



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/25/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Aurora Plan Amendment
DLCD File Number 001-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, April 05, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Renata Wakeley, City of Aurora
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative
Christine Shirley, DLCD Natural Hazards/Floodplain Specialist

<paa> YA

FORM **2****DLCD****Notice of Adoption**☐ In person ☐ electronic ☐ mailedDATE
STAMP

DEPT OF

MAR 18 2013

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Aurora**Local file number: **CPMA-12-01**Date of Adoption: **2/12/2013**Date Mailed: **3/15/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 5/29/2012☐ Comprehensive Plan Text Amendment☒ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Revise the Flood Hazard Zone (FHZ) overlay, established by the City of Aurora in 2002, to more closely match/mirror the Federal Emergency Management Association (FEMA) 100- year floodplain maps. The applicant argues a larger portion of the subject parcel was erroneously included within the FHZ zone and is asking for the FHZ to be moved further east to more closely match FEMA 100-year maps and elevations. The applicant provided a Letter of Map Amendment from FEMA to support the application.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **FHO**to: **Residential**

Zone Map Changed from:

to:

Location: **Lot 700 of Map 41W13 located at 15233 Ottaway Rd**Acres Involved: **1**Specify Density: Previous: **N/a- unbuildable**New: **5.8 units/acre**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD File No. 001-12 (19358) [17390]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Renata Wakeley**

Phone: **(503) 588-6177** Extension:

Address: **100 High Street SE**

Fax Number: **503-588-6094**

City: **Salem**

Zip: **97215-**

E-mail Address: **renatac@mwvcog.org**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NUMBER 469

AN ORDINANCE PROVIDING FOR AN AMENDMENT TO THE CITY OF AURORA COMPREHENSIVE PLAN OF THAT CERTAIN PROPERTY OWNED BY ANTHONY AND GAYLE FIDANZO, WHICH IS WITHIN THE CITY'S URBAN GROWTH BOUNDARY AND ABUTS THE CORPORATE CITY LIMITS

WHEREAS, the City of Aurora received an application for a Comprehensive Plan Map Amendment (File No. CPMA-12-01) to amend portions of the Comprehensive Plan Flood Hazard (FH) designation based upon updated Federal Emergency Management Agency (FEMA) information; and

WHEREAS, the applicant submitted data supporting revisions to the most current floodplain data based upon a Letter of Map Amendment (LOMA) from FEMA; and

WHEREAS, the LOMA provides a revised 100-year floodplain designation for the subject property;

WHEREAS, the Aurora Planning Commission held a public hearing on the proposed Comprehensive Plan Map Amendment on November 6, 2012, and the City Council held a public hearing on the proposed Comprehensive Plan Map Amendment on December 11, 2012 to consider the application;

WHEREAS, the respective Staff Reports, Final Findings and Order and the public hearing minutes from both meetings, which include the findings supporting these proposals are on file with the City and hereby incorporated by this reference; and

NOW, THEREFORE, THE CITY OF AURORA ORDAINS AS FOLLOWS:

Section 1. The City hereby adopts Exhibit A (LOMA, legal description, and map) attached hereto and incorporated by this reference, as the official boundary amendment for the Comprehensive Plan Map related to the subject property;

Section 2. Adoption of Plan Update. Based on the findings of the staff reports; and the testimony received at the public hearings on November 6, 2012 and December 11, 2012; and

Section 3. The City of Aurora Comprehensive Plan Map and all exhibits attached hereto are incorporated herein and shall be known as the "Aurora Comprehensive Plan Map 2013".

Section 4. Effective Plan. This Ordinance being the final decision on the referenced application and shall be in full force and effect upon the thirtieth day after its passage by the Council and approval by the Mayor.

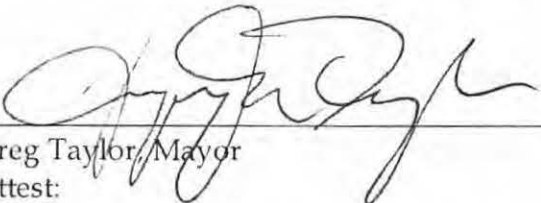
Section 5. The "City of Aurora Comprehensive Update" as amended by copy of this Ordinance shall be filed with the Marion County Surveyor and Assessor.

INTRODUCED by the Aurora City Council for a first reading by title only and for posting on the regularly scheduled January 8, 2013 City Council meeting at Aurora City Council Chambers.

PASSED and adopted by the City Council of the City of Aurora after its second reading by title only on this 12th day of February 2013, by the following votes:

AYES: 4 NAYS: 0

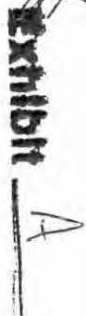
Approved by the Mayor on this 12th day of March, 2013.



Greg Taylor, Mayor
Attest:



Mary Lambert, Acting City Recorder





Federal Emergency Management Agency

Washington, D.C. 20472

October 02, 2012

MIR. JOHNG NEWBERG
NEWBERG SURVEYING, INC.
1205 NORTH EAST EVANS
MC MINNVILLE, OR 97128

CASE NO.: 12-10-1491A
COMMUNITY: MARION COUNTY, OREGON
(UNINCORPORATED AREAS)
COMMUNITY NO: 410151

DEAR MR. NEWBERG,

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

Additional documents are enclosed which provide information regarding the subject property and LOMAs. Please see the List of Enclosures below to determine which documents are enclosed. Other attachments specific to this request may be included as referenced in the Determination/Comment document. If you have any questions about this letter or any of the enclosures, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA-MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 817 South Pickett Street, Alexandria, VA 22304-4605.

Sincerely,

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

LIST OF ENCLOSURES:

LOMA DETERMINATION DOCUMENT (REMOVAL)

cc: State/Commonwealth NFIP Coordinator
Community Map Repository
Region

Exhibit 31



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	MARION COUNTY, OREGON (Unincorporated Areas)	Tract 2, as described in the Warranty Deed, recorded as Control No 112786, in Reel 2310, Page 160, in the Office of the County Clerk, Marion County, Oregon. The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO : 410154	
AFFECTED MAP PANEL	NUMBER: 41047C0175G DATE: 1/19/2000	
FLOODING SOURCE: PUDDING RIVER		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 45.224, -122.749 SOURCE OF LAT & LONG: ARCGIS 10 DATUM: NAD 83

DETERMINATION

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

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

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

LEGAL PROPERTY DESCRIPTION
PORTIONS REMAIN IN THE FLOODWAY

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

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 362-6277 (877 FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 1847 South Pickett Street, Alexandria, VA 22304-4605.

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

Exhibit B2



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

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

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

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

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877 FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 847 South Piccoll Street, Alexandria, VA 22304-4605.

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

Exhibit B3



Federal Emergency Management Agency

Washington, D.C. 20472

ADDITIONAL INFORMATION REGARDING LETTERS OF MAP AMENDMENT

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

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

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

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

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

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

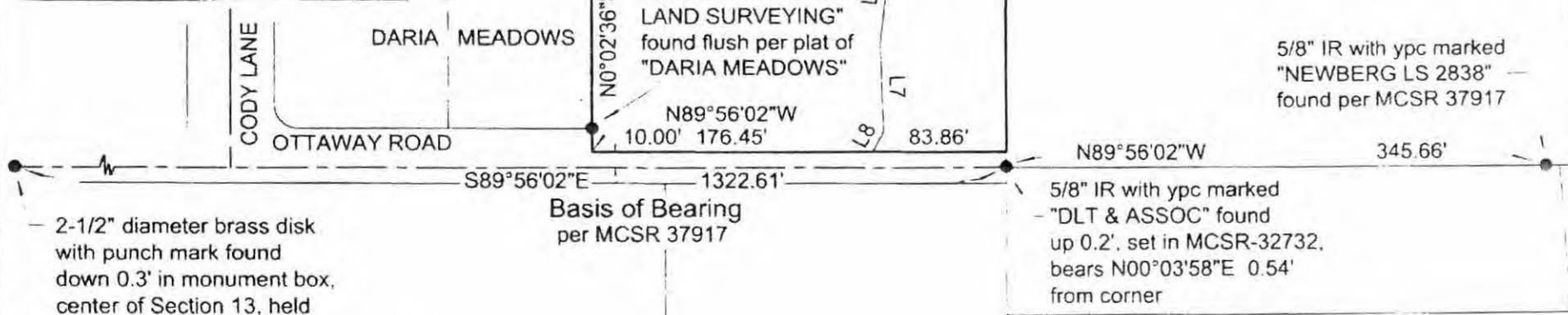
LOMAENC-1

Exhibit B4

WORKSHEET FOR:
Anthony and Gayle Fidanzo

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

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



Legend

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

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John G. Newberg

OREGON
June 30, 1997
JOHN G. NEWBERG
2838

Renewable 12-31-2012

Newberg Surveying, Inc.

1205 NE Evans
McMinnville, OR 97128

(503)-474-4742 (971)-237-1956 Cell
(503)-474-3752 Fax newberg@viclink.com

Newberg



Surveying

Scale: 1" = 100'

EXHIBIT B5



MID - WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS

100 High Street S.E. *Ste 200*
Salem, OR 97301-~~3667~~



DEPT OF

MAR 18 2013

LAND CONSERVATION
AND DEVELOPMENT

FIRST CLASS

Attn: Plan Amendment Specialist
DLCD
635 Capitol St NE, Ste 150
Salem OR 97301-2540