

Agenda
Aurora Planning Commission Meeting
 Tuesday, November 7, 2023 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/84885564175?pwd=eitXa3FCdUIQTEJYU0FZVzhxUW5uZz09>

Meeting ID: 848 8556 4175

Passcode: 077300

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 – October 3, 2023

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

- a) State Aviation Board Meeting October 5, 2023 – Agenda, Wilsonville Commentary
- b) Overflight Database - Additional Information
- c) Aurora Master Plan Project Survey #1 Summary
- d) ODOT Open House re I-5 Boone Bridge and Bike-Pedestrian Facility Replacement Project in Wilsonville – Thursday, November 16
- e) Proposed Metro Metropolitan Planning Area (MPA) Boundary Extension

6. HEARING-NA

7. OLD BUSINESS

- a) Airport Land Use Update – Aurora Airport Master Plan Chart
- b) Economic Opportunities Analysis (Flow Chart)
 - a. Technical Advisory Committee
 - b. Visioning Process
- c) Code Amendments for Review – Blackline Format by City Planner

8. ADJOURN

Minutes
Aurora Planning Commission Meeting
 Tuesday, October 3, 2023 at 7 P.M.
 City Council Chambers, Aurora City Hall
 21420 Main Street NE, Aurora, OR 97002

STAFF PRESENT: Stuart A. Rodgers, City Recorder

STAFF ABSENT: NA

VISITORS PRESENT: NA

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-Present

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 – September 5, 2023

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

4. VISITORS-NA

5. CORRESPONDENCE

a) Overflight Email

Chair Joseph Schaefer provided an overview of overflights and asked to get a feel about Commissioner's thoughts on the city supporting research of overflights outside of the Aurora State Airport's designated flight path. It was noted that even if the airport were brought into the city, the city would not be responsible for flight operations. The Commission had mixed views of whether the city financially support data gathering, leaning toward no support or ambivalence for a study. Schaefer will reach out to Peter Shikli on selection of a date for the referenced overflight presentation and circulate it.

6. NEW BUSINESS

a) Code Amendments for Review

Commissioner McNamara understands the intended code amendment for recreational vehicles was to keep the first section A (should not be lined out) of Aurora Municipal Code 10.08.040 and change A back to original B. All other noted changes are good.

The proposal under the Conditions of Approval code amendment is to increase the hours of operation for the marijuana business to 10pm.

One change that did not make it into the packet regards LUBA appeals. This year the legislature changed the rules on withdrawal for reconsideration, and the city does not have a rule to implement it in a comprehensive plan amendment, for example. If an appeal is successful on one point but not on other points, the other sections not successful in appeal can go ahead for implementation. A severability clause is common in contracts and enables the balance of a contract to continue forward even if a section of that contract has been ruled illegal. Basically, if there is one mistake the whole ship does not sink.

The other change relates to a needed housing statute ORS 197.307 (4), say if you have an application for housing, it can only with some exemptions be subject to clear and objective standards. Historic Districts would be one of the exemptions. Otherwise, you can only apply those clear and objective standards. If a city denies applicant but the applicant wins at LUBA, the applicant can recover its attorney fees from the city. Schaefer's view is to adopt code consistent with the new statutes and LUBA's implementing rules. Now the city can withdraw its application for reconsideration from LUBA just before its brief is due, really late in the game.

Commissioner Jonathan Gibson noted that the responsibility for sidewalk maintenance is not spelled out in the code, that only up to each side of a house is the property owner responsible, leaving out the section of sidewalk between houses.

An additional code change to preclude parking in front of US Post Office boxes has been updated according to previous Commission conversation.

Commissioner Stewart is still working on the stormwater code amendment.

The City Recorder provided some background on the issue of "continuous" noise relating to a complaint of a dog barking in town. The conclusion based on research was the noise of a dog barking does not constitute a continuous noise as machinery is continuous. Also, the required training referencing Oregon Department of Environmental Quality as a competent body does not exist and should be removed from code.

Chair Schaefer noted that the overlay zone basically provides that no one can build higher than the horizontal surface or pink plane (133' above the runway) as shown on page 7 of the packet or first attached page (entitled "Airside Elements") to the Shikli email. But given its complexity, Schaefer suggests rewriting Aurora's overlay zone code so that it is more easily understood and will reach out to the City's contract planner for assistance in conveying this need for simplification ODAV.

7. HEARING-NA

8. OLD BUSINESS

a) Airport Land Use Update

Chair Schaefer noted there is an issue of importation of 25,000 yards of fill (equates to 2,000 dump trucks full of fill) at the church camp site.

For a PAAM report, Commissioner Jonathan Gibson noted the head of the ODAV for Aurora, Tony Beach, in attendance at the last PAAM meeting said the last Vehicle Pedestrian Deviation (VPD) was reported in May, a big improvement from prior years. Aurora was on the list at nine (9) of these VPD incidents, securing a place on a national list with larger airports. Taxi way paving and markings is out to bid for summer construction with anticipated five-day closure, somewhat impactful for aviation folks. Trees at the north end of airport on the Malita property are still an issue. There is a catch-22 issue with Malita not wanting to allow an easement to trim trees and the FAA not wanting to fund the work unless they have a permanent easement.

The airport lost another one of its controllers to the FAA, and it was noted there are 1200 jobs at the airport.

Marion County Sheriff Deputy Pete Walker was in attendance at the meeting and discussed I-5 closures with construction at the exit. Traffic will be rerouted through the 551. It was noted that the Council packet from last month's (September) Council meeting includes the ODOT presentation for details on the closures. It was noted that the lobby for tolling is still very strong.

An airport master plan PAC meeting will be held on Wednesday, November 15.

b) Economic Opportunities Analysis Proposals

Chair Schaefer noted there are four airport related issues: 1) EOA – those who submitted EOA proposals presented at last month's Council meeting, and this item of business was tabled to October's Council meeting. It was also noted that Planning Commissions will start getting longer, including an increasing number of meetings. 2) The Old or 2012 master plan case is still sitting at the Court of Appeals, with a decision later this winter. 3) The new master plan is getting back into gear. The church camp has now been assigned to a third Circuit Court judge with motions being filed. The airport's view is that the earth moving is erosion control. Schaefer is happy to provide documentation for any of the above cases or issues.

9. ADJOURN

Chair Schaefer adjourned the meeting at 7:52pm.

Joseph Schaefer, Chair

ATTEST:

Stuart A. Rodgers, City Recorder

Correspondence

From: [Ottenad, Mark](#)
To: [Andrew Mulkey \(andrew@friends.org\)](#); [Ben Williams - Friends of French Prairie \(fofp99@gmail.com\)](#); [Charlotte Lehan \(charbs51@frontier.com\)](#); [Councilor Joann Linville](#); [Councilor Katie Dunwell](#); [Greg Leo \(Greg@TheLeoCompany.com\)](#); [Guile-Hinman, Amanda](#); [Jeff Lewis \(ReformFAAnow@gmail.com\)](#); [Joseph Schaefer](#); [Ken & Bernice Ivey \(ken@ijco-cpa.com\)](#); [mayor](#); [Mayor Julie Fitzgerald](#); [Neamtzu, Chris](#); [Pat Hickman \(phickman@comcast.net\)](#); [Peter Shikli \(pshikli@access2online.com\)](#); [Roger Kaye \(rkaye2@gmail.com\)](#); [Recorder](#); [Wayne Richards \(rich4748@outlook.com\)](#)
Subject: RE: Thur 10/5 Agenda State Aviation Board Meeting October 5, 2023
Date: Thursday, October 5, 2023 2:16:16 PM
Attachments: [image024.png](#)
[image003.png](#)
[image005.png](#)
[image026.png](#)
[image027.png](#)
[image028.png](#)
[image032.png](#)
[image033.png](#)

A few slides from today's SAB meeting...a state agency whose budget is dependent upon the sale of GHG carbon, thereby creating financial incentive to extend the Aurora State Airport runway in order to sell more carbon that generates more revenue.

We see below that ODAV is waiting for FAA to approve the Aurora State Airport operations forecast in order to advance the master plan process.

The Noise Complaints section appeared aimed directly at the Aurora State Airport and nearby communities, as Aurora was noted on several occasions.

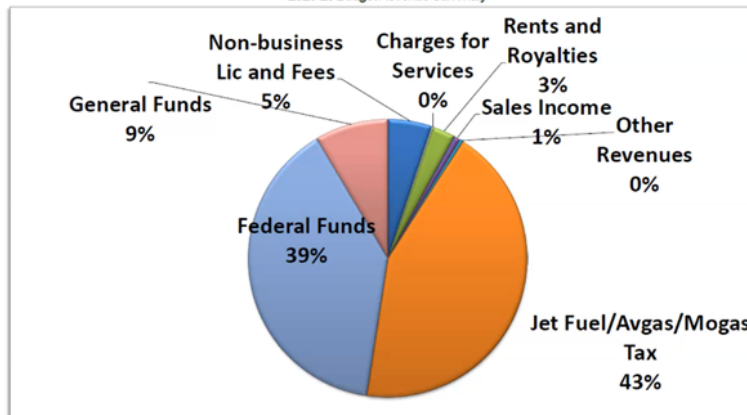
These issues and more were presented today by City in meeting with [Amelia Porterfield, Regional Solutions Director and Coordinator Metro Region, Office of the Governor](#), which appoints the ODAV Director and SAB members. Most of our nearly 1.5-hour meeting was dedicated to reviewing the decade's worth of controversy caused by ODAV with local governments, CPOs and land-use conservation organizations. The basic ask was for agency to follow state land-use and public-process law, get a State Agency Coordination Agreement with LCDC, and engage local communities with meaningful public participation without predetermined outcomes. All apparently really hard asks for a rogue state agency accustomed to doing business as it likes.



Financial Update

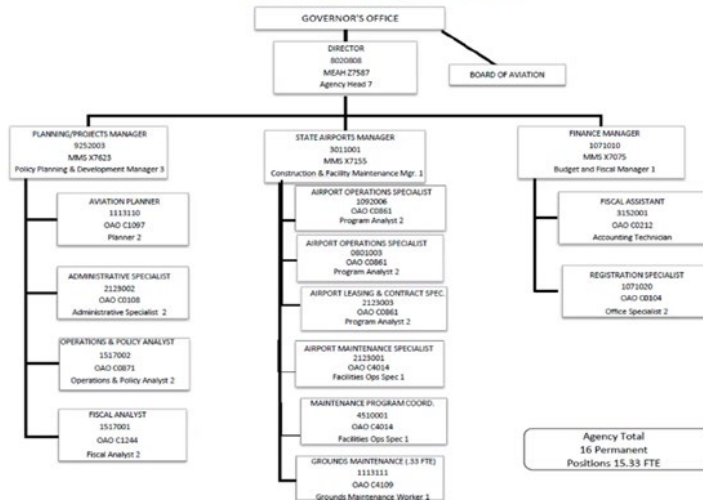
Summary 23-25 Legislatively Adopted Budget

2023-25 Budget Revenue Summary





Financial Update 23-25 Org Chart



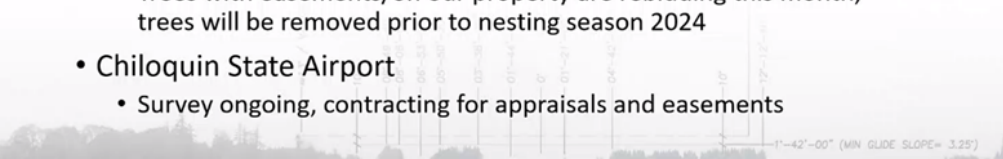
Financial Update 23-25 LAB Vote

Today's Vote- To approve the 23-25 Legislatively Adopted Budget as presented

General Funds	\$	2,448,406
Other Funds	\$	25,414,615
Federal Funds	\$	20,720,214
TOTAL All Funds	\$	48,583,235
16 Positions		15.33 FTE

Project Updates – Obstruction Removal

- Aurora State Airport
 - EA Rewrite – Full Chapters addressing FAA's comments sent back to the FAA
 - Appraisals and easement acquisition will begin after EA is complete
- Mulino State Airport
 - Survey completed, contracting for appraisals and easements
 - Trees with easements/on our property are rebidding this month, trees will be removed prior to nesting season 2024
- Chiloquin State Airport
 - Survey ongoing, contracting for appraisals and easements



Upcoming Project Updates

- Aurora State Airport – Surface Seal and Markings Project
 - Currently out for bid, bid opening 10/12
 - Construction TBD, likely in 2024 due to weather
- Aurora Airport Master Plan
 - All FAA comments on Working Paper 1 compiled, addressed, and posted on project website.
 - No PAC meeting scheduled, waiting on FAA approval of forecast
- Cape Blanco Runway Rehabilitation
 - Currently out for bid with reduced paving scope, bid opening 10/12
- Prospect Runway Reconstruction
 - Approaching 100% Design, will bid this winter, construction during spring/summer of 2024

Airport Work – Upcoming Closures

- Aurora State Airport – Surface Seal Project
 - Winter 2023 – Spring/Summer 2024
- Joseph State Airport – PAPI Replacement
 - Runway WIP/short-term closures - October 2023
- Multiple State Airports – Obstruction Removal
 - October 1 2023 - March 31 2024

Noise Reporting

The screenshot shows the Oregon Department of Aviation's website. The main heading is "NOISE COMPLAINTS". Below this, there is a sidebar with navigation links: "REGULATORY AUTHORITY AND RESPONSIBILITIES", "OPERATIONS", and "REPORT". The main content area includes sections for "Important Background Information", "Regulatory Authority and Responsibilities", "Community Outreach / Aurora State Airport Noise Abatement Program", and "What do we do with Noise Complaints?". The page also features a navigation menu at the top with links like "HOME", "ABOUT ODAV", "STATE AVIATION BOARD", "STATUTES & RULES", "FORMS", "REPORTS", "NEWS", and "CONTACT".

Noise Reporting

NOISE COMPLAINTS

- Regulatory Authority and Responsibilities**
- Community Outreach / Aurora State Airport Noise Abatement Program**
- Aircraft Operations Outside of Noise Abatement Procedures**
- What do we do with Noise Complaints?**
- Submitting a Noise Complaint or Inquiry for a State-Owned Airport in Oregon**

Noise Reporting

NOISE COMPLAINTS

Submitting a Noise Complaint or Inquiry for a State-Owned Airport in Oregon

Noise complaints can be submitted to the Oregon Department of Aviation by using the links and instructions below. We have a dedicated inbox for the public to send noise complaints or inquiries to, we also accept submissions on the phone, by letter, or at our office building during regular business hours.

To submit a noise complaint or inquiry for a specific aircraft operation near a state-owned airport, please submit the following information to:

noise.aviation@odav.oregon.gov

- Date, time, and location of observation
- Registration Number (N#) of observed aircraft
- Description of aircraft if N# is not available
- Nature of complaint or inquiry (please provide a detailed description of why you are reporting this noise event)
- Attach photographs of aircraft and/or flight tracking information
- Name and contact info (if your preference is other than email) for follow up

You may also submit the above information to us by:

- Phone – (503) 375-4360 (Please say you want to submit a noise complaint)
- Fax – (503) 375-1588
- Sending a letter to, or stopping by our office at 3040 25th Street SE, Salem OR 97302 during regular business hours (9 am to 5 pm)

For general noise or safety complaints, please contact the FAA's Flight Standards District Office:

- Portland (western and central Oregon)
- Boise (eastern Oregon)

For noise complaints at a non-state-owned airport in Oregon, please contact the local airport owner/operator directly.

From: Ottenad, Mark

Sent: Wednesday, October 4, 2023 5:56 PM

To: Andrew Mulkey (andrew@friends.org) <andrew@friends.org>; Ben Williams - Friends of French Prairie (fofp99@gmail.com) <fofp99@gmail.com>; Charlotte Lehan (charbs51@frontier.com) <charbs51@frontier.com>; Councilor Joann Linville (linville@ci.wilsonville.or.us); Councilor Katie Dunwell (dunwell@ci.wilsonville.or.us); Greg Leo (Greg@TheLeoCompany.com) <Greg@TheLeoCompany.com>; Guile-Hinman, Amanda (guile@ci.wilsonville.or.us); Jeff Lewis (ReformFAAnow@gmail.com) <ReformFAAnow@gmail.com>; Joseph Schaefer (jschaefer@ci.aurora.or.us) <jschaefer@ci.aurora.or.us>; Ken & Bernice Ivey (ken@ijco-cpa.com) <ken@ijco-cpa.com>; Mayor Brian Asher (mayor@ci.aurora.or.us) <mayor@ci.aurora.or.us>; Mayor Julie Fitzgerald (fitzgerald@ci.wilsonville.or.us) <fitzgerald@ci.wilsonville.or.us>; Neamtzu, Chris (neamtzu@ci.wilsonville.or.us); Ottenad, Mark (ottenad@ci.wilsonville.or.us); Pat Hickman (phickman@comcast.net) <phickman@comcast.net>; Peter Shikli (pshikli@access2online.com) <pshikli@access2online.com>; Roger Kaye (rkaye2@gmail.com) <rkaye2@gmail.com>; Stuart Rodgers (Recorder@ci.aurora.or.us) <Recorder@ci.aurora.or.us>; Wayne Richards (rich4748@outlook.com) <rich4748@outlook.com>

Subject: FW: Thur 10/5 Agenda State Aviation Board Meeting October 5, 2023



Cathryn Stephens, Board Chair

Sarah Lucas, Board Vice Chair

Bill Graupp, Jim Knight, Steve Nagy, Jeffrey Pricher Kenji Sugahara, Director of Aviation

STATE AVIATION BOARD MEETING AGENDA

DATE October 5, 2023
TIME 10:00 AM – 2:00 PM
LOCATION HIO Terminal Building
 3355 NE Cornell Road Hillsboro, OR 97124

LIVESTREAM Microsoft Teams meeting
 Join on your computer, mobile app or room device
[Click here to join the meeting](#)
 Meeting ID: 256 776 485 128
 Passcode: CQSqzC
[Download Teams](#) | [Join on the web](#)
Or call in (audio only)
[+1 971-277-1965, 813523336#](#) United States, Portland
 Phone Conference ID: 813 523 336#
[Find a local number](#) | [Reset PIN](#)
[Learn More](#) | [Meeting options](#)

PRESENTING AGENDA Cathryn Stephens, Board Chair, and Kenji Sugahara, Director of Aviation

#	TYPE	TIME	ITEM	LEAD(S)
1	Information	5 min	Call to order & Introductions <ul style="list-style-type: none"> Welcoming new board members; Bill Graupp, Jeffrey Pricher, and Jim Knight 	Board Administrator/ Stephens
2	Information	5 min	Roll Call	Board Administrator
3	Action	5 min	Approve Consent Agenda Approval of Prior Meeting Minutes: <ul style="list-style-type: none"> June 1, 2023, Board Meeting Minutes July 6, 2023, Informational Session, and Executive Session Meeting Minutes Sept. 7, 2023, Work Session Meeting Minutes 	Stephens
4	Information	10 min	Port of Portland Welcome to Hillsboro Airport	Chief Aviation Officer Dan Pippenger
5	Information	15 min	Public Comments <i>Limited to 2 minutes per speaker</i> Director's Update <ul style="list-style-type: none"> Launch for new Board. Planning and Programs Manager Update: <ul style="list-style-type: none"> Introducing Alex Thomas Advanced Technologies <ul style="list-style-type: none"> Electrification strategy AAM Strategy 	Board Administrator

6	Information	20 min	<ul style="list-style-type: none"> > Smart Grant Application • Re-launch of UAS Task Force as NW Advanced Aviation Task Force • Education/Workforce Development Update • Oakridge Update • Summary of NASAO Meeting 	Sugahara
		11 am	5-minute break	
7	Action	20 min	COAR Program Update Approval of ASAP Report to the Legislature	Abrahamson/ Thomas
8	Action	10 min	ASAP Rule Amendment	Abrahamson/ Thomas
9	Action	20 min	Board Approval 23-25 Legislatively Approved Budget	Forest
10	Information	20 min	State Airports Manager Update	Beach
		30 min	Lunch Break	
		10 min	Board Updates This time is provided for the Board members to share news, events, or related information	Board
		10 min	Other Business This time is provided for the Board or Staff to bring up topics not on the agenda.	Board/ Staff
		5 min	<ul style="list-style-type: none"> • Agenda input • Summary of Board direction to staff • Topics for future board meetings Meeting schedule for 2024 	Board/ Staff
			<p>Next meeting date is November 2, 2023, Work Session virtually via TEAMS in Salem.</p> <p>Next Board meeting is December 7, 2023, in Salem or possibly in Independence</p>	
			Adjourn	Stephens

From: Oregon Department of Aviation <OregonAviation@public.govdelivery.com>
Sent: Friday, September 29, 2023 12:10 PM
To: Ottenad, Mark <ottenad@ci.wilsonville.or.us>
Subject: UPDATE PUBLIC NOTICE: State Aviation Board Meeting October 5, 2023



Having trouble viewing this email? [View it as a Web page.](#)



The State Aviation Board will hold a Board Meeting on Thursday, October 5, 2023, starting at 10:00 AM.

This meeting will be held via TEAMS and in person at the Hillsboro Airport HIO Terminal Building, 3355 NE Cornell Road, Hillsboro, OR 97124

Join us on TEAMS at this link:

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 256 776 485 128 Passcode: CQSqzC

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 971-277-1965,813523336#](tel:+19712771965813523336#) United States, Portland

Phone Conference ID: 813 523 336#

The agenda and Board Meeting materials are available on the Oregon Department of Aviation website, www.oregon.gov/aviation/AVB/Pages/Next.aspx (-> [lnks.gd](#)).

Public comment may be submitted via email to mail.aviation@ODAV.oregon.gov.

The State Aviation Board is a seven member body appointed by the Governor and confirmed by the Oregon State Senate. Members serve four-year terms with a two-term limit. The State Aviation Board is charged with providing policy guidance and oversight to the Oregon Department of Aviation.

Members of the public are welcome to attend this meeting. TEAMS log in is provided on the Agenda. Persons with disabilities who require special accommodations, please call 503-378-2238 at least 48 hours prior to the meeting.

- [2023.10.05_State Aviation Board Meeting_Agenda UPDATE.pdf](#)
- [Public Notice State Aviation Board Meeting 10.05.2023.pdf](#)

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This email was sent to ottenad@ci.wilsonville.or.us using GovDelivery Communications Cloud, on behalf of: Oregon Department of Aviation · 3040 25th St. SE · Salem, OR 97302-1125



From: [Ben Williams](#)
To: [Peter Shikli](#)
Cc: [Ottenad, Mark](#); [Andrew Mulkey \(andrew@friends.org\)](#); [Charlotte Lehan \(charbs51@frontier.com\)](#); [Councilor Joann Linville](#); [Councilor Katie Dunwell](#); [Greg Leo \(Greg@TheLeoCompany.com\)](#); [Guile-Hinman, Amanda](#); [Jeff Lewis \(ReformFAAnow@gmail.com\)](#); [Joseph Schaefer](#); [Ken & Bernice Ivey \(ken@ijco-cpa.com\)](#); [mavor](#); [Mayor Julie Fitzgerald](#); [Neamtzu, Chris](#); [Peter Shikli \(pshikli@access2online.com\)](#); [Roger Kaye \(rkaye2@gmail.com\)](#); [Recorder](#); [Wayne Richards \(rich4748@outlook.com\)](#)
Subject: Re: Oct 4-5 State Aviation Board Meetings
Date: Thursday, October 5, 2023 1:43:39 PM
Attachments: [image011.png](#)
[image010.png](#)
[image009.png](#)

Peter;

An advisory vote on noise violations is an interesting suggestion. However, notwithstanding how slow it has proceeded, the current Master Plan process will almost certainly be over and a new plan adopted by then.

Here's another take on noise and the violations of the Noise Abatement Procedures, and it's from earlier drafts of the current version of the Master Plan that we received via Public Records Request, namely the categories that were dropped from the Environmental Screening/NEPA Categories from the first to the current version of the master plan:

- Federally-listed Endangered and Threatened Species
- Climate
- Coastal Resources
- Farmland
- Historical, Architectural, Archaeological and Cultural Resources
- Land Use
- Noise and Compatible Land Use
- Socioeconomics, Environmental Justice, and Children’s Environmental Health and Safety Risks

When the earlier version (fifteen months ago) is compared to the current for that section, here's what you see:

<p>ENVIRONMENTAL SCREENING/NEPA CATEGORIES (FAA Comments Version Page 2-20</p> <p>An environmental screening/desktop review of previous environmental work was included as part of the Airport Master Plan to provide a summary of the FAA prescribed environmental impact categories. Building off previous environmental work completed for the Airport, the desktop review referenced materials and site assessments completed for the Draft Environmental Assessment (EA) for Obstruction Removal.¹² The supporting field investigations for the EA include a biological assessment, water resources report, cultural resources, and air quality report. The documents included in the EA are currently under review by FAA and have been incorporated by reference into the environmental screening report provided in Appendix 2.</p> <p>Typical environmental impact categories include:</p> <ul style="list-style-type: none"> • Air Quality; • Biological Resources (including fish, wildlife, and plants); • Federally-listed Endangered and Threatened (“T&E”) Species; 	<p>ENVIRONMENTAL SCREENING/NEPA CATEGORIES AAMP from JLA website (Page 2-20)</p> <p>An environmental screening for the following environmental impact categories were included as part of the Airport Master Plan.</p> <ul style="list-style-type: none"> • Air Quality; • Biological Resources (including fish, wildlife, and plants); • Department of Transportation Act, Section 4(f); • Hazardous Materials, Solid Waste, and Pollution Prevention; • Natural Resources and Energy Supply; • Visual Effects; and • Water Resources (including wetlands, floodplains, surface waters, water quality, stormwater, groundwater, and wild and scenic rivers). <p>A summary of significant findings is below. The full environmental screening report is provided in Appendix 2.</p>
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- Climate;
- Coastal Resources;
- Department of Transportation Act, Section 4(f);
- Farmlands;
- Hazardous Materials, Solid Waste, and Pollution Prevention;
- Historical, Architectural, Archeological, and Cultural Resources;
- Land Use;
- Natural Resources and Energy Supply;
- Noise and Compatible Land Use
- Socioeconomics, Environmental Justice, and Children’s Environmental Health and Safety Risks
- Visual Effects; and
- Water Resources (including wetlands, floodplains, surface waters, water quality, stormwater, groundwater, and wild and scenic rivers).

Several of the impact categories above (land use, climate, socioeconomic, etc.) are analyzed separately throughout Chapter 3 – Existing Conditions Analysis. Per the scope of work, not all impact categories identified above were included for analysis. A summary of significant findings is provided below.

So, in spite of the decade plus of noise abatement violations, the increase in violations rates and the complaints to ODAV, they (ODAV and the master plan consultant) have either decided the subject didn't need to be addressed, for some unstated reason could be eliminated from the categories needing to be addressed.

That's where I believe your data will come into play in an important way to force the subject to be addressed.

Ben

On Thu, Oct 5, 2023 at 11:21 AM Peter Shikli <pshikli@secondchancenet.org> wrote:

Mark,

Worth mentioning is that the survey was exclusively about ODAV's service quality to callers, not whether we feel they are responding to our noise concerns. I found ODAV polite and prompt to lie to me that our noise concerns are being handled fairly. What would it take to get an "advisory" vote on the next local election to tell the powers-that-be about our level of concern about airport noise?

Cheers,
Peter

Ottenad, Mark wrote on 10/5/2023 10:35 AM:

At yesterday’s State Aviation Board planning session, the following slide was presented. The way its worded, it appears that 27% of Charbonneau and Aurora State Airport neighbors gave ODAV’s customer service rating as “good or excellent.” What a bunch of hog wash that is.

Rather, the verbal explanation by staff appeared to indicate that 27% of the respondents were from Charbonneau and Aurora State Airport neighbors – the highest participation rate of any interest

group surveyed — and most of whom I suspect gave a rather negative review of ODAV.

The high rate of Charbonneau and Aurora State Airport neighbors response is a testament to what happens when Charbonneau residents engage in public participation.

The screenshot shows a Zoom meeting interface. On the left, a slide titled "Strategic Planning Session" displays the "2023 Annual Progress Report-KPM's" for "KPM #5 Customer Service Percentage of Customers rating the agency's customer service as good or excellent." The slide features a donut chart titled "Survey Respondents" with the following data:

Respondent Category	Percentage
Aurora Neighbor/Resident of Charbonneau Near Airport	27%
Aircraft Owner	21%
Pilot	23%
Other	17%
Tenant/FBO	8%
Airport Manager	4%

On the right side of the Zoom window, there are video thumbnails for participants: HERRERA Holly M and FOREST Kristen R. Below the thumbnails is a control bar with a "CO" button.

Thank you.

- Mark

From: Ottenad, Mark

Sent: Friday, September 15, 2023 1:48 PM

To: Andrew Mulkey (andrew@friends.org) <andrew@friends.org>; Ben Williams - Friends of French Prairie (f0fp99@gmail.com) <f0fp99@gmail.com>; Charlotte Lehan (charbs51@frontier.com) <charbs51@frontier.com>; Councilor Joann Linville (linville@ci.wilsonville.or.us); Councilor Katie Dunwell (dunwell@ci.wilsonville.or.us); Greg Leo (Greg@TheLeoCompany.com) <Greg@TheLeoCompany.com>; Guile-Hinman, Amanda (guile@ci.wilsonville.or.us); Jeff Lewis (ReformFAAnow@gmail.com) <ReformFAAnow@gmail.com>; Joseph Schaefer (jschaefer@ci.aurora.or.us) <jschaefer@ci.aurora.or.us>; Ken & Bernice Ivey (ken@ijco-cpa.com) <ken@ijco-cpa.com>; Mayor Brian Asher (mayor@ci.aurora.or.us) <mayor@ci.aurora.or.us>; Mayor Julie Fitzgerald (fitzgerald@ci.wilsonville.or.us) <fitzgerald@ci.wilsonville.or.us>; Neamtzu, Chris (neamtzu@ci.wilsonville.or.us); Ottenad, Mark <ottenad@ci.wilsonville.or.us>; Peter Shikli (pshikli@access2online.com) <pshikli@access2online.com>; Roger Kaye (rkaye2@gmail.com) <rkaye2@gmail.com>; Stuart Rodgers (Recorder@ci.aurora.or.us) <Recorder@ci.aurora.or.us>; Wayne Richards (rich4748@outlook.com) <rich4748@outlook.com>

Subject: Oct 4-5 State Aviation Board Meetings

October 4-5, 2023 - Hillsboro, OR - In Person and Virtual via Teleconference

<https://www.oregon.gov/aviation/AVB/Pages/Next.aspx>

Note: No specific agenda or information posted yet online

10/4/2023 10 AM – 12 PM - Planning Session

The State Aviation Board will hold a Planning Session on Wednesday, October 4, 2023 starting at 10:00 AM. This meeting will be held at the Hillsboro airport and virtually through TEAMS. Members of the public are welcome to observe the meeting. Public comment will not be taken at this Planning Session, but may be submitted for the October 5, 2023 Board meeting. The State Aviation Board is a seven member body appointed by the Governor and confirmed by the Oregon State Senate. Members serve four-year terms with a two-term limit. The State Aviation Board is charged with providing policy guidance and oversight to the Oregon Department of Aviation. TEAMS log in is provided on the Agenda. Persons with disabilities who require special accommodations, please call 503-378-2238 at least 48 hours prior to the meeting.

10/4/2023 1 PM - 2 PM - Executive Session

The State Aviation Board will hold an Executive Session on October 4, 2023 following adjournment of the State Aviation Planning Session. No Action may be taken by the Board during Executive Session. This session is not open to the public. Members of the Media may attend upon request as per ORS 192.660(4). See agenda for contact information. The State Aviation Board is a seven member body appointed by the Governor and confirmed by the Oregon State Senate. Members serve four-year terms with a two-term limit. The State Aviation Board is charged with providing policy guidance and oversight to the Oregon Department of Aviation.

10/5/2023 10 AM - 1 PM – Board meeting

The State Aviation Board will hold Board Meeting on Thursday, October 5, 2023 starting at 10:00 AM. This meeting will be held in Hillsboro at the HIO Terminal Building and virtually through TEAMS. Members of the public are welcome to attend the meeting. Public comment may be submitted via email mail.aviation@odav.oregon.gov. The State Aviation Board is a seven member body appointed by the Governor and confirmed by the Oregon State Senate. Members serve four-year terms with a two-term limit. The State Aviation Board is charged with providing policy guidance and oversight to the Oregon Department of Aviation. Persons with disabilities who require special accommodations, please call 503-378-2238 at least 48 hours prior to the meeting.

Thank you.

- Mark

Mark C. Ottenad

Public/Government Affairs Director

City of Wilsonville / South Metro Area Regional Transit (SMART) / Explore Wilsonville

[29799 SW Town Center Loop East](#)

[Wilsonville, OR 97070](#)

General: 503-682-1011

Direct: 503-570-1505

ottenad@ci.wilsonville.or.us

From: [Ottenad, Mark](#)
To: [Andrew Mulkey \(andrew@friends.org\)](#); [Ben Williams - Friends of French Prairie \(fofp99@gmail.com\)](#); [Charlotte Lehan \(charbs51@frontier.com\)](#); [Councilor Joann Linville](#); [Councilor Katie Dunwell](#); [Greg Leo \(Greg@TheLeoCompany.com\)](#); [Guile-Hinman, Amanda](#); [Jeff Lewis \(ReformFAAnow@gmail.com\)](#); [Joseph Schaefer](#); [Ken & Bernice Ivey \(ken@ijco-cpa.com\)](#); [mayor](#); [Mayor Julie Fitzgerald](#); [Neamtzu, Chris](#); [Pat Hickman \(phickman@comcast.net\)](#); [Peter Shikli \(pshikli@access2online.com\)](#); [Roger Kaye \(rkaye2@gmail.com\)](#); [Recorder; Wayne Richards \(rich4748@outlook.com\)](#); [Davidson, Stephanie](#); [Barry Hendrix](#); [Bryan Smith](#)
Subject: RE: Aurora Overflight DB
Date: Tuesday, October 10, 2023 10:40:25 AM
Attachments: [image001.png](#)
[image003.png](#)
[image005.png](#)
[image006.png](#)

Following is additional information relevant to Peter Shikli's project for the Overflight Database presentations.

Aurora State Airport Noise Abatement Procedures

<https://www.oregon.gov/aviation/airports/pages/airports/uao.aspx>

Noise abatement procedures are designed to minimize exposure of residential areas to aircraft noise, while ensuring safety of flight operations. There are communities surrounding UAO airport which are noise sensitive. We want to minimize the noise impacts on these communities. The procedures described herein are intended for noise abatement procedures and are subject to air traffic control and pilot discretion for reasons of safety.

 [See attached brochure for noise sensitive areas](#)

APPROACHES

STANDARD NBAA/AIRCRAFT OPERATING MANUAL NOISE ABATEMENT PROCEDURES SHOULD BE USED

Inbound flight path should not require more than a 25 degree bank angle to follow noise abatement track.

Observe all airspeed limitations and ATC instructions. Initial inbound altitude for noise abatement areas will be a descending path from 2,500 feet AGL or higher. Maintain minimum maneuvering airspeed with gear retracted and minimum approach flap setting. During IMC, extend landing gear at the final approach fix (FAF), or during VMC no more than 4 miles from runway threshold. Final landing flap configuration should be delayed at the pilot's discretion; however, the pilot must achieve a stabilized approach not lower than 500 feet during VMC or 1,000 feet during IMC. The aircraft should in full landing configuration and at final approach speed by 500 feet AGL to ensure a stable approach.

During landing, use minimum reverse thrust consistent with safety for runway conditions and available length.

DEPARTURES

STANDARD NBAA/AIRCRAFT OPERATING MANUAL NOISE ABATEMENT PROCEDURES SHOULD BE USED

Climb at maximum practical rate not to exceed V₂+20 KIAS (maximum pitch, attitude 20 degrees) to 1,000 feet AAE (800 ft. AAE at high-density-traffic airports) in takeoff configuration at takeoff thrust. Between 800 and 1,000 feet AAE, begin acceleration to final segment speed (VFS or VFTO) and retract flaps. Reduce to a quiet climb power setting while maintaining a rate of climb necessary to comply with IFR departure procedure, otherwise a maximum of 1,000 FPM at airspeed not to exceed 190 KIAS, until reaching 3,000 feet AAE or 1,500 feet AAE at high-density-traffic airports. If ATC requires level off prior to reaching NADP termination height, power must be reduced so as not to exceed 190 KIAS. Above 3,000 feet AAE (1,500 feet at high-density airports) resume normal climb schedule with gradual application of climb power. Ensure compliance with applicable IFR climb and airspeed requirements at all times.

Flight Crews on IFR flight plan are recommended to file using Heading to Standard Instrument Departure (SID) example:

Runway 35: Avoid straight-out departure; turn left (270° HDG to NEWBERG2) or turn right (060° HDG to GLARA2) If straight-out departure are unavoidable then depart 340° HDG, direct Interstate 5.

Runway 17: Avoid turns that will fly-over City of Aurora; turn left or right three (3) mile from end of runway.

DOWNLOAD PDF:

[Aurora Noise Abatement Procedure](#)

[Aurora State Airport](#)

[Noise Management Procedure](#)

Pilots make the difference to an airport noise abatement program! By avoiding unnecessary residential Overflights and by flying as quietly as safety permits. Care should be taken to minimize the aircraft's noise profile whenever possible by utilizing noise abatement best practices at air-ports, especially during night-time and early-morning hours. Please help us maintain a "Good Neighbor" relationship with the surrounding communities by following these recommended noise management practices.

"FLY NEIGHBORLY"

IF YOU CAN SAFELY MODIFY YOUR FLYING TO REDUCE NOISE IMPACT, PLEASE DO SO. HERE ARE SOME SUGGESTIONS:

Fly the full pattern. Early turns and other shortcuts over nearby residential areas at low altitudes cause many of the Aurora noise complaints. If you fly the full pattern, you should avoid over flying the residential parks west of the airport.

Use quiet power/prop settings when safely feasible

The calm-wind RWY 35. Standard left hand traffic patterns are designated for both runways after UAO ATC hours (2000-0700hrs)

Avoid over flying Charbonneau, City of Aurora, and Deer Creek (see diagram).

-

ARRIVAL:

Enter traffic pattern at 45° downwind.

Mid-Field crossing: Cross runway at 2200'MSL (2700" MSL Jets) maneuver to 45° entry

-

DEPARTURE:

RWY 35 “Avoid Straight-Out Departures”; Turn Left 270° HDG to NEWBERG2 or Turn Right 060° HDG to GLARA2; if must Straight-out 340° HDG (direct I-5)

RWY 17 Avoid turns that will fly-over City of Aurora; turn left or right three (3) miles from end of runway

-

NOT FOR NAVIGATION PURPOSE

-

From: Ottenad, Mark

Sent: Wednesday, September 20, 2023 8:59 AM

To: Andrew Mulkey (andrew@friends.org) <andrew@friends.org>; Ben Williams - Friends of French Prairie (fofp99@gmail.com) <fofp99@gmail.com>; Charlotte Lehan (charbs51@frontier.com) <charbs51@frontier.com>; Councilor Joann Linville <linville@ci.wilsonville.or.us>; Councilor Katie Dunwell <dunwell@ci.wilsonville.or.us>; Greg Leo (Greg@TheLeoCompany.com) <Greg@TheLeoCompany.com>; Guile-Hinman, Amanda <guile@ci.wilsonville.or.us>; Jeff Lewis (ReformFAAnow@gmail.com) <ReformFAAnow@gmail.com>; Joseph Schaefer (jschaefer@ci.aurora.or.us) <jschaefer@ci.aurora.or.us>; Ken & Bernice Ivey (ken@ijco-cpa.com) <ken@ijco-cpa.com>; Mayor Brian Asher (mayor@ci.aurora.or.us) <mayor@ci.aurora.or.us>; Mayor Julie Fitzgerald (fitzgerald@ci.wilsonville.or.us) <fitzgerald@ci.wilsonville.or.us>; Neamtzu, Chris <neamtzu@ci.wilsonville.or.us>; Ottenad, Mark <ottenad@ci.wilsonville.or.us>; Pat Hickman (phickman@comcast.net) <phickman@comcast.net>; Peter Shikli (pshikli@access2online.com) <pshikli@access2online.com>; Roger Kaye (rkaye2@gmail.com) <rkaye2@gmail.com>; Stuart Rodgers (Recorder@ci.aurora.or.us) <Recorder@ci.aurora.or.us>; Wayne Richards (rich4748@outlook.com) <rich4748@outlook.com>; Stephanie Davidson (sdavidson@ci.wilsonville.or.us) <sdavidson@ci.wilsonville.or.us>; Barry Hendrix <hbgconsulting@gmail.com>

Subject: RE: Aurora Overflight DB

-

A bit of follow-up to Peter Shikli’s invitation: The Overflight Database is a software program that Peter’s firm has built commissioned by City that draws flight data from the global flight tracking service Flight Aware. This service tracks key data—including latitude, longitude, elevation, speed—of flights that have registered. However, not all flights register; there may be other sources of data to draw from, but for now we are using the most standardized Flight Aware data.

-

For the initial testing of this program, we determined Area Latitude-Longitude Coordinates for Charbonneau, which is an area the Pat has been tracking for the past few years as the ‘Dirty Dozen’ low-flying over-flights. The Overflight DB program allows us to query the Flight Aware database to see what percentage of flights are flying at what elevation levels over or near Charbonneau.

Increasingly, Charbonneau residents are indicating concerns regarding overflights that do not follow standard procedure to “peel off” east or west after taking off and instead are flying directly north over Charbonneau, seemingly often at low altitudes.

-

Overflight DB provides a way to document this data as part of the Aurora State Airport Master Planning process that is now re-starting after a year’s pause for FAA review. The sense is that Oregon Dept of Aviation will dismiss individual complaints about overflights as anecdotal comments; however, documented overflights over a period of time using standard Flight Aware database can provide empirical evidence that is more difficult to refute. Attached is a set of coordinates being used for the Charbonneau overflight area (and other nearby areas), along with relevant pages about “airspace” excerpted from the Master Plan Working Papers (WP).

-

I will note that when Wilsonville Mayor Fitzgerald and I visited in June with Senator Merkley’s staff in Washington DC the first question asked of us pertained to the Oregon Dept of Aviation and the Aurora State Airport Master Plan process, indicating that our efforts to communicate our concerns to the federal delegation were working.

-

By tapping the incredible collective brain-power of this group of concerned citizens and area leaders, your input will be valuable on how best to configure and utilized this new tool for substantive input on the Aurora State Airport Master Planning Process.

-

Thank you.

- Mark

-

Mark Ottenad, Public/Government Affairs Director
City of Wilsonville / SMART / Explore Wilsonville
503-570-1505
ottenad@ci.wilsonville.or.us

From: Peter Shikli <pshikli@bizware.com>
Sent: Tuesday, September 19, 2023 11:29 PM
To: Shikli - Peter <pshikli@bizware.com>
Subject: Aurora Overflight DB

[This email originated outside of the City of Wilsonville]

Ladies & Gentlemen,

Mark Ottenad has asked me to help him out regarding the Aurora Airport Overflight Database that the City of Wilsonville has contracted Bizware Online Applications Inc to build and host online. I'm Bizware's CEO and a Charbanneau resident, so I have an interest in this and am eager to help in whatever way that I can.

Mark has asked that we schedule a teleconference with Zoom screen

sharing during which I can present the Aurora Overflight DB, its first version and its potential for enhancement. You will find that by transitioning from opinions to overflight facts, our position will strengthen as far as understanding and confronting threats and opportunities. When we contrast mitigation efforts with factual trends, we'll know what works and what doesn't.

Please reply with a check mark in front of each of the dates and times that will work for you:

Wednesday, October 11, 11:00 PST

Wednesday, October 11, 14:00 PST

Tuesday, October 17, 10:00 PST

Tuesday, October 17, 14:00 PST

Put a star before the one that works best if you have a favorite. If none of these work, please reply with a few dates and times that does work after October 10th. Given how many stakeholders we have, I would be happy to schedule 2 identical presentations to meet everyone's availability.

Attendees will be given a username and password to use the database and to be involved in the collaborative effort to add features to suit your interests.

Cheers,
Peter Shikli, CEO
Bizware Online Applications, Inc.
949-369-1638 - pshikli@bizware.com
Cell: 949-677-3705
FAX: 503-582-8337
www.bizware.com
Building online business communities

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

From: [Peter Shikli](#)
To: [Ottenad, Mark](#); [Andrew Mulkey \(andrew@friends.org\)](#); [Ben Williams - Friends of French Prairie \(fofp99@gmail.com\)](#); [Charlotte Lehan \(charbs51@frontier.com\)](#); [Councilor Joann Linville](#); [Councilor Katie Dunwell](#); [Greg Leo \(Greg@TheLeoCompany.com\)](#); [Guile-Hinman, Amanda](#); [Jeff Lewis \(ReformFAAnow@gmail.com\)](#); [Joseph Schaefer](#); [Ken & Bernice Ivey \(ken@ijco-cpa.com\)](#); [mayor](#); [Mayor Julie Fitzgerald](#); [Neamtzu, Chris](#); [Pat Hickman \(phickman@comcast.net\)](#); [Roger Kaye \(rkaye2@gmail.com\)](#); [Recorder; Wayne Richards \(rich4748@outlook.com\)](#)
Subject: Re: Aurora Airport Master Plan Project Survey #1 Summary
Date: Tuesday, October 17, 2023 6:38:33 PM
Attachments: [image007.png](#)
[image008.png](#)

Mark,

Because of ODAV's lack of overflight data, perhaps by choice, they have reverted to survey data which really isn't data. It's just a compilation of opinions. In this case, it is highly dependent on how survey questions were worded. I believe data based on facts, trends based on facts, and projections based on such factual trends should carry more weight. And that is what we are fielding.

Cheers,
 Peter Shikli, CEO
 Bizware Online Applications, Inc.
 949-369-1638 - pshikli@bizware.com
 Cell: 949-677-3705
 FAX: 503-582-8337
www.bizware.com
 Building online business communities

Ottenad, Mark wrote on 10/17/2023 5:53 PM:

I was looking around and came upon a document that I've not seen before. It would appear to indicate that only 8.5% of all operations are constrained – rhetorically speaking, this is good cause for a costly runway extension?!

Undated Document; PDF properties indicates author is Brandy Steffen, JLA Public Involvement, with a date of 1/4/2023

<https://publicproject.net/files/2023-01/uao-amp-survey1summary-041222-final.pdf?05cc8879a8>

AURORA AIRPORT MASTER PLAN

PROJECT SURVEY #1 SUMMARY

In February and March of 2022, as a part of the Aurora Airport Master Plan, the Oregon Department of Aviation (ODAV) conducted an online survey with the purpose of collecting input on the current and future needs of the Aurora

Airport. Specifically, the survey responses helped the project team understand the community's values and desires for the airport's future plans, development, and operations by asking about land use, transportation, economic, and environmental impacts. Resources and documents related to the Airport Master Plan were available to the community for viewing while the survey was open.

The survey was open from February 23, 2022 to March 28, 2022. During this time, 467 respondents started the survey, with a nearly 84% completion rate.

Themes and Takeaways

Several themes arose from the more than **450 survey responses**, both in favor and opposed to potential airport updates or expansion. The majority of the early respondents were concerned about updates having a negative impact on the surrounding community (mostly from self-identified residents), but responses that came in later were more in favor of updates due to safety and positive economic impacts for the community (mostly from self-identified pilots and other airport users).

The following are themes from the open-ended comment sections:

- Residents in nearby communities were concerned about noise and pollution. They feared that any airport expansion would create more issues. Some residents lived directly under flight paths and asked for no-fly hours and noise abatements to be enforced.
- Some residents felt that runway expansion would cause more flights and jets to fly in the region, creating greater noise and traffic in the area.
- Many respondents felt the Aurora Airport had a positive impact on the local economy and new restrictions may negatively impact this.
- Several respondents felt that airport modernization and potential runway expansion would allow for safer operations.
- Some were concerned about ODAV not following land use laws or being transparent.
- Others were concerned about impacts to farmland and stressed how important agriculture is to the region.
- Some respondents felt that a few communities in the region were vocal anti-airport proponents, and most people wanted the benefits of an updated airport for the local community and economy.

What is
your
relationship
with

the
Aurora
State
Airport
(select
the
most
relevant)?

There
were
467
responses

to
this
question.

The
majority
were
local
neighbors

(50%),
followed

by
local
pilots
(25%).

Of
those
who
answered
“other”,
responses
included
neighboring
farmers,
visiting
pilots,
retired
pilots,
former
neighbors,
airport
employees,
flight
instructors,
and a
member

of the
FAA
Safety
Team.

When planning for the future of the Airport, which three topics do you believe are the most important for the planning team to consider?

**462
respondents**

answered
this
question.

Major
concerns
included
the
**airport's
impact on
the rural
environment**

(50%),
followed
by a

**runway
extension
that
would
remove
operational
constraints
for the
Airport's
critical
aircraft**

**(44%) and
impacts
on nearby
roads and
highways
which
may
cause
traffic and
other
issues**

**(43%).
Area land
uses**

(converting farmland to commercial or business operations reliant on the airport) (38%) and a lack of available hangar space (32%) were also concerns. Several of those who responded with “other” expressed a desire for a longer runway for safety or for consideration about flight paths over residential areas due to noise.

Please estimate how many operations you or your company has on an annual basis. (Note: 1 takeoff and 1 landing = 2 operations). Are your current aircraft operations at the Airport constrained (i.e., reduced payloads or stage lengths)?

There were **124 responses** to this open-ended question. The most common response was **100 operations** (18 responses) followed by 50 operations (10 responses). Eight replied with 200 operations, six with 20 operations, and five responded with 40, 300, and 1000 operations. Other responses ranged from 6 operations to 20,000 operations.

Of the 142 who responded to airport operations being constrained, 75%

replied that they were not, 8.5% replied that they were, and 16% were unsure. Those who answered yes noted that there was a need for more runway length to ensure safety during rainy weather.

Thank you.

- Mark

Mark C. Ottenad

Public/Government Affairs Director

City of Wilsonville / South Metro Area Regional Transit (SMART) / Explore Wilsonville

29799 SW Town Center Loop East

Wilsonville, OR 97070

General: 503-682-1011

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www.ExploreWilsonville.com



Wilsonville City Hall is now open, with physical distancing controls in place. During COVID-19, we wish to remain responsive while prioritizing the health and safety of the Wilsonville community. We are happy to meet by call or teleconference as an alternative to face-to-face meetings.

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Oregon

Tina Kotek, Governor

Department of Environmental Quality
Agency Headquarters
700 NE Multnomah Street, Suite 600
Portland, OR 97232
(503) 229-5696
Fax (503) 2296124
TTY 711

October 17, 2023

Ted Millar
TLM Holdings, LLC
14379 Keil Rd NE
Aurora, OR 97002-9410

Issued by: Certified Mail # 7019 1120 0000 1074 9705
Email: tmillar@wwpmi.com
Your DEQ Online

Re: TERMINATION NOTICE
NPDES General 1200-C Construction Stormwater Discharge Permit
DEQ File No. 127121/EPA No. ORR10G365/DEQ Permit No. 33886
Aurora Airport Business Center, 22515 Airport Rd NE, Aurora,
Marion County

Dear Ted Millar:

The Department of Environmental Quality (DEQ) is terminating 1200-C permit coverage for the Aurora Airport Business Center project located at 22515 Airport Rd NE in Aurora, Marion County, Permit No. 33886, pursuant to OAR 340-045-0033(10) and OAR 340-045-0060(2). The reason for revocation of permit coverage is DEQ has received notification that the land use approval for your project has been overturned, and that the land use appeals process has been exhausted. Permit coverage must be revoked because it appears that the demonstration of compatibility with the statewide land use planning goals required by ORS 197.180 cannot be obtained for the project described in the permit application. If you wish to appeal this action, you must submit a written request for a contested case hearing that states the ground for the request within 60 days of receiving this letter. Your permit coverage will continue to be in effect until the 60 days expire or a final order is issued.

If you have any questions regarding the enclosed Termination Notice, please contact Kendra Girard, Stormwater Specialist at 541-294-4790 or kendra.girard@deq.oregon.gov.

Respectfully,

Jennifer Wigal (Oct 17, 2023 16:17 PDT)

Water Quality Administrator

Enclosure: Termination Notice

Cc: Heather Tugaw, Western Region Water Quality Manager
Diane M. Lloyd, State of Oregon DOJ



From: [Ottenad, Mark](#)
To: [Andrew Mulkey \(andrew@friends.org\)](#); [Ben Williams - Friends of French Prairie \(fofp99@gmail.com\)](#); [Charlotte Lehan \(charbs51@frontier.com\)](#); [Councilor Joann Linville](#); [Councilor Katie Dunwell](#); [Greg Leo \(Greg@TheLeoCompany.com\)](#); [Guile-Hinman, Amanda](#); [Jeff Lewis \(ReformFAAnow@gmail.com\)](#); [Joseph Schaefer](#); [Ken & Bernice Ivey \(ken@ijco-cpa.com\)](#); [mayor](#); [Mayor Julie Fitzgerald](#); [Neamtzu, Chris](#); [Ottenad, Mark](#); [Pat Hickman \(phickman@comcast.net\)](#); [Peter Shikli \(pshikli@access2online.com\)](#); [Roger Kaye \(rkaye2@gmail.com\)](#); [Recorder](#); [Wayne Richards \(rich4748@outlook.com\)](#)
Subject: Thur 11/16 ODOT Open House: I-5 Boone Bridge & Bike/Ped Facility Replacement Project in Wilsonville
Date: Tuesday, October 24, 2023 11:17:40 AM
Attachments: [image001.png](#)
[image022.png](#)
[image026.png](#)
[image027.png](#)

Thur 11/16 ODOT Open House: I-5 Boone Bridge & Bike/Ped Facility Replacement Project in Wilsonville

The Oregon Department of Transportation (ODOT) is exploring options to replace the I-5 Boone Bridge in Wilsonville with a modern crossing that can withstand a major earthquake and improve traffic flow.

ODOT is also considering opportunities to improve safety for drivers and provide new walking and biking options over the Willamette River. The current bike/ped options include:

- **[French Prairie “Bike-Ped-Emergency” Bridge](#)**: A new, separate bike/ped bridge parallel with the I-5 auto bridge and with capacity for emergency responder response. City of Wilsonville has led a multi-year, inter-jurisdictional planning effort with ODOT and other agencies to develop the [French Prairie Bridge concept](#) that would link the Portland metro-area Ice Age Tonquin Trail with the Willamette Valley Scenic Bike Route.
- **Bike/Ped Lane on the I-5 Bridge**: A new, concrete-barrier lined bike/ped lane on the I-5 Boone Bridge with over 125,000 vehicles per day that runs along the highway right lane.

Which option would you prefer for a bike/ped route over the Willamette River at Wilsonville — a safe separate bike/ped bridge, or an on-highway barrier-lined highway bike lane? YOUR INPUT IS CRUCIAL TO ODOT’S DECISION!

Attend the open house to learn more about the project, ask questions and provide your input on the project. A brief presentation will begin at 6 p.m.

Thursday, November 16, 5:30-7:30 p.m.

[Wilsonville City Hall, 29799 Town Center Loop E, 97070](#)

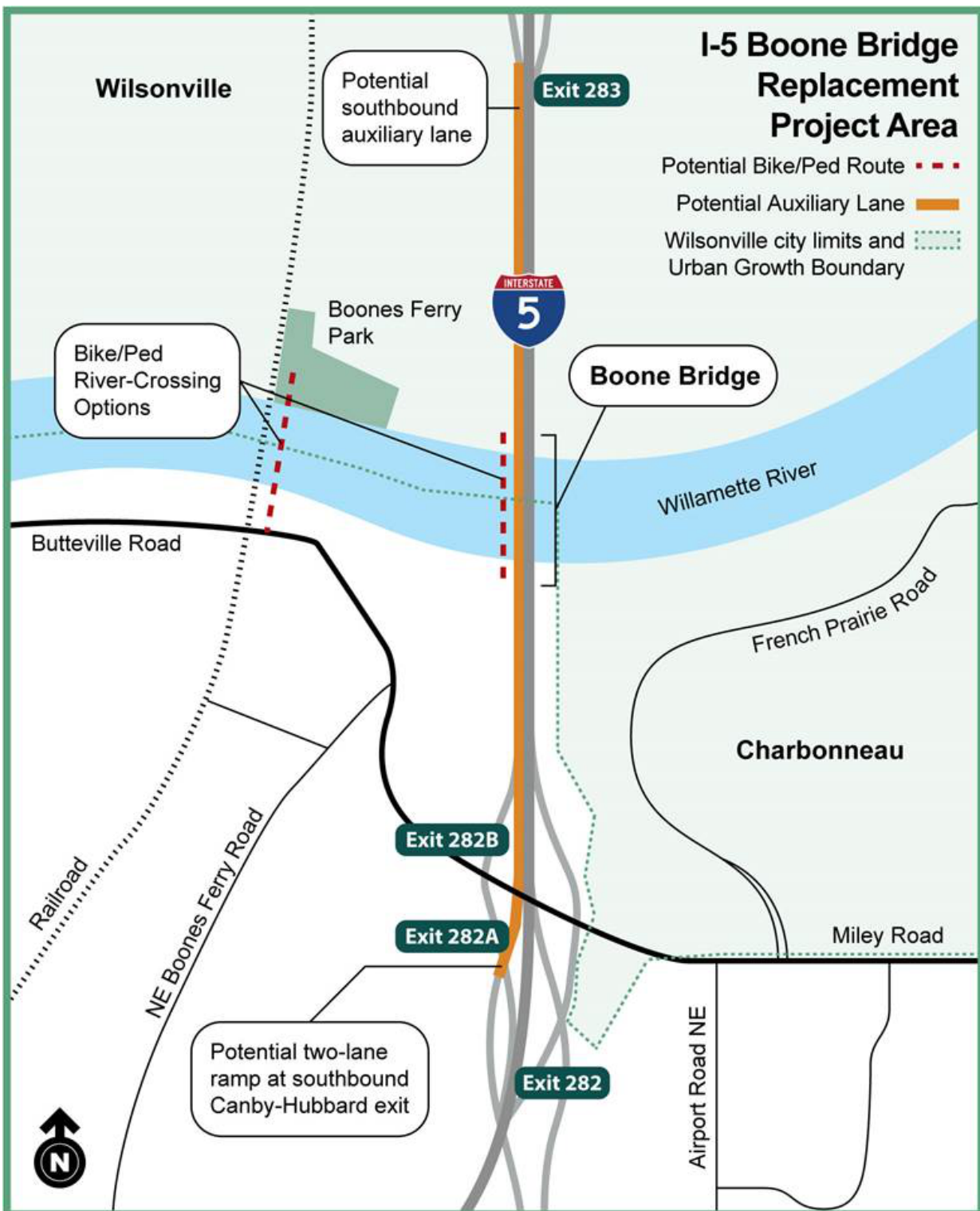
Can't attend the open house? **You can visit the website to find out the same information that will be shared at the open house – [a virtual open house starts on Nov. 6](#). Visit the website and sign up for project alerts to find out when the information goes live:**

<https://tinyurl.com/BooneBridge>.



You may also submit questions and comments via email at: i5BooneBridge@odot.oregon.gov.

Questions? Contact: Rose Gerber, Public Outreach and Media Manager, Urban Mobility Office, Oregon Department of Transportation, at 503-779-6927; Rose.Gerber@odot.oregon.gov.



For ADA (Americans with Disabilities Act) or Civil Rights Title VI accommodations, translation services, interpretation services or more information call 503-731-4128 or Oregon Relay Service 7-1-1.

Para servicios de traducción e interpretación, llame al 503-731-4128.

[City of Wilsonville proposed French Prairie Bridge: Cable-Stayed Bridge](#)



I-5 Boone Bridge with over 125,000 vehicles per day





Mark C. Ottenad

Public/Government Affairs Director

City of Wilsonville / South Metro Area Regional Transit (SMART) / Explore Wilsonville

29799 SW Town Center Loop East

Wilsonville, OR 97070

General: 503-682-1011

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Wilsonville City Hall is now open, with physical distancing controls in place. During COVID-19, we wish to remain responsive while prioritizing the health and safety of the Wilsonville community. We are happy to meet by call or teleconference as an alternative to face-to-face meetings.

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From: [Shawn Waite](#)
To: [Carl Lund](#); [Lani Radtke](#); [Byram, Holly](#); [Carmichael, McRae](#); mjaffe@mwvcog.org; [Renata Wakeley](#); [Recorder](#); [Charles Rostocil](#); [James Audritsh](#)
Subject: FW: Metro-Marion County MPA Boundary
Date: Tuesday, October 31, 2023 7:32:03 AM
Attachments: [Questions for METRO and ODOT.docx](#)

FYI. The questions were sent to ODOT this morning. The meeting invite should be coming out today from Erik's team.

Thank you.

Shawn

From: Shawn Waite
Sent: Tuesday, October 31, 2023 7:28 AM
To: HAVIG Erik M <Erik.M.HAVIG@odot.oregon.gov>
Cc: Charles Rostocil <charles.rostocil@cityofhubbard.org>
Subject: RE: Metro-Marion County MPA Boundary

Hi Erik,

I wanted to send you the list of questions in advance that we would like to discuss at our meeting next week. In attendance will be members from MWVCOG, Marion County, City of Hubbard Mayor, and City Recorder for Aurora. Potential we could have our Council President and council members/Mayor from Aurora.

Thank you again for your time.

Shawn Waite (she/her)

City Administrator
 3270 Second Street
 Hubbard, OR 97032

Desk: 503-981-9633
 Cell: 971-442-3825
 Fax: 503-981-8743

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Records Retention Schedule and may be made available to the public.

From: HAVIG Erik M <Erik.M.HAVIG@odot.oregon.gov>
Sent: Friday, October 27, 2023 11:31 AM
To: Shawn Waite <swaite@cityofhubbard.org>

Cc: Charles Rostocil <charles.rostocil@cityofhubbard.org>

Subject: RE: Metro-Marion County MPA Boundary

Thanks Shawn. I have asked my Admin Assistant to work with you on getting something scheduled. I also think our next meeting may already be scheduled for around mid-November?

As for what does it mean for these areas to be included in the MPA for the Portland urbanized area – we can answer some of those questions now, but others will need to be decided through other processes. One simple aspect is that these areas will be required to be part of the MPA per federal rules. However, the exact details of what that means are items that still need to be decided.

Hopefully we can find a little time soon to talk more.

Erik Havig

Oregon Department of Transportation
Policy, Data & Analysis Division
Statewide Policy and Planning Manager
555 13th St NE | Salem, OR 97301-3871
Work Cell: 503-983-1874
Erik.m.havig@odot.oregon.gov

From: Shawn Waite <swaite@cityofhubbard.org>

Sent: Thursday, October 26, 2023 4:39 PM

To: HAVIG Erik M <Erik.M.HAVIG@odot.oregon.gov>

Cc: Charles Rostocil <charles.rostocil@cityofhubbard.org>

Subject: RE: Metro-Marion County MPA Boundary

You don't often get email from swaite@cityofhubbard.org. [Learn why this is important](#)

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Hi Erik,

Per our phone conversation, the cities of Hubbard and Aurora, team members from the MWVCOG, and staff from Marion County would like to have in an in-person meeting with you and your team and members of Metro (as appropriate) next week to discuss the MPA and what that means. Can you please provide me with some dates and times that will work?

Thank you for your time.

Shawn Waite (she/her)

City Administrator
3270 Second Street
Hubbard, OR 97032

From: [Andrew Mortensen](#)
To: [Erik.M.HAVIG](#); [MATTHEWS Ian J](#); [DORMAN Neelam](#); [glen.a.bolen](#); [ZWERDLING Naomi](#); [BERNARD Mark](#); [Kloster tom \(tom.kloster@oregonmetro.gov\)](#); [Ted Leybold *ODOT](#); [Ally Holmqvist](#); [Carl Lund](#); [ishanahan@co.marion.or.us](#); [vlnogle@cityofhubbard.org](#); [swaite@cityofhubbard.org](#); [Recorder](#); [PWS](#); [cfisher@mwvcog.org](#)
Subject: RE: Metro-Marion County MPA Boundary Follow-up
Date: Tuesday, October 31, 2023 7:52:12 AM
Attachments: [image001.emz](#)
[image003.png](#)

Good morning, all

In advance of our next meeting on November 15, we have sketched a suggested refinement of the proposed Metro Metropolitan Planning Area (MPA) and Federal Aid Urban Boundary (FAUB) within the subject area.

Two key points of our suggested refinements:

1. To link the various Wilsonville/Aurora/Hubbard areas we propose three segments along state highways 551 and 99E, restricted to just the highway rights-of-way.
2. MPA and FAUB boundaries extended within Hubbard and Aurora to their present urban growth boundaries.

We look forward to our discussion on 11/15. Best regards - Andrew

-----Original Appointment-----

From: HAVIG Erik M <Erik.M.HAVIG@odot.oregon.gov>

Sent: Tuesday, October 17, 2023 6:54 AM

To: HAVIG Erik M; Andrew Mortensen; MATTHEWS Ian J; DORMAN Neelam; glen.a.bolen; ZWERDLING Naomi; BERNARD Mark; Kloster tom (tom.kloster@oregonmetro.gov); Ted Leybold *ODOT; Ally Holmqvist; Carl Lund; jshanahan@co.marion.or.us; vlnogle@cityofhubbard.org; swaite@cityofhubbard.org; recorder@ci.aurora.or.us; pws@ci.aurora.or.us; cfisher@mwvcog.org

Subject: Metro-Marion County MPA Boundary Follow-up

When: Wednesday, November 15, 2023 8:00 AM-9:00 AM (UTC-08:00) Pacific Time (US & Canada).

Where: Microsoft Teams Meeting

Microsoft Teams meeting

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Erik Havig

Oregon Department of Transportation

Policy, Data & Analysis Division

Statewide Policy and Planning Manager

555 13th St NE | Salem, OR 97301

Work Cell: 503-983-1874

Erik.m.havig@odot.oregon.gov

Hubbard/Aurora Questions

- Does inclusion of the Aurora Airport into the METRO MPA provide additional FHWA funding to METRO and the MPA other than the typical transportation/road network formulas?
- What are the impacts to the METRO MPA formula for funding allocation (albeit small we assume the % will increase with the addition of these new populations and areas?)
- What are the impacts to the Marion County FHWA formulas since Hubbard, Aurora and the Aurora airport would move from the Marion County allocation to the METRO MPA allocation?
- Will incorporation within the Metropolitan Planning Area (MPA) have an impact or add requirements to a local Transportation System Plan (TSP)?
- What other impacts or requirements will be placed on Hubbard and Aurora once incorporated with the METRO MPA?
- Will there be additional requirements or restrictions on the City's land use planning activities; either current land use application reviews or long-range planning efforts such as UGB expansions?
- What is the process to get on funding application requests/lists for METRO MPA funds and what are eligibility requirements?
- The cities would like information on funding eligibility and what fund source eligibility may be gained (or lost) with this change. For example, will the City of Hubbard still get our gas tax allocation, or will it change? Will the City of Hubbard still be eligible for ODOT small city allotment funds if we are moved from a rural to an urban classification?
- The area school districts would also like information on funding eligibility and what fund source eligibility may be gained (or lost) with this change.

Old Business

Review Process for Working Paper 1

Working Paper 1 includes:

- Chapter 1 – Introduction
- Chapter 2 – Existing Conditions
- Chapter 3 – Aviation Activity Forecasts
- Appendices 1-8

Review Process *(all documents available on the project website)*

Feb. 2022 – Version 1

- Initial review request = 02/25/22

FAA comments

- Review comments = 03/03/22

May 2022 – Version 2

- Final review request = 05/20/22

FAA comments

- Review comments = 08/17/22

Sep. 2022 – Version 3

- Response to FAA comments = 09/30/22 resent to FAA 12/13/22

FAA comments

- Review comments = 01/25/2023

Feb. 2023 – Version 4

- Review request = 02/14/23

FAA comments

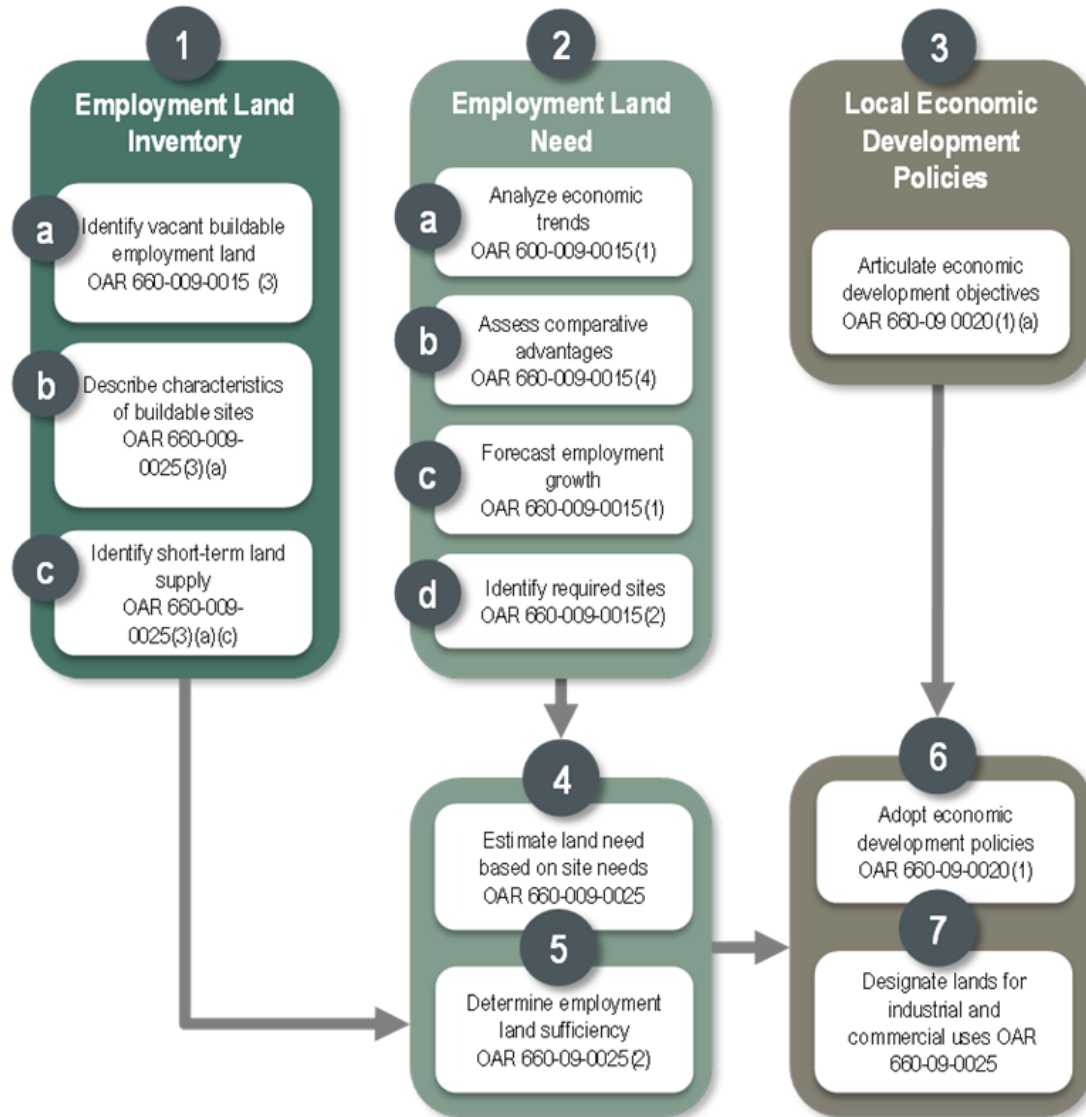
- Review comments = 04/11/23

Aug. 2023 – Version 5

- Final review request = 08/01/23

FAA comments

- **Waiting FAA Review**



16.04.030 Meaning of specific words and terms.

As used in this title:

Abut/abutting and *adjacent/adjoining* or *contiguous lots* means two or more lots joined by a common boundary line or point. (See Illustration 1, Appendix A set out at the end of this title.)

Accept means to receive as complete and in compliance with all submittal requirements.

Access means the place, means or way by which pedestrians, bicycles and vehicles shall have safe, adequate and usable ingress and egress to a property or use.

Access, private means an access not in public ownership or control by means of deed, dedication or easement.

Accessory building means a building that meets the standards set out in AMC 16.13.040.

Accessory structure means a detached subordinate structure, the use of which is clearly incidental to that of the existing principal building and is located on the same lot with the principal building, but does not include dwelling or living quarters.

Accessory use means a use customarily incidental, appropriate and subordinate to the existing principal use and located on the same lot.

Acre means a measure of land containing forty-three thousand five hundred sixty (43,560) square feet.

Addition means a modification to an existing building or structure which increases the site coverage or building volume.

Adjacent means near or close; property located across the street from a site (see Illustration 1, Appendix A set out at the end of this title).

Adjoin. See "Abut."

Adult bookstore and *adult entertainment business* means an establishment having at least ten (10) percent of its merchandise, items, books, magazines, other publications, films or videotapes for sale, rent or viewing on the premises that are distinguished or characterized by their emphasis on matters depicting the sexual activities or anatomical areas. Adult entertainment business also includes other uses similar to the uses listed above, presenting material for patrons to view (live, closed circuit or reproductions), and/or purchase or rent, a substantial portion of which is characterized by an emphasis on nudity and/or specified sexual activity. Adult businesses generally limit their patrons to persons at least 18 years of age.

Adult motion picture theater means an establishment used for the presentation of motion pictures or videotapes having as a dominant theme material distinguished or characterized by an emphasis on matter depicting sexual activities or anatomical areas.

Adverse possession means the right of an occupant to acquire title to a property by having continuously and openly used and maintained a property over a statutory period of time.

Agricultural use means the term includes farming, dairying, pasturage, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry.

Alley means a public way or thoroughfare of not less than sixteen (16) feet which has been dedicated or deeded to the public for public use, and provides a secondary means of access to the back or side of abutting properties that have access on another street.

Alteration means a change in construction, use or occupancy. When the term is applied to a change in construction, it is intended to apply to any change, addition or modification in construction. When the term is used

in connection with a change of occupancy, it is intended to apply to changes of occupancy from one classification to another or from one division to another per the Oregon Structural Specialty Code.

Alteration of historic site means any exterior change or modification, through public or private action, of any cultural resource or of any property located within the historic districts, including, but not limited to: demolition, relocation or exterior changes to or modification of structure, architectural details or visual characteristics such as building materials, paint, color and surface texture, grading, surface paving, new building materials, cutting or removal of trees and other natural features; disturbance of archeological sites or areas; and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

Alteration, Structural. "Structural alteration" means any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

Amendment means a change in the wording, context or substance of this title or the comprehensive plan, or a change in the boundaries of a zone on the zoning map or the boundaries of a designation on the comprehensive plan map.

Animal hospital means any building or portion thereof designed for the care, observation or treatment of animals.

Antique or special interest vehicle sales means vehicles defined by the Oregon Department of Motor Vehicles as antique or special interest vehicles under ORS 801.

Appeal means a request that a final decision by the initial hearing authority be considered by a higher authority.

Applicant means the owner of the affected property, or such owner's authorized representative.

Approval authority means the Planning Director, the Planning Commission, or the City Council, depending on the context in which the term is used.

Automobile and truck sales area means an open area, other than a street, used for the display, sale of, or rental of new or used motor vehicles or trailers and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed, sold or rented on the premises.

Automobile service station means any building or land area used, or intended to be used, for the retail sale of vehicular fuels and may include, as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories. (Note: The phrase "as an accessory use" would not allow a business that, for example, consists solely of tire sales and service to locate in a zone that listed only automobile service station as a permitted or conditional use — see "Accessory use" definition).

"Auto wrecker" means any person who wrecks, dismantles, permanently disassembles or substantially alters the form of any motor vehicle.

Auto wrecking yard means any land, building or structure, used for the wrecking or storing in the open of such motor vehicles or the parts thereof, or sale of used automobile parts, or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof and are not being restored to operation. Two or more dismantled, obsolete, inoperable motor vehicles on one lot, or the parts thereof, shall constitute a wrecking yard. Also see "Junkyard."

Awning means a roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. (Note: If the awning is made of canvas and moveable, it may project into the setback. If it is permanently attached to the building, all setbacks must be measured from the end of the awning.)

Basement means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement, unless such floor level qualifies as a first story as defined herein. (See Illustration 2, Appendix A set out at the end of this title.)

Bed and breakfast inn means a use subordinate to the principal use of a single-family dwelling and involving not more than three bedrooms, which provides temporary overnight lodging and a morning meal in return for compensation. The owner or manager must reside onsite. The building design must be compatible with the residential neighborhood and be inspected by both the fire and health departments.

Berm means a manmade mound of earth, two to six feet high with a 2:1 slope (see Illustration 6, Appendix A set out at the end of this title), used to deflect sound or to buffer incompatible areas.

Bike lane, path or way means any trail, path or part of a highway, shoulder, sidewalk or any other travel way specifically signed and/or marked for bicycle travel.

Bond means any form of security including a cash deposit surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the city.

Buffer means a landscaped area providing separation between uses or as a shield to block noise, lights and other nuisances.

Building means any structure greater than two hundred (200) square feet or ten (10) feet in height, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, foods or materials of any kind or nature.

Building envelope means that portion of a lot or development site exclusive of the areas required for front, side and rear yards and other required open spaces and which is available for siting and constructing a building or buildings.

Building height means the vertical distance from the average elevation of the finished grade within twenty (20) feet of the building to the highest point of the structure (see Illustration 2, Appendix A set out at the end of this title).

Building line means a line parallel to the street right-of-way, at a distance equal to the depth of the required front yard.

Building official means a person duly authorized by a municipality and the state of Oregon with responsibility for the administration and enforcement of the State Building Code in the municipality, or his or her duly authorized representative.

Building, principal means the structure within which is conducted the principal use of the lot.

Building type means:

1. Nonresidential: buildings not designed for use as human living quarters.
 - a. Detached: a single main building, free-standing and structurally separated from other buildings.
 - b. Attached: two or more main buildings placed side by side so that some structural parts are touching one another, located on a lot or development site or portion thereof.
2. Residential: see "Dwelling types."

Caretaker dwelling means a single-family detached dwelling for housing the caretaker of an approved commercial development and located on the same lot as the approved commercial development.

Carport means a covered shelter for an automobile open on two or more sides. A carport shall not attach two single-family dwellings or create duplexes, or multifamily dwellings except when the carport contains common building structural parts designed to be an integral part of a continuous structure.

Certificate of appropriateness means the permit granted by the Aurora Historic Review Board to alter a designated landmark.

Church. See "Place of worship."

City means the city of Aurora, Oregon.

City Recorder means the person designated by the City Council to perform the duties of City Recorder for the city of Aurora, Oregon.

Commercial use means establishments or places engaged in the distribution and sale or rental of goods and the provision of services.

Commission means the Planning Commission of the city of Aurora, Oregon.

Community building means a publicly owned and operated facility used for meetings, recreation or education.

Complete means every item is included without omissions or deficiencies.

Complex means a structure or group of structures developed on one lot of record.

Comprehensive plan means the coordinated land use map and policy statement of the governing body of the city as acknowledged by the state of Oregon.

Conditional use means a use which may be approved, denied or approved with conditions by the approval authority following a public hearing, upon findings by the authority that the approval criteria have been met or will be met upon satisfaction of conditions of approval.

Conditional use permit means a permit issued by the city, following the procedures in Chapter 16.60, which states that the use meets all of the conditions placed on it by the commission and this title.

Contiguous. See "Abut/abutting."

Convenience store means one-story retail store containing less than two thousand five hundred (2,500) square feet of gross floor area, designed and stocked to sell primarily food, beverages, and other household supplies to customers purchasing only a relatively few items (in contrast to a "supermarket") for example, "7-11" and "Plaid Pantry" stores.

Council means the city council of Aurora, Oregon.

Courtyard means a landscaped area open and unobstructed to the sky, located at or above grade level on a lot, and bounded on three or more sides by walls of a building.

Coverage, building or lot means the percentage of the total lot area covered by buildings.

Cultural resources means buildings, structures, signs, sites, districts and objects of historic, architectural, archeological or aesthetic significance to the citizens of the city, to the state of Oregon or the nation.

Day care means care provided to not more than twelve (12) unrelated children or five unrelated adults in a residential dwelling certified by the state of Oregon during a period not to exceed twelve (12) hours in any twenty-four-hour day.

Day care facility means any facility that provides day care to children, including a child day care center, group day care home, home of a family day care provider, including those known under a descriptive name such as nursery school, preschool or kindergarten.

Days means calendar days, unless working days are specified, which shall mean Monday through Friday, exclusive of official city holidays.

Deck means a flat floored, roofless area adjoining a building and adapted especially for outdoor dining and living.

Declarant means the person who files a declaration as required under ORS 92.075 to subdivide or partition property.

Declaration means the instrument described in ORS 92.075 by which the subdivision or partition plat was created.

Dedication means the donation of property by its owner to the city for any public purpose (i.e., the construction or widening of a street).

Demolish means to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a designated structure or resource.

De novo means a new hearing, usually without consideration of any previous hearing testimony.

Density means the number of dwelling units allowed on a parcel of land, frequently expressed as the number of units per acre.

Density, gross means including all of the land within the boundaries of the lot in the computation of density.

Density, net means excluding from the computation those lands necessary for streets and underground utilities, as well as easements, floodways and steep slopes.

Designated landmark means any cultural resource that has special historical, cultural, aesthetic or architectural character, interest or value as part of the development, heritage or history of the city, the state of Oregon or the nation, and has been designated pursuant to this title.

Designated landmark site means a parcel on which a cultural resource is situated and any abutting parcel constituting part of the premises on which a cultural resource is situated and which has been designated a landmark site under the provisions of this title.

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, the division of parcels, mining, dredging, filling, grading, paving, excavation, or drilling operations that makes a material change in the use or appearance of a structure or land and including partitions and subdivisions as provided in Oregon Revised Statutes 92 and 227.215.

Development permit refers to any document or permit that authorizes an applicant to commence construction or development activities.

Development site means the lot or combination of lots upon which development occurs.

Drainage-way means undeveloped land inundated during a twenty-five-year storm with a peak flow of at least five cubic feet per second and conveyed, at least in part, by identifiable channels that either drain to the Aurora floodway directly or after flowing through other drainage ways, channels, creeks or floodplain.

Dwelling Types. (See Illustration 3, Appendix A set out at the end of this title).

1. *Accessory dwelling unit:* an interior, attached, or detached residential structure with kitchen, bathroom, and living areas that is used in connection with or that is accessory to a primary single-family dwelling on the same lot.
2. *Single-family, detached:* one dwelling unit, structurally separated from any other dwelling on the same lot.
3. *Single-family, attached:* two dwelling units, each located on a separate lot, sharing a fire resistant common wall which follows the property line.

4. *Two-family or duplex*: a structure on a single lot containing two dwelling units connected by either a fire resistant common wall, un-pierced from ground to roof, or an un-pierced ceiling and floor.
5. *Three-family or triplex*: a structure on a single lot containing three dwelling units connected by either a fire resistant common wall, un-pierced from ground to roof, or an un-pierced ceiling and floor.
6. *Townhouse*: a dwelling unit, located on its own lot, and sharing one or more common or abutting walls, fire resistant common walls, un-pierced from ground to roof.
7. *Zero lot line*: a single, detached dwelling unit located with a zero-foot setback from one lot line.

Dwelling unit means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the Oregon Structural Specialty Code, designed for occupancy by only one family.

Easement means the granting, by a recorded interest, of one or more property rights by the owner to the public, another person or entity.

Eave means the edge of a roof, usually projecting beyond any side of a building and forming an overhanging drip for water or weather protection.

Employees shall include all persons, including proprietors, working on the premises during the largest shift.

Erect means the act of placing or affixing a component of a structure upon the ground or upon another such component.

Exterior architectural feature means the architectural elements embodying style, design, general arrangement and components of all the outer surfaces of a building, including, but not limited to, the kind, color, and texture of building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

Façade means the portion of the exterior of a building, usually the front but sometimes the side and rear, that is used to meet architectural treatment details and that sets the tone for the rest of the building.

Family means an individual or two or more persons related by genetics, adoption or marriage or a group of five or fewer persons (excluding domestic employees) who are not related by genetics, adoption or marriage.

Fence, sight-obscuring means a fence or wall constructed in such a way as to obstruct vision.

Final action, final decision or final order means the date upon which a determination has been reduced to writing and signed by the approval authority or the final resolution of all City, State, and Federal appeals, whichever is later.

Finish Material, Exterior means the siding and color of the exterior walls of any structure.

Findings means written statements of fact, conclusions and determinations based on the evidence in relation to the criteria and accepted by the approval authority in support of their decision.

Flag lot means a lot which has access to a right-of-way by means of a narrow strip of land. The lot area for a flag lot shall comply with the lot area requirements of the applicable zoning district and shall be provided entirely within the building site area exclusive of any access-way. (See Illustration 4, Appendix A set out at the end of this title.)

Flood fringe means the area bordering the floodway and within the floodplain that acts as a reservoir of flood waters (see Illustration 5, Appendix A set out at the end of this title).

Flood Insurance Rate Map (FIRM) means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable.

Flood, one hundred (100) year or base means a flood with a one-percent chance of occurrence in any given year. It is mapped by the Army Corps of Engineers and is used by the Federal Emergency Management Agency and the city for the purposes of regulating development within flood boundaries.

Floodplain means the combined area of the floodway and the flood fringe as defined herein (see Illustration 5, Appendix A set out at the end of this title).

Floodway means the minimum area necessary for the passage of floodwaters, which must be reserved to discharge the one hundred (100) year flood without increasing the water surface elevation more than one foot (see Illustration 5, Appendix A set out at the end of this title).

Floor area means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

Floor Area Ratio (FAR) means the total horizontal enclosed area of all the floors below the roof and within the outer surface of the wall of the primary building and other accessory enclosed structures, including garages, enclosed porches, mezzanines and stairwells and floor area within a primary building that is occupied by accessory uses, but specifically excluding carports and basements (finished or unfinished). Any areas with slope greater than twenty (20) percent or areas within the Flood Hazard Overlay may be excluded from FAR calculations.

Frontage means the side of a lot abutting a street; the length of the front lot line (see Illustration 7, Appendix A set out at the end of this title).

Front Lot Line. See "Lot line, front."

Garage, Private. "Private garage" means a building or portion of a building in which motor vehicles used by the tenant of the structure on the premises are stored or kept.

Garage, Public. "Public garage" means a structure that provides facilities for the repair of motor vehicles including body and fender repair, painting, rebuilding, reconditioning, upholstering, or other vehicle maintenance or repair.

Grade means the degree or rise of a sloping surface (see Illustration 6, Appendix A set out at the end of this title).

Grade, finish means the final elevation of the ground surface after development.

Grandfather Clause. See "Nonconforming use."

Gross acres means all of the land area included in the legal description of the property.

Guest house means an accessory building used for the purpose of providing temporary living accommodations and having no cooking facilities.

Hedge, sight-obscuring means an evergreen barrier grown for the purpose of obstructing vision which shall be at least two feet tall at the time of planting, and capable of obscuring at least eighty (80) percent of the view between two and six feet from the ground within five years of planting.

Height means the vertical distance of a structure measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the structure. Projections such as chimneys, spires, domes, elevator shaft housings, towers excluding television dish receivers, aerials, flag poles and other similar objects not used for human occupancy, are not subject to the building height limitations of this title if located outside the airport overlay zone.

Historic district means the land area included in the Aurora Colony Historic District as designated on the National Register of Historic Places, and shown on the city zoning map as the historic zone.

Home occupation means a lawful income-producing activity conducted in a dwelling while maintaining the residential character; having no outward appearance of a business and no infringement on the rights of neighboring residents (see Chapter 16.46). Home occupation does not include activity conducted by a resident of the dwelling acting as an employee of a business located outside of the residence.

Homeowners association means an incorporated, nonprofit organization operating under recorded land agreements through which each lot owner of a planned development or other described land area is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

Implementing ordinance means an ordinance adopted to carry out the comprehensive plan, including, but not limited, to the provisions of this title.

Impervious surface means those hard-surface areas located upon real property which either prevent or retard saturation of water into the land surface, as existed under natural conditions pre-existent to development, or cause water to run off the land surface in greater quantities or at an increased rate of flow from that present under natural conditions pre-existent to development. Common impervious surfaces include, but are not limited to, roof tops, concrete, asphalt sidewalks, walkways, patio areas, driveways, parking lots, storage areas, streets, roads, and graveled, oiled, macadam or other surfaces which similarly impact the natural saturation or runoff patterns which existed prior to development.

Improvement means any building, structure, place parking facility, fence, gate, wall, work of art or other object constituting a physical improvement of real property or any part of such improvement of real property or any part of such improvement.

Industrial park means a large tract of land that has been planned as an integrated facility for a number of individual industrial uses, with special attention given to traffic circulation, parking, utility needs, landscaping and compatibility of uses.

Industrial use means any use of land, structure or natural resources involving the manufacturing, processing or assembly of semi-finished or finished products from raw materials, or similar treatment or packaging of previously prepared materials.

Junk means old discarded or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled, wrecked, scrapped or ruined motor vehicles or motor vehicle parts, iron, steel or other old or scrap ferrous or nonferrous materials, metal or nonmetal materials.

Junkyard means any land area, building or part thereof used for the storage, collection, processing, sale, purchase or abandonment of two or more unregistered and inoperable motor vehicles, wastepaper, scrap metal, discarded goods, machinery or other materials defined as "junk."

Kennel means any premise where five or more dogs, cats or other small animals are kept for the business of boarding, training, propagation or sale.

Land form alteration means any manmade change to improved or unimproved real estate, including but not limited to, the addition of buildings or other structures, mining, quarrying, dredging, filling, grading, earthwork construction, stockpiling of rock, sand, dirt or gravel or other earth material, paving, excavation or drilling operations.

Landscaping means ground cover, trees, grass, bushes, flowers, garden areas and any arrangement of fountains, patios, decks, street furniture and ornamental concrete or stonework areas.

Legislative amendment means a change to the text of this title, to the comprehensive plan text, to the city plan map or to the city zoning map that is general in nature or large in size of area, and, therefore, affects a significant number of properties and owners. If there are questions as to whether a specific request for a land use review is quasi-judicial or legislative, the decision will be made by the city attorney. The decision will be based on current law and legal precedent.

Loading space means an off-street space or berth on the same lot or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle for loading or unloading persons, merchandise or materials, and which space or berth abuts upon a street, alley or other appropriate means of access and egress.

Lot means a parcel or tract of land sufficient in size to meet minimum zoning requirements for use, coverage, area, yards and open space, with frontage on a public street. Abutting property under the same ownership, whether in a platted lot or property described by metes and bounds, shall be considered part of the same lot (see Illustration 7, Appendix A set out at the end of this title).

Lot area means the computed area contained within the lot lines, exclusive of street or alley rights-of-way and easements of access to other property.

Lot, corner means a lot with two adjacent sides abutting streets other than alleys.

Lot coverage means the percent of a lot area covered by the horizontal projection of any structures or buildings.

Lot depth means the average distance between the front lot line and the rear lot line (see Illustration 4, Appendix A set out at the end of this title).

Lot, interior means a lot other than a corner lot, with frontage only on one street (see Illustration 4, Appendix A set out at the end of this title).

Lot line means any property line bounding a lot (see Illustration 4, Appendix A set out at the end of this title).

Lot Line Adjustment. See "Property line adjustment."

Lot Line, Front. "Front lot line" means, in the case of an interior lot, a property line which abuts the street; in the case of a corner, through lot or flag lot, the shortest of the two property lines which abut the street or access way or from which primary vehicular access to the property is gained. (See Illustration 7, Appendix A set out at the end of this title.)

Lot Line, Rear. "Rear lot line" means a lot line opposite to and most distant from the front lot line; or, in the case of an irregular or triangular-shaped lot, a line ten (10) feet long drawn entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side. "Side lot line" means any lot boundary not a front or rear property line.

Lot of record means a legally created lot meeting all applicable regulations in effect at the time of creation.

Lot, through or double-frontage lot means an interior lot having frontage on two parallel streets (see Illustration 4, Appendix A set out at the end of this title).

Lot width means the average horizontal distance between the side lot lines.

Major impact utility means services and utilities which have a substantial visual impact on an area. Typical uses are electrical and gas distribution substations, radio microwave, telecommunications towers, telephone transmitters and cable television receivers and transmitters.

Manufactured home means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

Manufactured home park means any place where four or more manufactured homes are located on a lot tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

Marijuana grow site includes the manufacture, planting, cultivating, growing, trimming, or harvesting marijuana or drying marijuana leaves or flowers, registered with the State of Oregon.

Marijuana processing site includes the processing, compounding or converting of marijuana into products, concentrates or extracts, and registered with the State of Oregon.

Medical marijuana dispensary and commercial marijuana retail stores means a facility that dispenses medical marijuana, registered with the State of Oregon and authorized according to the State of Oregon Health Authority (OHA) or Oregon Liquor Control Commission (OLCC), as applicable, to transfer usable marijuana and immature plants to and from cardholders, retail customers, or persons-licensed by the State to purchase, grow, or process marijuana.

Mining and/or quarrying means premises from which any rock, sand, gravel, topsoil, clay, mud, peat or mineral is removed or excavated for sale, as an industrial or commercial operation, and exclusive of excavating and grading for street and roads and the process of grading a lot preparatory to the construction of a building for which a permit has been issued by a public agency.

Minor impact utility means services which have minimal off-site visual impact.

Mobile storage unit means a portable storage container that may be transported by truck and/or trailer that is used as an accessory structure. Mobile storage units may include railroad cars, tractor trailer units and/or shipping containers.

Modular home means a structure constructed in accordance with federal requirements for modular construction including compliance with Oregon Structural Specialty Codes.

Net acres means the total amount of land which can be used for development.

Nonconforming lot means a lot which was lawful in terms of size, area, dimensions or location, prior to the adoption, revision or amendment of the zoning ordinance, but which now fails to conform to the requirements of the zoning district.

Nonconforming sign means any sign lawfully existing on the effective date of an ordinance, or amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations.

Nonconforming structure means a structure the size, dimensions or location of which were lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails to meet the present requirements of the zoning district.

Nonconforming use means an activity lawfully existing prior to the effective date of the ordinance codified in this title, or any amendment thereto, but which fails to meet the current standards and requirements of the zone. (Note: In the case of nonconformance, the key phrase is "...lawfully existing prior to the effective date of the ordinance codified in this title or any amendment..." which make the use or the lot, sign or structure nonconforming. These are frequently referred to as being "grandfathered in," meaning that they are allowed to remain under the conditions set by said ordinance (see Chapter 16.62).

Non-remonstrance Agreement means a written agreement executed by a property owner or a property owner's predecessor in title that waives the right of a property owner to file a remonstrance and thereby potentially delay the formation of a Local Improvement District (LID). Such agreements are typically entered into as a condition of development or improvement that impacts or connects to a substandard public facility in lieu of requiring immediate improvement of the substandard facility. 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.

Occupancy permit means a required permit allowing occupancy of a building after it has been determined that all requirements are met.

On-the-record means an appeal procedure in which the decision is based on the record established at the initial hearing. New information may be added only under certain limited circumstances.

Open space means an area of land or water essentially unimproved and set aside, dedicated or reserved for public or private use, or for the use of owners and occupants of land adjoining or neighboring such open space.

Owner means any person, agent, firm or corporation having a legal or equitable interest in the property.

Owner, Contract Purchaser Deemed. A person or persons purchasing property under contract, for the purposes of this title shall be deemed to be the owner or owners of the property covered by the contract. The Planning Commission or the City Council may require satisfactory evidence of such contract of purchase.

Ownership means an ownership is one or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a shared right-of-way.

Parcel means a unit of land that is created by partitioning land.

Park and recreation facility means any land set apart and devoted to the purposes of pleasure, recreation, ornament, light and air for the general public.

Parking space means an area within a private or public parking area, building or structure meeting the specific dimensional requirements and designated as parking for one vehicle.

Partitioning land means division of an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partitioning does not include divisions of land resulting from lien foreclosures nor the adjustment of a property line by the relocation of a common boundary when no new parcel is thereby created.

Permit means an official document or certificate, issued by the city or its designated official, authorizing performance of a specified activity.

Permitted use means a use which is allowed outright, but is subject to all applicable provisions of this title.

Person means an individual, corporation, governmental agency, official advisory committee of the city, business trust, estate, trust, partnership, association, two or more people having a joint or common interest or any other legal entity.

Place of worship means a church, synagogue, temple, mosque, chapel, meeting house, or other nonresidential place used for activities customarily associated with the practices of religious activity, including worship services, religion classes, weddings, funerals, meal programs, limited housing, and childcare, but not including private or parochial school education for prekindergarten through grade 12 or higher education.

Planning Director means the person designated by the City Council as responsible for planning activities for the city.

Plat includes a final subdivision plat, replat, or partition plat.

Partition Plat, final includes a final map and other writing containing all descriptions, locations, specifications, provisions and information concerning a partition.

Patio means an unenclosed, uncovered recreation area adjoining a building and adapted especially for outdoor dining and living.

Porch means a covered, enclosed or unenclosed, entrance to a vestibule or doorway.

Potential future flooding means condition that exists when a property elevation is at or below the established one hundred (100) year flood plain.

Preservation means the identification, study, protection, restoration, rehabilitation or enhancement of cultural resources.

Principal building means the building on a lot that serves the primary purpose for that lot and that is built for the support, shelter, protection or enclosure of any persons, animals or property of any kind. The principal building shall conform to the stated uses within the zoning district and all other restrictions of this title.

Professional office means the office of a member of a recognized profession maintained for the conduct of that profession.

Property line means the division line between two units of land.

Property line adjustment means the relocation of a common property line between two abutting properties which does not result in the creation of an additional lot, or the creation of a substandard lot.

Public support facilities include services, buildings, and structures necessary to support uses allowed outright in the underlying zone and operated by a governmental agency or public utility, except schools. Such facilities may include, but not be limited to, fire stations, libraries, City Hall, electrical substations, water and sewer distribution facilities and storage, power lines and poles, phone booths, fire hydrants, as well as bus stops, benches and mailboxes which are necessary to support principal development. Such facilities shall not include commercial plants.

Quasi-judicial amendment means a change to the text of this title, the comprehensive plan text, the city plan map or the city zoning map that is specific in nature or involves only a small number of properties or owners. If there are questions as to whether a specific request for a land use review is quasi-judicial or legislative, the decision will be made by the city attorney. The decision will be based on current law and legal precedent.

Replat means the act of replatting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision partition plat or to increase or decrease the number of lots in the subdivision.

Receipt means an acknowledgment of submittal.

Recreational vehicle means a vacation trailer or other unit with or without motor power which is designed for human occupancy and to be used temporarily for recreational purposes and is identified as a recreational vehicle by the manufacturer.

A recreational vehicle is:

- 1. Built on a single chassis;***
- 2. 400 square feet or less when measured at the largest horizontal projection;***
- 3. Designed to be self-propelled or permanently towable by a vehicle; and***
- 4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.***

Recreational vehicle park means any property developed for the purpose of parking or storing recreational vehicles on a temporary or transient bases, wherein two or more of such units are placed within five hundred (500) feet of each other on any lot, tract or parcel of land under one ownership.

Remonstrance Agreement means a formal written objection to formation of a Local Improvement District (LID) filed by an owner of property within the proposed LID pursuant to ORS 223.117 that can, in conjunction with other formal written objections from two-thirds or more of the affected property owners, delay formation of an LID.

Remodel means an internal or external modification to an existing building or structure which does not increase the site coverage.

Residence means a structure designed for occupancy as living quarters for one or more persons.

Residential care facility means any facility licensed or registered by or under the authority of the Department of Human Resources as defined in ORS 443.400 to 443.460 or licensed by the Children's Services Division which provides residential care for six to fifteen (15) individuals who need not be related, excluding required staff persons.

Residential care home means any home licensed by or under the authority of the Department of Human Resources as defined in ORS 443.400, a residential home registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.505 to 443.825 which provides residential care for five or fewer individuals who need not be related, excluding required staff persons.

Reserve strip means a strip of property usually one foot in width overlaying a dedicated street which is reserved to the city for control of access until such time as additional right-of-way is accepted by the city for continuation or widening of the street.

Residential use means a structure used for human habitation by one or more persons.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, pedestrian and bike paths, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or other special use. The usage of the term right-of-way for land division purposes means that every right-of-way hereafter established and shown on a plat or map is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Roadway means the portion of the street right-of-way developed for vehicular traffic.

School means any public, elementary, junior high, high school, college, or comparable private school.

Screening means a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

Setback means the minimum allowable distance between the property line and any structural projection. If there is an access easement or private street on the lot or parcel, setback shall mean the minimum allowable distance between the access easement or property street and any structural projection. Structural projections include fireplaces, covered porches, balconies, canopies and similar features. Cornices, eaves, belt courses, sills or similar architectural features may extend or project into a required setback not more than twenty-four (24) inches.

SHPO means the State Historic Preservation Officer.

Sign means any lettered or pictorial device designed to inform or attract attention.

Site means, for land divisions, the site is the lots, lots of record, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

1. If a proposed development includes more than one ownership, then all the ownerships are included as the site.
2. If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
3. If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

SSC means Structural Specialty Code.

Steep slope means a slope with a gradient of twenty-five (25) percent or greater (see "Grade").

Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under floor space is more than six feet above grade as defined in this section for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined in this section at any point, such basement or unused under floor space shall be considered as a story.

Story, First. "First story" means the lowest story in a building which qualifies as a story, as defined in this section, except that a floor level in a building having only one floor shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined in this section, for more than fifty (50) percent of the total perimeter, or more than eight feet below grade, as defined in this section, at any point.

Story, Half. "Half story" means a story under a gable or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story. If the finished floor level directly above a basement or unused underfloor space is not more than six feet above grade, as defined in this section, for more than fifty (50) percent of the total perimeter or is not more than twelve (12) feet above grade as defined in this section, at any point, such basement or unused under floor space shall be considered as a half story.

Street or road means a public or private way affording the principal means of access to abutting property, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

Street Classifications.

1. *Alley:* a public way or thoroughfare of not less than sixteen (16) feet in width which has been dedicated or deeded to the public for public use, and provides a secondary means of access to the back or side of abutting properties that have access on another street.
2. *Local:* a minor public street whose function is to provide access to immediately adjacent property.
3. *Arterial:* a major public street carrying large amounts of traffic and so designated on the official city street map.
4. *Collector:* a public street carrying traffic between minor and arterial streets.
5. *Cul-De-Sac:* a street that terminates in a vehicular turnaround.
6. *Half street:* the dedication of right-of-way equal to one-half the planned width of a public street and running the length of the property frontage. The same term can be applied to street improvements made to the center line of the street. (Note: A property owner cannot be required to dedicate more than half of the right-of-way width.)

Street, Private. "Private street" means an access way which is under private ownership.

Structural alteration. See "Alteration, structural."

Structure means that which is built or constructed, erected, or air-inflated, permanent or temporary; an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground. Among other things, structure includes buildings, walls, signs, billboards and poster panels.

Subdivide land means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision Plat, final includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

Substantial means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the replacement value of the structure.

Unstable soil means soil types which pose severe limitations upon development due to potential flooding, structural instability, or inadequate sewage waste disposal, as defined by the U.S. Soil Conservation Service, and include Coquito silt loam (Cm), concord silt loam (Co), terrace escarpment (Te), Wapato silt clay loam (Wc) and Newberg fine sandy loam (Nu).

Urban growth boundary means an adopted line used as a planning guideline to designate the future urban area of the city and indicating areas into which city services will be extended upon annexation to the city.

Use means the primary purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

Variance means a grant of relief from the dimensional standards of this title when it can be shown that, due to unusual conditions related to a piece of property, strict application of the title would result in an unnecessary hardship. (See Chapter 16.64.)

Visual clearance area means a triangular area on a lot at the intersection of two streets or a street and an alley, driveway, other point of vehicular access or railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance of twenty (20) feet. The third side of the triangle is a line across the corner of the lot adjoining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The visual clearance area shall not contain visual obstructions.

Visual obstruction means any fence, hedge, tree, shrub, device, wall or structure between the elevations of three and one-half feet [forty-two (42) inches] and eight feet above the adjacent curb height or above the elevation of gutter line of street edge where there is no curb, as determined by the Planning Director, and so located at a street, driveway or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles on such streets, driveways or alleys.

Wetlands means uncultivated land often called swamp, marsh or bog, that exhibits all of the following characteristics:

1. The land supports hydrophilic vegetation. This occurs when more than fifty (50) percent of the dominant species from all strata are classified as wetland species;
2. The land has hydric soils. Hydric soils are soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile;
3. The land has wetland hydrology. Wetland hydrology is permanent or periodic inundation, or soil saturation for a significant period (at least one week) during the growing season.

Yard means an open space unobstructed from the ground upward except as otherwise provided in this title. (See Illustration 9, Appendix A set out at the end of this title.)

Yard, Corner Side. "Corner side yard" means a yard extending from the front yard to the rear lot line on the street side of a corner lot.

Yard, exterior side means a yard extending from the front yard to the rear lot line on the street side of a corner lot.

Yard, Front. "Front yard" means a yard extending across the full width of the lot, with a depth equal to the minimum horizontal distance between the front lot line and a line drawn parallel to it at the nearest point of the building.

Yard, rear or back means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the foundation of a building.

Yard, Side. "Side yard" means a yard between the main building and side lot line, extending from the front yard to the rear yard and measured horizontally from the nearest point of the side lot line to the nearest point of the principal building.

"Zoning district" means an area of land within the Aurora city limits designated for specific types of permitted developments subject to the development requirements of that district.

(Ord. 496, § 2(Exh. A), 2022; Ord. 493, § 2(Exh. A), 2021; Ord. 488, § 2(Exh. A), 2019; Ord. 487 § 2, 2017; Ord. 479 § 2, 2015; Ord. 462 § 1, 2011; Ord. 455 § 1, 2010; Ord. 419 § 18A, 2002; Ord. 415 § 7.25.030, 2002; Ord. 499, § 3(Exh. B), 2022)

Editor's note(s)—Also see Chapters 16.18, 16.36, 16.44 and 16.50.

16.36.050 Occupying recreational vehicles.

It is unlawful for any recreational vehicle, to be occupied, lived in or otherwise used as a residence within the city, , **except in cases of a declared state of emergency**, unless such use is specifically approved by the city under Chapter 16.52, ~~except a private~~, A residentially zoned property is permitted to use ~~one~~ **one** recreational vehicle **at a time** to house guests no more than a total of ten (10) days in a calendar year **per property. Recreational vehicles cannot be occupied while parked on the street, a public park or any city property.**

- A. ~~Recreational vehicles shall be mobile and fully operable, on inflated wheels, and licensed with the Department of Motor Vehicles at all times.~~
- B. ~~No more than one recreational vehicle per lot shall be permitted to be stored outdoors, except for recreational vehicles brought to a lot by guests and for no more than a total of ten (10) days in a calendar year.~~
- C. ~~Porches and awnings and related structural projections may not be constructed adjacent or attached to a recreational vehicle.~~

(Ord 483, 2016; Ord. 415 § 7.94.050, 2002)

10.08.040 Bus, camper, motor home recreational vehicle and boat restrictions.

- A. No person shall at any time park or leave standing a camper, house trailer, motor bus, motor truck, motor home, boat trailer, vehicle with camper, or recreational vehicle, whether attended or unattended, on any public highway, public street or other public way within the city limits, for a period greater than thirty (30) minutes, between the hours of 12:01 a.m. and 6:00 a.m.
- B. A recreational vehicle, ~~house trailer, or motor home~~ may be parked on a public street longer than the period allowed in Section 10.08.040 (A) if;
1. It is owned by the resident or guest of the resident of the property in front of which it is parked, and
 2. ~~It is parked on the public street no longer than ten (10) days in any calendar year~~ **No more than one Recreational Vehicle is parked at a time, and**
 3. **It is parked on the public street no longer than 3 days in a in a 7 day period, and**
 4. Such vehicle is parked in a manner, which does not interfere with traffic or create a hazard by obstructing the view of drivers, and
 5. **No part of the RV extends such that it obstructs the sidewalk or the street, and**
 6. **Any extension cord, hose or cable that crosses the sidewalk must be covered.**

Failure to meet these criteria could result in a parking violation as per Section 10.08.160.

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;
- B. Home occupations (Type II) subject to Chapter 16.46;
- 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;
- 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)
- 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)
- F. Wholesaling, storage and distribution. (Ord. 415 § 7.60.050, 2002)
- 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.

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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~~ **10:00** p.m.
 8. Drives through windows are prohibited.

(Ord. 493, § 2(Exh. A), 2021; Ord. 488, § 2(Exh. A), 2019; Ord. 487 § 2, 2017; Ord. 479 § 2, 2015; Ord. 478 § 1, 2015)

Code Updates November 2023

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.
- M. Residential home as defined in ORS 197.660(2).

Chapter 16.74 - PROCEDURES FOR DECISION MAKING—LEGISLATIVE

16.74.070 - Approval process and authority.

- A. Following the public hearing, the Planning Commission shall formulate a recommendation to the Council to approve, to approve with modifications or to deny the proposed change, or to adopt an alternative.
- B. Within ten (10) days of the Planning Commission's recommendation, the Planning Director shall provide written notification to the Council and to all persons who provided testimony.

C. Any member of the Commission who voted in opposition to the recommendation by the commission on a proposed change may file a written statement of opposition with the Planning Director prior to any council public hearing on the proposed change. The Planning Director shall transmit a copy to each member of the Council and place a copy in the record.

D. If the Planning Commission fails to recommend approval, approval with modification, or denial of the proposed legislative change within sixty (60) days of its first public hearing on the proposed change, the Planning Director shall:

1. Report the failure to approve a recommendation on the proposed change 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.

E. The Council shall:

1. Have the responsibility to approve, approve with modifications or deny an application for the legislative change or to remand to the Planning Commission for rehearing and reconsideration on all or part of an application transmitted to it under this title. The Council may set conditions of approval that require conveyances and dedications of property needed for public use as a result of the development, code, plan or map amendment;
2. Consider the recommendation of the Planning Commission, however, it is not bound by the Planning Commission's recommendation; and
3. Act by ordinance on applications which are approved and shall be signed by the Mayor after the Council's adoption of the ordinance.

~~EF~~. The approved legislative change shall take effect after adoption as specified in the enacting ordinance.

G. If the Council's decision is appealed to LUBA, the Council may withdraw the decision for reconsideration at any time allowed by ORS Chapter 197 and LUBA's administrative rules.

Chapter 16.76 - PROCEDURES FOR DECISION MAKING—QUASI-JUDICIAL

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.

C. If the City's final decision is appealed to LUBA, the Council may withdraw the decision for reconsideration at any time allowed by ORS Chapter 197 and LUBA's administrative rules.

Chapter 16.78 - PROCEDURES FOR DECISION MAKING—LIMITED LAND USE DECISIONS

16.78.100 - Notice of decision.

- A. All limited land use decisions require a notice of decision.
- B. The applicant and any person who submits written comments during the fourteen-day period shall be entitled to receive the notice of decision.
- C. The notice of decision shall include:
 1. A brief summary of the decision;
 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 made; and
 4. A statement of whether a party to the proceeding may seek appeal of the decision, as appropriate.
- D. Within ten (10) calendar days after the decision is made by the approval authority, the final decision shall be filed in the records of the Planning Director and notice thereof shall be mailed to the applicant and all parties in the action and shall be available to the approval authority.

E. If the City's final decision is appealed to LUBA, the Council may withdraw the decision for reconsideration at any time allowed by ORS Chapter 197 and LUBA's administrative rules.

10.08.090 Parking for certain purposes prohibited.

No person shall park a vehicle and no owner of a vehicle shall allow a vehicle to be parked on the right-of-way of any highway, or upon any public street or public way within the City limits for any of the following purposes:

- A. Selling or offering to merchandise of any kind without a City permit and City business license. The City permit is obtained at the City Police Department.
- B. Repairing or servicing the vehicle except while making repairs necessitated by an emergency.
- C. Displaying temporary advertising from the vehicle, subject to the applicable regulations of Titles 16 and 17 herein.
- D. In addition to provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park a vehicle on any public highway, public street or other public way:
 1. Within fifty (50) feet of any intersection (measured from the point of intersection of the centerlines of two public ways) if:
 - a. Any part of the vehicle is over seven (7) feet in height; or
 - b. The vehicle, by manufacture or modification, obscures the vision of:
 - i. Any official traffic control sign or signal.
 - ii. Intersection traffic.
 - iii. Any pedestrian in a crosswalk.
 - c. This prohibition is subject to individual street prohibitions contained for those designated truck routes contained in Section 10.08.130.
 2. ***In front of any United States Postal Service owned mailbox or receptacle.***

(Ord. 431, 2004; repealing Ord. 352)



Aurora Municipal Code

Building Codes Division

~~Policies and Procedures~~

POLICY NUMBER: ~~94-11 (REVISED 2/2021)~~

SUBJECT: Rain Drains and Gutter Requirements

CODE EDITIONS: 2017 Oregon Plumbing Specialty Code (OPSC), 2017 Oregon Residential Specialty Code (ORSC), 2019 Oregon Structural Specialty Code (OSSC)

EFFECTIVE DATE: ~~February 2021~~ **TBD**

Code Section: OPSC Section 1101 **???**

ISSUE: The consistent application and procedure for the issuance of Rain Drain permits.

~~Clackamas County~~ **City of Aurora** policy requires all buildings provided with roof gutters and rain drains direct water to an approved drainage system or point of termination approved by the Building Official.

Exceptions

1. Buildings considered Ag Exempt structures or equestrian per ORS 455.315
2. Buildings exempt from a building permit per the ORSC.
3. Manufactured Homes located on their own property (Not located in a M/H park)
4. Buildings located at or above 1,500 ft. in elevation due to the snow levels at these elevations.
5. Outbuildings under 200 square feet in floor area.

NOTE: In the exceptions listed above, if a decision is made to add gutters even though not required, a permit and inspections will be required for the piping system to convey the water to an approved point of disposal.

Buildings requiring rain drains shall have a separate plumbing permit unless included in a NSFD or Manufactured Home permit. The applicant should be informed of the requirement for rain drains at the time of application. Buildings requiring a plumbing permit for a rain drain system will not be given a final until the plumbing permit is complete.

It is the responsibility of the contractor to verify that rain drains have been permitted, inspected, and have received an approved final plumbing permit inspection prior to issuing building final.

Fees

Detached garages or other outbuildings will require a full rain drain package.

If an attached garage is constructed in conjunction with the house, a separate rain drain package will not be required. If being constructed and/or inspected at a different time, a separate plumbing permit for a rain drain package will be required.

Rain drain packages are for residential only (not for commercial or industrial).

On additions or remodels of commercial, industrial, etc., structures shall be treated as new work.

Rain drain permits under the manufactured home permit. If a car port or cabana are constructed, a separate rain drain permit is required.

If questions arise, please contact the plumbing inspector supervisor.

Crawl Space or Low Point Drains

Section 408.6 of the ORSC requires that a crawl space drains will be installed on all one and two family dwellings.

Section 1804.8 of the OSSC specifies that the ground under any building or portion thereof shall be sloped to a low point and drainage facilities shall be installed to provide positive drainage from the area under the building.

Crawl space drains may be connected to footing drains or the rain drain system. Whenever these drains are connected to the rain drain system an accessible backwater valve must be installed according to the plumbing code. (2017 OPSC 1101.6.2-3)

In those instances where it is impossible to drain the space by gravity, mechanical devices shall be used. The appropriate pump and piping material shall be installed and inspected. (2017 OPSC 1101.6.2-4)

Similar to rain drains, one and two family dwellings and related structures on over 1 acre, may have these crawl space drains ran to daylight with rip-rap and rat proofing installed at the termination point.

Piping Material: If the back water valve is located inside the crawl space then the piping material from the valve to point of termination must be cast iron, ABS Schedule 40 or PVC/DWV. The back water valve must be accessible. (2017 OPSC Table 701.2, 718.3)

If the back water valve is located outside the foundation, then it must be located in an accessible yard box. The piping material from the crawl space to the valve shall be the same as above. From the valve to the point of termination, the pipe shall be cast iron, ABS Schedule 40, PVC/DWV Schedule 40. You may transition to PVC 3033 or 3034, once the pipe is more than 2 feet from the foundation. (2017 OPSC 1101.6.2-3)

Inspections: The structural/mechanical inspector will be responsible footing drains/ water proofing. The plumbing inspector will be responsible for rain drain and crawlspace drains.

Point of Termination for Residential Structures

Subdivisions

Most subdivisions have been designed with provisions for connecting to a storm sewer or perimeter system. Before considering soakage trench systems, check with Transportation Engineering regarding connecting to a system specifically designed for rain and crawl space drains.

Properties of less than one acre

Rain drains installed on properties of less than one acre will be required to terminate as per chapter 11 of the current plumbing code. In ~~Clackamas County~~ **City of Aurora**, storm water from rain drain systems will be conveyed to a storm sewer, storm sewage system or a rain water harvesting system in a manner which will not cause flooding to adjacent properties, streets, alleys, or walkways. Termination into a public roadside ditch or culvert is not allowed.

Properties of one acre or more

The point of termination of rain drains installed on properties one acre or larger shall terminate a minimum of ten (10) feet from all structures and five (5) feet from property lines. The point of termination shall be placed so that the storm water does not cross over a drain field or into neighboring property. There shall be approved erosion control measures provided at the outfall of the storm water line, such as rip-rap. Termination into a public roadside ditch or culvert is not allowed.

Point of Termination for Commercial, Industrial and Apartments

In the case of apartment complex carports, if the asphalt parking area is designed to receive storm drain water and allow gravity drainage away from carports, then the down spouts may be allowed to discharge on the parking area to an approved catch basin with pre-approval from the Building Official.

Manufactured Homes

Manufactured homes are not required to install rain drain systems unless they are located in a jurisdiction ~~or~~ which requires rain drains. However, if the applicant is going to install gutters, then a rain drain system and inspection is required. The methods of installation and point of disposal shall comply with the policy above. Some manufactured home parks and subdivisions require all units placed in the development to have rain drains. When inspections are requested, the plumbing section will do the installation inspection. Rain drains must be installed at the time of the manufactured home installation inspection. Parks are responsible for properly addressing site drainage.

Note: When installing a system for a property with more than 5,000 Sq. Ft. of impervious surface, in ~~unincorporated Clackamas County~~ **City of Aurora**, Please Contact Water Environment Services to obtain proper permits.

What type of pipe may I use?

Around the perimeter, one may use cast iron, ABS Schedule 40, or white PVC/DWV schedule 40. Contact a plumbing inspector with questions about ADS or CPE. You may transition to PVC 3033, 3034, or other material approved for storm sewer use once the pipe is more than 2 feet from the structure foundation. (2017 OPSC 1101.4.2)

The pipe used to terminate the drain may be cast iron, black ABS Schedule 40, white PVC DWV, green PVC 3033 or 3034. If using CPE or ADS contact a plumbing inspector for advice. Contact a plumbing inspector with questions about ADS or CPE. Green, 14 gauge tracer wire is required from the structure to the termination point. (2017 OPSC 718.4)

May one terminate in a soakage trench or dry well?

Soakage trenches or dry wells should be avoided if possible. When a soakage trench is being considered the soil must be of adequate porosity to facilitate drainage. If the soil is inadequate, a mechanical system will be required.

Can we tie the footing drain and/or low point drain to the rain drain?

Yes, in most cases. An approved back water valve must be installed in an accessible location on the branch line to the footing or low point drain. (2017 OPSC 1101.6.2-3)

What is the appropriate pipe size?

The size of the roof area, number of down spouts, slope of pipe, and system configuration needs to be known. Contact the plumbing inspector supervisor. Usually a 3-inch pipe will suffice for roof areas of up to 2,500 square feet.

What is the appropriate grade or fall?

Rain drain piping may be laid level on the footing around the perimeter of the structure when using cast iron, ABS or PVC-DWV material and secured. When leaving the footing or if installed next to the footing, piping shall run at a minimum of 1/4-inch per foot to point of termination.

How deep does the trench need to be and what are the backfill requirements?

Piping shall be buried per manufacturer's installation instructions for the material being used and laid on a firm bed for its entire length. Sand, gravel, or natural earth free of rocks are acceptable.

What kind of tests need to be done?

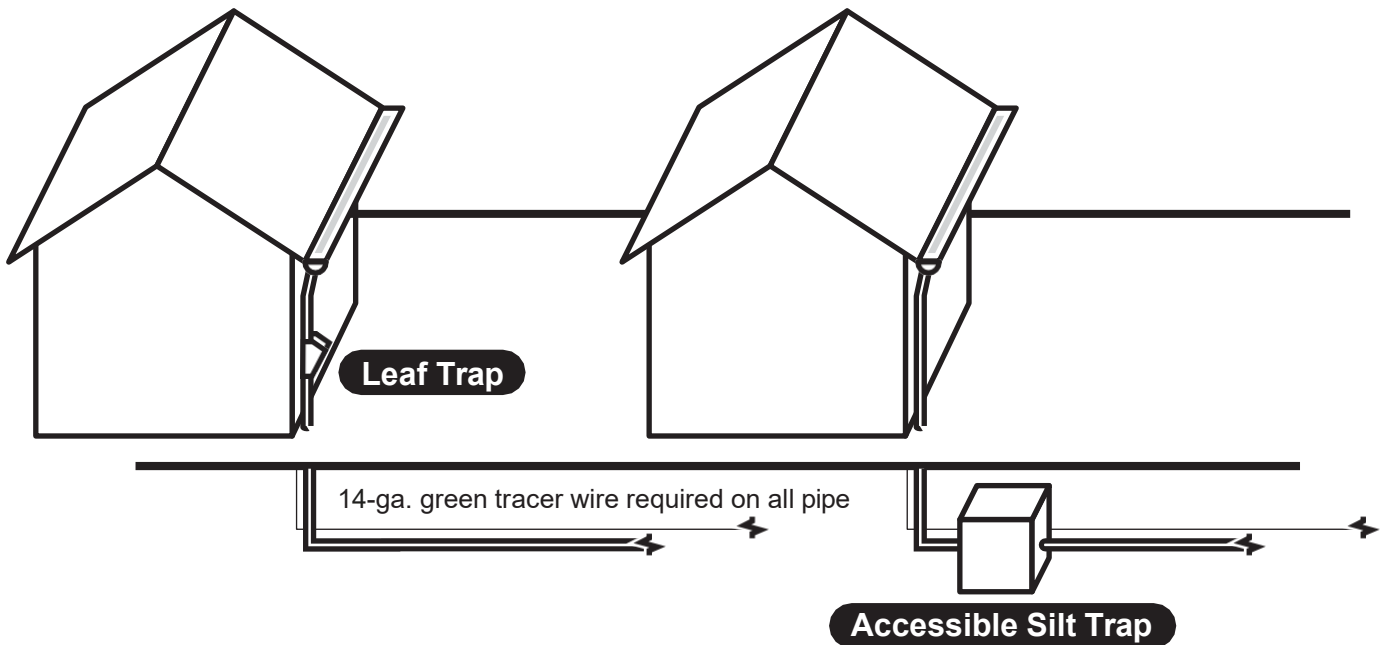
When installed on the exterior of a residential unit, no test is required. Contact the county's plumbing team for interior rain drain piping, and other applications

Who may install rain drains?

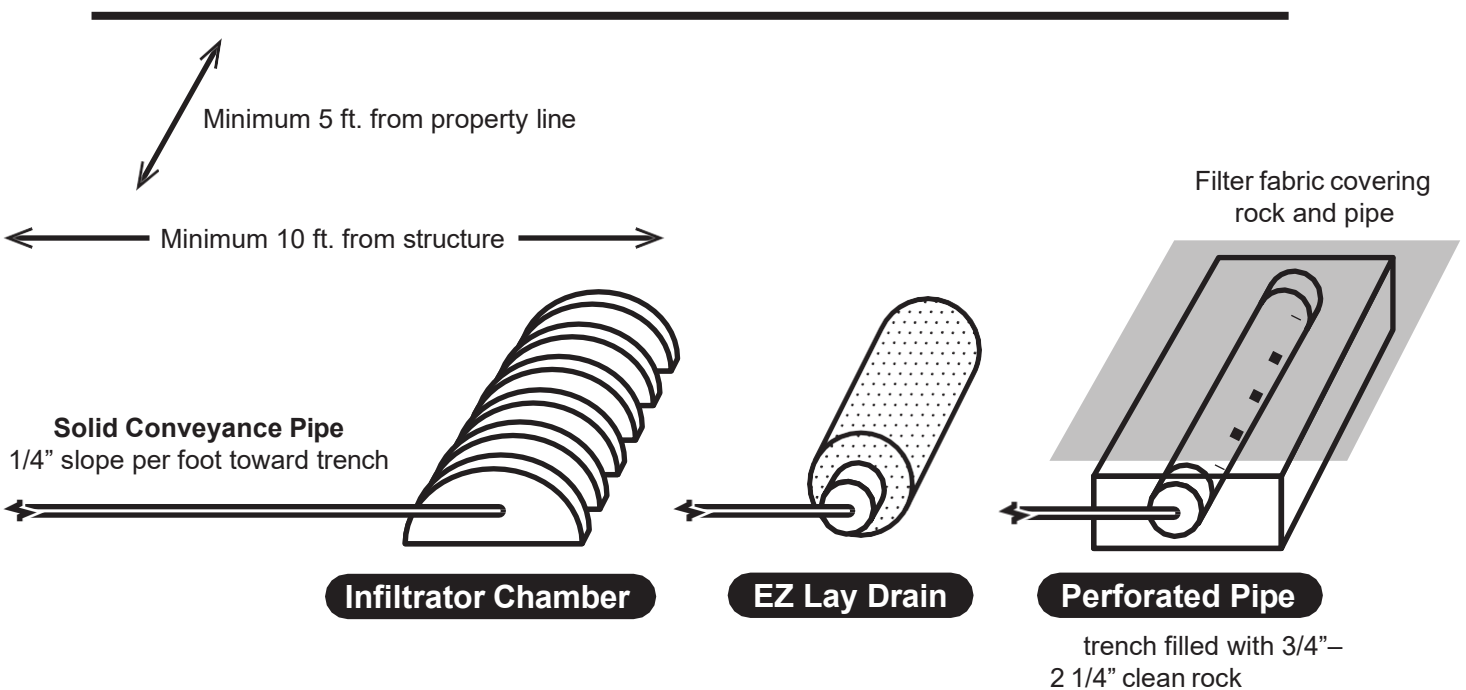
The home owner on their own residence or a contractor with a plumbing business license. (BCD 6-18-2014 Interpretation)

Rain Drains and Gutter Requirements

Buildings requiring rain drains must use a Leaf Trap or Silt Trap and Infiltrator Chamber, EZ Lay Drain or Perforated Pipe.



1 linear foot of trench required for every 100 sq. ft. of roof area



8.04.020 Standards and definitions.

- A. Terminology and Standards. All terminology used in this chapter that is not defined below shall be in accordance with the Department of Environmental Quality (DEQ) Noise Control Regulations and noise emission standards outlined by Oregon Revised Statute (ORS) 467.030, and Oregon Administrative Rule (OAR) Chapter 340 Division 35.
- B. Measurement of Sound Level.
1. Measurements shall be made with a calibrated sound level meter in good operating condition.
 2. Persons conducting sound level measurements shall have received training in the techniques of sound measurement and the operation of sound measuring instruments from ~~the Department of Environmental Quality or other~~ a competent **public body or private enterprise** prior to engaging in any enforcement activity.
 3. Procedures and tests required by this chapter and not specified herein shall be placed on file with the city recorder.

- C. Definitions. As used in this chapter:

Amplifying equipment means public address systems, musical instruments, and other similar devices which are electronically amplified.

City means the city of Aurora, Oregon or the area within the territorial city limits of the city of Aurora, Oregon and such territory outside of this city over which the city has jurisdiction or control by virtue of ownership or any Constitutional or Charter provision, or any law.

Commercial land use includes land uses zoned commercial (C), historic commercial (HC) or any use of an office, service establishment, retail store, park, amusement or recreation facility, or other use of the same general type, whether publicly or privately owned.

Construction means any and all activity necessary or incidental to the erection, demolition, assembling, altering, installing, repair or equipping of buildings, roadways and utilities. It shall include land clearing, grading, excavating and filling before, during or following such activity.

Continuous sound means any steady sound with a deviation no greater than plus or minus two DBA of its mean, or total fluctuation of four DBA, during the period of observation when measured with a sound level meter set on fast response.

Day time period means 7:00 a.m. until 10:00 p.m. of the same day, local time.

Domestic power tools means any mechanically or electrically powered saw, drill, sander, grinder, lawn or garden tool, or similar device generally used out of doors in residential areas.

Emergency work means work made necessary to restore property to a safe condition following severe inclement weather and natural disasters, work required to restore public utilities or work required to protect persons or property from imminent exposure to danger.

Industrial land use includes land use zoned light industrial (LI), industrial (I), or any use of a warehouse, factory, mine, wholesale trade establishment or other use of the same general type, whether publicly or privately owned.

Night time period means 10:00 p.m. of one day until 7:00 a.m. the following day, local time.

Noise sensitive areas or noise sensitive uses includes property on which residential housing, apartment buildings, schools, churches, hospitals, and nursing homes are located.

Off-road recreational vehicle means any self-propelled land use vehicle designed for, or capable of traversing over natural terrain, including, but not limited to, racing vehicles, mini-bikes, motorcycles, go karts, and dune buggies, when operated off the public right-of-way for noncommercial purposes.

Persons means a person, persons, firm, association, co-partnership, joint venture, corporation or any entity public or private in nature.

Plainly audible means unambiguously communicated sounds which disturb the comfort, repose or health of the listener. Plainly audible sounds include, but are not limited to, understandable musical rhythms, understandable spoken words, and vocal sounds other than speech which are distinguishable as raised or normal.

Powered model vehicle means any self-propelled airborne, waterborne, or landborne plane, vessel or vehicle, which is not designed to carry persons, including but not limited to any model airplane, boat, car, or rocket.

Recreational park means a facility open to the public for the operation of off-road recreational vehicles.

Warning devices means electronic devices used to protect persons or property from imminent danger including, but not limited to, fire alarms, civil defense warning systems, and safety alarms required by law.

(Ord. 424 § 4 (part), 2002; Ord. 397 § 2, 1999)

8.04.040 Prohibited acts.

- A. No person shall knowingly continue, cause or permit to be made or continued any excessive or unnecessary sounds which are listed in this section or Section 8.04.050.
- B. The following acts are declared to create excessive and unnecessary sounds in violation of this chapter without regard to the maximum sound levels of Section 8.04.050:
1. Radios, Stereos, Boomboxes, Tape Players, Television Sets. The playing, using or operating of any radio, tape player, television set or stereo system including those installed in a vehicle in such a manner so as to be plainly audible at any time between 10:00 p.m. and 7:00 a.m. the following day, local time:
 - a. Within a noise sensitive area of noise sensitive use which is not the source of the sound; or
 - b. At a distance of one hundred (100) feet or more from the source of the sound.
 2. Revving Engines. Operating any motor vehicle engine above idling speed off the public right-of-way so as to create excessive or unnecessary sounds within a noise sensitive area.
 3. Compression Braking Devices. Using compression brakes, commonly referred to as "jake brakes," on any motor vehicle except to avoid imminent danger or persons or property.
 4. Exhausts. Discharging into the open air the exhaust of any steam engine, internal combustion engine, or any mechanical device operated by compressed air or steam without a muffler, or with a sound control device less effective than that provided on the original engine or mechanical device.
 5. Idling Engines on Motor Vehicles. Idling more than fifteen (15) consecutive minutes between the hours of 10:00 p.m. and 7:00 a.m. the following day, local time, any motor vehicle with a gross vehicle weight rating (GVWR) of eight thousand (8,000) pounds or greater which exceeds fifty (50) dBA measured at the nearest occupied noise sensitive property.
 6. Vehicle Tires. Squealing tires by excessive speed or acceleration on or off public right-of-way except when necessary to avoid imminent danger to person or property.
 7. Motorcycles, Go-Karts, Dune Buggies. Operating motorcycles, go karts, dune buggies and other off-road recreational vehicles off the public right-of-way on property not designated as a recreational park.
 8. Motorboats. Operating or permitting the operation of any motorboat within the city's jurisdictional boundaries in such manner as to exceed eighty-four (84) DBA at a distance of fifty (50) feet or more.
 9. Powered Model Vehicles. Operating or permitting the operation of powered model vehicles, with the exception of gliders and aircraft propelled by electric motors in areas not designated by the city council for such use.
 10. Explosives. The discharge of fireworks and other explosive devices.
 11. Tampering. The removal or rendering inoperative of any noise control device for purposes other than maintenance, repair, or replacement.
 12. Animals. Owning, possessing or harboring any bird or other animal which barks, bays, cries, howls, or makes any other noise ~~continuously~~ for a period of ten (10) minutes or more, other than for reasons of being provoked by a person trespassing or threatening to trespass.
 13. Steam Whistles. Blowing any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work.
 14. Horns and Alarms. The sounding of a horn or signaling device on a vehicle on a street or public or private place, except as a necessary warning of danger.

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15. Compressed Air Devices. The use of a mechanical device operated by compressed air, steam, or otherwise, unless the noise created is effectively muffled.
- C. No person shall operate a motor vehicle on a public right-of-way unless it meets the noise emission standards promulgated by Oregon Revised Statute (ORS) 467.030 and Oregon Administrative Rule (OAR) Chapter 340, Division 35, which are adopted and incorporated by this reference. Copies of ORS 467.030 and OAR Chapter 340, Division 35 are on file in the office of the city recorder.
- (Ord. 424 § 4 (part), 2002; Ord. 397 § 4, 1999)

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.
- B. Maintenance of sidewalks and curbs is the continuing obligation of the adjacent property owner.
- 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.
- 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~~ **property** 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;

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- 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.
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.

B.[D.] 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.

(Ord. 488, § 2(Exh. A), 2019; Ord. 415 § 7.92.060, 2002; Ord. 464, 2011)