



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

01/24/2011

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Turner Plan Amendment
DLCD File Number 001-09A

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, February 08, 2011

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

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

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

Cc: David Sawyer, City of Turner
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Amanda Punton, DLCD Regional Representative
Gloria Gardiner, DLCD Urban Planning Specialist
Bill Holmstrom, DLCD Transportation Planner
Angela Lazarean, DLCD Regional Representative

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FORM 2

DLCD

Notice of Adoption

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

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF

JAN 19 2011

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: City of Turner

Local file number: 10-106 & 10-107

Date of Adoption: 12/16/2010

Date Mailed: 01/18/2011

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: Hand-delivered 08/17/2010

☒ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☒ Land Use Regulation Amendment

☒ Zoning Map Amendment

☒ New Land Use Regulation

☐ Other:

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

The City adopted new zones for downtown commercial and public uses; adopted new design standards for the downtown zone; amended section of its Home Occupation, Flood Zone and Vacation sections; adopted the land use decision for the redevelopment of the Riverbend Gravel mine.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from: MAR

to: R1, R2 & R11

Location: North Turner

Acres Involved: 170 acres

Specify Density: Previous: 0

New: 5.4 units/acre

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 001-09A (17621) [16487]

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

N/A

Local Contact: David Sawyer, City Administrator Phone: (503) 743-2155 Extension:
Address: 7250 Third St SE/P.O. Box 456 Fax Number: 503-743 4010
City: Turner Zip: 97392 E-mail Address: turnercityadmin@wbcable.net

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 16, 2010

CITY OF TURNER, OREGON

ORDINANCE NO. 10-106

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND TURNER LAND USE DEVELOPMENT CODE FOR THE FOLLOWING PURPOSES: ESTABLISHING A C-2 DOWNTOWN COMMERCIAL DISTRICT ZONE; ESTABLISHING A P-I PUBLIC INSTITUTIONAL ZONE; AMENDING LANGUAGE SECTIONS ON FLOODPLAIN PERMITS, VACATIONS, REDEVELOPMENT REQUIREMENTS AND HOME OCCUPATIONS, AND REPEALING ORDINANCE NO. 05-101, DOWNTOWN COMMERCIAL DISTRICT (DC), AND MEMORIALIZING THE REZONING APPROVED UNDER THE RIVERBEND REDEVELOPMENT PROJECT APPLICATION

WHEREAS, the City of Turner approved a land use application #09-001 CP, #09-001 ZM, #09-001 S and #09-001 HD, titled the Riverbend Redevelopment on October 22, 2009; and,

WHEREAS, the City of Turner completed a Downtown Study which recommended the creation of both the C-2 and P-I zones: and,

WHEREAS, the City Council identified priority areas of the Land Use Code which needed to be updated; and,

WHEREAS, the City wishes to have land use codes which are clear and serve the purposes that the council in conjunction with the community have set; and,

WHEREAS, the City has held the proper land use process with notices and public hearings to approve these changes;

NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF TURNER ORDAINS AS FOLLOWS:

Section 1. The City of Turner's Comprehensive Plan is hereby amended as follows:

- a) Section 9.390 Population & Economy Goals and Policies, Economy item 6 shall read as follows:

"The City recognizes the downtown central business district as the dominant commercial area in Turner and shall encourage new retail, office and service commercial to locate there. Multifamily residential development on the first floor or above shall be encouraged in the central business district. Commercial development which needs larger areas or extensive parking lots shall be encouraged to be located along the 3rd Street commercial corridor."

- b) Section 9.390 Population & Economy Goals and Policies, Economy, shall have the following added:

13. The City of Turner shall maintain two commercial land use districts. The C-1 General Commercial district is intended to accommodate larger retail uses and/or uses which utilize parking lots. The C-2 Downtown Commercial district is intended to accommodate primarily smaller retail, office and service uses within the historic downtown center of Turner. No off street parking will be required for smaller uses in the C-2 district. The set of design standards and guidelines for the C-2 district is intended to encourage a downtown storefront character for C-2 district reminiscent of the early years of downtown Turner.

- c) Section 9.590, Land Use Goals and Policies, shall have the following added:

Public Institutional

1. The City shall designate publicly and semi-publicly owned properties such as parks, schools, fire stations, churches, and utility service facilities with the Public-Institutional land use district, unless such properties are intended to be converted to non-public uses within a reasonable time.

Section 2. The City of Turner's Land Use Development Code (TLUDC) is hereby amended as follows:

A) The following language changes are adopted to Article 2, ADMINISTRATIVE PROVISIONS:

SECTION 1.170 ADMINISTRATION

- (2)(b) The City Administrator shall have decision authority for Property Line Adjustments specified in Section 2.313(1) and (2) and Flood Plain development permits ~~not involving placement of fill or floodway development as specified in Section 4.210.~~ **(Amended by Ord. 02-105 Attachment "A")**
- (4) The City Council, with recommendation from the Planning Commission, shall have the authority to review and approve all Comprehensive Plan and Zoning Map Amendments, ~~Vacations~~ and Subdivisions. The City Council shall also review and approve all Annexations and vacations. Approved Annexations will then be referred to voters in accordance with the City Charter.

A) The following language changes are adopted to Article 2, APPLICATION PROCEDURES:

SECTION 2.900 VACATIONS

Where it is determined that a proposed Vacation shall not be injurious to the City or abutting properties, it may be appropriate to vacate all or parts of a public right-of-way, easements or other public places. This section states the procedures and criteria to permit the vacation of public lands not needed for municipal purposes, where it is consistent with the community land use policies and goals. Ownership of vacated territory shall ~~revert proportionally to the adjoining properties and become a part thereof, unless specified otherwise by the City Council~~ be governed by appropriate Oregon Statutes.

(1) **Vacation Application.** An application for a Vacation may be initiated by the City Council or by petition of adjoining or area land owners in accordance with **ORS 271.080 through 271.170** A request by a property owner for a Vacation shall be accomplished by filing an application with the City using forms prescribed in **Section 2.130**. Applicants shall set forth a description of the area proposed to be vacated and shall submit a map showing the same area and shall state the purpose and justification for the proposed vacation.

(2) **Consent of Affected Property Owners.** Required consent of property owners shall be governed by ORS and based upon whether it is a City or property owner initiated application. ~~At the time the application is submitted, the Applicant shall submit a letter or letters of consent from affected property owners. For purposes of this Code and in compliance with ORS 271.080, affected property owners shall be defined as:~~

~~(a) All abutting property owners, and~~

~~(b) Owners of not less than two thirds in area of the real property affected thereby.~~

~~Consent of the owners of the required amount of property shall be submitted in writing and duly acknowledged by the City prior to the scheduling of a public hearing for the requested Vacation.~~

(3) **Decision Criteria.** A Vacation request may be approved if the review body finds that the applicant has shown that all of the following review criteria are met:

(a) The proposed Vacation is consistent with the relevant Comprehensive Plan policies and with any official street plan, transportation plan or public facility plan.

(b) The proposed Vacation will not adversely impact adjacent areas or the land use plan of the City.

- (c) The proposed Vacation will not have a negative effect on access between public rights-of-way, existing or future properties, public facilities or utilities.
- (d) The proposed Vacation will not have a negative effect on traffic circulation or emergency service protection.
- (e) The portion of the right-of-way that is to be vacated will be brought into compliance with Code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.
- (f) The proposed Vacation will not have an adverse impact on economy of the area.
- (g) The public interest, present and future, will be best served by approval of the proposed Vacation.

(4) **Decision Process.** The procedure for taking action on a Vacation request may be one of the following:

- (a) Upon the filing of a complete application for a Vacation, the City Council shall review the application. ~~and refer the request to the Planning Commission to evaluate the proposed Vacation and to determine the appropriate zoning district to be applied upon the vacation and make a recommendation to the City Council.~~
- (b) Zoning of Vacated Right-of-Way. ~~Except as otherwise provided within the vacation ordinance or where the official City zoning map is not clear as to~~ The zoning of vacated right-of-way, ~~the zoning of each parcel of vacated territory shall be the same as the adjoining property to which the ownership of the vacated unit of land automatically reverts.~~
- (c) Vacations initiated by an applicant for a specific property within the City requires a "Quasi-judicial Decision" by the City Council ~~with a recommendation by the Planning Commission,~~ in conformance with the Quasi-judicial Public Hearing procedures of **Section 3.510** as supplemented by the provisions of **ORS Chapter 271**. State law defines the affected area and mandates notice requirements that may be more stringent than the City's requirements.
- (d) The City Council, ~~upon recommendation of the Planning Commission,~~ may approve, deny or approve with standards or conditions to attain compliance with this Code and State Statutes.

- (e) Conditions of Approval. The City may attach conditions to the approval of a Vacation request to:
 - (i) ensure that the proposal will conform to standards contained in the City Land use Code. ~~the review criteria;~~ and may
 - (ii) require fair market value for the vacated property as a condition of approval.
- (5) A written record of the findings and action of the City Council on the Application shall be maintained by the City in a Record File as specified in **Section 2.150**. Notice of Decision shall be given the Applicant together with any conditions of approval for the proposed Vacation as specified in **Section 3.600, Decision**.
- (6) Final vacation approval shall be in ordinance form with an appropriate legal description and map.
- (7) Vacations shall not be recorded with Marion County, unless specified by the City Council, until all Conditions of Approval have been met.

B) The following language changes are adopted to Article 4, Zoning Districts:

SECTION 4.010 CLASSIFICATION OF LAND USE DISTRICTS

For the purpose of this Code the following Primary Land Use Districts are hereby established:

<u>PRIMARY DISTRICTS</u>	<u>ABBREVIATED DESIGNATION</u>
Single-family Residential	R-1
Single-family Residential	R-2
Multiple-family Residential	R-11
General Commercial	C-1
<u>Downtown Commercial</u>	<u>C-2</u>
<u>Public-Institutional</u>	<u>P-1</u>
General Industrial	M-1

SECTION 4.111 SINGLE-FAMILY RESIDENTIAL DISTRICT R-1

(2)(d) Accessory buildings subject to the following standards:

1. Accessory buildings shall not be used for dwelling purposes.

2. Accessory buildings shall be limited to one story and 800 square feet unless submitted for approval under the Site Plan Review provisions of Section 2.400.

~~3. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the conditional use provisions of Section 2.500 and the home occupation standards of Article 6.~~

4. 3. Boats, trailers, detached campers, motorized dwellings and similar recreational equipment may be stored, but not used for human habitation.

(3) Conditional Uses. In an R-1 District, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of Section 2.500 and the applicable Use Standards of Article 6.

~~(a) Home occupation.~~

(b) Residential Care Facility for 15 or less people as provided in ORS 197.660 - 670.

(c) Group Child Care Center for 13 or more children as provided in the applicable provisions of ORS 657 A.

(d) Public or semi-public uses.

SECTION 4.112 SINGLE-FAMILY RESIDENTIAL DISTRICT R-2

(2)(d) Accessory buildings subject to the following standards:

1. Accessory buildings shall not be used for dwelling purposes.

2. Accessory buildings shall be limited to one story and 800 square feet unless submitted for approval under the Site Plan Review provisions of **Section 2.400**.

~~3. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the conditional use provisions of **Section 2.500** and the home occupation standards of **Article 6**.~~

4. 3. Boats, trailers, detached campers, motorized dwellings and similar recreational equipment may be stored, but not used for human habitation.

(3) **Conditional Uses.** In an R-2 District, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of **Section 2.500** and the applicable Use Standards of **Article 6**.

(a) Duplex on a corner property.

~~(b) Home occupation.~~

(c) Residential Care Facility for 15 or less people as provided in ORS 197.660 - 670.

(d) Group Child Care Center for 13 or more children as provided in the applicable provisions of ORS 657 A.

(e) Public or semi-public uses.

SECTION 4.121 MULTIPLE-FAMILY RESIDENTIAL DISTRICT R-11

(2)(e) Accessory buildings subject to the following standards:

1. Accessory buildings shall not be used for dwelling purposes.
2. Accessory buildings shall be limited to one story and 800 square feet unless submitted for approval under the Site Plan Review provisions of Section 2.400.
- ~~3. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the conditional use provisions of Section 2.500 and the home occupation standards of Article 6.~~
- ~~4.~~ 3. Boats, trailers, detached campers, motorized dwellings and similar recreational equipment may be stored, but not used for human habitation.

(3) Conditional Uses. In an R-11 District, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of Section 2.500 and the applicable Use Standards of Article 6.

- ~~(a) Home occupation.~~
- (b) Manufactured dwelling parks. (Amended by Ord. 02-105 Attachment "A")
- (c) Public or semi-public uses.
- (d) High Density multiple-family residential.

SECTION 4.131 GENERAL COMMERCIAL DISTRICT C-1

- (1) **Purpose.** The General Commercial District is intended to provide areas appropriate for the full range of commercial activities to serve the needs of area residents and employees. The C-1 District is well suited for areas having access from the City's major thoroughfares that are free from conflict with non-compatible land uses. The C-1 district is intended primarily for commercial uses which may be of a larger scale and require more extensive parking than do uses in the C-2 Downtown Mixed-use District.

~~SECTION 4.132 DOWNTOWN COMMERCIAL DISTRICT – DC~~

~~(1) Purpose. The Turner Downtown Commercial District is applied only to the C-1 area between Mill Creek and the properties abutting Denver Street on the south side and from 3rd Street to Mill Creek Bridge on the east. Also included are the C-1 properties west of 3rd Street to the railroad between Mill Creek and Chicago Street.~~

~~Downtown Turner is intended to provide a central shopping center for the community to serve the needs of area residents and employees. Downtown Turner is well suited for a central compact commercial center that includes public buildings and facilities and the Turner Retirement Home. Downtown Turner can once again become Turner's central feature supporting easy access, convenient pedestrian circulation and attractive amenities for all users.~~

~~The Turner Resource Team Report prepared by the Oregon Downtown Development Association in June 2002 provides the vision and recommendations for downtown revitalization of Downtown Turner.~~

- ~~(2) Permitted Uses. In Downtown Turner, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of Section 2.400 and the standards, provisions and exceptions~~

~~set forth herein. Site Plans shall clearly show compliance with the intent and requirements for downtown revitalization.~~

- ~~(a) — Retail stores or shops.~~
- ~~(b) — Small Repair Shops~~
- ~~(c) — Temporary Vendors such as a Farmers Market or Flea Market.~~
- ~~(d) — Personal or business service establishments.~~
- ~~(e) — Eating or drinking establishments.~~
- ~~(f) — Offices, business or professional establishments.~~
- ~~(g) — Financial institutions.~~
- ~~(h) — Indoor commercial amusement or recreation establishments.~~
- ~~(i) — Public or semi-public buildings and uses.~~
- ~~(j) — Second story residences located above a ground floor commercial use in accordance with Section 6.201.~~
- ~~(k) — Conversion of residential to commercial use in accordance with Section 6.201.~~
- ~~(l) — Convenience and Decorative Elements including landscaping, benches, temporary banners or signs~~
- ~~(m) — Uses existing at the time of adoption of this ordinance are Permitted Uses.~~

~~(3) — Conditional Uses. In Downtown Turner uses and accessory uses similar to those specifically listed in Item (2) above may be permitted in conformance with the conditional use provisions of Section 2.500.~~

~~(4) — Non-Permitted Uses. In Downtown Turner, the following uses and their accessory uses are not permitted.~~

- ~~(a) — Heavy equipment Sales or Repair.~~
- ~~(b) — Trucking Operations~~
- ~~(c) — Auto Storage, Towing or Wrecking Yards.~~
- ~~(d) — New Automotive Service or Sales~~
- ~~(e) — Adult Video or Goods.~~

~~(5) — Development Standards. The following standards are intended to implement the recommendations contained in the Turner Resource Team Report:~~

~~(a) — Lot area and configuration — Lots within the Downtown Turner District will be presented to the Planning Commission as part of the Site Plan Review procedures of Sections 2.400~~

~~(b) — Yards:~~

~~1. — Exterior yard setbacks — none required. Buildings are encouraged to front onto wide sidewalks that include landscaping and pedestrian amenities. — See Section 5.116 for additional street setbacks.~~

~~2. — Interior yard setbacks — 5 feet where abutting residential property and zero where abutting commercial property subject to Section 5.118 and the requirements for building construction specified in the Oregon Structural Specialty Code.~~

~~(c) — Maximum building height — 35 feet and two and one-half stories.~~

~~(d) — Access shall be designed to encourage pedestrian and bicycle use and shall facilitate vehicular movements with minimum interference or hazards for through traffic. The dedication of additional right-of-way and construction of street improvements by an applicant may be required in compliance with the standards herein.~~

- ~~(e) Streets shall conform to the standards contained in the Turner Resource Team Report for 3rd Street, 1st Street, 2nd Street and Chicago Street in lieu of the standards specified in Section 5.123. The Downtown streets system shall contain parking, sidewalks, pedestrian scaled lighting and street trees.~~
- ~~(f) On site parking is not required. Street curbside parking is encouraged. A centralized joint use parking lot is encouraged. Alley access to parking is also recommended.~~
- ~~(g) Sidewalks shall be continuous and interconnect with other accessways.~~
- ~~(h) Sidewalks shall extend to the drive lanes at all intersection crosswalks to reduce pedestrian crossing distances and increase safety. Crosswalks should be paved as sidewalks for identification and pedestrian priority.~~
- ~~(i) Bicycle access and parking facilities shall be provided.~~
- ~~(j) Landscaped openings and street trees shall be provided in all sidewalks.~~
- ~~(k) Pedestrian Amenities such as covered entrances, seating and landscaping shall be provided.~~
- ~~(l) Street Lighting shall be low pedestrian scaled fixtures.~~
- ~~(m) A five foot wide landscaped buffer shall be provided between parking lots and pedestrian ways.~~
- ~~(n) See Article 5 for additional General Development Standards and Article 6 for Use Standards that may apply.~~

SECTION 4.136 DOWNTOWN MIXED-USE DISTRICT C-2

- (1) Purpose.** The Downtown Mixed-use District applies to the historic central business district of the City of Turner in the area south and west of Mill Creek and east of 3rd Street. The Downtown Mixed-use District is intended to be the City of Turner's center of vital retail activity, services, housing, civic buildings, and public spaces. Developments which mix these uses vertically or horizontally are encouraged in the Downtown Mixed-use District.

The C-2 district is intended primarily for commercial uses which are generally of a smaller scale than uses located in the C-1 General Commercial District and uses which require less in the way of off-street automobile parking. Certain smaller scale uses in the C-2 District are not required to provide on-site parking, and instead are encouraged to utilize on-street parking and shared parking agreements with other nearby uses.

The C-2 District is also intended as the primary location of civic uses in the City of Turner. Due to the public assembly aspect of these uses, off-street parking will generally be required for most civic uses.

In order to promote the development of a pedestrian-oriented environment and to promote the development of a storefront character reminiscent of the historic downtown Turner, special design standards and guidelines are established for development in the C-2 District.

(2) **Permitted Uses.** In the C-2 Downtown Mixed-use District, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of **Section 2.400** and the standards, provisions, and exceptions set forth in this Code; provided all operations except off-street parking, food service and consumption activities, display of retail items during the day and temporary activities shall be conducted entirely within an enclosed building:

- (a) Retail stores or shops.
- (b) Personal or business service.
- (c) Repair shops.
- (d) Eating or drinking establishments.
- (e) Offices, business or professional.
- (f) Financial institutions.
- (g) Paid lodging facilities including bed and breakfast, motel and hotel.
- (h) Art galleries or studios
- (i) Food related production when retail sales are provided on the premises
- (j) Indoor commercial amusement or recreation establishments.
- (k) Temporary vendors such as a farmers market, flea market, or food vending cart.
- (l) Conversion of residence to a permitted commercial use in accordance with **Section 6.201.**
- (m) Residential Care Facility for 15 or less people as provided in ORS 197.660 - 670.
- (n) Group Child Care Center for 13 or more children as provided in the applicable provisions of ORS 657 A.
- (o) Second story residences located above a ground floor commercial use in accordance with **Section 6.201.**
- (p) Public or semi-public buildings and uses, including city hall, administrative offices, libraries, community centers, parks subject to the development standards in **Section 6.301.**
- (q) Multi-family residential uses subject to the development standards of the R-11 district in **Section 4.121(4)** and the multi-family residential standards of **Section 6.104.**

(3) **Conditional Uses.** In the C-2 District, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of **Section 2.500** and the applicable Use Standards of **Article 6.**

- (a) Surface parking lot of any size (when not in conjunction with a permitted or conditional use).
- (b) Surface parking lots with more than six parking spaces, if the parking lot is in conjunction with a permitted or conditional use.
- (c) ~~Automotive, truck, or RV service facilities.~~
- (d) ~~Automotive, truck, RV, equipment, or other repair shops.~~

(4) Prohibited Uses. In the C-2 District, the following uses are specifically prohibited:

- (a) Manufacturing, warehousing, wholesaling, compounding, assembling, processing, storing, researching, or testing.**
- (b) Scrap, waste, recycling, or wrecking yards.**
- (c) Quarrying and related activities subject to the requirements of Statewide Planning Goal 5 and OAR 660-23-180 for Mineral and Aggregate Resources.**
- (d) Waste or hazardous material processing, storage, or disposal.**
- (e) Heavy equipment sales or repair.**
- (f) Trucking operations.**
- (g) Auto storage, towing, or wrecking yards.**
- (h) Automotive service or sales**
- (i) Adult video or goods.**
- (i) Storage Facilities**
- (k) Internal Combustion Engine Repair**

(5) Development Guidelines and Standards. All development in the C-2 District shall comply with the applicable provisions of the Turner Zoning Code. Where the standards of the C-2 District zone and other provisions of the Code, the standards of the C-2 District shall prevail. Standards listed in this section as “shall” are mandatory standards. Guidelines which state “should” or “encouraged” are not mandatory, but are considered desirable by the City.

- (a) Purpose.**
 - i) The purpose of these development standards is to guide the design of buildings constructed in the C-2 district to ensure that, through appropriate use of facades, windows, building orientation, architectural details, new structures, and alterations of existing structures are physically and visually compatible with other buildings within the downtown business district.**
 - ii) These standards are intended to encourage good quality design in new building construction, enhance street safety, and provide a comfortable street environment by providing features of interest to pedestrians. Good design results in buildings that are in visual harmony with nearby buildings, leading to a downtown that is attractive, interesting, active, and safe. These qualities, in turn, contribute to the creation of a downtown core which facilitates easy pedestrian movement and establishment of a rich mixture of uses.**
 - iii) In order to encourage the development of small businesses typical of the historic character of the downtown area and to promote a denser**

development pattern, certain uses will be exempted from the minimum on-site parking requirements of Section 15.121 of this Code.

(b) Applicability.

- i) The provisions of this ordinance shall apply to the following activities within the C-2 District:
 - 1. All new building construction;
 - 2. Any exterior building or site modification that requires a building permit; and,
 - 3. All new signage.

- ii) This ordinance shall not apply to the following activities or uses:
 - 1. Maintenance of the exterior of an existing structure, such as re-roofing, re-siding, or repainting but use of where similar materials and colors are used that comply with this ordinance are encouraged;
 - 2. Interior remodeling; and,
 - 3. Exterior remodels to exclusive single-family residential homes, are exempt from the provisions of this chapter. Single-family homes that are used for businesses or home occupations are not exempt.

- iii) This ordinance shall apply only to those portions of a building or sign that are proposed for construction or modification and shall not extend to other elements of the building or sign that may be out of compliance with the requirements of this ordinance (i.e., a permit to replace a single window shall not require that all other windows on the building that may be out of compliance with this ordinance to be replaced, unless such action is initiated by the property owner). However, if a building should be destroyed due to fire, accident, or an act of God, the new or replacement structure shall be rebuilt to conform to the requirements of this ordinance.

(c) General Standards. These standards to all uses in the C-2 District except for detached single-family residences and multi-family development.

- i) Minimum lot area and configuration - Lots within the C-2 Downtown Mixed-use District are approved by the Planning Commission as part of the Site Plan Review procedures of Sections 2.400. Lots are required to be large enough to accommodate the building, needed parking, service access, and pedestrian circulation to provide for the needs of persons with disabilities.

ii) Yards:

1. Front yard setback - none required, 10-foot maximum allowed. See Section 5.116 for additional street setbacks.
2. Side and rear setback – minimum 5 feet where abutting residential property and zero where abutting commercial or industrial property subject to the requirements for building construction specified in the Oregon Structural Specialty Code.

iii) Maximum building height - three stories to a maximum of 35 feet.

iv) Access shall be designed to cause a minimum interference with traffic and may be subject to the review and approval of the County Engineer or State Department of Transportation. The dedication of additional right-of-way and construction of street improvements by the applicant may be required in order to facilitate traffic circulation.

v) See Article 5 for additional General Development Standards and Article 6 for Use Standards that may apply in the C-2 District.

(6) Design Guidelines or Standards.

All development, EXCEPT for existing detached single family homes and multi-family development shall be subject to the C-2 District design guidelines and standards listed below.

- (a) Standards. Standards for new construction shall require builders to conform to the architectural form of Turner's historic period (1880s through 1940s) when downtown Turner had more of a typical downtown character. As such, new construction shall conform to the following standards and guidelines listed below. Reference is made to Turner's historic period, and to buildings which display basic storefront design characteristics of that period. The following building displays characteristics intended by the standards. Other buildings, including those in other nearby communities, may also be used to demonstrate the required elements and/or the basis for visual compatibility.

The best existing example of a storefront building to be looked at for determining compatibility with the design standards is the Turner bank building at 3rd Street and Boise Street.

1. Site Development.

- a. Building fronts and entrances shall be oriented toward the street. Buildings with frontages on two or more streets shall be oriented to at least one street.
- b. Building facades should be set at the property edge along the sidewalk. A maximum setback of up to ten feet shall be permitted when occupied by pedestrian amenities (e.g., plaza, outdoor seating). Buildings with frontages on two or more streets should be set at the property edge on at least one street.
- c. Site development should, as applicable and as practical, utilize the alley in the rear of the site for service access - such as for deliveries, trash and recycling pick-up, and employee parking. Buildings shall include doors to alley rights-of-way even if alleys are not currently in use.

2. Building Scale.

- a. The overall size and proportion of new structures shall be compatible with the scale of nearby traditional storefront buildings. This standard may be met by either designing the building's size and proportions to be similar to comparable structures in the downtown, or by the design of the façade so that it breaks a larger mass into smaller units that are similar to comparable historic structures.
- b. If practical, new buildings should have the same floor height as adjoining buildings in case there is ever a desire to link the storefronts.
- c. The relationship between the height and width of the main facade of the building shall be visibly compatible with adjoining or nearby buildings of the historic period or style. As with subsection (2)(i) of this section, this standard may be met through either similar height and width or, through design elements that provide visual continuity with the height and width of adjoining or nearby buildings of the historic period.

3. Building Height.

- a. New buildings of at least two stories in height are encouraged.
- b. As specified in Section 4.136.C.3, the height of all buildings shall be one to three stories and not more than 35 feet in maximum height.

4. Building Width.

- a. All new buildings should maximize lot frontage as much as is practicable.
- b. New buildings whose street frontage is more than 50 feet wide shall be designed to convey a sense of division through the use of pilasters, windows and door openings, recessed entries, off-sets, or other architectural details.

5. Storefronts.

- a. Primary entrances shall be oriented to the street. Corner buildings shall have corner entrances, or shall provide at least one entrance within 20 feet of the street corner or a corner plaza.
- b. Street-facing upper windows of multi-story buildings shall use multi-pane double-hung sash windows or the equivalent style.
- c. The relationship between solid walls and window and door openings on the main facade shall be visually compatible with adjoining or nearby structures from the historic period or style. Ideally, first floor storefronts should be about 80 percent glass from approximately 2 feet above grade to approximately 10 feet above grade.
- d. The relationship of width and height of window and door openings shall be visually compatible with adjoining or nearby buildings from the historic period or style.
- e. Blank walls, walls without window or door openings, are not permitted along public streets.
- f. Windows and doorways shall not be covered over with paper, boards, or cardboard except during times of construction or remodeling and shall be limited to a period of 120- days unless an extension is otherwise granted by the city manager.
- g. Doors shall match the materials, design, and character of the display window framing.
- h. Architectural features such as awnings, windows, cornices, etc., shall be provided at the second floor to differentiate the storefront from the upper levels of the building, to add visual interest, and to allow the storefront to function as the base for the rest of the building.

6. Facade Materials and Texture.

- a. The materials and texture of the facade shall be compatible with those on buildings constructed during the historic period.
- b. Permitted exterior facade materials include: brick, cast iron, relatively narrow horizontal wood or masonry siding, and stucco. Plywood siding, T-111, and vertical board and batten are prohibited.

- c. Exposed concrete block facades facing the street are not allowed. Split-face or scored-face block may be used in small quantities for foundations or other non-dominant features.
- d. All main facade materials shall be painted (except brick, for which painting is optional).
- e. Metal siding shall not be used as a building material on the facade facing a street.

7. Windows.

- a. Windows which allow views to the interior activity or display areas are encouraged. Windows shall include sills at the bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used on the first floor.
- b. Ground Floor Windows. All new buildings must provide ground floor windows along adjacent street rights-of-way.
 - i. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows.
 - ii. Required windows must have a sill no more than four feet above grade. Where interior floor levels prohibit such placement, the sill must be raised to allow it to be no more than two feet above the finished floor level, up to a maximum sill height of six feet above grade.
 - iii. Glass curtain windows are not permitted.
 - iv. Darkly tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows along street facades.
 - v. Any wall that faces a public right-of-way must contain at least 20 percent of the ground floor wall area in display areas, windows, or doorways. Blank walls are prohibited.
- c. Upper Floor Window Standards.
 - i. Glass area dimensions shall not exceed 5'x7'. (The longest dimension may be taken either horizontally or vertically.)
 - ii. Windows must have trim or molding at least two inches wide around their perimeters
 - iii. At least half of all the window area in upper floors must be made up of glass panes with dimensions no greater than 2.5'x3.5'.

8. Roofs.

- a. Main facade roofs (lower than a 6:12 pitch) shall be concealed behind a square or stepped parapet. Flat roofs are permitted behind a parapet.
- b. All HVAC systems located on top of a roof shall be located and/or screened so that they are not visible from the street. Dish-style antennas shall be located and/or screened so that they are not visible from the street. All screening material shall be natural and shall be compatible with the facade of the front of the building.
- c. New roofs on existing buildings or on additions to existing buildings, shall match the pitch and form of the original roof.
- d. Shed roofs are permitted on one-story rear additions.
- e. Back-lit or internally illuminated roofs are prohibited.

9. Awnings and Canopies.

- a. The use of awnings or canopies over sidewalks is encouraged.
- b. Awnings shall extend out from the building front to cover at least two-thirds of the sidewalk unless it is shown that such a distance will interfere with existing trees, poles, etc., to provide pedestrian protection from the elements.
- c. Awnings shall be flat or sloping. Awnings shall be made of metal, wood, canvas, or similar materials. Rounded bubble or plastic awnings are prohibited. Fully glazed awnings are not permitted.
- d. Awnings shall fit within the window bays (either above the main glass or the transom light) so as not to obscure or distract from significant architectural features.
- e. The color of the awning shall be compatible with its attached building.
- f. Awnings shall not be internally illuminated. However, lighting which is intended to provide illumination to the sidewalk and signage is permitted.
- g. Awnings shall be a minimum of eight feet above the sidewalk.
- h. Where feasible, awnings shall be placed at the same height as those on adjacent buildings in order to maintain a consistent horizontal rhythm along the street front.

10. Color.

- a. The painting of brick walls is permitted.
- b. Subtle or subdued tones commonly used during the historic period shall be used. Bright or neon colors are prohibited.
- c. Different colors shall be used to accentuate and highlight trim, windows, and other building features.

11. Site Design.

- a. Landscaping shall not obliterate street and sidewalk views of signage or architectural features on historic buildings.

12. Parking.

- a. Individual permitted uses listed in Section 4.136 (2) (a) through (h) of less than 4,000 sq. ft. of building area are not required to provide off-street parking spaces. It is intended that such uses shall be provided with sufficient on-street parking.
- b. If off-street parking lots are provided, they shall be designed consistent with the following standards:
 - i. Parking areas shall not be located between the front of the building and the street.
 - ii. Alley access to the parking lot is encouraged.
 - iii. Street side parking lots shall be set back a minimum of five feet from a public sidewalk.
 - iv. Parking areas with more than 12 spaces shall be divided by landscaped areas or walkways, or by a building or group of buildings.
 - v. Parking lot landscaping shall consist of a minimum of 10 percent of the total parking area. A minimum of one tree for every 10 parking spaces shall be provided.
 - vi. Knee walls are required to screen street side parking lots. Knee walls shall not exceed three feet in height and shall be constructed with masonry. Alternatively, a combination of a wall or fence and landscaping may be approved if they provide an effective buffer and low-level screen of the parking area.

13. ~~Drive-up service windows~~ Drive-up, drive-in, and drive-through facilities.

~~Drive-up service windows are not permitted.~~ . Drive-up, drive-in, and drive-through facilities (e.g., associated with restaurants, banks, car washes, and similar uses) are permitted only when accessory to a primary commercial "walk-in" use, and shall conform to all of the following standards:

- a. Applicant can demonstrate facility will not have an adverse impact on traffic flow or public safety;
- b. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, drop-boxes, and similar facilities) are located within 20 feet of a street

and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a corner);

c. The facility is subordinate to a primary permitted use. "Subordinate" means all components of the facility, in total, occupy less street frontage than the primary commercial or public/institutional building; and

d. No more than one drive-up, drive-in, or drive-through facility shall be permitted on one block, or for a distance of 400 linear feet along the same street frontage, whichever is less.

14. Signs.

Signs shall be subject to Section 5.136.

15. Landscaping.

Landscaping is subject to the C-2 District design guidelines and standards of Section 5.134.

16. External Storage of Merchandise. The external storage of merchandise and/or materials, directly or indirectly related to a business, is hereby prohibited within the C-2 District.

17. Outdoor Displays of Merchandise. Outdoor displays of merchandise are permitted during business hours only and shall not exceed ten percent of the total retail sales area. Displays of merchandise on public sidewalks may not reduce usable walking area widths to less than six feet.

18. Outdoor Eating Areas. Outdoor dining areas are encouraged, and are permitted on public sidewalks. Outdoor food vending carts are permitted. Eating areas and/or vending carts may not reduce usable walking area widths on public sidewalks to less than six feet.

19. Wall Murals. The use of non-advertising wall murals representing the area's cultural heritage or historic events are encouraged, as well as the use of artistic wall murals. A wall mural is an expression of public art painted directly on the exterior of a building or on a backing that is affixed to the building and is sanctioned by the property owner.

The City discourages the painting of murals on the actual surface of a building but instead encourages that murals be painted on boards or ceramic panels attached to a building wall. This can help avoid problems down the road with needing to strip, sandblast, or pressure wash brick walls to remove a mural. The use of applied panels also will allow quick removal of the panel for restoration when a mural has been tagged with graffiti.

- a. A sign permit is not required for a wall mural.
- b. Wall murals are not permitted on the exterior wall containing the main entrance to the building.
- c. Wall murals may be installed and maintained in an area not exceeding a maximum area of 80 percent of the exterior wall area of the first three stories upon the wall or façade where the mural is located.
- d. Murals may not be used for any form of commercial advertising or public information or solicitation of any kind. A mural shall be considered a wall sign if it contains words, logos, trademarks or graphic representations of any person, product, or service that identify or advertise a business.
- e. Up to 10 percent of the wall mural area, at the lowest border of a mural, may be utilized as an acknowledgement recognizing the sponsor of the mural or for a signature by the mural artist. The designated area for the acknowledgement or signature must not exceed a maximum area of 6 square feet.

SECTION 4.139 PUBLIC INSTITUTIONAL DISTRICT P-I

- (1) **Purpose.** The Public Institutional (P-I) zoning district is intended to provide areas for civic, public safety, or public utility uses. Such uses include schools, public administrative offices, fire stations, police stations, parks, public parking facilities, and water supply reservoirs. Development within the Public Institutional zone requires a conditional use permit to ensure compatibility with adjacent residential neighborhoods, business, or industrial areas and to minimize potential adverse impacts upon those adjacent uses and other public facilities such as roads.
- (2) **Permitted Uses.** In the P-I district, any use which has previously been approved as a conditional use or was in existence upon the application of the PI zoning district to the

property, shall be considered a permitted use subject to the Site Plan Review provisions of Section 2.400 and the standards, provisions and exceptions set forth in this Code, provided all operations except off-street parking and temporary activities shall be conducted entirely within an enclosed building. This does not exempt such uses from the need to apply for conditional use approval subject to Section 2.500 to expand or alter such use.

(3) Conditional Uses. In the PI district, establishment of the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of Section 2.500 and the applicable Use Standards of Article 6.

- (a) Indoor recreation establishments, such as public pools, gymnasiums, and community centers.
- (b) Public or semi-public buildings and uses such as schools, churches, libraries, public administrative offices, police stations, and fire stations.
- (c) Parks and typical park structures such as rest room buildings, picnic shelters, gazebos, and park materials/vehicle storage buildings. Concession stands shall be allowed in parks in the (PI) district as an accessory use, provided such use does not occupy more than 500 square feet.
- d. Public works yards and buildings.
- e. Public or private water supply reservoirs, pumping stations, and treatment facilities.
- f. Public or private wastewater pumping stations and treatment facilities.
- g. Public or private utility electrical substations, phone switching stations, and similar facilities.

(4) Development Standards.

- (a) Minimum lot area and configuration - Lots within the Public Institutional district are approved by the Planning Commission as part of the Site Plan Review procedures of Sections 2.400. Lots are required to be large enough to accommodate the building, sewage disposal system, required parking, service access, and pedestrian circulation including persons with disabilities.
- (b) Yards:
 - 1. Exterior yard setbacks - none required. See Section 5.116 for additional street setbacks.
 - 2. Interior yard setbacks - 5 feet where abutting residential property and zero where abutting commercial or industrial property subject to the

requirements for building construction specified in the Oregon Structural Specialty Code.

- (c) Maximum building height - three stories to a maximum of 35 feet.
- (d) Access shall be designed to cause a minimum interference with traffic and may be subject to the review and approval of the County Engineer or State Department of Transportation. The dedication of additional right-of-way and construction of street improvements by the applicant may be required in order to facilitate traffic circulation.
- (e) See Article 5 for additional General Development Standards and Article 6 for Use Standards that may apply in the P-I District.
- (f) New buildings for institutional uses which are located or are to be established on properties located immediately adjacent to properties within the C-2 zoning districts shall be subject to the development standards of those districts.

SECTION 4.210

FLOOD HAZARD OVERLAY-DISTRICT - FH

- (d) A Development Permit shall be required ~~under the following conditions before~~ when a construction or development project is ~~anticipated within any Flood Hazard Overlay District.~~ would place any amount of fill material within the floodplain or floodway in a manner that would alter the direction or volumes of stormwater flow or otherwise divert stormwater from its normal course.

Placement of up to 50 cubic yards of fill, either temporarily or permanently, is allowed without a City permit, but may require permits from other agencies, if such fill just raises the land surface without diverting or altering flow. If there is any question as to the projects impact on flows the City Administrator, in consultation with the City Engineer, shall determine whether a permit is required.

The permit shall apply to all structures including manufactured dwellings and all other development including fill and other activities.

The following additional information shall be submitted:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.
2. Elevation in relation to mean sea level to which any structure has been floodproofed.

3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the flood hazard development standards of this Section.
 4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 5. Description of the extent to which any part of the stormwater drainage system of the city may be effected.
- (e) The City Administrator is the Permit issuing and deciding authority. ~~with the exception that the Planning Commission shall be the deciding authority for fill placements within the flood plain and all floodway development.~~ -The deciding authority shall refer all applications to the City Engineer for evaluation and recommendation.

In developing that recommendation the Engineer shall:

1. Determine that the requirements of this code have been satisfied. In doing so the 2002 ODOT Hydraulics Manual, Chapter 2, Legal Aspects of Oregon Drainage law, shall be used as a guide.
4. ~~When base flood elevation data has not been provided, the City Administrator shall~~ Obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer this Section.

(j) Placing Fill in the Floodplain

1. ~~Placing any amount of fill material within the floodplain or floodway in a manner that would alter the direction of stormwater flow or otherwise divert stormwater from its normal course requires review and approval by the Planning Commission and a flood hazard development permit.~~

(Amended by Ord. 02-105 Attachment "A")

2. ~~Notwithstanding subsection (1) above, placement of up to 50 cubic yards of fill, either temporarily or permanently, is allowed without a City permit if such fill just raises the land surface without diverting or altering flow but may require permits from other agencies. If there is any question as to impact on stormwater flow, subsection (1) above applies.~~ **(Amended by Ord. 02-105 Attachment "A")**

C) The following language changes are adopted to Article 5, GENERAL DEVELOPMENT STANDARDS:

SECTION 5.127 WATER

- (1) When Public Water is Available. All new development requiring a land use review or a building permit, including a single family residence, must extend and connect to the public water system when service is available within 200 feet of the property. Fire hydrants, mains, and related appurtenances shall be installed by the developer as required by the Local Fire District. Any building constructed prior to 2010 that has never had municipal water service maybe allowed to defer Water SDC payments for up to one year .

SECTION 5.128 SANITARY SEWERS

- (1) When Public Sewer is Available. All new development requiring a land use review or building permit must extend and connect to the public sewer system. Any building constructed prior to 2010 that has never had municipal water service maybe allowed to defer Sewer SDC payments for up to one year.

D) The following language changes are adopted to Article 6, USE STANDARDS:

SECTION 6.101 HOME OCCUPATION STANDARDS

A Home Occupation is ~~a Conditional Use~~ an accessory use to any residential district for any single family home and must comply with the Conditional Use provisions of Section 2.500 and the following additional standards residence in the City.

- (1) The home occupation shall be secondary to the main use of the dwelling as a residence.
- (2) All aspects of the home occupation shall be contained and conducted within a completely enclosed building and shall not disrupt the residential character of the neighborhood.
- ~~(3) The home occupation shall be limited to either a pre-existing garage or accessory structure, or not over 25% of the living area of the dwelling. If located within an~~

~~accessory structure or a garage, the home occupation shall not utilize over 500 square feet of floor area.~~

~~(4) (3) structural alteration, including the provision of an additional entrance, shall be permitted to accommodate the home occupation, except when otherwise required by law. Such~~ No structural alteration shall ~~not~~ detract from the outward appearance of the property as a residential use.

~~(5) (4)~~ No ~~persons~~ more than 1 person other than those residing within the dwelling shall be engaged in the home occupation.

~~(6) (5)~~ No window display or sample commodities displayed outside the principal dwelling or accessory structures shall be allowed.

~~(7) (6)~~ No materials or mechanical equipment shall be used which are detrimental to the residential use of the dwelling or any nearby dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or any other factor.

~~(8) (7)~~ No parking of customer vehicles in a manner or frequency that would cause disturbance or inconvenience to nearby residents or that would necessitate the provision of additional off-street parking shall be allowed.

~~(9) (8)~~ No signs shall be permitted except for a single name plate not to exceed 1.5 square feet in area.

~~(9)~~ The home occupation may not engage in the business repair or maintenance of vehicles if located in a residential zone.

~~(10)~~ Day care facilities with less than thirteen (13) children are exempt from this section.

~~(11)~~ The home occupation may not include the use of hazardous substances or material that might create a fire hazard or danger to the environment or neighboring property, including but not limited to, gasoline, paint, oxygen/acetylene tanks or other flammable or hazardous material.

Section 3. The City of Turner hereby adopts the land use decision reached on October 22, 2009, on applications #09-001 CP, #09-001 ZM, #09-001 S and #09-001 HD, constituting the Riverbend Redevelopment Project.

- A) The land parcel property subject to the rezone decision are described in the attached "Exhibit A".
- B) The entire land area had a comp plan and zoning map designation as commercial and industrial with a Mineral Aggregate Resource (MAR) Overlay. That land area was rezoned to a mixture of residential R-1, R-2, and R-11 zones.
- C) The approved map showing the new zoning titled "Turner Lake Redevelopment" is attached.


Section 4. The City of Turner hereby adopts the attached map titled "Turner Comp Plan and Zoning Map" reflecting the zoning changes approved under the October 22, 2009 Riverbend Redevelopment Project decision and the September 30, 2010 Downtown District and Public Institution zone decision.

Section 5. Effective Date. This Ordinance shall become effective January 17th, 2011

Adopted by the Common Council of the City of Turner this December 16th, 2010

Yeas: 5 Nays: 0

Approved:


Carly Strauss, Mayor

First Reading: November 18th, 2010
Second Reading: December 16th, 2010
Adopted: December 16th, 2010
Signed: December 17th, 2010
Effective Date: January 17th, 2011

Attest:



David Sawyer, City Administrator

EXHIBIT A

LEGAL DESCRIPTION:

PARCEL I:

BEGINNING AT AN IRON ROD WHICH IS 111.35 FEET SOUTH 84° 27' 30" EAST AND 576.70 FEET SOUTH 00° 01' WEST FROM THE MOST EASTERLY ANGLE CORNER IN THE NORTH LINE OF THE MARY ANNE MATTE DONATION LAND CLAIM NO. 54, IN TOWNSHIP 8 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, MARION COUNTY, OREGON, SAID POINT OF BEGINNING BEING THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO JAMES R. MUSE AND BILLIE M. MUSE BY INSTRUMENT RECORDED IN VOLUME 638, PAGE 214, MARION COUNTY DEED RECORDS; AND RUNNING

THENCE SOUTH 00° 01' WEST 385.34 FEET TO AN IRON ROD;

THENCE NORTH 76° 17' EAST 34.20 FEET TO AN IRON ROD;

THENCE SOUTH 00° 04' EAST 579.70 FEET TO AN IRON PIPE IN THE NORTH LINE OF THAT CERTAIN TRACT OF LAND CONVEYED TO DONALD D. BRINLEE AND MILDRED L. BRINLEE BY INSTRUMENT RECORDED IN VOLUME 657, PAGE 832, MARION COUNTY DEED RECORDS;

THENCE NORTH 89° 10' WEST ALONG THE NORTH LINE OF SAID BRINLEE TRACT 378.71 FEET TO AN IRON ROD AT THE NORTHWEST CORNER THEREOF;

THENCE SOUTH 00° 08' WEST ALONG THE WEST LINE OF SAID BRINLEE TRACT, 128.60 FEET TO AN IRON ROD;

THENCE NORTH 89° 53' WEST 1055.15 FEET TO AN IRON ROD AT THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO WILBUR G. MITCHELL AND MARY JUNE MITCHELL BY INSTRUMENT RECORDED IN VOLUME 644, PAGE 216, MARION COUNTY DEED RECORDS;

THENCE SOUTH 07° 20' WEST ALONG THE WEST LINE OF SAID MITCHELL TRACT, 751.09 FEET TO AN IRON ROD IN THE SOUTH LINE OF THE AFORESAID MATTE DONATION LAND CLAIM; THENCE WEST ALONG THE SOUTH LINE OF SAID MATTE CLAIM, 2495.79 FEET TO AN IRON PIPE IN THE CENTER LINE OF MARKET ROAD NO. 278;

THENCE NORTH 14° 26' EAST ALONG SAID CENTER LINE 1443.78 FEET TO A RAILROAD SPIKE;

THENCE NORTH 89° 51' EAST 766.40 FEET TO AN IRON ROD IN THE WEST LINE OF THAT CERTAIN TRACT OF LAND CONVEYED TO JAMES R. MUSE AND LILLIE M. MUSE BY INSTRUMENT RECORDED IN VOLUME 619, PAGE 256, MARION COUNTY DEED RECORDS;

THENCE SOUTH 00° 04' WEST 15.00 FEET TO THE SOUTHWEST CORNER OF SAID MUSE TRACT;

THENCE NORTH 89° 32' EAST ALONG THE SOUTH LINE OF SAID MUSE TRACT AND EXTENDED 2641.27 FEET TO A POINT;

THENCE NORTH 00° 28' WEST 414.52 FEET TO AN IRON ROD IN THE SOUTH LINE OF THE AFORESAID MUSE TRACT RECORDED IN VOLUME 638, PAGE 214, MARION COUNTY DEED RECORDS;

THENCE NORTH 89° 37' EAST ALONG THE SOUTH LINE OF SAID MUSE TRACT 227.94 FEET TO THE POINT OF BEGINNING.

SAVE AND EXCEPT: THE FOLLOWING IS THE DESCRIPTION OF A TRACT OF LAND IN THE NORTHWEST QUARTER, SECTION 21, TOWNSHIP 8 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, MARION COUNTY, OREGON.

BEGINNING AT THE EASTERLY ANGLE CORNER IN THE NORTHERLY BOUNDARY LINE OF THE MATTE DONATION LAND CLAIM NO. 54, TOWNSHIP 8 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, MARION COUNTY, OREGON, SAID CORNER BEING MARKED BY A STONE MARKED 54 CS; AND RUNNING

THENCE SOUTH 86° 39' 30" WEST 300.35 FEET ALONG SAID NORTHERLY DONATION LAND CLAIM BOUNDARY LINE TO 1/2 INCH IRON ROD;
THENCE SOUTH 4° 42' WEST 580.37 FEET TO A 1/2 INCH IRON ROD ON THE NORTHERLY BOUNDARY LINE OF THAT PARCEL OF LAND DESCRIBED IN VOLUME 683, PAGE 457, MARION COUNTY RECORD OF DEEDS;
THENCE NORTH 89° 37' EAST 240.74 FEET TO A 5/8 INCH IRON ROD MARKING THE NORTHEASTERLY CORNER OF SAID PARCEL OF LAND;
THENCE SOUTH 0° 28' EAST 399.52 FEET ALONG THE EASTERLY BOUNDARY LINE OF SAID PARCEL OF LAND TO A 5/8 INCH IRON ROD;
THENCE NORTH 89° 32' EAST 257.83 FEET ALONG THE NORTHERLY RIGHT OF WAY LINE OF THE 60 FOOT ROADWAY TO A 5/8 INCH IRON ROD WITH AN ALUMINUM CAP ON THE WESTERLY BOUNDARY LINE OF THAT PARCEL OF LAND DESCRIBED IN VOLUME 623, PAGE 185, MARION COUNTY RECORD OF DEEDS;
THENCE NORTH 0° 04' WEST 21.49 FEET ALONG THE WESTERLY BOUNDARY LINE OF SAID PARCEL OF LAND TO A 5/8 INCH IRON ROD MARKING THE NORTHWESTERLY CORNER OF SAME;
THENCE SOUTH 76° 17' WEST 34.20 FEET ALONG THE WESTERLY EXTENSION OF THE NORTHERLY BOUNDARY LINE OF SAID PARCEL OF LAND TO A 1/2 INCH IRON PIPE;
THENCE NORTH 0° 01' EAST 962.04 FEET TO A 3/4 INCH IRON ROD SAID NORTHERLY BOUNDARY LINE OF THE MATTE DONATION LAND CLAIM;
THENCE NORTH 85° 35' 30" WEST 111.36 FEET ALONG SAID NORTHERLY DONATION LAND CLAIM BOUNDARY LINE TO THE POINT OF BEGINNING.

ALSO SAVE AND EXCEPT THAT TRACT OF LAND CONVEYED TO MARION COUNTY BY DEED RECORDED DECEMBER 19, 1988, IN REEL 662, PAGE 234, FILM RECORDS FOR MARION COUNTY, OREGON.

TOGETHER WITH AN EASEMENT FOR ROADWAY PURPOSES UPON AND ACROSS THE FOLLOWING DESCRIBED TRACT:

BEGINNING AT AN IRON ROD WHICH IS 766.40 FEET NORTH 89° 51' EAST FROM THE MOST WESTERLY NORTHWEST CORNER OF THE ABOVE DESCRIBED TRACT; AND RUNNING
THENCE SOUTH 00° 04' WEST 15.00 FEET;
THENCE NORTH 89° 32' EAST 2641.27 FEET TO A POINT;
THENCE NORTH 00° 28' WEST 15.00 FEET;
THENCE SOUTH 89° 32' WEST 2641.13 FEET TO THE POINT OF BEGINNING.

PARCEL II:

ALL THAT PART OF THE FOLLOWING DESCRIBED PROPERTY LYING EAST OF THE SALEM-TURNER ROAD, MARKET ROAD NO. 27.

BEGINNING AT A POINT 20.78 CHAINS NORTH AND 9.39 CHAINS WEST OF THE CORNER OF SECTIONS 20, 21, 28 AND 29, IN TOWNSHIP 8 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, MARION COUNTY, OREGON, AND RUNNING
THENCE NORTH 24° 15' EAST 12.18 CHAINS;
THENCE WEST 54.45 CHAINS TO THE NORTHWEST CORNER OF THE DONATION LAND CLAIM OF GEO. W. TAYLOR AND WIFE;
THENCE SOUTH 11 CHAINS;
THENCE EAST 12 CHAINS TO THE CENTER OF THE COUNTY ROAD;
THENCE SOUTH 21° EAST ALONG THE CENTER OF SAID COUNTY ROAD 24 LINKS;
THENCE EAST 38.08 CHAINS TO THE PLACE OF BEGINNING.

SAVE AND EXCEPT: BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF MARKET ROAD NO. 27, WHICH IS 7.34 CHAINS EAST AND 322.29 FEET SOUTH 21° 33' EAST FROM THE SOUTHWEST CORNER OF THE M.A. MATTE DONATION LAND CLAIM IN SECTION 20, TOWNSHIP 8 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, MARION COUNTY, OREGON;
RUNNING
THENCE NORTH 68° 56' EAST 197.03 FEET;
THENCE SOUTH 25° 08' EAST 197.08 FEET;
THENCE SOUTH 45° 15' 30" WEST 227. 74 FEET TO SAID EASTERLY RIGHT OF WAY LINE OF MARKET ROAD NO. 27;
THENCE NORTH 21° 33' WEST 228.04 FEET TO THE PLACE OF BEGINNING.

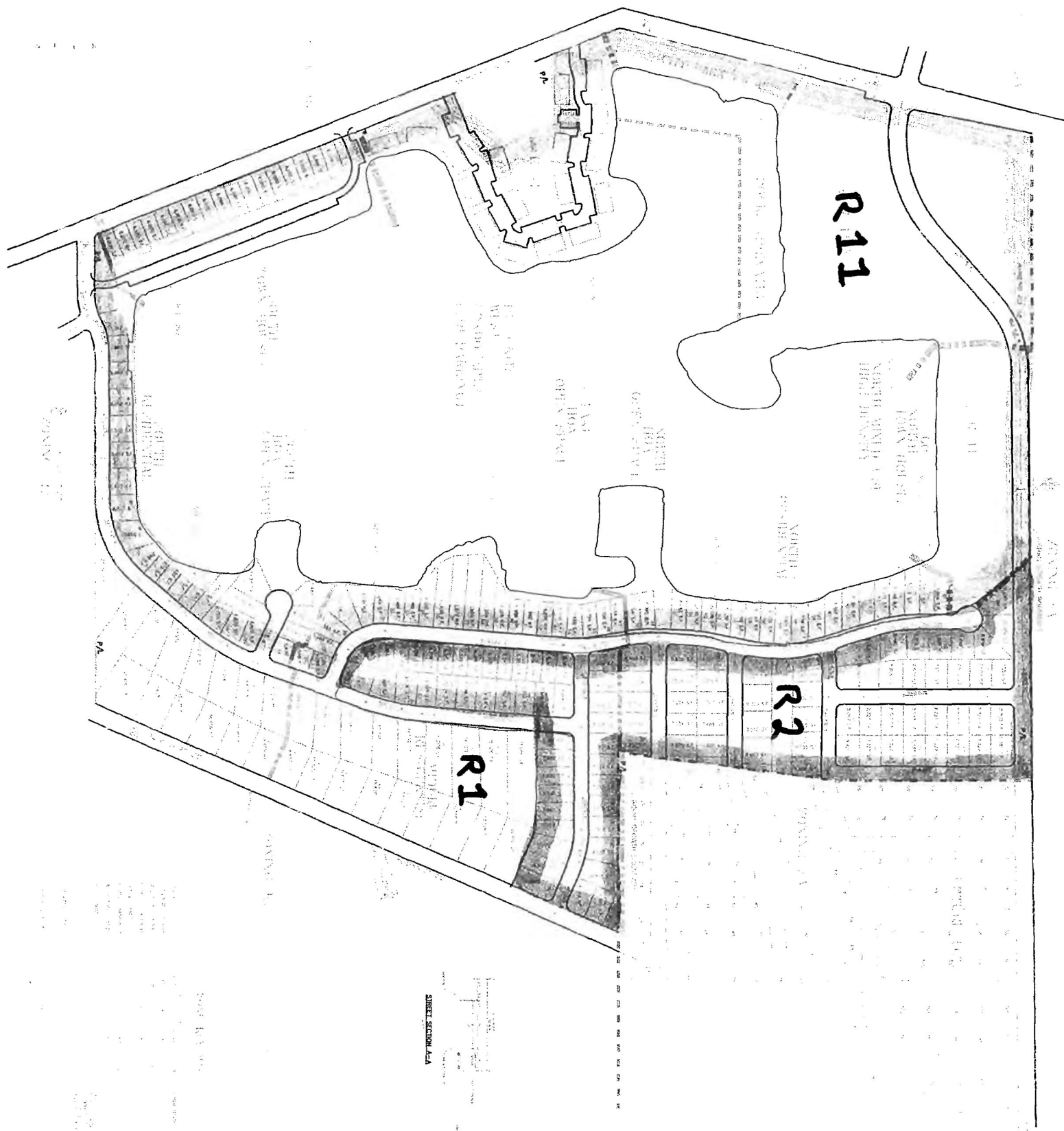
ALSO, SAVE AND EXCEPT, THAT PORTION DEEDED TO CITY OF TURNER, BY BARGAIN AND SALE DEED RECORDED FEBRUARY 28, 1969, IN BOOK 660, PAGE 721, DEED RECORDS FOR MARION COUNTY, OREGON.

PARCEL III

BEGINNING AT THE INITIAL CORNER OF WEBBS ADDITION TO TURNER, WHICH IS 640.85 FEET NORTH 77° 27' WEST 605.37 FEET NORTH 75° 53' WEST AND 535.80 FEET SOUTH 30° 04' WEST OF THE CORNER TO SECTIONS 20, 21, 28 AND 29 OF TOWNSHIP 8 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, MARION COUNTY, STATE OF OREGON;
THENCE SOUTH 89° 48' WEST 1129.15 FEET ALONG THE NORTH LINE OF SAID ADDITION AND THE WESTERLY EXTENSION THEREOF TO THE CENTER LINE OF THE SALEM-TURNER COUNTY ROAD;
THENCE NORTH 28° 29' WEST 104.83 FEET TO THE POINT OF BEGINNING OF A 9° 55' CURVE LEFT;
THENCE ALONG THE ARC OF SAID CURVE 69.9 FEET THROUGH A CENTRAL ANGLE OF 6.56;
THENCE NORTH 21° 33' WEST 1474.40 FEET ALONG THE CENTER LINE OF SAID ROAD;
THENCE NORTH 89° 45' EAST 2485.30 FEET;
THENCE SOUTH 23° 33' WEST 1168.00 FEET;
THENCE SOUTH 30° 04' WEST 350.80 FEET;
THENCE NORTH 85° 23' WEST 17.95 FEET;
THENCE SOUTH 18° 26' WEST 79.46 FEET;
THENCE SOUTH 30° 04' WEST 99.00 FEET TO THE PLACE OF BEGINNING.

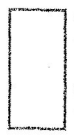
SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED PROPERTY CONVEYED TO THE CITY OF TURNER, A MUNICIPAL CORPORATION, BY INSTRUMENT RECORDED FEBRUARY 28, 1969, IN BOOK 660, PAGE 0721, DEED RECORDS FOR MARION COUNTY, OREGON.

ALSO SAVE AND EXCEPT : BEGINNING AT AN IRON PIPE MARKING THE INITIAL CORNER OF WEBB'S ADDITION TO TURNER, WHICH POINT IS RECORDED AS BEING 640.85 FEET NORTH 77° 27' WEST AND 605.37 FEET NORTH 75° 53' WEST AND 535.80 FEET SOUTH 30° 04' WEST OF THE CORNER COMMON TO SECTIONS 20, 21, 28 AND 29, TOWNSHIP 8 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN IN MARION COUNTY, OREGON;
THENCE SOUTH 89° 45' 19" WEST ALONG THE NORTH LINE OF SAID WEBB'S ADDITION, A DISTANCE OF 207.97 FEET TO AN IRON PIPE;
THENCE NORTH 5° 04' 47", WEST, A DISTANCE OF 75.61 FEET TO AN IRON PIPE;
THENCE SOUTH 85° 36' 37" WEST, A DISTANCE OF 921.02 FEET TO A POINT IN THE CENTER OF THE SALEM-TURNER ROAD (MARKET ROAD NO. 27);
THENCE NORTH 28° 29' WEST ALONG SAID CENTERLINE, A DISTANCE OF 96.14 FEET;



TURNER LAKE REDEVELOPMENT

SHEET SECTION A-A





**CITY OF TURNER
7250 3RD STREET S.E. ~ P.O. BOX 456
TURNER, OR 97362**

**ATTENTION: Plan Amendment Spec.
Dept. Land Conservation & Develop
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540**