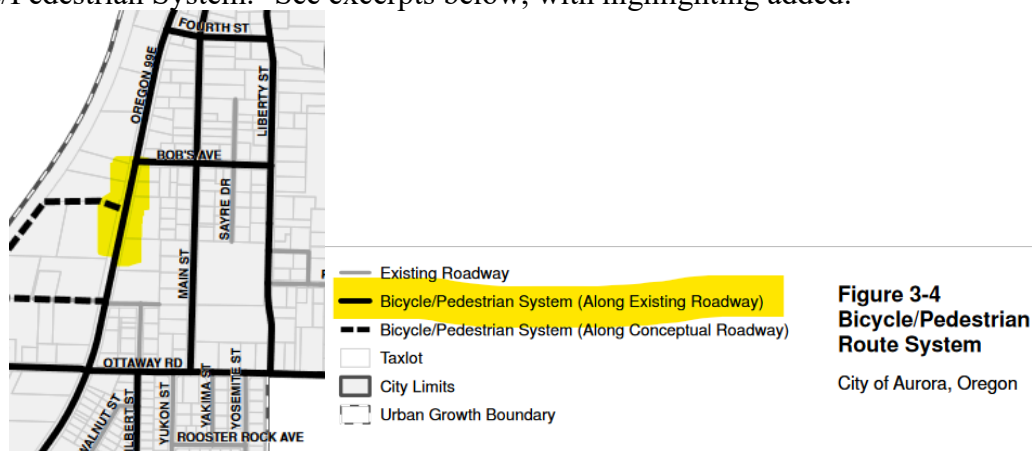
Notably, the private drainage basin currently serving Peyton Circle already gets over $\frac{3}{4}$ full on days where there has been a lot of accumulated rain. Adding significantly more drainage from the development (which appears to be around 12,000+ square feet of new paving and rooftops) may cause flooding on adjacent property and possibly even onto Highway 99. This would worsen what Aurora already recognizes is a problematic drainage area.

If this project is approved, it should only be approved with the above recommended conditions that the site plan must be revised to (1) eliminate drainage onto the private street or into the private stormwater system where the development has no legal right to dump water and doesn't contribute to maintenance costs and (2) provide for a private stormwater detention facility on site with enough capacity to handle all stormwater from the development.

3. Sidewalks are required by city code but not proposed by the developer. Any approval should be conditioned on requiring a sidewalk along Highway 99 for pedestrian safety.

Section 16.34.060(A) requires that “On public streets, sidewalks are required except as exempted by the Aurora transportation system plan and shall be constructed, replaced or repaired in accordance with the City's public works design standards.” Highway 99 is a public street that does not currently have a sidewalk, so this project must provide one. Since the project does not propose a sidewalk along Highway 99, any approval should include a condition that a sidewalk be provided that is consistent with the standards in the Aurora Transportation System Plan of a 6' bike lane, 8' planter, and 6' sidewalk. This will eventually link up to other sidewalks further north into town.

Notably, a sidewalk is not exempted here by the Aurora Transportation System Plan. Instead, the Aurora Transportation System Plan includes this area as part of the planned Bicycle/Pedestrian System.³ See excerpts below, with highlighting added:



³ https://www.ci.aurora.or.us/sites/default/files/fileattachments/public_works/page/149/final_tsp_update_2009.pdf (Figure 3-4; page 43 of PDF).

The Aurora Transportation Plan includes a preferred plan transportation system improvement of “OR 99E: Bob’s Avenue to Ottaway Road” for “Provide bike lanes and sidewalks.”⁴ This was planned for 2021-2030 with a 6’ bike lane, 8’ planter, and 6’ sidewalk.⁵ The sidewalks have not yet been added, so this development must add them to handle the pedestrian traffic from the 8-unit apartment complex.

4. If approved, the apartment development should be conditioned on paying a fair percentage of maintenance for the private street.

Section 16.34.030(C)(1) requires that “the city shall require legal assurances for the continued access and maintenance of private streets, such as a reciprocal access and maintenance agreement recorded with Marion County.”

The proposed project will require heavy machinery and construction vehicles that will use the private road and add significant wear and tear. The proposed driveway and added underground utilities may require saw cutting of the private road. Any patching—no matter how well done—will accelerate maintenance needs for the road. To offset this damage, if the application is approved, the Planning Commission should include a condition that the apartment developer must either entirely resurface the private street before occupancy or must record a legal document agreeing to pay half the costs of the next resurfacing of the private street.

There is no legal assurance of maintenance by the developer since no maintenance can occur under the current agreement without consent of over 50% of legal rights on Peyton Circle. Even if the developer wanted to do maintenance, he does not have over 50% of the legal rights and could not do so unless neighbors agree. This is not sufficient to meet Aurora’s code requirement. If approved, the Planning Commission should include a condition that the developer is responsible for maintenance of the private street.⁶

Overall, this application is not ready for approval unless a number of conditions are added.⁷ We appreciate your careful review and consideration. Thank you.

⁴ https://www.ci.aurora.or.us/sites/default/files/fileattachments/public_works/page/149/final_tsp_update_2009.pdf (Table 4-1; page 50 of PDF).

⁵ https://www.ci.aurora.or.us/sites/default/files/fileattachments/public_works/page/149/final_tsp_update_2009.pdf (Table 4-4; page 54 of PDF; Appendix E-9; page 125 of PDF).

⁶ Alternatively, the current maintenance agreement for Peyton Circle assigns only 28% of maintenance costs to the apartment development property. The combined four single-family homes on Peyton Circle must pay 38% of maintenance, and another commercial property pays 34%. The developer’s proposed developed with an 8-unit apartment has double the number of residences (and would have far more impact) but still pays much less than both the four houses and the commercial property. That is blatantly unfair. If approved, the Planning Commission should include a condition that the developer must enter into a legal agreement to cover at least 44% of maintenance costs to ensure fairness. The commercial property would still pay the same 34%, but the 66% allocated to residential use would be split 5.5% per residence, with the four homes paying 22% combined and the landlord for the eight apartments paying 44%.

⁷ Section 16.76.020(D) says: “Another pre-application conference is required if an application is submitted six months after the pre-application conference.” This requirement was not met.

Mr. Griffith intends to be at the hearing and hopes to have the opportunity to testify and discuss this with you further.

Yours truly,

SHERMAN, SHERMAN, JOHNNIE & HOYT, LLP

s/ Steve Elzinga

Steve Elzinga | Partner
steve@shermlaw.com

After Recording Return to:

Recording Sticker Here

Pamela J. Erickson
David N. Erickson
Co-Trustees of the Pamela J. Erickson
Living Trust dated February 28, 2003
3170 SW Riverfront Terrace
Wilsonville, OR 97070

No change in tax statements

EASEMENTS (#1 PUE, #2 INGRESS/EGRESS and PUE, #3 LANDSCAPE)

and

EASEMENT MAINTENANCE AGREEMENTS

1. Pamela J. Erickson and David N. Erickson, Co-Trustees of the Pamela J. Erickson Living Trust dated February 28, 2003 (Grantors), own the real property described in Reel 2083, Page 53 (Lots 5-10, Block 7 and Lots 5-10, Block 6 and the portion of the alley vacated thereto, Snyder's Addition to Aurora), Marion County Deed Records. Grantors hereby grant and create permanent easements over, under, and across the foregoing described property. The location and description for the easements is specified in Exhibits A and B, the same being attached hereto and incorporated by reference as if set forth in full at this point. Exhibits #1 A and #1 B describe the public utility easement. Exhibits #2 A and #2 B describe the private ingress/egress and public utility easement. Exhibits #3 A and #3 B describe the landscape easement.
2. *Pamela J. Erickson and David N. Erickson, Co-Grantees*
The purpose of the easements is to provide: public utility service (easement #1), private vehicular and pedestrian ingress/egress and public utility service (easement #2), and landscape screening (easement #3). Easements #1 and #2 are to and for the benefit of Lots 5 and 6, portions of Lots 7 and 8, Lots 9 and 10, Block 7 and the 10ft. portion of the alley vacated thereto, and Lots 5-10, Block 6, and the 10ft. portion of the alley vacated thereto, Snyder's Addition to Aurora. Easement #3 is to and for the benefit of Lots 5-10, Block 6, and the 10ft. portion of the alley vacated thereto, Snyder's Addition to Aurora. The easements are in consideration for subdivision approval by governmental regulatory authority. Grantors are also deemed grantees as required to create the easements.
3. Improvements now or hereafter located within the easements shall be maintained to a standard which complies with governmental regulatory authority (if any) and which accomplishes the purposes specified in paragraph 2 above.

The exercise of easement rights and rights under this agreement shall reasonably accommodate subject property owners.

4. Each attribute of the easements and this agreement benefits, burdens, and encumbers each lot of the subject property. The easements, their attributes, and the terms of this agreement are non-exclusive, reciprocal, and run with the land.
5. The benefits and burdens of the easements and this agreement bind and obligate Grantors and each successor owner of Grantors as they are accrued during the period of ownership by each Grantor/Owner of any parcel of subject property. Acquisition of an ownership interest in any such parcel is the acknowledgement of the foregoing by such Grantor/Owner.
6. Expenses allocated to each parcel of subject property and their respective owners for the preservation and protection of the easements and the maintenance and repair of improvements therein contained are as follows:

	<u>Easements #1 and/or #2</u>	<u>Easement #3</u>
Lot 5 and the northerly 20.02ft. of Lot 6, Block 6 and the 10ft. portion of the alley vacated thereto.	9.5%	25%
The southerly 29.96ft. of Lot 6 and the northerly 40.04ft. of Lot 7, Block 6 and the 10ft. portion of the alley vacated thereto.	9.5%	25%
The southerly 9.94ft. of Lot 7, Lot 8 and the northerly 10.08ft. of Lot 9, Block 6 and the 10ft. portion of the alley vacated thereto.	9.5%	25%
The southerly 39.90ft. of Lot 9 and Lot 10, Block 6 and the 10ft. portion of the alley vacated thereto.	9.5%	25%
Lot 5, Lot 6 and the northerly 21.00ft. of Lot 7, Block 7 and the 10ft. portion of the alley vacated thereto.	28%	0%
The southerly 45.96ft. of Lot 8, Lot 9 and Lot 10, Block 7 and the 10ft. portion of the alley vacated thereto.	34%	0%

7. Improvements and related expenditures and terms of payments referenced in paragraph 6 above shall be determined on an "as needed" basis by a majority of the above percentages for each respective easement. A majority in percentage interest shall also constitute a required quorum to authorize making decisions/expenditures for the foregoing. Absent an emergency situation, no subject lot and its owners shall be obligated for an easement expense unless written notice of the pending decision concerning such is delivered to an owner of such lot not less than 10 days prior to the making of the decision. Any subject lot owner may initiate the expenditure decision making process. Delivery of any notice may be made by actual delivery to one or more owners of any given lot or shall be deemed delivered 3 days after postmark, if such notice is correctly

addressed, posted, and mailed certified mail, return receipt requested, to one or more owners of such lot.

- 8. Each lot owner shall have all legal and equitable remedies under Oregon Law to enforce the terms of the easements and agreement and/or obtain other appropriate redress for a breach thereof. In any civil action arising out of or relating to the easements and agreement the prevailing party (s) shall have judgment against the non-prevailing party (s) as determined reasonable by the court (s) adjudicating such controversy, trial and/or appellate, and in addition to other legally authorized costs and disbursements.

The easements and the terms of this agreement are in force upon its recordation in Marion County, Oregon Records.

Dated: Dec 20, 2004

Pamela Erickson
 PAMELA J. ERICKSON
 CO-TRUSTEE

David N. Erickson
 DAVID N. ERICKSON
 CO-TRUSTEE

STATE OF OREGON)
) ss.
 County of Washington

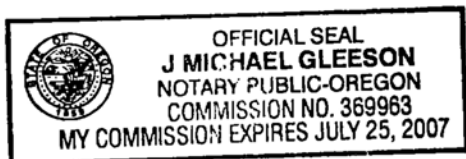
This instrument was acknowledged before me by the above named PAMELA J. ERICKSON, this
20 day of Dec, 2004.



J. Michael Gleeson
 Notary Public - State of Oregon
 My Commission Expires: _____

STATE OF OREGON)
) ss.
 County of Washington

This instrument was acknowledged before me by the above named DAVID N. ERICKSON, this
17 day of Dec, 2004.



J. Michael Gleeson
 Notary Public - State of Oregon
 My Commission Expires: _____

EXHIBIT 1A

LEGAL DESCRIPTION NORTH 6' PUE

A strip of land, 6.00 feet in width, situated in the SE 1/4 of the NW 1/4 of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, City of Aurora, Marion County, State of Oregon and lying within a portion of Block 7 and the vacated alley between Block 6 and Block 7 of SNYDER'S ADDITION TO AURORA OREGON, said strip of land is more particularly described as follows:

Beginning at a one inch square iron bolt monumenting the southeasterly corner of SNYDER'S ADDITION TO AURORA OREGON; thence North 89°54'52" West, coincident with the South boundary of said Snyder's Addition, 654.02 feet to 5/8 inch iron rod with yellow plastic cap marked "DE HAAS ASSOC. INC." marking the southeasterly corner of Lot 10, Block 6 of said Snyder's Addition per Marion County Survey Record 36010; Thence continuing on said South boundary, North 89°54'52" West 110.04 feet to the centerline of the vacated alley per said survey; Thence North 00°00'00" East, coincident with said centerline, 158.94 feet to the TRUE POINT OF BEGINNING; thence leaving said centerline, North 89°54'52" West 200.78 feet to a point on the easterly right-of-way of U.S. Highway No. 99E., said right-of-way being situated easterly in direction, a perpendicular distance of 40.00 feet from the centerline of said highway; Thence North 11°10'54" East, coincident with said right-of-way, 6.11 feet; thence leaving said right-of-way, South 89°54'52" East 199.60 feet to said alley centerline; thence South 00°00'00" East, coincident with said centerline, 6.00 feet to the TRUE POINT OF BEGINNING and containing 1,200 square feet of land.

TOGETHER WITH:

LEGAL DESCRIPTION SOUTH 6' PUE

A strip of land, 6.00 feet in width, situated in the SE 1/4 of the NW 1/4 of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, City of Aurora, Marion County, State of Oregon and lying within a portion of Block 7, SNYDER'S ADDITION TO AURORA OREGON, said strip of land is more particularly described as follows:

SOUTH 6' PUE

Beginning at a one inch square iron bolt monumenting the southeasterly corner of SNYDER'S ADDITION TO AURORA OREGON; thence North 89°54'52" West, coincident with the South boundary of said Snyder's Addition, 654.02 feet to 5/8 inch iron rod with yellow plastic cap marked "DE HAAS ASSOC. INC." marking the southeasterly corner of Lot 10, Block 6 of said Snyder's Addition per Marion County Survey Record 36010; Thence continuing on said South boundary, North 89°54'52" West 110.04 feet to the centerline of a vacated alley per said survey; Thence North 00°00'00" East, coincident with said centerline, 119.94 feet to the TRUE POINT OF BEGINNING; thence leaving said centerline, North 89°54'52" West 208.49 feet to a point on the easterly right-of way of U.S. Highway No. 99E., said right-of-way being situated easterly in direction, a perpendicular distance of 40.00 feet from the centerline of said highway; Thence North 11°10'54" East, coincident with said right-of-way, 6.11 feet; thence leaving said right-of-way, South 89°54'52" East 207.30 feet to said alley centerline; thence South 00°00'00" East, coincident with said centerline 6.00 feet to the TRUE POINT OF BEGINNING and containing 1,246 square feet of land.



EXHIBIT #1B

SITUATED IN THE SE 1/4 OF THE NW 1/4 SECTION 13, TOWNSHIP 4 S.,
RANGE 1 W., WILLAMETTE MERIDIAN, CLACKAMAS COUNTY
AURORA, OREGON

Prepared by:

**DEHAAS &
ASSOCIATES, INC.**

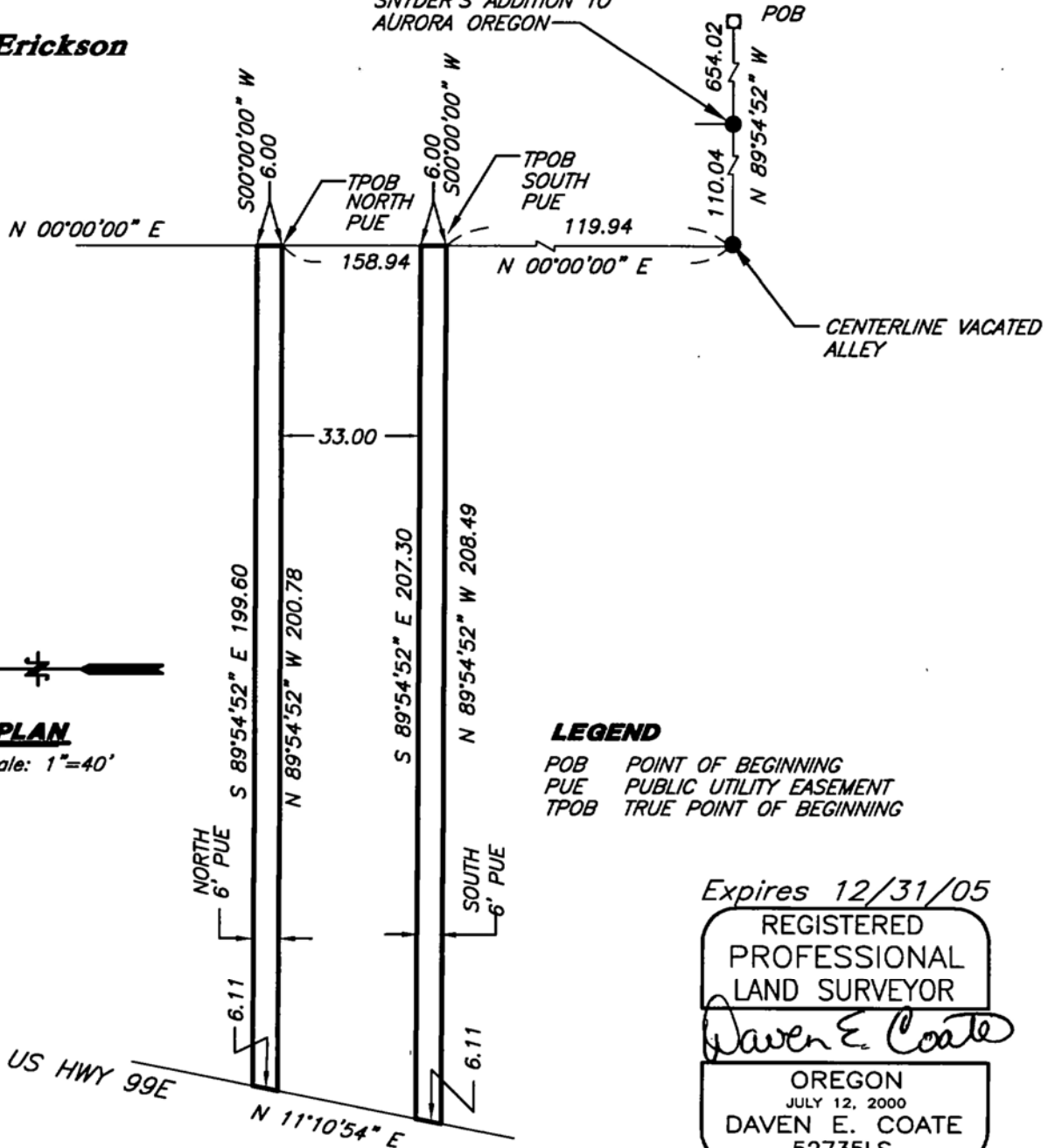
SUITE 300 - A.G.C. CENTER
9450 S.W. COMMERCE CIRCLE
WILSONVILLE, OREGON 97070
PHONE: (503) 682-2450
FAX: 682-4018

Prepared for:

David N. Erickson

1" SQUARE IRON BOLT AT
SOUTHEASTERLY CORNER OF
SNYDER'S ADDITION TO AURORA
OREGON

SE CORNER LOT 10, BLOCK 6
SNYDER'S ADDITION TO
AURORA OREGON



PLAN
Scale: 1"=40'

LEGEND

- POB POINT OF BEGINNING
- PUE PUBLIC UTILITY EASEMENT
- TPOB TRUE POINT OF BEGINNING

Expires 12/31/05

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Daven E. Coate

OREGON
JULY 12, 2000
DAVEN E. COATE
52735LS

JOB 01.510.751
510_Combined 6' PUE.dwg
10/04/04

EXHIBIT 2A LEGAL DESCRIPTION

RECIPROCAL INGRESS, EGRESS & PUBLIC UTILITY EASEMENT

A strip of land, variable in width, situated in the SE 1/4 of the NW 1/4 of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, City of Aurora, Marion County, State of Oregon and lying within a portion of Block 7 and the vacated alley between Block 6 and Block 7 of SNYDER'S ADDITION TO AURORA OREGON, said strip of land is more particularly described as follows:

Beginning at a one inch square iron bolt monumenting the southeasterly corner of SNYDER'S ADDITION TO AURORA; thence North 89°54'52" West, coincident with the South boundary of said Snyders Addition, 654.02 feet to a 5/8 inch iron rod with yellow plastic cap marked "DE HAAS ASSOC. INC." at the southeasterly corner of Lot 10, Block 6 of said Snyder's Addition per Marion County Survey Record 36010; Thence continuing on said South boundary, North 89°54'52" West 110.04 feet to the centerline of the vacated alley per said survey; Thence North 00°00'00" East, coincident with said centerline, 113.40 feet to the TRUE POINT OF BEGINNING at a point of curve of a 23.00 foot radius non-tangent curve left, the radius point bears South 63°02'15" West 23.00 feet; thence northwesterly, 25.27 feet along the arc of said curve (the long chord bears North 58°26'18" West 24.02 feet) to the point of tangency; thence North 89°54'52" West 186.84 feet to a point on the easterly right-of-way of U.S. Highway No. 99E., said right-of-way being situated easterly in direction, a perpendicular distance of 40.00 feet from the centerline of said highway; Thence North 11°10'54" East, coincident with said right-of-way, 33.63 feet; thence leaving said right-of-way, South 89°54'52" East 190.07 feet to the point of curve of a 20.50 foot radius non-tangent curve left, the radius point bears North 28°30'24" West 20.50 feet; thence northeasterly 22.00 feet along the arc of said curve (the long chord bears North 30°44'48" East 20.96 feet) to the point of tangency on said alley centerline; thence South 00°00'00" East, coincident with said centerline, 63.57 feet to the TRUE POINT OF BEGINNING and containing 6,862 square feet (0.16 acres) of land.



EXHIBIT #2B

SITUATED IN THE SE 1/4 OF THE NW 1/4 SECTION 13, TOWNSHIP 4 S.,
RANGE 1 W., WILLAMETTE MERIDIAN, CLACKAMAS COUNTY
AURORA, OREGON

Prepared by:

**DEHAAS &
ASSOCIATES, INC.**

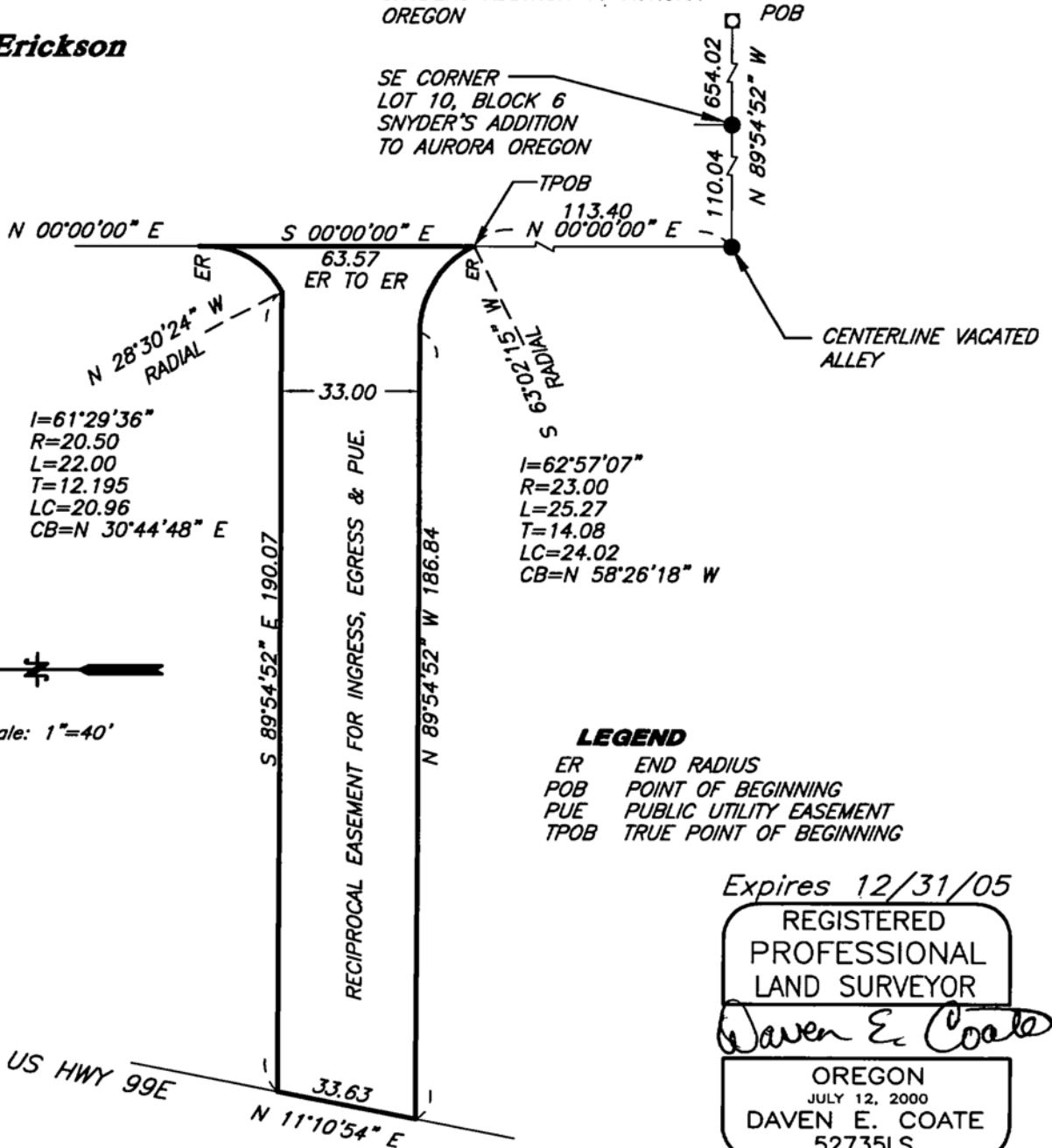
SUITE 300 - A.G.C. CENTER
9450 S.W. COMMERCE CIRCLE
WILSONVILLE, OREGON 97070
PHONE: (503) 682-2450
FAX: 682-4018

Prepared for:

David N. Erickson

1" SQUARE IRON BOLT AT
SOUTHEASTERLY CORNER OF
SNYDERS ADDITION TO AURORA
OREGON

SE CORNER
LOT 10, BLOCK 6
SNYDER'S ADDITION
TO AURORA OREGON



Scale: 1"=40'

LEGEND

- ER END RADIUS
- POB POINT OF BEGINNING
- PUE PUBLIC UTILITY EASEMENT
- TPOB TRUE POINT OF BEGINNING

Expires 12/31/05

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Daven E. Coate

OREGON
JULY 12, 2000
DAVEN E. COATE
52735LS

JOB 01.510.751
510_EXHIBIT_2.dwg
10/04/04

EXHIBIT 3A

LEGAL DESCRIPTION NORTH 20' LANDSCAPE EASEMENT

A strip of land, 20.00 feet in width, situated in the SE 1/4 of the NW 1/4 of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, City of Aurora, Marion County, State of Oregon and lying within a portion of Block 7 and the vacated alley between Block 6 and Block 7, SNYDER'S ADDITION TO AURORA OREGON, said strip of land is more particularly described as follows:

Beginning at a one inch square iron bolt monumenting the southeasterly corner of SNYDER'S ADDITION TO AURORA OREGON; thence North 89°54'52" West, coincident with the South boundary of said Snyder's Addition, 654.02 feet to 5/8 inch iron rod with yellow plastic cap marked "DE HAAS ASSOC. INC." marking the southeasterly corner of Lot 10, Block 6 of said Snyder's Addition per Marion County Survey Record 36010; Thence continuing on said South boundary, North 89°54'52" West 110.04 feet to the centerline of the vacated alley per said survey ; thence North 00°00'00" East, coincident with said centerline, 279.90 feet to a point on the North line of Lot 5, Block 6 of said subdivision extended westerly and the TRUE POINT OF BEGINNING, thence North 89°55'09" West, on the westerly projection of the North line of said Lot 5 and the North line of Lot 5, Block 7 of said subdivision, 20.00 feet; thence South 00°00'00" East 120.95 feet; thence South 89°54'52" East 9.28 feet to the point on a 20.50 foot radius non tangent curve from which the radius point bears North 28°30'24" West 20.50 feet; thence northeasterly 22.00 feet along the arc of said curve, (the long chord bears North 30°44'48" East 20.96 feet) to the point of tangency with said alley centerline; thence North 00°00'00" East 102.93 feet to the TRUE POINT OF BEGINNING and containing 2,369 square feet of land.

TOGETHER WITH:

LEGAL DESCRIPTION SOUTH 20' LANDSCAPE EASEMENT

A strip of land, 20.00 feet in width, situated in the SE 1/4 of the NW 1/4 of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, City of Aurora, Marion County, State of Oregon and lying within a portion of Block 7, SNYDER'S ADDITION TO AURORA OREGON, said strip of land is more particularly described as follows:

SOUTH 20' LANDSCAPE EASEMENT

Beginning at a one inch square iron bolt monumenting the southeasterly corner of SNYDER'S ADDITION TO AURORA OREGON; thence North 89°54'52" West, coincident with the South boundary of said Snyders Addition, 654.02 feet to 5/8 inch iron rod with yellow plastic cap marked "DE HAAS ASSOC. INC." marking the southeasterly corner of Lot 10, Block 6 of said Snyder's Addition per Marion County Survey Record 36010; Thence continuing on said South boundary, North 89°54'52" West 110.04 feet to the centerline of the vacated alley per said survey and the TRUE POINT OF BEGINNING; Thence North 00°00'00" East, coincident with said centerline, 113.40 feet to the point of curve of a 23.00 foot radius non tangent curve from which the radius point bears South 63°02'15" West 23.00 feet; thence northwesterly 24.80 feet along the arc of said curve (the chord bears North 57°51'30" West 23.62 feet) to a point on the arc of said curve; thence leaving said curve, South 00°00'00" East 125.94 feet to the southerly boundary line of Block 7 of said Snyders Addition as said southerly line is established by survey recorded in Marion County Surveyors Record 36010; thence South 89°54'52" West, coincident with said southerly line 20.00 feet TRUE POINT OF BEGINNING and containing 2, 446 square feet of land.

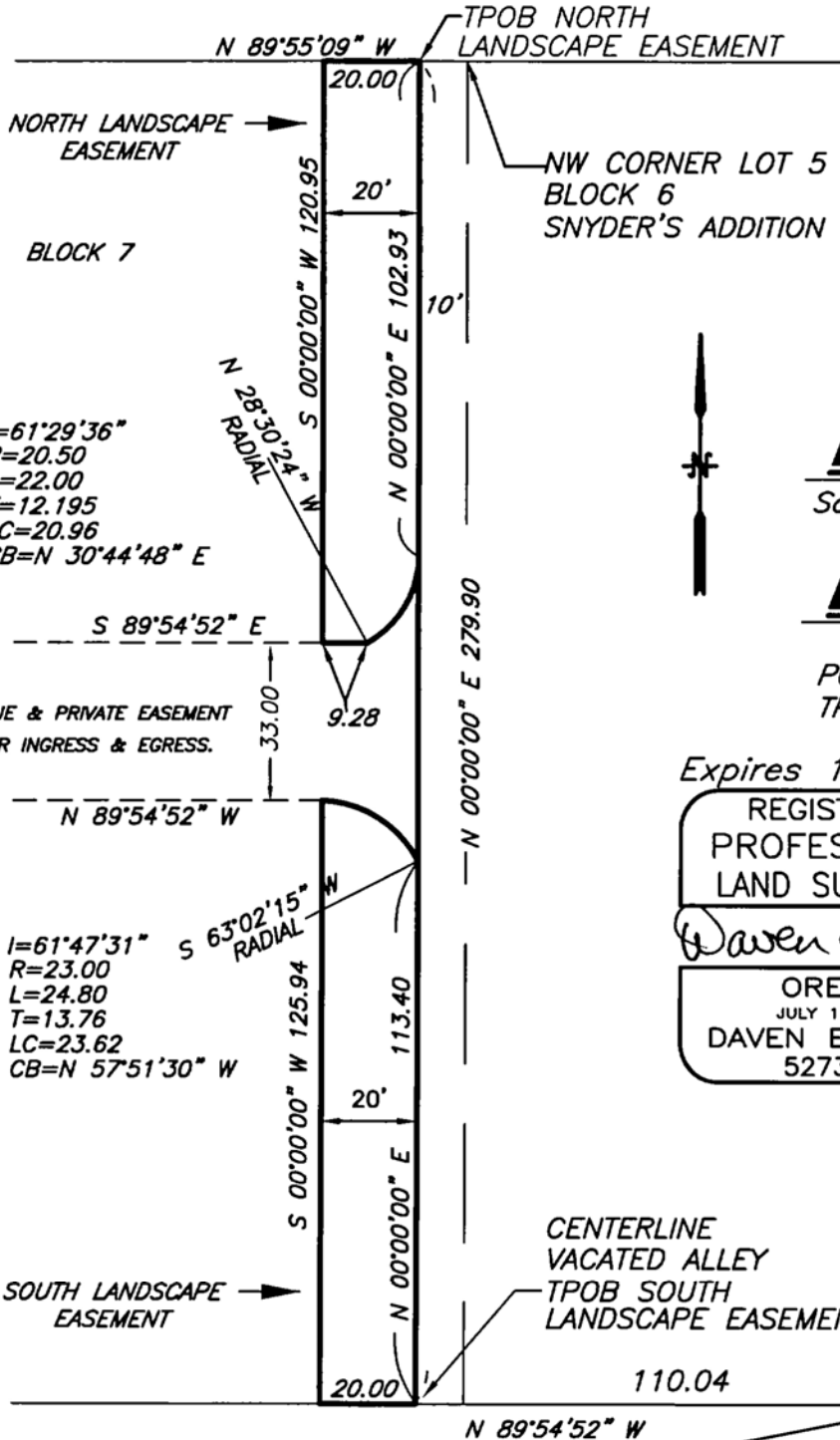


EXHIBIT #3B

SITUATED IN THE SE 1/4 OF THE NW 1/4 SECTION 13, TOWNSHIP 4 S.,
RANGE 1 W., WILLAMETTE MERIDIAN, MARION COUNTY,
AURORA, OREGON

Prepared by:
DEHAAS & ASSOCIATES, INC.
SUITE 300 - A.G.C. CENTER
9450 S.W. COMMERCE CIRCLE
WILSONVILLE, OREGON 97070
PHONE: (503) 682-2450
FAX: 682-4018

Prepared for:
DAVID N. ERICKSON



PLAN

Scale: 1"=40'

LEGEND

POB POINT OF BEGINNING
TPOB TRUE POINT OF BEGINNING

Expires 12/31/05

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Daven E. Coate

OREGON
JULY 12, 2000
DAVEN E. COATE
52735LS

SOUTHEAST CORNER OF
SNYDERS ADDITION
BOOK 4, PAGE 4,
BOOK OF TOWN PLATS
1" SQUARE BOLT
(PLAT)

SE CORNER
LOT 10, BLOCK 6
SNYDER'S ADDITION
TO AURORA OREGON

JOB 01.510.751
510_combined Landscape.dwg
10/04/04

REEL:2509

PAGE: 409

July 21, 2005, 08:53 am.

CONTROL #: 145778

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 76.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

After Recording Return to:

Pamela J. Erickson
David N. Erickson
36296 NE Wilsonville Rd.
Newberg, OR 97132

REEL 4225 PAGE 247
MARION COUNTY
BILL BURGESS, COUNTY CLERK
08-01-2019 11:49 am.
Control Number 562073 \$ 156.00
Instrument 2019 00035285

AMENDMENT TO EASEMENTS AND EASEMENT MAINTENANCE AGREEMENTS

RECITALS

1. This Amendment to Easements and Easement Maintenance Agreements (“Amendment”) is to amend the EASEMENTS (#1 PUE, #2 INGRESS/EGRESS and PUE, and #3 LANDSCAPE) and EASEMENT MAINTENANCE AGREEMENTS (“Original Easements”) dated December 20, 2004 and recorded at Reel 2509 Page 409, Marion County Deed Records.
2. The parties to this Amendment are Pamela J. Erickson, Co-Trustee and David N. Erickson, Co-Trustee of the Pamela J. Erickson Living Trust dated February 28, 2003, as Grantors, and Pamela J. Erickson, Co-Trustee and David N. Erickson, Co-Trustee of the Pamela J. Erickson Living Trust dated February 28, 2003, as Grantees.
3. This Amendment is being made for several reasons. First, Lots 5, 6, 7, 8, 9 and 10 of Block 6, Snyders Addition described in the Original Easements were subsequently replatted in the plat of Peyton Circle, and therefore this Amendment will revise the legal description to reflect the replat. Second, the North Landscape Easement is no longer required because the abutting property (Lots 5, 6 and the north portion of Lot 7, of Block 7, Snyders Addition) is not in commercial use and therefore the easement is being terminated. Third, the Original Easements generate stormwater which is conveyed across several lots to Lot 10, Block 7, Snyders Addition where it is discharged, detained and treated. However, no easement and maintenance agreement was created for stormwater and one is necessary and created in this Amendment. Finally, the subject properties are now being sold to multiple third parties, and Grantors desire to adopt this Amendment prior to the sales for the mutual benefit of all parties.

AMENDMENT

1. Replat of Block 6. The properties described in the Original Easements as “Lots 5-10, Block 6, and the 10ft. portion of the alley vacated thereto” of Snyders Addition to Aurora were replatted in the plat of Peyton Circle, recorded on August 14, 2006 at Book 45 Page 189, Marion County Book of Town Plats. All references to “Lots 5-10, Block 6, and the 10ft. portion of the alley

FIRST AMERICAN 3166860-20

First American Title Accommodation
Recording Assumes No Liability

vacated thereto” in the Original Easements are hereby replaced with “Lots 1, 2, 3 and 4, Peyton Circle, recorded on August 14, 2006 at Book 45 Page 189, Marion County Book of Town Plats.”

2. Termination of North Landscape Easement. The existing North Landscape Easement created by Section 1 of the Original Easements was granted based on the presumed presence of nonresidential use on Lots 5, 6 and the north portion of Lot 7, of Block 7, and the 10ft. portion of the alley vacated thereto. However, nonresidential uses were not developed on those lots, and therefore the North Landscape Easement is not required. See AMC 16.38.040. The North Landscape Easement is hereby terminated. Grantor acknowledges that should nonresidential use be developed on these lots in the future, a new landscape easement may be required.

3. Stormwater Easement. Impervious surfaces in the Original Easements generate stormwater which is conveyed across several lots to Lot 10, Block 7, Snyders Addition where it is discharged, detained and treated. An easement for the conveyance, discharge, treatment and detention of stormwater is hereby granted for the benefit of those portions of Lots 1, 2, 3 and 4 of Peyton Circle encumbered by the 25ft. Private Ingress Easement & PUE (the hammerhead driveway turnaround area) shown on the plat of Peyton Circle, and for the benefit of those portions of Lots 7 and 8, Block 7, Snyders Addition that are within the Original Easements (the “Stormwater Easement”). The legal descriptions for the benefited areas are shown on Exhibit A. The area burdened by the Stormwater Easement are those portions of Lots 7, 8, 9 and 10, Block 7, Snyders Addition legally described in Exhibit B.

4. Stormwater Maintenance Agreement. The stormwater generated by the Original Easements is conveyed to Lot 10, Block 7, Snyders Addition for discharge, treatment and detention, which creates ongoing maintenance requirements that shall be performed by the owner of Lot 10. The owners of Lots 1, 2, 3 and 4 of Peyton Circle shall each pay the owner of Lot 10 an annual stormwater fee of \$130 beginning on January 1, 2020, and shall likewise pay stormwater fees each January 1 at an annual rate that increases 2 percent each year. Failure to pay the stormwater fee will create a lien on the non-paying property. The owners of all lots subject to the Original Easements and this Amendment shall utilize best practices for erosion control at all times on their properties to help maintain the stormwater facilities in good condition, and agree to reimburse the owner of Lot 10 for any extraordinary expenses incurred due to erosion that enters the stormwater system from another lot.

5. Affirmation of Remaining Terms. All other terms of the Original Easements remain unchanged and in full force and effect.

Signatures are on the following page.

Date: 7/31/19

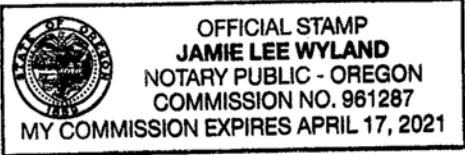
Pamela J. Erickson

Pamela J. Erickson
Co-Trustee of the Pamela J. Erickson
Living Trust dated February 28, 2003

STATE OF OREGON)
) ss.
County of Clackamas)

This instrument was acknowledged before me on this 31st day of July,
2019, by Pamela J. Erickson, Co-Trustee of the Pamela J. Erickson living
trust dated 2/28/2003

[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 4/17/21



Date: 7/31/19

David N. Erickson

David N. Erickson
Co-Trustee of the Pamela J. Erickson
Living Trust dated February 28, 2003

STATE OF OREGON)
) ss.
County of Clackamas)

This instrument was acknowledged before me on this 31st day of July,
2019, by Pamela J. Erickson, David N. Erickson co-trustee of the
Pamela J. Erickson Living Trust dated 2/28/03

[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 4/17/21

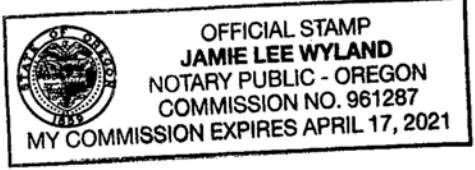


EXHIBIT A – LEGAL DESCRIPTIONS AND DEPICTIONS OF PROPERTY BENEFITED BY
THE STORMWATER EASEMENT

Parcel 1 – 25 FT PRIVATE INGRESS EGRESS EASEMENT (HAMMERHEAD DRIVEWAY
TURNAROUND)

A strip of land, 25.00 feet in width, situated in the SE 1/4 of the NW 1/4 of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, City of Aurora, Marion County, Oregon and lying within the plat of PEYTON CIRCLE, recorded at Volume 45, Page 189, Marion County Book of Town Plats, more particularly described as follows:

Beginning at the Northwest corner of Lot 2, Peyton Circle, thence South 89°55'09" East a distance of 25.00 feet; thence South 0°00'00" West a distance of 140 feet; thence North 89°55'09" West a distance of 25.00 feet; thence North 0°00'00" West a distance of 140 feet to the TRUE POINT OF BEGINNING.

Parcel 2 – NORTH 6 FT PUE

A strip of land, 6.00 feet in width, situated in the SE 1/4 of the NW 1/4 of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, City of Aurora, Marion County, State of Oregon and lying within a portion of Block 7 and the vacated alley between Block 6 and Block 7 of SNYDER'S ADDITION TO AURORA OREGON, said strip of land is more particularly described as follows:

Beginning at a one inch square iron bolt monumenting the southeasterly corner of SNYDER'S ADDITION TO AURORA OREGON; thence North 89°54'52" West, coincident with the South boundary of said Snyder's Addition, 654.02 feet to 5/8 inch iron rod with yellow plastic cap marked "DE HAAS ASSOC. INC." marking the southeasterly corner of Lot 10, Block 6 of said Snyder's Addition per Marion County Survey Record 36010; Thence continuing on said South boundary, North 89°54'52" West 110.04 feet to the centerline of the vacated alley per said survey; Thence North 00°00'00" East, coincident with said centerline, 158.94 feet to the TRUE POINT OF BEGINNING; thence leaving said centerline, North 89°54'52" West 200.78 feet to a point on the easterly right-of-way of U.S. Highway No. 99E., said right-of-way being situated easterly in direction, a perpendicular distance of 40.00 feet from the centerline of said highway; Thence North 11°10'54" East, coincident with said right-of-way, 6.11 feet; thence leaving said right-of-way, South 89°54'52" East 199.60 feet to said alley centerline; thence South 00°00'00" East, coincident with said centerline, 6.00 feet to the TRUE POINT OF BEGINNING and containing 1,200 square feet of land.

PARCEL 3 - SOUTH 6 FT PUE

A strip of land, 6.00 feet in width, situated in the SE 1/4 of the NW 1/4 of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, City of Aurora, Marion County, State of Oregon and lying within a portion of Block 7, SNYDER'S ADDITION TO AURORA OREGON, said strip of land is more particularly described as follows:

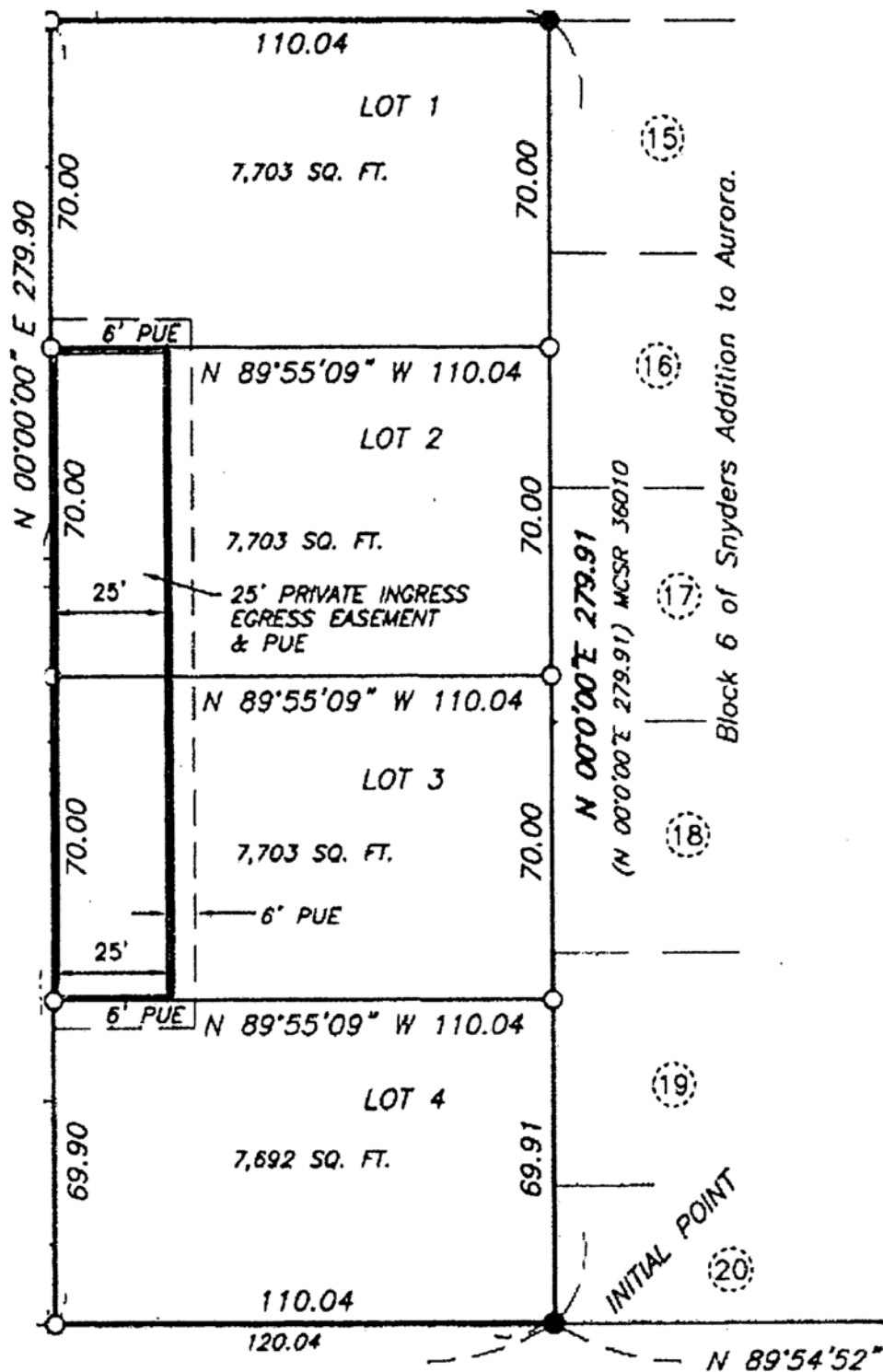
Beginning at a one inch square iron bolt monumenting the southeasterly corner of SNYDER'S ADDITION TO AURORA OREGON; thence North 89°54'52" West, coincident with the South boundary of said Snyder's Addition, 654.02 feet to 5/8 inch iron rod with yellow plastic cap marked "DE HAAS ASSOC. INC." marking the southeasterly corner of Lot 10, Block 6 of said Snyder's Addition per Marion County Survey Record 36010; Thence continuing on said South boundary, North 89°54'52" West 110.04 feet to the centerline of a vacated alley per said survey; Thence North 00°00'00" East, coincident with said centerline, 119.94 feet to the TRUE POINT OF BEGINNING; thence leaving said centerline, North 89°54'52" West 208.49 feet to a point on the easterly right-of-way of U.S. Highway No. 99E., said right-of-way being situated easterly in direction, a perpendicular distance of 40.00 feet from the centerline of said highway; Thence North 11°10'54" East, coincident with said right-of-way, 6.11 feet; thence leaving said right-of-way, South 89°54'52" East 207.30 feet to said alley centerline; thence South 00°00'00" East, coincident with said centerline 6.00 feet to the TRUE POINT OF BEGINNING and containing 1,246 square feet of land.

PARCEL 4 - RECIPROCAL INGRESS, EGRESS & PUBLIC UTILITY EASEMENT

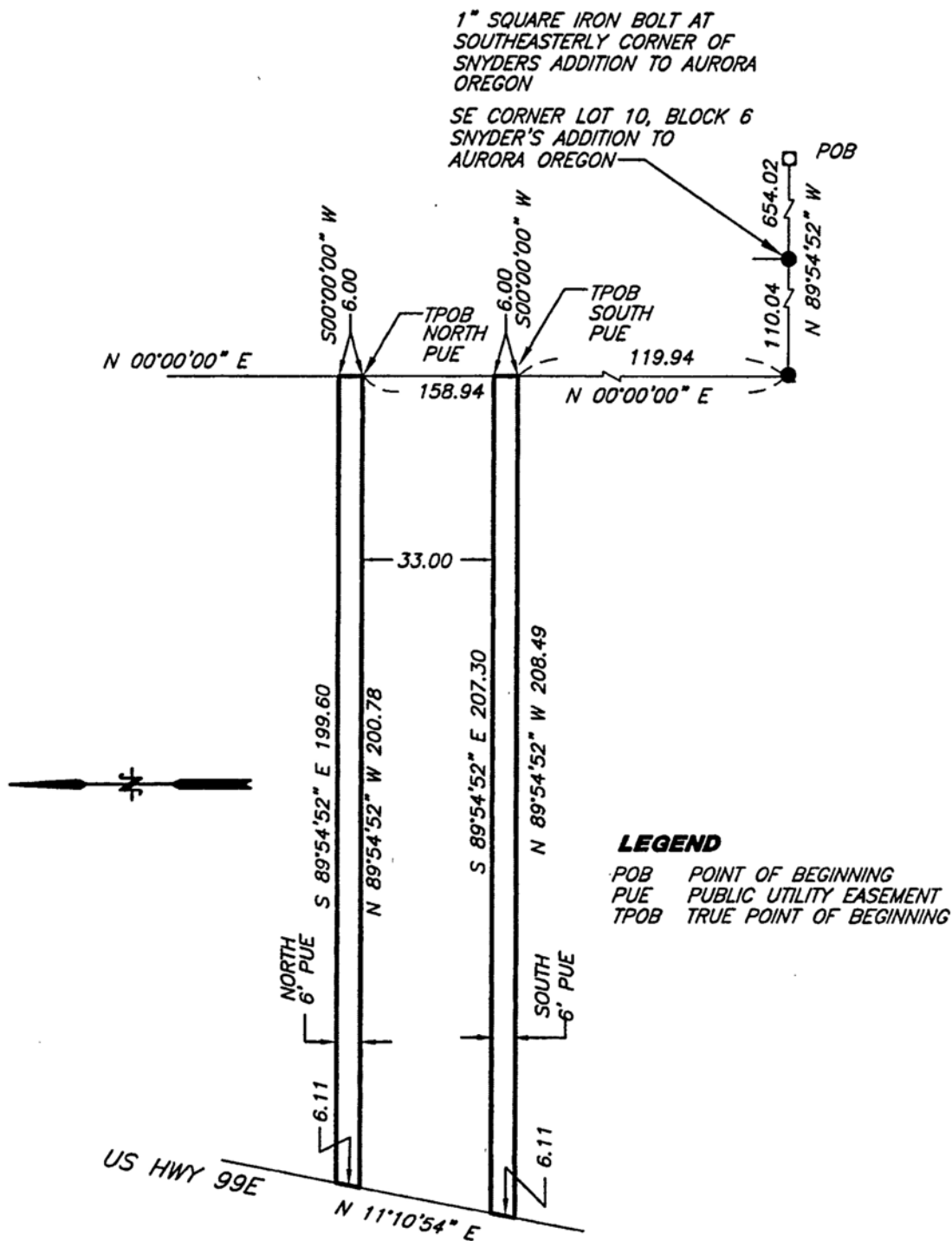
A strip of land, variable in width, situated in the SE 1/4 of the NW 1/4 of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, City of Aurora, Marion County, State of Oregon and lying within a portion of Block 7 and the vacated alley between Block 6 and Block 7 of SNYDER'S ADDITION TO AURORA OREGON, said strip of land is more particularly described as follows:

Beginning at a one inch square iron bolt monumenting the southeasterly corner of SNYDER'S ADDITION TO AURORA; thence North 89°54'52" West, coincident with the South boundary of said Snyders Addition, 654.02 feet to a 5/8 inch iron rod with yellow plastic cap marked "DE HAAS ASSOC. INC." at the southeasterly corner of Lot 10, Block 6 of said Snyder's Addition per Marion County Survey Record 36010; Thence continuing on said South boundary, North 89°54'52" West 110.04 feet to the centerline of the vacated alley per said survey; Thence North 00°00'00" East, coincident with said centerline, 113.40 feet to the TRUE POINT OF BEGINNING at a point of curve of a 23.00 foot radius non-tangent curve left, the radius point bears South 63°02'15" West 23.00 feet; thence northwesterly, 25.27 feet along the arc of said curve (the long chord bears North 58°26'18" West 24.02 feet) to the point of tangency; thence North 89°54'52" West 186.84 feet to a point on the easterly right-of way of U.S. Highway No. 99E., said right-of-way being situated easterly in direction, a perpendicular distance of 40.00 feet from the centerline of said highway; Thence North 11°10'54" East, coincident with said right-of-way, 33.63 feet; thence leaving said right-of-way, South 89°54'52" East 190.07 feet to the point of curve of a 20.50 foot radius non-tangent curve left, the radius point bears North 28°30'24" West 20.50 feet; thence northeasterly 22.00 feet along the arc of said curve (the long chord bears North 30°44'48" East 20.96 feet) to the point of tangency on said alley centerline; thence South 00°00'00" East, coincident with said centerline, 63.57 feet to the TRUE POINT OF BEGINNING and containing 6,862 square feet (0.16 acres) of land.

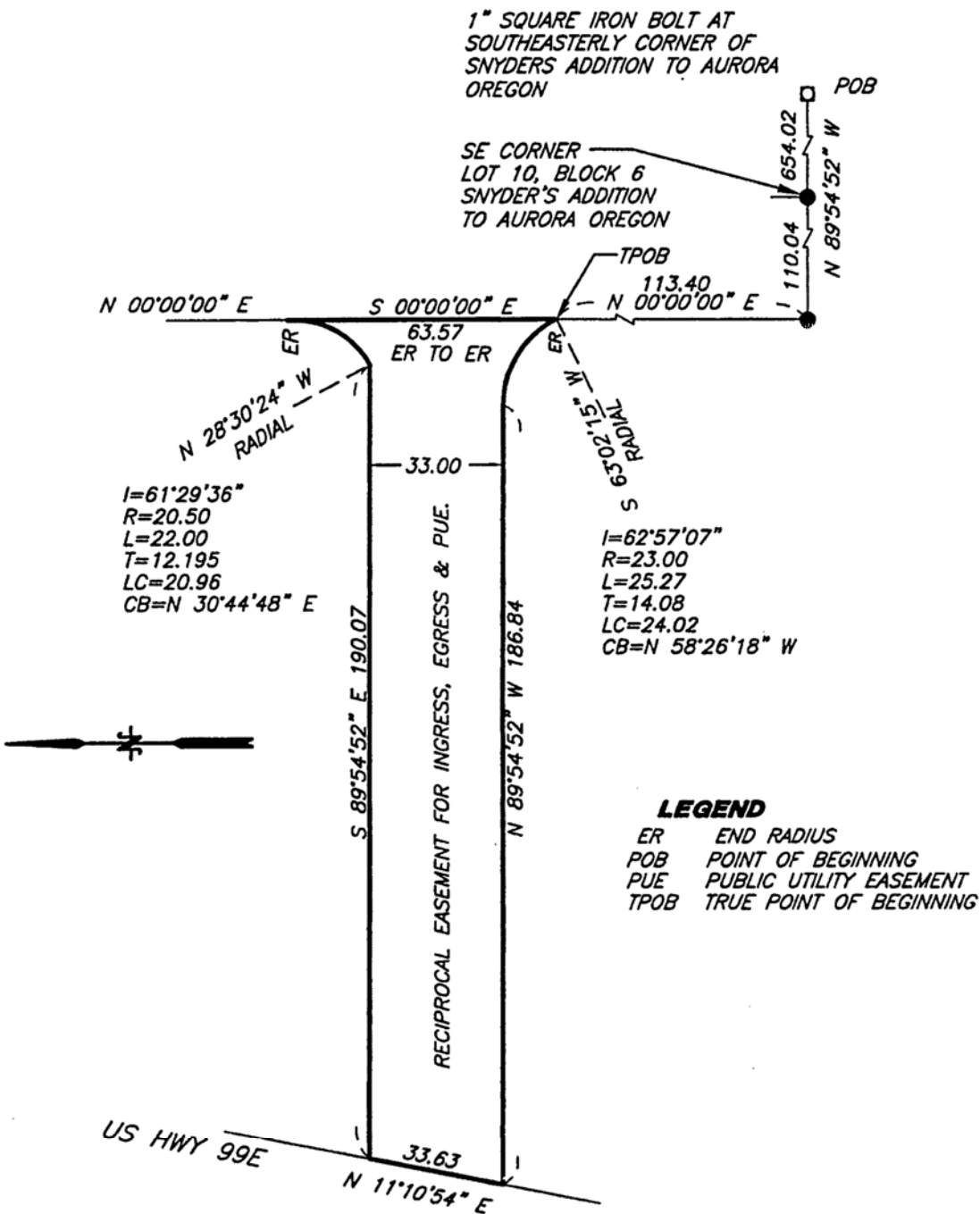
DEPICTION OF PARCEL 1 - 25 FT PRIVATE INGRESS EGRESS EASEMENT
(HAMMERHEAD DRIVEWAY TURNAROUND)



DEPICTION OF PARCEL 2 AND PARCEL 3 - NORTH AND SOUTH PUES



DEPICTION OF PARCEL 4 - RECIPROCAL INGRESS, EGRESS & PUBLIC UTILITY EASEMENT



**EXHIBIT B – LEGAL DESCRIPTIONS AND DEPICTIONS OF PROPERTY
BURDENED BY THE STORMWATER EASEMENT**

PARCEL 1 – STORMWATER FACILITY

A tract of land situated in the SE 1/4 of the NW 1/4 of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, City of Aurora, Marion County, Oregon and lying within Lots 7, 8, 9 and 10, Block 7, plat of SNYDERS ADDITION, recorded on May 17, 1907 as Survey No. S04-004 Marion County Survey Records, more particularly described as follows:

Beginning at the Northwest corner of Parcel 1 of Partition Plat 1994-66; thence North $11^{\circ}10'54''$ East along the east right-of-way boundary of Oregon Highway 99 East a distance of 166.87 feet to the northwest corner of the north 6 foot public utility easement recorded at Reel 2509, Page 409 Marion County Deed Records; thence South $89^{\circ}54'52''$ East along the north line of said public utility easement 20 feet; thence South $11^{\circ}10'54''$ West 136.82 feet; thence South $89^{\circ}54'52''$ East 52.31 feet; thence South $00^{\circ}00'00''$ West 30.03 feet to the north boundary of Parcel 1 of Partition Plat 1994-66 (also being the south line of Lot 10, Block 7, SNYDERS ADDITION); thence North $89^{\circ}54'52''$ West along said north boundary 82.55 feet to the Point of Beginning.

PARCEL 2 – NORTH 6 FT PUE

A strip of land, 6.00 feet in width, situated in the SE 1/4 of the NW 1/4 of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, City of Aurora, Marion County, State of Oregon and lying within a portion of Block 7 and the vacated alley between Block 6 and Block 7 of SNYDER'S ADDITION TO AURORA OREGON, said strip of land is more particularly described as follows:

Beginning at a one inch square iron bolt monumenting the southeasterly corner of SNYDER'S ADDITION TO AURORA OREGON; thence North $89^{\circ}54'52''$ West, coincident with the South boundary of said Snyder's Addition, 654.02 feet to 5/8 inch iron rod with yellow plastic cap marked "DE HAAS ASSOC. INC." marking the southeasterly corner of Lot 10, Block 6 of said Snyder's Addition per Marion County Survey Record 36010; Thence continuing on said South boundary, North $89^{\circ}54'52''$ West 110.04 feet to the centerline of the vacated alley per said survey; Thence North $00^{\circ}00'00''$ East, coincident with said centerline, 158.94 feet to the TRUE POINT OF BEGINNING; thence leaving said centerline, North $89^{\circ}54'52''$ West 200.78 feet to a point on the easterly right-of way of U.S. Highway No. 99E., said right-of-way being situated easterly in direction, a perpendicular distance of 40.00 feet from the centerline of said highway; Thence North $11^{\circ}10'54''$ East, coincident with said right-of-way, 6.11 feet; thence leaving said right-of-way, South $89^{\circ}54'52''$ East 199.60 feet to said alley centerline; thence South $00^{\circ}00'00''$ East, coincident with said centerline, 6.00 feet to the TRUE POINT OF BEGINNING and containing 1,200 square feet of land.

PARCEL 3 - SOUTH 6 FT PUE

A strip of land, 6.00 feet in width, situated in the SE 1/4 of the NW 1/4 of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, City of Aurora, Marion County, State of Oregon and lying within a portion of Block 7, SNYDER'S ADDITION TO AURORA OREGON, said strip of land is more particularly described as follows:

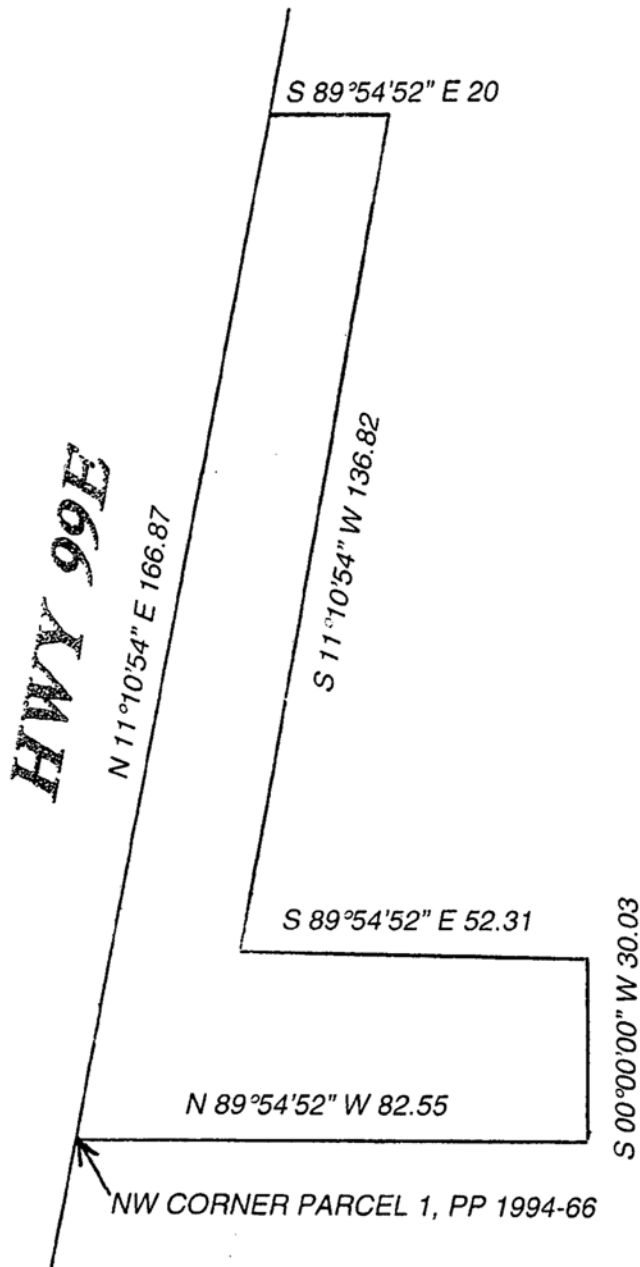
Beginning at a one inch square iron bolt monumenting the southeasterly corner of SNYDER'S ADDITION TO AURORA OREGON; thence North 89°54'52" West, coincident with the South boundary of said Snyder's Addition, 654.02 feet to 5/8 inch iron rod with yellow plastic cap marked "DE HAAS ASSOC. INC." marking the southeasterly corner of Lot 10, Block 6 of said Snyder's Addition per Marion County Survey Record 36010; Thence continuing on said South boundary, North 89°54'52" West 110.04 feet to the centerline of a vacated alley per said survey; Thence North 00°00'00" East, coincident with said centerline, 119.94 feet to the TRUE POINT OF BEGINNING; thence leaving said centerline, North 89°54'52" West 208.49 feet to a point on the easterly right-of-way of U.S. Highway No. 99E., said right-of-way being situated easterly in direction, a perpendicular distance of 40.00 feet from the centerline of said highway; Thence North 11°10'54" East, coincident with said right-of-way, 6.11 feet; thence leaving said right-of-way, South 89°54'52" East 207.30 feet to said alley centerline; thence South 00°00'00" East, coincident with said centerline 6.00 feet to the TRUE POINT OF BEGINNING and containing 1,246 square feet of land.

PARCEL 4 - RECIPROCAL INGRESS, EGRESS & PUBLIC UTILITY EASEMENT

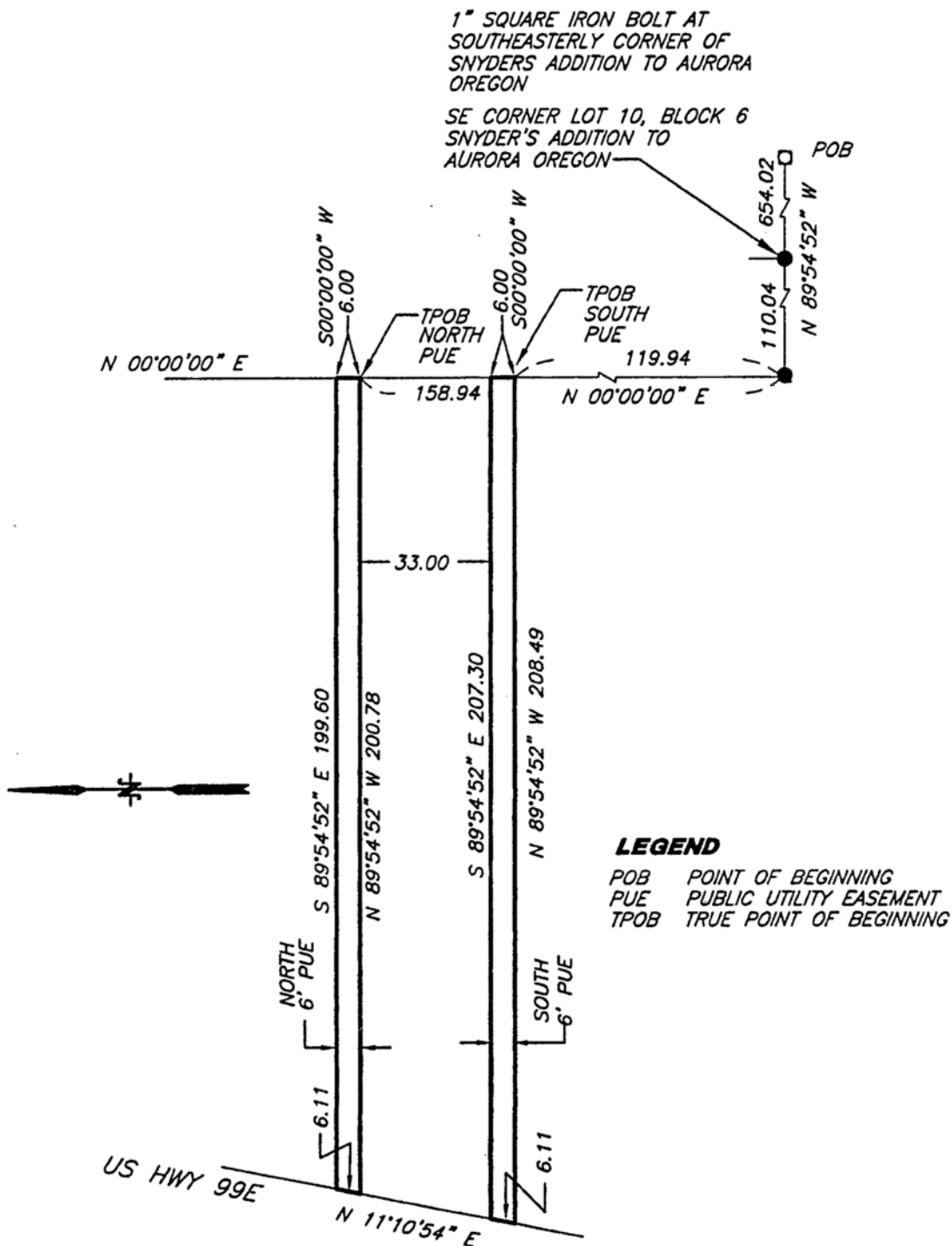
A strip of land, variable in width, situated in the SE 1/4 of the NW 1/4 of Section 13, Township 4 South, Range 1 West of the Willamette Meridian, City of Aurora, Marion County, State of Oregon and lying within a portion of Block 7 and the vacated alley between Block 6 and Block 7 of SNYDER'S ADDITION TO AURORA OREGON, said strip of land is more particularly described as follows:

Beginning at a one inch square iron bolt monumenting the southeasterly corner of SNYDER'S ADDITION TO AURORA; thence North 89°54'52" West, coincident with the South boundary of said Snyders Addition, 654.02 feet to a 5/8 inch iron rod with yellow plastic cap marked "DE HAAS ASSOC. INC." at the southeasterly corner of Lot 10, Block 6 of said Snyder's Addition per Marion County Survey Record 36010; Thence continuing on said South boundary, North 89°54'52" West 110.04 feet to the centerline of the vacated alley per said survey; Thence North 00°00'00" East, coincident with said centerline, 113.40 feet to the TRUE POINT OF BEGINNING at a point of curve of a 23.00 foot radius non-tangent curve left, the radius point bears South 63°02'15" West 23.00 feet; thence northwesterly, 25.27 feet along the arc of said curve (the long chord bears North 58°26'18" West 24.02 feet) to the point of tangency; thence North 89°54'52" West 186.84 feet to a point on the easterly right-of way of U.S. Highway No. 99E., said right-of-way being situated easterly in direction, a perpendicular distance of 40.00 feet from the centerline of said highway; Thence North 11°10'54" East, coincident with said right-of-way, 33.63 feet; thence leaving said right-of-way, South 89°54'52" East 190.07 feet to the point of curve of a 20.50 foot radius non-tangent curve left, the radius point bears North 28°30'24" West 20.50 feet; thence northeasterly 22.00 feet along the arc of said curve (the long chord bears North 30°44'48" East 20.96 feet) to the point of tangency on said alley centerline; thence South 00°00'00" East, coincident with said centerline, 63.57 feet to the TRUE POINT OF BEGINNING and containing 6,862 square feet (0.16 acres) of land.

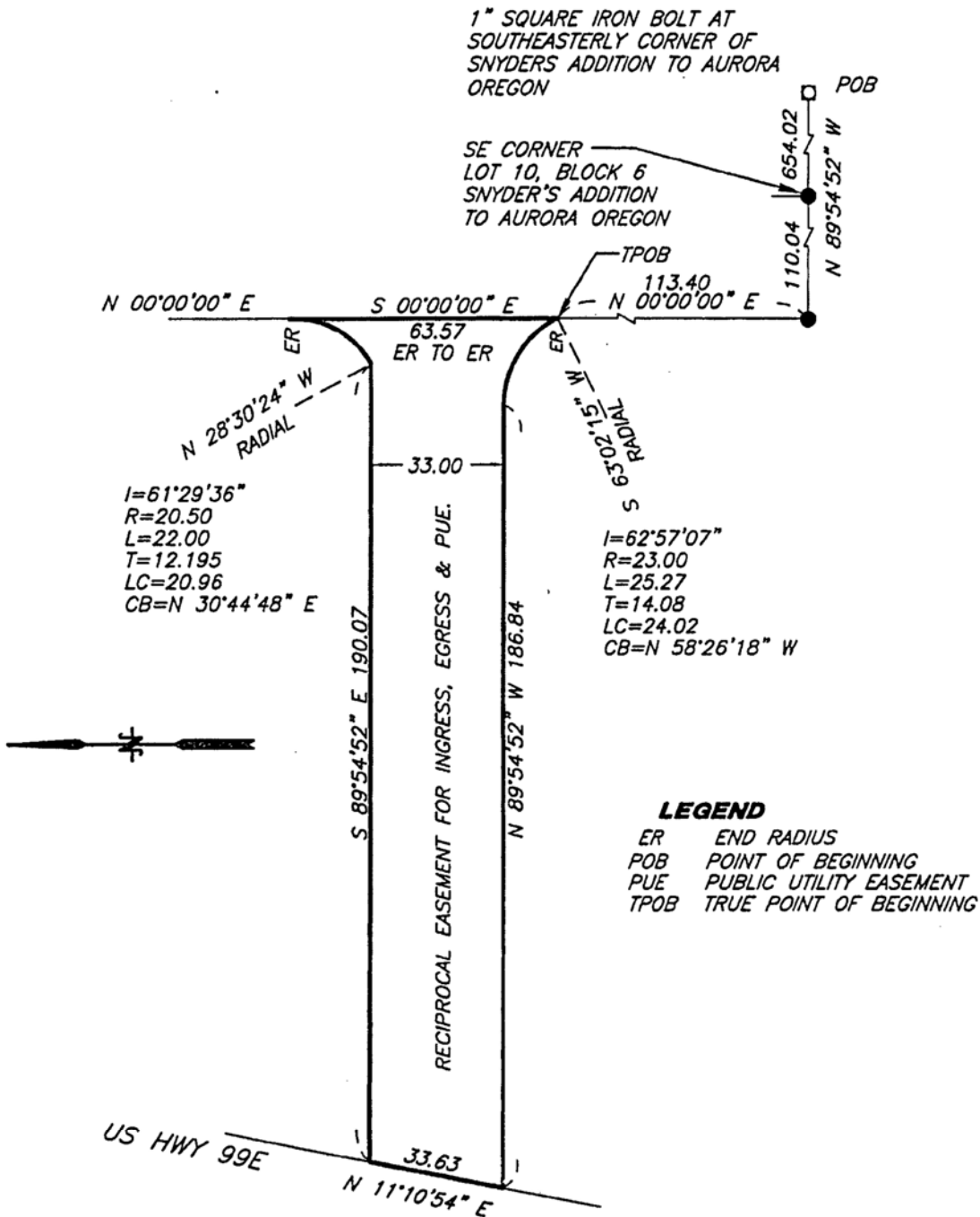
DEPICTION OF PARCEL 1 – STORMWATER FACILITY



DEPICTION OF PARCEL 2 AND PARCEL 3 - NORTH AND SOUTH PUES



DEPICTION OF PARCEL 4 - RECIPROCAL INGRESS, EGRESS & PUBLIC UTILITY EASEMENT



REEL: 4225 PAGE: 247

August 01, 2019, 11:49 am.

CONTROL #: 562073

**State of Oregon
County of Marion**

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 156.00

**BILL BURGESS
COUNTY CLERK**

THIS IS NOT AN INVOICE.

45-189

PEYTON CIRCLE

A REPLAT OF LOTS 5,6,7,8,9 and 10, BLOCK 6
SNYDERS ADDITION TO AURORA

LOCATED IN THE SE 1/4 OF THE NW 1/4 SECTION 13, TOWNSHIP
4 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF AURORA,
MARION COUNTY, OREGON.

JUNE 26, 2003

Expires 12/31/07

REGISTERED
PROFESSIONAL
LAND SURVEYOR
David N. Erickson
OREGON
JULY 12, 2000
DAVID N. ERICKSON
5273585

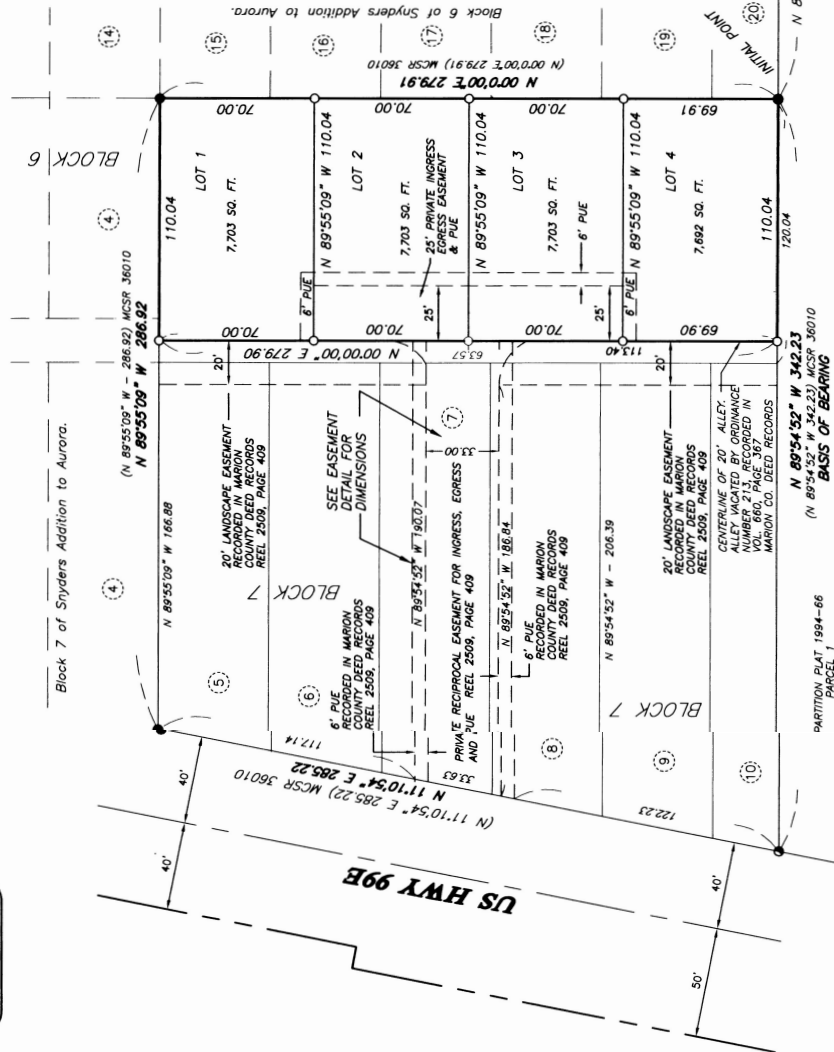
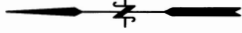
Prepared by:
DEHAAS & ASSOC., INC.
SUITE 300 - A.G.C. CENTER
9450 S.W. COMMERCE CIRCLE
WILSONVILLE, OREGON 97070
PHONE: (503) 682-2450

Prepared for:
DAVID N. ERICKSON
3170 SW RIVERFRONT TERRACE
WILSONVILLE, OREGON 97070

LEGEND

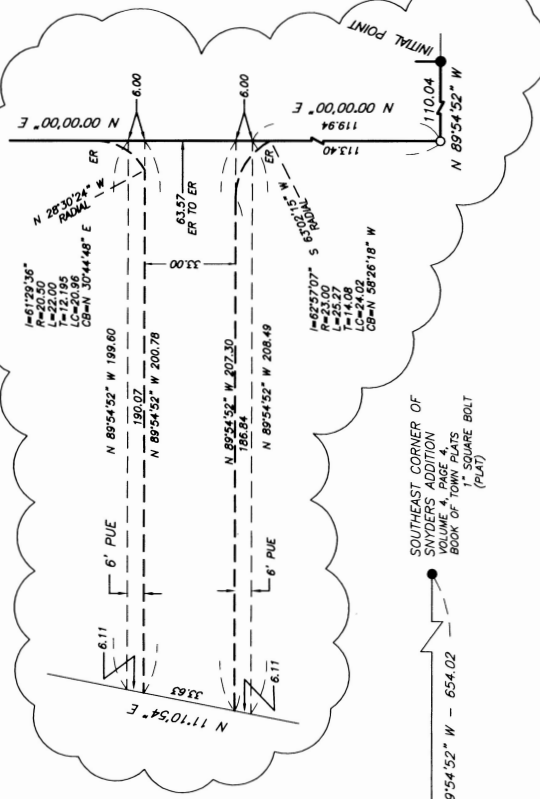
- Set 5/8" x 30" iron rod with a yellow plastic cap marked: DEHAAS & ASSOC. INC. Set on June 6, 2003.
- Found 5/8" x 30" iron rod with a yellow plastic cap marked: DEHAAS & ASSOC. INC. Per MCSR 36010
- Found 5/8" x 30" iron rod 2" above surface Per MCSR 24621
- () Bearings & Distances of record
- ER End Radius
- IP Iron Pipe
- IR Iron Rod
- NTS Not To Scale
- MCSR Marion County Deed Record
- MCSR Marion County Survey Record
- PLAT Plat of Snyders Addition to Aurora Volume 4 Page 4, Book of Town Plats
- YPC Yellow Plastic Cap
- PUE Public Utility Easement
- Ⓛ Lot Number per Plat of Snyders Addition to Aurora

Scale: 1" = 40'



PUE EASEMENT AND PRIVATE ACCESS EASEMENT DETAIL

NTS



JOB 01-510-751
FEB. 25, 2004
510aubr.dwg

SOUTHEAST CORNER OF SNYDERS ADDITION VOLUME 4, PAGE 4, BOOK OF TOWN PLATS (PLAT)

PARITION PLAT 1994-86 (N 89°54'52\"/>

45-189

PEYTON CIRCLE
 A REPLAT OF LOTS 5,6,7,8,9 and 10, BLOCK 6
 SNYDERS ADDITION TO AURORA
 LOCATED IN THE SE 1/4 OF THE NW 1/4 SECTION 13, TOWNSHIP
 4 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF AURORA,
 MARION COUNTY, OREGON.

JUNE 26, 2003

Prepared by:
DEHAAS & ASSOC., INC.
 SUITE 300 - A.G.C. CENTER
 9450 S.W. COMMERCE CIRCLE
 WILSONVILLE, OREGON 97070
 PHONE: (503) 682-2400

Prepared for:
DAVID N. ERICKSON
 3170 SW RIVERFRONT TERRACE
 WILSONVILLE, OREGON 97070

SURVEYORS CERTIFICATE:

~~DAVID N. ERICKSON~~ is a Land Surveyor Registered in the State of Oregon, and so say that I have marked with proper monuments the land described within this certificate and graphically represented on this Subdivision Plat.
 Commencing at a one inch square iron bolt monumenting the southeasterly corner of SNYDERS ADDITION TO AURORA; thence North 89°54'52" West, coincident with the South boundary of said Snyder's Addition, 654.02 feet to 5/8 inch iron rod with yellow plastic cap marked "DEHAAS ASSOC. INC.", marking the INITIAL POINT of this subdivision and monumenting the southeasterly corner of Lot 10, Block 6 of said Snyder's Addition per Marion County Survey Record 36010; thence continuing on said South boundary, North 89°54'52" West 110.04 feet to the centerline of that 20.00 foot alley, vacated by Ordinance Number 312, recorded in Volume 660, Page 367, Marion County Deed Records; thence North 00°00'00" East, coincident with said vacated alley centerline, 279.90 feet to a 5/8 inch iron rod with yellow plastic cap marked "DEHAAS ASSOC. INC." on the westerly extension of the North line of Lot 5, Block 6 of said Snyder's Addition as said North line is established by survey filed in Marion County Surveyors Record 36010; thence South 89°55'09" East along said line, 110.04 feet to a point on the East line of said Lot 5, Block 6 as said East line is established by said Survey Record 36010; thence South 00°00'00" East along said line, 279.91 feet to the INITIAL POINT and containing 30,801 square feet (0.71 acres) of land.

RECORDED EASEMENTS AND AGREEMENTS:

Reciprocal PUE & access easement
 6.00 foot utility easement lying North of and contiguous with PUE & access easement
 6.00 foot utility easement lying South of and contiguous with PUE & access easement
 20.00 foot landscape easement lying North of PUE & access easement
 20.00 foot landscape easement lying South of PUE & access easement
 The above 5 easements are recorded in Marion County Deed Records Reel 2,509, Page 409
 This plat is subject to terms and conditions of an easement and road maintenance agreement recorded in Reel 2,509, Page 409
 Marion County Deed Records.

NOTES:

This plat is subject to City of Aurora Planning case file No. SUB 02-03-2217 and the conditions of approval stated in the Development Agreement recorded in Reel 2,284, Page 203
 Marion County Deed Records.

Expires 12/31/07
 REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 DAVID N. ERICKSON
 OREGON
 DAVEN E. GOATE
 5273515

NARRATIVE:

The purpose of this survey is to create 4 lots by re-plot of Lots 5,6,7,8,9, and 10 of Block 6, Snyder's Addition to Aurora, a Subdivision which Plat is Recorded Volume 4 Page 4, Marion County Book of Town Plats.
 The boundaries of this subdivision are based on the position of three set monuments and one found monument that define the surveyed boundaries depicted on the map of Marion County Survey Record 36010.
 The East Line of this Plat is coincident with the East line of that Portion of Block 6 monumented by Marion County Survey Record 36010.
 The North and South boundaries of this plat are coincident with the easterly 10 feet of the North line and westerly 10 feet of the South line of the West boundary line, is coincident with the prorated position of the centerline of the vacated 20.00 foot alley.
 The bearings of coincident lines depicted in survey number 36010. The hereon private access easement is condition of, but not created by this plat.
 Monuments set June 26, 2003.

DECLARATION

Know all men by these presents that we, David N. Erickson and Pamela J. Erickson, Co-Trustees of the Pamela J. Erickson Living Trust, dated February 28, 2003, being in full knowledge of the contents of the Subdivision Plat, do hereby grant all public utility and 25' private access easements as they are depicted and noted on this plat.
 This subdivision complies with the provisions of Chapter 92 of the Oregon Revised Statutes.

David N. Erickson
 David N. Erickson, Co-Trustee
 DATE 7/11/06
Pamela J. Erickson
 Pamela J. Erickson, Co-Trustee
 DATE 7/11/06

ACKNOWLEDGMENT

STATE OF OREGON }
 COUNTY OF Washington } SS
 THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON July 7, 2006 (DATE)
 BY DAVID N. ERICKSON AND PAMELA J. ERICKSON

Leah S. Ornela
 Leah S. Ornela
 Notary Public
 MY COMMISSION NUMBER 365741
 MY COMMISSION EXPIRES April 4, 2007

APPROVALS:

Bull Case
 CITY OF AURORA, MAYOR
 DATE 7-5-2006
[Signature]
 CITY OF AURORA, ENGINEER
 DATE 6-30-06
[Signature]
 MARION COUNTY SURVEYOR
 DATE 7/13/2006
[Signature]
 MARION COUNTY ASSESSOR
 DATE 8-11-06
 TAXES ON THE HEREON DESCRIBED PROPERTY HAVE BEEN PAID THROUGH June 30, 2007
 DATE 8/11/2006
 DATE 8/11/2006

John Lutzmeier by Sharon Busch
 MARION COUNTY TAX COLLECTOR
David Barber
 CHAIR PERSON OR VICE CHAIR PERSON
 MARION COUNTY COMMISSIONERS

I DO HEREBY CERTIFY THAT THE HEREON SUBDIVISION PLAT WAS RECEIVED FOR RECORDING ON THE 11th DAY OF August, 2006 AT 04:42 P.M. O'CLOCK AND RECORDED IN THE MARION COUNTY BOOK OF TOWN PLATS, VOLUME 45 PAGE 289. IT IS RECORDED IN MARION COUNTY DEED RECORDS IN REEL 2491, AT PAGE 130.

PHIL MILES, CHIEF DEPUTY, MARION COUNTY CLERK
 BY DEPUTY COUNTY CLERK
 DATE 8/14/06

Megan Dilson and Bruce Kingman
21210 Peyton Circle
Aurora, Oregon, 97002
megan.dilson@gmail.com

541-740-4428

3/24/24

City of Aurora 21420 Main Street Aurora, Oregon 97002

Dear City of Aurora Officials,

I am writing to express my strong opposition to the proposed construction of an eight-apartment complex within our private road at Peyton Circle. As a resident of Aurora, I deeply value the unique character and aesthetic of our tiny antiquing town. Introducing such a large-scale development into a neighborhood primarily consisting of single-family dwellings would drastically alter the ambiance and charm that make Aurora special.

The city ordinance, specifically Section 16.34.030(C)(1), clearly stipulates that private streets within our neighborhood should serve no more than five dwellings. Allowing the construction of an eight-apartment complex would not only violate this ordinance but also disrupt the cohesive and intimate atmosphere of our community.

Furthermore, I strongly believe that the proposed lot would be better suited for single-family homes rather than a multi-unit apartment complex. Aurora's appeal lies in its quaint streets lined with historic single-family residences. Introducing a large apartment complex would not only be out of character with the existing neighborhood but also diminish the sense of community that defines Aurora.

Single-family homes would blend seamlessly with the surrounding architecture, preserving the aesthetic integrity of our neighborhood while accommodating responsible growth. Additionally, individual homes would offer residents a sense of ownership and pride in their properties, fostering a stronger community bond and promoting long-term investment in Aurora's future.

Moreover, single-family homes would align more closely with the city's zoning regulations and private street standards, ensuring compliance with the established guidelines and maintaining the quality of life for residents.

In addition to potential harm to local businesses, specifically to tourism to the South End Antique Mall, and the overall character of our town, I urge the city officials to consider the suitability of the proposed lot for single-family homes as a more compatible and harmonious development option.

I respectfully request that the city council reject the proposal for the eight-apartment complex and instead explore alternative solutions that prioritize single-family housing and uphold the values and character of Aurora.

Thank you for considering my concerns. I trust that you will make the decision that best serves the interests of all residents and preserves the unique charm of our beloved town.

Sincerely,

Megan Dilson and Bruce Kingman

Roman Lara Jacome
Maria Gabriela Olivarez
21230 Peyton Cir.
Aurora, Or 97002



Aurora City Hall
21420 Main Street NE
Aurora, Or 97002

To whom this may concern,

It has come to our attention that the city of Aurora is considering the construction of an apartment complex on lot 2901. As residents and owners of home 21230 also known as lot 6300, we would like to bring to the attention of the Aurora City Council that we do not believe that constructing apartments on lot 2901 is not a good location for the development of an apartment complex.

The purpose of Apartments is to house big populations which in this circumstance does not seem necessary for such a small town. Aurora as we know is recognized to have a small population. In fact, in 2021 the population was a small number of 1,144 residents. We believe that constructing apartments will bring more people, more noise, and the risk of a higher crime rate. As a neighborhood we all have security cameras on our property because we all have many valuables. Some of us including ourselves have businesses, and many of our tools and equipment are on our property therefore adding an apartment complex right in front of our home definitely brings concerns.

As Aurora residents, this town is a place to settle down and retire. When we moved into our home, the location was what we took into consideration the most. We were looking for a quiet town that consisted of a small population and minimal noise. With decent space for both our family and pets. We do not want this peace and quiet disrupted by an apartment complex.

In our opinion, the selected location to construct the apartment complex seems very unnecessary and inconvenient for our town and our neighborhood in general. The new 5 story Amazon distribution center in West Woodburn has already initiated the construction of many new apartments and homes. We do not think building an apartment complex in Aurora needs to be constructed when Woodburn, which is a bigger city, has already taken that initiative.

We were recently informed by our next door neighbor that we are apparently supposed to be paying the owner of the electrical business in our neighborhood a wastewater fee because the water goes into the parking lot. With the implementation of apartments, this will not only add the wastewater fee to our bills but will cause other utility bills to rise. Constructing these apartments will inevitably raise our security, protection, and utility bills. We believe there are a lot of things that have not been taken into consideration that will affect our small neighborhood. We understand if homes want to be built but constructing apartments seems unnecessary for our small town and neighborhood.

For the reasons included in this letter we do not support the constructing of an apartment complex on lot 2901. Thank you for your attention and time to our letter. Please do not hesitate to contact us with any further questions.

Sincerely,

Residents of 21230 Peyton Circle
romanl@embuildsconstruction.com